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OCT. 1944 - MAY 1945



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MILITARY GOVERNMENT AUSTRIA

LEGAL MANUAL

Draft of 12th October, 1944.

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LEGAL MANUAL

Draft of 12th October, 1944.

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MILITARY GOVERNMENT - AUSTRIA

LEGAL MANUAL

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MILITARY GOVERNMENT - AUSTRIA.

LEGAL MANUAL.

I. INTRODUCTION.

This Manual is published for the guidance of Legal Officers and other Officers concerned with the discharge of legal duties. It contains the Rules for Military Government Courts, Forms for use therein, and a Guide to Procedure. It also contains detailed instructions with respect to the supervision of Austrian courts, and miscellaneous other matters.

There are also included, for convenience, the Legal Chapter of the Austrian Handbook; draft MG enactments and directions to Austrian authorities; and informational material of particular interest to Legal Officers.

The Manual is not intended to be a complete compendium of all applicable instructions and data since Legal Officers will be called upon to deal with many matters involving the fields of activity of other divisions of Military Government.

(The following papers are in draft form and



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(The following papers are in draft form and are subject to change).

II LEGAL CHAPTER CONFIDENTIAL  
Austrian Handbook

FUNCTIONS OF THE LEGAL DIVISION

1. (a) The duty of the Legal Division is to advise and assist the Military Governor in all matters connected with the law, administration of justice and interpretation of documents.
- (b) The Legal Division will be responsible for:
  - (i) Legal advice at every M.G. echelon.
  - (ii) Drafting of military legislation.
  - (iii) Organisation of M.G. Courts, and the supervision and review of their proceedings.
  - (iv) "Screening" of Austrian court personnel, the progressive re-opening of the Austrian courts and the control of their proceedings.
  - (v) Legal aspects of the dissolution of the NSDAP together with the elimination from the laws of all provisions which constitute discrimination on the ground of race, creed or political opinion.
  - (vi) "Screening" and supervision of professional associations of lawyers and notaries.
  - (vii) The review - in conjunction with the Public Safety Division and CI (b)/CIC- of the cases of all persons held in detention and the release of those held or imprisoned on political grounds.
  - (viii) Recommendations with regard to internment of civilians.
  - (ix) Recommendations (in conformity with directives which will be issued) regarding the detention and trial of War Criminals.
  - (x) Establishment, supervision and control of a National Ministry of Justice, and any other legal action required for the reconstitution of a free and independent Austria.

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  - (viii) Recommendations with regard to internment of civilians.
  - (ix) Recommendations (in conformity with directives which will be issued) regarding the detention and trial of War Criminals.
  - (x) Establishment, supervision and control of a National Ministry of Justice, and any other legal action required for the reconstitution of a free and independent Austria.
  - (xi) Preservation of all court records whether German or Austrian of the period before the occupation, which relate to Austrian territory.
  - (c) The legal division will not be responsible for legal duties relating to Allied Military personnel.

ORGANISATION OF THE LEGAL DIVISION

2. The Legal Division will include branches for Legal Advice, Austrian Ministry of Justice and M.C. Courts.

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3. Operational Phase During the phase of the Supreme Allied Commander's responsibility for M.G., the legal work will be directed by a Chief Legal Officer who will form part of the staff of the Military Governor. Officers of the Legal Division will also be on the staffs of subordinate commanders responsible for M.G. Other officers of the Division will be attached to M.G. H.Q. or Detachments working at lower levels. These officers will advise and assist their commanding officers in the performance of the functions set out in para 1 above, in so far as they fall within the scope of his responsibility.

4. Command and Technical channels. Normal command channels will be used on all questions which involve the formation commander's responsibility. An M.G. technical channel will be constituted for such communications as are concerned exclusively with details of M.G. Within the M.G. channel, communications will be through the SACOs at each H.Q. On purely legal matters, officers of the Legal Division will comply with the instructions of the Legal Officer at the echelon next above them and may communicate with him directly.

5. "Regional Organisation" When M.G. is organized on the basis of Gaus and Kreise, Officers of the Legal Division will be attached to the staffs. They will be responsible for the duties set out in para 1. On purely legal matters they will communicate with, and receive instructions from, the Legal Officer at the echelon next above them.

LEGAL FUNCTIONS OF M.G.O'S NOT IN THE LEGAL DIVISION

6. There will not be enough Legal Officers to handle all the legal work of the M.G. Hence some of the duties in para 1 may be performed by other M.G.O's under the supervision of the Legal Division. Such duties may include:
- (a) Supervising Austrian courts or Austrian legal personnel.
  - (b) Preparing cases for trial before any M.G. courts or acting as Prosecutors therein.



SMGOs at each H.Q. On purely legal matters, officers of the Legal Division will comply with the instructions of the Legal Officer at the echelon next above them and may communicate with him directly.

5. Regional Organization: When M.G. is organized on the basis of Gaus and Kreis, Officers of the Legal Division will be attached to the staffs. They will be responsible for the duties set out in para 1. On purely legal matters they will communicate with, and receive instructions from, the Legal Officer at the echelon next above them.

LEGAL FUNCTIONS OF M.G.O'S NOT IN THE LEGAL DIVISION

- 6. There will not be enough Legal Officers to handle all the Legal work of the M.G. Hence some of the duties in para 1 may be performed by other M.G.O.'s under the supervision of the Legal Division. Such duties may include:
  - (a) Supervising Austrian courts or Austrian legal personnel.
  - (b) Preparing cases for trial before any M.G. courts or acting as Prosecutors therein.
  - (c) Sitting as judges in M.G. courts either alone or with officers who are lawyers.

M.G.P.S.O's will not normally sit as members of M.G. Courts.

7. Drafting. Proclamations, ordinances and notices will be promulgated only after consultation with an officer of the Legal Division.

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7. Drafting. Proclamations, ordinances and notices will be promulgated only after consultation with an officer of the Legal Division.



CONFIDENTIAL.MILITARY LEGISLATION

8. Categories of Military Legislation. In drafting enactments affecting the population, the Legal Division will use the following classifications:-

(a) Proclamations - announcements of general application issued by the Military Governor.

(b) Ordinances - legislation of general application.

(i) General Ordinances will be issued only by the Central M.G. and will except in emergency be signed and issued by or on behalf of the Military Governor.

(ii) Gau or Kreis Ordinances will be signed and issued by the official responsible for M.G. in the Gau or Kreis concerned.

(c) Notices - directed to civilians of an area, prescribing specified action, pursuant to Proclamations and Ordinances and signed and issued by an authorised Allied Officer.

(d) Orders - directions to a specified person or class of persons (as distinguished from directions to the public) signed by any authorised member of the Allied Forces.

Note: Authority to issue Notices or Orders will probably be delegated to any M.G.O. responsible for M.G. in an area.

9. Promulgation. Proclamations, Ordinances, Notices and Orders must be signed and issued by the officer responsible for them. The M.G. Gazette Ordinance (No. 1) will provide that publication of any document in the Gazette shall constitute notice to the inhabitants of its contents. In addition, all available means of publication such as public posting, and publication in newspapers, should be used.

10. M.G. Instructions and Directions.

(a) M.G. Instructions are applicable to MGO's. M.G. Directions are applicable to Austrian officials and specified persons other than MGO's. These will not be published in the Gazette.

(b) Delegations of authority, and other instructions as to

and signed and issued by an authorized Allied Officer.

- (a) Orders - directions to a specified person or class of persons (as distinguished from directions to the public) signed by any authorized member of the Allied Forces.

Note: Authority to issue Notices or Orders will probably be delegated to any H.G.O. responsible for M.G. in an area.

9. Proclamation. Proclamations, Ordinances, Notices and Orders must be signed and issued by the officer responsible for them. The M.G. Gazette Ordinance (No. 1) will provide that publication of any document in the Gazette shall constitute notice to the inhabitants of its contents. In addition, all available means of publication such as public posting, and publication in newspapers, should be used.

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(b) Delegations of authority, and other instructions as to M.G. enactments, will be included in M.G. Instructions.

## MILITARY GOVERNMENT COURTS

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11. Control of the population by the Supreme Commander and the M.G. must in the last resort depend upon a system of courts for the punishment of offences. M.G. Courts will therefore be established to deal with: -

- (a) offences under military legislation,
- (b) certain breaches of the Austrian laws which affect the security or interests of the Allied Forces and which should therefore be tried in Allied Courts rather than in Austrian.

The Austrian Courts will be utilized as far as possible. They however can take cognizance only of the system of indigenous law under which they themselves operate.

12. Courts. The M.G. Courts Ordinance (No. 100) and the Rules issued thereunder provide for three classes of courts: -

- (a) General Military Courts, of not less than three officers, at least one of whom must be a lawyer.
- (b) Intermediate Military Courts, of one or more officers, at least one of whom must be a lawyer.
- (c) Summary Military Courts, of one officer, preferably a lawyer.

Whenever possible officers with legal training will sit as Judge in the Summary Military Court.

13. Jurisdiction.

(a) M.G. Courts will in general have jurisdiction over all persons in the territory except members of the armed forces of the Allied nations, persons entitled to be treated as prisoners of war, and persons entitled to diplomatic immunity. Their jurisdiction over offences will be: -

- (i) any breach of the laws and usages of war;
- (ii) any breach of any enactment or order issued by the M.G., by the Allied Forces, or on their behalf by Austrians;
- (iii) any breach of the laws in force in Austria.

(b) The volume of work in the last category will depend upon the spread with which Austrian courts

(b) Intermediate Military Courts, of one or more officers, at least one of whom must be a lawyer.

(c) Summary Military Courts, of one officer, preferably a lawyer.

Whenever possible officers with legal training will sit as Judge in the Summary Military Court.

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(ii) any breach of any enactment or order issued by the M.G., by the Allied Forces, or on their behalf by Austrians;

(iii) any breach of the laws in force in Austria.

(b) The volume of work in the last category will depend upon the speed with which Austrian courts can be re-opened for criminal cases. The Austrian Amtsgerichte (Bezirksgerichte) functioning under suitable control will be more efficacious for dealing with petty crime than M.G. Courts. The local population will understand both them and their procedure. The M.G. will therefore make the greatest possible use of them. If the Austrian Courts cannot at once be re-opened, M.G. Courts will be required to deal with petty crime.

### 14. Power and Procedure.

(a) General Military Courts will try the more serious offences and may impose any sentence including death. Intermediate Military Courts will try less serious cases and may impose sentences of not more than ten years imprisonment, or fines up to £10,000/£2,500, or both. Summary Military Courts will try minor offences and may impose sentences of not more than one year's imprisonment, or fines up to £1,000/£250, or both.



CONFIDENTIAL.14. Power and Procedure (contd).

- (b) Rules of Procedure for M.G. Courts are contained in the Legal Manual. Court proceedings will be public except when otherwise ordered by the Court or by the convening officer in the interests of M.G. administration. If the accused does not understand English, the proceedings will be interpreted.
- (c) A Summary Military Court will try persons charged with lesser offences. It will also be the Court before which all persons charged with offences against the M.G. are brought in the first instance (unless a case or class of cases has been expressly referred for trial by a higher court). Where, in the opinion of the Summary Military Court, a higher sentence should be imposed, in the event of conviction, than it has power to direct, the court will refer the case to the appropriate higher court.
- (d) MGO's will have power to transfer cases which have been begun in the Austrian Courts for trial in M.G. Courts.
- (e) There will be no appeal from decisions of M.G. Courts. Any accused person convicted in any such Court has the right to petition the Military Governor, within 10 days of conviction. Power to deal with petitions will be delegated to the Chief Legal Officer.

15. Responsibilities of the Legal Division. When the M.G. is fully organized, the M.G. Courts Branch will have a pool of Military Judges permanently employed in that capacity - they will preside at General M.G. Courts and will sit as "judge alone" on Intermediate M.G. Courts. The Branch will have a Judicial Section and a Prosecution Section and will perform the following functions:

- (a) Pre-trial advice in the framing of charges and preparation of cases for trial.
- (b) Allocation of Presidents and Prosecutors whenever possible.
- (c) Review of all proceedings. Where the death sentence has been imposed, the proceedings will be referred to the Chief Legal Officer.
- (d) Organizing special courts for juvenile offenders.
- (e) Attendance of Officers under instruction.

16. Administration of Justice in Military Government Courts.

- (a) Every accused person will be accorded a fair trial. Where a crime

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- (d) Organizing special courts for juvenile offenders.
- (e) Attendance of Officers under instruction.

16. Administration of Justice in Military Government Courts.

- (a) Every accused person will be accorded a fair trial. Where a crime has been proved against an accused, the court will impose such a sentence as will be a deterrent to others. M.G. Courts will not try a person twice for the same offence.
- (b) All officers concerned in the administration of M.G. Courts must bear in mind that they are primarily responsible for the maintenance of public order and of the security of our troops. The courts will be conducted with dignity and in proper surroundings. Utmost respect for the courts will be required from all who participate in their proceedings.
- (c) In selecting Austrian experts and interpreters needed in M.G. Courts, and in other dealings with Austrian nationals, MGO's will avoid the fact or the appearance of favoritism to any political groups or local cliques.



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THE AUSTRIAN COURTS

17. Organization.

- (a) Before the annexation of Austria there were 240 District Courts (Bezirksgerichte); 17 Provincial Courts (9 Landesgerichte and 8 Kreisgerichte); 3 Courts of Appeal located respectively in Vienna, Graz and Innsbruck (Oberlandesgerichte); and the Supreme Court in Vienna (Oberster Gerichtshof). These were supervised by the National Minister of Justice.
- (b) After annexation, the Austrian Ministry of Justice was abolished and the judicial system was assimilated to the German and operated under the German Ministry of Justice. The latter also supervised the prosecution of criminal matters. The Germans changed the name of the Bezirksgerichte to Amtsgerichte, and of the Landesgerichte and Kreisgerichte to Landgerichte. They established an additional Oberlandesgericht in Linz. The Reichsgericht in Leipzig supplanted the Oberster Gerichtshof as the highest court of appeal. A variety of courts and tribunals dealing with special fields (such as Patents, Finance, Hereditary Titles, Farm Titles, Labour, etc.) have been set up. Administrative courts deal with administrative actions and officials. There are also Military Courts, Police Courts, and Special Courts. Many of these are administered by ministries other than the Ministry of Justice.

18. The Austrian Courts under the Republic, and to a lesser extent between 1934 and March 1938, had an independent Judiciary and a system of equality before the law. The Germans superimposed on the administration of justice a system of party control which greatly limited the powers of the ordinary courts. Special Courts created to enforce party rule have been vested with exclusive jurisdiction of all cases of a political nature or affecting Nazi Party control. Police officials are subject to disciplinary control by special courts operated by the SS (Schutzstaffel). Appeals in the ordinary civil and criminal courts and administrative courts, and their jurisdiction, have been severely curtailed and their judicial personnel has been reduced.

19. Law and Procedure.

- (a) There are fundamental differences in historical background and in administration between the Anglo-American common law and Austrian law.
- (b) Austrian law is largely codified; decisions are based on the interpretation of the pertinent legislative text. Judicial decisions have persuasive force rather than the binding force of precedents attributed to them at common law. In criminal law punishment must be based on specific provisions of the penal law.

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(b) Austrian law is largely codified; decisions are based on the interpretation of the pertinent legislative text. Judicial decisions have persuasive force rather than the binding force of precedents attributed to them at common law. In criminal law punishment must be based on specific provisions of the penal law.

20. (a) Under Austrian procedure the Judge dominates the trial. The Prosecutor and defence counsel play minor roles.

Having seen the dossier of the case, the Judge interrogates the accused and examines all witnesses. Cross examination by Counsel is rare. The accused always has the final word.

(b) Although the Nazis have not abrogated the Austrian codes (except the Commercial Code), they have in effect nullified many of their basic principles. For example, judges have the power to punish, without a specific legal provision, for acts otherwise innocent, where demanded "by the sound instinct of the people". The Gestapo has been given powers which enable it to ignore the courts and kill or imprison people without trial.

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CONTROL OF AUSTRIAN ADMINISTRATION OF JUSTICE.

- 21. Impact of Allied Occupation on Austrian Administration of Justice.  
 Proclamations and ordinances of the Military Governor will dissolve the Nazi Party and its principal agencies. The discriminatory and oppressive German Laws and decrees, and those affecting Austrian independence, will be abrogated. Special party courts and S.S. police courts in Austria will be dissolved. All German courts will be deprived of jurisdiction in Austria. All other Austrian courts will be temporarily suspended.
- 22. Laws applicable to Occupied Austria - Proclamations, ordinances and other directions by the Commander of the Occupying Forces or under his authority constitute legislation binding upon the population. The surrender terms will invest the Supreme Allied Commander with similar or wider powers. In addition to the law thus created by M.G., all laws irrespective of their origin remain in force unless and until specifically suspended, or modified. It will be the policy of M.G. to recognize existing laws as continuing in effect except when military necessity, Allied policy, or the proper conduct of M.G. require otherwise.

- 23. Re-Organization. This must be undertaken by M.G. together with the supervision and control of legal activities. It will involve selection of trustworthy Austrians in place of Nazi or German officials, prosecutors and judges; consideration of administration and budgets; re-organization and supervision of professional legal associations and of legal education; and revision of Nazi regulations establishing political direction of legal activities. These matters will be the direct responsibility of legal officers in the C.M.G., H.Q.

SUPERVISION BY THE MILITARY GOVERNMENT.

- 24. General Control. General control and general supervision of the Austrian Criminal and Civil Courts (reconstituted Oberstogerichtshof, Oberlandesgerichte, Landesgerichte, and Bezirksgerichte) will be exercised by the Legal Division, through the highest available trustworthy officials. Immediate supervision of the Oberlandesgerichte and of the Landesgerichte will be exercised by Gau M.G.H.Q.
- 25. M.G. Team Functions. M.G. teams will supervise the Bezirksgerichte in their areas. This will include:-
  - (a) assisting in prescribed procedure for vetting the judges, prosecutors, court and administrative officials, notaries and attorneys attached to or practicing before such courts and in eliminating unreliable persons from such activities, and substituting reliable persons;

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of trustworthy Austrians in place of Nazi or German officials, prosecutors and judges; consideration of administration and budgets; re-organization and supervision of professional legal associations and of legal education; and revision of Nazi regulations establishing political direction of legal activities. These matters will be the direct responsibility of legal officers in the C.M.G., H.Q.

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25. M.G. Team Functions. M.G. teams will supervise the Bezirksgerichte in their areas. This will include:-

- (a) assisting in prescribed procedure for vetting the judges, prosecutors, court and administrative officials, notaries and attorneys attached to or practicing before such courts and in eliminating unreliable persons from such activities, and substituting reliable persons;
- (b) supervising the handling of civil and criminal trials, and the administrative services such as the Grundbuch (registry of land titles), the regulations of activities of notaries etc., to ensure that the Austrian personnel are conducting such activities in accordance with policies established by M.G. in its enactments and its instructions to the Austrian authorities;
- (c) ensuring that the Bezirksgerichte are keeping the records and making the reports required by such directions, and reporting to higher M.G. H.Q. court activities requiring investigation or correction;



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25. (d) keeping the Gau MG HQ advised as to particular cases or classes of cases in the Bezirksgerichte that should be transferred to M.G. Courts because of danger to Allied interests of permitting trial thereof by Austrian Courts (on account of local prejudices, pressure from Austrian officials, etc.).
26. Detailed information and instructions as to supervision of Austrian Criminal and Civil Courts are contained in the Legal Manual.

## LIAISON ON LEGAL MATTERS.

27. Local officers and MGO's performing functions within the field of the Legal Division will maintain close liaison with all elements of the Allied Forces affected by their activities or whose co-operation is needed in performing their functions effectively. These include :-
- (a) Headquarters of the military formation controlling the area;
  - (b) The Provost Marshal and Military Police;
  - (c) The FSS/CIC, C-2 and other Military intelligence services;
  - (d) MG Public Safety Officers, especially police; and
  - (e) MG Legal officers of the next higher and lower staffs or headquarters.

## REPORTS BY LEGAL OFFICERS.

28. Legal Officers will report on legal matters as required by their instructions. They will also report through technical channels, as well as to their Military and MG Headquarters or detachment commanders, all legal matters in their areas requiring attention and not covered by instructions, with their recommendations as to the action to be taken.

## MISCELLANEOUS ACTIVITIES OF LEGAL OFFICERS

29. In view of the numerous administrative activities traditionally conducted by the Ministry of Justice which do not directly concern the administration of the ordinary civil and criminal courts, legal officers in the field will be called upon to assist in the handling of a great variety of matters within the primary jurisdiction of other MG Divisions, as for instance the enforcement of price and wage ceilings and rationing regulations. In handling such matters, legal officers will work in close conjunction with the M.G. officers primarily concerned therewith to avoid overlapping of function and duplication of work. Procedure in such matters will be cleared with the senior MGO of the area.

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(e) MG Legal officers of the next higher and lower staffs or headquarters.

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29. In view of the numerous administrative activities traditionally conducted by the Ministry of Justice which do not directly concern the administration of the ordinary civil and criminal courts, legal officers in the field will be called upon to assist in the handling of a great variety of matters within the primary jurisdiction of other MG Divisions, as for instance the enforcement of price and wage ceilings and rationing regulations. In handling such matters, legal officers will work in close conjunction with the M.G. officers primarily concerned therewith to avoid overlapping of function and duplication of work. Procedure in such matters will be cleared with the senior MCO of the area.

LEGAL MANUAL.

30. Detailed information, with copies of applicable M.G. legislation, M.G. instructions, forms and reports, will be published in the Legal Manual.



CONFIDENTIAL

III. MILITARY LEGISLATION

MILITARY REGULATION NO. 1

LEGAL ADVICE.

- 1. Proclamations, Ordinances and Notices will be drafted for Commanders and S.M.G.O's by Legal Officers. The latter will ensure that attention is paid to the contents of this Instruction and will advise on any questions of law involved.
- 2. Questions of law or of co-ordination with previous enactments may also arise in the preparation of orders or M.G. Directions. Whenever possible, the texts should be reviewed before final issue.

DELEGATION OF AUTHORITY.

- 3. During the phase of formation Commanders' responsibility for M.G., authority to issue Ordinances, Notices and Orders will be delegated to subordinate Commanders at the discretion of higher authority.
- 4. After M.G. has been fully organized, authority will probably be delegated as outlined in the Legal Chapter of the Handbook.
- 5. Legal Officers called on to advise Commanders or S.M.G.O's, must ensure that, when issuing enactments, they do not exceed the authority delegated to them. In addition to any express limitations the following rules must be observed.

RULES FOR ISSUE OF MILITARY ENACTMENTS.

- 6. (a) No Ordinance or Notice will be issued at a level below that of the H.Q. responsible for M.G. over the whole of any area to which it is stated to apply.
- (b) Where an Ordinance or Notice may affect other areas besides that to which it is stated to apply, it will be referred before issue to the H.Q. responsible for M.G. over the whole of the area likely to be affected.

- 1069
3. During the phase of formation Commanders' responsibility for M.G., authority to issue Ordinances, Notices and Orders will be delegated to subordinate Commanders at the discretion of higher authority.
  4. After M.G. has been fully organized, authority will probably be delegated as outlined in the Legal Chapter of the Handbook.
  5. Legal Officers called on to advise Commanders or S.M.G.'s, must ensure that, when issuing enactments, they do not exceed the authority delegated to them. In addition to any express limitations the following rules must be observed.

RULES FOR ISSUE OF MILITARY ENACTMENTS.

6. (a) No Ordinance or Notice will be issued at a level below that of the H.Q. responsible for M.G. over the whole of any area to which it is stated to apply.
- (b) Where an Ordinance or Notice may affect other areas besides that to which it is stated to apply, it will be referred before issue to the H.Q. responsible for M.G. over the whole of the area likely to be affected.
7. It is the duty of Legal Officers called upon to advise on, or to draft, any Ordinance, Notice or Order to make sure that 6(b) is complied with. If necessary they should consult specialist officers of the function concerned.

IDENTIFICATION.

8. Numbering.  
The Senior Legal Officer attached to any H.Q. responsible for M.G. will ensure that all Ordinances, Notices and Orders issued by his H.Q. are properly numbered so as to be capable of subsequent identification. The numbering of General Ordinances will follow the scheme set out in the Manual, and will be communicated to all M.G. H.Q. for information as Ordinances are issued.  
Gau and Kreis Ordinances will be numbered in series as settled by the H.Q. concerned. Schemes of numbering when settled should if possible be maintained without subsequent change.

- 2 -

9. Titles. Ordinances, Notices and any order intended to have effect over any prolonged period, should be given a title. This should be short and convenient for reference. "Short title" clauses or paragraphs will not be included in the text.

PROMULGATION.

10. A Register of Promulgations will be maintained by the Legal Officer attached to each H.Q. This will record:-

(a) Promulgation or posting in his area of any Proclamations, Ordinances, Notices or Orders furnished to him by higher authority for the purpose. The date and method employed should be recorded in each case.

(b) Promulgation of any Ordinances, Notices or Orders issued by his H.Q. The date and method of promulgation should be recorded.

11. Copies of all enactments registered under 10(b) will be forwarded to the Legal Division through technical channels.

LEGISLATION BY LOCAL AUTHORITIES.

12. Local enactments issued by the responsible local authorities at the direction of the Military Government are preferable to enactments made by M.C. itself, if the desired object can be achieved thereby. Legal officers advising Commanders and S.M.G.O.'s will stress the desirability of this course, whenever possible.

TEXTS OF INITIAL ORDINANCES.

13. The following pages contain texts of the latest drafts of General Ordinances which are most likely to be used initially. Printed copies of the final versions (together with the German translations) will be furnished to detachments in due course.

LEGISLATION BY LOCAL AUTHORITIES.

12. Local enactments issued by the responsible local authorities at the direction of the Military Government are preferable to enactments made by M.C. itself, if the desired object can be achieved thereby. Legal officers advising Commanders and S.M.C.O.'s will stress the desirability of this course, whenever possible.

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13. The following pages contain texts of the latest drafts of General Ordinances which are most likely to be used initially. Printed copies of the final versions (together with the German translations) will be furnished to detachments in due course.



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INITIAL PROCLAMATIONS.

DRAFTS OF PROCLAMATIONS FOR ISSUE  
UNDER THE AUTHORITY OF THE GOVERNMENTS  
OF THE UK, USA AND USSR JOINTLY ARE  
BEING DISCUSSED.

1073

UNDER THE AUTHORITY OF THE GOVERNMENT  
OF THE UK, USA AND USSR JOINTLY ARE  
BEING DISCUSSED.

1074

MILITARY GOVERNMENT - AUSTRIA

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551 PROPERTY CONTROL

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DRAFT - 13 September 1944

CONFIDENTIAL.

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE No. 1

MILITARY GOVERNMENT - AUSTRIA

It is ordered:-

ARTICLE I

Establishment of the Gazette

(1) A publication known as the "Military Government Gazette, Austria" shall be published from time to time and there shall be published therein all Proclamations, Ordinances, Notices and other regulations to the people of Austria issued from time to time by or under the authority of the Military Government.

ARTICLE II

Effect of Publication

- (2) A copy of the Military Government Gazette shall when produced be prima facie evidence in all courts and for all purposes of the due making and tenor of any Proclamation, Ordinance, Notice or other regulation published therein.
- (3) All persons in Austria shall be deemed to have notice of the documents published in the said Military Government Gazette.
- (4) In case of any discrepancy between the English text in the Military Government Gazette and the German translation thereof as published, the English text shall prevail.
- (5) Nothing herein shall affect the validity or effectiveness of any order or directive issued by, or under the authority of, the Military Government, or the Allied Forces, published or posted otherwise than as herein prescribed.

ARTICLE III

Effective Date

- (6) This Ordinance shall become effective on the date of its first promulgation.

purposes of the printing and other regulation published therein.

(3) All persons in Austria shall be deemed to have notice of the documents published in the said Military Government Gazette.

(4) In case of any discrepancy between the English text in the Military Government Gazette and the German translation thereof as published, the English text shall prevail.

(5) Nothing herein shall affect the validity or effectiveness of any order or direction issued by, or under the authority of, the Military Government, or the Allied Forces, published or posted otherwise than as herein prescribed.

ARTICLE III

Effective Date

(6) This Ordinance shall become effective on the date of its first promulgation.

Dated ..... 194

MILITARY GOVERNOR

(Draft 15 September 1944)

CONFIDENTIAL.

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE NO. 2

OFFICIAL LANGUAGE

1. In all matters concerning the Military Government, the English language shall be the official language within the territory of Austria occupied by the U.S./British Forces.
2. All official pronouncements and all documents issued or made by or under the authority of the Supreme Allied Commander or the Military Government will be drawn in the English language. If the translations into German or any other language are established, the English text shall in every instance prevail.
3. This ordinance shall become effective on the date of its first promulgation.

2. All official pronouncements and all documents issued or made by or under the authority of the Supreme Allied Commander or the Military Government will be drawn in the English language. If the translations into German or any other language are furnished, the English text shall in every instance prevail.

3. This ordinance shall become effective on the date of its first promulgation.

Dated..... MILITARY GOVERNOR



Draft 13 September 1944.

CONFIDENTIAL.

MILITARY GOVERNMENT - AUSTRIA

ORDER NO. 3

DISSOLUTION OF NAZI PARTY

In order to end the regime of lawlessness, terror and inhumanity established by the Nazi Party, it is ordered:

1. The National Socialist German Labour Party and the offices, organizations, and institutions listed below are hereby dissolved and declared illegal in Austria.

- (1) Auslandsorganisation.
- (2) Volksbund für das Deutschtum im Ausland.
- (3) Volksdeutsche Mittelstelle.
- (4) Reichsamtliche Prüfungskommission zum Schutze des NS-Schrifttums.
- (5) Oberstes Parteigericht.
- (6) Beauftragte des Führers für die Überwachung der gesamten feinstufigen und volkswirtschaftlichen Schulung und Erziehung der NSDAP.
- (7) Reichsamt für das Landvolk.
- (8) Hauptamt für Volksgesundheit.
- (9) NSD-Ärztelbund.
- (10) Hauptamt für Technik.
- (11) NS-Bund Deutscher Technik.
- (12) Hauptamt für Forscher.
- (13) NS-Lehrerbund.
- (14) Hauptamt für Kommunalpolitik.
- (15) Hauptamt für Beamte.
- (16) Reichsbund der Deutschen Beamten.
- (17) Beauftragte der NSDAP für alle Volkswirtschaftlichen Fragen.
- (18) Rassenpolitisches Amt der NSDAP.
- (19) Amt für Sippenforschung.
- (20) Kolonialpolitisches Amt der NSDAP.
- (21) Reichskolonialbund.
- (22) Ausserpolitische Amt der NSDAP.
- (23) Reichstagsfraktion der NSDAP.
- (24) Reichsfrauenführung und die NS-Frauensschaft.
- (25) Deutsches Frauenwerk.
- (26) Reichsstudentenführung.
- (27) NSD-Studentenbund.
- (28) Deutsche Studentenschaft.
- (29) NSD-Dozentenbund.
- (30) NS-Rechtswörterbund.
- (31) NS-Altlererbund der Deutschen Studenten.
- (32) Reichsbund Deutsche Familie.
- (33) NS-Reichsbund für Leibesübungen.



CONFIDENTIAL.

ORDINANCE No. 3 - Draft 13 September 1944 (cont.)

2. All offices, whether central, regional or local, of the organizations mentioned in para 1 will be forthwith closed.
3. All funds, property, equipment, accounts and records of any organization mentioned in this Ordinance shall be preserved intact and shall be delivered or transferred as required by the Military Government. Pending such delivery or transfer they shall be subject to inspection. Officers and others in charge thereof, and administrative officials, will remain at their posts until otherwise directed, and will be responsible to the Military Government for taking all necessary steps to preserve the same intact and to comply with the relevant orders of the Military Government.
4. The para - military organizations listed below, and all offices, recruiting and training establishments and depots connected therewith are dissolved. Orders regarding the dispersal of personnel and the disposal of equipment will be issued by the Military Government. Until receipt of such orders all embodied officers and personnel will remain at their posts and will preserve, intact and undamaged, all records and equipment.
  - (1) SA (Sturmabteilungen), including the SA - Wehrmannschaften.
  - (2) SS (Schutzstaffeln), including the Waffen-SS, the SD (Sicherheitsdienst) and the Geheime Staatspolizei.
  - (3) NSKK (NS-Kraftfahrkorps).
  - (4) NSKK (NS-Fliegerkorps).
  - (5) HJ (Hitler Jugend).
  - (6) RAD (Reichsarbeitsdienst).
  - (7) OT (Organisation Todt).
  - (8) TN (Technische Nothilfe).
5. All offices of the NS-Volkswohlfahrt in Austria will be closed. The Bürgermeister will be responsible for carrying on the welfare work of the said organization under the supervision of the Military Government.
6. All activities of any organization dissolved or suspended by the Allied Military Authorities or their officers or members and

offices, recruiting and training. Orders regarding the conducted therewith are dissolved. Orders regarding the dispersal of personnel and the disposal of equipment will be issued by the Military Government. Until receipt of such orders all embodied officers and personnel will remain at their posts and will preserve, intact and undamaged, all records and equipment.

- (1) SA (Sturmabteilungen), including the SA - Wehrmachtgruppen.
- (2) SS (Schutzstaffeln), including the Waffen-SS, the SD (Sicherheitsdienst) and the Geheime Staatspolizei.
- (3) NSKK (NS-Kraftfahrkorps).
- (4) NSKK (NS-Fliegerkorps).
- (5) HJ (Hitler Jugend).
- (6) RAD (Reichsarbeitsdienst).
- (7) OT (Organisation Todt).
- (8) TN (Technische Nothilfe).

- 5. All offices of the NS-Folkswohlfahrt in Austria will be closed. The Bürgermeister will be responsible for carrying on the welfare work of the said organization under the supervision of the Military Government.
- 6. All activities of any organization dissolved or suspended by the Allied Military Authorities or their officers or members and all acts tending to continue or renew such activities under any form are prohibited. All Pan-Germanic activities are prohibited.
- 7. Any person violating any provision of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment, as the court may determine.
- 8. This Ordinance shall become effective on the date of its first promulgation.

MILITARY GOVERNOR

Dated ..... 194



DEBATE - 13 September 1944.

SECRET

GERMAN GOVERNMENT - AUSTRIA,

ORDINANCE No. 100

ABROGATION OF NAZI LAWS.

In order to eliminate from Austrian law any and all provisions the policies and doctrines of the National Socialist Party, and to restore to the Austrian people the rule of justice and equality before the law, it is ordered:

ARTICLE I.

Abrogation of Nazi Laws.

1. The following fundamental Nazi laws heretofore applied in Austria together with all laws, decrees or regulations supplementary or subsidiary to or carrying out the same are hereby abrogated:

- (a) Law for Protection of National Symbols (RGBl I, 285, 19 May 1933),
- (b) Law against the creation of Political Parties (RGBl I, 479, 14 July 1933),
- (c) Law for securing the unity of Party and State (RGBl I, 406, 1 December 1933),
- (d) Law concerning insidious activities against the Nation and the Party and for the Protection of Party Judiciary (RGBl I, 1269, 20 December 1933),
- (e) Reich Flag Law (RGBl, I, 1145, 17 September 1935),
- (f) Hitler Youth Law (RGBl, I, 993, 1 December 1936),
- (g) Law for protection of German Blood and Honour (RGBl, I, 1146, 15 September 1935),
- (h) Law concerning Reunion of Austria with the German Reich (RGBl, I, 237, 13 March 1938),
- (i) Decree of the Führer and Reich Chancellor concerning Oaths of Allegiance of Civil Servants of Austria (RGBl, I, 245, 15 March 1938),
- (j) Ostmärk Law (RGBl, I, 777, 14 April 1939),

(b) Law for the Protection of the German People (1935),  
19 May 1935),

- (f) Law against the creation of Political Parties (RGEL I, 479, 14 July 1935),
  - (g) Law for securing the unity of Party and State (RGEL I, 1016, 1 December 1935),
  - (h) Law concerning insidious activities against the State and the Party and for the Protection of Party Members (RGEL I, 1269, 20 December 1935),
  - (i) Reich Flag Law (RGEL, I, 1145, 13 September 1935),
  - (j) Hitler Youth Law (RGEL, I, 995, 1 December 1935),
  - (k) Law for protection of German Blood and Honour (RGEL, I, 1146, 15 September 1935),
  - (l) Law concerning Reunion of Austria with the German Reich (RGEL, I, 257, 15 March 1938),
  - (m) Decree of the Führer and Reich Chancellor concerning Oaths of Allegiance of Civil Servants of Austria (RGEL, I, 245, 15 March 1938),
  - (n) Ostrark Law (RGEL, I, 777, 14 April 1939),
  - (o) Reich Citizenship Law (RGEL, I, 1145, 15 September 1935),
  - (p) Decree of the Führer Concerning the Legal Status of the Mainar (RGEL, I, 755 12 December 1942),
2. Additional Nazi laws will be abrogated by Ordinance of the Military Government for the purposes stated in the preamble.

RESTRICTED.

ARTICLE III

General Suspending Clause.

3. No German or Austrian law, however or whenever enacted or enunciated, shall be applied judicially or administratively in any instance where such application would cause injustice or inequality either (a) by favouring any person because of his connection with the National Socialist Party, its formations or affiliates or supervised organisations, or (b) by discriminating against any person by reason of his race, nationality, religious beliefs or opposition to the National Socialist Party or its doctrines.

ARTICLE III

General Interpretation Clauses

4. The interpretation or application of German and Austrian law in accordance with National Socialist doctrines, however or whenever enunciated, is prohibited.
5. Decisions of German courts, official agencies on officials, or legal writings, supporting, expounding or applying National Socialist objectives or doctrines shall not be referred to or followed as authority for the interpretation or application of German or Austrian Law.
6. German law which became effective after 13 March 1938 and is permitted to remain in force shall be interpreted and applied in accordance with the plain meaning of the text and without regard to objectives or meanings ascribed in preambles or other pronouncements.

ARTICLE IV

Limitations on Punishment.

7. No charge shall be preferred no sentence imposed or punishment inflicted for any act, unless such act is expressly made punishable by law in force at the time of its commission. Punishment for offences determined by analogy or in accordance with the sound instincts of the people (gesundes Volksempfinden) is prohibited.
8. No cruel or excessive punishment shall be inflicted.

Socialist objectives or doctrines shall not be required to be followed as authority for the interpretation or application of German or Austrian law.

6. German law which became effective after 13 March 1938 and is permitted to remain in force shall be interpreted and applied in accordance with the plain meaning of the text and without regard to objectives or meanings ascribed in preambles or other pronouncements.

#### ARTICLE IV

##### Limitations on Punishment.

7. No charge shall be preferred, no sentence imposed or punishment inflicted for any act, unless such act is expressly made punishable by law in force at the time of its commission.

Punishment for offenses determined by analogy or in accordance with the sound instincts of the people (gesundes Volksempfinden) is prohibited.

8. No cruel or excessive punishment shall be inflicted.

9. The detention of any person not charged with a specific offense or the punishment of any person without lawful trial and conviction is prohibited.



REVENUE SECTION

(Ordinance No. 4, Draft, 15 September 1944, Contd.)

10. All penalties imposed prior to the effective date of this Ordinance of a character prohibited by this Ordinance and not yet carried out, shall be modified to conform with this Ordinance or annulled.

ARTICLE V

Penalties

11. Any person violating any provision of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment, as the Court may determine.

ARTICLE VI

Effective Date

12. This Ordinance shall become effective upon the date of its first promulgation.

Military Governor.

Dated, .....

Special Agent in Charge, as the Court may determine.

ARTICLE VI

Effective Date

12. This Ordinance shall become effective upon the date of its first promulgation.

Military Governor.

Dated.....

December 13 September 1944.

UNSTRUCTURED.

MILITARY GOVERNMENT - AUSTRIA.

ORDINARY P.A. 100.

MILITARY GOVERNMENT COURTS.

It being necessary to establish courts for the trial of offences against the interests of the Military Government, it is ordered:

ARTICLE

Field of Military Government Courts.

1. Military Government Courts, by jurisdiction for the occupied territory as follows:-

- General Military Courts;
- Intermediate Military Courts;
- Summary Military Courts.

ARTICLE

Jurisdiction.

2. Military Government Courts shall have jurisdiction over all persons in Austrian territory except persons (other than civilians) who are subject to military, naval or air force law and are serving under the command of any Commander of the forces of the United Nations.

3. Military Government Courts shall have jurisdiction over:

- (a) All offences against the laws and usages of war;
- (b) All offences under any Proclamation, Ordinance, Regulation or Order issued by or under the authority of the Military Government or of any Commander of the Allied Forces;
- (c) All offences under the laws in force in Austria.

ARTICLE

ARTICLE III

Jurisdiction.

2. Military Government Courts shall have jurisdiction over all persons in Austrian territory except persons (other than civilians) who are subject to military, naval or air force law and are serving under the command of any Commander of the Forces of the United Nations.

3. Military Government Courts shall have jurisdiction over:

- (a) All offences against the laws and usages of war;
- (b) All offences under any Proclamation, Ordinance, Rules or Order issued by or under the authority of the Military Government or of any Commander of the United Nations;
- (c) All offences which are laws in force in Austria.

ARTICLE IIII

Power of Sentence.

- 4. (a) A General Military Court may impose any lawful sentence including death.
- (b) An Intermediate Military Court may impose any lawful sentence except death, or imprisonment in excess of ten years, or fine in excess of £2,500 / \$10,000.
- (c) A Summary Military Court may impose any lawful sentences except death, or imprisonment in excess of one year, or fine in excess of £250 / \$1,000.
- (d) Within the limits of the power given to the Court, both a term of imprisonment and a fine may be imposed for the same offence and a further term of imprisonment or a further term of fine may be imposed in default of payment of the fine.



RESTRICTED.

Ordinance No. 100 - draft 13 September 1944 (cont).

(c) In addition to or in lieu of sentence of fine, imprisonment or death (within its powers) a Military Government Court may make any order with respect to the person of the accused and the forfeiture, restitution or disposal of the property, earnings or businesses involved in the offense which in appropriate cases may be made by the holder of Military Government Courts; and shall have power at any time to impound money or any other objects, to search, seize and forfeit securities therefor, to order arrest, to compel the accused to appear and order the detention of witnesses, to administer oaths, to punish for contempt of court, and such other powers as may be necessary and appropriate for the due administration of justice.

ARTICLE VI

Composition of Courts

- 5. All members of the Military Government Courts shall be officers of the Armed Forces.
- 6. General Military Courts shall consist of not less than three members. Intendants and Summary Military Courts shall consist of one or more members.
- 7. Advisors to sit with any Court may be appointed by the Court itself or by an authority empowered to appoint such Court. They shall give the Court such advice and assistance as it may require, but shall have no vote.
- 8. Clerks, interpreters, shorthand writers and other persons necessary for the conduct of proceedings, may be appointed by the Court.

ARTICLE VII

Rights of Accused

- 9. Every accused before a Military Government Court shall be entitled:
  - (a) To have in advance of trial a copy of the charges upon which he is to be tried,
  - (b) To be present at his trial, to give evidence and to examine or cross-examine any witness; but the Court may proceed in the absence of the accused if the accused has applied for, and has been granted permission to be absent, or if the accused is believed to be a fugitive from justice;
  - (c) To consult a lawyer before trial, and to conduct his own defence or

7. Advisors to sit with any Court may be appointed by the Court itself or by an authority empowered to appoint such Court. They shall give the Court such advice and assistance as it may require, but shall have no vote.

8. Clerks, interpreters, shorthand writers and other persons necessary for the conduct of proceedings, may be appointed by the Court.

#### ARTICLE V

##### Rights of Accused,

9. Every accused before a Military Government Court shall be entitled:
- (a) To have in advance of trial a copy of the charges upon which he is to be tried,
  - (b) To be present at his trial, to give evidence and to examine or cross-examine any witness; but the Court may postpone in the absence of the accused if the accused has applied for, and has been granted permission to be absent, or if the accused is believed to be a fugitive from justice;
  - (c) To consult a lawyer before trial, and to conduct his own defence or to be represented at the trial by a lawyer of his own choice, subject to the right of the court to debar any person from appearing before the Court;
  - (d) In any case in which a sentence of death may be imposed, to be represented by an Officer of the Allied Forces, if he is not otherwise represented;
  - (e) To bring with him to his trial such material witnesses in his defence as he may wish, or to have them summoned by the Court at his request, if practicable;
  - (f) To apply to the Court for an adjournment where necessary to enable him to procure his defence,

RESTRICTED.

Ordinance No. 100 - draft 15 September 1944 (cont).

- (g) To have the proceedings translated, when he is otherwise unable to understand the language in which they are conducted.
- (h) In the event of conviction, within a time fixed by the Rules of Military Government Courts to file a petition setting forth grounds why the findings or sentence should be set aside or modified.

ARTICLE VII

Proceedings.

10. Military Government Courts shall sit in public, save that the officer convening any Court in any emergency consent may order that a case or part of a case shall be heard in camera, and the interests of the Military Government shall be protected.

ARTICLE VIII

Review.

11. The record of every case in which a petition for review is filed, and of such other cases as shall be determined in accordance with the Rules of Military Government Courts, shall be reviewed by such officer or officers as may be designated for that purpose by or under the authority of the Military Government.

12. The reviewing authority shall have power to set aside any finding of guilty, to suspend, reduce, commute or modify the sentence, to order a new trial, and to make such other orders as may be appropriate, but shall not set aside a finding of not guilty. The reviewing authority may increase the sentence in any case in which a petition of review has been filed which is considered to be frivolous, but not otherwise.

ARTICLE VIII

Confirmation of Death Sentences.

13. No sentence of death shall be executed unless and until confirmed in writing by the Military Governor, or by such other officer as he may designate. The confirming authority shall have with respect to such sentence, all powers of a reviewing authority.

ARTICLE IX

11. The record of every case in which a petition for review is filed, and of such other cases as shall be determined in accordance with the Rules of Military Government Courts, shall be reviewed by such officer or officers as may be designated for that purpose by or under the authority of the Military Government.

12. The reviewing authority shall have power to set aside any finding of guilty, to suspend, reduce, commute or modify the sentence, to order a new trial, and to make such other orders as may be appropriate, but shall not set aside a finding of not guilty. The reviewing authority may increase the sentence in any case in which a petition of review has been filed which is considered to be frivolous, but not otherwise.

ARTICLE VIII

Confirmation of Death Sentences.

13. No sentence of death shall be executed unless and until confirmed in writing by the Military Governor, or by such other officer as he may designate. The confirming authority shall have with respect to such sentence, all powers of a reviewing authority.

ARTICLE IX

Rules.

14. Rules of Military Government Courts not inconsistent with this Ordinance prescribing the procedure of such courts and the mode of exercise of the powers conferred may be made, amended or supplemented by or under the authority of the Military Government.

ARTICLE X

Effective Date.

15. This Ordinance shall become effective upon the date of its first promulgation.

Dated.....1944.

MILITARY GOVERNOR.



DRAFT - 13 September 1944.

MILITARY

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE NO. 101

AUSTRIAN COURTS

It is ordered:

ARTICLE I

Abolition of Certain Courts

1. The following courts are abolished in Austria:-

- (a) Volkserichtshof
- (b) Landgerichte
- (c) S.S. Polizeigerichte
- (d) All courts and tribunals of the NSDAP and of its formations and affiliated and supervised associations.

2. All courts situated outside Austria are hereby deprived of any jurisdiction over courts or persons within Austrian territory.

3. Every decision, judgment, writ, order or direction issued by any such court after the effective date of this Ordinance shall be null and void in Austrian territory.

ARTICLE II

Suspension of other Courts

4. All other courts in the occupied territory of Austria are hereby suspended. Every decision, judgment, writ, order or direction issued by any such court after the effective date hereof and before the said court shall have been authorized by the Military Government to reopen shall be null and void.

ARTICLE III

Re-opening of Suspended Courts

5. Each Oberlandesgericht, Landgericht, and Amtsgericht within the occupied territory shall reopen and resume its usual judicial and administrative functions only in accordance with written directions of the Military Government. The description of each of such courts when re-opened shall, unless otherwise directed, be that which the said court bore prior to 14 March 1938.

3. Every decision, judgment, writ, order or direction issued by any such court after the effective date of this Ordinance shall be null and void in Austrian territory.

#### ARTICLE II

##### Suspension of other Courts

4. All other courts in the occupied territory of Austria are hereby suspended. Every decision, judgment, writ, order or direction issued by any such court after the effective date hereof and before the said court shall have been authorized by the Military Government to reopen shall be null and void.

#### ARTICLE III

##### Re-opening of Suspended Courts

5. Each Oberlandesgericht, Landgericht, and Amtsgericht within the occupied territory shall re-open and resume its usual judicial and administrative functions only in accordance with written directions of the Military Government. The description of each of such courts when re-opened shall, unless otherwise directed, be that which the said court bore prior to 14 March 1938.

6. Unless otherwise provided in such written directions, the said courts when re-opened, shall give priority to the trial and disposal of the following classes of cases in the order named :

- (a) criminal cases initiated after the effective date of this Ordinance and before the re-opening of the court ;
- (b) criminal cases initiated before the effective date of this Ordinance;
- (c) criminal cases initiated after the re-opening of the court;
- (d) contentious and non contentious civil business involving
  - (i) domestic relations,
  - (ii) personal status,

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- (iii) claims in tort involving life, liberty or personal physical injuries, but excluding defamation
  - (iv) other claims in tort and other cases involving not exceeding
  - (v) other civil cases.
7. The Administrative Courts and such other courts as are approved by the Military Government shall re-open or discharge their normal functions when and as authorized in writing by the Military Government.

ARTICLE IV

The Oberste Gerichtshof

8. The Oberste Gerichtshof will be reconstituted in accordance with enactments of the Military Government.

ARTICLE V

Court Records

9. Any person now responsible for any records, archives or other documents of any courts hereby abolished shall hold the same in safe custody and deposit them in accordance with the directions of the Military Government.
10. Any person in Austrian territory who now holds any documents relating to any case which has been or but for this Ordinance would have been heard in any court outside Austria, and which concerns any person in Austria as party thereto or any property now in Austria, shall dispose of or part with the same only as directed by the Military Government.
11. All persons responsible for the custody of any records, archives or other documents of any courts hereby suspended shall continue to hold the same pending directions by or on behalf of the Military Government.

ARTICLE VI

Qualifications of Judges, Prosecutors, Notaries and Lawyers

Court Records

9. Any person now responsible for any records, archives or other documents of any courts hereby abolished shall hold the same in safe custody and deposit them in accordance with the directions of the Military Government.
10. Any person in Austrian territory who now holds any documents relative to any case which has been or but for this Ordinance would have been heard in any court outside Austria, and which concerns any person in Austria as party thereto or any property now in Austria, shall dispose of or part with the same only as directed by the Military Government.
11. All persons responsible for the custody of any records, archives or other documents of any court hereby suspended shall continue to hold the same pending directions by or on behalf of the Military Government.

ARTICLE VIIQualifications of Judges, Prosecutors, Notaries and Lawyers

12. No person shall act as judge, prosecutor, notary or lawyer until he shall have taken an oath in the following form:

OATH

I swear that I will at all times apply and administer the law without fear or favour and with justice and equity to all persons of whatever creed, race, colour or political opinion they may be, that I will obey the law in spirit as well as in letter, and that I will constantly endeavour to establish equal justice under the law for all persons.

Every person who takes the foregoing oath is hereby released from the obligations of any oath of office previously subscribed by him.

13. No person shall act as judge, prosecutor, notary or lawyer without the consent of the Military Government.



(Ordinance No. 101 - Draft 13 September 1944 - Cont'd.)

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ARTICLE VII

Limitations on Jurisdiction

14. Except when expressly authorized by the Military Government, no Austrian court shall assert or exercise jurisdiction in the following classes of cases:

- (a) Cases involving the Navy, Army or Air Force of any of the United Nations or any person serving in or with or accompanying or employed by any of such forces;
- (b) Cases involving any of the United Nations or any national of the United Nations;
- (c) Cases arising under any law suspended or abrogated by the Military Government;
- (d) Cases involving offenses against any order of the Allied Forces, or any enactment of the Military Government or involving the construction or validity of any such order or enactment;
- (e) Cases over which jurisdiction has been assumed by a Military Government Court;
- (f) Case or cases transferred by the Military Government to the exclusive jurisdiction of Military Government Courts;
- (g) Cases involving claims for money against the Austrian Government or any legal entity existing under public law.

15. Any proceedings taken or decision rendered by an Austrian Court in any case excluded from its jurisdiction, shall be null and void.

ARTICLE VIII

Powers of the Military Government

16. The following powers of control and supervision are, without prejudice to the subsequent exercise of any additional or other powers, vested in the Military Government:

- (a) to dismiss or suspend any judge, Staatsanwalt or other court official; and to disbar from practice any notary or lawyer;
- (b) to supervise the proceedings of any court, to attend the hearing of any case, whether in public or in camera, and to have full access to all files and records of the court and to the documents in all cases;
- (c) to review all decisions of Austrian trial and appellate courts, or otherwise modify any findings,

Government Court;

(f) Cases or classes of cases transferred by the Military Government to the exclusive jurisdiction of Military Government Courts;

(g) Cases involving claims for money against the Austrian Government or any legal entity existing under public law.

15. Any proceedings taken or decision rendered by an Austrian Court in any case excluded from its jurisdiction, shall be null and void.

#### ARTICLE VIII

##### Powers of the Military Government

16. The following powers of control and supervision are, without prejudice to the subsequent exercise of any additional or other powers, vested in the Military Government:

(a) to dismiss or suspend any judge, staatsanwalt or other court official; and to disbar from practice any notary or lawyer;

(b) to supervise the proceedings of any court, to attend the hearing of any case, whether in public or in camera, and to have full access to all files and records of the court and to the documents in all cases;

(c) to review all decisions of Austrian trial and appellate courts and to nullify, suspend, commute or otherwise modify any finding, sentence or judgment rendered by any such court;

(d) to transfer to the jurisdiction of the military Government

Courts any case or class of cases;

(e) to control or supervise the administration, budgets and personnel of all Austrian courts authorized to function.

17. No sentence of death shall be carried out without the consent of the Military Government.

18. No member of the Allied Forces nor any employee, of whatever nationality, of the Military Government, shall be required or permitted to testify in any Austrian Court without the consent of the Military Government.

/ARTICLE IX.....

(Ordinance No. 101 - Draft 13 September 1944 - Cont'd.)

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ARTICLE IX

Limitation and Prescription

19. In any case in which delay in the assertion of any right by suit or action in any Austrian court operates to render claims unenforceable or to extinguish substantive rights, the period during which the prosecution of such suit or action is prevented by any limitation hereby imposed shall be excluded from the period of limitation or prescription.

ARTICLE X

Arbitration

20. As and when authorized by the Military Government civil matters may be adjudicated by arbitrators, whose awards may be enforced according to law.

ARTICLE XI

Penalties

21. Any person violating any of the provisions of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment as the court may determine.

ARTICLE XII

Effective Date

22. This Ordinance shall become effective on the date of its first promulgation.

Dated: \_\_\_\_\_

MILITARY GOVERNOR.

ARTICLE XII

Effective Date

22. This Ordinance shall become effective on the date of its first promulgation.

Dated: \_\_\_\_\_

MILITARY GOVERNOR.



(DEPT 13 September 1944)

RESTRICTED

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE NO. 200

CRIMES AND OFFENCES

In order to provide for the maintenance of law and order and the security of the Allied Forces, it is ordered :-

ARTICLE I

General Offences

The following offences are punishable by death or such other penalty as a Military Government Court may impose :-

- (1) Espionage;
- (2) Communication with the enemy forces or, except through authorised channels, with any person in enemy territory not occupied by the Allied Forces;
- (3) Communication of information which may be dangerous to the security or property of the Allied Forces; unauthorised possession of such information if not promptly reported; unauthorised communication by code or cipher;
- (4) Armed attack on or armed resistance to the Allied Forces;
- (5) Killing or assaulting any member of the Allied Forces;
- (6) Falsely pretending to be a member of the Allied Forces; wearing any uniform of the Allied Forces without authority;
- (7) Unlawful possession or control of any firearm, ammunition, explosive or other war material or of apparatus or other means for transmitting messages;
- (8) Unauthorised use of any firearm or other deadly weapon, ammunition, explosive or similar war material; •
- (9) Furthering the escape of any person detained by Allied authority or assisting or concealing any such person after escape;

- (2) Communication with the enemy in enemy territory not occupied by the Allied Forces;
- (3) Communication of information which may be dangerous to the security or property of the Allied Forces; unauthorized possession of such information if not promptly reported; unauthorized communication by code or cipher;
- (4) Armed attack on or armed resistance to the Allied Forces;
- (5) Killing or assaulting any member of the Allied Forces;
- (6) Falsely pretending to be a member of the Allied Forces; wearing any uniform of the Allied Forces without authority;
- (7) Unlawful possession or control of any firearm, ammunition, explosive or other war material or of apparatus or other means for transmitting messages;
- (8) Unauthorized use of any firearm or other deadly weapon, ammunition, explosive or similar war material;
- (9) Furthering the escape of any person detained by Allied authority or assisting or concealing any such person after escape;
- (10) Assisting any member of the enemy forces to avoid capture;
- (11) Unauthorized interference with transportation or communications or with the operation of any public utility;
- (12) Sabotage of any war material of the Allied Forces or of any installation or property necessary or useful to military operations or the Military Government;
- (13) Willful destruction, removal, interference with or concealment of any records or archives of any person, public or private.
- (14) Plunder, pillaging or looting; robbing or amassing the dead or wounded;

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(Ordinance - No. 200 draft 13 September 1944, cont'd.)

- (15) Wilfully interfering with or misleading any member of or person acting under the authority of the Allied Forces in the performance of his duties.
- (16) Incitement to or participation in rioting or public disorder;
- (17) Stealing, or obtaining by fraud, property of the Allied Forces or of any member thereof;
- (18) Any violation of the laws of war; any act in aid of the enemies of the United Nations; any act endangering the security of the Allied Forces.

ARTICLE IIOther Offences

The following offences are punishable by such penalty other than death as a Military Government may impose;

- (19) Disobedience of any Proclamation, Ordinance, Notice or order made by or under the authority of the Allied Forces or the Military Government where a penalty is not expressly imposed; disobedience of orders issued by Austrian authorities in pursuance of orders given to them by the Military Government;
- (20) Circulation without a permit during curfew which, unless otherwise provided by public notice, shall be from sunset to sunrise;
- (21) Leaving or entering Austrian territory except as authorized by Allied authority;
- (22) Failure, without authority, to have possession of a valid identity card;
- (23) Making, issuing or knowingly having possession of any false

Other Offences

The following offences are punishable by such penalty other than death as a Military Government may impose;

- (19) Disobedience of any Proclamation, Ordinance, Notice or order made by or under the authority of the Allied Forces or the Military Government where a penalty is not expressly imposed; disobedience of orders issued by Austrian authorities in pursuance of orders given to them by the Military Government;
- (20) Circulation without a permit during curfew which, unless otherwise provided by public notice, shall be from sunset to sunrise;
- (21) Leaving or entering Austrian territory except as authorized by Allied authority;
- (22) Failure, without authority, to have possession of a valid identity card;
- (23) Making, issuing or knowingly having possession of any false permit, identity card or other document of official concern to the Allied Forces; delivery of any such matter, whether false or valid, to any unauthorized person or for an unauthorized purpose;
- (24) Counterfeiting or altering any currency, coin or stamps or having possession of or uttering any thereof, having reason to believe it to be false or altered; having possession of or disposing of any property for use for any such purpose;
- (25) Inviting or conducting any member of the Allied Forces into a place designated "Off Limits" or "Out of Bounds", or supplying goods or services to such member in any such place;
- (26) Bribery, corruption or intimidation of any member of, or person acting under the authority of, the Allied Forces, or the Military Government, or of any State or municipal official; receiving, or offering to receive, a bribe for non-performance of duty to the Military Government.
- (27) Unauthorized possession, control or disposition of property belonging to the Allied Forces, or to a member of such Forces;



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(Ordinance - No. 200, Draft 15 September 1944, cont'd.)

- (28) Destruction, concealment, unauthorised possession or disposition of, or interference with, any ship, installation, plant, equipment or other economic asset, or plans or records relating thereto, required by the Military Government;
- (29) Knowingly making any false statement, orally or in writing, to any member of, or person acting under the authority of, the Allied Forces or the Military Government in a matter of official concern; or in any manner defrauding, or refusing to give information required by, any Allied authority;
- (30) False assumption of authority from the Allied Forces or the Military Government; unauthorised possession or control of any part of an Allied uniform, whether genuine or false;
- (31) Defacement or unauthorised removal of written or printed matter posted under the authority of the Allied Forces or the Military Government;
- (32) Willful destruction, alteration or concealment of any work of art, monument or other cultural property created by another;
- (33) Promoting, aiding or attending any public gathering for which no permit has been granted, unless held for religious purposes or in the exercise of functions authorised by the Allied Forces or the Military Government;
- (34) Resisting arrest by a person acting under the authority of the Allied Forces or the Military Government; escaping from arrest or detention imposed under such authority;
- (35) Aiding, or failing to report, any person known to be wanted by the Allied Forces;
- (36) Dissemination of any rumour calculated to alarm or excite the people or to undermine the morale of the Allied Forces;
- (37) Act or conduct calculated to support or aid any organisation dissolved or declared illegal by the Allied Forces or the Military Government; the provocative display of flags or insignia of any such organisation;
- (38) Conduct hostile or disrespectful to the Allied Forces or to any

(31) Defacement or unauthorised removal of written or printed matter posted under the authority of the Allied Forces or the Military Government;

(32) Willful destruction, alteration or concealment of any work of art, monument or other cultural property created by another;

(33) Promoting, aiding or attending any public gathering for which no permit has been granted, unless held for religious purposes or in the exercise of functions authorised by the Allied Forces or the Military Government;

(34) Resisting arrest by a person acting under the authority of the Allied Forces or the Military Government; escaping from arrest or detention imposed under such authority;

(35) Aiding, or failing to report, any person known to be wanted by the Allied Forces;

(36) Dissemination of any rumour calculated to alarm or excite the people or to undermine the morale of the Allied Forces;

(37) Act or conduct calculated to support or aid any organisation dissolved or declared illegal by the Allied Forces or the Military Government; the provocative display of flags or insignia of any such organisation;

(38) Conduct hostile or disrespectful to the Allied Forces or to any of the United Nations;

(39) Initiating or carrying out any criminal prosecution, disciplinary measure or other form of punishment or victimisation against any person for co-operating with the Allied Forces or the Military Government;

(40) Any act or neglect to the prejudice of good order or the interests of the Military Government, the Allied Forces or any member thereof;

#### ARTICLE III

#### Article. Disparities

Any person shall be punishable as a principal who attempts to commit, or conspires or agrees with another to commit, an offense under this or any

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(Ordinance - No 206 draft 13 September 1944 cont'd.

other enactment of the Military Government, or who advises, assists in, or procures the commission of any such offence, or who having a knowledge of an illegal offence, fails to report it.

ARTICLE IV.

Collective fines.

The Air Minister or other principal representative of any community may be charged and tried as representing the residents thereof with any offence for which such residents are alleged to be collectively responsible, and in the event of his being convicted of such offence his representative capacity, and collective responsibility being established, a collective fine may be imposed upon the community.

Article V.

Responsibility for Corporate Acts.

Every director, official or employee of any incorporated or unincorporated company, society, or association, and every partner or employee of a partnership, who in any such capacity, either alone or jointly with others, causes, directs, urges or votes in favour of an act or omission which constitutes an offence for which the company, society, association or partnership would be liable by a Military Government Court, shall be liable therefore as though such act or omission had been done or done in his individual capacity.

ARTICLE VI.

Defense.

- (1) It shall be a good defence to any charge hereunder that the offence charged was an act of legitimate warfare by a person entitled to the status of a combatant.
- (2) It shall not be a defence to any charge that any person charged was acting under orders of any civil or military superior or of any person purporting to act as an official or member of the armed forces, or that the alleged offence was committed under duress.

(3) It shall not be a defence to any charge that any person has been

every director, official or employee of any incorporated or unincorporated firm, society, or association, and every partner or employee of a partnership, who in any such capacity, either alone or jointly with others, causes, directs, uses or votes in favour of an act or omission which constitutes an offence for which the company, society, association or partnership would be liable by a Military Government Court, shall be liable therefore as though such act or omission had been done or was in his individual capacity.

#### ARTICLE VI.

##### Defense.

- (1) It shall be a good defence to any charge hereunder that the offence charged was an act of legitimate warfare by a person entitled to the status of a combatant.
- (2) It shall not be a defence to any charge that any person charged was acting under orders of an/ civil or military superior or of any person purporting to act as an official or member of the Wehrmacht, or that the alleged offence was committed under duress.
- (3) It shall not be a defence to any charge that any person has been tried and convicted or acquitted of an offence by an Austrian Court but the sentence awarded by such Austrian Court will be taken into consideration when awarding sentence.

#### ARTICLE VII

##### Definitions.

- (1) The expression "Allied Forces" as used herein or, in the absence of indication to the contrary, in Proclamations Ordinances, Notices or orders of the Military Government, includes persons subject to military, naval, or air force law or to the jurisdiction of British Naval Courts who are serving under the command of any Commander of any Forces of the United Nations, and any military formation or civilian agency composed in whole or in part of such persons.
- (2) The expression "enemy force" includes all persons, whether entitled to belligerent status or not, who are or have been engaged in armed resistance to the Allied Forces.



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(Ordinance - No 200 dated 15 September 1944, cont'd.)

ARTICLE III.

Effective Date.

This Ordinance shall become effective upon the date of its first promulgation.

Dated \_\_\_\_\_ 1944

Military Governor.

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MILITÄRREGIERUNG - OESTERRICH

VERORDNUNG NR. 200

VERBÜCHEN UND ANDERE STRAFBARE HANDLUNGEN

Um die öffentliche Ruhe und Ordnung aufrechtzuerhalten und die Sicherheit der Alliierten Streitkräfte zu gewährleisten, wird folgendes verordnet:

ARTIKEL I

VERBÜCHEN AUF WELCHE DIE TODESSTRAFE STEHT

Die folgenden strafbaren Handlungen werden mit dem Tode oder einer anderen Strafe, nach Ermessen eines Gerichts der Militärregierung, bestraft:

1. Spionage;
2. Verbindung mit feindlichen Streitkräften oder mit irgend einer Person in feindlichen Gebiet, das von den Alliierten Streitkräften nicht besetzt ist, es sei denn, dass sie Verbindung auf behördlich genehmigtem Wege erfolgt;
3. Uebermittlung von Nachrichten, welche die Sicherheit oder das Eigentum der Alliierten Streitkräfte gefährden; die Unterlassung der Anzeige solcher Nachrichten, falls deren Besitz nicht erlaubt ist; unerlaubte Mitteilungen in Geheimschrift oder Chiffre;
4. Bewaffneter Angriff auf oder bewaffneter Widerstand gegen die Alliierten Streitkräfte;
5. Tödtung eines Angehörigen der Alliierten Streitkräfte oder Angriff auf einen solchen;
6. Falschliches Sich Ausgeben als Angehöriger der Alliierten Streitkräfte oder unbefugtes Tragen von Uniformen der Alliierten Streitkräfte;
7. Ungesetzlicher Besitz von oder Verfügungsmacht ueber Feuerwaffen, Munition, Sprengstoff oder sonstiges Kriegsmaterial, oder Sendegeraete irgendwelcher Art, welche zur Nachrichtenebermittlung geeignet sind.
8. Ungesetzlicher Gebrauch von Feuer- oder anderen gefährlichen Waffen, Munition, Sprengstoff oder aehnlichen Kriegsmaterial;
9. Vorschubleistung zum Entkommen irgendjemand von den Alliierten Behoerden verhafteten Person, oder Beistandleistung oder Verbergung solcher Personen nach ihren Entkommen;
10. Beihilfe fuer irgendjemanden Angehörigen der feindlichen Streitkräfte zwecks Vermeidung seiner Gefangennahme;

4. Bewaffneter Angriff auf oder bewaffneter Widerstand gegen die Alliierten Streitkräfte;
5. Tötung eines Angehörigen der Alliierten Streitkräfte oder Angriff auf einen solchen;
6. Falschliches Sich Ausgeben als Angehöriger der Alliierten Streitkräfte oder unbefugtes Tragen von Uniformen der Alliierten Streitkräfte;
7. Ungesetzlicher Besitz von oder Verfügungsmacht ueber Feuerwaffen, Munition, Sprengstoff oder sonstiges Kriegsmaterial, oder Sendegeraete irgendwelcher Art, welche zur Nachrichteneberrmittlung geeignet sind.
8. Ungesetzlicher Gebrauch von Feuer-oder anderen gefaehrlichen Waffen, Munition, Sprengstoff oder aehnlichem Kriegsmaterial;
9. Vorschubleistung zum Entkommen irgendjemand von den Alliierten Behoerden verhafteten Person, oder Beistandleistung oder Verbergung solcher Personen nach ihren Entkommen;
10. Beihilfe fuer irgendjemanden. Angehoerigen der feindlichen Streitkräfte zwecks Vermeidung seiner Gefangennahme;
11. Unbefugte Stoerung des Befoehrerungs oder Nachrichtenwesens oder des Betriebes oeffentlicher Werke oder gemeinnuetziger Einrichtungen;
12. Sabotage irgendwelchen Kriegsmaterials der Alliierten Streitkräfte oder irgendwelcher Anlagen oder Eigentums, welche fuer die militaerischen Operationen oder fuer die Militaerregierung notwendig oder nuetzlich sind;
13. Vorsaetzliche Zerstoeerung, Entfernung, stoerende Einwirkung auf oder Verheimlichung von Akten oder Archiven irgendwelcher Art, gleichgueltig ob oeffentlich oder privater Natur;
14. Pluendern, Brandschatzung oder Beute machen, Beraubung oder Schaendung von Toten oder Verwundeten;
15. Vorsaetzliche stoerende Einwirkung auf einen oder absichtliche Irrefuehrung irgendeines Angehoerigen der alliierten Streitkräfte oder einer anderen in deren Auftrage handelnden Person, soweit dies deren dienstliche Taetigkeit betrifft;

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16. Aufhetzung zu, oder Teilnahme an Aufruhr oder oeffentlichen Unruhen;
17. Diebstahl oder schwindelhafter Erwerb von Eigentum der Alliierten Streitkraefte oder eines Angehoerigen derselben;
18. Jeder Verstoss gegen das Kriegsrecht; Jegliche Hilfeleistung an die Feinde der Vereinigten Nationen; jegliche Gefuehrdung der Sicherheit der Alliierten Streitkraefte.

ARTIKEL IISONSTIGE STRAFBARE HANDLUNGEN

Die folgenden strafbaren Handlungen werden nach Ermessen eines Gerichtes der Militaerregierung mit irgendeiner Strafe, jedoch nicht der Todesstrafe, geahndet:

19. Verstoss gegen eine Proklamation, Verordnung, Bekanntmachung oder einen Befehl, die von den Alliierten Streitkraeften oder der Militaerregierung oder in deren Auftrag erlassen wurden, in denen keine Strafdrohung ausdruerklich enthalten ist; Verstoss gegen Verfuegungen der oesterreichischen Behoerden, falls dieselben in Ausfuehrung von Verfuegungen der Militaerregierung handeln.
20. Unerlaubter Aufenthalt im Freien waehrend der Ausgangsbeschraenkung. Falls nichts anderes oeffentlich bekannt gegeben ist, dauert die Ausgangsbeschraenkung von Sonnenuntergang bis Sonnenaufgang;
21. Verlassen oder Betreten oesterreichischen Gebietes, es sei denn mit Erlaubnis der Alliierten Behoerden;
22. Unbefugt nicht im Besitz einer gueltigen Ausweiskarte zu sein;
23. Herstellung, Erteilung oder wissentlicher Besitz eines falschen Erlaubnisscheines, Personalausweises, oder irgendeines anderen Schriftstueckes von offizieller Bedeutung fuer die Alliierten Streitkraefte; Ueberlieferung der vorgenannten, gleichgueltig ob echt oder falsch, an eine unbefugte Person oder zu einem unbefugten Zwecke;
24. Faelschung oder Verfaelschung irgendeines gesetzlichen Zahlungsmittels, Metallgeldes oder Marken; deren Besitz oder Inumlaufsetzung, falls Grund zur Annahme besteht, dass dieselben falsch oder verfalscht sind; der Besitz oder die Verfuegungsmacht ueber irgendwelche Gegenstaende, die fuer solche Zwecke geeignet sind;
25. Einladen oder Fuehren eines Angehoerigen der Alliierten Streitkraefte in eine Oertlichkeit, die "Off Limits" oder "Out of Bounds" bezeichnet ist, oder Versuehung mit Waren oder Dienstleistungen fuer diese



20. Unerlaubter Aufenthalt im Freien waerend der Ausgangsbeschaerkung. Falls nichts anderes offentlich bekannt gegeben ist, dauert die Ausgangsbeschaerkung von Sonnenuntergang bis Sonnenaufgang;
21. Verlassen oder Betreten oesterreichischen Gebietes, es sei denn mit Erlaubnis der Alliierten Behoerden;
22. Unbefugt nicht im Besitz einer gueltigen Ausweiskarte zu sein;
23. Herstellung, Erteilung oder wissenschaftlicher Besitz eines falschen Erlaubnisscheines, Personalausweises, oder irgendeines andren Schriftstueckes von offizieller Bedeutung fuer die Alliierten Streitkraefte; Ueberlieferung der vorgenannten, gleichgueltig ob echt oder falsch, an eine unbefugte Person oder zu einem unbefugten Zwecke;
24. Faelschung oder Verfaelschung irgendeines gesetzlichen Zahlungsmittels, Metallgeldes oder Marken; deren Besitz oder Inumlaufsetzung, falls Grund zur Annahme besteht, dass dieselben falsch oder verfaelstcht sind; der Besitz oder die Verfuegungsmacht ueber irgendwelche Gegenstaende, die fuer solche Zwecke geeignet sind;
25. Einladen oder Fuehren eines Angehoerigen der Alliierten Streitkraefte in eine Oertlichkeit, die "Off Limits" oder "Out of Bounds" bezeichnet ist, oder Versehung mit Waren oder Dienstleistungen fuer diese Angehoerigen in der vorgenannten Oertlichkeit;
26. Bestechung oder Einschuechterung eines Angehoerigen der Alliierten Streitkraefte, der Militaerregierung, oder eines staatlichen oder staedtischen Beamten oder einer anderen, in deren Auftrage handelnden Person; Empfang von oder Angebot eine Bestechung anzunehmen, als Entgelt fuer die Unterlassung einer Dienstpflicht gegenueber der Militaerregierung;
27. Unbefugter Besitz von, Verfuegungsgewalt oder Verfuegung ueber Eigentum der Alliierten Streitkraefte oder eines Angehoerigen derselben;
28. Zerstoeerung, Verheimlichung, unbefugter Besitz von, oder Verfuegung ueber, oder sonstige stoerende Einwirkung auf ein Schiff, Einrichtung, Betriebsanlage, Ausruestung oder sonstige Wirtschaftswerte, darauf bezuegliche Plaene oder Akten, die fuer die Militaerregierung erforderlich sind;

CONFIDENTIAL.

29. **Wissentliche falsche Angaben, muedlich oder schriftlich, gegeneber einem Angehoerigen der Alliierten Streitkraefte oder der Militaerregierung oder einer, in deren Auftrage handelnden Person und zwar in Angelegenheiten von offizieller Bedeutung; oder sonstiger Betrag oder Weigerung von den Alliierten Behoerden verlangte Auskunft zu geben;**
30. **Faelschliche Anmassung einer von den Alliierten Streitkraeften oder der Militaerregierung erteilten Amtsgewalt; unbefugter Besitz von oder Veruegungsmacht ueber irgendein Stueck einer Alliierten Uniform, gleichgueltig ob echt oder falsch;**
31. **Verunstaltung oder unbefugtes Entfernen geschriebener oder gedruckter Ankuendigungen, die im Auftrage der Alliierten Streitkraefte oder der Militaerregierung angeschlagen wurden;**
32. **Vorsaetzliche Zerstoeerung, Aenderung oder Verheimlichung irgendeines Kunstwerks, Monuments oder anderen Kulturgutes, die von einer anderen Person geschaffen wurden;**
33. **Foerderung, Beistand oder Teilnahme an einer oeffentlichen Versammlung fuer die keine Erlaubnis erteilt worden ist, es sei denn, dass die Versammlung zu religioesen Zwecken oder in Anuehung von von Alliierten Streitkraeften oder der Militaerregierung erlaubter Taetigkeiten gehalten wird;**
34. **Widerstand gegen Verhaftung durch eine im Auftrage der Alliierten Streitkraefte oder der Militaerregierung handelnden Person; Entweichen aus der von ihnen verhaengten Haft;**
35. **Beihilfe zugunsten einer Person oder Unterlassung der Anzeige betreffend eine Person, von der es bekannt ist, dass sie von den Alliierten Streitkraeften gesucht wird;**
36. **Verbreitung eines Geruechtes in der Absicht Unruhe oder Aufregung in der Bevoelkerung hervorzurufen oder die Moral der Alliierten Streitkraefte zu zersetzen;**
37. **Handlungen oder Betragen zur Unterstuetzung oder Hilfeleistung fuer eine von den Alliierten Streitkraeften oder der Militaerregierung aufgeloeeste oder verbotene Organisation; herausforderndes Zeigen von Fahnen oder Abzeichen derartiger Organisationen;**
38. **Feindliches oder achtungswidriges Betragen gegeneber den Alliierten Streitkraeften oder irgendeiner der Vereinigten Nationen;**
39. **Einleitung oder Durchfuehrung einer Strafverfolgung, von Disziplinarmaßnahmen oder sonstigen Straßnahmen oder Verfolgungen gegen irgendeine Person wegen ihres Zusammenarbeitens mit den Alliierten Streitkraeften oder mit der Militaerregierung;**
40. **Jede Handlung oder Unterlassung, die gegen die oeffentliche Ordnung oder**

35. Beihilfe zugunsten einer Person oder Unterlassung der Anzeige betreffend eine Person, von der es bekannt ist, dass sie von den Alliierten Streitkraefte gesucht wird;
36. Verbreitung eines Geruechtes in der Absicht Unruhe oder Aufregung in der Bevoelkerung hervorzurufen oder die Moral der Alliierten Streitkraefte zu senken;
37. Handlungen oder Betragen zur Unterstuetzung oder Hilfeleistung fuer eins von den Alliierten Streitkraefte oder der Militaerregierung aufgeloeste oder verbotene Organisation; Herausforderndes Zeigen von Fahnen oder Abzeichen derartiger Organisationen;
38. Feindliches oder achtungswidriges Betragen gegenueber den Alliierten Streitkraefte oder irgendeiner der Vereinigten Nationen;
39. Einleitung oder Durchfuehrung einer Strafverfolgung, von Disziplinnmassnahmen oder sonstigen Strafmassnahmen oder Verfolgungen gegen irgendeine Person wegen ihres Zusammenarbeitens mit den Alliierten Streitkraefte oder mit der Militaerregierung.
40. Jede Handlung oder Unterlassung, die gegen die oeffentliche Ordnung oder die Interessen der Militaerregierung, der Alliierten Streitkraefte oder eines Angehoerigen derselben verstossen.

ARTIKEL VII.

VERSTAEKTE VERBOTSUNDUNGEN

Wie der Taeter wird bestraft wer eine, Gemess dieser Verordnung oder anderen gesetzlichen Verfuegungen der Militaerregierung, strafbare Handlung zu begehen versucht oder sich zu einer solchen mit einem anderen verabredet oder sich mit ihrer Begehung einverstanden erklaert, oder wer den Taeter mit Rat und Tat unterstuetzt oder die Begehung der strafbaren Handlung herbeifuehrt, oder wer eine zu seiner Kenntnis gelangte vermutlich strafbare Handlung anzuzeigen unterlaesst oder dem vermutlichen Taeter hilft der Verhaftung zu entgehen.

CONFIDENTIAL.ARTIKEL IVGESAMTGELDSTRAFEN

Der Buergemeister oder ein anderer Hauptvertreter einer Gemeinde kann als Vertreter der Einwohner der Gemeinde wegen jeder strafbaren Handlung angeklagt und verurteilt werden, fuer welche die Einwohner vermutlich kollektiv verantwortlich sind. Die Gemeinde kann mit einer Gesamtgeldstrafe belegt werden, falls die genannten Personen in ihrer Vertretereigenschaft verurteilt worden sind und Gesamtverantwortlichkeit festgestellt worden ist.

ARTIKEL VVERANTWORTLICHKEIT FUER GESELLSCHAFTS - HANDLUNGEN.

Vorstandsmitglieder, Vertreter oder Angestellte einer rechtsfaehigen oder nicht rechtsfaehigen Gesellschaft, Vereinigung oder eines Vereins, sowie die Teilhaber oder Angestellten einer Handels- oder Kommanditgesellschaft, welche in dieser Eigenschaft entweder allein oder zusammen mit anderen eine Handlung oder Unterlassung verursachen, leiten, anregen oder dafür stimmen, sind, falls fuer eine derartige Handlung oder Unterlassung die Gesellschaft, Vereinigung, Verein, die Handels- oder Kommanditgesellschaft militaergerichtlich verfolgbare sind, ebenso verantwortlich als ob die Handlung oder Unterlassung von ihnen selbst persoendlich begangen worden waere.

ARTIKEL VISTRAFANSCHLIESSUNGSGRUEENDE

- (1) Handlungen rechtmassiger Kriegsfuehrung seitens Personen, die als Kriegsfuehrende gelten, sind nicht strafbar.
- (2) Die Strafbarkeit wird weder dadurch ausgeschlossen, dass der Taeter die strafbare Handlung auf Befehl eines zivilen oder militaerischen Vorgesetzten oder einer Person begangen hat, die behauptet als Vertreter oder Mitglied der NSDAP zu handeln, noch dadurch, dass sie unter Zwang veruebt wurde.
- (3) Die Strafbarkeit wird dadurch nicht ausgeschlossen, dass ein oesterreichisches Gericht den Taeter wegen der strafbaren Handlung anklagte, verurteilte oder freisprach. Es wird jedoch das Urteil des oesterreichischen Gerichtes bei der Strafbenennung in Erwaeugung gezogen.

ARTIKEL VIIBEGRIFFSBESTIMMUNGEN

- (1) Der Ausdruck "Alliierte Streitkraefte" wie er in dieser Verordnung gebraucht ist, bedeutet Personen, die dem Rechte der Land-See-oder Luftstreitkraefte



ARTIKEL VI

STRAFMASSNAHMEN

- (1) Handlungen rechtmässiger Kriegsführung seitens Personen, die als Kriegsführende gelten, sind nicht strafbar.
- (2) Die Strafbarkeit wird weder dadurch ausgeschlossen, dass der Täter die strafbare Handlung auf Befehl eines zivilen oder militärischen Vorgesetzten oder einer Person begangen hat, die behauptet als Vertreter oder Mitglied der NSDAP zu handeln, noch dadurch, dass sie unter Zwang verübt wurde.
- (3) Die Strafbarkeit wird dadurch nicht ausgeschlossen, dass ein österreichisches Gericht den Täter wegen der strafbaren Handlung anklagte, verurteilte oder freisprach. Es wird jedoch das Urteil des österreichischen Gerichtes bei der Strafbemessung in Erwägung gezogen.

ARTIKEL VII

BEGRIFFSBESTIMMUNGEN

- (1) Der Ausdruck "Alliierte Streitkräfte" wie er in dieser Verordnung gebraucht ist, bedeutet Personen, die dem Rechte der Land-See-oder Luftstreitkräfte oder der Gerichtsbarkeit der britischen Marinegerichte unterstehen und die unter dem Kommando eines Befehlshabers von Streitkräften der Vereinigten Nationen stehen, sowie jede militärische Abteilung oder Zivilbehorde, die ganz oder teilweise aus solchen Personen zusammengesetzt ist. Derselbe Begriffsbestimmung gilt auch fuer Proklamationen, Verordnungen, Bekanntmachungen oder Verfügungen der Militaerregierung, soweit nicht ausdrücklich etwas anderes bestimmt ist.
- (2) Der Ausdruck "feindliche Streitkräfte" bedeutet alle Personen, die den Alliierten Streitkräften brennenden Widerstand leisten oder geleistet haben, ohne Rücksicht darauf ob sie als Kriegsführende gelten oder nicht.

ARTIKEL VIII

INKRAFTTRETEN

Diese Verordnung tritt am Tage ihrer ersten Bekanntmachung in Kraft.

Datiert: \_\_\_\_\_

Militaer-Gouverneur.

DRAFT - 30 November, 1944.

CONFIDENTIAL.

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE NO. 201

FRONTIER CONTROL

It is ordered :-

ARTICLE I

Closing of the Frontier

1. Until further order of the Military Government movement of persons other than the forces of the United Nations or of property of any kind whatsoever across the frontiers of Austria is prohibited unless expressly authorised in writing by the Military Government.

ARTICLE II

Authorised Crossings

2. No person authorised to cross any of the frontiers of Austria shall cross the same at any place not authorised for crossing by the Military Government.

ARTICLE III

Compliance with Regulations

3. The issue of any authority to cross the frontiers of Austria shall not exempt the holder from compliance with any regulations of the Military Government for controlling the passage of persons or property into or out of Austria.

ARTICLE IV

Definitions

4. In the interpretation of this Ordinance :-

1 1 2 2

Declassified E.O. 12356 Section 3.3/NND No. 785016

ARTICLE II

Authorized Crossings

2. No person authorized to cross any of the frontiers of Austria shall cross the same at any place not authorized for crossing by the Military Government.

ARTICLE III

Compliance with Regulations

3. The issue of any authority to cross the frontiers of Austria shall not exempt the holder from compliance with any regulations of the Military Government for controlling the passage of persons or property into or out of Austria.

ARTICLE IV

Definitions

4. In the interpretation of this Ordinance :-

"The frontiers of Austria" shall mean the frontiers of Austria as constituted by the Ordinances of the Military Government and where not so constituted the frontiers of Austria as existing at 31 December 1937.

ARTICLE V

Penalties

5. Any person violating any provision of this Ordinance shall upon conviction by a Military Government Court be liable to any lawful punishment as the Court may determine.

37A

CONFIDENTIAL.

Ordinance No. 201 Draft 30 November, 1944 (contd).

ARTICLE VI

Effective Date.

7. This Ordinance shall become effective on the date of its first promulgation.

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MILITARY GOVERNOR

Dated .....



MILITARY GOVERNOR

Dated .....

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CONFIDENTIAL

(Draft 13 September 1944)

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE NO. 252

FIRE DEFENCE

It is ordered:

ARTICLE I

Registration of Fire Defence Personnel.

1. Any person who is serving, or who has at any time served, in any Fire Defence organization whatsoever, whether paid or unpaid, whole-time or part-time, shall within seven days of the effective date hereof register at the nearest police station full particulars of his name, age and address and of such service.

ARTICLE II

Fire Defence Equipment.

- 2. Any person having in his possession any fire defence appliance or equipment shall maintain the same in good and serviceable condition.
- 3. Any manufacturer or trader having in his possession a stock of any such appliances or equipment shall within seven days of the effective date hereof register at the nearest police station full particulars thereof.
- 4. No person having in his possession any such appliance or equipment shall part with possession thereof, unless temporarily and for the purpose of use in a particular emergency, save under written authority issued by the Military Government.
- 5. No person shall negligently lose or negligently cause or permit damage to any such appliance or equipment.

ARTICLE II

Fire Defence Equipment.

- 2. Any person having in his possession any fire defence appliance or equipment shall maintain the same in good and serviceable condition.
- 3. Any manufacturer or trader having in his possession a stock of any such appliances or equipment shall within seven days of the effective date hereof register at the nearest police station full particulars thereof.
- 4. No person having in his possession any such appliance or equipment shall part with possession thereof, unless temporarily and for the purpose of use in a particular emergency, save under written authority issued by the Military Government.
- 5. No person shall negligently lose or negligently cause or permit damage to any such appliance or equipment.

ARTICLE III

Interpretation.

- 6. The expression "Fire Defence organisation" as used herein shall include static and mobile fire defence, fire prevention and fire salvage services.

ARTICLE IV

Penalties.

- 7. Any person violating any provision of this Ordinance shall upon conviction by a Military Government Court, be liable to any lawful punishment other than death, as the Court may determine.

ARTICLE V

Effective Date.

- 8. This Ordinance shall become effective on the date of its first promulgation.

Draft 13 September 1944.

CONFIDENTIAL.

MILITARY GOVERNMENT - AUSTRIA.

ORDINANCE NO 251.

CIVIL DEFENCE.

It is ordered:

ARTICLE I

Registration of Civil Defence Personnel.

1. Any person who is serving, or who has at any time served, in any civil defence organisation whatsoever, whether paid or unpaid, whole-time or part-time, shall within seven days of the effective date hereof register at the nearest police station full particulars of his name, age and address and of such service.

ARTICLE II

Civil Defence Equipment.

2. Any person having in his possession any civil defence appliance or equipment shall maintain the same in good and serviceable condition.
3. Any manufacturer or trader having in his possession a stock of any such appliances or equipment shall within seven days of the effective date hereof register at the nearest police station full particulars thereof.
4. No person having in his possession any such appliance or equipment shall part with possession thereof, unless temporarily and for the purpose of use in a particular emergency, save under written authority issued by the Military Government.
5. No person shall negligently lose or negligently cause of permit damage to any such appliance or equipment.

ARTICLE III

Interpretation.

6. The expression "civil defence organisation" as used herein shall include any warden, rescue, report-centre, messenger, casualty or post-raid services and the expression "civil defence appliances or



- 3. Any manufacturer or trader having in his possession a stock of any such appliances or equipment shall within seven days of the effective date hereof register at the nearest police station full particulars thereof.
- 4. No person having in his possession any such appliance or equipment shall part with possession thereof, unless temporarily and for the purpose of use in a particular emergency, save under written authority issued by the Military Government.
- 5. No person shall negligently lose or negligently cause or permit damage to any such appliance or equipment.

ARTICLE III

Interpretation.

- 6. The expression "civil defence organisation" as used herein shall include any warden, rescue, report-centre, messenger, casualty or post-raid services and the expression "civil defence appliances or equipment" shall be construed accordingly.

ARTICLE IV

Penalties.

- 7. Any person violating any provision of this Ordinance shall upon conviction by a Military Government Court, be liable to any lawful punishment other than death, as the court may determine.

ARTICLE V

Effective Date.

- 8. This Ordinance shall become effective on the date of its first promulgation.

Dated: \_\_\_\_\_ 194 .

MILITARY GOVERNOR.

(To be used only if Allied Military Schillings  
are used)

DRAFT 15 September 1944.

RESTRICTED.

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE NO. 500

CURRENCY

IT IS ORDERED:

ARTICLE I

Allied Military Schillings.

1. Allied Military Schilling Notes of the denominations specified in the Schedule hereto shall be legal tender in the occupied territory of Austria for payment of any mark or schilling debt.
2. Allied Military Schilling Notes will in all respects in Austria be equivalent to any mark currency which is legal tender in Austria at the rate of          Allied Military Schillings to one mark of such currency.
3. No person shall discriminate between Allied Military Schillings and any such mark currency.

ARTICLE II

Importation of Mark Currency.

4. The importation of mark currency of any description into the occupied territory of Austria without special permission of the Military Government is prohibited.
5. Any person holding mark currency which is known by such person to have entered Austria after the date of this Ordinance shall declare in writing to the Military Government, or to such agency as it may designate, full particulars of the amount and origin of such currency.

ARTICLE III

Prohibited Transactions.

2. Allied Military Schilling Notes will in all respects in Austria be equivalent to any mark currency which is legal tender in Austria at the rate of Allied Military Schillings to one Mark of such currency.

3. No person shall discriminate between Allied Military Schillings and any such mark currency.

ARTICLE III

Importation of Mark Currency.

4. The importation of mark currency of any description into the occupied territory of Austria without special permission of the Military Government is prohibited.

5. Any person holding mark currency which is known by such person to have entered Austria after the date of this Ordinance shall declare in writing to the Military Government, or to such agency as it may designate, full particulars of the amount and origin of such currency.

ARTICLE III

Prohibited Transactions.

6. Except as authorized by the Military Government no person shall enter or offer to enter into any transaction providing for payment in or delivery of a currency other than marks or schillings.

ARTICLE IV

Penalties.

7. Any person violating any of the provisions of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment other than death, as the Court may determine.

ARTICLE V

Effective Date.

8. This Ordinance shall become effective on the date of its first promulgation.

Dated....., 1944.

MILITARY GOVERNOR. 38

RESTRICTED.

Ordinance No. 500 - Draft 13 September 1944 (continued)

SCHEDULE

| <u>Notes</u>             | <u>Size</u><br>(in cms). | <u>Colour used for</u><br>printing text and<br>main design on face<br>and back | <u>Tint on</u><br>face and<br>back                       |
|--------------------------|--------------------------|--|--|
| -----                    |                          |  |  |
| Groschen<br>Scheinliches |                          |  |  |
| 50.                      | 11.5 X 5.9               | Sienna   | Light Buff   |
| 1.                       | 11.5 X 5.9               | Blue   | Green  |
| 2.                       | 11.5 X 5.9               | Black  | Blue   |
| 5.                       | 11.5 X 7.4               | Violet   | Orange   |
| 10.                      | 11.5 X 7.4               | Olive Green  | Light Brown  |
| 20.                      | 13.9 X 7.3               | Dark Blue  | Mauve  |
| 50.                      | 13.9 X 7.3               | Dark Brown   | Light Brown  |
| 100.                     | 15.1 X 8.4               | (face-Green<br>back-Rainbow)   | (face-multi-<br>colour and<br>Rainbow,<br>back Rainbow.) |
| 1,000.                   | 15.1 X 8.4               | (face-Blue<br>back Multicolour<br>and Rainbow)                                 | Multicolour<br>and<br>Rainbow                            |
| -----                    |                          |  |  |

On the face of all notes is printed:

- (a) The denomination, in words and figures (also on back).
- (b) The words "Alliierte Militärbehörde"



|        |            |  |  |
|--------|------------|--|--|
| 20.    | 13.9 X 7.8 | Dark Brown                                     | Light Brown  |
| 50.    | 13.9 X 7.8 | (Face-Green<br>back-Rainbow)                   | (Face-multi-<br>colour and<br>Rainbow.<br>back Rainbow.) |
| 100.   | 15.1 X 8.4 | (Face-Blue<br>back Multicolour<br>and Rainbow) | Multicolour<br>and<br>Rainbow                            |
| 1,000. | 15.1 X 8.4 |  |  |

On the face of all notes is printed:

- (a) The denomination, in words and figures (also on back).
- (b) The words "Alliierte Militärbehörden"
- (c) The words "In Österreich ausgeben, Serie 1944"

The 50 greschen, 1 schilling and 2 schilling notes have no serial numbers. All notes from 10 schillings to 1,000 schillings are numbered in two positions on the face.

CONFIDENTIAL.

(To be used only if Allied Military Marks are issued)

(Draft 13 September 1944)

Military Government - Austria

ORDINANCE NO. 500A

CHAPTER IX

ARTICLE I

Allied Military Marks

1. Allied Military Mark notes in the denominations specified in the Schedule hereto shall be legal tender in the occupied territory of Austria for the payment of any mark debt.
2. Allied Military Mark notes will in all respects be equivalent to any other legal tender mark currency of the same face value.
3. No person shall discriminate between Allied Military Marks and any other legal tender mark currency of equal face value.

ARTICLE II

Prohibited Transactions

4. Except as authorized by the Military Government, no person shall make or enter or offer to enter into any arrangement or transaction providing for payment in or delivery of a currency other than marks.

ARTICLE III

Penalties

5. Any person violating any provisions of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment other than death, as the court may determine.

ARTICLE IV

Effective Date

6. This Ordinance shall become effective on the date of its first promulgation.

3. No person shall discriminate between Allied Military Marks and any other legal tender mark currency of equal face value.

ARTICLE II

Prohibited Transactions

4. Except as authorized by the Military Government, no person shall make or enter or offer to enter into any arrangement or transaction providing for payment in or delivery of a currency other than marks.

ARTICLE III

Penalties

5. Any person violating any provisions of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment other than death, as the court may determine.

ARTICLE IV

Effective Date

6. This Ordinance shall become effective on the date of its first promulgation.

Dated ..... 194

MILITARY GOVERNOR

Ordinance No.500A - draft 13 September 1944 (cont).

RESTRICTED.

SCHEDULE

| Denominations of Allied Military Mark Notes. | Size (in cms). | Words and figures indicating amount are printed as below. |
|--|----------------|---|
| 0.50   | 6.7 x 7.8      | Green   |
| 1  | 6.7 x 7.8      | Dark Blue   |
| 5  | 6.7 x 7.8      | Reddish Purple  |
| 10   | 6.7 x 11.2     | Dark Blue   |
| 20   | 6.7 x 15.6     | Red   |
| 50   | 6.7 x 15.6     | Dark Blue   |
| 100  | 6.7 x 15.6     | Reddish Purple  |
| 1,000  | 6.7 x 15.6     | Green   |

On the face of all notes are printed:

(a) The amount in words - thus: Fünfzig Pfennig, Eine Mark, etc. - also the amount in figures - thus:  $\frac{1}{2}$  (PF 50 note), 1 (M.1 note), etc.

(b) The words "Alliierte Militärbehörde" at the top of the note.

(c) The words "In Umlauf gesetzt in Deutschland", "Serie 1944", and the serial number of the note. On the notes for M.20, 50, 100 and 1,000 all of these appear twice.

The basic colour of the field on the face of all the note is light blue; on the back it is reddish brown.



RESTRICTED.

DRAFT - 25 September 1944

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE NO. 501

FOREIGN EXCHANGE CONTROL

IT IS ORDERED:

ARTICLE I

Transactions Prohibited

1. Except as otherwise by or on instructions of Military Government any transaction involving or with respect to any of the following, is prohibited:

- (a) Any foreign exchange assets owned or controlled directly or indirectly, in whole or in part, by any person in Austria;
- (b) Any property located in Austria owned or controlled directly or indirectly, in whole or in part, by any person outside Austria;
- (c) Any property wherever situated if the transaction is between or involves any person in Austria and any person outside Austria;
- (d) Any obligation of payment or performance whether or not matured due or owing to any person outside Austria by any person in Austria;
- (e) Any entry into Austria of any foreign exchange assets, German or Austrian currency, or securities issued by persons within Austria and expressed in German or Austrian currency;
- (f) Any export or remittance or other removal of any property from Austria.

2. All existing licences issued by any German or Austrian authority authorizing any of the aforesaid transactions are cancelled.

directly or indirectly, in whole or in part, by any person in Austria.

- (b) Any property located in Austria owned or controlled directly or indirectly, in whole or in part, by any person outside Austria;
  - (c) Any property wherever situated if the transaction is between or involves any person in Austria and any person outside Austria;
  - (d) Any obligation of payment or performance, whether or not matured due or owing to any person outside Austria by any person in Austria;
  - (e) Any entry into Austria of any foreign exchange assets, German or Austrian currency, or securities issued by persons within Austria and expressed in German or Austrian currency;
  - (f) Any export or remittance or other removal of any property from Austria.
2. All existing licenses issued by any German or Austrian authority authorizing any of the aforesaid transactions are cancelled.

ARTICLE VI

Declaration of Property and Obligations

3. Within thirty (30) days of the effective date of this Ordinance unless otherwise ordered, any person owning or controlling directly or indirectly, in whole or in part, any foreign exchange asset, or owing any obligation of payment or performance whether or not matured to a person outside Austria shall declare in writing to the nearest Austrian financial bureau of the Reichsbank or other institution designated by the Military Government full particulars with regard to such property or obligation in the form and manner prescribed by the Military Government.

RESTRICTED

ARTICLE III

Delivery of Property

4. Within fifteen (15) days of the effective date of this Ordinance all of the following classes of property shall be delivered, against receipt, by the owner, holder or other person in possession, custody or control thereof to the nearest Austrian former branch of the Reichsbank or as otherwise directed by the Military Government.

- (a) Currency other than German or Austrian currency;
- (b) Checks, drafts, bills of exchange and other instruments of payment drawn or issued on persons outside Austria;
- (c) Securities and other evidences of ownership or indebtedness issued by :

- (i) Persons outside Austria;
- (ii) Persons inside Austria if expressed in a currency other than German or Austrian currency;

(d) Gold or silver coin, gold, silver or platinum bullion or alloys thereof in bullion form.

5. Any person owning or controlling directly or indirectly, in whole or in part, any other type of foreign exchange asset shall when ordered by the Military Government deliver the possession, custody or control of such asset against receipt to the nearest Austrian former branch of the Reichsbank or as otherwise directed.

6. Any person who received the ownership, possession or control of any property as described in this Article shall within three days of the receipt thereof deliver the same in like manner as provided by this Article.

ARTICLE IV

Application for Licences.

7. Applications for licences to engage in transactions prohibited by this Ordinance shall be submitted to the Military Government.

ARTICLE V

- allows thereof in bullion form.
5. Any person owning or controlling directly or indirectly, in whole or in part, any other type of foreign exchange asset shall when ordered by the Military Government deliver the possession, custody or control of such asset against receipt to the nearest Austrian former branch of the Reichsbank or as otherwise directed.
  6. Any person who received the ownership, possession or control of any property as described in this Article shall within three days of the receipt thereof deliver the same in like manner as provided by this Article.

#### ARTICLE IV

##### Application for Licences.

7. Applications for licences to engage in transactions prohibited by this Ordinance shall be submitted to the Military Government.

#### ARTICLE V

##### Void Transfers.

8. Any prohibited transaction and any transfer or contract made with the intent to defeat or evade the provisions of this or any other Ordinance, or the restitution of any property to its rightful owner is null and void.

#### ARTICLE VI

##### Suspension and Modification of Certain Laws.

9. All laws, decrees and regulations inconsistent with the provisions of this Ordinance are hereby suspended or modified to conform to such provisions.



ORDINANCE No. 501 - Draft 25 September 1944 (cont.)

ARTICLE VII

Definitions

10. For the purposes of this Ordinance:-

- (a) The term "person" shall mean and include any natural person and any juridical person or entity under public or private law having legal capacity to acquire, occupy, control or dispose of property or interests therein, and any government including all political subdivisions, public corporations, agencies and instrumentalities thereof;
- (b) The term "transaction" shall include any act of acquiring, importing, borrowing or receiving; remitting, selling, transferring, removing, exporting, hypotheccating, pledging or otherwise disposing of; paying, repaying, lending, guaranteeing, or otherwise dealing in;
- (c) The term "property" shall include all movable and immovable property and all legal, equitable, or economic rights and interests in or claims to such property, and shall include, but shall not be limited to, land and buildings; money; bank balances, checks, drafts, bills of exchange and other instruments of payment; stocks and other evidences of ownership, claims, bonds, debentures and other evidences of indebtedness;
- (d) The terms "foreign exchange asset" shall be deemed to include:
  - (i) Any property located outside Austria;
  - (ii) Currency other than German or Austrian currency, bank balances outside Austria and checks, drafts, bills of exchange and other instruments of payment drawn on or issued by persons outside Austria;
  - (iii) Claims or evidence thereof owned or held by:-
    - (a) A person in Austria against a person outside Austria whether expressed in German, Austrian or other currency;
    - (b) A person in Austria against another person in Austria if expressed in a currency other than German or Austrian currency;
    - (c) A person outside Austria against another person

bonds, debentures and other evidences of indebtedness;

(d) The terms "foreign exchange asset" shall be deemed to include:

- (i) Any property located outside Austria;
- (ii) Currency other than German or Austrian currency, bank balances outside Austria and checks, drafts, bills of exchange and other instruments of payment drawn on or issued by persons outside Austria.
- (iii) Claims or evidence thereof owned or held by:-
  - (a) A person in Austria against a person outside Austria whether expressed in German, Austrian or other currency;
  - (b) A person in Austria against another person in Austria if expressed in a currency other than German or Austrian currency;
  - (c) A person outside Austria against another person outside Austria in which claim a person in Austria has any interest.
- (iv) Any securities or other evidences of ownership or indebtedness issued by persons outside Austria and securities issued by persons in Austria if expressed in a currency other than German or Austrian currency;
- (v) Gold or silver coin, or gold, silver or platinum bullion or alloys thereof, no matter where located.
- (vi) Such other property as is declared by the Military Government to be a foreign exchange asset;

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ORDINANCE No. 501 - Draft 25 September 1944 (cont.)

- (e) A juridical person shall be deemed to be resident in the country by or under the laws of which it was created, or carries on business or in which it has its principal place of business;
- (f) Property shall be deemed to be "owned or controlled" by any person if such property is held in his name or for his account or benefit, or owed to him or to his nominee or agent, and shall include property which he has a right or obligation to purchase, receive or acquire.

ARTICLE VIII

Penalties

11. Any person violating the provisions of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment other than death, as the court may determine.

ARTICLE IX

Effective Date

12. This Ordinance shall become effective on the date of its first promulgation.

Dated ..... 194

MILITARY GOVERNOR

11. Any person violating the provisions of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment other than death, as the court may determine.

ARTICLE IX

Effective Date

12. This Ordinance shall become effective on the date of its first promulgation.

Dated ..... 194  
MILITARY GOVERNOR



MILITARY GOVERNMENT OF AUSTRIA

ORDINANCE NO. 224

RESTRICTIONS ON TRANSFERS OF REAL ESTATE

ARTICLE I

14 IS SECTION

ARTICLE I

1. Transfers prohibited

(a) All transfers within the occupied territory of Austria of real estate, or of any interest therein, whether by gift, mortgage, charge or otherwise, and the leasing of such estate for terms of more than one year, are hereby prohibited, except as authorized by the Military Government.

(b) All transfers within the occupied territory of Austria of securities, including stocks, bonds and all other evidences of ownership and indebtedness, are hereby prohibited, except as authorized by the Military Government. All existing executory contracts providing for such transfers are hereby extended pending authorization by the Military Government.

2. Prohibited transfers void

Any transfers or leases or contracts therefor made in violation of the provisions of this Ordinance shall be void.

ARTICLE II

Penalties.

Any person violating any provision of this Ordinance shall upon conviction by a Military Government Court be liable to any lawful punishment other than death, as the Court may determine.

ARTICLE III

of securities, franchises, stocks, bonds and other securities, ownership and interests therein, are hereby prohibited, except as authorized by the Military Government. All existing executory contracts providing for such transactions are hereby extended pending authorization by the Military Government.

2. Prohibited Transactions.

Any transfers or leases or contracts therefor made in violation of the provisions of this Ordinance shall be void.

ARTICLE II

Penalties.

3. Any person violating any provision of this Ordinance shall upon conviction by a Military Government Court be liable to any lawful punishment other than death, as the Court may determine.

ARTICLE III.

Effective Date.

4. This Ordinance shall become effective on the date of its first promulgation.

Dated: \_\_\_\_\_, 1944. MILITARY GOVERNOR.

Draft 13 September 1944.

RESTRICTED.

MILITARY GOVERNMENT - AUSTRIA

ORDINANCE NO. 551

BLOCKING AND CONTROL OF PROPERTY

ARTICLE I

Categories of Property

1. All property in Austria owned or controlled directly or indirectly, in whole, or in part, by any of the following is subject to seizure of possession or title, direction, management, or other control by the Military Government:
  - (a) The German Reich, or any of the Gaue or Regions, or any agency or instrumentality thereof including all utilities, undertakings, public corporations or monopolies under the control of any of the above;
  - (b) Governments, nationals or residents of nations still at war with any of the United Nations, or nationals, residents or governments of territories occupied by such nations;
  - (c) Other enemy states or governments, or any agency or instrumentality thereof;
  - (d) The NSDAP, its formations and affiliated and supervised organizations, or any agency thereof, or their officials or members;
  - (e) All persons held under detention or any type of custody by the Military Government; all organizations, clubs or other associations prohibited or dissolved by the Military Government;
  - (f) Property of absent owners, including property of United Nations governments and nationals thereof;
  - (g) All persons specified by the Military Government by publications, lists or otherwise;
2. Property, which has been the subject of duress or wrongful acts of confiscation, dispossession or spoliation

residents or governments of territories occupied by such nations;

(c) Other enemy states or governments, or any agency or instrumentality thereof;

(d) The NSDAP, its formations and affiliated and supervised organizations, or any agency thereof, or their officials or members;

(e) All persons held under detention or any type of custody by the Military Government; all organizations, clubs or other associations prohibited or dissolved by the Military Government;

(f) Property of absent owners, including property of United Nations governments and nationals thereof;

(g) All persons specified by the Military Government by publications, lists or otherwise;

2. Property, which has been the subject of duress or wrongful acts of confiscation, dispossession or spoliation from territories outside Austria, is equally subject to direction, management, or other control by the Military Government.

#### ARTICLE II

##### Prohibited Transactions.

3. Except as hereinafter provided or when licensed or otherwise authorized or directed by the Military Government, no person shall acquire or receive, sell, lease, transfer, export, hypothecate or otherwise dispose of or willfully destroy, damage or conceal or surrender custody, possession or control of any property enumerated in Article I hereof; or any property



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Ordinance No. 551 - dated 13 September 1944 (cont)

owned or controlled by any region or municipality, or by any institution dedicated to public worship, charity, education, or the arts and sciences; or any work of art or other cultural materials of value or importance, regardless of the ownership or control thereof.

ARTICLE III

Responsibilities for Property

4. All custodians, curators, officials, or other persons having possession, custody or control of property enumerated in Articles I and II hereof are required:

(a) To hold the same, subject to the directions of the Military Government, and pending directions, not to deliver or otherwise dispose of the same; to preserve, maintain and safeguard the same and not cause or permit any action which will impair the value or utility of such property; to maintain accurate records and accounts with respect thereof and the income thereof.

(b) When and as directed by the Military Government:

(1) To file reports, furnishing such data as may be required with respect to such property, and all receipts and expenditures in connection therewith;

(2) To transfer and deliver custody, possession or control of such property and all books, records and accounts relating thereto, and

(3) To account for such property and all income and products thereof.

5. No person shall do, cause or permit to be done or fail to do any act which results in damage to or concealment of any of the properties covered by this Ordinance.

ARTICLE IV

Operation of Government Property and Business Enterprises.

dispose of the same, or permit any action which will impair the same and not cause or permit any action which will impair the value or utility of such property; to maintain accurate records and accounts with respect thereof and the income thereof.

(b) When and as directed by the Military Government:

(1) To file reports, furnishing such data as may be required with respect to such property, and all receipts and expenditures in connection therewith;

(2) To transfer and deliver custody, possession or control of such property and all books, records and accounts relating thereto, and

(3) To account for such property and all income and products thereof.

5. No person shall do, cause or permit to be done or fail to do any act which results in change to or concealment of any of the properties covered by this Ordinance.

#### ARTICLE IV

#### Operation of Government Property and Business Enterprises.

6. Unless otherwise directed and subject to such further limitation as may be imposed by Military Government:

(a) Property described in Article I hereof shall be used for its normal purposes.

(b) Any business enterprise subject to control under this Ordinance may engage in all transactions ordinarily incidental to the normal conduct of its business activities within Austria, provided that any such business enterprise shall not engage in any transaction which directly or indirectly substantially diminishes or imperils the assets of such enterprise or otherwise prejudicially

affects its financial position and provided that this does not authorize any transaction which is otherwise prohibited.

ARTICLE V

Void Transfers

7. Any prohibited transaction effected without a duly issued license or authorization from the Military Government or any transfer or contract made whether before or after the date of this Ordinance with the intent to defeat or evade the powers or objects of Military Government or the restitution of any property to its rightful owner is null and void.

ARTICLE VI

Suspension of Laws

8. All laws, decrees and regulations inconsistent with the provisions of this Ordinance are hereby suspended or modified to conform to such provisions. All laws, decrees and regulations providing for the seizure, confiscation or forced purchase of property enumerated in Articles I and II, otherwise than by the Military Government, are hereby suspended.

ARTICLE VII

Definitions

9. For the purposes of this Ordinance:-

- (a) "Persons" shall mean and include any natural person and any entity under public or private law having legal capacity to acquire, occupy, control or dispose of property or interests therein;
- (b) "Enemy states and governments" shall mean and include all states and governments which were at war with any of the United Nations on 1 September 1939 or at any subsequent date;
- (c) "Property" shall mean and include all movable and immovable property and all legal, equitable or economic rights and interests in or claims to such property.
- (d) A "national" of a state or government shall mean and include any person who is a citizen or subject of that state or government or who is a member of that state or government or who is a partner, shareholder or other person in any business, partnership or other

provisions of this Ordinance are hereby  
conform to such provisions. All laws, decrees and regulations of  
providing for the seizure, confiscation or forced purchase of  
property enumerated in Articles I and II, otherwise than by the  
Military Government, are hereby suspended.

#### ARTICLE VII

##### Definitions

9. For the purposes of this Ordinance:-

- (a) "Persons" shall mean and include any natural person and any entity under public or private law having legal capacity to acquire, occupy, control or dispose of property or interests therein;
- (b) "Enemy states or governments" shall mean and include all states and governments which were at war with any of the United Nations on 1 September 1939 or at any subsequent date;
- (c) "Property" shall mean and include all movable and immovable property and all legal, equitable or economic rights and interests in or claims to such property.
- (d) A "national" of a state or government shall mean and include a subject or citizen and any corporation, partnership or other juridical person existing under the laws of, or having any office in the territory of, such state or government.
- (e) "Austria" shall mean and include all Austrian territory occupied under the Military Government.



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(Ordinance No. 551 - Draft 13 September 1944 (Contd.) RESTRICTED.)

ARTICLE VIII

Penalties

10. Any person violating any of the provisions of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment including death as the Court may determine.

ARTICLE IX

Effective Date

11. This Ordinance shall become effective on the date of its first promulgation.

Dated: \_\_\_\_\_, 1944.

MILITARY GOVERNOR.

(DRAFT - 13 September 1944.)

RESTRICTED.

MILITARY GOVERNMENT - AUSTRIA,

ORDINANCE NO. 600.

Rationing, Prices, Wages, and Agriculture.

It is ordered:-

ARTICLE I

Rationing.

1. The system of rationing now in force in the occupied territory of Austria will remain in force until further notice of the Military Government. This system will be operated without discrimination on grounds of race, religion, or political belief.

ARTICLE II

Wages, Prices, and Rents.

2. All rates of wages of labour, all maximum prices for foodstuffs, goods and services, and all rents of property, officially in force in any locality on shall remain unaltered until further order of the Military Government. No person shall demand, receive, or pay any sum in excess of such rates maximum prices or rents.

ARTICLE III.

Marking of Prices

3. All persons engaged in the business of retailing to the public any foodstuffs or other goods or services, which are either rationed or with respect to which maximum prices have been officially established shall keep the price thereof publicly and clearly exhibited.

ARTICLE IV

Agriculture

4. All existing laws, decrees and regulations relating to agriculture or the production, giving up, processing or distribution of agricultural products will remain in force until further order of the Military

ARTICLE II

Wages, Prices, and Rents.

2. All rates of wages of labour, all maximum prices for foodstuffs, goods and services, and all rents of property, officially in force in any locality on shall remain unaltered until further order of the Military Government. No person shall demand, receive, or pay any sum in excess of such rates maximum prices or rents.

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ARTICLE IV

Agriculture

4. All existing laws, decrees and regulations relating to agriculture or the production, giving up, processing or distribution of agricultural products will remain in force until further order of the Military Government.

ARTICLE V

Penalties

5. Any person violating any provisions of this Ordinance shall, upon conviction by a Military Government Court, be liable to any lawful punishment other than death, as the court may determine.

ARTICLE VI

Effective Date.

This Ordinance shall become effective on the date of its first promulgation.

Dated:

Military Governor.

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IV. MILITARY GOVERNMENT COURTS.

LEGAL INSTRUCTION NO. 2.

1. Establishment.

Authority to determine when and where General, Intermediate and Summary Military Courts shall be established will be delegated to SAGO's at Gau M.G. H.Q., acting on the advice of the senior legal officers on their staffs. General and Intermediate Courts will, in all cases, be established by orders designating the legal and other officers to constitute the courts and fixing the dates and places where the courts will be convened.

SAGO's will normally delegate to M.G. detachment commanders authority to establish Summary Courts when and where need therefor becomes apparent. Such authority may be exercised informally. Wherever practicable, officers with legal training will be designated to hold Summary Military Courts.



lished will be delegated to SIGO's staff officers on their staffs. on the advice of the senior legal officers in all cases, be General and Intermediate Courts will, in all cases, be established by orders designating the legal and other officers to constitute the courts and fixing the dates and places where the courts will be convened.

SIGO's will normally delegate to M.G. detachment commanders authority to establish Summary Courts when and where need therefor becomes apparent. Such authority may be exercised informally. Wherever practicable, officers with legal training will be designated to hold Summary Military Courts.

## 2. Detailed Instructions.

Military Government Courts will be established and conducted in accordance with :

Ordinance No.100, Military Government Courts.

Ordinance No.200, Crimes and Offences.

Rules, Military Government Courts, and Legal Forms.

Guide to Procedure, Military Government Courts.

These documents contain full detailed instructions.

The Guide is applicable primarily to Summary Military Courts.

M.G. detachments will be supplied with the required forms.

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3. Attachments.

The following are attached hereto as part of this Instruction;

- (a) Rules, Military Government Courts.
- (b) Legal Forms.
- (c) Guide to procedure.

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RULES OF MILITARY GOVERNMENT COURTS

1. Construction of Rules. These Rules shall be read with and subject to the Proclamations and Ordinances of the Military Government

2. Courts.

(1) Before proceeding with the hearing of any case, a Military Government Court shall satisfy itself that it is properly constituted, having regard to whether it is a General, Intermediate or Summary Military Court, that no member of the court has a personal interest in or prejudice with regard to the case or will be needed as a witness in the case, and that it has jurisdiction over the person and offense.

(2) When the court consists of more than one officer, the senior in rank shall preside except that a legal officer may be designated to preside by the Appointing Authority or by the senior in rank. The presiding officer shall be responsible for the making of the record and may require any other member to assist him in making it. Any member of the court may sign the record.

(3) No addition to or substitution in the membership of the court shall be made in the course of a trial. The failure of any member to be present throughout any trial shall not invalidate the trial, provided that the court is at no time reduced below the legal minimum. No member who has been absent at any time shall take any further part in the trial.

(4) Every issue shall be determined by a majority of the votes of the members of the court as then constituted, except that a two-thirds vote shall be required for a sentence of death. When the voting is evenly divided the presiding officer shall cast a second vote. When the court consists of more than one officer, voting shall be in inverse order of rank.

3. Prosecutors and Counsel.



- that it has jurisdiction over.
- (2) When the court consists of more than one officer, the senior in rank shall preside except that a legal officer may be designated to preside by the Appointing Authority or by the senior in rank. The presiding officer shall be responsible for the making of the record and may require any other member to assist him in making it. Any member of the court may sign the record.
  - (3) No addition to or substitution in the membership of the court shall be made in the course of a trial. The failure of any member to be present throughout any trial shall not invalidate the trial, provided that the court is at no time reduced below the legal minimum. No member who has been absent at any time shall take any further part in the trial.
  - (4) Every issue shall be determined by a majority of the votes of the members of the court as they constituted, except that a two-thirds vote shall be required for a sentence of death. When the voting is evenly divided the presiding officer shall cast a second vote. When the court consists of more than one officer, voting shall be in inverse order of rank.
3. Prosecutors and Counsel.
- (1) Any officer of the Allied Forces, or any other person acceptable to the court, may act as prosecutor.
  - (2) Any lawyer not debarred from appearing by the Military Government or by the court, or any other person with the consent of the court, may appear as defending counsel. The court may appoint an officer of the Allied Forces, or with the consent of the accused designate local counsel, to represent the accused or assist in his defence if the nature of the case makes it desirable. Where a sentence of death may be imposed and the accused is not represented, the court shall appoint an officer of the Allied Forces to represent him at his trial.

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4. Officials.

A Military Government Court may employ interpreters, shorthand writers, clerks, advisors and other officials, either generally or for the trial of a particular case, who need not be members of the Allied Forces. Any shorthand writer or interpreter shall, before assuming his duties, take an oath in the form set out in the Legal Manual for the purpose of particular proceedings or of any term or session of the court.

Preliminary Proceedings.

5. Arrest and Summons.

- (1) All proceedings in a Military Government Court will be commenced by summons to appear, warrant of arrest, or arrest without warrant.
- (2) A warrant of arrest may be issued by any officer of the Allied Forces and may be executed by any member of the Allied Forces or any person acting under the authority thereof.
- (3) A summons may be signed and served by any member of the Allied Forces or any person acting under the authority thereof.

6. Charges.

- (1) A copy of the charges shall be delivered to an accused or his representative as soon as practicable after arrest and in any event before trial. Where proceedings are commenced by service of a summons adequately stating the charges, no separate charge sheet need be used.
- (2) Each charge shall disclose one offence only and shall be particularized sufficiently to identify the place, the time and the subject-matter of the alleged offence, and shall specify the provision under which the offence is charged.

Allied forces or any person acting under the authority thereof.

- (3) A summons may be signed and served by any member of the Allied Forces or any person acting under the authority thereof.

6. Charges.

- (1) A copy of the charges shall be delivered to an accused or his representative as soon as practicable after arrest and in any event before trial. Where proceedings are commenced by service of a summons adequately stating the charges, no separate charge sheet need be used.
- (2) Each charge shall disclose one offence only and shall be particularized sufficiently to identify the place, the time and the subject-matter of the alleged offence, and shall specify the provision under which the offence is charged.
- (3) Any number of charges may be contained in the same charge sheet, and alternative charges may be based on the same facts.
- (4) Two or more persons may be tried jointly for the same offence where the charge arises out of the same set of circumstances.

7. Arraignment and Pleadings.

- (1) All persons arrested for an offence with or without a warrant will be brought as soon as practicable before a Summary Military Court, except that the Chief Legal Officer or any officer authorized by him may order that any particular case or class of cases be brought directly before an Intermediate or General Military Court for trial.

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- (2) A Summary Military Court, on the accused appearing before it, may defer the hearing and in that event will order the accused to be detained in custody or released on or without bail on such terms as the court thinks fit.
- (3) In the event of a decision to proceed, the court will read to the accused the charges brought against him and will ask the accused after the reading of each charge whether he pleads guilty or not guilty to it. If necessary the court will explain these terms to the accused. The court will enter in the record of the case the plea made to each charge.
- (4) At the time of pleading to the charges the court may interrogate the accused as provided in Rule 10(5).
- (5) The court may accept a plea of guilty to an offence other than that charged and a plea of not guilty to the offence charged.
- (6) If the answer of the accused to any charge is such that it appears he may not be guilty of the offence charged, then whatever his plea may be the court shall enter a plea of not guilty.
- (7) A plea of not guilty of any offence for which a sentence of death may be imposed shall be entered by a Summary Military Court in any case reported for transfer to a General Military Court.
- (8) All charges to which an accused person pleads not guilty shall be tried together, unless on the application of the accused the court grants leave for any of them to be tried separately.

8. Procedure on Plea of Guilty in Summary Military Court.

- (1) Upon a plea of guilty of all offences charged, a Summary Military Court will hear such statements as the prosecution and the defence and such evidence as it requires to enable



- than that charged and a plea of not guilty to the offence charged.
- (6) If the answer of the accused to any charge is such that it appears he may not be guilty of the offence charged, then whatever his plea may be the court shall enter a plea of not guilty.
  - (7) A plea of not guilty of any offence for which a sentence of death may be imposed shall be entered by a Summary Military Court in any case reported for transfer to a General Military Court.
  - (8) All charges to which an accused person pleads not guilty shall be tried together, unless on the application of the accused the court grants leave for any of them to be tried separately.
8. Procedure on Plea of Guilty in Summary Military Court.
- (1) Upon a plea of guilty of all offences charged, a Summary Military Court will hear such statements from the prosecution and the defence and such evidence as it requires to enable it to determine the sentence to be imposed. If it has power to impose adequate punishment, it will proceed at once to the sentence.
  - (2) If in the opinion of the Summary Military Court a sentence should be imposed in excess of that which it has power to impose, it will report the case to the legal officer of the next higher M.C. section for reference to the appropriate Intermediate or General Military Court.
  - (3) Before such reference, a Summary Military Court may, however, in its discretion for the purpose of the perpetuating testimony or for any other purpose, receive evidence respecting the commission of the alleged offence.

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- (1) Upon a plea of not guilty, the court, either by way of preliminary hearing or as part of the trial, will hear such statements for the prosecution and the defence and such evidence as it requires to enable it to determine
  - (a) Whether the case should be referred for trial to an Intermediate or General Military Court, either because of its own lack of power to impose sentence in the event of conviction, or for any other reason.
  - (b) Whether there is sufficient substance to the charge to justify a trial thereon by any court.
- (2) A Summary Military Court will then either
  - (a) dismiss some or all of the charges (whether or not the court would have had power to impose sufficient sentence in the event of a conviction);
  - (b) refer the case for trial by an Intermediate or General Military Court; or
  - (c) retain the charges and proceed with the case.
- (3) The court, even if it decides to refer the case for trial by Intermediate or General Military Court, may receive further evidence as provided in para (3) of Rule 8 and should do so if there is any doubt as to the future availability of any witnesses.

Trial Procedure.10. Trial Procedure in Summary Military Court.

- (1) A Summary Military Court shall be guided by the following outline of procedure, which may be modified to fit the circumstances of the particular case:
  - (a) a statement by the prosecutor outlining the facts

- (a) dismiss some or all of the charges (insofar as the court would have had power to impose sufficient sentence in the event of a conviction);
- (b) refer the case for trial by an Intermediate or General Military Court; or
- (c) retain the charges and proceed with the case.
- (3) The court, even if it decides to refer the case for trial by Intermediate or General Military Court, may receive further evidence as provided in para (3) of Rule 8 and should do so if there is any doubt as to the future availability of any witnesses .

Trial Procedure.

10. Trial Procedure in Summary Military Court.

- (1) A Summary Military Court shall be guided by the following outline of procedure, which may be modified to fit the circumstances of the particular case:
- (a) a statement by the prosecutor outlining the facts to be proved by the prosecution, and the calling of the prosecution's witnesses ;
- (b) after each witness has given his evidence, cross examination by the accused or his representative;
- (c) re-examination by the prosecutor of any witness upon any new matter appearing in the cross examination or, with the court's consent, upon any other matter;
- (d) when all the witnesses for the prosecution have been called and the case for the prosecution closed, a statement by the accused or his representative, followed by the calling, examination, cross-examination and re-examination of the witnesses for the defence.

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- (e) when all the witnesses for the defence have been called and the case for the defence closed, the calling by the prosecution, with leave of the court, or re-calling of any witness for the purpose of re-buttal of any material statement made by any witness for the defence or of giving evidence on any new matter raised by the defence;
  - (f) a summing up by the prosecution followed by a summing up by the accused or his representative;
  - (g) consideration and announcement of the findings;
  - (h) in the event of acquittal on all charges, the discharge of the accused;
  - (i) in the event of conviction, hearing of statements and evidence for the prosecution and the defence, including evidence of prior conviction, bearing upon the sentence to be imposed;
  - (j) consideration of sentence, and its announcement in open court.
- (2) After the close of the case for prosecution, the court may acquit the accused on any charge if it decides there is not sufficient evidence to support the charge and that the accused should not be required to answer it, and any such acquittal shall be entered in the record of the case. The court may also direct that any further charge or charges be preferred against the accused and may grant any necessary adjournment for that purpose.
  - (3) The court may at any stage of the examination question any witness and may call or re-call any witness at any time before finding if it considers it necessary in the interests of justice.
  - (4) Each witness called shall take an oath or make affirmation in the form contained in M.C. Legal Forms before giving evidence, except that a child under fourteen years of age who in the judgment of the court does not understand the nature of an oath but nevertheless understands the duty of speaking the truth may give evidence without being sworn or making affirmation. The oath or affirmation may be administered in either English or any other language.
  - (5) The court may interrogate the accused at the time of pleading



(j) consideration of sentence, and its announcement in open court.

- (2) After the close of the case for prosecution, the court may acquit the accused on any charge if it decides there is not sufficient evidence to support the charge and that the accused should not be required to answer it, and any such acquittal shall be entered in the record of the case. The court may also direct that any further charge or charges be preferred against the accused and may grant any necessary adjournment for that purpose.
- (3) The court may at any stage of the examination question any witness and may call or re-call any witness at any time before finding if it considers it necessary in the interests of justice.
- (4) Each witness called shall take an oath or make affirmation in the form contained in M.C. Legal Forms before giving evidence, except that a child under fourteen years of age who in the judgment of the court does not understand the nature of an oath but nevertheless understands the duty of speaking the truth may give evidence without being sworn or making affirmation. The oath or affirmation may be administered in either English or any other language.
- (5) The court may interrogate the accused at the time of pleading or at the trial, but shall not apply any compulsion to require him to answer. Any statements then made may be received as evidence. If the accused chooses to testify at a later stage of the trial he may do so, but he may not be required to do so and shall not be sworn.

11.

Trial Procedure in Intermediate and General Military Courts.

The procedure in Intermediate and General Military Courts shall be the same as that provided herein for Summary Military Courts except that -

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- (1) the record of any evidence taken in a Summary Military Court will be made available to the Intermediate or General Military Court, and the record of any evidence taken in the Intermediate Court made available to the General Military Court, and any witness whose evidence differs from that given by him before the lower court may be cross-examined thereon or questioned by the court;
- (2) if any witness is unavailable, the Intermediate or General Military Court may, after hearing the prosecution and defence, receive in evidence the record of his testimony in the lower court;
- (3) a plea of guilty to an offence punishable by death may be accepted provided the court is satisfied from the nature of the case that the punishment of death would be clearly excessive and that a lesser punishment which it is within its power to impose would suffice.

12. Evidence.

- (1) A Military Government Court shall in general admit oral, written and physical evidence having a bearing on the issues before it, and may exclude any evidence which in its opinion is of no value as proof or which should be privileged for reasons of policy.
- (2) The court shall in general require the production of the best evidence available.
- (3) Evidence of bad character of an accused shall be admissible before finding only when the accused person has introduced evidence as to his own good character or as to the bad character of any witness for the prosecution.

13. Amendment of Charges and Pleas.

- (1) A Military Government Court may amend a charge at any time before finding, provided that an adjournment is granted if necessary, and that no injustice is thereby done to the accused.
- (2) An accused person may at any time before finding, with the leave of the court, alter a plea of not guilty to one of guilty.
- (3) The court may on its own motion or at the request of the accused at any time before sentence alter a plea of guilty

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  - (3) The court may on its own motion or at the request of the accused at any time before sentence alter a plea of guilty to one of not guilty.
  - (4) An accused person who has pleaded guilty to a charge in a Summary or Intermediate Military Court may, if the case is referred to a higher court for trial, alter that plea to one of not guilty.
14. Sentences.
- (1) A Military Government Court shall announce its findings on each charge before it and shall pronounce one sentence in respect of all the charges upon which the accused is found guilty.

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- (2) Every sentence of imprisonment shall state the date of commencement thereof, which, if the accused was previously in custody, shall ordinarily make allowance for the period of custody.
- (3) A Military Government Court shall, when imposing any fine impose a sentence of imprisonment to be served in default of payment of such fine, and may direct the period within which the fine shall be paid. In the event of default in payment of a fine, the court may order the alternative sentence to be put into effect without bringing the accused again before the court. A report shall be made in the manner provided for transmission of records.
- (4) In addition to or in lieu of sentence of fine, imprisonment or death (within its jurisdiction), a Military Government Court may
  - (a) order the restitution to the lawful owner, or the forfeiture to, or temporary custody by, the Allied Forces or local public authority of any property where the accused is found guilty of an offence of which the illegal possession, use, purchase or sale of such property is an essential element;
  - (b) order the closing of any business premises or residence, the suspension of business, or the withdrawal or suspension of any license for the operation of the same or any similar business, where the accused is found guilty of the illegal operation of a business, and, in any such case may order the forfeiture to, or temporary custody by, the Allied Forces or local public authority of any stock in trade to which such illegal operation relates;
  - (c) order the accused to establish his residence within or without a designated area or not to leave or enter a designated area without permission.
- (5) A Military Government Court in imposing any sentence may in exceptional circumstances suspend the execution thereof in whole or in part on such terms as it thinks fit.

(6) Except as the Court may otherwise direct, every sentence



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- (b) order the closing of any business premises or residence, the suspension of business, or the withdrawal or suspension of any license for the operation of the same or any similar business, where the accused is found guilty of the illegal operation of a business, and, in any such case may order the forfeiture to, or temporary custody by, the Allied Forces or local public authority of any stock in trade to which such illegal operation relates;
- (c) order the accused to establish his residence within or without a designated area or not to leave or enter a designated area without permission.
- (5) A Military Government Court in imposing any sentence may in exceptional circumstances suspend the execution thereof in whole or in part on such terms as it thinks fit.
- (6) Except as the Court may otherwise direct, every sentence except a sentence of death shall be put into execution forthwith and without awaiting the action of the Reviewing Authority.

General Provisions.

15. References to Higher Court.

(1) Whenever a Summary Military Court or an Intermediate Military Court reports a case for reference to a higher court for trial, which either may do at any stage of the proceedings, the court shall

(a) enter the order of reference in the record of the case,

(b) make and enter in the record, after hearing the prosecution and defence, an order directing that the accused be held in custody, or released on or without bail, pending trial, and,

(c) send the record to the Chief Legal Officer or as he may direct.

(2) The Chief Legal Officer or an officer authorised by him may set aside any order of reference and direct that the case be tried by the court which reported the case or by any other court.

16. Attendance and Detention of Witnesses.

(1) A Military Government Court shall have power to summon as a witness any person except a child under 14 years of age, in which case it may summon the parent or guardian to bring the child to attend as a witness, and except a member of the Allied Forces, in which case it may request the Commanding Officer of such member to order his attendance.

(2) Any person whom the court may summon as a witness may be ordered to bring with him any document or article in his possession or under his control which has a bearing on the issues in the case.

(3) Whenever the court has reason to believe that a witness may be intimidated or become unavailable at the trial it may direct that he be detained as a material witness, provided that no such person shall be detained for a period of more than 24 days without a further order being made. A report of such detention shall be made forthwith in the manner provided for the transmission of the record.

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17. Compellability of Witnesses.

Any person other than the accused may be required to testify before a Military Government Court except a person of unsound mind, or a husband or wife or parent or child called as a witness against the other, provided that no witness shall be required to incriminate himself.

18. Contempt.

A Military Government Court shall have no power to hold in contempt any person including the accused, counsel witnesses, officials, spectators, who offend the dignity of the court, in any manner, or disregards its orders. Such contempt may be punished by fine, imprisonment or other appropriate punishment. In exercising its powers to punish for a contempt a Military Court shall make a record which shall be transmitted and reviewed as in the case of any other sentence.

CONFIDENTIAL.19. Impounding.

A Military Government Court may in its discretion impound, by an order directing any person to be charged with the care thereof, any document or article relating to proceedings before it, whether or not it has been received in evidence.

20. Disposition of Funds.

Receipt shall be given for all fines and property forfeited to the Allied Forces. Property forfeited to the Allied Forces shall be disposed of as the court shall direct, or in accordance with such procedure as may be prescribed with respect thereto by the Chief Legal Officer or under his authority. All fines and proceeds of property forfeited to the Allied Forces shall be treated as funds of the Military Government to be accounted for in accordance with instructions of the Financial Division, Military Government. A record of fines shall be kept by each Court and report made to the Chief Legal Officer or as he may direct.

21. Insanity.

Wherever a court is satisfied that the accused is unable by reason of insanity to understand the nature of the charges against him or the proceedings of the court, or that the accused committed the offence for which he is being tried but was insane when he committed it, the court shall record a finding of either such fact and may make an order providing for temporary custody, pending direction by the Reviewing Authority for permanent custody or other disposition.

22. Juvenile Offenders.

- (1) In cases involving offenders under the age of 18 years, Military Government Courts shall adopt a flexible procedure based on the accepted practices of local juvenile courts and those of Great Britain and the United States, including so far as practicable the following measures:

(a) report by a Welfare Officer in advance of trial;

(b) detention, where necessary, in a special institution



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  - (a) report by a Welfare Officer in advance of trial;
  - (b) detention, where necessary, in a special institution, or in any event apart from adult offenders;
  - (c) hearing informally in closed sessions;
  - (d) interrogation of parents and release in their custody if appropriate.
- (2) An offender over 16 years of age but under 18 years of age may be treated in all respects as an adult unless in the opinion of the court his physical and mental immaturity make his treatment under section 4 (above) advisable.

CONFIDENTIAL.23. Records.

- (1) Every Military Government Court shall in every case make and transmit to the Chief Legal Officer or to his deputy direct a record containing the date and place of its proceedings, the names of the members of the court, of the accused, of the prosecutor, and of defence counsel, the original charge sheet or summons, the pleas, the name and the opinion of the adviser, if any, the findings, and the sentence or order of the court. In addition, in every case in which there is a plea of not guilty, the record shall contain minutes or summary of the essential evidence. A Summary Military Court may include the record of more than one case in a single report.

- (2) Every Military Government Court shall keep a permanent register of its proceedings.

- (3) If before the conclusion of any proceeding or before review, the record of such proceeding is lost or destroyed and no sufficient certificate of the value of the proceeding can be obtained, the court or the reviewing authority may substitute such proceeding null and void and remand the case for a new trial. A sufficient certificate shall be signed by any member of the court and the reviewing authority of the reviewing authority the charges, findings and sentence and the value of the material evidence.

24. Records for Review.

Records for review shall be transmitted to the Chief Legal Officer in the same manner as records.

25. Powers of the Reviewing Authority.

- (1) The Reviewing Authority may upon review

- (5) If before the conclusion of any proceeding or before review, the record of such proceeding is lost or destroyed and no sufficient certificate of the substance of the proceeding can be obtained, the Board or the reviewing authority may determine that proceeding null and void and remand the case for a new trial. A sufficient certificate shall be so signed by any member of the court according to the satisfaction of the Reviewing Authority the charges, findings and sentence and the amount of the material evidence.

#### 24. Procedure for Review

Legal notices for review shall be transmitted to the Chief Legal Officer of the United States in the same manner as records.

#### 25. Powers of the Reviewing Authority.

- (1) The Reviewing Authority may upon review
- (a) affirm any finding of guilty, or set aside any such finding and order a new trial;
  - (b) substitute for the finding of guilty on any charge a finding of guilty on a different charge supported by the records where it appears that the court without injustice to the accused might before finding have modified the charge;
  - (c) affirm, correct, reduce, commute, quash or modify any sentence or order, and make appropriate order for the discharge of the accused or the return of fine or the restitution of property.

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(d) increase the sentence in cases of "frivolous" petitions.

(2) The Reviewing Authority may at any time remit or suspend any sentence or part thereof.

26. Effects of Irregularities

The proceedings shall not be invalidated nor any findings of the sentence disapproved, for any error or omission, technical or otherwise, occurring in such proceedings, unless in the opinion of the Reviewing Authority, after an examination of the entire record, it shall appear that the error or omission has resulted in injustice to the accused.

27. Proceedings Absent of Specific Rules

Where no procedure has been directed in any matter, a Military Government Court may adopt such procedure as it thinks fit, provided that no injustice is thereby done to the accused.

28. Forms

Forms used by Military Government Courts shall conform substantially to those set out in the Legal Manual.

Dated.....



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GUIDE TO PROCEEDINGS IN MILITARY COURTS FOR OFFICERS.

This guide is based upon and should be read in conjunction with the Military Government Courts Ordinance and the Rules of Military Government Courts, which for cross-reference purposes are represented by the symbols C and R respectively. The comments contained in the first part are referred to thereafter by the symbol C. The guide is designed primarily for Summary Military Courts and prosecutors. Provisions inapplicable to Intermediate and General Courts should be disregarded by officers concerned with those courts.

I General.

1. Basic Principles.

The purpose of Military Government Courts and of the principal enactments enforced by them is the protection of the Allied Forces and the advancement of their military objectives. All pertinent enactments must therefore be interpreted (as in fact an Austrian defendant and defending counsel will expect them to be interpreted) broadly and in accordance with their obvious intention: all courts must be conducted with their obvious attainment of this purpose to the fullest possible extent. It is important, therefore, that when an offence against the Allied Forces has been established, appropriate punishment should be imposed with a view to the prevention of further such offences. A technical and legalistic viewpoint must not be allowed to interfere with such a result.

2. Role of Judge.

It is the practice in Continental countries for the presiding judge to conduct the examination of the accused and witnesses and generally to take the leading part in the proceedings. Officers presiding in Military Government Courts where the prosecutor or counsel for the accused are not familiar with common law procedure may be obliged to do the same, and must in any event see that the interests of the accused are protected, and that the facts are fully brought out.

3. Dignity of Court.

All pertinent enactments must therefore be interpreted (as in fact an Austrian defendant and defending counsel will expect them to be interpreted) broadly and in accordance with their obvious intention: all courts must be conducted with a view to the attainment of this purpose to the fullest possible extent. It is important, therefore, that when an offence against the Allied Forces has been established, appropriate punishment should be imposed with a view to the prevention of further such offences. A technical and legalistic viewpoint must not be allowed to interfere with such a result.

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## 3. Dignity of Court.

The court is responsible that its proceedings are such as to enhance the prestige of the Allied Forces. The judicial officer, prosecutor and other military personnel should, if circumstances permit, wear full uniform, including tie if summer uniform, tunic or blouse in winter uniform, and will, maintain a high standard of conduct. No disorders should be tolerated in or near the court.

## 4. Modification of Procedure R.10 (1).

In simple cases, steps set forth in the rules may be omitted or greatly abbreviated, but no rights of the accused may be disregarded. Opening statements in particular may frequently be omitted. The court is in complete control of the proceedings, and may cut short any person who becomes repetitious or wanders from the issue.

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5. Jurisdiction, O II

a. Over Persons. During the pre-surrender period, Courts may be met with claims from accused to be treated as prisoners of war. Any person who succeeds in establishing this status is not subject to the jurisdiction of Military Government Courts and must be turned over to the Provost to be dealt with in accordance with the Geneva Convention of 27 July, 1929. Doubtful cases should be turned over to Counter Intelligence for interrogation.

b. Over offences. The jurisdiction of Military Government Courts only arises in respect of offences committed subsequent to occupation. Offences committed prior to occupation must be left to be dealt with by Austrian Courts unless they come under the category of War Crimes. The manner in which war criminals in general are to be dealt with will form the subject of separate direction. In any case in which a specific accusation or evidence of a war crime is made against any person, the accused and the evidence should be turned over to Counter Intelligence for disposal and if thought necessary for perpetuation of testimony.

6. Adviser O IV 4.

Whenever deemed necessary a Military Government Court may, on its own motion or the request of the accused, appoint an impartial adviser to assist the court in a particular case in checking the interpreter, giving testimony or written opinions as an expert on Austrian law, local customs or technical matters. Such adviser may be invited to sit with the court, but not participate in the decision, and may be paid as a court official.

7. Prosecutor R 3 (1).

The prosecutor should preferably be an officer of the Allied Forces, and may be a qualified other rank or enlisted man, or a member of the indigenous police or other indigenous authority.

8. Interpreter.



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The prosecutor should preferably be an officer of the Allied Forces, and may be a qualified other rank or enlisted man, or a member of the indigenous police or other indigenous authority.

8. Interpreter.

Pains should be taken to obtain a qualified interpreter, because the task is difficult and important. The interpreter should translate directly and in the same person everything that is said, subject to the direction of the court. He should not be permitted to engage in colloquy on his own, or to conduct the proceedings in any respect in lieu of the court.

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9. Evidence.

Rule 12 does not incorporate the rules of evidence of British or American courts or of courts-martial. The only positive rules binding upon the Allied Military Courts are found in Rule 12(3), Rule 17, and Rule 10(5). Hearsay evidence, including the statement of a witness not produced, is thus admissible, but if the matter is important and controverted, every effort should be made to obtain the presence of the witness, and an adjournment may be ordered for that purpose. The guiding principle is to admit only evidence that will aid in determining the truth.

10. Charges. O V 8(a); R 6.

The charge consists of two parts : the charge itself (e.g., "Entering a forbidden area without a pass in violation of Ordinance No. \_\_\_\_\_") and the particulars (e.g., "On 27 Feb at 2240 crossed R.A.F. field near Stoyt patrolled by sentries"). Any offence committed with intent to aid the enemy should be charged under Crimes and Offences Ordinance No.200, Sec.18, in addition to any other appropriate section, in order to permit imposition of a sentence of death. If there is no room on the charge sheet for the names of all the defendants or for all the charges, additional pages may be annexed and incorporated by reference. In general, multiplicity of charges based on the same set of facts will be avoided.

11. Failure to Answer Summons.

If an accused or witness who has been summoned does not answer to the call at the appointed time, the court should order that he be arrested and brought before it, and may issue a warrant of arrest. Unexcused failure to appear is punishable as a contempt of court or under Crimes and Offences Ordinance No.200, Sec.19.

12. Interrogation of and Testimony by Accused, R 10(5).

The interrogation of the accused by the court at the time of pleading is not known to British or American practice but is permitted at discretion because the process of pleading is unfamiliar to subjects of continental countries. The court should arrange to be provided prior to the trial with a dossier of the case against the accused, such dossier containing all documentary and written evidence and a summary of the testimony to be given by the witnesses for the prosecution. The dossier should be studied by the court prior to its examination of the accused : it should not be regarded as proof of the statements it contains.

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13. Mixed Pleas.

If there is more than one defendant, and one or more, but not all, plead guilty, or if a single defendant pleads guilty to one or more, but not all the charges, the court should defer sentence on any of the charges until the trial of all is completed, in order to impose one sentence on each defendant with respect to all the charges of which he has pleaded or been found guilty. R 14(1).

14. Making of Record.

The making of the record is the responsibility of the court. The matters stated in Rule 23(1), including minutes or summary of the essential evidence, are required to be included. Form No. 8 is the regular form of record. In addition, a Summary Court may report more than one case of a very minor nature, (e.g., involving sentence or imprisonment of 2 weeks or less or equivalent fine) in the form of an abstract of the court's register. In such cases, a single phrase may constitute an adequate summary of the evidence. The summary of evidence, if no official shorthand writer or clerk are employed, should be made by the judge in the course of the trial. If may be entered directly on the record in the course of the trial, or transcribed later from the judge's notes.

15. Transmission of Records. O VI(11):R.23.

Records of trial should be sent to the Chief Legal Officer through normal channels for other official communications, which means that they will pass through the Legal Officer of the H.G. headquarters or detachment to which the court is attached. Certain powers may be delegated to Legal Officers of lower formations, so that it is important that the records go through channels. The same is true of records on reference to a higher court, and of petitions for review.

16. Petitions for Review. O VI(11):R.24.

Court should make available to the accused or his representative, upon request, a copy of Form No. 10, and shall receive and transmit any such petitions filed. The Court should examine the petition, and note thereon any comments with respect to representations of fact, for the assistance of the reviewing officer, especially in cases where a full record has not been submitted. The filing of a petition for review should not be deemed an act of disrespect to the court. Petitions not on Form No. 10

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17. Sentences.

The paramount consideration in the determination of sentences by a Military Government Court is the protection of the interests of the Allied Forces, by deterring further violations by the accused or by others. Where offences which are of direct concern to the military are involved, such as interference with communications, sentences may properly be given which are much more severe than would otherwise be warranted. Additional considerations are whether the act was premeditated, the prevalence of the offence in the locality, the previous record, and the age and sex of

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17. Sentences (Cont'd.)

the accused. The court should give the sentence which it considers proper and not assume that the reviewing authority will modify it.

18. Suspension of Sentences. R 14(5).

Unless the court orders otherwise, a suspended sentence will be deemed suspended indefinitely, to be put into effect at any time if good behaviour is not maintained or upon breach of such other conditions as the court may impose. A sentence should be suspended only for a definite reason, and not as a means of cutting down a sentence considered appropriate. If suspended sentences are imposed, it is important that the court's register be checked upon charging an accused, to detect previous offences. It is a good alternative practice to file an abstract of all proceedings with the local judicial or police archives, and to have these files checked for previous record in all cases.

19. Forfeiture of Property, etc. R 14(4) (a) (1).

Orders of forfeiture of property, closing of premises, or suspension of business or licence should be made only with knowledge of the severity of the financial burden which will result to the accused.

20. Compulsory Residence. R 14(4) (c).

Orders restricting residence should be made only in exceptional situations. They should be considered security measures rather than punishment, and should be based upon the recommendation of public safety or security officers.

21. Imprisonment in Default of Payment of Fine. O III:4(d); R 14(3).

When an order is made imposing a term of imprisonment in default of a fine, the scale to be adopted, unless the Chief Legal Officer shall otherwise direct, shall be one day for each 5/- - \$1 unpaid. It is permissible for a Summary or Intermediate Court to impose a sentence of imprisonment to the full extent of its power and additional imprisonment in default of payment of fine, but it is improper for a court deliberately to impose a fine which the accused is probably unable to pay. If the case seems to call for a longer term of imprisonment, it should be referred to a higher court.

22. Disposition of Fines and other Funds.

... fines or other moneys or property

Orders of forfeiture of property, closing of premises, or suspension of business or licence should be made only with knowledge of the severity of the financial burden which will result to the accused.

20. Compulsory Residence. R 14(4) (c).

Orders restricting residence should be made only in exceptional situations. They should be considered security measures rather than punishment, and should be based upon the recommendation of public safety or security officers.

21. Imprisonment in Default of Payment of Fine. O III. 4(d); R 14(3).

When an order is made imposing a term of imprisonment in default of a fine, the scale to be adopted, unless the Chief Legal Officer shall otherwise direct, shall be one day for each 5/- - \$1 unpaid. It is permissible for a Summary or Intermediate Court to impose a sentence of imprisonment to the full extent of its power and additional imprisonment in default of payment of fine, but it is improper for a court deliberately to impose a fine which the accused is probably unable to pay. If the case seems to call for a longer term of imprisonment, it should be referred to a higher court.

22. Disposition of Fines and other Funds.

Every M.G. Officer who collects fines or other moneys or property pursuant to his legal duties will execute in triplicate the form of receipt ( ) provided by the Finance Division. The original receipt will be given to the person paying money or delivering property, and the triplicate retained for the files of the officer. Duplicates of such receipts will be delivered from time to time to the nearest Finance Officer, together with the corresponding funds. The Finance Officers will give in exchange a single receipt (the original) covering the duplicate receipts and the money turned over. When property which has been ordered forfeited is sold, the proceeds and the duplicate receipt will be delivered to the Finance Officer as stated above, together with the duplicate of the receipt given when the forfeited property was received. Upon an order of the



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22. Disposition of Fines and other Funds (cont'd.)

Reviewing Authority to refund a fine, the U.S. Officer will apply to the nearest Finance Officer for the necessary funds.

23. Numbering of Cases; Disposition of Records.

Cases will be numbered consecutively by each Summary, Intermediate and General Court in each area, and the record (Form 10) submitted for examination and review will show number, type of court, and area (town, city or other locality and in addition the district or other next higher political subdivision). Records will be examined and, in the first instance, filed at the M.G. Headquarters at which review is to be exercised. They will be filed at such Headquarters under courts of each type in each locality and will be filed or indexed with respect to the cases in each such court alphabetically according to the names of the accused. When no longer required at the Headquarters at which review is exercised, all records will be transmitted for filing to the Chief Legal Officer, through normal channels.

II. CHECK LIST FOR TRIALS.

A. Preliminary Matters.

1. Personnel.

- (a) Judge. O IV;
- (b) Prosecutor. R 3(1); C 7.
- (c) Adviser, if appointed. O IV 7; C 6.
- (d) Interpreter; must be sworn. R 4; C 8.
- (e) Shorthand writer, if appointed, must be sworn.
- (f) Clerk, if possible. E 1.
- (g) Guards to escort witnesses.

When necessary, copies of all documents relating to the names of the accused. When no longer required at the Headquarters at which review is exercised, all records will be transmitted for filing to the Chief Legal Officer, through normal channels.

## II. CHECK LIST FOR TRIALS.

### A. Preliminary Matters.

#### 1. Personnel.

- (a) Judge. O IV;
- (b) Prosecutor. R 3(1); C 7.
- (c) Adviser, if appointed. O IV 7; C 6.
- (d) Interpreter; must be sworn. R 4; C 8.
- (e) Shorthand writer, if appointed, must be sworn.
- (f) Clerk, if possible, R...
- (g) Guards to escort prisoners.
- (h) Attendants to keep order. R 4.

#### 2. Courtroom.

- (a) A regular local courtroom, if available.
- (b) Tables at same level for prosecutor and defence counsel. Suitable chairs or benches for personnel. Accused near defence counsel, but not too near. Interpreter not too near witness. Place for witnesses to wait outside courtroom until called. Accused and witnesses to stand during interrogation.
- (c) Flags of Great Britain, United States.

#### 3. Transportation to bring prisoners and witnesses, if necessary.

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II. CHECK LIST FOR TRIALS (Cont'd)

A. Preliminary Matters (Cont'd.)

- 4. Serving of charges on accused as soon as practicable before trial. C V 9(a); R 6; C 10.
- 5. Summoning of witnesses or request to attend. R 16; C 11.
- 6. Copies of record, commitments, and receipt for fine on hand; also the court register. R 23 (2).

B. Trial or Hearing.

Initial Steps.

- 1. Case called and charge sheet handed to court.
- 2. Court satisfies itself that it has jurisdiction of the person (accused not a member of the Allied Forces or a person entitled to be treated as a prisoner of war) and of the offense. C II 2.
- 3. Accused and witnesses identified; age and sex noted in record.
- 4. Accused asked if he has counsel. Counsel identified.
- 5. Request for adjournment, if any, considered. R 7(2).
- 6. If accused under 18, court proceeds pursuant to Rule 22.
- 7. Charges read to accused by court; asked if "guilty" or "not guilty" after each charge. R 7.
- 8. Court interrogates accused and records statement, but shall not require answer, nor shall accused be sworn. R 10(5); C 12.
- 9. Pleas to charges noted in record. R 7(3).
- 10. Statement of case by prosecutor. R 10(1) (a); C 4.

N.B. At this stage, and at every later stage before sentence in case of a plea of guilty, otherwise before finding of guilty or not guilty, the court must satisfy itself that it has power to give an adequate sentence. If not, it will report the case to the court of appeal.

2. Court shall identify the accused (accused not a member of the Allied Forces or a person entitled to be treated as a prisoner of war) and of the offence. O II 2.
3. Accused and witnesses identified; age and sex noted in record.
4. Accused asked if he has counsel. Counsel identified.
5. Request for adjournment, if any, considered. R 7(2).
6. If accused under 18, court proceeds pursuant to Rule 22.
7. Charges read to accused by court; asked if "guilty" or "not guilty" after each charge. R7.
8. Court interrogates accused and records statement, but shall not require answer, nor shall accused be sworn. R 10(5); C 12.
9. Pleas to charges noted in record. R 7(3).
10. Statement of case by prosecutor. R 10(1) (c); C 4.

N.B. At this stage, and at every later stage before sentence in case of a plea of guilty, otherwise before finding of guilty or not guilty, the court must satisfy itself that it has power to give an adequate sentence. If not, it will report the case to the Legal Officer for reference to a higher court, but may first hear and record evidence, either because witnesses may become unavailable, or to determine whether there is a sufficient case to require accused to stand trial. R 8(2)(3); R 9. Order of reference noted in record and order made as to custody of accused or for release on or without bail. R 15.

Plea of Guilty

11. Evidence of character, including prior convictions. R 8(1).
12. Statement by accused or defence counsel bearing on sentence. R 8(1).
13. Sentence announced in open court. C.VIII; R 14; C 17,18,19,20.



CONFIDENTIAL

Flee of Not Guilty

14. Examination, cross-examination and re-examination by prosecution witnesses. R 10(1)(a)(b)(c). Oath administered by Court, R 4;
15. Acquittal of accused on any charge, if not sufficient evidence to sustain it. R 10(2).
16. If the court has not power to impose an adequate sentence in event of conviction, but there is not sufficient substance to the charges to justify a trial by any court, the court may dismiss the charges at this stage or at a later stage, but will not "acquitt", because that word presupposes a trial. R 9(1)(i); R 9(2)(a). This power should be exercised only in a very clear case, for the accused will have a full trial if the case is referred to a higher court.
17. Statement by accused or defence counsel. R 10(1)(a); C 12.
18. Examination, cross-examination and re-examination of defence witnesses, including accused if he chooses to testify. R 10(1)(a). The accused shall not be sworn. R 10(5).
19. Rebuttal testimony for prosecution. R 10(1)(e).
20. Summing-up by prosecutor. R 10(1)(f).
21. Summing-up by accused or defence counsel. R 10(1)(f).
22. Finding of guilty or not guilty on each charge, announced in open court. R 10(1)(g).
23. If acquittal, immediate discharge of accused. R 10(1)(h).
24. Statement, and evidence if desirable by prosecution, bearing on sentence to be imposed, including evidence of prior convictions in any court. R 10(1)(i).
25. Opportunity by defence to rebut any matters presented by prosecution bearing upon sentence. R 10(1)(i).
26. One sentence announced in open court with respect to all charges on which accused found guilty. R 10(j); R 14; C 17, 18, 19, 20.
27. Accused ordered removed in custody, or released as case may be.

16. Rebuttal testimony for prosecution. R 10(1)(c).
19. Summing-up by prosecutor. R 10(1)(f).
20. Summing-up by accused or defence counsel. R 10(1)(f).
21. Finding of guilty or not guilty on each charge, announced in open court. R 10(1)(g).
22. If acquitted, immediate discharge of accused. R 10(1)(h).
23. Statement, and evidence if desirable if desirable by prosecution, bearing on sentence to be imposed, including evidence of prior convictions in any court. R 10(1)(i).
24. Opportunity by defence to rebut any matters presented by prosecution bearing upon sentence. R 10(1)(j).
25. One sentence announced in open court with respect to all charges on which accused found guilty. R 10(j); R 14; C 17, 18, 19, 20.
26. Accused ordered removed in custody, or released as case may be.
27. Next case called.

MILITARY GOVERNMENT (AUSTRIA)

LEGAL FORMS - MILITARY GOVERNMENT COURTS

|         |  |   |                 |
|---------|--|---|-----------------|
| No. 1.  | Summons  | - | English, German |
| No. 2.  | Arrest Form  | - | English, German |
| No. 3.  | Charge Sheet   | - | English, German |
| No. 4.  | Summons for Witness  | - | English, German |
| No. 5.  | Commitment   | - | English, German |
| No. 6.  | Commitment in Default of Payment of Fine                     | - | English, German |
| No. 7.  | Commitment on Reference to Higher Court                      | - | English, German |
| No. 8.  | Case Record  | - | English         |
| No. 9.  | Cash Bail Undertaking by Accused                             | - | English, German |
| No. 10. | Petition for Review  | - | English, German |
| No. 11. | Register of Military Government Court                        | - | English         |
| No. 12. | Request for attendance of member of Allied Forces as Witness | - | English         |
| No. 13. | Order on Review  | - | English, German |
| No. 14. | Forms of Oath  | - | English, German |

|         |  |                 |
|---------|--|-----------------|
| No. 6.  | Commitment in Detention of Prisoners                         | English, German |
| No. 7.  | Commitment on Reference to Higher Court                      | English, German |
| No. 8.  | Case Record  | English         |
| No. 9.  | Cash Bail Undertaking by Accused                             | English, German |
| No. 10. | Petition for Review  | English, German |
| No. 11. | Register of Military Government Court                        | English         |
| No. 12. | Request for attendance of member of Allied Forces as Witness | English         |
| No. 13. | Order on Review  | English, German |
|         | Forms of Oath  | English, German |

These forms of oath are for the use of the military government courts. They are intended to be used in the courts of the military government. The forms of oath are in English and German. They are intended to be used in the courts of the military government.



CONFIDENTIAL  
MILITARY GOVERNMENT COURT  
SUMMONS  
Legal Form No. 1

\_\_\_\_\_  
(Place)  
\_\_\_\_\_  
(Date)

No: \_\_\_\_\_  
To: \_\_\_\_\_ (Name)  
\_\_\_\_\_ (Address)

You are hereby summoned and required to appear in person  
before a Summary Military Court at \_\_\_\_\_ (Address of Court)  
on \_\_\_\_\_, 194\_\_\_\_ at \_\_\_\_\_ upon the following  
(Date) (Hour)

charge: \_\_\_\_\_  
Charge: \_\_\_\_\_  
Particulars \_\_\_\_\_

Failure to comply with this summons will subject you to punishment.  
By order,

\_\_\_\_\_  
(Signature of authorized person)

-----  
(Reverse of English Text)

on \_\_\_\_\_, 194\_\_ at \_\_\_\_\_ (Hour) upon the following

Charge: \_\_\_\_\_  
Charge: \_\_\_\_\_  
Particulars \_\_\_\_\_

Failure to comply with this summons will subject you to punishment.

By order,

\_\_\_\_\_  
(Signature of authorized person)

\_\_\_\_\_  
(Reverse of English Text)  
Proof of Service

I hereby certify that I have this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_

at \_\_\_\_\_ (hour) served the summons of which this is a copy upon the person named therein

- personally
- by leaving it at the address shown thereon
- by mailing it to the address shown thereon

Acknowledgment of Service  
I acknowledge that I have this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_ personally

received the summons of which this is a copy

Strike out words not applicable  
(Reverse of Translation)  
(Rights of accused translation)

PRINTING INSTRUCTIONS: To be printed in book form on elongated sheets, perforated in center. On Front, English text on Left, German translation on Right, On reverse of English text will be Proof of Service, Acknowledgment of Service. On reverse of German translation will be excerpt from Courts Ordinance (Rights of Accused) in German.

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Legal Form No. 1

MILITÄRGERICHT VORLADUNG

No.

\_\_\_\_\_ (ort)

\_\_\_\_\_ (Name)

\_\_\_\_\_ (Zeit)

\_\_\_\_\_ (Anschrift)

Sie werden hiermit vorgeladen persoenlich vor dem Militaergerichte

in \_\_\_\_\_ (Anschrift des Gerichtes)

am \_\_\_\_\_ 194\_\_ um \_\_\_\_\_ Uhr zu erscheinen um sich gegen

die folgende Beschuldigung zu verantworten:

Beschuldigung: \_\_\_\_\_

Einzelheit: \_\_\_\_\_

Unentschuldigtes Fernbleiben wird bestraft.

Im Auftrage von,

\_\_\_\_\_ (Autorisierte Unterschrift)

ZUSTELLUNGSNACHWEIS

Ich bestaetige hiermit, dass ich am \_\_\_\_\_ 194\_\_ (Tag und Monat)

um \_\_\_\_\_ Uhr eine Abschrift der unterzeichneten Vorladung an

die darin genannte Person Zugestellt habe

# persoenlich  
# inden ich sie an die darin angegebene

Einzelheitent: \_\_\_\_\_

Unentschuldigtes Fernbleiben wird bestraft.

Im Auftrage von, \_\_\_\_\_  
 (Autorisierte Unterschrift)

-----

ZUSTELLUNGSMACHWEIS

Ich bestaetige hiermit, dass ich am \_\_\_\_\_ 194\_\_\_\_\_  
 (Tag und Monat)

um \_\_\_\_\_ Uhr eine Abschrift der unterzeichneten Vorladung an  
 die darin genannte Person Zugestellt habe

- \* persoenlich
- \* inden ich sie an die darin engegebene
- \* Anschrift brachte
- \* inden ich sie bei Post an die angegebene
- \* Anschrift aufgab

\_\_\_\_\_  
 (Unterschrift des Zustellers)

RUECKSCHEIN

Ich bestaetige dass, ich am \_\_\_\_\_ 194\_\_\_\_\_  
 (Tag und Monat)

persoenlich eine Abschrift der unterzeichneten Vorladung erhalten  
 habe.

- \* Nichtzutreffendes ist Durchzustreichen



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Reverse of Legal Form No. 1

Auszug aus der Verordnung betreffend die Militärgerichte.

ARTIKEL V

RECHTEN DES ANGEKLAGTEN

Jedermann, der sich vor irgend einem Gericht der Militärregierung zu ver- antworten hat, ist berechtigt:

- a. eine Abschrift der gegen ihn erhobenen Anklage vor der Verhand- lung zugestellt zu erhalten;
- b. bei der Verhandlung anwesend zu sein, dieselbst auszusagen und an die Zeugen Fragen zu stellen. Das Gericht kann in Abwesenheit des Angeklagten verurteilen, falls der Angeklagte darum förmlich ersucht hat und sein Ersuchen bewilligt wurde oder falls vermit- telt wird, dass der Angeklagte sich seiner Bestrafung durch Flucht zu entziehen versucht;
- c. sich mit einem Rechtsanwalte vor der Verhandlung zu beraten, sich selbst zu verteidigen oder sich bei der Verhandlung durch einen von ihm gewählten Rechtsanwalt vertreten zu lassen. Jedoch kann das Gericht das Vertreten von Personen vor Gericht untersagen;
- d. in Fällen, in denen die Todesstrafe verhängt werden kann, durch einen alliierten Offizier als Offizial-Verteidiger vertreten zu werden, falls er keinen anderen Verteidiger hat;
- e. zur Verhandlung Zeugen zwecks seiner Verteidigung mitzubringen oder deren Namen dem Gericht bekanntzugeben, falls er sie gericht- lich verladen lassen will, falls dies unter den gegebenen Umstän- den tunlich ist;
- f. das Gericht um Vertagung zu ersuchen, falls dies zur Vorbereitung seiner Verteidigung notwendig ist;
- g. eine Übersetzung der Verhandlung zu erhalten, falls er sonst nicht versteht was in der Verhandlung gesagt wird;
- h. in Falle der Verurteilung innerhalb der von den Verfahrensvor- schriften der Gerichte der Militärregierung festgesetzten Frist ein Gesuch einzureichen. Das Gesuch muss eine Begründung ent- halten, weshalb das Urteil aufgehoben oder abgeändert werden soll.

wird, dass der angeklagte sich seiner Bestrafung durch Flucht zu entziehen versucht;

- c. sich mit einem Rechtsanwalte vor der Verhandlung zu beraten, sich selbst zu verteidigen oder sich bei der Verhandlung durch einen von ihm gewählten Rechtsanwalt vertreten zu lassen. Jedoch kann das Gericht das Vertreten von Personen vor Gericht untersagen;
- d. in Fällen, in denen die Todesstrafe verhängt werden kann, durch einen alliierten Offizier als Official-Verteidiger vertreten zu werden, falls er keinen anderen Verteidiger hat;
- e. zur Verhandlung Zeugen zwecks seiner Verteidigung mitzubringen oder deren Namen dem Gericht bekanntzugeben, falls er sie gerichtlich verwehren lassen will, falls dies unter den gegebenen Umständen 타당히 ist;
- f. das Gericht um Vertagung zu ersuchen, falls dies zur Vorbereitung seiner Verteidigung notwendig ist;
- g. eine Übersetzung der Verhandlung zu erhalten, falls er sonst nicht versteht was in der Verhandlung gesagt wird;
- h. im Falle der Verurteilung innerhalb der von den Verfahrensvorschriften der Gerichte der Militärregierung festgesetzten Frist ein Gesuch einzureichen. Das Gesuch muss eine Begründung enthalten, weshalb das Urteil aufgehoben oder abgeändert werden soll.

CA/GL-7

Legal Form No. 2

**MILITARY GOVERNMENT COURT**  
**MILITAERGERICHT**

**Warrant of Arrest**  
**Haftbefehl.**

44  
97

To all Police:  
*An alle Polizeibehoerden:*

You are hereby empowered and required to arrest one  
*Sie werden hiermit ermächtigt und angewiesen*

(Name)  
*(Name)*

(Address)  
*(Anschrift)*

and bring him without delay before the

- \*Summary
- \*Intermediate Military Court
- \*General
- \*Einfachen
- \*Mittleren Militaergerichte
- \*Oberen

*zu verhaften und unverzueglich dem*

at  
*in*

upon the following charge:  
*vorzufuehren, vor dem er sich wegen der folgenden Anklage zu verantworten hat:*

Charge: \_\_\_\_\_ *Anklage:* \_\_\_\_\_

Particulars: \_\_\_\_\_ *Einzelheiten:* \_\_\_\_\_

By Order  
*Im Auftrage von*

\_\_\_\_\_  
(Signature of authorized person)  
*(Autorisierte Unterschrift)*

\*Strike out words not applicable.  
*\*Nicht-zutreffendes ist durchzustreichen.*

CA/GF-7

Legal Form No. 2

**MILITARY GOVERNMENT COURT**  
**MILITAERGERICHT**

**Warrant of Arrest**  
**Haftbefehl.**

77

To all Police :  
*An alle Polizeibehoerden :*

You are hereby empowered and required to arrest one  
*Sie werden hiermit ermachtigt und angewiesen*

(Name)  
*(Name)*

(Address)  
*(Anschrift)*

and bring him without delay before the  
*zu verhaften und unverzueglich dem*

- \*Summary
- \*Intermediate Military Court
- \*General
- \*Einfachen
- \*Mittleren Militaergerichte
- \*Oberen

at  
*in*

upon the following charge :  
*vorzufuehren, vor dem er sich wegen der folgenden Anklage zu verantworten hat :*

Charge : ..... *Anklage :* .....

Particulars : ..... *Einzelheiten :* .....

By Order  
*Im Auftrage von*

(Signature of authorized person)  
*(Autorisierte Unterschrift)*

\*Strike out words not applicable.  
*\*Nichtzutreffendes ist durchzustreichen.*



*Faint, illegible text at the top of the document.*

**RETURN OF WARRANT**

*Zustellungsnachweis fuer den Haftbefehl*

I hereby certify that on \_\_\_\_\_ 194\_\_\_\_ I  
*Ich bestaetige hiermit, dass ich am \_\_\_\_\_ 194\_\_\_\_*  
*(day and month)*  
*(Tag und Monat)*

\*was unable to serve this warrant as the defendant was not found.  
*\*ausserstande war die Verhaftung durchzufuehren, da der Beschuldigte unauffindbar war.*

\*duly served this warrant upon the defendant, and he is now confined at  
*\*die Verhaftung durchfuehrte und der Beschuldigte befindet sich Haft in*

awaiting order of trial.  
*zwecks Anordnung der Gerichtsverhandlung.*

\_\_\_\_\_  
*(Signature of person serving warrant)*  
*(Unterschrift der Person, die Verhaftung vornahm)*

\*Strike out words not applicable.  
*\*Nichtzutreffendes ist durchzustreichen.*

Legal Form No. 3

MILITARY GOVERNMENT COURT  
MILITÄRGERICHT

Charge Sheet  
Anklageschrift

Place \_\_\_\_\_  
Ort \_\_\_\_\_  
Date \_\_\_\_\_  
Datum \_\_\_\_\_

Name of accused \_\_\_\_\_  
Name des Angeklagten \_\_\_\_\_

is hereby charged with the following offences:  
wird hiermit wegen der folgenden strafbaren Handlungen angeklagt:

First Charge: \_\_\_\_\_ Erste Anklage: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Particulars: \_\_\_\_\_ Einzelheiten: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Second Charge: \_\_\_\_\_ Zweite Anklage: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Particulars: \_\_\_\_\_ Einzelheiten: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Zweite Anklage:

Second Charge:

Einzelheiten:

Particulars:

\*Summary  
\*Intermediate Military Court to be held  
\*General

The above charges are referred for trial to the

\*Einfachen  
\*Mittleren Militargerichte  
\*Oberen

Die Verhandlung wird vor dem

at on 194  
in am

(Address of Court)  
(Anschrift des Gerichtes)

at Uhr stattfinden.

By Order  
Im Auftrage von

(Signature of person preferring charges)  
(Unterschrift des Vertreters der Anklagebehörde)

\*siehe nur, wenn es anwendbar ist.  
\*siehe nur, wenn es anwendbar ist.

104

Copy of above served on accused  
Abschrift dem Angeklagten zugestellt am

78

(Signature of person making service)  
(Unterschrift des Zustellers)

(FORM) 3107-100-10M 0-44 MAC Ltd. 5/71

## Auszug aus der Verordnung betreffend die Militaergerichte

### ARTIKEL IV

Jederman, der sich vor einem Militaergerichte zu verantworten hat, ist berechtigt :

1. eine Abschrift der gegen ihn erhobenen Beschuldigung vor der Verhandlung zugestellt zu erhalten ;
2. bei der Verhandlung anwesend zu sein, selbst fuer sich auszusagen und an alle Zeugen der Anklagebehoerde Fragen zu stellen ;
3. sich mit einem Rechtsanwalt vor der Verhandlung zu beraten, bei der Verhandlung sich durch einen Rechtsanwalt oder eine andere von ihm gewaechte Person verteidigen zu lassen, mit Ausnahme solcher Rechtsanwälte oder Personen, denen ein alliierter Offizier oder dessen Beauftragter, oder ein Militaergericht das Auftreten vor Gericht untersagt haben ;
4. in Faellen in denen die Todesstrafe fuer das begangene Verbrechen verhaengt werden kann, durch einen alliierten Offizier als Pflichtverteidiger vertreten zu werden, falls er keinen anderen Verteidiger hat ;
5. zur Verhandlung alle Augenzeugen zu seiner Verteidigung mitzubringen oder deren Namen dem Gerichte bekanntzugeben, falls er sie gerichtlich vorladen lassen will ;
6. das Gericht rechtzeitig um eine Vertagung zu ersuchen, falls dies zur Vorbereitung seiner Verteidigung notwendig ist ;
7. einen Dolmetscher fuer die Verhandlung zu haben, falls er sonst den Vorgaengen bei der Verhandlung nicht folgen kann ;



2. bei der Vornahme von Untersuchungen die klagende Behörde Fragen zu stellen;
3. sich mit einem Rechtsanwalt vor der Verhandlung zu beraten, bei der Verhandlung sich durch einen Rechtsanwalt oder eine andere von ihm gewählte Person verteidigen zu lassen, mit Ausnahme solcher Rechtsanwälte oder Personen, denen ein alliierter Offizier oder dessen Beauftragter, oder ein Militärgericht das Auftreten vor Gericht untersagt haben;
4. in Fällen in denen die Todesstrafe fuer das begangene Verbrechen verhaengt werden kann, durch einen alliierten Offizier als Pflichtverteidiger vertreten zu werden, falls er keinen anderen Verteidiger hat;
5. zur Verhandlung alle Augenzeugen zu seiner Verteidigung mitzubringen oder deren Namen dem Gerichte bekanntzugeben, falls er sie gerichtlich vorladen lassen will;
6. das Gericht rechtzeitig um eine Vertagung zu ersuchen, falls dies zur Vorbereitung seiner Verteidigung notwendig ist;
7. einen Dolmetscher fuer die Verhandlung zu haben, falls er sonst den Vorgehen bei der Verhandlung nicht folgen kann;
8. im Falle der Verurteilung ein Gesuch bei dem Gerichte, vor dem die Strafsache anhaengig ist, oder einer anderen dafuer bezeichneten oeffentlichen Stelle einzureichen. Das Gesuch muss eine Begrueendung enthalten, warum das Erkenntnis des Gerichtes nach Ueberpuefung aufgehoben oder abgeaendert werden soll.

CA/GI 9

Legal Form No. 4

MILITARY GOVERNMENT COURT  
MILITAERGERICHT

(17)

Summons for Witness  
Zeugenvorladung

Place \_\_\_\_\_  
Ort \_\_\_\_\_  
Date 194 5  
Datum \_\_\_\_\_

To:  
\*Herrn  
\*Frau  
\*Frauclain

Address:  
Anschritt:

You are hereby summoned and required to appear before the  
Sie werden hiermit eingeladen vor dem

\*Summary  
\*Intermediate Military Court  
\*General  
\*Einfachen  
\*Mittleren Militaergerichte  
\*Oberen

at \_\_\_\_\_  
in \_\_\_\_\_  
(address of court)  
(Anschritt des Gerichtes)

on \_\_\_\_\_ at \_\_\_\_\_ to testify and give evidence in the  
am \_\_\_\_\_ um \_\_\_\_\_ Uhr persoenlich zu crscheiden und als  
(date) (hour)

case pending against \_\_\_\_\_  
Zeuge in der Strafsache gegen \_\_\_\_\_  
(name of accused) \_\_\_\_\_  
(Name des Angeklagten) \_\_\_\_\_

and you are required to bring with you the following documents or articles:  
Sie haben die folgenden genannten Dokumente und Gegenstaende zur Verhandlung mitzubringen:

Unexcused failure to comply with this summons will subject you to severe punishment.  
Unentschuldigtes Ferubleiben wird auf das Strengste bestrift werden.

By order  
Im Auftrage von

(Signature of person authorized)  
(Unterschrift des Beauftragten)

\*Strike out words not applicable.  
\*Nichtzutreffendes ist durch  zu streichen.  
(88250) 310716/1101-50m 7-14 M&C 106. 61/1

**Proof of Service**  
**Zustellungsnachweis**

I hereby certify that I have this \_\_\_\_\_ 194  
*Ich bestaetige hiermit, dass ich am* (day) (month)  
*(Tag und Monat)*

at \_\_\_\_\_ served the summons of which this is a copy upon  
*am* *Uhr die Zeugenvorladung, deren dies eine Abschrift ist,*

the person named therein \*personally,  
\*by leaving it at the address shown thereon,  
\*by mailing it to the address shown thereon.

*an die darin genannte Person* \*persoenlich  
\*indem ich sie an die darin angegebene Anschrift brachte  
\*indem ich sie an die darin angegebene Anschrift bei der Post aufgab  
*zugestellt habe.*

(Signature of person serving summons)  
(Unterschrift des Zustellers)

**Acknowledgment of Service**  
**Rueckschein**

I acknowledge that I have this \_\_\_\_\_ 194  
*Ich bestaetige hiermit dass ich am* (day) (month)  
*(Tag und Monat)*

personally received the summons of which this is a copy.  
*persoenlich die Zeugenvorladung, deren dies eine Abschrift ist, erhalten habe.*

(Signature of person served with summons)  
(Unterschrift der Person, der die Vorladung  
zugestellt wurde)

\*Strike out words not applicable.  
\*Nichtzutreffendes ist durchzustreichen

LA/G) 10

Legal Form No. 5

MILITARY GOVERNMENT COURT  
MILITAERGERICHT  
Commitment  
Einlieferungsbehl

0  
0

To: The Officer in charge of  
An den Leiter der(s)

- \*Prison
- \*Camp
- \*Strafanstalt
- \*Lagers

or any other prison or camp to which the prisoner may hereafter be lawfully transferred:  
oder irgend einer anderen Strafanstalt oder eines anderen Lagers, in welches der Strafgefangene spaterhin rechtmassig ueberwiesen werden wird:

Whereas one  
Der (die) Verurteilte  
has been convicted of the offence of  
ist wegen der folgenden strafbaren Handlung

And has been sentenced by the  
schuldig erkannt und vom  
of  
zu  
and to pay a fine of  
und zu einer Geldstrafe von  
the said sentence to commence on  
Der Strafantritt hat am

- \*Summary
- \*Intermediate Military Court to serve a sentence
- \*General
- \*Einfachen
- \*Mittleren Militaergerichte
- \*Oberen

verurteilt worden.  
194  
zu erfolgen.

Now, therefore, you are hereby authorised to receive the above named  
Auf Grund des genannten Urteils sind Sie ermachtigt, den (die) genannten  
prisoner into your custody and detain him in accordance with the sentence so imposed or until further  
Strafgefangenen in die Strafanstalt (das Lager) aufzunehmen, bis er die ueber ihn verhaengte Strafe abgebusst  
order of this Court or a competent military authority and for so doing this shall be sufficient warrant.  
hat oder bis Sie eine weitere Anordnung von diesem Gericht oder von einer zustandigen Militaerbehorde er-  
halten werden. Diese Urkunde ermachtigt Sie zur Vornahme der Handlung.

Signed this  
Gezeichnet am

(Presiding Officer)  
(Vorsitzender)

- \*Summary
- \*Intermediate Military Court of
- \*General
- \*Einfaches
- \*Mittleres Militaergericht
- \*Oberes

(Address of Court)  
(Anschrift des Gerichts)

\*Strike out words not applicable.  
\*Nichtzutreffendes durchstreichen.



1216

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CA/GI 11

Legal Form No 6

MILITARY GOVERNMENT COURT  
MILITAERGERICHT

Commitment in Default of Payment of Fine  
Einlieferungsbefehl wegen Nichtbezahlung einer Geldstrafe

To: The Officer in Charge of  
An den Leiter der(s)

- \*Prison
- \*Camp
- \*Strafanstalt
- \*Lagers

or any other prison or camp to which the prisoner may hereafter be lawfully transferred:  
oder irgend einer anderen Strafanstalt oder eines anderen Lagers, in welches der Strafgefangene  
späterhin rechtmässig ueberwiesen werden wird:

Whereas one  
Der (Die) Verurteilte  
has been convicted of the offence of  
ist wegen der folgenden strafbaren Handlung

and has been sentenced by the  
schuldig erkannt und vom  
and in default of payment thereof to be  
und falls dieselbe nicht beigetrieben werden kann, zu einer

imprisoned for  
Gefängnisstrafe von  
and  
verurteilt worden.

Whereas the said fine remains unpaid in the amount of  
Der (Teil) betrag von  
der genannten Geldstrafe kann nicht beigetrieben werden.  
Now, thereof you are hereby authorized to receive the above named  
Auf Grund des genannten Urteiles sind Sie ermächtigt, den (die) genannten Strafge-

prisoner into your custody and detain him for  
fangenen in die Strafanstalt (das Lager) aufzu-  
nehmen und ihn (sic) fuer die Dauer von  
commencing on  
beginnend am  
or until further order of this  
in Strafhaft zu behalten, es sei denn, dass dieses  
Court or of competent military authority, and for so doing this shall be sufficient warrant.  
Gericht oder eine andere zuständige Militaerbehörde Ihnen eine weitere Weisung geben werden.  
Diese Urkunde ermächtigt Sie zur Vornahme der Handlung.

Signed this  
Gezeichnet am  
(date)  
(Datum)

(Presiding Officer)  
(Vorsitzender)  
\*Summary  
\*Intermediate Military Court of  
\*General  
\*Einfaches  
\*Mittleres Militaergericht  
\*Oberes

1217

CA/GF 12

Legal Form No. 7

MILITARY GOVERNMENT COURT  
MILITAERGERICHT

2  
00

Commitment on Reference to Higher Court  
Einlieferungsbefehl bei Verweisung der Strafsache an eine hoehere Instanz

To the Officer in Charge of  
An den Leiter der(s)

- \*Prison
- \*Camp
- \*Strafanstalt
- \*Lagers

or any other prison or camp to which the prisoner may hereafter be lawfully transferred;  
oder irgend einer anderen Strafanstalt oder eines anderen Lagers, in welches der Strafgefangene  
späterhin rechtmässig ueberwiesen werden wird:

Whereas one  
Der Angeklagte  
has been charged with the offence of  
ist wegen der folgenden strafbaren Handlung

\_\_\_\_\_

and has been brought before the \*Summary \*Intermediate Military Court and  
angeklagt worden und die Verhandlung hat vor dem \*Einfachen \*Mittleren Militaergerichte stattgefunden.

Whereas the \*Summary \*Intermediate Military Court has reported the case for reference to a higher court  
Das \*Einfache \*Mittlere Militaergericht hat jedoch ueber die Strafsache zum Zwecke der Entscheidung ueber  
ihre Verweisung an ein hoeheres Militaergericht Bericht erstattet.

Now, therefore, you are hereby authorized to receive the above named prisoner into your custody  
Sie werden daher ermächtigt, den Angeklagten in die Strafanstalt (das Lager) aufzunehmen bis  
and to detain him until further order of competent military authority, and for so doing this shall  
eine weitere Anordnung der zustaeudigen Militaerbehoerde erfolgen wird. Diese Urkunde ermächtigt  
be sufficient warrant.  
Sie zur Vornahme der Handlung.

(Presiding Officer)  
(Vorsitzender)  
\*Summary \*Intermediate Military Court of  
\*Einfaches \*Mittleres Militaergericht

(Address of Court)  
(Anschri~~f~~ des Gerichts)

\*Strike out words not applicable.  
\*Nichtzutreffendes ist durchzustreichen.

C.A/GI 13

Legal Form No. 8.

# MILITARY GOVERNMENT COURT. Case Record.

Case No. \_\_\_\_\_

Prosecutor. \_\_\_\_\_

\* Summary \_\_\_\_\_

Defence Counsel. \_\_\_\_\_

\* Intermediate Military Court. \_\_\_\_\_

\* General \_\_\_\_\_

Interpreter. \_\_\_\_\_

Place \_\_\_\_\_

Reporter \_\_\_\_\_

Date \_\_\_\_\_

194

Members of Court: \_\_\_\_\_

Accused \_\_\_\_\_

Address \_\_\_\_\_

Sex \_\_\_\_\_

Age \_\_\_\_\_

|                      | First Charge | Second Charge |
|----------------------|--------------|---------------|
| Pleas                |              |               |
| Findings             |              |               |
| Previous Convictions |              |               |

Imprisonment { Term Beginning \_\_\_\_\_

Accused

Address Sex Age

|                      | First Charge | Second Charge |
|----------------------|--------------|---------------|
| Pleas                |              |               |
| Findings             |              |               |
| Previous Convictions |              |               |

Sentence { Imprisonment { Term Beginning 194  
 Amount  
 To be paid before 194  
 or in case of default of payment to serve a \*further  
 term of imprisonment.

Charge Sheet and Record of Testimony are annexed hereto.

(Signature of member of court.)

**Review**

Action of Reviewing Authority

Signature of reviewing authority

\* Strike out words not applicable.

WT-31674/SH164 25m. 9/44 W.F.A. & Co. 51/3



Legal Form No. 8

**MILITARY GOVERNMENT COURT.**  
**MILITÄRGERICHT.**

**Charge Sheet.**  
**Anklageschrift.**

Place  
Ort  
Date  
Datum

Name of accused  
Name des Angeklagten

is hereby charged with the following offences:  
wird hiermit wegen der folgenden strafbaren Handlungen angeklagt:

*Erste Anklage:*

First Charge:

*Einzelheiten:*

Particulars:

*Zweite Anklage:*

Second Charge:

*Einzelheiten:*

Particulars:

Einselheiten :

Particulars :

\*Summary  
\*Intermediate Military Court to be held  
\*General

194

\*Einfachen  
\*Mittleren Militaergerichte  
\*Oberen

The above charges are referred for trial to the  
Die Verhandlung wird vor dem

on  
am

(Address of court.)  
(Anschriß des Gerichtes)

Uhr, stattfinden.

By Order,  
Im Auftrage von

(Signature of person preferring charges.)  
(Unterschrift des Vertreters der Anklagebehörde)

\*Strike out words not applicable.  
\*Nichtzutreffendes ist durchzustreichen

194

Copy of above served on accused  
Abschrift dem Angeklagten zugestellt am

(Signature of person making service)  
(Unterschrift des Zustellers)

CA/GE 14

Legal Form No. 9

**MILITARY GOVERNMENT COURT**

**MILITAERGERICHT**

**Cash Bail Undertaking by Accused  
Sicherheitsleistung des Angeklagten.**

Whereas I, \_\_\_\_\_ of \_\_\_\_\_  
*Ich, \_\_\_\_\_ von \_\_\_\_\_*  
(accused) (address)  
(Name des Angeklagten) (Anschrift des Angeklagten)

am required to appear in person before the \_\_\_\_\_  
*wurde vorgeladen persoendlich vor dem \_\_\_\_\_*  
\*Summary  
\*Intermediate Military Court  
\*General  
\*Einfachen  
\*Mittleren Militaergerichte  
\*Oberen

at \_\_\_\_\_ on \_\_\_\_\_, 194\_\_\_\_  
*in \_\_\_\_\_ am \_\_\_\_\_*  
(Address of Court) (Anschrift des Gerichts)

at \_\_\_\_\_ or at such other place, date and hour as may be directed.  
*um \_\_\_\_\_ Uhr zu erscheinen. Aenderungen in Ort, Datum und Zeit koennen behoerdlich festgesetzt werden.*

Now, therefore, I \_\_\_\_\_ hereby undertake  
*Ich \_\_\_\_\_ verpflichte mich*

to appear at the place, date and hour aforesaid, and  
*daher, an dem festgesetzten Orte, Tage und Stunde persoendlich zu erscheinen, und*

I further agree that if I shall fail to do so, the sum of \_\_\_\_\_  
*ich erklare mich damit einverstanden, dass im Falle der Nichtbefolgung der Betrag von \_\_\_\_\_*

deposited by me as bail may be ordered forfeited by the Court without further notice to me.  
*den ich als Sicherheitsleistung hinterlegt habe, vom Gericht ohne weitere Benachrichtigung verfallen erklart werden kann.*

\_\_\_\_\_  
(Place) (Ort)

\_\_\_\_\_, 194\_\_\_\_  
(Date) (Datum)

Witnessed by:  
Zeugen: \_\_\_\_\_

\_\_\_\_\_  
(Signature of Accused)  
(Unterschrift des Angeklagten)

\*Strike out words not applicable.  
\*Nichtzutreffendes ist durchzustreichen.

Legal Form No. 10

# MILITARY GOVERNMENT COURT Petition for Review

NOTE: This form must be filed with the trial court, or as may otherwise be directed, within ten days of conviction.

\*Summary  
\*Intermediate Military Court of \_\_\_\_\_  
\*General \_\_\_\_\_  
(Address of court)

Name of accused \_\_\_\_\_

Address of Accused \_\_\_\_\_ Date of arrest \_\_\_\_\_

Charge \_\_\_\_\_

Date of Trial \_\_\_\_\_, 191\_\_\_\_ Date of Conviction \_\_\_\_\_, 191\_\_\_\_

Sentence \_\_\_\_\_

Grounds of Petition \_\_\_\_\_

Date \_\_\_\_\_, 191\_\_\_\_  
(Signature of accused or his attorney)

Remarks by Trial Judge or Local Legal Officer

Date \_\_\_\_\_, 191\_\_\_\_  
(Signature and Title)



1 2 2 4

Date of Trial \_\_\_\_\_, 191\_\_\_\_ Date of Conviction \_\_\_\_\_, 191\_\_\_\_  
Sentence \_\_\_\_\_  
Grounds of Petition \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_, 191\_\_\_\_ (Signature of accused or his attorney)  
\_\_\_\_\_

**Remarks by Trial Judge or Local Legal Officer**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_, 191\_\_\_\_ (Signature and Title)  
\_\_\_\_\_

**Recommendation on Review**

(For use of Legal Adviser to Reviewing Authority only)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date \_\_\_\_\_, 191\_\_\_\_ (Signature and Title)  
\_\_\_\_\_

\* Strike out words not applicable.

Legal Form No. 10

### MILITARGERICHT

## Gesuch um Ueberprufung

**ZUR BEACHTUNG:** Dieses Formular muss innerhalb von 10 Tagen, beginnend mit der Schuldigsprechung, bei demselben Gericht oder einer sonstigen dafuer bezeichneten Behoerde eingereicht werden.

\*Einfaches

\*Militaeres Militaergericht in

\*Ortes

Name des (der) Angeklagten

in Haft genommen am

angeklagt wegen der folgenden strafbaren Handlung

Verhandlung stattgefunden am

Fuer schuldig befunden am

Urteil

Begruendung des Gesuches

angeklagt wegen der folgenden strafbaren Handlung

Verhandlung stattgefunden am

Für schuldig befunden am

Urteil

Begründung des Gesuches

Datum

(Unterschrift über Angeklagten oder seinen Rechtsvertreter)

\* Nichtzutreffendes ist durchzustreichen.

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(Front cover of Register).

Legal Form No. 11.

REGISTER

OF

MILITARY GOVERNMENT COURT

\_\_\_\_\_ Military Court Location \_\_\_\_\_

From

\_\_\_\_\_ 194 \_\_\_\_\_

to

\_\_\_\_\_ 194 \_\_\_\_\_

inclusive.

Instructions.

1. Every Military Government Court will maintain this register as a permanent record of its proceedings. Every case heard will be entered and numbered in chronological order.
2. A court will be designated by the name of the town, city or locality and of the next larger political sub-division in which it is customarily held. One or more registers will be maintained continuously regardless of changes of personnel. Thus if an officer who first holds court in a given locality moves on, he will leave the register behind to be continued by his successor.



\_\_\_\_\_ 194  
to \_\_\_\_\_ 194  
inclusive.

Instructions.

1. Every Military Government Court will maintain this register a permanent record of its proceedings. Every case heard will be entered and numbered in chronological order.
2. A court will be designated by the name of the town, city or locality and of the next larger political sub-division in which it is customarily held. One or more registers will be maintained continuously regardless of changes of personnel. Thus if an officer who first holds court in a given locality moves on, he will leave the register behind to be continued by his successor.
3. Entries with respect to sentence and orders of the court in the register and in the case record must be complete (including date of commencement of sentence of imprisonment, terms of suspension of sentence, etc.), so that further action can be taken by the court or by the reviewing authority from either the register or the case record as the case may be.
4. When a petition for review is filed, the date of receipt should be endorsed thereon, it should be checked against the register, any missing information added, and an appropriate entry made in the left column of the register. Entry should be made upon notice of the action of the reviewing authority.
5. Know the Military Government Courts Ordinance, the Crimes and Offences Ordinance, the Rules of Military Government Courts, and the Guide to Procedure in Military Government Courts.

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Declassified E.O. 12356 Section 3.3/NND No. 785016

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Wt 8102/SIITE 5m W44 W.F.A. & Co. MJD

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CA/GE 17

Legal Form No. 12

**MILITARY GOVERNMENT COURT**  
**Request for attendance of member of**  
**Allied Forces as Witness.**

To:

Case \_\_\_\_\_

Summary of Charges \_\_\_\_\_

1. It is requested that you will cause \_\_\_\_\_

to attend as a witness at the \_\_\_\_\_  
\*Summary  
\*Intermediate Military Court  
\*General

Sitting at \_\_\_\_\_ at \_\_\_\_\_ hrs.

on \_\_\_\_\_ 194\_\_\_\_, to give evidence in the above-mentioned case  
and to bring with him \_\_\_\_\_

2 If for any reason you are unable to secure the attendance of the witness at  
the time and place stated, it is requested that you will

(a) Cause an officer to obtain a written statement from the witness of the  
evidence which he is able to give. Such statement should be made on oath,  
signed by the witness, countersigned by the officer taking the statement and

returned to \_\_\_\_\_

as soon as possible.

and (b) State the alternative dates and times (if any) on which the witness could,  
if required, be made available to give evidence.

3. If the witness is no longer under your command, it is requested that you  
will state where he can be found.

\_\_\_\_\_  
(Signature of officer requiring  
witness's attendance).

\*Strike out words not applicable



1 2 3 2

785016

MILITARY GOVERNMENT COURT  
MILITÄRGERICHT

Order on Review

Verfügung nach Überprüfung

Case No. \_\_\_\_\_ Order No. \_\_\_\_\_  
Strafsache Nr. \_\_\_\_\_ Verfügung Nr. \_\_\_\_\_

Whereas one \_\_\_\_\_  
(Name of Accused) (Name des (der) Angeklagten)

was convicted of the offence of \_\_\_\_\_  
wegen der folgenden strafbaren Handlung

by the \_\_\_\_\_ at \_\_\_\_\_  
vom \_\_\_\_\_ in \_\_\_\_\_  
\*Summary (Address of Court)  
\*Intermediate Military Court (Anschrift des Gerichts)  
\*General  
\*Einfachen  
\*Mittleren Militärgerichte  
\*Oberen

and sentenced to \_\_\_\_\_  
schuldig erkannt und zu \_\_\_\_\_

by Judgment dated the \_\_\_\_\_ and  
durch Urteil vom \_\_\_\_\_ 194 \_\_\_\_\_

Whereas the case has now come before me by way of review and after due consideration and  
Diese Strafsache ist mir zur Überprüfung vorgelegt worden und nach entsprechendem Studium

in exercise of the powers conferred upon me, I hereby order:  
des Sachverhaltes und in Ausübung der mir uebertragenen Befugnisse verfuere ich:

\*That the findings and the sentence be upheld.  
\*Der Schuldspruch und das Urteil werden bestaetigt.

\*That the sentence imposed be reduced to \_\_\_\_\_  
\*Die Strafe wird herabgesetzt auf \_\_\_\_\_

and for so doing this shall be sufficient warrant.  
und dies ist eine rechtskraeftige Ausfertigung fuer die herabgesetzte Strafe.

\*That the conviction be quashed and the said \_\_\_\_\_  
\*Der Schuldspruch wird aufgehoben und der obengenannte \_\_\_\_\_

be released forthwith unless detained for other lawful reason,  
ist sofort aus der Haft zu entlassen, es sei denn, dass er aus

and for so doing this shall be sufficient warrant.  
anderen gesetzmaessigen Gruenden in Haft verbleiben muss. Diese Urkunde ermächtigt zur Vornahme  
dieser Handlung.

by Judgment dated the \_\_\_\_\_ 194 \_\_\_\_\_ and  
durch Urteil vom \_\_\_\_\_ (date) \_\_\_\_\_

Whereas the case has now come before me by way of review and after due consideration and  
Diese Strafsache ist mir zur Ueberpruefung vorgelegt worden und nach entsprechendem Studium

in exercise of the powers conferred upon me, I hereby order:  
des Sachverhaltes und in Ausuebung der mir uebertragenen Befugnisse verfuere ich:

\*That the findings and the sentence be upheld.  
\*Der Schuldspruch und das Urteil werden bestaetigt.

\*That the sentence imposed be reduced to \_\_\_\_\_  
\*Die Strafe wird herabgesetzt auf \_\_\_\_\_

and for so doing this shall be sufficient warrant  
und dies ist eine rechtskraeftige Ausfertigung fuer die herabgesetzte Strafe.

\*That the conviction be quashed and the said  
\*Der Schuldspruch wird aufgehoben und der obengenannte

\_\_\_\_\_ be released forthwith unless detained for other lawful reason,  
ist sofort aus der Haft zu entlassen, es sei denn, dass er aus

and for so doing this shall be sufficient warrant. Diese Urkunde ermächtigt zur Vornahme  
anderen gesetzmässigen Gruenden in Haft verbleiben muss.

\*That the said  
\*Die Sache des \_\_\_\_\_

be retried by \_\_\_\_\_  
wird zur Verhandlung zurueckverwiesen an \_\_\_\_\_

Dated this \_\_\_\_\_ 194 \_\_\_\_\_  
Gegeben am \_\_\_\_\_

\_\_\_\_\_  
(Signature of Reviewing Authority)  
(Unterschrift der nachprüfenden Behörde)

\_\_\_\_\_  
(Title)  
(Titel)

\* Strike out words not applicable.  
\* Nichtzutreffendes ist durchzutreiben.

OATHS

1. Oath of witness.

"I swear by God, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing."

2. Oath of interpreter.

"Do you swear by Almighty God that you will to the best of your ability truly translate the proceedings of this court as the court may require?"

Witness replies, "I do".

3. Oath of official reporter.

"Do you swear by Almighty God that you will to the best of your ability truly record and transcribe the proceedings of this court?"

Witness replies, "I do".

4. Affirmation.

The form of affirmation is the same as the oath, except that the words "solemnly affirm" are substituted for the words "Swear by God, the Almighty and Omniscient".

1 2 3 5

3. Oath of official reporter.

"Do you swear by Almighty God that you will to the best of your ability truly record and transcribe the proceedings of this court?"

Witness replies, "I do".

4. Affirmation.

The form of affirmation is the same as the oath, except that the words "solemnly affirm" are substituted for the words "Swear by God, the Almighty and Omniscient".



I.D.

(O.K.)

1. Lebensbild.

Ich schwöre bei Gott, dem Allwissenden und Allmächtigen, dass ich die reine Wahrheit sagen werde und nichts hinzusetzen werde.

2. Wid der Wahrheit.

Ich schwöre bei Gott dem Allwissenden dass ich die Wahrheit sagen werde bei diesem Gericht und nicht zurückweichen, so es richtig ist.

Antwort des Jurors: Ich schwöre.

3. Wid der Offiziellen Berichterstattung.

Ich schwöre bei Gott dem Allwissenden dass ich die Wahrheit sagen werde bei diesem Gericht und nicht zurückweichen und nicht lügen.

Antwort des Jurors: Ich schwöre.

4. Vernehmung.

Die Form der Vernehmung ist dieselbe wie die fuer den Eid gebräuchlich sind. Der Juror schwört bei Gott, dem Allwissenden und Allmächtigen die orte vernehmliche Wahrheit zu sagen.

Antwort des Jenson: Ich bin bereit.

3. Nach dem offiziellen Bericht des Jenson:

Schwerer als bei Gott der Allmächtigen aus der  
Hölle tun werden die Vorgänge bei dieser heiligen  
Katholischen Kirche in den Händen und Füßen?

Antwort des Jenson: Ich schreibe.

4. Versicherung:

Die Form der Versicherung ist dieselbe wie die für den  
Allgemeinen. Verden durch die Worte "Gott" bei Gott,  
den Allmächtigen und "Allmächtigen" die erteilte Versicherung  
sicherlich verwendet.

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V. AUSTRIAN COURTS

LEGAL INSTRUCTION NO. 3.

1. Objectives. The Austrian Courts will be controlled and supervised in order to insure the following :

- (a) That the Austrian Courts do not assume jurisdiction over any case reserved to the jurisdiction of M.G.
- (b) That no German Court or official exercises any jurisdiction or supervision over any Austrian Court.
- (c) That courts abolished by Ordinance No. 101 (Austrian Courts) cease operations immediately.
- (d) That any pending case and any class of case not hitherto reserved to the jurisdiction of M.G. are transferred to such jurisdiction if the disposition of such case is likely to be affected by hostility towards, or be prejudicial to, the interests of M.G.
- (e) That the Austrian Courts are not used as a vehicle for open or covert propaganda against or disrespectful references to M.G. and its forces.
- (f) That the Austrian Courts do not apply any Nazi laws or concepts of jurisprudence, the application of which has been forbidden by the M.G.
- (g) That judgments and sentences passed by the Austrian Courts are not influenced by bias in favour of or prejudice against any individual because of his political opinions, race, religion, nationality or colour, or by pressure from any special interests or national or local organization.
- (h) That no one holds an appointment as judge, Staatsanwalt or other Court official, or practices as a notary or lawyer, except by permission of M.G.

OATHS

- 1. Oath of witness.  
 "I swear by God, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing."
- 2. Oath of interpreter.  
 "Do you swear by Almighty God that you will to the best of your ability truly translate the proceedings of this court as the court may require?"  
 Witness replies, "I do".
- 3. Oath of official reporter.  
 "Do you swear by Almighty God that you will to the best of your ability truly record and transcribe the proceedings of this court?"  
 Witness replies, "I do".
- 4. Affirmation.  
 The form of affirmation is the same as the oath, except that the words "solemnly affirm" are substituted for the words "Swear by God, the Almighty and Omniscient".

3. Oath of official reporter.

"Do you swear by Almighty God that you will to the best of your ability truly record and transcribe the proceedings of this court?"

Witness replies, "I do".

4. Affirmation.

The form of affirmation is the same as the oath, except that the words "solemnly affirm" are substituted for the words "Swear by God, the Almighty and Omniscient".



A.I.D.D.

(Ordre)

1. Question:

Ich schreibe bei Gott, dem Allwissenden und Allmächtigen, dass ich die reine Wahrheit sagen möchte, nichts verschleißen und nichts hinterlassen würde.

2. Wie das selbste ist.

Ich schreibe bei Gott dem Allwissenden dass Sie für Gottes tun werden in die Vergangenheit bei diesem Gericht. Ich bitte Sie zu überlegen, ob es wirklich stimmt ist?

Antwort des Herrn: Ich sehe.

3. Wie das offiziellen Berichtstexte.

Ich schreibe bei Gott dem Allwissenden dass die für Gottes tun werden die Vergangenheit bei diesem Gericht. Ich bitte Sie zu überlegen, ob es wirklich stimmt ist?

Antwort des Herrn: Ich sehe.

4. Verständnis:

Die Form der Verständigung ist dieselbe wie die für den Fall Gottes. Ich bitte Sie zu überlegen, ob es wirklich stimmt ist?

3. Die des offiziellen Berichterstatters.

Wortreden die bei Gott den Allwissenden aus die im  
Menschen tun werden die Vorgänge bei diesen berichte  
unabhängigen Aneinanderreihungen und Wiederholungen

Antwort des Jenseits Ich schreibe.

4. Versicherung.

Die Form der Versicherung ist dieselbe wie die für den  
Auf jeden werden in der Zeit mehrere bei Gott,  
den Allwissenden und Allwissenden die orte verhalten  
sich alle in verteilte.

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V. AUSTRIAN COURTS

IDEAL INSTRUCTION NO. 3.

1. Objectives. The Austrian Courts will be controlled and supervised in order to insure the following :

- (a) That the Austrian Courts do not assume jurisdiction over any case reserved to the jurisdiction of M.G.
- (b) That no German Court or official exercises any jurisdiction or supervision over any Austrian Court.
- (c) That courts abolished by Ordinance No. 101 (Austrian Courts) cease operations immediately.
- (d) That any pending case and any class of case not hitherto reserved to the jurisdiction of M.G. are transferred to such jurisdiction if the disposition of such case is likely to be affected by hostility towards, or be prejudicial to, the interests of M.G.
- (e) That the Austrian Courts are not used as a vehicle for open or covert propaganda against or disrespectful references to M.G. and its forces.
- (f) That the Austrian Courts do not apply any Nazi laws or concepts of jurisprudence, the application of which has been forbidden by the M.G.
- (g) That judgments and sentences passed by the Austrian Courts are not influenced by bias in favour of or prejudice against any individual because of his political opinions, race, religion, nationality or colour, or by pressure from any special interests or national or local organization.
- (h) That no one holds an appointment as Judge, Staatsanwalt or other Court official, or practices as a notary or lawyer, except by permission of M.G.
- (i) That the Austrian Courts resume their pre-1938 names, and that the Oberster Gerichtshof is eventually reconstituted.

- (d) That any pending case and any class of case not hitherto reserved to the jurisdiction of M.G. are transferred to such jurisdiction if the disposition of such case is likely to be affected by hostility towards, or be prejudicial to, the interests of M.G.
- (e) That the Austrian Courts are not used as a vehicle for open or covert propaganda against or disrespectful references to M.G. and its forces.
- (f) That the Austrian Courts do not apply any Nazi laws or concepts of jurisprudence, the application of which has been forbidden by the M.G.
- (g) That judgments and sentences passed by the Austrian Courts are not influenced by bias in favour of or prejudice against any individual because of his political opinions, race, religion, nationality or colour, or by pressure from any special interests or national or local organization.
- (h) That no one holds an appointment as judge, Staatsanwalt or other Court official, or practices as a notary or lawyer, except by permission of M.G.
- (i) That the Austrian Courts resume their pre-1938 names, and that the Oberster Gerichtshof is eventually reconstituted.
- (j) Generally, that the Austrian Courts conduct their proceedings in conformity with all directions issued by M.G. and, in particular, with the following Ordinances of M.G. : No. 101 (Austrian Courts); No. 3 (Dissolution of Nazi Party); and No. 4 (Abrogation of Nazi Laws).
2. Supervising Officers. As and when a court or group of courts is opened, the appropriate M.G. authority will issue instructions assigning Legal officers and defining their responsibilities and powers in relation to such matters as :- suspension of court officials found to be unsatisfactory, transfer of cases to M.G. Courts, and review of cases.
3. Outline of Organization. The scheme of organization involved will embody the principle of indirect control exercised at the highest existing level, e.g. if a complete group of courts (Oberlandesgericht, Landes- and Bezirksgericht) has been opened, the point of control will be the Oberlandesgericht. The Senior Prosecutor (Oberstaatsanwalt) at, and the President of, the Oberlandesgericht will receive directions from the Senior



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Legal Officer at M.G. Gau H.Q. and will be answerable to him for ensuring that these directions are obeyed in the lower courts. At levels lower than M.G. Gau H.Q., legal officers will not normally issue directions to court officials; their functions will mainly be by inspection of the courts at their level to ascertain and report through M.G. channels conditions which the Senior Legal Officer at M.G. Gau H.Q. should correct by the issue of instructions to the Oberstaatsanwalt at, or the President of, the Oberlandesgericht. The main study and analysis of cases will be at M.G. Gau H.Q. on the basis of consolidated reports submitted by the Oberlandesgericht.

4. Reports by Court Officials.

The Senior Prosecutor (Staatsanwalt) and the Senior Judge at each court will be required :

(a) To maintain in the courthouse a register of all criminal cases disposed of by the court in the form prescribed (see attachment). This register will be at all times available for inspection by any M.G. officer and will be forwarded to the M.G. officers on request;

(b) To forward, as directed, at the end of each fortnight:-

- (1) The current report of criminal cases (Laufende Berichte der Vortellungen) prepared by the Staatsanwalt at each court;
- (2) particulars of every case reported or investigated but not brought to trial, in the form prescribed (see attachment);
- (3) a summary of appeals entered and disposed of, showing grounds of appeal and result (appellate courts only).

(c) To report, within 24 hours, any case in which the death penalty has been imposed and to stay execution of sentence until receipt of directions from Military Government.

Directions issued when the courts are opened will specify the M.G. HQ's to which copies of the Register and the reports are to be sent and, also, the channels of transmission. Drafts of Directions No. 1 and No. 2 are attached.

5. Supervision Procedures. (Criminal Cases)

The objectives of supervision are specified in paragraph 1 of this



- (a) To maintain in the courthouse a register of all criminal cases disposed of by the court in the form prescribed (see attachment). This register will be at all times available for inspection by any M.G. officer and will be forwarded to the M.G. officers on request;
- (b) To forward, as directed, at the end of each fortnight:-
- (1) The current report of criminal cases (Laufende Berichte der Vorteilungen) prepared by the Staatsanwalt at each court;
  - (2) particulars of every case reported or investigated but not brought to trial, in the form prescribed (see attachment);
  - (3) a summary of appeals entered and disposed of, showing grounds of appeal and result (appellate courts only).
- (c) To report, within 24 hours, any case in which the death penalty has been imposed and to stay execution of sentence until receipt of directions from Military Government.
- Directions issued when the courts are opened will specify the M.G. HQ's to which copies of the Register and the reports are to be sent and, also, the channels of transmission. Drafts of Directions No. 1 and No. 2 are attached.

#### 5. Supervision Procedures. (Criminal Cases)

The objectives of supervision are specified in paragraph 1 of this article. The manner and extent of this supervision will depend upon varying factors such as the phase of the military occupation, the number and type of courts open in any particular area, the volume of business in these courts, the estimated reliability of the court officials and the number of legal officers available. It is not, therefore, proposed to prescribe any detailed routine of procedure. The duties of legal officers will, however, include the following :-

- (a) In conjunction with the Public Safety Division to study the list of cases awaiting trial and note and watch the progress of cases which are of interest to the M.G.;
- (b) From time to time, to visit the court without previous warning and watch the conduct of the proceedings. Legal officers will sit beside the judge and will have the right to inspect the Judge's papers in order to familiarize themselves with the cases, but will take no part in the proceedings;

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- (c) At regular intervals, to inspect the Register of Criminal Cases and carry out spot-checks of the Register against the court's records of judgments and against the original case files in order to test whether the register has been accurately kept. Legal Officers will not be expected to make a 100% check or study of the register or of the case files but will study a certain proportion of cases selected arbitrarily and all cases in which M.G. is interested in order to determine whether cases are being disposed of in a manner conforming to the objectives specified in paragraph 1 above. They will pay special attention to cases where the accused has been acquitted;
- (d) From time to time, to check the report of cases investigated but not brought to trial against the record of prison releases in order to insure that the report is accurate;
- (e) To study the summary of criminal cases in order to obtain information and indications about such matters as the state and trends of crime in the area, the impact of M.G. on the civil population, the efficiency of the local Austrian administration, etc.
- (f) To insure that sufficient publicity is given in appropriate cases of interest to M.G. to the sentences imposed by the courts;
- (g) To hold regular meetings with the President of the Court and the Senior Prosecutor, and, if not satisfied with regard to explanations given on any point, to request written reports to be submitted for reference to higher M.G. authority, if necessary;
- (h) Having regard to the objectives specified in paragraph 1 above, to take such action within their competence and submit to higher authority through appropriate channels such reports, recommendations, and requests for directions as may be appropriate in respect of the following matters :
  - (1) suspension or trial by the M.G. Courts of any judge, Staatsanwalt, court official, notary or lawyer;
  - (2) stay or transfer of any case to the jurisdiction of the M.G. Courts;
  - (3) review any concluded case with a view to retrial by an M.G. Court or mitigation of sentence (including death sentence);
  - (4) any other matter arising out of the supervision of

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information and indications about such trends of crime in the area, the impact of M.G. on the civil population, the efficiency of the local Austrian administration, etc.

(f) To insure that sufficient publicity is given in appropriate cases of interest to M.G. to the sentences imposed by the courts;

(g) To hold regular meetings with the President of the Court and the Senior Prosecutor, and, if not satisfied with regard to explanations given on any point, to request written reports to be submitted for reference to higher M.G. authority, if necessary;

(h) Having regard to the objectives specified in paragraph 1 above, to take such action within their competence and submit to higher authority through appropriate channels such reports, recommendations, and requests for directions as may be appropriate in respect of the following matters:

- (1) suspension or trial by the M.G. Courts of any judge, Staatsanwalt, court official, notary or lawyer;
- (2) stay or transfer of any case to the jurisdiction of the M.G. Courts;
- (3) review any concluded case with a view to retrial by an M.G. Court or mitigation of sentence (including death sentence);
- (4) any other matter arising out of the supervision of the Austrian courts.

Legal Officers will make no attempt to dictate the action to be taken by the court in any particular case.

#### 6. Supervision Procedures. (Civil Cases)

The degree of supervision required will depend upon the types of civil courts which are opened, the classes of cases to be tried, and the prevailing conditions at and after the date when each court is opened.

(a) Legal officers will normally confine themselves to the supervision of the contentious business before the court (Streitige Gerichtsbarkeit). They will carry out periodical inspections of judgments rendered by the courts and, if necessary, will require a separate file to be kept at the courthouse containing a duplicate copy of each judgment. They will study any cases which are of interest to M.G.

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(b) They will also carry out such supervision over the non-contentious business of the court (Freiwillige Gerichtsbarkeit), including inspection of any court registers which are opened, as may be necessary to assist the work of other M.G. divisions.

7. Functions of M.G. Detachments.

Military Government detachments will be concerned with the immediate supervision of the Bezirksgerichte in their areas. This will include :

- (a) assisting in carrying out the prescribed procedure for vetting the Judges, prosecutors, court and administrative officials, notaries and attorneys attached to or practicing before such courts and in eliminating unreliable persons from such activities, and substituting reliable personnel;
- (b) supervising the handling of civil and criminal trials, the remand prisons (for accused persons held for trial), and the administrative services such as the Grundbuch (registry of land titles), the regulation of activities of notaries etc. to assure that the Austrian personnel are conducting such activities in accordance with policies established by the M.G. in its enactments and its directions to the Austrian authorities;
- (c) assuring that the Bezirksgerichte are keeping the records and making the reports required by such directions, and reporting to higher M.G. H.Q.'s court activities requiring investigation or correction;
- (d) keeping the M.G. Gau HQ's advised as to particular cases or classes of cases in the Bezirksgerichte that should be transferred to M.G. Courts because of danger to Allied interests of permitting trial thereof by Austrian courts (on account of local prejudices, pressure from Austrian officials, etc.)

8. Attachments.

The following are attached hereto as part of this Instruction:

- (a) Register of Criminal Cases.
- (b) Summary of Cases not brought to trial.
- (c) Legal Direction No. 1.



of their duties) etc. to assure that the Austrian personnel are conducting such activities in accordance with policies established by the M.G. in its enactments and its directions to the Austrian authorities;

(c) assuring that the Bezirksgerichte are keeping the records and making the reports required by such directions, and reporting to higher M.G. H.Q.'s court activities requiring investigation or correction;

(d) keeping the M.G. Gau HQ's advised as to particular cases or classes of cases in the Bezirksgerichte that should be transferred to M.G. Courts because of danger to Allied interests of permitting trial thereof by Austrian courts (on account of local prejudices, pressure from Austrian officials, etc.)

8. Attachments.

The following are attached hereto as part of this Instruction:

- (a) Register of Criminal Cases.
- (b) Summary of Cases not brought to trial.
- (c) Legal Direction No. 1.
- (d) Legal Direction No. 2.



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Attachment (a)  
Legal Instruction No. 3.

MILITARY GOVERNMENT - AUSTRIA.

Register of Criminal Cases Disposed of by the  
\_\_\_\_\_ pericht at \_\_\_\_\_ during the  
period \_\_\_\_\_.

1. The register will be kept on a fortnightly basis.
2. Each case will be recorded on a separate sheet or sheets on the pro-forma shown below. The pro-formas will be filed in an order corresponding to the classification shown in Summary of Criminal Cases.
3. Cases where the accused was convicted will be kept separate from cases where the accused was acquitted.
4. Within each classification (see para.2) pro-formas will be arranged in alphabetical order.
5. Each pro-forma will be given a separate serial number.

PRO-FORMA.

1. Name of Accused \_\_\_\_\_
2. Date of Trial \_\_\_\_\_
3. Age of Accused \_\_\_\_\_
4. Name of : (a) Judge \_\_\_\_\_  
(b) Prosecutor \_\_\_\_\_  
(c) Defender (if any) \_\_\_\_\_
5. Police District: \_\_\_\_\_
6. Particulars of Charge: \_\_\_\_\_

- 3. Cases where the accused was convicted will be kept separate from cases where the accused was acquitted.
- 4. Within each classification (see para.2) pro-formas will be arranged in alphabetical order.
- 5. Each pro-forma will be given a separate serial number.

PRO-FORMA.

1. Name of Accused \_\_\_\_\_
2. Date of Trial \_\_\_\_\_
3. Age of Accused \_\_\_\_\_
4. Name of : (a) Judge \_\_\_\_\_  
                   (b) Prosecutor \_\_\_\_\_  
                   (c) Defender (if any) \_\_\_\_\_
5. Police District: \_\_\_\_\_
6. Particulars of Charge: \_\_\_\_\_  
 \_\_\_\_\_
7. Decision of Court and Sentence Awarded: \_\_\_\_\_  
 \_\_\_\_\_
8. Summary of Facts: \_\_\_\_\_  
 \_\_\_\_\_
9. Number of Days under Arrest before Trial: \_\_\_\_\_
10. Particulars of Former Convictions: \_\_\_\_\_  
 \_\_\_\_\_
11. Particulars of any Appeal: \_\_\_\_\_  
 \_\_\_\_\_

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Attachment (b)  
Legal Instruction No. 3.

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MILITARY GOVERNMENT AUSTRIA

Summary of Cases Reported to or Investigated by

Staatsanwaltschaft but not brought to Trial

- 1. Name of Accused \_\_\_\_\_
- 2. Age of Accused \_\_\_\_\_
- 3. Occupation of Accused \_\_\_\_\_
- 4. Police District \_\_\_\_\_
- 5. Date of Report of First Investigation \_\_\_\_\_
- 6. Particulars of alleged or suspected offense: -  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 7. Full Reasons for which Proceedings were Stayed: -  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 8. Name of Official responsible for staying the Proceedings: \_\_\_\_\_
- 9. Particulars of former convictions \_\_\_\_\_

- 6. Particulars of alleged or suspected offence:-  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 7. Full Reasons for which Proceedings were Stayed:-  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 8. Name of Official responsible for staying the Proceedings:  
 \_\_\_\_\_  
 \_\_\_\_\_
- 9. Particulars of former convictions  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 10. Particulars of any former connection of accused with the NSDAP or its formations or any organisations controlled by or associated with it.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



Attachment (c)  
Legal Instruction No. 3.

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MILITARY GOVERNMENT - AUSTRIA.

LEGAL DIRECTION No. 1.

SUBJECT : Administration of Justice.

TO : The President and Chief Prosecutor  
Oberlandesgericht zu

1. You and each of you within the respective spheres of your administrative duties will be responsible to the Military Government for the proper administration of the courts and the just application of the law within the jurisdictional area of your Oberlandesgericht. You will be held personally answerable for the performance of your duties in accordance with this Direction and further Directions you will receive from Military Government. You will issue and enforce appropriate instructions to all personnel under your administrative supervision and control, including all judges, prosecutors and other officials (Beaufe), as well as all notaries and lawyers, who are authorized to exercise their functions or profession in your area.

2. All proclamations, ordinances, notices and orders issued by Allied authority or the Military Government will be scrupulously obeyed, and where applicable followed by you and by all personnel under your administrative supervision or control. All enactments will be published officially in the Military Government's Gazette. Copies are handed to you herewith of the enactments listed in Schedule I to this Direction, and copies of additional enactments will be furnished to you from time to time for your guidance.

3. You will bring to my attention all questions arising in connection with the performance of your duties which are or appear to be of concern or interest to the Military Government, including in particular any infractions of its enactments or of the Directions received by you. In order to effect liaison with you and to ensure compliance with the Directions, I shall, from time to time, designate officers to supervise your administration and to report to me thereon. Upon presentation of their credentials, you will provide such officers with such information and facilities as they require.

4. No judge, prosecutor or official will be permitted to hold office nor will any notary or lawyer be permitted to practice until recommended by you, and passed by Military Government. You will be supplied by my

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proper administration of the courts and the area of your Oberlandesgericht. You will be held personally answerable for the performance of your duties in accordance with this Direction and further Directions you will receive from Military Government. You will issue and enforce appropriate instructions to all personnel under your administrative supervision and control, including all judges, prosecutors and other officials (Beamte), as well as all notaries and lawyers, who are authorized to exercise their functions or profession in your area.

2. All proclamations, ordinances, notices and orders issued by Allied authority or the Military Government will be scrupulously obeyed, and where applicable followed by you and by all personnel under your administrative supervision or control. All enactments will be published officially in the Military Government Gazette. Copies are handed to you herewith of the enactments listed in Schedule I to this Direction, and copies of additional enactments will be furnished to you from time to time for your guidance.

3. You will bring to my attention all questions arising in connection with the performance of your duties which are or appear to be of concern or interest to the Military Government, including in particular any infractions of its enactments or of the Directions received by you. In order to effect liaison with you and to ensure compliance with the Directions, I shall, from time to time, designate officers to supervise your administration and to report to me thereon. Upon presentation of their credentials, you will provide such officers with such information and facilities as they require.

4. No judge, prosecutor or official will be permitted to hold office nor will any notary or lawyer be permitted to practice until recommended by you, and passed by Military Government. You will be supplied by my representatives with the necessary instructions and forms.

5. After such investigation and changes of personnel as I direct have been completed, you will receive further Directions as to the opening of your court and the Landesgerichte and Bezirksgerichte in your area. When reopened, such courts will function in conformity with the limitations imposed by the applicable enactments and Directions of Military Government. You will be answerable for the strict discipline and obedience of all personnel of such courts when reopened. All appointments made by you will be subject to revocation by Military Government.

6. You are particularly charged to furnish promptly to me or to my representatives, copies of all reports of activities of the courts and officials under your jurisdiction, which are provided for in applicable law or required by Directions, including the Laufende Berichte der Verteilungen rendered by the Staatsanwaltschaft at each court.

7. Until such time as the normal procedure can be resumed for approval

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of the budget for the courts and agencies under your control, you will submit your budget requirements to me for necessary action, and will report at once any special needs which cannot be provided for from resources at your disposition. You will receive further Directions as to my financial records and reports required by Military Government in addition to those prescribed by law.

C. Subject to your strict compliance with the enactments and Directions of the Military Government, it is the policy of the Military Government to aid in restoring the dignity and judicial independence of the American courts and the re-establishment of the rule of law. Further continuance of the Lawlessness, oppression, brutality-evidenced by the administration of the Austrian courts and legal system under the Nazi regime will not be tolerated and any attempts at continuance will be severely punished by the Military Government through its courts.

Dated: \_\_\_\_\_, 194\_\_\_\_\_.

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Dated: \_\_\_\_\_, 1974



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Attachment (a)  
Legal Instruction No. 3.

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MILITARY GOVERNMENT - AUSTRIA.

LEGAL DIRECTION No. 2.

SUBJECT : Re-opening of Courts.

TO : The President and Chief Prosecutor  
Oberlandesgericht at \_\_\_\_\_

1. Reference is made to Legal Direction No. 1. from this headquarters dated \_\_\_\_\_, 194\_\_\_\_, and the inclosures thereto.

2. You are authorized and directed to re-open the following courts within your jurisdictional area:

(Here List)

3. The judges, prosecutors and court and administrative officials, and the notaries and lawyers listed on Schedule I inclosed herewith, having been recommended by you, may resume their functions and practice subject to compliance with all applicable enactments and Directions of Military Government. This consent may be revoked at any time.

4. It is of primary importance for the courts above named to dispose of the criminal cases pending or initiated before them, and they will accord priority to such cases. You will forward to the undersigned, at the earliest possible date, full data as to the status of the dockets of each court, with your recommendations as to the establishment of priorities for especially urgent classes of civil cases, both contentious and non-contentious, and after review of such recommendations, directions will be furnished.

5. Subject to such limitations as are imposed by Military Government enactments and Directions all judicial and administrative functions of the above named courts will be resumed, except: (Here list exceptions, if any)

Dated: \_\_\_\_\_, 194\_\_\_\_.

been recommended by you, any recommendations of Military Government. This consent may be revoked at any time.

4. It is of primary importance for the courts above named to dispose of the criminal cases pending or initiated before them, and they will accord priority to such cases. You will forward to the undersigned, at the earliest possible date, full data as to the status of the dockets of each court, with your recommendations as to the establishment of priorities for especially urgent classes of civil cases, both contentious and non-contentious, and after review of such recommendations, directions will be furnished.

5. Subject to such limitations as are imposed by Military Government enactments and Directions all judicial and administrative functions of the above named courts will be resumed, except: (Here list exceptions, if any)

Dated: \_\_\_\_\_, 194\_\_\_\_\_.

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VI

OUTLINE OF AUSTRIAN COURTS SYSTEM

AND

AUSTRIAN CRIMINAL LAW AND PROCEDURE.

INTRODUCTION. The material in this section supplements the brief description of the administration of Justice in Austria, contained in the Legal Chapter of the Handbook. It does not purport to be complete. The purpose is to provide legal officers with background information to assist them in supervising the operation of Austrian courts, particularly with reference to criminal cases in the lower courts. Unless otherwise indicated, the information relates to the legal system as it existed in Austria prior to 1938.

The following subjects are discussed in this

section:

A. Austrian Courts System.

1. Civil and Criminal Jurisdiction of Courts.

2. Functions of Court Presidents.

3. Location of Civil and Criminal Courts in Austria.

B. Criminal Procedure in pre-1938 Austria.

C. Criminal Law in pre-1938 Austria.

D. Discriminatory Nazi Legislation in the field of Austrian Criminal Law and Procedure.

Unless otherwise indicated, the information relates to the legal system as it existed in Austria prior to 1938.

The following subjects are discussed in this section:

- A. Austrian Courts System.
- 1. Civil and Criminal Jurisdiction of Courts.
- 2. Functions of Court Presidents.
- 3. Location of Civil and Criminal Courts in Austria.
- B. Criminal Procedure in pre-1938 Austria.
- C. Criminal Law in pre-1938 Austria.
- D. Discriminatory Nazi Legislation in the field of Austrian Criminal Law and Procedure.



1 2 6 3

A. AUSTRIAN COURTS SYSTEM.

Civil and Criminal Courts.

1. All the Courts have jurisdiction over both Civil and Criminal matters with the exception of some of the Courts in Vienna and Graz.

Courts in Vienna.

2. The Landesgerichte for criminal matters, I and II, have jurisdiction only over criminal matters.

3. Civil matters are under the jurisdiction of the Landesgericht for Civil Matters, and the Commercial Court (Handelsgericht). These two Courts handle no other type of litigation.

4. The Court for Juvenile Offenders (Jugendgericht) had jurisdiction of both civil and criminal matters.

5. Some Bezirksgerichte have exclusive jurisdiction of either civil or of criminal matters. Others may handle both.

Courts in Graz

6. There is a Landesgericht with jurisdiction of criminal matters and also one for civil matters.

7. Likewise, as in Vienna, some Bezirksgerichte have exclusive jurisdiction of either civil or of criminal matters, and others may handle both.

Organization of the Criminal Courts.

8. The Courts are set up as follows:

(a) The Supreme Court (Oberster Gerichtshof).

(b) Courts of Appeal (Oberlandesgerichte).

1. In Vienna (for Vienna, Lower and Upper Austria and the Burgenland).

2. In Graz (for Styria and Carinthia).

3. In Innsbruck (for Salzburg, Tyrol and Vorarlberg).

4. Nazis established Oberlandesgericht at Linz (for Upper Austria).

9. Several Courts of the first instance (Gerichtshoefe erster Instanz) are established in each district served by an

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9. Several Courts of the first instance (Gerichtshoefe erster Instanz) are established in each district served by an Oberlandesgericht. The difference in these courts is in name only, i.e., Landesgerichte are established in provincial capitals and Kreisgerichte are established in other towns.

(a) In the district of the Oberlandesgericht Vienna are:

1. Landesgericht for criminal matters, Vienna I and Vienna II.
2. The Juvenile Court of Vienna (Jugendgericht Wien).
3. The Kreisgerichte at Wiener Neustadt, Korneuburg, St. Poelten and Krems; the Landesgericht Linz and the Kreisgerichte at Steyr, Ried im Innkreis, and Wels.

- (b) In the district of the Oberlandesgericht Graz are:
1. Landesgericht for Criminal Matters, Graz,
  2. Kreisgericht Leoben, and
  3. Landesgericht Klagenfurt.
- (c) In the district of the Oberlandesgericht Innsbruck are:
1. Landesgerichte of Salzburg and Innsbruck,
  2. Kreisgericht Feldkirch.
10. Several Bezirksgerichte are in the district of each of the Landes - or Kreisgerichte.
11. An Office of the Public Prosecutor (Staatsanwaltschaft) is at each Court.
- (a) The Chief Prosecutor (Generalprokurator) and deputies called Generalanwalt, are connected with the Oberster Gerichtshof.
- (b) At the Oberlandesgerichte such prosecutor is termed the "Oberstaatsanwalt" (The equivalent of the German Generalstaatsanwalt).
- (c) At the Bezirksgerichte the prosecutor is known as Staatsanwaltschaftlicher Funktionær. Such a prosecutor does not have to be a student of the Law, but must be a trustworthy person. As a rule he is a retired member of the security organization (Pensionierte Sicherheitsorgane) or other Civil Servant.
- (d) The Court and the Office of the Public Prosecutor are on equal footing, and independent of each other.

Jurisdiction.

12. Bezirksgerichte hear the minor offences (Uebertretungen).
13. The Landes - and Kreisgerichte are authorized to handle delicts (Vergehen) and crimes (Verbrechen).
- (a) If minor offences occur with crimes or delicts, they

- (b) At the Oberlandesgerichte such prosecutor is termed the "Oberstaatsanwalte" (The equivalent of the German Generalstaatsanwalte).
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- 13. The Landes - and Kreisgerichte are authorized to handle delicts (Vergehen) and crimes (Verbrechen).
  - (a) If minor offences occur with crimes or delicts, they are prosecuted at the same time before the Landes - or Kreisgericht,
  - (b) In towns where there is no Landes - or Kreisgericht, a judge of a Bezirksgericht having jurisdiction in the community can be entrusted with the duties of investigating magistrate (Untersuchungsrichter). The same thing applies for criminal cases or for delicts pending at the Court of the next higher instance.

FUNCTIONS OF COURT PRESIDENTS.

Court Presidents' Status

- 14. The President of each Court in Austria is considered as its representative.
- 15. Each President is assisted by a Vice-President. In some of the larger Courts of original jurisdiction two Vice-Presidents act as assistants.
- 16. The presiding officer of a Bezirksgericht is known as the ~~Vorsteher~~ **Vorsitzender**.

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Authority over Administrative Matters.

17. When dealing with administrative matters, the President of a Court is bound by orders of higher authorities.

18. In administrative matters which are heard by a Senate or Commission, the President, as well as the other members of such body, act in their capacity as judges and are not so bound. (Art. 101, Constitution of 1934). Examples of such instances are:

- (a) Personnel matters regarding judges;
- (b) Matters concerning distribution and assignment of business.

19. The President's office (Præsidentialkanzlei) assigns case numbers (Præsidentialnummern) to all matters under the jurisdiction of the Court and distributes them accordingly to the judges who are to hear the particular cases.

20. Some of the President's main administrative functions are as follows:

- { (a) Administration of buildings.
- { (b) Accounting for cash on hand.
- { (c) Administration of rules and regulations.
- { (d) Control of supplies.
- { (e) Personnel management.

21. The President may delegate any of the above mentioned administrative functions to a representative acting under his supervision.

Sitting as a Judge.

22. The President also participates as a Judge in a hearing, when he has the time to spare from his administrative duties.

Supervision of Calendar.

23. The President checks on the various judges to assure that cases are heard in their proper order (Geschäftsverteilung) and that no case is improperly delayed.

24. He accomplishes the above by inspecting the registers of the various Court departments and receives a "Pending Case List" (Ruechstandsauweis) which lists all cases which have not been heard within a specified time.

Supervision of Lawyer and Judge Candidates.

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Supervision of Lawyer and Judge Candidates.

25. The President supervises the training of assigned lawyer candidates (Rechtsamtsanwärter), judge candidates (Richteramtswaerter) and assistant judge candidates (Hilfsrichter).

26. He also takes any measures necessary to insure that all personnel keeps abreast of important decisions, and changes in laws and Ordinances.

27. In cases of disagreement among the judges of a court on a legal question, the President attempts to reach a uniform inter-rotation, usually by calling for a general discussion. In this way a ruling will not turn on the individual decision of the Presiding judge.

Dismissal of Judges.

28. The President may dismiss a Judge by an immediate temporary order, where he believes it necessary. However, in such a case he must report the matter promptly to the proper court.

Inspection of Lower Courts.

29. The Presidents of Courts are required to inspect all lower courts under their control at regular intervals.

Authority over other Court Personnel.

30. The President has authority to give orders to and take disciplinary measures against all non-judicial court personnel, as provided by rules and regulations for governmental employees and officials (Verwaltungsbeamtete).

General Influence on Judges and other Court Personnel.

31. The President has considerable influence on the careers of judges and other personnel inasmuch as he indorses the individuals' service record, e.g., excellent, very good, good, unsatisfactory, etc., and passes on personnel applications for the various positions under his authority.

Control of Prisons.

32. Prisons, which are attached to the Court, are also under the supervision and control of the President.

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T A B L E

LOCATION OF CRIMINAL AND CIVIL COURTS IN AUSTRIA.

NOTE: Below are listed the location of criminal and civil courts in Austria, according to the latest available information. All Amtsgerichte were formerly called Bezirksgerichte. Landgerichte were called either Landesgerichte (indicated by "L" after name of court) or Kreisgerichte (indicated by "K" after name of court).

The Landgericht of Wien formerly comprised the following separate courts: (1) Landesgericht for Criminal Matters I, (2) Landesgericht for Criminal Matters II, (3) Landesgericht for Civil Matters, (4) Handelsgericht, (5) Jugendgerichtshof.

Courts now under the jurisdiction of the Oberlandesgericht of Linz were formerly under the Oberlandesgericht of Wien.

I. KAERNTEN. (Under Oberlandesgericht of Graz) One Landesgericht, 32 Amtsgerichte.

1. Under Landgericht of Klagenfurt (L) are the following 32 Amtsgerichte:

- |                  |                      |
|------------------|----------------------|
| Althofen         | Matrei               |
| Bleiburg         | Millstatt            |
| Eberndorf        | Neumarkt             |
| Eberstein        | Obervellach          |
| Eisenkappel      | Paternion            |
| Feldkirchen i.K. | Rosseg               |
| Ferlach          | Bad St. Leonhard     |
| Friesach         | St. Paul             |
| Gmünd i. K.      | St. Veit an der Glan |
| Greifenburg      | Sillian              |
| Gurk             | Sittlangen der Drau  |
| Hofregoor        | Trifail              |
| Klagenfurt       | Villach              |
| Koetschach       | Voelkermarkt         |
|                  | Winklern             |

I. KAERNTEN. (Under Oberlandesgericht  
gericht, 32 Ausgerichte.

1. Under Landgericht of Klagenfurt (L) are the fol-  
lowing 32 Ausgerichte:

- Althofen
- Alchburg
- Eberndorf
- Eberstein
- Eisenkappel
- Feldkirchen i. K.
- Ferlach
- Friessach
- Gauern i. K.
- Greifenburg
- Gurk
- Hermannsdorf
- Klagenfurt
- Koetschach
- Lask
- Lienz

- Hatzei
- Hilfstadt
- Neumarkt
- Obervellach
- Paternion
- Rosseg
- Bad St. Leonhard
- St. Paul
- St. Veit an der Glan
- Sillian
- Sittal an der Drau
- Trifail
- Villach
- Voelkermarkt
- Winklern
- Wolfsberg

II. NIEDERDONAU.

(Under Oberlandesgericht of Wien.) 4  
Landgerichte, 61 Ausgerichte.

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(Table - Location of criminal and civil courts in Austria.)  
(Niederöran.)

1. Under Landgericht of Hornneuburn (K) are the following  
13 Amtsgerichte:

Hausdorf  
Kollabrun  
Korneuburg  
Laa  
Marchegg  
Mautsen  
Mistelbach

Pyysdorf  
Ravelsbach  
Retz  
Stockerau  
Wolkersdorf  
Zisterdorf

2. Under Landgericht of Krems (K) are the following  
20 Amtsgerichte:

Allensteig  
Babenburg  
Geras  
Gfochl  
Gumnd (n.D.)  
Gross-Gumms  
Horn  
Kirchberg (n. Neum.)  
Krems  
Langenlois

Litschau  
Ottenschlag  
Petersberg  
Pöchlstatt  
Raabs a.d. Thaya  
Schrems  
Spitz  
Waldhofen a.d. Thaya  
Weitra  
Zwettl

3. Under Landgericht of Sankt Poulten (K) are the following  
16 Amtsgerichte:

Austetten  
Gaming  
Haag (n.D.)  
Hainfeld  
Herzogenburg  
Kirchberg a. d. Pielach  
Lilienfeld  
Mank

Molk  
Neulengbach  
St. Peter in der Au  
St. Poulten  
Scheibbs  
Tulln  
Waldhofen a.d. Ybbs  
Ybbs

4. Under Landgericht of Wiener Neustadt (K) are the following  
12 Amtsgerichte:

Egenburg  
 Goras  
 Gfochl  
 Gaund (n.D.)  
 Gross-Gerungs  
 Horn  
 Kirchberg (a. Magran.)  
 Krens  
 Langenlois  
 Ottenschlag  
 Persenbeug  
 Pockstall  
 Raabs a.d. Thaya  
 Schrems  
 Spitz  
 Waldhofen a.d. Thaya  
 Weitra  
 Zrettl

3. Under Landgericht of Sankt Pölten (K) are the following  
 16 Untsgerichte:

Anstetten  
 Garing  
 Haag (n.D.)  
 Hainfeld  
 Herzogenburg  
 Kirchberg a. d. Pielach  
 Lilienfeld  
 Mant  
 Melk  
 Neulengbach  
 St. Peter in der Au  
 St. Pölten  
 Scheibbs  
 Tulln  
 Waldhofen a.d. Ybbs  
 Ybbs

4. Under Landgericht of Wiener Neustadt (K) are the following  
 12 Untsgerichte:

Aspang  
 Baden bei Wien  
 Ebreichsdorf  
 Eisenstadt  
 Gloggnitz  
 Gutenstein  
 Kirschschlag  
 Mattersburg  
 Neunkirchen  
 Oberpullendorf  
 Pottenstein  
 Wiener Neustadt



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(Table - Location of criminal and civil courts in Austria.)

(Oberdonau.)

III. OBERDONAU. (Under Oberlandesgericht of Linz.) 4 Landgerichte,  
45 Amtsgerichte.

1. Under Landgericht of Linz (I) are the following, 15  
Amtsgerichte:

- Aigen
- Freistadt
- Ursin
- Leobach
- Loosfelden
- Linz
- Hauthausen
- Neufelden

- Ottensheim
- Perf
- Pregrarten
- Rohrbach
- St. Florian
- Unterwieserbach
- Urfahr

2. Under Landgericht of Ried im Innkreis (II) are the following  
9 Amtsgerichte:

- Braunau am Inn
- Engelhartsdorf
- Mattighofen
- Neukirchen
- Oberberg

- Raab
- Ried im Innkreis
- Schneiding
- Wildshut

3. Under Landgericht of Steyr (III) are the following 8  
Amtsgerichte:

- Enns
- Gruenburg
- Kirchdorf a.d. Krems
- Kremsmünster

- Neuhofen
- Steyr
- Weyer
- Windsbach

4. Under Landgericht of Wels (IV) are the following 13  
Amtsgerichte:

- Bad Ischl
- Bad Aussee
- Eferding
- Freudenmarkt
- Gammien

- Leibach
- Wondsee
- Peuerbach
- Schwanenstadt
- Yoccolebruck

2. Under Landgericht of Nied in Innsbruck  
9 Untsgerichte:

Braunau a. Inn  
Engelhartzell  
Mattighofen  
Hauzenkirchen  
Oberberg

Laab  
Nied in Innkreis  
Schwarzring  
Wildshut

3. Under Landgericht of Steyr (K) are the following 8  
Untsgerichte:

Brns  
Grabenburg  
Kirchdorf a.d. Rauns  
Kremsmünster

Muhofen  
Steyr  
Meyer  
Windischgarsten

4. Under Landgericht of Wels (K) are the following 13  
Untsgerichte:

Bad Ischl  
Bad Aussee  
Lorzing  
Frankenmarkt  
Gmunden  
Grieskirchen  
Haag (o.D.)

Leimbach  
Londsee  
Pouerbach  
Schwanenstadt  
Vöcklabruck  
Wels

REPERCHED

Draft 12 Aug. 1944

(Table - Location of criminal and civil courts in Austria.)

(Salzburg - Steiermark.)

IV, SALZBURG. (Under Oberlandesgericht of Innsbruck.) One Landgericht, 17 Amtsgerichte.

1. Under Landgericht of Salzburg (L) are the following 17 Amtsgerichte:

- Abtonau
- Castein
- Hallein
- Markt Pongau
- Mittersill
- Neumarkt (in Salzburg)
- Oberndorf (in Salzburg)
- Radstadt
- Saalfelden

- Salzburg
- St. Gilgen
- St. Michael in Lungau
- Tennenge
- Taxenbach
- Thalgau
- Werfen
- Zell am See

V, STEIERMARK. (Under Oberlandesgericht of Graz.) 2 Landgerichte, 45 Amtsgerichte.

1. Under Landgericht of Graz (L) are the following 25 Amtsgerichte:

- Arnold
- Birkfeld
- Deutschlandsberg
- Dibinwald
- Behring
- Feldbach
- Friedberg
- Frohnleiten
- Fursterfeld
- Gleisdorf
- Graz
- Gaessing
- Harburg

- Jennersdorf
- Kirchbach
- Leibnitz
- Mureck
- Oberwart
- Pollau
- Radersburg
- Stains
- Voitsberg
- Vorau
- Weitz
- Wildon

2. Under Landgericht of Leoben (K) are the following 18 Amtsgerichte:

43 Amtsgerichte.

1. Under Landgericht of Graz (L) are the following 25  
Amtsgerichte:

- Arnsfeld
- Birkfeld
- Deutschlandsberg
- Eibiswald
- Fehring
- Feldbach
- Friedberg
- Frohnleiden
- Huerstenfeld
- Gleisdorf
- Graz
- Gussing
- Hartberg

- Jennersdorf
- Kirchbach
- Leibnitz
- Marck
- Oberwart
- Pöllau
- Radersburg
- Stainz
- Veitshberg
- Vorau
- Wetz
- Wildon

2. Under Landgericht of Leoben (K) are the following 18  
Amtsgerichte:

- Bruck an der Mur
- Eisners
- Großmünz
- Irthning
- Judenburg
- Kirnbürg
- Kritzelfeld
- Leoben
- Liezen

- Mariazell
- Murau
- Murzschlag
- Neumarkt
- Oberwoelz
- Oberzeiring
- Pottenmann
- St. Gallen
- Schladming



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(Table - Location of criminal and civil courts in Austria.)  
(Tirol-Vorarlberg -- Wien)

VI. TIROL-VORARLBERG. (Under Oberlandesgericht of Innsbruck.)  
2 Landgerichte, 21 Amtsgerichte.

1. Under Landgericht of Feldkirch (K) are the following 6  
Amtsgerichte:

- |         |           |
|---------|-----------|
| Bezau   | Dornbirn  |
| Bludenz | Feldkirch |
| Bregenz | Montafon  |

2. Under Landgericht of Innsbruck (L) are the following 15  
Amtsgerichte:

- |            |                   |
|------------|-------------------|
| Mall       | Reutte            |
| Hopfgarten | Ried in Tirol     |
| Imst       | Schwaz            |
| Innsbruck  | Silz              |
| Kitzbuehel | Steinach          |
| Aufstein   | Wipf              |
| Landeck    | Zell am Zillertal |
| Kattenberg |                   |

VII. WIEN. (Under Oberlandesgericht of Wien.) One Landgericht,  
16 Amtsgerichte.

1. Under Landgericht of Wien (L) are the following 16  
Amtsgerichte:

- |                     |                 |
|---------------------|-----------------|
| Bruck an der Leitha | Hietzing        |
| Doebbling           | Kleinneuburg    |
| Favoriten           | Liesing         |
| Floridsdorf         | Moedling        |
| Fuenfhaus           | Neusiedl am See |
| Gross-Enzersdorf    | Purkersdorf     |
| Hainburg            | Schwachat       |
| Kornfeld            | Wien            |

Fall  
 Hopfgarten  
 Inntal  
 Innsbruck  
 Kitzbuehel  
 Kufstein  
 Landeck  
 Rattenberg  
 Tirol in Tirol  
 Schwaz  
 Silz  
 Steinach  
 Telfs  
 Zell am Ziller

VII. WIEN. (Unger Oberlandesgericht of Wien.) One Landgericht,  
 16 Amtsgerichte.

1. Unger Landgericht of Wien (I) are the following 16  
 Amtsgerichte:

Bruck an der Leitha  
 Doebbling  
 Favoriten  
 Florisdorf  
 Fuershaus  
 Gross-Enzersdorf  
 Heimburg  
 Korneuburg

Hietzing  
 Klosterneuburg  
 Liesing  
 Moedling  
 Neusiedl am See  
 Purkersdorf  
 Schwachhat  
 Wien

RESTRICTED

CRIMINAL PROCEDURE IN AUSTRIA

PRINCIPLES

Provisions of Original Code of Criminal Procedure - 1873

1. The Austrian Code of Criminal Procedure of 1873 was drawn up by the Minister of Justice, Professor Dr. Julius Glaser.
2. It regulates the following:
  - a. Procedure of filing charges (Anklageprozess)
  - b. Right of appearance at trial. (Unmittelbarkeit)
  - c. Oral Proceedings (Mündlichkeit)
  - d. Public proceedings (Öffentlichkeit)
  - e. Separation of the functions of the judge, i.e. in passing sentence and in judicial investigation before the trial.
  - f. Duties of the prosecutor.
  - g. Duties of the defence counsel.
  - h. Participation of lay judges (Vollrichter) as members of the jury or as lay judges in criminal matters (Scheffelung)
  - i. The right of the Judge in the use of discretion in admitting evidence and in the conclusions he draws from the evidence admitted.
3. By the constitution the judges are granted independence, i.e. they are bound by the law only, and not by themselves, in their actions and decisions.

Changes since 1873

4. There have been several changes in the code by supplementary laws (Novellen) since 1873.
5. The most important changes were brought about by the two

- d. Public proceedings (Oeffentlichkeit)
- e. Separation of the functions of the judge, i.e., in passing sentence and in judicial investigation before the trial.
- f. Duties of the prosecutor.
- g. Duties of the defence counsel.
- h. Participation of lay judges (Volksrichter) as members of the jury or as lay judges in criminal matters (Schoeffen)
- i. The right of the Judge in the use of discretion in admitting evidence and in the conclusions he draws from the evidence admitted.
- 3. By the constitution the judges are granted independence, i.e., they are bound by the law only, and not by disabilities, in their actions and decisions.

Changes since 1872

- 4. There have been several changes in the code by supplementary laws (Novellen) since 1872.
- 5. The most important changes were brought about by the two Novellen of 1924 which:
  - a. Abrogated the courts sitting with a jury (Geschworenengerichte, and replaced them with an enlarged court or bench which consisted of one professional judge and of several lay judges (Schoeffengericht)
  - b. This enlarged Schoeffengericht is known as a "Schwurgericht" i.e., criminal court sitting with a jury.

Regular Proceedings

- 6. In cases classified as crimes or delicts, the proceedings in Landes - or Kreisgerichte are divided as follows:
  - First: Procedure Proceeding Trial (Vormerkungsverfahren)
  - Second: Informative Procedure (Strafverfahren) between the delivery of the verdict and the beginning of the trial.

Third: Trial (Hauptverfahren)

Fourth: Appeal, Annulment, Retrial.

Procedure Preceding Trial.

7. All public authorities have the duty to report punishable acts coming to their attention. If the office of the Public Prosecutor finds that there is suspicion of a punishable act then the Court is asked to begin preliminary investigation.
  - a. Preliminary investigations (Vorerhebungen) or
  - b. A judicial investigation before trial (Voruntersuchung)
8. If the circumstances then warrant the accused being remanded to custody, pending trial, this is requested.
  - a. Approval of application by the investigating magistrate results in beginning of procedure preceding trial.
  - b. If the magistrate disapproves, he then refers the request to the Council Chamber (Ratskammer) of the Court which makes the decision in camera.
9. The judicial investigation before trial is conducted by the Investigating Magistrate, at his own discretion.
  - a. The Public Prosecutor is not permitted to conduct an investigation of his own but is privileged to ask the Investigating Magistrate or to order the security authorities to make an investigation.
  - b. The purpose of the judicial investigation before trial is to obtain a foundation on which the Public Prosecutor will be able to base his decision on whether he should either
    1. Prefer charges, or
    2. Drop the case
 This is to be the extent of the judicial investigation before trial.
    - c. If the Public Prosecutor fails to prefer charges, a private person interested in the case may prefer a "Subsidiaranklage."



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Intermediate Procedure.

- 10. This begins with preferment of charges. The Public Prosecutor at once prefers charges if he finds sufficient cause in the report. In such a case there is then no judicial investigation before trial.
- 11. Application for "Simplified Procedure" may be made by the Public Prosecutor, if the law does not provide for more than 5 years imprisonment as a penalty for the act charged against the accused.
- 12. Accused is entitled to raise objections against the charges. These objections go before the Oberlandesgericht for decision.
  - a. If the objection is sustained, the Public Prosecutor must withdraw the charges. However, he has the right to submit an ordinary charge sheet.
  - b. If the objection is overruled, then the charge becomes legal and valid. The charge is then sent to the President of the Court where the trial will be held.

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13. The President of the Trial Court then

- a. Sets the date for trial, and
- b. Takes other necessary steps for preparation for trial, such as subpoena the compelling witness, the accused, the material witnesses, experts, etc.

#### Trial.

14. Composition of the Court, according to the circumstances will be as follows:

- a. If the Prosecutor asks for a punishment of ten years imprisonment, the trial takes place before the Schwurgericht, composed of 3 professional judges three lay judges and one secretary.
- b. Otherwise the trial takes place before the Schoeffengericht composed of two professional judges and two lay-judges.

- 1. Lay - Judges are required to be active officers of the army if the accused is a commissioned officer, or one officer and one serjeant in active service if the accused is an enlisted man.

- 2. If the accused is a minor (14 to 18 years of age) then the lay - judges must be people from the field of education or welfare.

- c. In a case where simplified proceedings have been permitted for a crime or delict, the case is to be heard before a single judge (Einzelrichter)

15. The trial is conducted by the Presiding Judge, who

- a. Examines the accused, witnesses and experts.
- b. Decides on the sequences of the reports.

16. Permission must be requested of the Presiding Judge if prosecutor, accused, or defence counsel is to question the witness while being examined.

- b. Otherwise the trial takes place before the Schoeffengericht composed of 3 professional judges three lay judges and one secretary.
  - 1. Lay - judges are required to be active officers of the army if the accused is a commissioned officer, or one officer and one sergeant in active service if the accused is an enlisted man.
  - 2. If the accused is a minor (14 to 18 years of age) then the lay - judges must be people from the field of education or welfare.
  - c. In a case where simplified proceedings have been permitted for a crime or delict, the case is to be heard before a single judge (Einselrichter)
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  - b. Decides on the sequences of the reports.
- 16. Permission must be requested of the Presiding Judge if prosecutor, accused, or defence counsel is to question the witness while being examined.

Defence Counsel

- 17. In grave cases the accused is required to have defence counsel.
- 18. Minors, without exception, are required to be represented by defence counsel.

Trial Proceedings

- 19. The trial begins by the Secretary reading the charge sheet.
- 20. The Presiding Judge next asks the accused for his plea.

- 1 2 8 7
21. The examinations of the accused, witnesses and experts then are conducted by the Presiding Judge and he makes the necessary statements for the record (Feststellungen).
  22. When the hearing of evidence is closed, final pleas may be entered after permission by the Presiding Judge. Order of pleas is:
    - a. Public Prosecutor or complaining witness.
    - b. The accused.
    - c. Defense counsel.
    - d. Permission to reply must also be requested. However, the accused and his counsel have the last word.

Deliberations in Chambers.

23. Deliberations in camera are presided over by the Presiding Judge at the trial.
  - a. Majority vote controls the decision.
  - b. If voting is equal, the benefit of the doubt is given to the accused.
  - c. The Court decision is based only on the evidence presented at the trial.
  - d. Records of procedure preceding trial can only be used in the decision if it has been read in Court during the process of trial.
  - e. The Minutes of the trial furnish proof of what has been brought up at the trial.

Sentence.

24. Pronouncement of sentence is at an open session of Court even though the trial itself may have been held in camera for the protection of the security of the State, morality, or public order.

Appeal, Annulment and Retrial.

25. Appeal from a sentence is one of the legal remedies available to the accused. Appeal may be based upon questions of fact or of law (Berufung).
  - a. The Public Prosecutor is permitted to lodge an appeal to the



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25. Appeal from a sentence is one of the legal remedies available to the accused. Appeal may be based upon questions of fact or of law (Berufung).

- a. The Public Prosecutor is permitted to lodge an appeal to the advantage or the disadvantage of the accused.
- b. The accused may only file an appeal which is in his favour.
- c. If there are only appeals in favour of the accused, then the sentence cannot be changed to his disadvantage (reformatio in pejus).

(1.) If there are appeals only to the disadvantage of the accused, then the sentence cannot be changed to his favour.

(2.) If there are appeals both favourable and unfavourable, then the sentence can be changed either to the accused's advantage or disadvantage.

d. Upon appeal, only those parts of a judgment to be contested are the pronouncement of sentence and the decision on civil claims.



26. Reasons for a plea of annulment are based on violations of the procedural laws which are expressly enumerated as basis for such plea, in the Code of Criminal Procedure.
27. A claim that evidence was incorrectly weighed cannot be used as a basis for a plea of annulment.
28. The statement of the sentence can only be contested for formal reasons, for example, where the court accepted a fact as evidence though it was not in reality in evidence, or where it was insufficiently proved.
29. The OGI makes the decisions on pleas for annulment. It has the power to
- Approve the sentence.
  - Annul the sentence, and return the case for a new trial and decision to the Court of first instance.
  - Decide the case, if it finds the necessary statements made in its judgement. It cannot take into consideration evidence which has not been quoted in the sentence of the court of the first instance.

#### Retrial.

30. Application for a retrial may be made when newly discovered evidence comes up which had not been known to the Court at the time sentence was pronounced.
31. The application may be filed at any time provided it is to the advantage of the accused; if, however, it would be to his disadvantage, then it would be proper to file only if the State of Imputations had not operated.

#### Cases classified as Contraventions.

32. Charges of contraventions together with charges or delicts take the case before the Landes- or Kreisgericht. The court takes the decision and the whole charge.
33. If only a contravention is the charge, then the case is to be heard before the Bezirksgericht. Proceedings before this Court are essentially simplified.
- There is no judicial investigation before trial.
  - There is no written charge sheet submitted.

1 2 9 0

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Cases classified as Confessions.

32. Charges of confessions together with crimes or delicts take the case before the Landauer-Bericht, this court takes the decision and the whole charge.

33. If only a confession in the charge, then the case is to be heard before the Bezirksgericht. Proceedings before this court are essentially simplified.

a. There is no judicial investigation before trial.

b. There is no written charge sheet submitted.

c. The trial takes place before a single judge.

34. Appeal is the regular means for contesting a sentence of the Bezirksgericht.

a. This appeal may use:

(1.) The basis available for the plea for annulment.

(2.) The basis for appeal from the sentence of the Court.

(3.) The question of guilt.

b. The appeal from a decision of a Bezirksgericht is called a "full appeal" (Volle Berufung) and through this the weighing of the evidence may also be questioned.

EXTRAORDINARY PROCEEDINGS.

Martial Law.

35. In a part of the country where serious crimes are spreading in a menacing way, martial law+ (processus militarissimus) may be proclaimed.

36. Crimes under martial law may be listed as:

- a. Revolt.
- b. Murder.
- c. Robbery.
- d. Arson.
- e. Malicious and wilful damage to property of others.
- f. Crimes against the law pertaining to explosives.
- g. The gravest military crimes.

37. Proceedings take place before a Court Martial, consisting of four Professional Judges.

- a. The court is limited to 3 periods of 24 hours each.
- b. The accused is required to have a defence counsel.
- c. Verdict and sentence require a unanimous vote.
- d. Upon failure to comply with a, b, or c, the case is turned over to a proper Criminal Court for disposition.

Punishment.

38. The usual sentence is the death penalty.

39. However, punishment should be imprisonment from 5 years to 20 years if the accused has not reached the age of 20 when the crime was committed.

40. If the accused is over the age of 20, the court martial may use a sentence ranging from 5 years to life imprisonment, if

- a. There are important extenuating circumstances, and
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  - a. There are important extenuating circumstances, and
  - b. If by a recent death sentence and execution thereof, the deterrent example necessary for the establishment of law and order has been obtained or,
  - c. If the crime had not caused the death of a person.

41. If the death sentence is pronounced, it is to be executed within two hours, but in exceptional cases the court may grant a third hour.

42. There is no provision for an appeal from the sentence of a court martial.

+ The German term for Martial Law (Strafrecht) originated from the shortness of the proceedings, which were to be so brief that they could be performed standing.



Proceedings Against Accused in the Jurisdiction of the Accused.

43. The accused must have been examined during the procedure preceding trial and subpoenaed in the prescribed manner. Failing to meet these two requirements, the Courts are to be limited to the securing of evidence.

44. Sentence under these proceedings may only be given where the act punishable by law provides no more than five years imprisonment.

Mitigationsverfahren.

45. In the Mitigationsverfahren, the Bezirksgericht has the authority to issue without trial a written order inflicting punishments (Strafbefehl) for minor offenses, if the act has been reported by a member of the police (Sicherheitsorgan) who has based his report on personal observation.

46. The accused can invalidate the order by filing a protest. Ordinary proceedings are then to be instituted.

EXTRAORDINARY APPEALS.

Plea for Annulment to Protect the Law.

47. To protect the law, the Chief Prosecutor may file a plea for annulment with the Supreme Court against judgments, decisions or against any part of the proceedings which are in violation of the law. The plea reads: "If the objection has been sustained, the law as represented by the provision of para 1 has been violated."

48. The accused is not present at the hearing.

49. As a general rule, the decision in this sort of appeal has no effect upon the status of the accused.

a. If, however, the accused has been sentenced because of the violation complained of in the plea, then the Supreme Court has the power to suspend the sentence and remand the case to the court of the first instance for a new trial, or

b. If any acquit, or

c. Mitigate punishment.

Extraordinary Procedure for Appeal.

50. At the time of examination of record of trial or upon the application of the Chief Prosecutor, the GCH may, by way of extraordinary procedure, order a re-trial even after a valid judgment has been



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48. The accused is not present at the hearing.
49. As a general rule, the decision in this sort of appeal has no effect upon the status of the accused.
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- b. If any acquit, or
- c. Mitigate punishment.

Extraordinary Procedure for Re-trial.

50. At the time of examination of record of trial or upon the application of the Chief Prosecutor, the OGH may, by way of extraordinary procedure, order a re-trial even after a valid judgment has been passed, if it believes that the Court, while deciding on the verdict, used evidence incorrectly and to the disadvantage of the accused.
- a. This legal remedy is to be used only in favour of the accused.
- b. Parties in the original matter are not permitted to resort to the extraordinary procedure for re-trial.
51. The German Legislature, exemplifying the Austrian Code of Criminal Procedure, in 1940 granted the Chief Prosecutor the right to file a plea for annulment. This corresponds to the Austrian plea for annulment to protect the law. (Wichtigkeitsbessiwerts zur Wahrung des Gesetzes).

52. The ordinance of August 13, 1942, RSM I 508, extends to the Reichsamlet the right to question the sphere of the Austrian extraordinary procedure for martial and also the sphere of the measure of punishment.

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C. CRIMINAL LAW IN THE 1950s AUSTRALIA.

OUTLINE.

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The Criminal Code.

Crimes (Verbrechen).

Delicts (Vergehen) and Contraventions (Uebertretungen).

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Participation in illegal acts.

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For Verbrechen.

For Vergehen and Uebertretungen.

Supplementary and alternative sentences.



CRIMINAL LAW in PRE-1938 AUSTRIA.Introduction.

1. The principal source of the pre-1938 criminal law in Austria is the "Criminal Law Pertaining to Crimes, Delicts and Contraventions" (Strafgesetzs ueber, Verbrechen, Vergehen, und Uebertretungen published by the Imperial Patent (Kaiserliches Patent) dated 27 May 1852 (RGBl No. 117) which was put into effect on 1 September 1852.)
2. Under Austrian law crimes, delicts and contraventions are respectively defined as follows:
  - a. Crime (Verbrechen) - An offence punishable by death, penal servitude of at least 6 months and/or fine up to 300,000 schillings.
  - b. Delict (Vergehen) - An offence punishable by imprisonment of 24 hours to 3 years and/or a fine of 3 to 2,500 schillings. In exceptional cases a fine may be imposed up to 60,000 schillings.
  - c. Contravention (Uebertretung) - An offence punishable by detention of 24 hours to 6 months, and/or fine of 3 to 2,500 schillings. In exceptional cases a fine may be imposed up to 5,000 schillings.
3. There are numerous supplementary laws, regulations and amendments to the above mentioned basic law of 27 May 1852 and they will be cited infra where appropriate.
4. The Criminal Code is based on Feuerbach's theory of general prevention by deterrence, i.e. punishment of one offender will deter others from committing a similar crime.
5. In addition to the Criminal Code, applicable to civilians, there was the Military Criminal Code of 1855 which was applicable to persons subject to military jurisdiction. This law was repealed by the law dated 15 July 1920 (StG No. 323) which also abrogated military courts as of 1 October 1920. This law also subjected army personnel to the general penal laws. Special regulations applicable to active army personnel were added to the Criminal Code as an "appendix" (Secs 533-684).

c. Contravention  
(Übertretung)

- An offence punishable by detention of 24 hours to 6 months, and/or fine of 3 to 2,500 schillings. In exceptional cases a fine may be imposed up to 5,000 schillings.

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THE CRIMINAL CODE.

6. Generally the first part of the Austrian Criminal Code (Strafgesetzbuch) (StGB) Secs. 1-232, deals with crimes. The second, Secs 233-532, deals with delicts and contraventions.
7. Contraventions (Ubertretungen) specifically dealt with in the StG, as well as all Ubertretungen assigned to the jurisdiction of the courts, are heard by the Bezirksgerichte.
8. The remainder are known as "administrative contraventions" and are dealt with by administrative authorities under Article VIII of the law involving the Code of Criminal Procedure of 1873 (Einführungsgesetz zur Strafprozessordnung vom Jahre 1873).
9. Crimes (Verbrechen),  
The general regulations concerning "Verbrechen" are covered in Secs. 1-55a and in 223-232.  
The special regulations are covered in Secs. 56-222.
10. Delicts (Vergehen) and Contraventions (Ubertretungen).  
The general regulations concerning Vergehen and Ubertretungen are covered in Secs. 233-273 and in Secs. 526-532.  
The special regulations are covered in Secs. 274-525.

PRINCIPAL CRIMINAL LAW PROVISIONS.General Principles.

11. In contrast to the German criminal laws (Sec. 2 St.G.B. as amended by the law of 28 June 1935) the Austrian criminal laws (Article IV. of the Imperial Patent of 1852) have adhered to the principle of "nullum crimen sine lege" and "nulla poena sine lege".
12. It is provided in Article IX of the Imperial Patent that a penal law may be retroactive only where the penalty imposed for its violation is not more severe than the penalty imposed by the law it amends or replaces.

Definitions.

13. In order to determine the legal nature of an act the judge first looks to the definitions given in the St G and in the numerous complementary laws. The gist of the offence is found in the verb used, thus:
  - a. Theft (Diebstahl) is taking with intent to steal the chattel of another;
  - b. Murder (Mord) and manslaughter (Totschlag) is the intentional killing of another person without lawful justification; and

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    - b. Murder (Mord) and manslaughter (Totschlag) is the intentional killing of another person without lawful justification; and
    - c. Obtaining property by false pretences (falsche Verwände) is causing the loss of property to others by use of deception.

Attempts.

- 14. The attempt to commit an act which is punishable by law also constitutes an offence in itself. (Secs. 8 and 239).
- 15. The attempt itself constitutes the actual Verbrechen, Vergehen or Uebertretung, as the case may be, and is punishable in the same manner as the completed act would have been, except where specifically provided otherwise in the law. This latter situation applied where:
  - a. The law contains special provisions wherein the attempt itself is punishable by death or penal servitude for life i.e.
    - (1) Sec. 110: Attempt to forge public credit documents (Fälschung öffentlicher Kreditpapiere).
    - (2) Sec. 138: Attempted murder.



- b. Criminal offenses are punishable in a milder form i.e.,  
 (1) Sec. 245: Attempted abortion,  
 (2) Sec. 88: Attempted incitement to commit violent acts against the public authorities.
- c. Otherwise the fact that the act remained an attempt may be considered as an extenuating circumstance emitting within the range of punishment threatened against the perpetrated act, Secs. 6, 47(a), 264(f).
16. The law (Sec. 6), by the use of the following words, distinguishes a punishable attempt from mere preparatory act, which is not punishable, i.e.,  
 "The mere attempt to do an illegal act constitutes a Verbrechen and this exists from the moment the offender commits any act leading to actual perpetration".  
 The above is equally applicable to Versuch and Uebertretungen.
17. An attempt where the completion of the act has failed only because of the inability or impotence of the perpetrator or where prevented by outside obstacles or by accident is punishable in the same manner as any other attempt (Secs 8 and 239).
18. However, where the perpetrator has desisted from completing the act by his own free will, he is not liable to punishment unless unless the preparatory acts are punishable per se.

#### Participation in Illegal Acts.

19. The St G provides that the acts listed below are punishable:

- a. Participation in an illegal common enterprise (Gesellschaft)  
 i.e., that constituted by several persons or Vorgehen which (Sec. 73), etc. in such cases each participant is considered as a direct perpetrator.
- b. Joint guilt of an offence (Mitschuld) (Secs. 5 and 239), such as incitement (Anstiftung), or aiding and abetting (Beihilfe).
- c. Complicity (Teilnahme), which is similar to the American and English accessories before the fact, i.e., a person who, while not the chief actor at the commission of the original act, nor present at its perpetration, enters into an agreement with the perpetrator before the act is committed as to the assistance he will give the latter after its perpetration, or the share or gain he will derive as a result of the said act.  
 In (a) and (c), the incitement, aiding and abetting or accessory before the fact, as the cases may be, constitute the actual Verbrechen.



18. However, where the perpetrator has desisted from completing the act by his own free will, he is not liable to punishment unless the preparatory acts are punishable per se.

Participation in Unlawful Acts.

19. The St G provides that the acts listed below are punishable:

a. Participation in an illegal company enterprise (Gesellschaft) is, if there be committed by several persons or by a person in a punishable complicity, such as rebellion (Sec. 68), riot (Sec. 75), etc. In such cases each participant is considered as a direct perpetrator.

b. Joint guilt of an offence (Mitschuld) (Secs. 5 and 239), such as instigation (Anstiftung), or aiding and abetting (Beihilfe).

c. Complicity (Teilnahme), which is similar to the American and English accessories before the fact, i.e., a person who, while not the chief actor at the commission of the original act, nor present at its perpetration, enters into an agreement with the perpetrator before the act is committed as to the assistance he will give the latter after its perpetration, or the share or gain he will derive as a result of the said act.

In (a) and (c), the incitement, aiding and abetting or accessory before the fact, as the cases may be, constitute the actual Verbrechen, Vergehen, or Uebertretung and the perpetrator is punishable in the same manner as if he has committed the principal offence except where contrary provisions exist under the law, e.g., Sec. 107-incitement to abuse public officials; Sec. 107-aiding and abetting the counterfeiting of government securities, paper money and coins.

d. Secs. 6 and 239 have provisions similar to accessory after the fact, as it is known in English and American law, in so far as they provide that participation (Mitbestimmung) by one after the offence has been committed but without knowledge thereof prior to its commission, by aiding the perpetrator or otherwise assisting, through the commission of the act, though such person is guilty of an offence, though not guilty of the principal offence. An example is

participation in theft through the receiving of stolen property (Sec. 185).

- e. Assistance (Verschubleistung) given to the perpetrator of a criminal act. Technically, this is considered by the law to be an independently punishable act rather than a participation in punishable act of others (Sec. 211-222 and 307). Thus it is provided that the following constitute offences and are punishable:
- (1) Sec. 212: Failure to prevent a crime. (A malicious omission);
  - (2) Sec. 214: Withholding of evidence of a crime or concealing the perpetrator of a crime;
  - (3) Sec. 217: Assisting a person charged with having committed a Verbrechen to escape;
  - (4) Sec. 220: Concealment of a deserter from the armed forces.
  - (5) Sec. 307: Where a Verbrechen or Uebertretung has been committed, "Verschubleistung" is punishable only where the offence consists of the concealment of the perpetrator, assisting in his escape, or the withholding of evidence. Such acts constitute an Uebertretung.

Legal Justification or excuse.

20. Sec. 2 enumerates the situation which constitutes legal justification or excuse for the commission of an act otherwise constituting a Verbrechen:

- a. Complete inability to reason, i.e. idiot, imbecile etc.,
- b. Temporary insanity.
- c. Intoxication or other mental confusion, i.e., where such intoxication was not acquired with the intent to commit a crime; or where the offence was committed during a period of other mental confusion where the perpetrator was not conscious of the significance of his acts;

d. Minority, i.e., where the perpetrator at the time the acts were committed had not yet reached the age of fourteen;

e. Mistake, i.e., where an actual mistake prevented the perpetrator

the perpetrator, assisting in his escape, or the withholding of evidence. Such acts constitute an Uebertretung.

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- d. Minority, i.e., where the perpetrator at the time the acts were committed had not yet reached the age of fourteen;
- e. Mistake, i.e., where an actual mistake prevented the perpetrator from realising that he was committing a crime.
- f. Accident, negligence or ignorance, i.e., where the offence was caused accidentally or resulted from negligent acts or where one was ignorant of the probable consequence of his acts.
- g. Acts which, though technically crime, are morally justified under the circumstances.
- h. Self Defence. Justifiable self defence exists where it can be reasonably assumed from the type of persons involved, the time, place and type of attack that the accused has only exercised such force as is necessary to protect himself or others against illegal attack against life \* liberty or property \*\*, or that he only overstepped the limits of allowable force to be used because of consternation, fear or fright. However the overstepping of limits in such a manner may, depending on the circumstances, be punishable as negligence resulting in death or bodily injury, i.e. a Vergehen or Uebertretung.

\* In practice this is interpreted to mean bodily injury.  
\*\* Justifiable self-defence can therefore not be applied in defence of honour.

21. All of the above, which are primarily applicable to Verbrechen, also apply to Vergehen and Uebertretungen as there are no separate provisions for them. However, acts which are per se Verbrechen but come within one of the above provisions as justifiable or legally excusable, may be punished as Uebertretungen. Thus, where a person may not be punished for committing a crime because he was drunk at the time, he may be found guilty of committing an act against public morals by drunkenness (sec. 523). Likewise, where one may not be found guilty of a Verbrechen on the basis that the act was committed through negligence rather than original intent, such a person may be punished for a Vergehen, the substance of which is negligence.

Acts committed under necessity.

22. Legal justification or excuse is defined above. In addition, however, the law includes "necessity" (Notstand) i.e., acts committed in the safeguarding of persons or property.

Elements of a punishable offence.

23. In the absence of any legal justification or excuse as discussed above, any act coming within the legal definition of a criminal offence is unlawful. However, in order to be punishable more than this is necessary. There must be a relation between the overt act and the offender's mind, i.e. "mens rea" according to both English and American law. The commission of an unlawful act plus personal guilt (Schuld) are the indispensable conditions of legal punishment. "Schuld" implies that the individual who committed an illegal act is personally to blame. As a rule this applies to every perpetrator of a criminal offence, subject to the following:

"There must be criminal responsibility of the individual offender (Zurechnungsfähigkeit), plus either

- a. Intent (Vorsatz), or
- b. Criminal negligence (Fahrlässigkeit).

This subjective character of an offence is sometimes called "Subjektiver Tatbestand".

Liability and Punishment of Minors.

24. Feeble-mindedness (schwacher Verstand) may constitute general extenuating circumstances (sec. 46 (a) and sec. 264(a)). Extenuating circumstances may also exist where the acts complained of are committed under the strain of a violent emotional upheaval due to arousing of sentiment (sec. 46(d) and sec. 264 (c)).



23. In the absence of any legal justification or excuse as discussed above, any act coming within the legal definition of a criminal offence is unlawful. However, in order to be punishable more than this is necessary. There must be a relation between the overt act and the offender's mind, i.e. "mens rea" according to both English and American law. The commission of an unlawful act plus personal guilt (Schuld) are the indispensable conditions of legal punishment. "Schuld" implies that the individual who committed an illegal act is personally to blame. As a rule this applies to every perpetrator of a criminal offence, subject to the following:

"There must be criminal responsibility of the individual offender (Zurechnungsfähigkeit), plus either

- a. Intent (Vorsatz), or
  - b. Criminal negligence (Fahrlässigkeit).
- This subjective character of an offence is sometimes called "Subjektiver Tatbestand".

#### Liability and Punishment of Minors.

24. Feeble-mindedness (schwacher Verstand) may constitute general extenuating circumstances (sec.46 (a) and sec. 264(a)). Extenuating circumstances may also exist where the acts complained of are committed under the strain of a violent emotional upheaval due to arousing of sentiment (sec.46(d) and sec.264 (c)).

25. Children under 14 years of age are entirely exempt from criminal liability. Special provisions are in force for "adolescents" (Jugendliche), i.e., 14 to 18 years old. For those over 18 years old but under 20, the age may be taken into consideration as constituting extenuating circumstances (Sec. 45 (a)).

#### Criminal Intent.

26. Sec.1. defines the concept of criminal intent (Boeser Vorsatz-dolus malus). It distinguishes between direct intent (dolus directus) and indirect intent (dolus indirectus). In addition to intent, the law also uses the expression "purpose". The difference between the two expressions is that "intent" refers to the contemplated bodily movement necessary to accomplish the act, whereas "purpose" refers to the success or result to be achieved by the completed bodily movement, or by the failure to act which may also constitute a crime in certain instances.



27. a. The intent must have been formed before or during the act; "dolus subsequens non nocet".  
 b. In the case of "direct intent", success and intent must coincide, i.e. intent-killing; success-death; result-murder.  
 c. In the cases of "indirect intent", success goes beyond the intent, i.e. intent-bodily injury; success-death; result-manslaughter.
28. However, only such success is considered a criminal offence where it is reasonable that the result would or might be attained by the particular acts or omissions, i.e. typical interdependence of cause and effect.
29. The term "dolus eventualis" is also commonly used but is not defined by the law. It is a type of direct intent, i.e. where a person knows that what he is doing will, or at least may, lead to a particular result, but is not prevented by this knowledge from completing his act.
30. Under the Austrian law (Sec.2(e)) an act is not punishable as a criminal offence where the perpetrator has assumed the existence of a state of affairs which if they actually existed would have deprived his act of any unlawful character, i.e. an error of fact and not of law.

#### Criminal Negligence.

31. Sec. 335 defines negligence (Fahrlassigkeit, culpa) as follows: "where the person in question could reasonably foresee that his act or omission:
- a. By the natural consequences thereof; or
  - b. Because of special rules and regulations in effect; or
  - c. Because of his station in life, office, profession, trade, occupation or position in general,

would cause, is apt to cause, or enhances the danger of causing, damage to the legal or property rights of others".

#### PENALTIES.

For Verbrechen.

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would cause, is apt to cause, or enhances the danger of causing, damage to the legal or property rights of others".

PENALTIES.

For Verbrechen.

32. The usual penalties for Verbrechen are death (Tod) and penal servitude or confinement (Kerker), provided for in Sec.12. (In addition supplementary penalties (Nebenstrafen) by way of fines (Geldstrafen) are added to the Kerker by special laws for specified offences, e.g., Usury, by the Imperial Decree of 12 October 1914 (RGB1 No.275); Law concerning the Imposition of Unreasonably High Prices, dated 9 March 1921 (RGB1 No. 253); and Law concerning Food dated 16 January 1896 (RGB1 No.89) and others.

33. The death penalty is generally carried out by hanging (Sec.13). In cases of military crimes death by shooting may be imposed. However, the following variations from the above may occur where the defendant is between 18 and 20 years old:

- a. He may be sentenced to penal servitude for a period of from 10 to 20 years instead of death by hanging (Sec.52), or
- b. Where the sentence would be death by shooting, he may be sentenced to confinement of from 5 to 10 years.

34. "Kerker" as stated above may be either penal servitude or confinement, the latter being usually referred to as "simple Kerker". The principal difference between the two is the restriction on communication with the outside world, i.e., in the latter case more leniency is exercised.
35. "Kerker" may be imposed either for life or a fixed term, the minimum time for the latter being 6 months and the maximum 20 years.  
This penalty may be rendered more severe by the following methods:
- a. Deprivation of food;
  - b. Assignment of a hard bed;
  - c. Solitary confinement;
  - d. Solitary confinement in a dark cell; and
  - e. Deportation, in the case of foreigners.
36. In addition to the above-named penalties, a person convicted of a Verbrechen may be deprived of his civil rights in any of the following manners:
- a. Any decorations or awards may be taken away;
  - b. Loss of official titles;
  - c. Loss of academic degrees and honours;
  - d. Dismissal from public office or service;
  - e. Disqualification from becoming members of certain professions or vocations, including teachers, lawyers, judges, notaries, managers or owners of public agencies, and representatives of third parties before public authorities; and
  - f. Loss of all pensions for which otherwise eligible.
- In addition, Sec. 26 provides that civil, political and church regulations may contain provisions of additional penalties for such persons.

The Austrian law has no penalty comparable to the German penalty of military detention (Festungshaft), i.e., punishment for duellists and certain minor political offenders. However,

following manners:

- a. Any decorations or awards may be taken away;
- b. Loss of official titles;
- c. Loss of academic degrees and honours;
- d. Dismissal from public office or service;
- e. Disqualification from becoming members of certain professions or vocations, including teachers, lawyers, judges, notaries, managers or owners of public agencies, and representatives of third parties before public authorities; and
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In addition, Sec. 26 provides that civil, political and church regulations may contain provisions of additional penalties for such persons.

The Austrian law has no penalty comparable to the German penalty of military detention (Festungshaft), i.e., punishment for duellists and certain minor political offenders. However, deviations from the general rules in effect are made in the case of political prisoners by the Imperial Edict of October 28, 1849, and by the decree of the Ministry of Justice of 24 June 1867, No. 4459.

For Vergehen and Uebertretungen.

37. The penalties for Vergehen and Uebertretungen are:

- a. Detention or arrest (Sec. 240 (a));
- b. Fine (Sec. 240 (a));
- c. Forfeiture of civil and legal rights (Sec. 240 (b));
- d. Reprimand (Sec. 447); and
- e. Severe reprimand (Sec. 447, 448).

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38. Supplementary penalties (Nebenstrafen) may also be imposed, such as:
- Forfeiture of property (Sec. 240 (1));
  - Removal from a community (Ort) or State (Bundesland) or deportation from Austria (Sec. 240 § 5, 6, 11);
  - Filing under police supervision (Law of 10 May 1873, RGBl No. 103, par. 4), i.e., required to report to police daily on activities, desire to move, etc.
  - Publication of the sentence (under several laws) to be paid by the convicted person, e.g., where a person is convicted for black-market activities, he is required to publish the sentence and pay for the same in the newspapers.
  - Internment in a work house, or, if a juvenile, confinement to a reformatory (Law of 10 June 1932 BGBl No. 167.)

Provisions applicable to detention,

39. There are two types of detention. The first is "simple detention" (Einfacher Arrest) which in the more common one and the one usually meant when the term "detention" is used. The second is "strict detention" (Strenger Arrest). The principal difference between simple and strict detention is that in the former the prisoner may buy his meals and otherwise occupy himself as he sees fit, while in the latter case the usual prison regulations are applicable to his food and occupation of his time (Secs. 244 and 245).
40. The sentence of detention may provide for confinement to one's home (Hausarrest) either with the posting of a guard to enforce observance or merely upon one's solemn promise to observe the detention (ingelockt) (Secs. 249 and 252).
41. The minimum period of detention is 24 hours; the maximum, generally 6 months (Sec. 247). However, in exceptional circumstances sentences of detention for 1, 2 or 3 years may be imposed (Secs. 335 and 337); e.g., law concerning unreasonably high prices of 3 March 1921, paras. 2, 3, 5-12; law concerning unfair competition of 26 September 1923 (DBlI No. 531, paras. 8, 10, 11 and 12).
42. Sec. 253 provides that detention may be rendered more severe, as in the case of Kerker, discussed supra, by:
- Deprivation of food;
  - Assignment of a hard bed;

The second is "strict detention" (Strenger Arrest). The principal difference between simple and strict detention is that in the former the prisoner may buy his meals and otherwise occupy himself as he sees fit, while in the latter case the usual prison regulations are applicable to his food and occupation of his time (Secs. 214 and 245).

40. The sentence of detention may provide for confinement to one's home (Hausarrest) either with the posting of a guard to enforce observance or merely upon one's solemn promise to observe the detention (Angebotswort) (Secs. 245 and 252).

41. The minimum period of detention is 24 hours; the maximum, generally 6 months (Sec. 247). However, in exceptional circumstances sentences of detention for 1, 2 or 3 years may be imposed (Secs. 335 and 337); e.g., law concerning unreasonably high prices, of 3 March 1921, paras. 2, 3, 5-12; law concerning unfair competition of 26 September 1923 (RGBl No. 531, paras. 8, 10, 11 and 12).

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- a. Deprivation of food;
- b. Assignment of a hard bed;
- c. Solitary confinement; and
- d. Solitary confinement in a dark cell.

#### Provisions applicable to fines.

43. a. The maximum fine which may be imposed is 3 schillings (Sec. 241(c)).

b. A fine may be exacted to atone detention where its payment would cause undue hardship to the sentenced person or his family (Sec. 241(d)).

c. The period of detention may be shortened on the basis of the economic status of the sentenced person or his family; however, in such a case such shortening must be equalized by the application of more severe punishments or by a longer period of detention.

- 1 3 5
- d. A fine may be imposed in lieu of simple detention under circumstances warranting special consideration (Sec. 261).
- e. Where a fine is imposed as penalty, a sentence to be served in lieu thereof must be imposed simultaneously (Sec. 266, Code of Criminal Procedure.)
44. Where a person has committed several criminal offences which are tried together and a single sentence is imposed, such person is to be punished on the basis of the most serious of such offences. The fact that he has been guilty of more than one offence may be taken into consideration as constituting aggravating circumstances (Sec. 44(a), 263(1)) at the time the penalty is imposed with the view of imposing the maximum sentence.
45. a. However, the maximum sentence for the most serious of the offences cannot be exceeded (Sec. 34, 35 and 267).
- b. Where one or more of the coinciding acts are punishable by fine, forfeiture of property or the loss of civil and legal rights, such penalties may be imposed in addition to any deprivation of liberty (Sec. 267).
46. Extraordinary or special extenuating circumstances (Ausserordentliches Milderungsrecht).
- a. Where extenuating circumstances are present, the Court may impose a penalty less than the minimum legal penalty provided by law.
- b. Thus, the reductions may be made as follows:
- (1.) Where the maximum penalty set by law is not in excess of 5 years imprisonment the reduction in time is unlimited, and confinement may be substituted for penal servitude, and detention for strict detention (Sec. 54 and 266).
- (2.) Where the penalty provided by law is between 5 and 10 years imprisonment, the Court may reduce the sentence to a minimum of 6 months and also substitute confinement for penal servitude Sec. 2659, Code of Criminal Procedure).
- (3.) Where the penalty provided by law is penal servitude for life, or for a period of 10 to 20 years, the type of punishment to be imposed cannot be changed but the period may be reduced to a minimum of 1 year (Sec. 265a, Code of Criminal Procedure).

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  - (3.) Where the penalty provided by law is penal servitude for life, or for a period of 10 to 20 years, the type of punishment to be imposed cannot be changed but the period may be reduced to a minimum of 1 year (Sec. 265a; Code of Criminal Procedure).
47. Further extenuating circumstances are cited in Art. VI of the law of 5 December 1918, StGBL 93.
- a. Where the extenuating circumstances come near to being legal excuse (Schuldausschliessungsgründe) and the maximum penalty for the offence does not exceed 5 years, the Court may substitute strict detention for penal servitude. This exists where:
- (1.) The accused has acted for humane or other justifiable reasons, i.e., moral justification.
  - (2.) Under explicit orders of another, upon whom he is dependent or
  - (3.) Under violent emotional stress brought about by a grievous and/or unjustified wrong done him or a person in close relationship to him: e.g., family, employee etc.



b. Exonerating circumstances may also exist in the following cases:

- (1.) Where the act is traceable to mischievous or high spirits (Uebermut);
- (2.) Where it is the result of madness (Unbesonnenheit);
- (3.) Where it is the result of grasping a particularly tempting opportunity and is in conspicuous contrast to the ordinary conduct of the person;
- (4.) Where the perpetrator has averted damage or repaired it before prosecution commenced; or
- (5.) Where the act had been committed a considerable time prior to the trial and the conduct of the accused has been beyond reproach since such time.

48. Conditional postponement of execution of sentence (bedingter Strafnachlass) is provided by the law of 23 July 1920 (StGBI 373), i.e.,

- a. The Court may temporarily postpone the execution of sentence, whether imprisonment or fine, and order detention instead if the surrounding circumstances indicate that mere threat of execution, either alone or in connection with other measures, seems appropriate or more suitable than execution of the sentence itself.
- b. Likewise, par. 1 of the said law provides that the execution of any supplementary penalties may be postponed. It may likewise be directed that any legal consequences, e.g., loss of civil or legal rights which may accrue as a result of the acts complained of, may be temporarily postponed.

49. The Court may place the convicted person upon probation for a period of from 1 to 3 years and may issue directives, at the time of sentence, and from time to time thereafter, relating to such person's conduct and for the purpose of preventing a relapse.

50. In addition the Court may place such person under its protective supervision for the period of probation, (Sec. 2). Such protective supervision may be exercised by persons, offices, institutions and associations who devote their time to the welfare of such persons and are willing to undertake the necessary supervision. Police officers may be employed for this purpose but only in the event that they are not members of the security or criminal police and do not wear a uniform for such duty.

51. Conditional release may be granted unconditionally after having served a

seems appropriate or more suitable than execution of the sentence itself.

b. Likewise, par. 1 of the said law provides that the execution of any supplementary penalties may be postponed. It may likewise be directed that any legal consequences, e.g., loss of civil or legal rights which may accrue as a result of the acts complained of, may be temporarily postponed.

- 49. The Court may place the convicted person upon probation for a period of from 1 to 3 years and may issue directives, at the time of sentence, and from time to time thereafter, relating to such person's conduct and for the purpose of preventing a relapse.
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51. Conditional release may be granted prisoners after having served a specified portion of their sentence where there is reason to believe that they will conduct themselves properly upon release. (Sec.12).

Supplementary and alternative Sentences.

52. A person may be committed to an institution if he is declared to be incapable of managing his own affairs either because of mental illness or as a result of improper use of drugs. Such decision is made, at an unobstructed hearing.

53. A Court in sentencing a convicted criminal may provide that he may be placed under police supervision in the following instances:

- a. Where the violation consists of counterfeiting government securities, paper money or coins;
  - b. Where the violation consists of Criminal acts against the property of a third person, and the penalty imposed is for six months or less;
  - c. Where the conviction is for vagrancy; or
  - d. Where one has been convicted of constituting a danger to property.
  - e. Where a person has been sentenced to the work house, Such police supervision may not exceed a period of 3 years; said period beginning to run from the day the defendant has been released from custody into such supervision (Law of 13 May 1873 - RGBI No. 108, Secs. 4,5,7,9 and 14).
54. Criminal Courts may sentence the following to a term in the work house in accordance with the law of 24 May 1885 (RGBI 89) in conjunction with par. 1 of the law of 10 June 1932 (RGBI 167):
- a. Vagrants;
  - b. Beggars;
  - c. Persons too lazy to work and constituting a menace to property;
  - d. Prostitutes.
- The above are covered in Secs. 1 - 6.
- e. Persons who, after reaching the age of 18, commit an offence punishable by a sentence of over 6 months, and who have served at least two prior prison terms and have otherwise indicated that they are incapable of leading an honest and industrious way of life.

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RESTRICTED.

D. DISCRIMINATORY NAZI LEGISLATION

in the field of

Austrian Criminal Law and Procedure

Introduction.

1. Although the Nazis have not abrogated the Austrian Criminal Code or the Austrian Code of Criminal Procedure, they have in many instances drastically altered its fundamental regulations.

It is the purpose of this section to point out discriminatory and obnoxious regulations of the Criminal Codes and Code of Criminal Procedure introduced by the Nazis in Austria.

Criminal Law.

Penalties provided in Discriminatory Nazi Laws.

2. Among the most obnoxious provisions that the Nazis have introduced are penalties providing for violation of laws which are themselves obnoxious and discriminatory.

Capital Punishment.

3. The Nazis have adopted the theory that the individual life is worthless and must be sacrificed for the good of the whole (Gemeinwohl). In support thereof they have provided that the penalty for violations of many of their laws is capital punishment.

Penalties for Infraction of Laws for the Protection of the Nazi Party.

4. All penalties decreed for violation of laws for the Protection of the Nazi Party, its subdivisions, symbols, etc. are discriminatory.

5. The following list of laws come within such category:  
a. Law against the creation of political parties.  
(Law No. 170) enacted in

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5. The following list of laws come within such category:

- a. Law against the creation of political parties, dated 14 July 1933, (RGB1 I 479) enacted in Austria by law of 15 March 1938 (RGB1 I 247).
- b. Law for the protection of National Symbols, dated 19 May 1933 (RGB1 I 285), enacted in Austria by law of 2 July 1938, (RGB1 I 790).
- c. Law concerning insidious attacks on State and Party and for the protection of the Party Uniform, dated 20 December 1934 (RGB1 I 1269) enacted in Austria by law of January 1939 (RGB1 I 80).
- d. Law concerning insults against the Party dated 28 June 1935 (RGB1 I 839) enacted in Austria 23 January (RGB1 I 80).
- e. Law concerning protection of Party names dated 7 July 1937 (RGB1 I 442).

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Penalties for Infraction of Laws for the Protection of  
Matrimony, Family and Motherhood.

6. The ordinance dated 9 March 1943 (RGB1 I 140) introduces penalties for violation of laws for the protection of matrimony, family and motherhood.
7. Paragraph 8 thereof provides that the Reich Minister of Justice may decree that any of the regulations contained therein are not applicable where the alleged criminal act complained of has not been directed against a person who is not a German citizen nor a member of the German race.

Penalties in the absence of Specific Laws.

8. The law of 28 June 1935 cited above provided that in the absence of a criminal law which is directly applicable to the act in question, such act shall be punishable under the provisions of any analogous existing law whose fundamental principles (*Grundgedanken*) are applicable to such act. It further provides that any person shall be punished who either commits an act declared punishable by law or which "deserves" punishment under such analogous law as above-mentioned, and according to the sound instincts of the people (*g-sundes Volksempfinden*). This provision is contrary to the basic legal maxim "*Nullum crimen sine lege*".

Retrospective Criminal Laws.

9. Many of the criminal laws initiated by the Germans provide that such laws are retrospective - i.e. punish acts which were not crimes when the acts were committed, or which impose severer penalties than existed at the time the acts were committed.

Special Courts (Sondergerichte).

10. Sondergerichte were introduced in Austria by the ordinance dated 21 March 1933 (RGB1 I 136) and their authority was extended by law enacted in Austria 20 June 1938 (RGB1 I 641).

Peoples Court (Volksgerichtshof).

11. The Volksgerichtshof was established in Austria 20 January 1939 (RGB1 I 641).

Testimony of Members of NSDAP as Witnesses or Experts.

(gesundes Volksempfinden). This provision is contrary to the basic legal maxim "Nullum crimen sine lege".

Retrospective Original Laws.

9. Many of the original laws initiated by the Germans provide that such laws are retroactive - i.e. punish acts which were not crimes when the acts were committed, or which impose severer penalties than existed at the time the acts were committed.

Special Courts (Sondergerichte).

10. Sondergerichte were introduced in Austria by the ordinance dated 21 March 1933 (RGB1 I 136) and their authority was extended by law enacted in Austria 20 June 1938 (RGB1 I 641).

Peoples Court (Volksgerichtshof).

11. The Volksgerichtshof was established in Austria 20 January 1939 (RGB1 I 641).

Testimony of Members of NSDAP as Witnesses or Exports.

12. There has been a series of exceptional regulations put into effect for hearing of members of the NSDAP as Witnesses or Exports.

Police Punishment of acts committed by Jews.

13. The 13th decree concerning the execution of the Reich citizenship law of 1 July (RGB1 I 722) contains the discriminatory provision that illegal acts committed by the Jews are punishable only by the police.



Rights of Appeal by the Chief Public Prosecutor

14. Article 2 of law dated 11 September 1939 (RGBl I 1841) provides that the Chief Public Prosecutor (Oberprokurator) has the authority to appeal from final decisions rendered by the Criminal Courts to the Supreme Court (Reichsgericht, RG) in those cases where he entertains grave doubts as to the correctness of the decision rendered by the lower court. This appeal may be made within one year after the lower court decision is rendered.

15. This provision is incompatible with the basic criminal law theory of Appeal Judgment (Rechtskraft) i.e. "Dovus jurisdictio."

Increase of duration of Appeal or Re-trial (Reformatio in peius)

16. The law of 23 June 1939 cited supra repeals the prohibition against increase of sentences (reformatio in peius) on appeal or retrial.

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prohibition against increase of sentences (reformation, in  
petis) on appeal or retrial.

VII GLOSSARY OF ENGLISH AND GERMAN LEGAL TERMS

A

|  |  |
|--|--|
| Aberkennung der bürgerlichen Ehrenrechte   | Forfeiture of civil rights                                       |
| Abgabe   | Tax  |
| Abseher  | Consignor  |
| Abzicht  | Intent   |
| * Abteilung des Amtsgerichts   | See Nachlassgericht  |
| Abtreibung   | Abortion   |
| Akademie für deutsches Recht   | Academy for German Law   |
| Aktie  | Share issued by a joint-stock company                            |
| Aktiengesellschaft (A.G.)  | Corporation  |
| Aktiva   | Assets   |
| Alibi  | Alibi  |
| Amt  | Office, Administration   |
| Amtsannahme  | False assumption of public authority                             |
| Amtsanwalt<br>* Staatsanwaltlicher<br>Funktionsär  | Public Prosecutor, at Amtsgericht<br>(Not a professional lawyer) |
| Amtsdaure  | Tenure of Office   |
| Amtsgericht (First Instance)<br>See also Landesgericht<br>Oberlandesgericht<br>Reichsgericht | Local Court  |

Amtsrichter  
Municipal Judge, i.e.,  
Judge of the Amtsgericht

|  |  |
|--|--|
| Aktiengesellschaft (A.G.)  | Corporation  |
| Aktive   | Assets   |
| Alibi  | Alibi  |
| Am   | Office, Administration   |
| Amtsannahme  | False assumption of public authority                             |
| Amtsanwalt<br>* Staatsanwaltlicher<br>Funktionär   | Public Prosecutor, at Amtsgericht<br>(Not a professional lawyer) |
| Amtsauer   | Tenure of Office   |
| Amtsgericht (First Instance)<br>See also Landesgericht<br>Oberlandesgericht<br>Reichsgericht | Local Court  |
| Amtsrichter  | Municipal Judge, i.e.,<br>Judge at the Amtsgericht               |
| Amtsvermund<br>See also Jugendamt  | Public Guardian for illegitimate children                        |
| Anweisung  | Appropriation  |
| Anerbengericht<br>See also Erbhofgericht<br>Reichserbhofgericht                              | Local hereditary farm<br>Court                                   |
| Anfechtung eines Vertrages   | Avoidance of a contract<br>by declaration                        |
| Angeklagter  | Accused (On Trial)   |
| Angeschuldigter  | Accused (Before Trial)   |
| Angestellte  | Clerical Staff   |
| Anklage, öffentliche   | Charge, indictment   |
| * Austrian Term  |  |



|                               |                       |  |
|-------------------------------|-----------------------|--|
| Ankläger                      | Prosecutor            | Charge Sheet   |
| Anklageschrift                | Investment            | Instruction  |
| Anlage                        | Instruction           | False accusation against a person before an authority  |
| Anordnung                     | Claim                 | Incitement   |
| Anschuldigung, falsche        | Application           | Offense for which prosecution depends on the explicit application of the person concerned, e.g., insult, seduction |
| Anspruch                      | Attorney              | Instruction  |
| Anstiftung                    | Declaration of Report | Worker   |
| Antrag                        | Labor Office          | Labor Service  |
| Antragsdelikt                 | Labor Service         | Workhouse  |
| Anwalt                        | Workhouse             | Labor Court  |
| See also Rechtsanwalt         |                       |  |
| Anweisung                     |                       |  |
| Anzeige                       |                       |  |
| Arbeiter                      |                       |  |
| Arbeitsamt                    |                       |  |
| See also Landesarbeitsamt     |                       |  |
| Arbeitsdienst                 |                       |  |
| Arbeitshaus                   |                       |  |
| Arbeitsgericht                |                       |  |
| See also Landesarbeitsgericht |                       |  |
| Reichsarbeitsgericht          |                       |  |
| * Gewerbegericht              |                       |  |

|   |                       |
|---|-----------------------|
| Anwalt<br>See also Rechtsanwalt   | Attorney              |
| Anweisung   | Instruction           |
| Anzeige   | Declaration or Report |
| Arbeiter  | Worker                |
| Arbeitsamt<br>See also Landesarbeitsamt   | Labor Office          |
| Arbeitsdienst   | Labor Service         |
| Arbeitshaus   | Workhouse             |
| Arbeitsgericht<br>See also Landesarbeits-<br>gericht<br>Reichsarbeits-<br>gericht<br>* Gewerbegericht | Labor Court           |
| Arrest (of persons)   | Arrest, detention     |
| Arrest (of goods)   | Attachment            |
| Auf Antrag  | On demand             |
| Auf frischer Tat  | Taken red-handed      |
| Auf Verlangen   | On demand, on request |
| Aufheben  | Repeal                |
| Aufhebung   | Reversal              |
| Aufreizung  | Sedition              |
| Aufruhr   | Riot                  |
| Aufsicht  | Supervision           |

|  |   |
|--|---|
| Aufsichtsbehörde   | Supervising Authority   |
| Aufsichtsführender Richter                                     | Senior Judge  |
| Augenschein  | Judicial Inspection   |
| Ausländer  | Alien   |
| Auslegung  | Interpretation  |
| Aussage  | Statement or evidence by prisoner or witness                    |
| Ausserordentlicher Einspruch                                   | Extraordinary Complaint   |
| Ausserverfolsetzung<br>See also Einstellunge des<br>Verfahrens | Discharge by the Court after preliminary judicial investigation |
| Aussetzung   | Criminal abandonment of a person                                |
| Bankbruch, Bankrott  | Criminal offence in connection with bankruptcy                  |
| Beamter  | Civil Servant, Municipal Employee, Official                     |
| Beamtengesetz  | Civil Service Code  |
| Beauftragter<br>or<br>Ervollmächtigter                         | Delegate of Nazi Party, Plenipotentiary                         |
| Bedingung  | Condition   |
| Bedingungen  | Terms   |
| Bedrohung  | Offence of threatening another person with the commission of a  |

B

Criminal abandonment of a person

Criminal offence in connection with bankruptcy

Civil Servant, Municipal Employee, Official

Civil Service Code

Delegate of Nazi Party, Plenipotentiary

Condition

Terms

offence of threatening another person with the commission of a crime

Pardon

Aiding the perpetrator of a crime or delict after the fact

Assistant to Mayor

Aiding and abetting

Assisting Desertion

Council of Experts

Person, other than counsel, assisting the prisoner in his defence

Aussetzung

B

Bankbruch, Bankrott

Beamter

Beamtengesetz

Beauftragter

or

Bevollmächtigter

Bedingung

Bedingungen

Bedrohung

Beendigung

Beistützung

Beigeordneter

Beihilfe

Beihilfe zur Fahnenflucht

Beirat

Beistand



|                               |  |
|-------------------------------|--|
| Beitreiben                    | Collecting a fine, especially by execution   |
| Bekanntmachung                | Public Notice  |
| Beklagter                     | Defendant (Civil Case)   |
| Beleidigung                   | Insult, comprising insulting acts and defamatory statements                          |
| Berater                       | Advisor  |
| Bericht                       | Report   |
| Berufung<br>See also Revision | Appeal (Questions of fact and law)   |
| Besatzung                     | Occupation (components of)   |
| Beschlagnahme                 | Sequestration, seizure   |
| Beschluss                     | Ruling   |
| Beschuldigter                 | Person charged with a criminal offence, especially during preliminary investigations |
| Beschwerde                    | Complaint  |
| Beschwerdeführer              | Complainant, appellant also with regard to legal remedies against judgments          |
| Besetztes Gebiet              | Occupied Territory   |
| Besetzung                     | Occupation (Act of)  |
| Besitz                        | Possession   |
| Besitzstörung                 | Trespass (Legal)   |

|   |  |
|---|--|
| Beschluss   | Ruling   |
| Beschuldiger                                      | Person charged with a criminal offence, especially during preliminary investigations |
| Beschwerde  | Complaint  |
| Beschwerdeführer                                  | Complainant, appellant also with regard to legal remedies against judgments          |
| Besetztes Gebiet                                  | Occupied Territory   |
| Besetzung   | Occupation (Act of)  |
| Besitz  | Possession   |
| Besitzstörung                                     | Trespass (Legal)   |
| Bestätigung                                       | Confirmation   |
| Bestechung  | Bribery  |
| Bestimmung  | Regulation   |
| Bestimmungen                                      | Regulations  |
| Betragen gegen die militärische Zucht und Ordnung | Conduct prejudicial to good order and discipline                                     |
| Beteuerung  | Affirmation as a substitute for oath   |
| Betrug  | False Pretence, Fraud  |
| Beute   | Loot   |
| Bewährungsfrist                                   | Probation period   |

|                             |  |
|-----------------------------|--|
| Bewegerund                  | Motive   |
| Beweis                      | Evidence, Proof  |
| Beweisaufnahme              | Administration and hearings of the evidence by the Judge   |
| Beweislast                  | Onus or Burden of Proof  |
| Beweismittel                | Evidence   |
| Bezirk                      | Administrative Area (e.g. Wehrbezirk - Military Sub-Area)  |
| * Bezirksgericht            | See Amtsgericht  |
| Böse Absicht                | Malice   |
| OR                          |  |
| Böswilligkeit               | Malice   |
| Block                       | Lowest Nazi Party Group. Originally 40 households  |
| Blockleiter                 | Block-Header   |
| Blutschande                 | Incest   |
| Brandstiftung               | Arson  |
| Bürgerliches Gesetzbuch     | Civil Code   |
| Bürgermeister               | Mayor. Under the Nazi Commune Law of 1935 the Bürgermeister replaces the Gemeindevorsteher as head of a Gemeinde |
| Bürgermeister, ehrenamtlich | Mayor, Honorary  |
| Bürgermeister, hauptamtlich | Mayor Paid   |
| Bürgerschaft                | Guarantee  |
| Fusse                       | Literally, Penitence. Used   |

Lowest Nazi Party Group.  
originally 40 households

Block

Block-Leader

Blockleiter

Incest

Blutschande

Arson

Brandstiftung

Civil Code

Bürgerliches Gesetzbuch

Mayor. Under the Nazi  
Communs Law of 1935  
the Bürgermeister  
replaces the Gemeinde-  
vorsteher as head of a  
Gemeinde

Bürgermeister

Mayor, Honorary

Bürgermeister, ehrenamtlich

Mayor, Paid

Bürgermeister, hauptamtlich

Guarantee

Bürgschaft

Literally, penitence. Used  
for a sum of money al-  
lowed for private retri-  
bution by the criminal  
court as a substitute for  
civil damages

Eusso

Chief of the Armed Forces

C  
Chef des C.K.W. (Oberkom-  
mando der Wehrmacht)

Detective (Private)

D  
Detektiv

German Labor Front

Deutsche Arbeitsfront (DAF)

\* Austrian Term



|  |  |
|--|--|
| Devisenstelle  | Name of the German currency authority        |
| Diebstahl  | Theft  |
| Dienststrafgericht<br>* Disziplinargericht                                 | Disciplinary Tribunal                        |
| Dienststrafkammer<br>* Disziplinargericht<br>See also Reichsdienststrafhof | Disciplinary Tribunal<br>(For Civil Service) |
| Dienststrafrecht   | Disciplinary Law                             |
| * Disziplinargericht   | See Dienststrafgericht and Dienststrafkammer |
| Dolmetscher  | Interpreter                                  |
| Durchsuchung, Haussuchung<br>* Hausdurchsuchung                            | Search (of rooms)                            |
| Ehebruch   | Adultery                                     |
| Ehrengerichtshof<br>See also Reichshren-gerichtshof                        | Honor Court                                  |
| Ehrenstrafe  | Punishment affecting a person's civil status |
| Eid  | Oath   |
| Eidliche Aussage   | Deposition                                   |
| Eigentum   | Property, Ownership                          |
| Eigentumsrechte  | Property Rights                              |
| Einkommensteuer  | Income Tax                                   |
| Einlieferung   | Commitment to Prison                         |
| Einlieferungsliste   | List of Commitments to Prison                |

E

E

Ehebruch  
 Ehrengerichtshof  
 See also Reichshren-  
 gerichtshof  
 Ehrenstrafe

Eid  
 Eidliche Aussage  
 Eigentum  
 Eigentumsrechte  
 Einkommensteuer  
 Einlieferung  
 Einlieferungsliste  
 Einquartieren

\* Einschränkung der persön-  
 lichen Freiheit  
 Einschüchterung  
 Einstellen  
 or  
 Einstweilige Verfügung  
 Einzelhaft

\* Austrian Term  
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Adultery  
 Honor Court

Punishment affecting a  
 person's civil status

Oath  
 Deposition  
 Property, Ownership  
 Property Rights  
 Income Tax  
 Commitment to Prison  
 List of Commitments to  
 Prison

Elleting  
 See Freiheitsberaubung

Intimidation  
 Discontinuance of criminal  
 proceedings by the public  
 prosecutor Injunction,  
 temporary

solitary confinement, some-  
 times used synonymously  
 with Zellenhaft for sep-  
 arate confinement, in con-  
 trast to strenge Einzel-  
haft for solitary confine-  
 ment

|   |                                   |
|---|-----------------------------------|
| Einzelrichter   | Single Judge                      |
| Einziehung  | Confiscation                      |
| Eisenbahnbezirksdirektion                                       | Regional Railway Transport Office |
| Empfänger   | Consignee                         |
| Entführung  | Abduction                         |
| Entgelt   | Consideration, premium            |
| Enthauptung   | Beheadings                        |
| Entlassung  | Discharge from Prison             |
| Entmannung  | Castration                        |
| Entschädigung   | Compensation                      |
| Entschädigungsleistung  | Indemnity paid or payable         |
| Entscheidung  | Decision, finding (legal)         |
| Entwendung  | Pilfering                         |
| Erbgesundheitsgericht   | Eugenics Court                    |
| Erbgesundheitsobergericht                                       | Eugenics Courts of Appeal         |
| Erbhofgericht<br>See also Anerbengericht<br>Reichserbhofgericht | Hereditary Farm Court             |
| Erbschaftssteuer  | Inheritance Tax                   |
| Erkennendes Gericht   | Trial Court                       |
| Erlass  | Decree                            |
| Erlaubnisschein   | License (documentary)             |
| Ermittlungsbeamter  | Investigator                      |
| Ermittlungsverfahren  | Preliminary investigation         |

|   |  |
|---|--|
| Entschädigung   | Compensation   |
| Entschädigungsleistung  | Indemnity paid or payable  |
| Entscheidung  | Decision, Finding (legal)  |
| Entwendung  | Pilfering  |
| Erbgesundheitsgericht   | Eugenics Court   |
| Erbgesundheitsobergericht                                       | Eugenics Courts of Appeal  |
| Erbhofgericht<br>See also Anerbengericht<br>Reichserbhofgericht | Hereditary Farm Court  |
| Erbchaftsteuer  | Inheritance Tax  |
| Erkennendes Gericht   | Trial Court  |
| Erlass  | Decree   |
| Erlaubnisschein   | License (documentary)  |
| Ermittlungsbeamter  | Investigator   |
| Ermittlungsverfahren  | Preliminary investigation<br>by the public prosecutor<br>and the police  |
| Ernährungsamt   | Food Office  |
| Eröffnungsbeschluss   | Judicial ruling opening the<br>trial                                     |
| Eroressung  | Extortion  |
| Ersatzfreiheitsstrafe   | Deprivation of liberty as<br>a substitute for a non-<br>collectable fine |
| Erziehungsanstalt   | Reformatory  |
| Fahndung  | Search for a fugitive  |
| Fahnenflucht  | Desertion  |



|   |   |
|---|---|
| Fahrlässigkeit  | Negligence  |
| Falschmünzerei  | Counterfeiting money  |
| Fälschung   | Forgery   |
| Feigheit  | Cowardice   |
| Feindbegünstigung   | Giving aid and comfort to the enemy   |
| Feldkriegsgericht   | Summary Court Martial   |
| Festnahme   | Arrest, detention   |
| Festnahme, vorläufige   | Taking into custody without a judicial warrant  |
| Feststellung  | Identification  |
| Finanzamt   | Finance Office. Part of the regional organization of the Treasury                                       |
| Finanzgericht (First Instance)<br>See also Reichsfinanzhof      | Tax Court   |
| * Finanzgerichtshof   | See Reichsfinanzhof   |
| Fingerabdrücke  | Finger Prints   |
| Frachtbrief   | Bill of Lading  |
| Freiheitsberaubung<br>* Einschränkung der persönlichen Freiheit | False Imprisonment  |
| Freiheitsstrafe   | Legal punishment consisting in deprivation of liberty e.g., imprisonment in the wider sense of the word |
| Freisprechung   | Acquittal   |
| Freispruchrichter   | Justice of the Peace, called  |

Finanzgericht (First Instance) Tax Court  
See also Reichsfinanzhof

\* Finanzgerichtshof See Reichsfinanzhof

Fingerabdrücke Finger Prints

Frachtbrief Bill of Lading

Freiheitsberaubung False Imprisonment  
\* Einschränkung der persönlichen Freiheit

Freiheitsstrafe Legal punishment consisting in deprivation of liberty e.g. imprisonment in the wider sense of the word

Freisprechung acquitted

Friedensrichter Justice of the Peace, called for the settlement of disputes arising from minor offences against a person

Friedensbruch Settlement imposed upon perpetrator of a dispute arising from a minor offence against a person, e.g., insult

Frise (hair styled)

Führer Leader

Flucht逃跑 Offense committed by the driver of a motor vehicle in abandoning a person hurt by an accident

\* Exclusion Term

|                                    |   |
|------------------------------------|---|
| Führerprinzip                      | Leader Principle. Authority of leader against armographic organization.                                   |
| Führerziehung                      | Educational to remind home or approved school   |
| Garantie                           | Guarantee   |
| Gau                                | Originally the word meant tribal area. The Nazis use it for one of the subdivisions of their organization |
| Gauarbeitssamt                     | Gau Labor Office  |
| Gauléiter                          | Leader of a party Gau   |
| Gebrauchsmessung                   | Offense of public pawnbroker unlawfully using items deposited with him.                                   |
| Gefahr im Verzug                   | Risk that further delay may frustrate the conduct of a trial  |
| Gefangenlager                      | Prison Camp   |
| Gefangener                         | Prisoner  |
| Gefängnis<br>* Kerker              | Prison  |
| Gefängnisstrafe<br>* Haftstrafe    | Imprisonment  |
| Geheimbündel                       | Offense consisting in the membership of secret associations   |
| Geheime Staatspolizei<br>(Gestapo) | Secret state police   |
| Geheimpolizist                     | Detective   |

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|  |  |
|--|--|
| Gauarbeitssamt                         | Gau Labor Office   |
| Gauleiter                              | Leader of a party Gau  |
| Gebrauchsbewertung                     | Office of public pawnbroker unlawfully using items deposited with him.   |
| Gefahr im Verzug                       | Risk that further delay may frustrate the conduct of a trial   |
| Gefangenenlager                        | Prison Camp  |
| Gefangener                             | Prisoner   |
| Gefängnis<br>* Kerker                  | Prison   |
| Gefängnisstrafe<br>* Haftstrafe        | Imprisonment   |
| Geheimbündel                           | Offense consisting in the membership of secret associations  |
| Geheime Staatspolizei<br>(Gestapo)     | Secret State Police  |
| Geheimpolizist                         | Detective  |
| Geldstrafe                             | Fine   |
| Gelegenheitsverbrecher                 | Accidental criminal  |
| Gelicht, sicheres<br>* Gelicht, freies | Safe conduct, i.e., the judicial assurance that a fugitive would not be arrested and taken into custody before conviction and sentence |
| Gemeinde                               | Unit of local Government   |
| Gemeindevorsteher                      | The head of the Gemeinde in the pre-Nazi days.   |

\* Austrian Term



|  |  |
|--|--|
| Gemeingefährliches Verbrechen                  | Offences causing public danger, such as arson, incendiarism, endangering railway and telegraph service |
| Gemeinschaftshaft                              | Confinement of prisoners in a group as contrasted with solitary confinement                            |
| Gendarmerie                                    | Police (Gendarm)   |
| Genehmigung                                    | License, approval  |
| Generalbevollmächtigter für den Arbeitseinsatz | Plenipotentiary for employment and distribution of labor   |
| * Generalprokurator                            | See Oberreichsanwalt   |
| Generalstaatsanwalt                            | Chief Public Prosecutor at the Courts of Appeals and at the Landgericht, Berlin                        |
| Genossenschaft                                 | Cooperative  |
| Gerechtigkeit                                  | Justice  |
| Gerichtlich                                    | Judicial   |
| Gerichtsvorsessor<br>* Richteramtsanwärter     | Assistant Judge (Probationary, eligible for appointment as judge or prosecutor)                        |
| Gerichtsbank, Zuständigkeit, Gerichtsstand     | Jurisdiction   |
| * Gerichtsbeamter                              | See Urkundsbeamter   |
| Gerichtshilfe, soziale                         | Social service report to the court on the prisoner's personal conditions and social background         |

Berlin

|  |   |
|--|---|
| Gemeinschaft                                     | Cooperative   |
| Gerechtigkeit                                    | Justice   |
| Gerichtlich                                      | Judicial  |
| Gerichtswesen                                    | Assistant Judge (Probationary, eligible for appointment as judge or prosecutor)               |
| * Richteramtsanwärter                            |   |
| Gerichtsberechtigt, Zuständigkeit, Gerichtsstand | Jurisdiction  |
| * Gerichtsbesitzer                               | See Urkundsbeamter  |
| Gerichtshilfe, soziale                           | Social service report to the camp on the prisoners' personal conditions and social background |
| Gerichtspräsident                                | Head of Court (Presiding Officer)   |
| See also Landgerichtspräsident                   |   |
| Landesgerichtspräsident                          |   |
| * Gerichtspräsident                              | Law Graduate (unpaid temporary civil servant attached to a court)                             |
| Gerichtsvollzieher                               | Bailiff   |
| Geschworener                                     | Juror   |
| * Geschworenengericht                            | See Schwurgericht   |
| Gesellschaft mit beschränkter Haftung (G.m.b.H.) | Limited Liability Company   |
| 144gesetz  | Law or Statute  |
| * Austrian Term                                  |   |

|  |  |
|--|--|
| Gesetzgebung                             | Legislation  |
| Geständnis                               | Admission, Confession  |
| Gewahrensam                              | Custody  |
| * Gewerbegericht                         | See Arbeitsgericht   |
| Gewerbegerichtssenzat des Landesgerichts | See Reichsarbeitsgericht   |
| Gewerkschaft (commercial law)            | Mining Company   |
| Gewerkschaft (labor)                     | Trade Union  |
| Gewohnheitsverbrecher                    | Habitual Criminal  |
| Glaubhaftmachung                         | Minor form of evidence aimed at a reasonable probability   |
| Gläubiger                                | Creditor   |
| Glaubwürdigkeit                          | Credibility  |
| Gnadenbehörde                            | Authority which enquires and reports on the advisability of remission of sentence (Public Prosecutor and, with regard to conditional suspension of minor sentences, Municipal Judge) |
| Gotteskammer                             | Blasphemy  |
| Grober Unfug                             | Public Nuisance  |
| Grund und Gebäude Steuer                 | Tax (Land and building)  |
| Grundbuch                                | Land Register  |
| Grundeigentum                            | Real Estate  |
| Grundschuld                              | Mortgage   |
| See also Hypothek                        |  |

|                            |  |
|----------------------------|--|
| Glaubiger                  | Creditor   |
| Glaubwürdigkeit            | Credibility  |
| Gerichtsbehörde            | Authority which enquires and reports on the advisability of remission of sentence (Public Prosecutor and, with regard to conditional suspension of minor sentences, Municipal Judge) |
| Gottesdienst               | Worship  |
| Grober Unfug               | Public Nuisance  |
| Grund und Gebäude Steuer   | Tax (Land and Buildings)   |
| Grundbuch                  | Land Register  |
| Grundbesitzer              | Real Estate  |
| Grundschuld                | Mortgage   |
| See also Hypothek          |  |
| Gruppe                     | Group or Section   |
| Gutechten                  | Expert or professional opinion   |
| Guter Glaube               | Good Faith   |
| Haft                       | Detention  |
| Haftbefehl (gerichtlicher) | Judicial warrant of arrest   |
| * Haftstrafe               | see verhängnisstrafe   |
| Haftung                    | Liability  |
| Handelsgesetzbuch          | Commercial Code  |
| * Austrian Term            |  |



|  |   |
|--|---|
| Hauptabteilung der Militär-<br>regierung         | Division of Military<br>Government  |
| Hauptverhandlung                                 | Trial   |
| * Hausdurchsuchung                               | See Durchsuchung  |
| Hausfriedensbruch                                | Delict of unlawfully<br>entering another per-<br>son's home                             |
| Hausfuchung                                      | Search of rooms   |
| Hahlered   | Offense of receiving<br>stolen property or<br>things obtained by<br>other criminal acts |
| Heil- und Pflegeanstalt<br>See also Irrenanstalt | Mental Institution, Lunatic<br>Asylum   |
| Hilfsbeamte der Staatsanwalt-<br>schaft          | Subordinate assistants to<br>the Public Prosecutor                                      |
| Hinrichtung                                      | Carrying out the Death<br>Sentence  |
| Hinterziehung                                    | Non-fulfillment of a tax<br>obligation owing to the<br>taxpayer's untrue state-<br>ment |
| Hochverrat<br>See also Landesverrat              | Treason (against the in-<br>ternal security of the<br>State)                            |
| Hörsagen   | Hearsay   |
| Hypothek<br>See also Grundschuld                 | Mortgage  |
| Identifizierung                                  | Identification  |

Mitfahrende der Staatsanwaltschaft

Subscribing assistants to the Public Prosecutor

Hinrichtung

Carrying out the Death Penalty

Hinterziehung

non-fulfillment of a tax obligation owing to the taxpayer's natural state-

Hochverrat

Treason (against the In-

Hörensagen

hearsay

Hypothek

Mortgage

Identifizierung

Identification

Industrie- und Handelskammer

Chamber of Commerce and Industry

Instanz

Court of first, second, or third instance

Internationales Recht

International law

Irrenanstalt

Insane Institution, Lunatic asylum

Jagdrevolver

Revolver

Landesrat

State Council

Landesjugendwohlfahrtsrat

State Youth Welfare Board

Landesjugendwohlfahrtsrat

State Youth Welfare Board

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|  |   |
|--|---|
| Jugendarrest                             | Youth confinement, disciplinary measure against juveniles   |
| Jugendgericht                            | Juvenile Court  |
| Jugendgerichtshilfe                      | Juvenile Court Aid, a social service at the disposal of the Juvenile Court to provide social reports and undertake protective supervision |
| Jugendliche                              | Persons between 14 and 18, juveniles  |
| Justizministerium                        | Ministry of Justice   |
| Kammer                                   | Division of the District Court (Landgericht)  |
| Kammer für Handelsachen beim Landgericht | Commercial Chamber at Landgericht   |
| Kammergericht                            | Court of appeal in Berlin   |
| Kanzelmissbrauch                         | Disturbance of the peace by a person's public discussion of state affairs   |
| Kanzlei                                  | Chancellory. In Nazi organization there are four chancelleries through which Hitler controls the party and the government                 |
| Kartellgericht                           | Cartel Court  |
| See also Reichswirtschaftsgericht        |   |
| Kausalzusammenhang                       | Chain of causation between an act and its consequences  |
| Kaution                                  | Bail, Security  |

K

|  |  |
|--|--|
| Kammer   | Court (Lawyer's Office)  |
| Kammer für Handelsachen<br>beim Landgericht              | Commercial Chamber at<br>Landgericht   |
| Kommergericht  | Court of appeal in Berlin  |
| Kanzelmissbrauch   | Disturbance of the peace by<br>a person's public discus-<br>sion of state affairs  |
| Kanzlei  | Chancery. In Nazi or-<br>ganisation there are four<br>chancelleries through<br>which Hitler controls the<br>party and the government |
| Kartellgericht<br>See also Reichswirtschafts-<br>gericht | Cartel Court   |
| Kausalzusammenhang                                       | Chain of causation between<br>an act and its consequen-<br>ces   |
| Kaution<br>See also Sicherheitsleis-<br>tung             | Bail, Security   |
| Kennkarte  | Identification Card  |
| * Kerker   | See Gefängnis  |
| Kinderzuschläge  | Children's Allowance   |
| Kindermord   | Infanticide  |
| Kommanditgesellschaft                                    | Partnership, limited   |
| Kommissarische Vernehmung                                | Hearings of witnesses of<br>prisoner outside the trial<br>by a single member of the<br>trial court, or the Muni-<br>cipal Judge      |
| *Austrian Term   |  |



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|                                       |   |
|---------------------------------------|---|
| Konkurs                               | Bankruptcy  |
| Konkursverwalter<br>* Massenverwalter | Receiver in Bankruptcy  |
| Kontumazialverfahren                  | Trial in the absence of<br>the defendant                              |
| Körperschaftsteuer                    | Corporation Tax, Income<br>Tax for Corporation                        |
| Körperverletzung                      | Personal Injury   |
| Kreditgenossenschaft                  | Credit Cooperative  |
| Kreis                                 | County (a unit of local<br>government)                                |
| Kreisschuss                           | County committee. An<br>elected body whose<br>chairman is the Landrat |
| Kreisleiter                           | Leader of Party Kreis   |
| Kreuzverhör                           | Cross examination   |
| Kriegsgericht<br>* Militärgericht     | Court Martial   |
| Kriegsmarine                          | German Navy   |
| Kriminal Polizei (KRIPG)              | Criminal Police   |
| Kündigung                             | Notice  |
| Kuppel                                | Office of pandering   |
| Kurpfuscher                           | Quack doctor  |
| Land                                  | Summons   |
| See also Vorladung                    |   |
| Land                                  | The generic name of the<br>formerly autonomous<br>German States.      |

L

Kreisleiter  
 Kreuzverhör  
 Kriegsgesicht  
 \* Militärgericht  
 Kriessmarine  
 Kriminal Polizei (KRIPG)  
 Kündigung  
 Kuppelrol  
 Kurpfuscher

Ladung  
 See also Vorladung

Land

Landeserbeitsamt  
 See also Arbeitsamt

Landesarbeitsgericht

\* Landes- und Kreisgericht

Landespolizeibehörde

Landesverrat  
 See also Hochverrat

Landesverweisung

\*148  
 Austrian Term

L

Gross examination  
 Court martial  
 German Navy  
 Criminal Police  
 Notice  
 Offense of pandering  
 Quack doctor

Summons

The generic name of the  
 formerly autonomous  
 German States.

Regional Labor Office

Labor Court of Appeal

See Landgericht

Higher police authority,  
 in Prussia; District  
 president (deierungs-  
 president)

Treason (against the ex-  
 ternal security of the  
 State)

Exilement

-15-

Landfriedensbruch

Landgericht

\* Landes- und Kreisgericht

See also Amtsgericht

Oberlandesgericht

Reichsgericht

Landgerichtsdirektor

Landgerichtspräsident

See also Gerichtspräsident

Landkreis

Landrat

Landstreicher

Leichenöffnung

\* Obduktion

Leichenschau

Leistung

Luftamt

Luftflotte

\* Massenverwalter

Massregeln der Sicherung und

Erssorung

Disturbance of the peace

Intermediate Court

Presiding Officer of a

Chamber at Landgericht

Presiding officer of

Landgericht

Roughly, County. As op-

posed to the Stadtkreis

which is roughly equiva-

lent to a county borough

Chief executive official of

Kreis

Warrant

Post mortem dissection

Autopsy

Performance

Air office for civil

aviation

Air Fleet

See Konkursverwalter

Measures of public securi-

ty and correction, penal

sanctions distinguished

from punishment proper,

aimed at the prevention

of dangerous persistent

offenders from further

wrongdoing. Also sichernde

M

Landstreicher  
 Leichenöffnung  
 \* Obduktion  
 Leichenschau  
 Leistung  
 Luftamt  
 Luftflotte

Landstreicher  
 Post mortem dissection  
 Autopsy  
 Performance  
 Air office for civil aviation  
 Air Fleet

\* Messungsverwalter  
 Massregeln der Sicherung und Besserung

See Konkursverwalter  
 Measures of public security and correction, penal sanctions distinguished from punishment proper, aimed at the prevention of dangerous persistent offenders from further wrongdoing. Also sichernde Massnahmen

Meineid  
 Meuterei  
 Mietbesitz  
 Mieter  
 Mildernde Umstände  
 Militärgericht  
 Militärregierung  
 \* Austrich Torn

Perjury  
 Mutiny  
 Tenancy  
 Tenant  
 Extenuating circumstances  
 Court (Military)  
 See also Kriegsgericht  
 Military Government



|  |   |
|--|---|
| Militärverleumdungsbteilung  | Military Government De-<br>tachment   |
| Ministeriet für die Reichsver-<br>teidigung  | Ministerial Council for the<br>Defence of the Reich   |
| Mittlerschaft  | Joint Commission of an of-<br>fence by accomplices  |
| Mord   | Murder  |
| Mörder   | Murderer  |
| Mundraub   | Contravention of pilfering<br>small quantities of food  |
| Nachoid  | Oath of a witness after he<br>has made his statement  |
| Nachhilfe  | Pursuit   |
| Nachlassgericht<br>* Abteilung des<br>Amtsgerichts<br>Abteilung des<br>Bezirksgerichts | Probate Court   |
| Nachlasssteuer   | Tax (inheritance)   |
| Nachrede. Üble   | Defamation  |
| Nebenkläger  | Joint plaintiff, i.e.<br>private person or au-<br>thority joining the<br>Public Prosecutor in<br>the prosecution of cer-<br>tain offences, o.s.,<br>bodily injury |
| Nichtbefolgung eines dienst-<br>lichen Befehls   | Failure to obey an order  |
| Nichterstattung einer vorge-<br>schriebenen Meldung                                    | Failure to render a pre-<br>scribed report  |

Pursuit

Probate Court

Tax (inheritance)

Defamation

Joint Plaintiff, i.e. private person or authority joining the Public Prosecutor in the prosecution of certain offenses, e.g., bodily injury

Failure to obey an order

Failure to render a prescribed report

Petition for nullification

Not Guilty

First Offender

excluding criminal proceedings; abolition

Duress by menaces; legal excuse

Notary

Fault of Misappropriation committed by reason of distress

Nachhilfe

Nachlassgericht  
\* Abteilung des Amtsgerichts  
Abteilung des Bezirksgerichts

Nachlasssteuer

Nachrede, Üble

Nebenklager

Nichtbefolgen eines dienstlichen Befehls

Nichterstattung einer vorgeschriebenen Meldung

Nichtigkeitsbeschwerden

Nicht schuldig

Nicht Verbostrafter

Niederschlagung

Nötigung

Notar

Notentwendung

Austrian Term

|  |   |
|--|---|
| Notstand   | Necessity as legal excuse   |
| Notverordnung  | Emergency Regulation, based upon Art. 48 Weimar Constitution or Special Enabling Act                |
| Notwehr  | Self-Defence  |
| Notzucht   | Rape  |
| N. S. Rechtswehverbund                                 | N. S. legal workers' association  |
| nulla poena sine lege                                  | Rule that no punishment can be lawfully inflicted unless supported by explicit statutory provisions |
| Obduktion  | See Leichenöffnung  |
| Oberbefehlshaber des Heeres                            | C.-in-C., Army  |
| Oberbefehlshaber der Kriegsmarine                      | C.-in-C., Navy  |
| Oberbefehlshaber der Luftwaffe                         | C.-in-C., Air Force   |
| Oberbefehlshaber der Wehrmacht                         | Supreme Commander of Armed Forces   |
| Oberbürgermeister                                      | Mayor or Lord Mayor   |
| Oberlandesgericht                                      | Court of Appeals  |
| See also Amtsgericht<br>Landesgericht<br>Reichsgericht |   |
| Oberlandesgerichtspräsident                            | Head (Presiding Officer) at Court of Appeals  |
| Oberpräsident  | Senior Central Government official of a Prussian province   |

|   |  |
|---|--|
| Oberbefehlshaber des Heeres   | C.-in-C., Army   |
| Oberbefehlshaber der Kriegsmarine   | C.-in-C., Navy   |
| Oberbefehlshaber der Luftwaffe  | C.-in-C., Air Force  |
| Oberbefehlshaber der Wehrmacht  | Supreme Commander of Armed Forces  |
| Oberbürgermeister   | Mayor or Lord Mayor  |
| Oberlandesgericht<br>See also Amtsgericht<br>Landesgericht<br>Reichsgericht | Court of Appeals   |
| Oberlandesgerichtspräsident   | Head (Presiding Officer) at Court of Appeals   |
| Oberpräsident   | Senior Central Government official of a Prussian province  |
| Oberpräsidium   | Supreme Prize Court  |
| Oberreichsanwalt<br>* Generalprokurator                                     | Chief Public Prosecutor at Reichsgericht   |
| Oberstaatsanwalt  | Senior Public Prosecutor at Landesgericht and at Amtsgericht, Berlin   |
| * Oberster Gerichtshof  | See Reichsgericht  |
| Objektives Verfahren  | Proceedings for the confiscation or destruction of certain articles without the prosecution of any defendant |

\*Austrian Term



|   |  |
|---|--|
| Obmann                                      | Foreman, especially of a jury  |
| Offenkundig                                 | Notorious  |
| Öffentliche Angelegenheit                   | Involvement  |
| Öffentliche Betriebe                        | Public Utilities   |
| Öffentliches Recht                          | Public Law   |
| Offizialprinzip                             | Principle of public, in contrast to private, prosecution   |
| Offizialverteidiger<br>* Pflichtverteidiger | Counsel for the defence appointed by the Court   |
| O.K.H. Oberkommando des Heeres              | War Office   |
| O.K.L. Oberkommando der Luftwaffe           | Air Ministry   |
| O.K.M. Oberkommando der Kriegsmarine        | Admiralty  |
| O.K.W. Oberkommando der Wehrmacht           | Defence Ministry   |
| Ordentliche Gerichte                        | Ordinary Courts in contrast to special courts, i.e. courts established by the Justice Act (Gesetz über die Justizreform vom 1. 11. 1934) |
| Ordnungswidrigkeit                          | Police (order)   |
| Ordnungsstrafe                              | Administrative Punishment, e.g. of a witness   |
| Organisation der gewerblichen Wirtschaft    | Director of Industry and Trade   |
| Ortsgruppe                                  | One of the sub-divisions of the Nazi Party   |

O.K.L. Oberkommando der Lufttruppe

O.K.M. Oberkommando der Kriegsmarine

O.K.V. Oberkommando der Wehrmacht

Ordentliche Gerichte

Ordnungspolizei

Ordnungsstrafe

Organisation der gewerblichen Wirtschaft

Ortsgruppe

Pacht

Pachtbesitz

Pächter

Parteilanzelle

Parteivertret

Passiva

Patentgesetz

152 Austrian Term

Admiralty

Defence Ministry

Ordinary Courts in contrast to special courts, i.e. courts established by the Jurisdiction Act (Gerichtsverfahrensgesetz, of 1939)

Police (order)

Administrative Punishment, e.g. of a witness

Organ of Industry and Trade

One of the sub-divisions of the Nazi Party

Lease

Tenancy

Tenant

Party Chancellery

Offices of an attorney, working for both parties in the same case

Licenses

Patent Law

|                        |   |
|------------------------|---|
| Pensum                 | Task, prescribed amount of work to be performed by prisoner within certain time   |
| See also Tagewerk      |   |
| Pfandkehr              | Delict committed by an owner who takes his property from the custody of a pawnee  |
| Pflichtverschulden     | Neglect of Duty   |
| * Pflichtverteidiger   | See Officialverteidiger   |
| Plaidoyer              | Pleadings   |
| Plündern               | Looting   |
| Polizei                | Police  |
| Polizeiamt             | Police Station  |
| * Kommissariat         |   |
| Polizeiaufsicht        | Police Supervision ordered by the Court as supplementary punishment               |
| Polizeihaft            | Detention   |
| Polizeirevier          | Police Station  |
| Polizeistelle          | Police Station  |
| Polizist               | Policeman   |
| Präsidentenkanzlei     | President's Chancellery   |
| Preistreiberei         | Overcharging  |
| Prisenhof              | Prize Court   |
| See also Oberprisenhof |   |
| Privatklage            | Private prosecution, admissible for certain offences, e.g., insult, bodily injury |
| * Privatanklage        |   |

Private Law

Privatrecht

Polizeiamt  
\* Kommissariat

Polizeiaufsicht

Polizeihaft

Polizeirevier

Polizeistelle

Polizist

Präsidentkanzlei

Freistreiberei

Prisenhof

See also Oberverisshof

Privatklage

\* Privatanklage

Privatrecht

Proklamation

Protokoll

Provinz

Provision

Prozess

Prozessbetrug

\* Austrian Term

Police Station

Police Supervision ordered by the Court as supplementary punishment

Detention

Police Station

Police Station

Policeman

President's Chancellery

Overcharges

Prize Court

Private prosecution, admissible for certain offenses, e.g., insult, bodily injury

Private Law

Proclamation

Minutes

Province

Commission

Case (legal)

Perversion of Justice, committed by deceiving the judge and thereby obtaining a decision detrimental to the other party



|                         |  |
|-------------------------|--|
| Prozessordnung          | Procedure (legal)  |
| Putativnotwehr          | Self-defense in the mistaken belief that one is being attacked   |
| Quittung                | receipt  |
| Räuführer               | Ringleader   |
| Raub                    | Robbery  |
| Räuber                  | Robber   |
| Raufhandel              | Scuffle  |
| Rechtsfähigkeit         | Legal status, legal personality  |
| Rechtfertigungsgrund    | Legal justification of an otherwise criminal offense   |
| Rechtsanwalt            | attorney, lawyer   |
| * Rechtsanwaltsanwärter | See Gerichtsratsreferendar   |
| Rechtsanwaltskammer     | Bar Association of provinces and Länder  |
| Rechtsbehelf            | Legal remedy in a wider sense, comprising not only appeal against judgment, but also complaints against orders, and objections against various forms of procedure without oral trial |
| Rechtsberatungsstelle   | Legal advice office  |

personality

Legal justification of an otherwise criminal offense

Attorney. lawyer

See Gerichtsreferendar

Bar Association of provinces and Länder

Legal remedy in a wider sense, comprising not only appeal against judgment, but also complaints against orders, and objections against various forms of procedure without oral trial

Legal advice office

Official legal aid offices

Perversion of Justice

Case (legal)

Procedura

Juridical transaction

Pending law suit "sub judice"

Mutual cooperation and assistance between different courts, especially in connection with letters rogatory

Rechtfertigungsgrund

Rechtsanwalt

\* Rechtsanwaltsreferendar

Rechtsanwaltskammer

Rechtsbehelf

Rechtsberatungsstelle

Rechtsberatungsstellen

Rechtsbeugung

Rechtsfall

Rechtsakne

Rechtsabenschaft

Rechtshilfe  
\* einhändige

Rechtshilfe

\* Austrian Term

|   |  |
|---|--|
| Rechtskraft   | Final Judgment (not subject to appeal)   |
| Rechtsmittel  | Appeal   |
| Rechtspflege  | Administration of Justice  |
| Rechtsweg   | Access to the Courts   |
| Rechtswidrig  | Unlawful, illegal  |
| Rechtsszug  | Literally: drawing the case from the lower to the higher court. Used as <u>erster, zweiter R.</u> for the procedure before the first or second appellate court |
| Referendar  | Law graduate in the preparatory service between first and second state examinations  |
| reformatio in melius                                | Alteration of the judgment of the lower court by an appellate judgment to the detriment of the appellant   |
| Regel   | Rule   |
| Regierungsbezirk                                    | A sub-division of a province for ease of administration in matters of central government   |
| Reichsbebenordnung                                  | Reich Tax Code   |
| Reichsangehöriger                                   | Citizen, subject, national   |
| Reichsnachbarschaft<br>See also Staatsangehörigkeit | Citizenship  |
| Reichsanwalt  | Public Prosecutor in the Reichsgericht   |
| Reichsarbeitsgericht                                | Supreme Labor Court  |

examinations

alteration of the judgment of the lower court by an appellate judgment to the detriment of the appellant

Rule

sub-division of a province for ease of administration in matters of central government

Reich Tax Code

Citizen, subject, national

Citizenship

Public Prosecutor in the Reichsgericht

Supreme Labor Court

State Railways

Reich Construction Office

Civil Service Act

Supreme Disciplinary Tribunal

Disciplinary rules for Reich officials

reformatio in melius

Regel

Regierungsbezirk

Reichsbehördenordnung

Reichsangehöriger

Reichsangehörigkeit  
See also Staatsangehörigkeit

Reichsanwalt

Reichsarbeitsgericht  
\* Gewerbeberichtsserrat des Landesgerichts  
See also Arbeitsgericht  
Landesarbeitsgericht

Reichsbahn

Reichsbeamter

Reichsbeamtengesetz

Reichsdienststrafhof  
See also Dienststrafkammer

Reichsdienststrafordnung

\* Austrian Term



Reichserbhofgericht  
See also Auerbonggericht  
Erbhofgericht

Reichserbhofgesetz

Reichsrechnungsrat  
See also Rechnungsrat

Reichsfinanzhof  
\* Finanzgerichtshof  
See also Finanzgericht

Reichsraum

Reichsgericht  
\* Oberster Gerichtshof  
See also Amtsgericht  
Landgericht  
Oberlandesgericht

Reichsgesetzblatt  
\* Bundesgesetzblatt

Reichskanzlei

Reichskriegsgericht  
See also Kriegsgericht

Reichskulturkammer

Reichsleiter

Reichswehrstand

Reichspostdirektionbezirk

Reichsstattthalter

Reichstreuhänder der Arbeit

Reichsvereine in den

Supreme Hereditary Farm Court

Farm Law (Hereditary)

Honor Court of Appeal

Supreme Tax Court

Highest administrative district under the Reich, outside the Länder

Supreme Court

Reich Statute Book

Reich Chancellery

Supreme Military Court

Reich Chamber of Culture

Leading Nazi Official

State of Agriculture

Reich Postal Area

The Central Government's representative in the Länder

Reich Trustee of Labor

Reich Associations

|   |   |
|---|---|
| Reichsgesetzblatt<br>* Bundesgesetzblatt                | Reich Statute Book  |
| Reichskanzlei   | Reich Chancellery   |
| Reichskriegsgericht<br>See also Kriegesgericht          | Supreme Military Court  |
| Reichskulturkammer                                      | Reich Chamber of Culture  |
| Reichsleiter  | Leading Nazi Official   |
| Reichsmehrstand   | Estate of Agriculture   |
| Reichspostdirektionbezirk                               | Reich Postal Area   |
| Reichsstettthalter                                      | The Central Government's<br>representative in the<br>Länder   |
| Reichstroubänder der Arbeit                             | Reich Trustee of Labor  |
| <b>Reichsvereinigungen</b>                              | <b>Reich Associations</b>   |
| Reichsverkehrsministerium                               | Reich Ministry of Trans-<br>port  |
| Reichsversorgungsamt                                    | Pensions Court  |
| Reichsverwaltungsgericht<br>See also Verwaltungsgericht | Supreme Administrative<br>Court   |
| Reichswirtschaftsgericht<br>See also Kartellgericht     | Supreme Cartel Court  |
| Reus, tätige  | Voluntary act by which<br>the perpetrator of a<br>criminal attempt<br>hinders the consumma-<br>tion of an offense |
| Revision<br>See also Berufung                           | Appeal (Questions of law<br>only)   |

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|                               |   |
|-------------------------------|---|
| Richter                       | Judge (general term)  |
| * Richtersamtwort             | See Gerichtsassessor  |
| Rückfall                      | Relaps  |
| Rücktritt                     | Voluntary act by which the perpetrator of a criminal attempt abstains from consummating the offence |
| Runde                         | Beat (police)   |
| Sachbeschädigung              | Damage to Property  |
| Schurteil                     | Judgment of acquittal or conviction   |
| Schaden                       | Damage  |
| Scherfrichter                 | Executioner   |
| Schleichhandel                | Black Market (general)  |
| Schlussavortrag               | Pleadings, plaidoyer  |
| Schnuggeln                    | Smuggling   |
| Schnellverfahren              | Summary procedure without written accusation  |
| Schöffe                       | Lay-Judge in criminal matters   |
| Schöffengericht               | Lay Assessors   |
| Schriftverkehr mit dem Feinde | Corresponding with the enemy  |
| Schuld                        | Debt, Guilt   |
| Schuldusschließungsgrund      | Legal excuse, e.g., necessity   |
| Schuldig                      | Guilty  |

S

Debitor

Pleadings, pleading  
 Smuggling  
 Summary procedure without written accusation  
 Lay-Judge in criminal matters  
 Lay Assessors  
 Corresponding with the Enemy  
 Debt, Guilt  
 Legal excuse, e.g., necessity  
 Guilty  
 Debtor  
 Probation  
 Protective Custody  
 Policeman  
 Black Market in smuggled goods or narcotics  
 See Zuchthaus  
 Criminal Court sitting with Jury  
 Self-government

Schlussverträge  
 Schusseln  
 Schnellverfahren  
 Schöffe  
 Schöffengericht  
 Schriftverkehr mit dem Feinde  
 Schuld  
 Schuldverschliessungsgrund  
 Schuldig  
 Schuldner  
 Schutzaufsicht  
 Schutzhaft  
 Schutzmann  
 Schwarzhandel  
 \* Schwere Kerker  
 Schurgericht  
 \* Geschworenengericht  
 Selbstverwaltung  
 \* Austria Term



|   |   |
|---|---|
| Sender  | Consignor   |
| Senatspräsident                                     | Presiding Officer at Ober-<br>landesgericht and Reichs-<br>gericht  |
| Sicherheitsleistung<br>See also Kaution             | Bail  |
| Sicherheitspolizei                                  | Police (Security)   |
| Sichernde Maßnahmen                                 | Measures of public security,<br>penal sanctions, dis-<br>tinguished from punishment<br>proper, aimed at the pre-<br>vention of dangerous per-<br>sistent criminals from<br>further wrongdoing. Also<br><u>Massregeln der Sicherung.</u> |
| Sicherungsverwahrung<br>* Verwahrungshaft           | Security Detention  |
| Simulation  | Voluntariness   |
| Sittentum   | Genealogical Office   |
| Sittlichkeitsdelikte                                | Sexual Offences   |
| Sondergericht                                       | Special Court   |
| Sonderpolizei                                       | Police (Special)  |
| Sprungrevision                                      | Direct appeal on a question<br>of law to the court of<br>third instance or final<br>appeal possible over the<br>court of second instance<br>or referred to court of<br>appeal   |
| Staatsangehöriger<br>See also Reichsangehöriger     | Citizen, subject, national  |
| Staatsangehörigkeit<br>See also Reichsangehörigkeit | Citizenship   |

|   |   |
|---|---|
| Simulation  | Polinnerning  |
| Sittengericht   | Genealogical Office   |
| Sittlichkeitsakto                                     | Sexual Offenses   |
| Sondergericht   | Special Court   |
| Sonderpolizei   | Police (Special)  |
| Sorunndivision  | Direct appeal on a question of law to the court of third instance or final appeal pending over the court of second instance or immediately to court of appeal |
| Staatsangehöriger<br>(See also Reichsangehöriger)     | Citizen, subject, national  |
| Staatsangehörigkeit<br>(See also Reichsangehörigkeit) | Citizenship   |
| Staatsanwalt  | Prosecutor  |
| * Staatsanwaltlicher Funktionär                       | See Amtsanwalt  |
| Statische Verfassung                                  | City Charter  |
| Städtische Verordnung                                 | City By-Law   |
| Städtische  | County Borough  |
| See also Kreis  |   |
| Sträßen- und chrenwidriges Verhalten                  | Conduct unbecoming an officer and a gentleman   |
| Standrecht  | Martial Law   |
| Stockbrief  | General warrant for arrest of a fugitive  |

\* Austrian Term

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|   |  |
|---|--|
| Steuer  | Tax  |
| Steuer (Abgeben)  | Taxes, impost, duties  |
| Strafteilung  | Criminal Section of Amtsgericht  |
| Strafanstalt  | Penal Institution  |
| Strafentritt  | Beginning of imprisonment  |
| * Strafmass   | See Strafmass  |
| Strafusschliessungsgrund  | Legal reason for remitting punishment  |
| Strafbefehl   | Written order inflicting punishment issued by the Municipal Judge without oral trial |
| Strafbescheid   | Order inflicting punishment issued by finance and tax authorities                    |
| Strafverlass  | Pardon   |
| Strafgerichtliche Verfolgung  | Prosecution  |
| Strafgesetzbuch<br>* Strafgesetzgebung                                | Criminal Code  |
| Strafkammer   | Criminal Chamber of Landgericht  |
| Strafkammer beim Landgericht  | Criminal Chamber at Landgericht  |
| Strafmass<br>* Strafmass  | Measure of punishment  |
| Strafprozessordnung<br>See also Prozessordnung<br>Zivilprozessordnung | Code of criminal procedure   |
| Strafrahmen   | Legal range of punishments for the particular offences                               |

Order inflicting punishment issued by finance and tax authorities

Pardon

Prosecution

Criminal Code

Criminal Chamber of Landgericht

Criminal Chamber at Landgericht

Measure of punishment

Code of criminal procedure

Legal range of punishments for the particular offences

Penal Register

Criminal Senate of Oberlandesgericht or Reichsgericht

Order inflicting punishment issued by administrative authorities, especially police

Execution of Sentence

Execution (in criminal matters)

Award of punishment

Strafgescheid

Strafverlass

Strafgerichtliche Verfolgung

Strafgesetzbuch \* Strafgesetzgebung

Strafkammer

Strafkammer beim Landgericht

Strafmaß \* Strafmaß

Strafprozessordnung See also Prozessordnung Zivilprozessordnung

Strafrahmen

Strafregister

Strafsenat

Strafverfügung

Strafvollstreckung

Strafvollzug

Strafzumessung

\* Austrian Term



Task, prescribed amount of work to be performed, time within certain time

In criminal law: legal characteristics of a particular offense; Kusserer or objektiver I. referring to overt acts, innerer or subjektiver I. to elements of personal guilt. In police reports: the actual facts concerning the commission of a crime as the subject matter of investigation

Tatwerk

Tatbestand

Tatfrage

Tatlicher Anknüpfungspunkt  
Vorgeschehen

Teilnahme

Teilnehmer

Termin

Territorialitätsprinzip

Testament

Tierschläger

Tilgung

Todesstrafe

Totschlag

Assault by a superior officer

Participation of accessories in the commission of an offense before the fact

accessory

appointed day

Restriction of the State's criminal jurisdiction to the trial of offenses committed on its own territory

Testament (will)

Crusade 30 animals

Presumptions, especially of the entry in the general penal register

Capital Punishment

Manslaughter

-ACCESSORY  
 appointed day  
 Restriction of the State's  
 original jurisdiction to  
 the trial of offenses  
 committed on its own ter-  
 ritory  
 Testament (will)  
 Cruelty to animals  
 Pressure, especially of the  
 entry in the general  
 penal register  
 Capital Punishment  
 Heir apparent  
 Homicide  
 Trustee  
 Inhabited ASYLUM  
 Drunkenness on duty  
 U  
 Previous the offender's  
 guilt: also transfer of  
 prisoners  
 Contravention (minor offence)  
 Tax (Turnover)

Teilnehmer  
 Terrain  
 Territorialitätsprinzip  
 Testament  
 Tierquälerei  
 Tilgung  
 Todesstrafe  
 Totschlag  
 Tötung  
 Treuhänder  
 Trinkerhellenstalt  
 Trunkgenuss in Dienst  
 U  
 Überführung  
 Übertragung  
 Umsatzsteuer  
 \* Austrian term

|                                      |  |
|--------------------------------------|--|
| Umwandlung                           | Conversion   |
| Umwandlung eines Strafurteils        | Conversion of criminal sentence  |
| Unerlaubte Entfernung von der Gruppe | Absent without leave (A.W.O.L.)  |
| Unerlaubte Handlung                  | Tort   |
| Ungehör                              | Contempt of court  |
| Ungehorsam                           | Disobedience   |
| Unruhe                               | Disorder   |
| Unschuldige                          | Innocent   |
| Unterdrückung                        | Imprisonment, deprivation of liberty for the execution of a measure of public security |
| Unterlassung                         | Omission   |
| Unternehmen                          | Commission of an offence, including preparatory acts and the attempt                   |
| Unterschlebung                       | Embezzlement   |
| Untersuchung                         | Investigation  |
| Untersuchungshaft                    | Remand in custody before or pending trial  |
| Untersuchungsrichter                 | Investigating Magistrate   |
| Untreue                              | Breach of Trust  |
| unverzäglich                         | Without undue delay  |
| Unzucht                              | Unlawful or immoral sexual intercourse   |
| * Unzucht wider die Natur            | See widernatürliche unzucht  |

Important (because of)

Unzurechnungsfähigkeit

|                                     |  |
|-------------------------------------|--|
| Untersuchungen                      | Commission of an offence, including preparatory acts and the attempt |
| Unterschlagung                      | Embezzlement   |
| Untersuchung                        | Investigation  |
| Untersuchungsabfert                 | Remand in custody before or pending trial                            |
| Untersuchungsrichter                | Investigating Magistrate   |
| Untreue                             | Breach of Trust  |
| unverzüglich                        | Without undue delay  |
| Unzucht                             | Unlawful or immoral sexual intercourse                               |
| * Unzucht wider die Natur           | See widermoethliche unzucht  |
| Unzurechnungsfähig                  | Incompetent (because of infancy, lunacy, or drunkenness)             |
| Urkunde                             | Deed   |
| Urkunden                            | Records, Documents   |
| Urkundenfälschung                   | Forgery of a document  |
| Urkundsbeamter<br>* Gerichtsbeamter | Court Clerk  |
| Urkundsbeamter der Geschäftsstelle  | Registrar  |
| Urlaubsüberschreitung               | Oversteering leave   |
| *Austrian Form                      |  |



|  |  |
|--|--|
| Urteil                                 | Judgment   |
| Urteilsgründe                          | Opinion of the Court   |
| Verbindlichkeit<br>or<br>Verpflichtung | Obligation, liability  |
| Verbrechen                             | Crime (Serious Offence)  |
| Verbrecher                             | Criminal   |
| Verein                                 | Association, Club  |
| Verfahren                              | Proceedings  |
| Verfügen                               | Order  |
| Vergehen                               | Delict (Medium Offence)  |
| Vergiftung                             | Poisoning  |
| Verhaftung                             | Arrest   |
| Verjährung                             | Statute of Limitations   |
| Verleitung zur Fahnenflucht            | advising desertion   |
| Verleumdung                            | Defamation   |
| Verkehrssteuer                         | Tax (Property)   |
| Vernichtung                            | Interrogation  |
| Verordnung                             | Ordinance  |
| Verschwendung                          | Conspiracy   |
| Versicherungssamt                      | Insurance Office   |
| Versicherungsbeitrag                   | Offence of setting fire<br>to insured property or<br>sinking an insured ship |
| Verstrickungsoruch                     | Delict of removing things  |

|                             |  |
|-----------------------------|--|
| Verhaftung                  | arrest   |
| Verfälschung                | Statute of Limitations   |
| Verleitung zur Fahnenflucht | Advising desertion   |
| Verleumdung                 | Defamation   |
| Verkehrssteuer              | Tax (Property)   |
| Vernichtung                 | Interrogation  |
| Verordnung                  | Ordinance  |
| Verschöpfung                | Conspiracy   |
| Versicherungssamt           | Insurance Office   |
| Versicherungsbetrug         | Offense of setting fire to insured property or sinking an insured ship |
| Verstrickungsbetrug         | Delict of removing things impounded by public authority                |
| Versuch                     | Attempt  |
| Verteidiger                 | Defense Counsel  |
| Vertret                     | Contract   |
| Verurteilung                | Conviction   |
| Verwahrer                   | Custodian  |
| Verwahrlosung               | Neglect  |
| * Verwahrungsschrift        | See Sicherungsverwahrung   |
| Verwalter                   | Administrator  |

\* Austrian Form

|   |  |
|---|--|
| Verwaltungsgericht  | Administrative Court   |
| Verwaltungspolizei  | Police (Administrative)  |
| Verwaltungsstrafverfahren   | Procedure of inflicting punishments by administrative authorities, i.e., issue of a penal order (Strafverfügung) by the police |
| Verweis   | Warning  |
| Völkerrecht   | International Law  |
| Volksschädling  | Person who is a public danger, socially a criminal causing extraordinary circumstances due to war                              |
| Vollendung  | Consummation of an offense   |
| Vollziehung<br>or<br>Vollzug  | Execution  |
| Volksgesicht  | People's Court   |
| Vorbereitungshandlung   | Preparatory act  |
| Voreid  | Oath taken by a witness before his statement   |
| Vorladung<br>See also Ladung  | Subpoena   |
| Vormundschaftsgericht<br>(Abteilung des Amtsgerichts<br>* Bezirksgerichtes) | Guardianship Court   |
| Vorsatz   | Intent   |
| Vorsätzliche Gehorsamsverweigerung  | Wilful disobedience  |
| Vorschrift  | Regulation   |

|  |   |
|--|---|
| Vollendung   | Consummation of an offense  |
| Vollziehung<br>or<br>Vollzug   | Execution   |
| Volksgerecht   | People's Court  |
| Vorbereitungshandlung  | Preparatory act   |
| Voreid   | Oath taken by a witness<br>before his statement   |
| Vorladung<br>See also Ladung   | Subpoena  |
| Vormundschaftsgericht<br>(Abteilung des Amts-<br>gerichts<br>* Bezirksgerichtes) | Guardianship Court  |
| Vorsatz  | Intent  |
| Vorsätzliche Gehorsamsver-<br>weigerung  | Willful disobedience  |
| Vorschrift   | Regulation  |
| Voruntersuchung  | Judicial investigation<br>before trial  |
| Vorverfahren   | Procedure preceding trial   |
| Wahlfeststellung   | Alternative statement of<br>facts supporting a con-<br>viction for either one<br>or another particular<br>offense, U.S. for<br>theft or receiving |
| Wahrheitsbeweis  | Proof of the truth of the<br>alleged facts as a de-<br>fense in cases of defa-<br>mation  |

\* Austrian Term



|  |   |
|--|---|
| Wahrnehmung berechtigter Interessen                  | Justifiable self-defence in cases of defamation   |
| Wahrspruch   | Verdict of the jury (now abolished)   |
| Warenzeichen   | Trade Mark  |
| Wechselrecht   | Law of negotiable instruments   |
| Wehrbezirk   | Military Sub-division   |
| Wehrkreis  | Military District   |
| Wehrmachtbefehlshaber                                | Armed Forces Commander  |
| Wehrwirtschaft                                       | War Economy   |
| Wettbewerb (unlauterer)                              | Competition (unfair)  |
| Wiederaufnahme des Verfahrens                        | Procedure for Retrial   |
| Widerlegung  | Rebuttal  |
| widernatürliche Unzucht<br>* Unzucht wider die Natur | Sex crime against nature  |
| Widerrechtlich                                       | Illegal   |
| Widerstand gegen die Staatsgewalt                    | Obstructing public authority  |
| Wiederaufnahme des Verfahrens                        | Reopening of trial, extraordinary legal remedy after definitely concluded trial                       |
| Wiedereinsetzung in den vorigen Stand                | Reinstatement to former state procedural position; remedy for the recovery of belated procedural acts |
| Wirtschaft   | Economics   |
| Wirtschaftsbezirk                                    | Economic Region   |

|  |   |
|--|---|
| Widerlegung  | Rebuttal  |
| widerrechtliche Unzucht<br>* Unzucht wider die Natur | Sex crime against nature  |
| Widerrechtlich                                       | Illegal   |
| Widerstand gegen die Staatsgewalt                    | Obstructing public authority  |
| Wiederaufnahme des Verfahrens                        | Reopening of trial, extraordinary legal remedy after definitely concluded trial                       |
| Wiedereinsatzung in den vorigen Stand                | Reinstatement to former state procedural position; remedy for the recovery of belated procedural acts |
| Wirtschaft   | Economics   |
| Wirtschaftsbezirk                                    | Economic Region   |
| Wirtschaftsgenossenschaft                            | Cooperative   |
| Wucher   | Usury   |
| Zelle  | A sub-division of the Nazi Party organization   |
| Zellenhaft   | Separate confinement  |
| Zellenleiter   | Leader of a Zelle   |
| Zeuge  | Witness   |
| Zivilabteilung                                       | Civil Section of Amtsgericht  |

\* Austrian Term

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|   |   |
|---|---|
| Zivilkammer   | Civil Chamber of Land-<br>gericht   |
| Zivilprozessordnung<br>See also Prozessordnung<br>Strafprozessordnung | Code of Civil Procedure   |
| Zivilsenat  | Civil Senate of Oberlandes-<br>gericht and Reichsgericht  |
| Zoll  | Tax (Customs)   |
| Zuchthaus<br>* Schwerer Kerker  | Penitentiary, Penal Servi-<br>tude  |
| Zuchtlosigkeit  | Insubordination   |
| Zuchtmittel   | Disciplinary measure, es-<br>pecially youthful con-<br>finement, in contrast to<br>legal punishment and ed-<br>ucational measures |
| Zueignung   | Appropriation   |
| Zurechnungsfähigkeit  | Criminal responsibility   |
| Zurücktreten vom Vertrage   | To renounce a contract  |
| Zuständigkeit   | Competence, Jurisdiction,<br>venue  |
| Zustellen   | Service of legal documents  |
| Zwangsmittel  | Compulsory measures in<br>criminal proceedings,<br>oath, search, seizure<br>arrest  |
| Zwangsvollstreckung   | Sequestration   |
| Zwangsverwaltung  | Execution (in civil mat-<br>ters)   |
| Zwangsvollstreckung   | Execution (in civil mat-<br>ters)   |
| Zwischenverfahren   | Intermediate procedure be-<br>tween the delivery of the<br>written accusation and<br>the opening of the trial                     |

|                           |  |
|---------------------------|--|
| Zurechnungsfähigkeit      | To renounce a contract   |
| Zurücktreten vom Vertrage | Competence, jurisdiction, venue  |
| Zuständigkeit             | Service of legal documents   |
| Zustellen                 | Compulsory measures in criminal proceedings, oath, search, seizure arrest                          |
| Zwangsmittel              | Sequestration  |
| Zwangsvollstreckung       | Execution (in civil matters)   |
| Zwischenverfahren         | Intermediate procedure between the delivery of the written accusation and the opening of the trial |



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**SECRET**

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HQ AC

LEGAL S/C

DATE:

16 June 45

Please  
Initial

Col. BEHRENS

✓

Lt. Col. G. G. HAINFORD

tt

Lt. Col. L. H. TRACHTER

WELSFORD

Lt. Col. L. G. H. CAMPBELL

NUGENT

gms

Major E. L. PALMER

Major A. C. WRIGHT

d/w

Captain Lester C. BERN

205

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SECRET

MILITARY GOVERNMENT STAFF

AUSTRIA

MONTHLY REPORT

for

MAY 1945

68

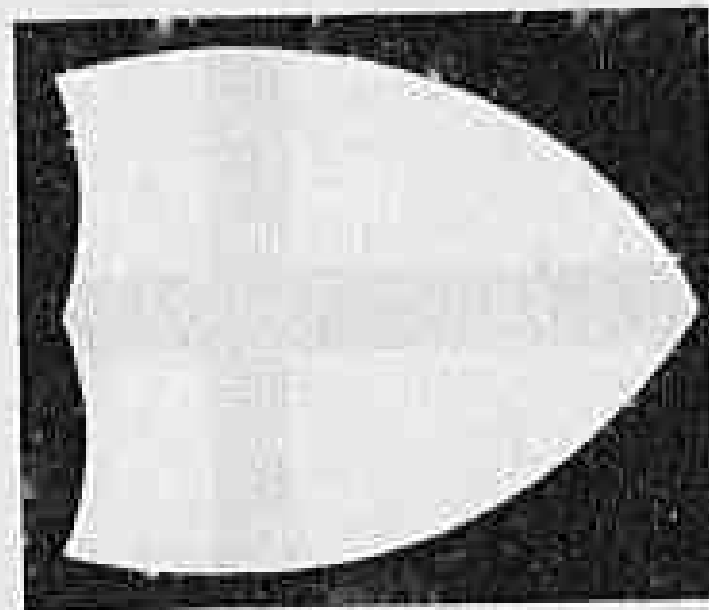
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MONTHLY REPORT

for

MAY 1945



68

684  
1945

# AUSTRIA

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----- PROVINCIAL BOUNDARIES

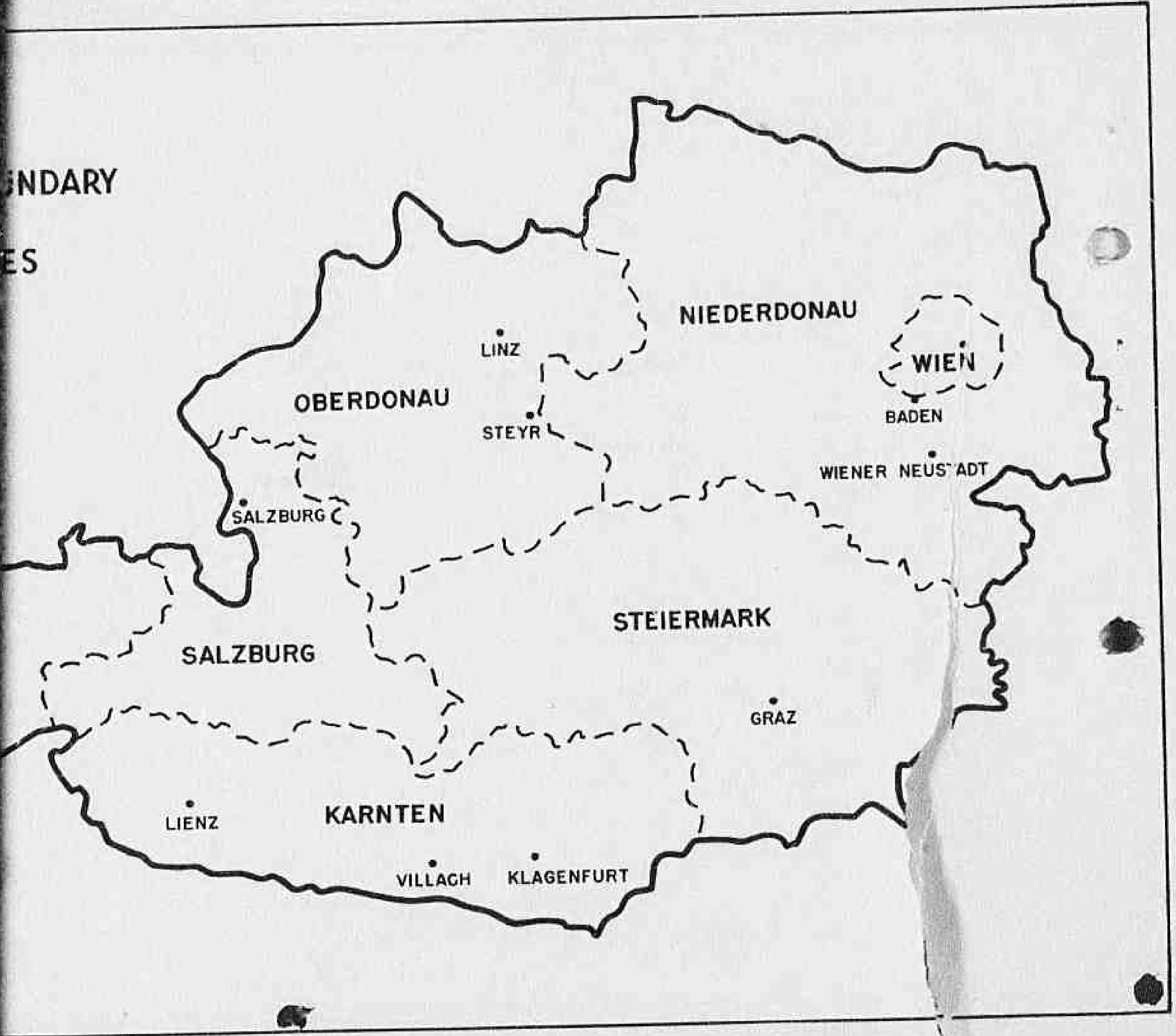




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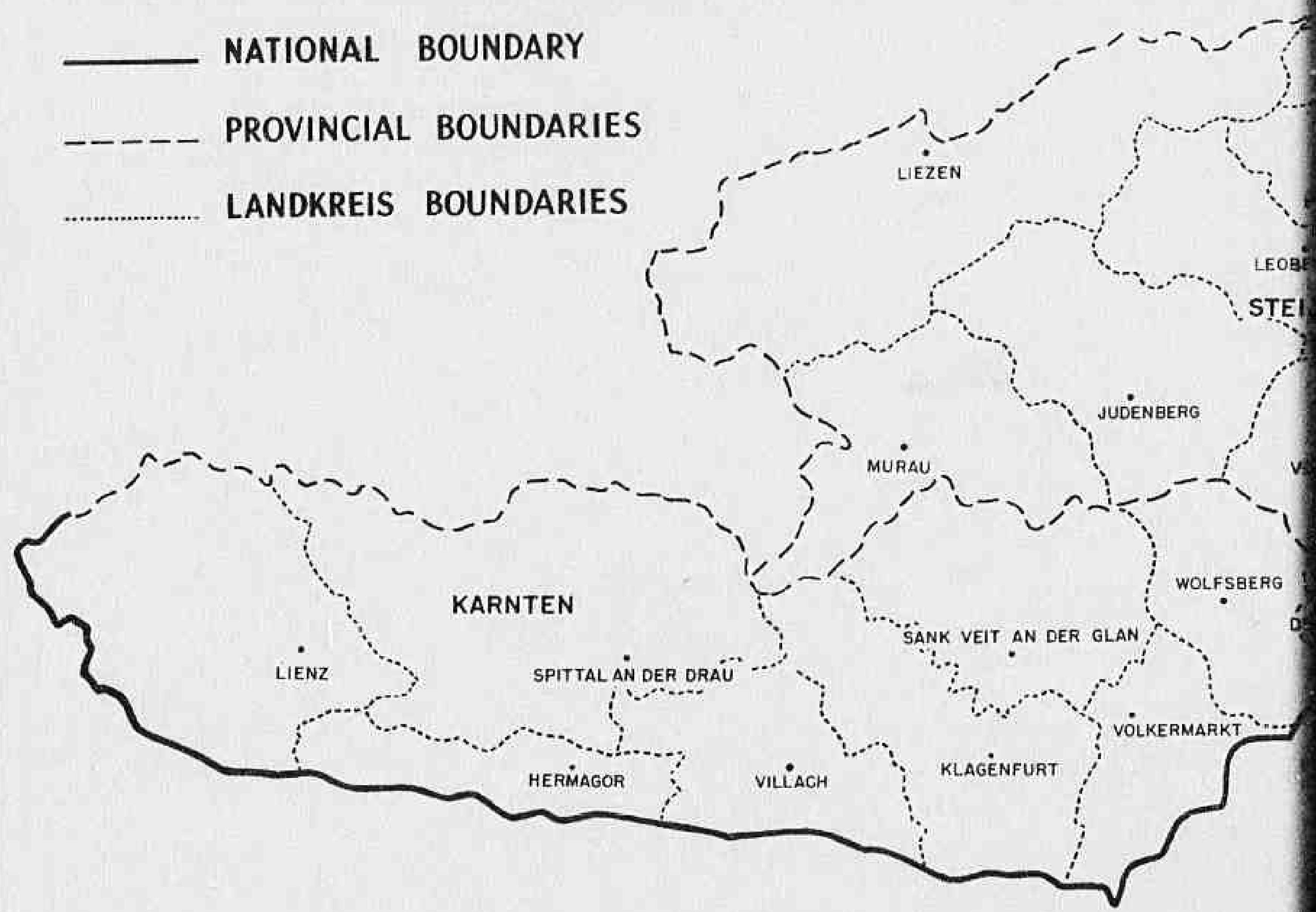
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BOUNDARY  
LINES



# KARNTEN & STEIERMARK

- NATIONAL BOUNDARY
- - - - PROVINCIAL BOUNDARIES
- ..... LANDKREIS BOUNDARIES



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SECRET

Subject: MONTHLY REFORMS  
HQ MIL GOV'T STAFF (AUSTRIA)  
C/CF

To: AMHQ - G-5 Sec (25 copies)  
A/102/ITS  
10 Jun 45.

1. Herewith monthly report for MAY 45.

2. Composition of report is:

- (a) PART I GENERAL
- (b) PART II SECTIONAL
- Mil Govt Sec
- Finance Sec
- Econ & Sups Sec
- Displaced Persons (DP) Sec

*Handwritten initials*  
A/Chief  
DDCA/MG  
Military Government Staff (AUSTRIA)  
(C.E. BENSON)

- COPIES TO:
- C of 8 Eighth Army (5)
  - GOC 5 Corps (2)
  - DGS (I) Eighth Army
  - Brig A/O Eighth Army
  - ADA HQ (ROME) (20)
  - USCGG AUSTRIA (5)
  - AC ITARE (ROME)
  - DDCA/MG



Finance Sec  
Econ & Sups Sec  
Displaced Persons (DP) Sec

11  
A/Cadre.  
DECA/MP  
Military Government Staff (AUSTRIA)  
(C.E. STINSON)

- COPIES TO:
- C of 8 British Army (5)
  - COC 5 Corps (2)
  - BGS (1) British Army.
  - Brig A/O Eighth Army
  - ASA HQ (ROME) (20)
  - USCCS AUSTRIA (5)
  - AC TRAIN (ROME)
  - DECA/MP
  - Unit P.O. Offices
  - COCA/ME
  - Mil Govt Sec
  - Econ & Sups Sec
  - DF Sec
  - Finance Sec
  - Internal Aff Sec
  - COLAD
  - SICO HQ Gau KARNIEN
  - SICO HQ Gau STEIERMARK
  - SICO HQ Gau WIEN
  - BRCS (2)
  - War Diary - AG5/223 (2)
  - Stores (20)

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MILITARY GOVERNMENT (AUSTRIA)

MONTHLY REPORT FOR MAY, 1945.

PART I.

GENERAL.

MILITARY GOVERNMENT STAFF AUSTRIA.

1. On 3 May at the time of the surrender of the German South-Western Armies, the Military Government (Mil Govt) Staff to the Eighth Army was engaged exclusively in dealing with Italian problems.
2. The Army HQ was near FERDARA and proceeded by stages to its present location at UGINE, whence it now directs the operation of Mil Govt both in the British zone in Austria and in the area of North East Italy, within the Army boundary.
3. It is being found impracticable to control satisfactorily, the Mil Govt in two countries, where the problems are so entirely different, others are accordingly being taken to divorce the control of North East Italy from the Eighth Army Mil Govt Staff, and place it under a separate staff, responsible, through 13 Corps direct to the Allied Commission at ROME and AFHQ. When this is accomplished the Eighth Army Mil Govt Staff will be engaged exclusively with the Austria British zone. The separation of responsibilities which is very urgent is unfortunately not proceeding as fast as could be desired, owing to acute personnel shortage.

GAU HQ & KREISE ADMINISTRATION.

4. The formation of Gau KARNIEN and Gau STEIERMARK was authorized on 3 May. At the time of entry of the British Forces into AUSTRIA on 6 May, the concentration of the Gau Staffs was proceeding but was obviously far from complete.
5. However, in order to ensure that Mil Govt was established as early as possible after the entry of our troops, a detachment consisting of 20 Officers and 27 OR was sent forward and arrived in AUSTRIA at 1600 hours 8 May. Reinforcements were fed to the detachment as they became available, or as they could be released from duty under AMB Eighth Army in Italy, and the unit gradually deployed to provide Mil Govt in the whole of the British occupied zone.
6. On 16 May, having completed the concentration of the personnel for Gau KARNIEN

2. It is being recognized that the problems are so entirely different, steps are being taken in the two countries, where the problems are so entirely different, steps are being taken accordingly being taken to divorce the control of North East Italy from the Eighth Army Mil Govt Staff, and place it under a separate staff, responsible, through 13 Corps direct to the Allied Commission at Rome and AFHQ. When this is accomplished the Eighth Army Mil Govt Staff will be engaged exclusively with the Austria British zone. The separation of responsibilities which is very urgent is unfortunately not proceeding as fast as could be desired, owing to acute personnel shortage.

#### GAU HQ & FIELD ADMINISTRATION.

4. The formation of Gau KARLSTADT and Gau STEIERMARE was authorized on 5 May. At the time of entry of the British Forces into AUSTRIA on 6 May, the concentration of the Gau Staffs was proceeding but was obviously far from complete.
5. However, in order to ensure that Mil Govt was established as early as possible after the entry of our troops, a detachment consisting of 20 Officers and 27 OR was sent forward and arrived in AUSTRIA at 1600 hours 8 May. Reinforcements were fed to the detachment as they became available, or as they could be released from duty under AM Eight Army in Italy, and the unit gradually deployed to provide Mil Govt in the whole of the British occupied zone.
6. On 16 May, having completed the concentration of the personnel for Gau KARLSTADT the Gau HQ team under the Senior Mil Govt Officer (SMGO) was ordered to assume responsibility for the Mil Govt administration in the British zone reinforced by personnel from Gau VILLACH and Gau STEIERMARE then available.

#### LOCATION OF MIL GOVT IN BRITISH ZONE.

7. The first town to be entered in AUSTRIA was VILLACH where Mil Govt was set up 1600 hrs 8 May. A party reached KLAMMERT at 1700 hrs on the same day. During the next 46 hours Mil Govt detachments were installed in the following Kreise: LITZ, HENNINGER, SEIBAL, ST. VEIT, JUDENBERG, MURAU, WOLFSBERG, VOLKSMARKT and part of VOLKSMARKT. Since then additional officers have been located at and have taken up duties in the Gemeinden within these Kreise.
8. The Kreise of TAMSBERG in Gau SALLBURG was also occupied by British troops and Eighth Army HQs installed there. An adjustment of boundaries between the British and American occupying forces is in progress and TAMSBERG will shortly pass to American command.

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9. The present area occupied by British troops covers the whole of Gau KARNTEN, a portion of Gau STEIERMARK and one Kreis of Gau SALZBERG (see para 8). The occupied area in Gau STEIERMARK, however, is so small that the Gau HQ has not yet become operational and the Mil Govt administration has been placed under the control of SERO Gau KARNTEN, until a larger area of Gau STEIERMARK has been occupied.

GENERAL SITUATION IN BRITISH OCCUPIED ZONE.

10. The early days of occupation of the British zone presented a confused picture, with large numbers of surrendered enemy personnel of all nationalities as yet uncontrolled, of wounded and convalescent enemy personnel in hospitals, and of Displaced Persons, mostly Italians, streaming down the roads towards the Italian frontier. The surrendered enemy personnel were rapidly concentrated by Army formations into Camps under their own officers whilst the uncontrolled flow of Displaced Persons on foot eased off after 3 or 4 days.

11. During the first fortnight of occupation every aspect of Mil Govt was coloured by the presence of Yugoslav troops in the British occupied zone. Their presence particularly in the eastern part of the zone rendered Mil Govt virtually impotent. Civilians were confused and frightened by the apparent dual authority, and the situation was aggravated by the presence of large numbers of anti-Tito refugees from Yugoslavia and by rumours of still larger numbers on the way.

12. Within the British zone a Yugoslav local Mil Govt administration was set up, but never functioned seriously, at the same time it equally prevented the British Mil Govt from operating effectively, and caused a considerable loss of prestige to Britain. Yugoslav troops occupied certain buildings essential to the civilian administration in KLAGENFURT and towns in the eastern part of the zone, and seized records and property. Further west in KARNTEN their operations were far less evident and Mil Govt, on a local basis, was able to operate quite effectively from the outset. Nevertheless their presence in KLAGENFURT, the capital of the Gau, delayed the reorganisation of the indigenous Gau administration until after their departure.

13. With the withdrawal of the Yugoslav troops on 21 May the situation improved rapidly and the improvement has been maintained.

LOCAL REACTIONS.

14. The attitude of the Austrian civil population may be described as resigned and apathetic to our occupation, but at the same time they are greatly relieved at the withdrawal of the Yugoslav forces and that occupation by Russians forces has not materialised.

15. Officials appointed by the Mil Govt are working well and all sections of the civil population are working well and all sections

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15. Officials appointed by the MIL Govt are working well and all sections of the civil population are cooperating; a number no doubt with ulterior motives.

#### POLITICAL SITUATION.

16. After so many years of oppression there is little evidence as yet of political feeling. Nevertheless there are signs of awakening of party politics consciousness, the most vociferous being the Communist and Slovene, both of whom are small in number. The majority of the people in the British zone are estimated to be Social Democrats, but it has not yet been possible to assess their strength or that of the Landbund, Christian Socialist or Communist parties.

17. The Slovene minority in the area is estimated to be under 10% of the total population of the zone. They are mostly located in the area bordering on Yugoslavia at the Eastern end of the zone. Particular attention is being paid to removing any cause for complaint by this minority who support the future inclusion of KARNTEN into Yugoslavia, and as far as can be

...../ascertained

ascertained, complaints of victimization made from Yugoslavia did not emanate from the Slovenes in the zone.

CIVILIAN ADMINISTRATION.

18. The civilian administrative machine was found to be functioning reasonably smoothly and efficiently. In no part of the British zone was there any serious disorganization. The task of imposing Mil Govt on to and of controlling the civil administration was, therefore, less difficult than had been anticipated.

19. Various branches of the Gau civil administration are now under the direct control of the Mil Govt specialist sections and are getting well into their stride under their new direction. The Mil Govt thus acts as the controlling body but avoids direct Govt as much as possible.

20. Some difficulty is experienced in finding suitable substitutes for officials who have been arrested or removed from office because of their association with the Nazi Party, but nevertheless this is not being allowed to interfere with the work of Denazification, which although slow at first, is now proceeding more rapidly as records become available and Field Security Sections reinforced.

21. It is planned in due course to base the local administration on the Austrian Pre-Anschluss administration and later to appoint a Landeshaupmann when the time is considered ripe for an Austrian to have the powers associated with that office.

22. An organization calling itself a Provisional Government was found on entry into KARSTEN but its governmental functions were immediately suspended. In its place a consultative committee has been set up to advise the SMO on local problems and to represent to him the views of the population.

CONDITION OF THE PEOPLE.

23. The condition of the people was found, in all respects, to be far better than was anticipated after 5 1/2 years of war. No acute shortages of food or clothing are apparent in any section of the local population. The condition of Displaced Persons throughout the area is also quite good and appears to be better than other areas of occupied territory. Amongst them there appears to be little malnutrition, as is evident in some Displaced Persons which have reached the British zone from other parts of Austria and Germany.

ECONOMIC SITUATION.

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ECONOMIC SITUATION.

- 24. The British zone is largely an agricultural and forest area with little industry. The re-activation of such industry is severely handicapped by the acute shortage of labour, which it is hoped to remedy initially, by the employment of German surrendered personnel and later by repatriated Austrian surrendered personnel and civilians.
- 25. In general, the food situation appears to be better than was anticipated. In country districts, stocks of food are now being disclosed, which had been hidden to avoid requisitioning by Yugoslav troops.
- 26. Stockpiles are being built up in the British zone for use in KARLTHAL and later in SUMMERK, where supplies are reported to be short.

DISPLACED PERSONS.

27. Displaced Persons (DP) have proved to be, as was anticipated, the biggest problem the Govt had to face in Austria. Owing to the late formation of the DP organization, neither staff nor equipment were available to deal with the situation at the outset. Staff is now becoming available, but equipment is still lacking.



26. DP in the area are divided into three main groups:

- (a) Those for repatriation eastwards.
- (b) Those for repatriation southward and westward.
- (c) Stateless persons including Yugoslavs unwilling to return to Yugoslavia.

29. Movement of Displaced Persons in the early days was largely uncontrolled but work was commenced as soon as staff became available. Evacuation is now controlled and orderly, but owing to the large number of allied troops and surrendered personnel in the zone, available accommodation was inadequate to hold the DP pending proper arrangements for their repatriation, and their evacuation from Austria to Italy down the Army I of C had, therefore, had to be resorted to.

30. The present programme is to evacuate Italian citizens only to Italy, and arrangements are being negotiated for the repatriation of the remaining Western European nationals via Germany and Switzerland. Russian DP are being handed over to the Russian occupying forces in STEIERMARK - Yugoslavs and Hungarians will be held temporarily in the camps in the British zone.

31. The system of Control Camps and Assembly Centres is now beginning to work satisfactorily, and documentation of Displaced Persons is proceeding as planned.

LIAISON.

32. Contact has been established with Mil Govt in SALZBURG and the C-5 Staff of 15 Corps. Mil Govt of Gau SALZBURG is kept informed of the policy in the British zone, and coordination on a local level is being achieved.

PERSONNEL.

33. The situation in connection with personnel is extremely complicated by two factors, firstly the Eighth Army responsibility for a large portion of North Eastern Italy, where the peculiar circumstances require more than the usual number of Mil Govt officers, and secondly by the rapid progress of the release schemes.

34. In order to assist in Italy, officers belonging to Mil Govt (AUSTRIA) are being employed in North East Italy. These officers will have to be withdrawn in the near future.

35. A large number of officers on the Eighth Army Mil Govt Staff (AUSTRIA) are in low release groups, but suitable replacements for these are being obtained from the Allied Commission for Austria, thus fulfilling the intention of introducing Allied...

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35. A large number of officers on the Eighth Army Mil Govt Staff (AUSTRIA) are in low release groups, but suitable replacements for these are being obtained from the Allied Commission for Austria, thus fulfilling the intention of introducing Allied Commission personnel as quickly as possible, in order to facilitate the handover to the Allied Commission in due course. To this end details are now being worked out.

36. The situation in regard to the Gaus personnel is particularly unsatisfactory. All vacancies on the original establishment of officers have not yet been filled, and there appears to be no prospect of replacements for the early release groups, until August at the earliest. No provision can, of course, be made for such replacements from Allied Commission resources.

37. All officers in Release Groups 1 to 4 are accordingly being asked to volunteer to remain until August 1st, and application for the retention, until that date, of those who volunteer will be made on operational grounds.

38. There is also an extreme shortage of Other Ranks. On the total establishment of Mil Govt Staff and 22 C.A.U. there is a deficiency of approximately 220 NCOs and OR of various trades, especially clerical, which it has not been possible to obtain from Eighth Army sources and for which application is now being made to OZG. The early provision of these personnel is imperative. Mil Govt could not function in STEIERMARK and VIENNA until these deficiencies are made up.

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TRANSPORT.

39. The transport establishment is in practice proving to be inadequate, and application for increase in the establishment, and the replacement of certain service type vehicles by civilian cars is being made.

PART II.

A. MILITARY GOVERNMENT SECTION.

1. LOCAL GOVERNMENT.

(a) Provisional Government of KARNTEN.

On entry into KARNTEN there was found to exist a Provisional Government which had evicted the Reichsstatthalter from office two days previously and which had taken the power of government into its own hands. The composition of this Government was as follows:-

- PIESH - Social Democrat. Landesinspizor and Education.
- TAUSCHITZ - Peasant Party. Stally. Landesinspizor and Finance.
- PERNE - Social Democrat. Bezirk Administration.
- AMSCHL - Not known.
- PERLITSCH - Peasant Party. Agriculture.
- HEER - Christian Democrat. Health.
- PAHRL - Communist. Social Welfare.
- TECHENIC - Communist. Housing.
- SATTEL - No Party. Security.
- WEDENIC - Social Democrat. Building.

This Government had earmarked men for positions in the Local Government of Kreise and Gemeinden prior to our entry and these nominees were found to be occupying their allotted positions. The Government itself denied that it had contact with the Provisional Government of VIENNA, but it seems that there must have been a certain amount of contact since the new Burgoberkister were appointed on notes from Vienna passed through the KARNTEN Government.

As a preliminary step the Government was informed that it had no executive capacity and that Military Government was the only form of government in KARNTEN; during the early days, however, the members of this Government were used as liaison between officers of Military Government and the various branches of the Civil Service to which they had been nominated as "Ministers". This situation no longer obtains and the Provisional Government itself has been informed that it does not exist at all and Military Government officers deal direct with the heads of the various branches of Local Government.

(b) The Consultative Committee for KARNTEN.



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(b) The Consultative Committee for KARLNER.

A Consultative Committee of citizens representing all political parties of importance has been set up and a chairman nominated. Its composition is as follows:-

- |                    |                     |
|--------------------|---------------------|
| Hans PLESCH        | Social Democrat     |
| Hans HERNE         | Social Democrat     |
| Hans ESCHLITZSCH   | Landbund            |
| Hans AMSCHEL       | Christian Socialist |
| Josef ILANT        | Communist           |
| Albin TSCHONENIG   | Communist           |
| Hans STOSCHAUER    | Christian Socialist |
| Julius SAUTER      | Democrat            |
| Ferdinand WEHENTIG | Social Democrat     |
| Josef GLAVETSCHEG  | No Party            |
| Wolfram ERNEWELDER | Social Democrat     |
| Thomas SUPPANE     | Slovene             |

The purposes of this Committee are as follows:-

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- (i) To form a link between the Democratic and Anti-Nazi population of KILPATRYN and the Military Government.
- (ii) Through its chairman to advise the Senior Military Government Officer (SMGO) on all matters of Local Government whenever he requests such advice from them.
- (iii) The Committee is empowered, again through its chairman, to put matters of Local interest before the SMO.

The Committee itself has no executive function of any kind whatever and its members are not identified with particular branches of Local Government.

Terms of ref are set as Appx 'A'

- (c) Herr REISCH, who was the head of the Provisional Government and as such was nominated Landeshaupmann by it, has been informed that he does not occupy the position of Landeshaupmann and that Military Government will appoint the Landeshaupmann when it considers that the time is ripe.

Herr REISCH has, however, been nominated to serve in a dual capacity. Firstly as chairman of the Committee referred to above, and secondly, as the supervisor under Military Government of all branches of indigenous Local Government.

- (d) Local Government in all its spheres is well organized and functioning despite the removal of many Nazis and Reichsaustische. It has indeed not been found necessary to maintain anyone of importance who falls into the "dismissal categories" in office with the single exception of a technical engineer required by FWS to operate the broadcasting station. Local appointments have been made by Military Government officers and the appointments made by the Provisional Government have either been removed or else, if found to be suitable, have been appointed by Military Government.

- (e) Muzelav Provisional Government.

When the Yugoslavs retired from Austria, they left behind a Provisional Government in KLAUFENBURG, headed by one, Dr. PETEK. The purpose of this Government was to represent the interests of the SLOVENE minority in KARDNICH.

Dr. PETEK has been informed that there is only one government, the British Military Government and that...

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(c) Yugoslav Provisional Government.

When the Yugoslavs retired from Austria, they left behind a Provisional Government in KLAGENFURT, headed by one, Dr. FETEK. The purpose of this Government was to represent the interests of the SLOVENE minority in KLAUFEN.

Dr. FETEK has been informed that there is only one government, the British Military Government and that his organization has no power and will refrain from any executive activity. Dr. FETEK personally has been authorized to approach the SMO on any questions affecting the Slav minority and has been asked to nominate a candidate to sit on the Consultative Committee as the Slav minority representative.

(d) The Austrian Prei Corps.

After the Yugoslavs had withdrawn, some members of this Corps appeared on the streets of KLAGENFURT under the command of Herr MARCH; they were armed and wore Red/White/Red armbands. Herr MARCH stated that this body was some 700 to 800 strong (probably exaggerated) and he offered their services to Military Government to assist in Police work. He was informed that the Corps was to be disbanded and all arms and armbands handed in immediately. This has been done.

It is intended to investigate the members of this Corps individually and if they are found to be suitable, it may be possible to incorporate a certain number of them into the indigenous police.

(e) On 23 May three persons arrived in KLAGENFURT from VIENNA,

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stating that they had been nominated by the Provisional Government of VIENNA to fill vacancies on the KARTEN Provisional Government as follows:-

- Dr. Otto ZHUBER - Landeshauptmann.
- Dr. Anton JAKUBITSCH - Chief of Police.
- Dr. Robert BRZEZOWSKI - Courier.

Further investigation revealed that these persons had not in fact been nominated by the Government of VIENNA, but had been permitted by Dr. POMERALLA "Under Secretary of State to the Republic of Austria" to leave VIENNA and proceed to KLAGENFURT on service duties. These persons have been informed that they have no standing in KARTEN, but on their urgent request have been allowed to remain as private citizens after careful vetting by Public Safety.

4. LEGAL.

(a) Mil Govt Courts.

- (i) General Courts. W/Cdr ELLISON, Maj RAMMERS and Maj WRENDWALL have been appointed as a Standing General Court. No cases yet.
- (ii) Intermediate Courts. Same position as (i)
- (iii) Summary Courts. Have been instituted and so far have tried 65 cases, all minor offences of curfew etc., except one case of arms possession and stealing (3 months). All cases are reviewed by HQ Mil Govt Legal.

(b) Austrian Courts. W/Cdr ELLISON, (who is the Legal Officer in A.C.A. allocated to this question) is investigating the state of the Austrian Courts; the desirability of re-opening is well in mind; liaison on this question with Legal Officers in SALZBURG (U.S.Zone) and at G5, AFHQ is being maintained.

When we occupied KARTEN the Presidency of the Landesgericht was vacant, the former President (Dr. FOMESCH) having died about a year ago. FOMESCH appears to have been an ignorant upstart (he was a clerk in an Attorney's office before the Anschluss) who was appointed to the Presidency solely by reason of his extreme Nazism.

(c) Legislation.

- (i) The following have been promulgated in British Occupied Territory:-  
Proclamations 1 and 2 - (General).



- (a) 1941 Govt Courts.
- (i) General Courts. W/OBR BRADYSON, Maj RAVELINS and Maj UNLADWELL have been appointed as a Standing General Court. No cases yet.
- (ii) Intermediate Courts. Same position as (i)
- (iii) Summary Courts. Have been instituted and so far have tried 95 cases, all minor offences of curfew etc., except one case of arms possession and stealing (6 months). All cases are reviewed by HQ 141 Govt Legal.
- (b) Austrian Courts. W/OBR DILLON, (who is the Legal Officer in A.C.A. allocated to this question) is investigating the status of the Austrian Courts; the desirability of re-opening is well in mind; liaison on this question with legal officers in SIEGERBERG (U.S.Zone) and at G5, AFHQ is being maintained.
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- Proclamations 1 and 2 - (General).
- Decrees 1 - (General).
- 2 - (Finance).
- 3 - (Frontier Control).
- Ordinance 200 - (Crimes and Offences).
- Notices.
- Curfew.
- Prohibition of Nazi Emblems.
- Disbandment of German Armed Forces.
- Re-opening of Financial Institutions.
- Exchange of Notgeld.
- Gen Notices of minor local import are drafted by Gen L.O. as required.
- (ii) The following legislation is in final form preparatory to promulgation:-
- Ordinances 2 (Use of English as Official Language),
- 3 (Abolition of Nazi Organisations) 4 (Abrogation of Nazi Laws) are being printed at G5, AFHQ.
- Ordinances 100 (Constitution of 1941 Govt Courts),
- 101 (Re-Constitution of Austrian Courts) are in preparation at G5, AFHQ.

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Notices Reduction from Workers Wages  
Prohibition of Strikes.

### 3. PUBLIC HEALTH.

#### (a) Public Health (PH) Services, WARSAW.

The acting chief Medical Officer of Health is Dr. KELLER whose chief assistant is Dr. HELSCHMIDT. No security objections have been reported to date.

Accurate detailed information was not available on 28 May due to upsets in communications caused by the suspension of civilian postal services, and by the occupation by troops both British and Yugoslav of various institutions. Detail has been asked for and is awaited. The following is a general picture of the conditions as known.

(b) Water Supplies. Reported adequate and pure. No knowledge by Health Officials of difficulties except at LENZ where bombing was reported to have caused sewage contamination of the water supply. New damage stated to have been repaired by middle of month and service again functioning.

(c) Hospital Services. Reported adequate, but position confused due to occupation by military, German and British, of various buildings and due to the admixture of civilian and military patients in the same hospitals.

Major services and specialties are dealt with in KLASZCZYK where a large hospital (1500 beds) was partly taken over by the German military. Minor surgery possible in smaller hospitals in the various towns. No details available.

Infectious diseases are mainly sent to REINACH - a 135 bed hospital south of WORMESS. No epidemics of infectious diseases reported although some cases of louse borne typhus were reported. It was impossible to secure confirmation of those diagnoses as the cases were dead and buried before the Gen PH Officer was informed. The Gen PH Officer stated he likelihood of spread from these specific cases.

Some institutions, e.g. maternity hospitals and homes for the blind had been housed in temporary quarters due to fear of Allied bombing. Laboratory facilities are available only in KLASZCZYK.

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Major services and specialties are dealt with in KLASBIFUMI where a large hospital (1300 beds) was partly taken over by the German military. Minor surgery possible in smaller hospitals in the various Kreise. No details available.

Infectious diseases are mainly sent to NEMLACH - a 135 bed hospital south of WOLFFENBUTEL. No epidemics of infectious diseases reported although some cases of louse borne typhus were reported. It was impossible to secure confirmation of these diagnoses as the cases were dead and buried before the Gen III Officer was informed. The Gen III Officer stated no likelihood of spread from these specific cases.

Some institutions, e.g. maternity hospitals and homes for the blind had been housed in temporary quarters due to fear of Allied bombing. Laboratory facilities are available only in KLASBIFUMI, except for minor and more urgent specimens, e.g. diphtheria smears.

(d) Medical Personnel. No shortage of doctors was reported although some 72 Consultants are without doctors. In the more sparsely populated areas one doctor may serve two or more Gemeinden, or doctors pay weekly or bi-weekly visits from the larger centres. It is possible that a surplus may be found due to influx of doctors with refugees from the Russian Zone. Some of these have put up their platoons and commenced practice. This will be controlled. Nurses look after communities without a doctor and refer the appropriate cases to doctors.

Nursing instruction usually given at KLASBIFUMI but not new in progress.

Vital Statistics ) No information available  
Infectious Disease Notifications. ) for May.

(e) Medical Supplies. One GAD Basic Medical unit - incomplete - is available for each Gau. Twelve others were reported on 14 April as available in OGD WARMS.

It is proposed to set up a wholesale distribution centre for medical supplies on repayment for cash by the local Austrian authorities. Prices will be fixed by Military Government Staff.

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or in accordance with prevailing Austrian prices. (Military Government Austria Finance Instruction No. 14 refers).

Information is not available either in Public Health Branch or Economic and Supplies Section as to what precisely constitutes the Basic CAD Medical Unit nor as to what other medical items are available from CAD sources. It is essential that these schedules with the scale of issue per 100,000 or 200,000 population be available. Unit landed cost prices are desirable but it is not proposed to base selling prices on the 'Landed Cost Plus' basis.

Local hospitals are alleged to have approximately 2 months' reserve of supplies with the exception of dressings, anaesthetics, insulin and sulphamides.

No manufacturer of drugs has been reported in Gen KARWIEN. Medical supplies issued for Air Raid Centres are being collected and centralized.

Economic and Supplies Section based demands on 3 CAD Units monthly for British AUSTRIA requirements. Assuming unit is for 200,000 population, then supplies for 1,000,000 will be available from MS sources. The population of British administered AUSTRIA is 2,300,000 approximately excluding a possible 150,000 total Displaced Persons.

Unless manufacture facilities or stocks exist the demands will be inadequate. The KARWIEN CAD Unit weighs 2 1/2 tons and the first monthly estimate of demand from KARWIEN is for 18 tons.

AMHO have been asked for appropriate Schedules without which further bidding is pure guesswork.

(f) Displaced Persons. On 29 May, 25,000 Displaced Persons were accommodated in 20 Camps and Assembly Centres in KARWIEN.

VINKRING Camp, near KLACENBURG, contained 6,000 Slovenes and upwards of 200 horses in an open field with living conditions primitive and insanitary. Efforts were being made to clear up excreta and to supply squatting type deep trench latrines with covers and lids. This, although laudable, will not remove the potential danger of an epidemic of enteric or dysentery in this camp. Camp fever already exists - mild stomachache, diarrhoea, a little temperature and headache. This is probably a mild form of dysentery. The only effective medical solution is to transfer the population to buildings or to bottled camps with waterborne sewage disposal.



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- (f) Displaced Persons. On 29 May, 25,000 Displaced Persons were accommodated in 20 Camps and Assembly Centres in KARWIEN. VINNIK Camp, near MASHWURT, contained 6,000 Slovenes and upwards of 200 horses in an open field with living conditions primitive and insanitary. Efforts were being made to clear up ordure and to supply squatter type deep trench latrines with covers and lids. This, although laudable, will not remove the potential danger of an epidemic of enteric or dysentery in this camp. Camp fever already exists - mild stomachache, diarrhoea, a little temperature and headache. This is probably a mild form of dysentery. The only effective medical solution is to transfer the population to buildings or to hatted camps with waterborne sewage disposal. Longer term measures for Public Health policy regarding Displaced Persons are in progress:

- (i) Allocation of an SO 2 Public Health Officer for duties with Displaced Persons.
- (ii) Authority obtained to employ refugee doctors (Displaced Persons) as permanent Staff of Camps at 6 shillings 8 pence (English) daily with food and accommodation.
- (iii) Medical Administrative Instructions are to be drawn up, clearly defining duties of those doctors (in English and German)
- (iv) A directive will be issued by Public Health Branch for Commandants of DP Camps.
- (v) Investigation is occurring regarding available stocks and future bids and requirements of anti-louse powders DDT, AL 55, etc.

- (7) Welfare. At the time of occupation there were three Welfare programmes operating in KARWIEN.
  - (1) Austrian Public Welfare Agency (assisted by private and church charities)

- (ii) The NSV or National Socialist Peoples Welfare Organisation (NS-Volkswohlfahrt).  
 (iii) The Hitler Youth Organisation.

Dr. Peter ZOLLER is Austrian Public Welfare Officer - no adverse report received. The funds of (ii) will be impounded and given to (i). The Hitler Youth Organisation will be disbanded and Education Branch has the future care of these young people in hand.

#### 4. PUBLIC SAFETY.

NOTE: This Report covers in general terms Gau KARNIEN and that part of Gau STEIERMARK in British occupation. Detailed quotations, e.g. strengths etc. relate to Gau KARNIEN only.

##### (a) Civil Police Agencies.

###### (i) General.

As was to be expected, on entry into AUSTRIA a varied state of affairs was found. In some places no police at all, in others some had remained at their posts and in the larger towns an appreciable number were found. In the case of many who had left their posts it was said they had done so fearing that Russians were going to occupy the territory. Others had done so rather than be caught in the Yugoslav net. For the first 10 days the civil police as an operating force were at skeleton strength only. In the KLAUSENBURG and WILLAGH area in particular the men could not be put outside on duty as the Yugoslavs were disarming them and in fact physically preventing them performing their duty. Gradually, as the Yugoslav situation cleared more personnel drifted back: it was possible to send the men out, first patrolling with British MP and then on their own. It has been interesting to watch the gradual development of the Civil Police from the first days when they wore at a complete loss; then, as the influence of the MGAs and MPFOs began to have effect they engaged on patrol, traffic point and check post duty. It is not surprising that in their bearing and appearance they are smart, meticulous in saluting, generally well clad and shod. The Cominternic preponderance and the Kriminalpolizei have on the whole shown themselves to be extremely efficient. Naturally in the short time since occupation and with so many things to be done there is still a certain amount of sloppiness in the picture but it is developing satisfactorily and in accordance with plans.

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(ii) Strength of Civil Police Agencies at 31 May 45.

all ranks.

|                                |            |
|--------------------------------|------------|
| GENDARMERIE                    | 500        |
| SCHUTZPOLIZEI (state)          | 285        |
| SCHUTZPOLIZEI (Gemeinden)      | 30         |
| KRIMINALPOLIZEI (incl 3 women) | 58         |
| VERWALTUNGSPOLIZEI             | <u>19</u>  |
| Grand total                    | <u>952</u> |

Information as to the precise composition in Officers and ORs is not yet available.

(iii) Arrests and dismissals of Police.  
 Approximately 100 all ranks have been arrested or dismissed in the Demunification programme, including dismissal of Reich Germans.

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- (iv) Composition of Forces - Age and type.  
The personnel are for the greater part rather old, averaging in the 40's and comprise career men and reservists.
- (v) Clothing and Equipment.  
The serving personnel are well equipped and clothed, the Schutzpolizei have 500 uniforms in stock but the Gendarmerie are without any reserve. Request has been made for the release of 1000 uniforms from German Military stores taken over by the occupying force.
- (vi) Arms.  
The planned limitation of arms was rendered unnecessary since the Yugoslavs seized many of them, particularly from the Gendarmerie - in fact there is a shortage of arms which it may be possible to remedy locally. Supervision is maintained on the permitted arms held.
- (vii) Communications.  
All Gendarmerie Stations and posts and all Schutzpolizei Stations have telephone connection with the Civil telephone exchanges. Local calls and limited trunk and junction connections are available and with approval of CSI (b) use is being extended to allow trunk and junction calls on police matters between all Police Stations and posts, and with all GTP posts in Gerns Avee.
- (viii) Transport.  
The police transport system had been greatly disturbed by the Yugoslav seizure of numerous vehicles. A complete survey and reallocation of existing availability is in process.
- (ix) Buildings.  
No augmentation of the ordinary Civilian scale.
- (x) Accommodation.  
With the exception of a few stations in the VOLTERMARKT area, Police Agencies are generally in possession of their offices, stations and posts.
- (xi) Ambulance.  
None for the Civil Police are very necessary since the soldier cannot readily be treated.



exchanges. Local calls and limited trunk and junction connections are available and with approval of GSI (b) use is being extended to allow trunk and junction calls on police matters between all Police Stations and posts, and with all GIP posts in Corps Area.

(viii) Transport.

The police transport system had been greatly disturbed by the Yugoslav seizure of numerous vehicles. A complete survey and reallocation of existing availability is in process.

(ix) Rations.

No augmentation of the ordinary Civilian scale.

(x) Accommodation.

With the exception of a few stations in the VOLKEMARK area, Police Agencies are generally in possession of their offices, stations and posts.

(xi) Armbands.

These for the Civil Police are very necessary since the soldier cannot easily distinguish the policeman from the German armed forces. Unfortunately the promised supply from LONDON has not materialised, consequently local expedient was necessary to supply armbands - not easy in first occupation with materials in short supply. Some kind of distinguishing armband is being worn by all police. These will be replaced when the regular armbands (for which application has been made through AFHQ) arrive.

(b) The Civil Police - Recruitment.

It is not possible at this stage to give an estimate of the number of personnel required to bring the various agencies up to reasonable strength by recruiting for part time or temporary duty.

The man power shortage is extremely acute and it is clear at this stage no recruitment from such men as are about is possible.

No reliable elements of the KASERNERTE POLIZEI, LAUTWACHT or STADTWACHT have been identified.

The next following paragraphs however refer to one possible fruitful source of augmentation which is being vigorously explored.

During the course of the war large numbers of regulars of the German and Austrian Condarmie and Schutzpolizei were drafted into German occupied territory (many into Jugy Slevia) for duty in a Civil Police role or as units for the suppression of partisan activities in critical situations.

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On the capitulation of the German Army such men as were in the Jugoslav area made their way (or were driven) back into AUSTRIA and were either captured by or surrendered to the Drau river. There they were either captured by or surrendered to the British.

More than 500 Austrian Schutzpolizei and Gendarmerie are in PW Camps in British hands; quite a number of these were from Gau KARNIEN and STEIERMARK originally.

With the very ready cooperation of Army and Corps branches concerned certain men have completed and others are completing Fragebogen which are being examined by MG and CI; their claim to be policemen is being checked and to date 70 men have been cleared. It is hoped to secure their release in the course of a few days.

Since it is possible Austrians may be segregated and many Civil Police in a similar category will be in cages SOUTH of the Army areas, AFHQ CS have been asked whether particulars of any such men may be obtained and furnished to this HQ.

(NOTE: The observations above do NOT refer to the HELDENHARTUNG).

- (c) Police Criminal Records.  
For the Gau of KARNIEN have been recovered intact from the places in the country where they were stored for safety.
- (d) Abolished Police Agencies.  
Affected according to plan. No observations.
- (e) Disbanded Police Agencies.  
The KARNIEN POLIZEI.  
The only unit identified left VILLACH area some weeks before our occupation, removing completely all personnel, equipment and records.  
The LAIBACH and STADTLAGER.  
Do not appear to have been functioning.  
In any event, as already stated, no reliable elements have been found for absorption.
- (f) Abolished SONDERPOLIZEI.  
The POSTSCHUTZ, FURTSCHUTZ, RANNSCHUTZ and WERNSCHUTZ, so called police have been abolished.
- (g) Crime.  
Major crime is negligible. Up to 31 May, 65 cases (55 for currency offences) have been tried summarily, and no delay in dealing with offenders is anticipated.
- (h) Curfew.

For the Gau of KAEMTEN have been recovered intact from the place in the country where they were stored for safety.

- (d) Abolished Police Agencies.  
Effected according to plan. No observations.
- (e) Disbanded Police Agencies.  
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THE LANDWACHT and STADTWACHT.  
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In any event, as already stated, no reliable elements have been found for absorption.
- (f) Abolished SONNENPOLIZSI.  
The ROSTESCHUTZ, NUKSCHUTZ, RANSCHUTZ and WERKSCHUTZ, so called police have been abolished.
- (g) Crimes.  
Major crime is negligible. Up to 31 May, 65 cases (55 for curfew offences) have been tried summarily, and no delay in dealing with offenders is anticipated.
- (h) Curfew.  
As from 1 June 45 this is from 2200 hours to 0500 hours.  
Despite the number of prosecutions during May, curfew can be said to be well observed.
- (i) Surrender of firearms.  
This appears to be satisfactory.  
As arms accumulate they are handed over to British Military Units. The view of GSI (b) was sought regarding the desirability of allowing certain persons to have shotguns returned to them on licence, in view of damage to crops by vermin and deer. The security considerations at present outweigh other considerations and re-issue of shotguns was refused.
- (j) Control of Civ. Movement.  
The 10 Km limit is still in force and entails considerable work in the issue of passes. Again GSI (b) feel security considerations preclude the lifting of the restriction.
- (k) Frontier Control.  
Such assistance as possible from the limited personnel available is being given C.I. in effecting this control.  
Though the Zollenschutz (Customs Frontier Control Personnel)

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would not normally be a Public Safety responsibility, in these early days of Frontier Control when so few police are available to assist C.I. MGs are ensuring that personnel of the Zollgrenschutz are vetted and resume duty on the Frontier as soon as possible. The men who were on duty on the Jugo Slav Frontier appear to have been taken prisoner when the area was occupied and some 400 are believed to be in IW cages in the MOOSBERG area. It may be possible to secure their release. The men on the Italian Frontier were not taken prisoner and in the HERBACOR and LIEBZ there are about 340 whose vetting is proceeding.

(l) The Prohibited Frontier Zone.

It has been found necessary to extend until 20 June 45 the period in which residents in the Frontier Zone are required to be in possession of Certificates or Identity Cards proving residence.

(m) Movement of Motor Vehicles.

Civilian vehicles may only be on the road if carrying a Temporary M.V. permit issued by MG and much work is involved in the issue of those permits.

A scheme is being evolved for the resumption of the indigenous licensing system with such modifications and control by MG as may be necessary.

(n) Identity Cards.

Considerable difficulty is being experienced in checking civilians NOT necessarily refugees or Displaced Persons, owing to the surprisingly large number who are without means of identification. At the request of GSI (b) the requirements for all civilians to be in possession of a Certificate of Identity and/or residence and the method of carrying such a requirement into effect is under review.

(o) Review Boards.

A Review Board is being set up to consider the case of two persons who were found in prison on occupation under sentence of death, one for murder and the other for looting.

No other cases for Review Boards have been to light.

(p) Austrian Courts.

Not yet operating. There are about 150 prisoners awaiting trial for offences under the Civil Code.

(q) Denazification.

292 arrests had been made by F.S. Personnel at 28 May 45. Those include the Galleters of ZARWIEN and MAICHER, the Gau KARWIEN Colonel of Condarmato, the Director of Police and head of the Civil Defence,



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The actual number of dismissals is not yet available, but Demasification has and continues to be vigorously pursued.

(r) Public Morale.

The general attitude of the people is one of cooperation and calm.

(s) Prisons.(i) Establishments.

There are 24 prisons or places of detention in Gau KARWIEN with accommodation ranging from 10 to 300. Only at one prison is there overcrowding which is being relieved.

(ii) Condition of Prisons.

Generally good - rooky - sanitation better than the Italian system, less good than the British. Adequate segregation facilities.

(iii) Prison Guard Personnel.

Believed to be adequate.

(iv) Political Prisoners from Nazi Regime.

None found.

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- (t) Fire Services.
- (i) Availability.  
Fire fighting services exist down to the small Gemeinde level and throughout the Gau are intact.
  - (ii) Personnel.  
The voluntary system operates and personnel are adequate. In the City (the largest in the Gau) and Kreis of KLACENTURF there are 1224 officers and men available, in VILLACH City nominally of 23,000 pop. there are 4 Officers and 26 men.
  - (iii) Uniform and Equipment of Personnel.  
In good condition.
  - (iv) Fire fighting equipment.  
Adequate, modern, and in first class condition. In KLACENTURF City and Kreis for instance there are 74 M.T. vehicles and 450 hand and towed pumps.
  - (v) Fire Stations.  
All available and in good condition.
  - (vi) Personnel Warning System.  
Arrangements have been made to have the Brigade Call Out sounded on what was the air-raid siren.
  - (vii) General.

The fire services throughout the Gau are efficient to a high degree, fire fighting so far observed has been excellent, the Stations and equipment down to the small Gemeinde are well kept, turn outs are smart. On the whole a very satisfactory state of affairs was found in the Fire Service.

- (u) Civil Defence.  
General.

The REICHSLUFTSCHUTZBUND has been abolished and the TENO disbanded. The TENO consisted of 10 agencies throughout KÄRINTEN, with equipment and a volunteer personnel of 1300. Other agencies in the Civil Defence system have been "stood down".  
The equipment availability for distribution into other channels is not yet fully assessed.

5. POSTS, TELEGRAPHS and TELEPHONES.

- (a) Organisation.

The organisation is working reasonably smoothly, but many difficulties are caused by the 10 Km travel restrictions. All the staff are cooperative. De-Nazification is actively in hand.

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(a) Civil Defence.General.

The REICHSLUFTSCHUTZHAUS has been abolished and the TENO disbanded. The TENO consisted of 18 agencies throughout KARNIEN, with equipment and a volunteer personnel of 1300. Other agencies in the Civil Defence system have been "stood down".

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5. POSTS, TELEGRAPHS and TELEPHONES.(a) Organisation.

The organisation is working reasonably smoothly, but many difficulties are caused by the 10 Km travel restrictions. All the staff are cooperative. De-Nazification is actively in hand. Approximately 70 Nazis have been already suspended in KLAGENFURT and orders given for the dismissal of 62 Germans. FSS have ordered the dismissal of 23 persons as the result of examination of Fragebogen. Gau PO Staff total was between 3500 and 4000. There are some 300 Post Offices and telephone exchanges.

(b) Telephones and Telegraphs.

Most of the plant is reasonably intact and all Military requirements are being met. Local Telephone service for civilian subscribers has been authorised by Chief Signal Officer Eighth Army. Inter-urban service is authorised to selected officials approved by CSI (b).

(c) Posts.

All letters and parcels are centralised in Kreis capitals awaiting censorship. Limited official post circulates via Military Government channels after censorship by MCOs. To avoid wastage, arrangements have been made for parcels containing food and seeds to be delivered or returned to senders.

(d) Post Office Financial Services.

4,950,000 Schillings have been handed over to the Post Office to enable Post Offices to reopen for Savings Bank and limited pensions payments. The Post Offices will reopen on 4 Jun.

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- (e) Censorship. Liaison with Civil Censorship) is being maintained. Facilities for telephone and telegrams censorship are being arranged.
- (f) Telecommunications Board. The CSO 5 Corps in the Chair is in operation. The Military Government PTF Officer is a member.

6. EDUCATION

(a) Introduction.  
 There has been little formal education in most of the Gau for the last two years. Daily air-raid alarms extending over large parts of the day have played havoc with school routine, and the older boys have in any case been too busy with military duties to attend such classes as there were.  
 The progress of a generation almost without education of any kind is causing grave anxiety to parents and school staffs, and all are eager to assist in the setting up of an organisation which will make possible the re-opening of the schools.

(b) Administrative System.  
 This, at present, is not functioning, largely due to communication restrictions. Vetting of new administrative officials in lieu of Nazis is in hand and when completed the vetting of the teachers will be begun.

(c) Teaching Personnel.  
 The acute shortage of uncompromised trained teachers will necessitate the interim employment of the best available unqualified personnel.

(d) School Buildings, equipment and books.

(4) Buildings. A close examination of the situation in WLAZENTURM Stadtkreis, supported by a less detailed inspection of a number of Gemeinden suggests that there are few schools which are not either destroyed by bombing or occupied by the military authorities, or in other ways not available as schools. The position in WLAZENTURM is as follows:-

|   |           |
|---|-----------|
| Schoolbuildings in use as hospitals, barracks, refugee hostels etc. | 21        |
| Schools wholly or partly destroyed by bombing                       | 6         |
| Schools in use by local bombed-out families                         | 2         |
| Schools available for use as schools                                | 5         |
|   | <u>34</u> |

The following steps will be taken:-  
 A survey will be made of all school buildings in the Gau with a view to ascertaining their availability for use by a given date.  
 Suggestions will be drawn up by local authorities for the provision



(c) Teaching Personnel.  
The acute shortage of uncommenced trained teachers will necessitate the interim employment of the best available unqualified personnel.

(d) School Buildings, equipment and books.  
(i) Buildings. A close examination of the situation in KILGENTURT Stattkreis, supported by a less detailed inspection of a number of Gemeinden suggests that there are few schools which are not either destroyed by bombing or occupied by the military authorities, or in other ways not available as schools. The position in KILGENTURT is as follows:-

|  |           |
|--|-----------|
| School buildings in use as hospitals, barracks, refugee hostels etc. | 24        |
| Schools wholly or partly destroyed by bombing                        | 6         |
| Schools in use by local bombed out families                          | 2         |
| Schools available for use as schools                                 | 5         |
|  | <u>37</u> |

The following steps will be taken:-  
A survey will be made of all school buildings in the Gau with a view to ascertaining their availability for use by a given date.  
Suggestions will be drawn up by local authorities for the provision of alternative accommodation where necessary.

(ii) Equipment.  
School equipment in the schools visited was reasonably well stored, but the degree of accuracy in the inventories is a matter of doubt. Most schools have a resident caretaker who is responsible for such parts of the building as are not occupied.

(iii) Text-Books.  
Practically no text-books are to be found in the schools. Large quantities have been taken home by the children. An Ordinance ordering the immediate surrender to the Police of all school books is about to be passed. School books of the pre-war era are practically non-existent. The Education authorities at KILGENTURT have been ordered to provide one copy of every text-book used in the schools since 1938. The somewhat limited local printing facilities are being investigated

(e) The School Children.  
The school children are at home or in boarding establishments such as K.L.Vs., H.J. Hostels and Napolins. If the need should arise it would be easy to occupy those who are at home usefully under the supervision of Youth leaders. These in hostels present a problem. Many of them are from Germany and it is not possible to send them home. The Education Officer is visiting establishments to ensure that:-

- (i) Unreliable supervisory personnel are removed forthwith
- (ii) No formal instruction is held.
- (iii) No Nazi observances are practiced.
- (iv) The younger boys are segregated as far as possible from the older boys who are likely to exert undesirable influence.
- (v) Arrangements are made as soon as possible for the return of the children to their homes.

7. MONUMENTS, FINE ARTS & ARCHIVES (MFA & A)

- (a) A conference was held in the Landhaus at KLAGENFURT 1000 hrs on 15 May 45, at which were present the following:-

Capt S. Croft-Murray and Capt T.H. Brocks (of MFA & A Branch of Mil Govt HQ)

Prof. Friedrich Turnowsky (of the Kärntner Landesmuseum)

Doct Puchis (Director of the Studienbibliothek)

Mr Rainer (Director of the Diocesmuseum)

Councillor Emerich Von Zenzig (of the Landesarchiv)

At this meeting, Dr Kommetter interpreted the policy of MFA & A officers and asked for the co-operation of all officials concerned, particularly in the matter of information regarding deposits and damage to buildings in the Gau. Later in the day very satisfactory detailed lists were provided. All Austrian personnel present at the meeting completed Fragebogen which were passed on to Field Security.

The damage to monuments in the Gau is not serious, but the buildings of the two most important museums, KLAGENFURT and VILLACH, have both suffered severely (particularly in the case of the latter which is destroyed). As far as is known, however, most of their material is safe in various deposits in the neighbouring countryside.

Of some hundred monuments and deposits which have been visited since 15 May 45, the following reports refer only to the most important.

- (b) Visits to Monuments.
  - (i) KLAGENFURT.
    - (a) Cathedral. Intact except for 1 hole at N.W. angle of roof, now covered. Organ damaged.
    - (b) Priesterhaus-Kappelle. Tiles on roof shaken by nearby bomb explosions. Interesting 18th Century frescoed vault suffering somewhat from damp.

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(c) Museum.

Greatly damaged in March 1945. Upper storey fallen in in parts. Interior in considerable disorder. All important material safe in deposits, but some minor objects, pictures and books still on premises. From September 1944 occupied by Volksturm who left quantity of arms in hall. Museum staff, under Prof Turnowsky, have now returned and are using as offices two rooms in least damaged portion while initial clearing up work proceeds. Re-establishment of Museum will, however, be a long term concern.

Action taken: Posted "Out of Bounds" and damaged windows boarded up.

(d) Landesarchiv. Occupies premises in Landhaus and adjacent buildings, 14 Hebronergasse, also two large rooms in basement of the Haus der Technik, Farvisierstrasse. All three are intact, but the Haus der Technik is in use as Military HQ and there has been some disordering by British troops (the Archives concerned are important historical

..... / collections

collections from the three Monasteries of St. Paul in Lavertal, Ebernberg and Wieting). The collection contains many of the best public and private archives from other parts of the Gau.

- (ii) GURK.  
Cathedral. Intact. All frescoes and other works of art and in place, except for glass in window of west porch, which is stored in vaults below church. Archives safe.
- (iii) LIENZ.  
Schlob Bruck. Contains Heimat Museum recently organized by Doktor FRODL after purchase of Castle during the war by the Nazi Government. All material of this collection (mainly Folk Art) in place.
- (iv) ST PAUL i.L.  
(a) Aster Kirche. Intact. Michael Pachon and other frescoes in good condition.  
(b) Library. Very rich and important collection of early printed books. Stored until recently in the Church where they were gradually becoming damp. Hausmeister and staff have taken the initiative in re-arranging these and other valuable books in two rooms in monastery buildings.
- (v) ST. VEIT.  
(a) Parish Church St. Veit. Intact. Gilded altar in place and uncovered.  
(b) Städtischesmuseum. Intact and marked on premises.
- (vi) VILLACH.  
(a) Church of St. JAKOB. Structure in the main intact though shaken by nearby bombing. All windows shattered. Those of nave said to be of 16th century. Some fragments saved and piled in S.W. corner of church. Building apparently completely destroyed but not examined in detail.  
(b) Museum.
- (c) Deposits.

(1) All contents of Deposits visited were found to be safe and in good condition. Fortunately the troops in occupation have been



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- (v) ST. VEIT.
- (a) Evilsh Church St. Veit. Intact. Carved altars in place and uncovered.
- (b) Statistische Museum. Intact and material as promised.

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- (b) Museum.

(c) Deposits.

(i) All contents of Deposits visited were found to be safe and in good condition. Fortunately the troops in occupation have been mainly British and in every case willing co-operation has been obtained for safeguarding the material. It is interesting to note that the present visits have confirmed the information previously supplied by the IFA & A Division of Allied Commission for Austria (W/Comd J.W. Goodison), to the effect that the Austrian authorities distributed material from their Museums and other cultural institutions, for safety, in a number of small deposits rather than concentrating them in a few large warehouses.

- (a) Tenzenberg. (Italy 7<sup>th</sup> ID 2812).
- (i) Former Monastery. Vast collection of books (over 3,000 crates and many thousands on shelves) brought from Amunheim. Contains German loot from France, Belgium and other occupied countries, including the Rothschild Library from Paris, and what is believed to be the whole of Inceberg's Nazi Party Library. German staff working under early directions fled with least possible loot, but custodian of monastery and those librarians remain, who were in process of buying and re-arranging certain books at the time of the visit. Troops are in occupation and have undertaken a strict 24 hour guard and supervision. Comd (Gen KUMMER),

..... / Col.

SECRET.

Col. Smith, has arranged with Corps for this Unit to remain as long as possible and to be replaced by permanent guard. Small deposit from KLAGENFURT Studienbibliothek also in building.

On 30 May 45 MFA & A Officers escorted members of the Press and BBC round Library. Photographs were taken by Army Film Unit. Articles and Broadcasts have stressed Propaganda value of deposit, which has had good result locally.

A further small collection of books, including some good incunabula, were found by MFA & A Officers in Air Raid shelter. It would appear however that others, possibly of even more importance, had been removed by fleeing Library Staff. Books were extremely damp and are being treated on the premises.

Detailed information as to personnel of Staff has been obtained from proprietor of Grand Hotel AMENHEIM and Herr LAEMETER, former Hausmeister under Dr. GROTHE, together with interesting details as to characteristics of NAZI bibliophiles (including the fact that Dr. GROTHE received a military decoration for his discovery of the well hidden ROTHSCCHILD Library, which he celebrated with a party in the Hotel at Amenheim). Public Safety and other Security Officials have been given lists and descriptions of the missing persons and asked to apprehend them as soon as possible.

(d) General.

- (i) Declaration of Nazi looted Works of Art etc.
  - (a) Military Government Ordinance is in course of preparation demanding the immediate declaration of all works of Art, books and documents deposited by NAZI Institutions or individuals. Broadcast appeals on the same lines have already had good effects.
- (ii) Lists of protected monuments.  
150 copies of the lists for KLAGENFURT have been delivered to Divisional HQ's in the Gau for distribution to Units and further copies to MGO's.

SECRET.

B. FINANCE SECTION.

1. GENERAL.

The first Military Government Finance Officer moved into Austria on 8 May 45 and was soon followed by the Gau Finance Team and HQ Finance Staff who have since been engaged on certain special investigations. A Military Government Finance Office was temporarily established in VILLACH on 8 May 45. The Gau Finance Office at KLAUSENFURT was established on 11 May 45.

2. MF FINANCIAL POLICY.

MF Financial Policy was hampered in the initial stages by the presence of Yugoslav forces who attempted to exercise Military Government rights. The subsequent withdrawal of these Yugoslav forces has resolved this difficulty, but their presence in the initial phase increased the difficulties which Finance Officers had to contend with and hampered an early implementation of the Financial Policy. Decree No. 2, Finance, has been promulgated throughout the territory in which British Military Government operates.

3. CURRENCY.

Shortage of currency in the banks has been the main financial feature of the territory occupied. The surplus cash of all the banks in KLAUSENFURT amounting to approximately RM. 157,500,000, was held in VIENNA. In the period immediately prior to British occupation of the Gau the Austrian local authorities had attempted to alleviate this shortage by issuing two forms of emergency currency:-

Notgeld des Reichsgaues Kärnten,  
Hilfsbanknoten.

(a)

Notgeld des Reichsgaues Kärnten

The printing and issue of this emergency money was authorized by the Reichsstatthalter, KÄRNTEN, and the manager of the Reichsbank, KLAUSENFURT, in terms of an instruction issued by the Reichsbank, BERLIN, dated 14 Sep 1944. In authorising the issue of Notgeld the authorities in KÄRNTEN appeared to have observed the terms of the instruction, except that Notgeld were printed only in the denomination of RM 50, where as the instruction recommended printing in denominations of RM 10, 5 and 1 and Reichspfennigs 50 and 10. The Austrian authorities report that the total printing of the

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The balance of RM 6,150,000 is at present held by The Authorised Banking Agency KLAGENFURT. Notgeld are printed on extremely poor quality paper and it is reported that they were not regarded with confidence by the general public. These notes had been used extensively for paying pensions and similar administrative obligations. Pending investigation and a decision as to the status of these notes, the banks were instructed not to issue or to accept Notgeld.

It has now been decided that Notgeld will be withdrawn from circulation during the period 4 - 8 Jun 45 inclusive. The conditions of exchange will be made public by Gau KÄRNTEN Notice No.2. and by FWO newspaper and broadcast services. In order that our troops may not become unwitting tools for the exchange of Notgeld by unauthorised holders all banks have been placed out of business

...../(b)



SECRET.

(b) Hilfsbanknoten

It is stated by The Authorised Banking Agency in KLAGENFURT that the issue of Hilfsbanknoten was decided upon at a meeting attended by the German Minister Funk, and the managers of the GRAZ, SALZBURG and the LIENZ branches of the Reichsbank which was held in mid-Apr 45.

Verbal orders were given by Minister Funk for the printing to be carried out. These orders were implemented in GRAZ. The printing was carried out by a photographic process in three denominations which are numbered as follows:..

- RM 100 - T.7396475 Every note bearing the same serial number.
- RM 50 - E.06647727 Every note bearing the same serial number.
- RM 10 - D.02776753 Every note bearing the same serial number.

The Authorised Banking Agency, KLAGENFURT, state that they received RM 10,200,000 of these Hilfsbanknoten from the Reichsbank, GRAZ and that they were put into circulation. Finance Officers have issued instructions to banks that Hilfsbanknoten will not be issued or accepted.

Information received to date is that these notes are also in circulation in Gau STEIERMARK and Gau SALZBURG, but there is no indication of the amount issued.

(c) Currency issued by the German Armed Forces.

Both Reichskreditkassenscheine and Verrechnungsscheine were found to be in circulation in Austria. These currencies were formerly used by the German Armed Forces for troops pay and used in Army canteens. Neither of the currencies in question are legal tender but on entry they were found to be in circulation. The banks have been instructed not to accept either of these currencies. Troops have been warned about currency which is not legal tender.

(d) Austrian Schillings.

Allied Military Schillings are being used for paying the British occupying forces, and are being freely accepted. To enable the banks to reopen and to finance the exchange of

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(d) Austrian Schillings.

Allied Military Schillings are being used for paying the British occupying forces, and are being freely accepted. To enable the banks to reopen and to finance the exchange of Notgeld, M Schillings have been deposited with The Authorised Banking Agency, KLAGENFURT and VILLACH. It is clearly understood that M Schillings will not be placed in circulation unless it is unavoidable and undertakings to this effect have been signed by all concerned.

(e) Foreign Currencies

Considerable amounts of foreign currency principally Italian Lire have been uncovered and taken into control by Military Government Finance Officers. Sacks of currency surrendered by SS found to contain Russian, Bulgarian, Jugoslavian, Croatian, Albanian, Italian, Hungarian and Rumanian notes - approximate value 27,500. On 20 May 45 Lire 14,000,000 was surrendered by the Todt organisation at KEINMIRCHER. On the 19 May Lire 1,105,000 was surrendered by the Post Office official at LIENZ. It was reported as "having been left there by the Germans". On 15 May RM 35,000 of "local currency" was surrendered by Todt organisation. All such amounts are being lodged with the Authorised Banking Agency, KLAGENFURT in blocked accounts.

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BANKS

The only case of badly damaged bank premises is reported from KLAGENFURT, where the Kartnerisches Sparkasse is badly damaged and new premises will have to be found, duplicate sets of books were available within a week. An early assessment of the main banks in VILLACH and KLAGENFURT indicated that approximately RM 40,000,000 would be required by the banks before they could reopen. It was necessary to add a further RM 13,000,000 to this figure if Notgeld were to be withdrawn from circulation. A Schillings 66,080,000 was advanced to the Authorised Banking Agency for distribution to other banks and financing the withdrawal of Notgeld. On 30 May, twenty three banks including all the large Austrian Branch banks but not the numerous Raiffeisenkassen in isolated country villages, had been reopened, subject to certain restrictions, in the following towns:-

- |            |             |
|------------|-------------|
| KLAGENFURT | PREISACH    |
| SV. VEIT   | FELDKIRCHEN |
| VILLACH    | HERMAGOR    |
| SPITTAL    | LIECH       |
| WOLFSBURG  | KOTSCHACK   |

PUBLIC FINANCE

Much time has been devoted to ascertaining the precise form of the State and Civil Administration within the Gau with a view to ascertaining the extent to which the separation of Austria from Germany and the temporary separation of the Gau from the remainder of Austria have affected the normal channels of revenue and expenditure. Advances have been made where necessary to State and Local Authorities and such have been issued as the continuance of payment of Pensions and Allowances in accordance with Decree No.2. The detailed reports and statistics could not be assembled in time for the preparation of this provisional report.

ACCOUNTS

An audit of the main currency bulk store in BARI was completed during the period. Accountant Officers were attached to the Gau Staff to supervise the accounting for imported food and to settle the financing arrangements with Local Authorities in relation to DE and Refugee Camps.

PROPERTY CONTROL

The plan for property control in Austria as drawn by Military Government has been found to be completely workable with the exception that it has proved to be impossible to obtain from any public records particulars of the

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7. PROPERTY CONTROL.

The plan for property control in Austria as drawn by Military Government has been found to be completely workable with the exception that it has proved to be impossible to obtain from any public records particulars of the ownership of shares in companies. Considerable property which appears to have been looted by NSDAP has been discovered and arrangements will be made for a Central Pump to be established under Military Government direction. During the period 20 properties were taken into control including the following business enterprises:-

Kellner - Partington Paper Pulp Co. Ltd. (Norwegian)  
 Osterreichische Magnesit AG (German managed - American owned)  
 Kanigwerke AG (American)  
 Osterreichische Chemische AG.  
 Bleiburg Bergwerke AG

Property Control work in the first days of the British occupation was impeded by the presence of the Jugoslav Military Units in the area.

8. GENERAL

For various reasons the administrative work was delayed in the first days and it became necessary to attach a number of WO Officers to Gau Staff. As a result it has been found necessary to delay for a short time the issue of a detailed and comprehensive Finance Section Report.



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C. ECONOMICS - SUPPLIES SECTION.

1. General.

(a) Preamble: The period covered by this report is from 8 to 31 May, representing the first twenty-three days of Military Government in British occupied AUSTRIA. The more detailed reports of the branches of this Section are given below.

(b) Visual Impression: The people generally appear to be well clothed, well shod and well fed with little or no sign of poverty. As was anticipated, mobilisation would appear to have been very comprehensive with a corresponding inflow of foreign labour and, among these latter, the standard of living was very much lower although there was no discrimination against them in so far as food is concerned, each one according to his or her category, drawing the same ration as their Austrian counterpart.

(c) Economic Controls: Wages are low but are considered adequate, in view of the fact that the cost of living has been kept stable and at a low level. An example of this control is manifested by the fact that bread has been kept at 35 pfennigs per kilo since 1941. This control has been effective in respect of other items, such as clothing and footwear and particularly haulage rates, lack of control of which has resulted in spiralling prices in other countries. All these controls remain in force and would appear to be still effective, but it may be a little early to judge what may be the effect of removal of terrorism from their enforcement. The necessity of taking all possible steps to avoid inflationary tendencies is fully realized and is being actively pursued.

(d) Local Administration: The Austrian officials of the organisations through which this branch works are on the whole competent and co-operative, and their machinery is to all intents and purposes intact. De-Nazification was in most cases carried out by the Austrians themselves in the interim between the breakdown of the German War machine and our arrival.

In the first fourteen days, the local economic administration was frustrated to a considerable degree by the presence of Yugoslav Armed Forces. Gen Headquarters' Offices were occupied and the staff evicted, heads of departments were threatened and instructed to report to the Yugoslav HQ for instructions, and no communication was available with the most easterly Kreise where the Yugoslav elements were thickest on the ground. All that, however, ended with the withdrawal of TITO's Troops, and now new business has been developed by these and other forces in

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(e) Future Activities: In very broad terms, the objectives of this Section for the immediate future will be as under:-

- (i) Stimulation of Agricultural Production.
- (ii) Price control at pre-liberation levels, coupled with maintenance of equitable distribution of all indigenous and imported supplies.
- (iii) Development of rail and road transportation to ensure normal commercial, industrial and public services.
- (iv) Provision of labour in such quantity as to guarantee full exploitation of local resources.
- (v) Assessment in greater detail of local availabilities, in order to determine and bid for minimum imports.
- (vi) Encouragement of all industry cleared by DEATH to the maximum extent consistent with availability of raw materials.

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(f) Conclusion: The general economic life of that part of AUSTRIA occupied is much fuller and more vital than one might have expected to find in a part of a country which has broken down after nearly six years of war that was largely economic in nature. Study of statistics prior to entry led one to expect that Gau KARNIEN would present a much more dismal picture than that encountered.

2. Food.

(a) This report deals with Gau KARNIEN only. Surveys are now being made of those parts of Gau STEIERMARK and SALZBURG occupied by BRITISH troops.

(b) Crop Reports. The latest harvest estimates on grain and potato crops for 1943 are as follows: -

|                           |               |
|---------------------------|---------------|
| Wheat.....                | 10,900 tons   |
| Rye.....                  | 18,752 "      |
| Barley.....               | 11,735 "      |
| <hr/>                     |               |
| Total bread grains.....   | 41,387 tons   |
| Oats.....                 | 17,785 tons   |
| Maize.....                | 5,100 "       |
| <hr/>                     |               |
| Total Poultry Grains..... | 22,865 tons   |
| Potatoes.....             | 165,850 tons. |

From the above figures must be deducted percentages for seed, farm retention and waste, regarding which no information is yet to hand. Also the figures may be subject to further revision, when a present survey of growing crops is completed. It is unlikely that any reaping will take place before the beginning of August, though it may be possible to lift early potatoes by the middle of July.

(c) Ration Scale: Present ration scale for normal consumers is as follows: -

|                           |               |
|---------------------------|---------------|
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(c) Ration Scale: Present ration scale for normal consumers is as follows:-

|                   | <u>28 day period</u> | <u>gms per day</u> | <u>calorific value</u> |
|-------------------|----------------------|--------------------|------------------------|
| Bread.....        | 4800                 | 171                | 449                    |
| Fats and Oils.... | 200                  | 7                  | 60                     |
| Meat.....         | 2000                 | 71                 | 190                    |
| Sugar.....        | 375                  | 13                 | 55                     |
| Potatoes.....     | 3000                 | 107                | 80                     |
| <hr/>             |                      |                    |                        |
| Total.....        | 10375 gms            | 369 gms.           | 834                    |

In addition to the above, there is a local ration of skim milk to adults, which varies according to local conditions and transportation facilities. The supplementary issue for heavy workers is on the following scale:-



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For 28 Day period.

|            |            |
|------------|------------|
| Bread..... | 1,000 gms. |
| Meat.....  | 1,400 gms. |
| Fat.....   | 200 gms.   |

The extra heavy workers ration scale has been suspended for the present period. The question of renewing this issue during the period commencing 25 Jun is under review.

(d) Food Situation:

(i) Grain/Flour. The quantity of flour required to feed the population of MARITIM at present ration scale for a 28 day rationing period, has been estimated at between 1500 and 1700 tons, depending on the D.T. situation. At the commencement of the rationing period No. 76, 28 May 45, it was estimated that there were 1000 tons of indigenous flour available.

(ii) Meat. Supply is sufficient to meet present ration. A survey is being carried out to ascertain whether meat ration could be increased without cutting into natural increase of animals, in view of the low calorific value of the present ration.

(iii) Fats. These have been cut from 375 gms per ration period to 200 gms per ration period. On this basis, there are sufficient fats in the country to cover the present 28 day rationing period.

For the period commencing 25 June, however, it will be necessary to import fats to maintain even the 200 gms ration. Present local production of fats is approximately 55% of requirements, based on the above scale. A request has been made to AMFIQ for imports.

(iv) Sugar. Sugar has been issued up to the end of the present period (28 May-24 Jun) on the basis of 375 gms per 28 day period.

Estimated stock at expiry of current period, available for next ration period, will be approximately 90 tons. Based on present ration scale of 375 gms per head, 190 tons would be required, representing an import requirement of 100 tons.

(v) Potatoes. It is estimated that the population of MARITIM, with the exception of 100,000, has been provided with potatoes up to next harvest. For the 100,000 population not so provided, provision has been made up to 24 Jun at the rate of 3 kilos per head for the period, leaving a balance of 100 tons to be issued at the rate of 1 kilo per head from 25 Jun /45 to the date of harvest.

(vi) Fresh Vegetables. These are almost non-existent, there being

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potatoes up to next harvest. For the 100,000 population not so provided, provision has been made up to 24 Jun at the rate of 3 kilos per head for the period, leaving a balance of 100 tons to be issued at the rate of 1 kilo per head from 25 Jun to the date of harvest.

(vi) Fresh Vegetables. These are almost non-existent, there being available only a limited supply of salad vegetables.

(e) Ration Cards: Owing to printing difficulties, due to Yugoslav occupation of main Printing Works, it was necessary to modify the system of ration cards for the present period 28 May-24 Jun. A return to the pre-occupation system, with certain minor modifications, is now under consideration, as events have proved it to be more satisfactory.

(f) Imports: Shipping and railway bids have been accepted by 'Q' French for 8100 tons of grain/flour up to 4 July, to be borrowed from the Italian stockpile. In addition, a further 3,000 tons has been bid for during maintenance period 5-14 July. Deliveries effected in KARUMI to date are as follows:-

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| <u>Loading Point.</u> | <u>Transport.</u> | <u>Tons.</u> |
|-----------------------|-------------------|--------------|
| ANCONA/VENICE         | S & T             | 449          |
| CESENA                | S & T             | 540          |
| UDINE +               | 1001 Coy          | 232          |
|                       |                   | <u>1221</u>  |

+ From captured enemy stocks.

|                                      |             |
|--------------------------------------|-------------|
| Distributed to Kreise in Karnten.... | 603         |
| Stockpiled for STEIERMARK.....       | 618         |
|                                      | <u>1221</u> |
|                                      | =====       |

In addition, 60 tons of mixed supplies have been called forward and delivered for Displaced Persons.

(g) Warehousing: A Military Government Warehouse has been established at ZIEGLWIRTA PARCELHOFF, about 5 miles N.W. of KLAGENFURT. Capacity is approximately 2500 tons. This is being used for stockpiling for STEIERMARK. Negotiations with Army are under way to obtain the use of another warehouse in close proximity to KLAGENFURT, with a capacity of 5,000 tons. It is believed that this will be made available to us. Instructions have been issued to commence stockpiling in JUDENBURG, STEIERMARK, and for this purpose a warehouse with a capacity of 2,000 tons has been located. The present policy with regard to supplies for Gau KARINTEN is to break those down to Kreise immediately on arrival.

3. Transportation.

- (a) Transport availability: Freight transport availability, in running condition, has reached 800 tons. Non-runners, which can be converted to runners with spare parts, total a further 500 tons. This is just adequate for immediate needs. Other transport is still coming to light, but at a slow rate.
- (b) Passenger Transport: A trolley-bus service is operating in KLAGENFURT. A schedule of omnibus services between main towns is drawn up, and will be put into operation in the near future. Negotiations have been completed with Koy & Th for the handing over of Reichsbahn buses to Mil Govt. Number of buses not known.

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- (c) Utilisation of Captured Enemy Vehicles: A plan is under consideration at HQ, Army, for the release of Class II vehicles to Mil Govt, for "hiring" to civil contractors. If this plan is accepted, the expected transport conditions in STEIERMARK will be alleviated. ST continue to develop PW transport columns with Class I vehicles, and have handed over one animal transport column to Mil Govt.
- (d) Civilian Motor Cars: Granting of permits is now being more rigorously controlled, and a review is being made of permits already granted.
- (e) Petrol: Coupons issued for use in June. Petrol Organisation laid down in Instruction covering all aspects of Fuel and Lubricants Distribution, Finance, Rationing, etc. This Instruction now being examined by Gen prior to issue.
- (f) Transport Instructions: Organisation and Control of Road Transport in AUSTRIA detailed in Transportation Instruction No. 1, now issued.



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- (g) Civilian Road Transport Organisation in Kärnten: The system of control by Gruppenfahrereitschaftsleiter and Fahrereitschaftsleiter, in being prior to our occupation, is now fully restored, and operating satisfactorily.
- (h) Petrol Organisation: A Central Organisation for Mineral Oil has been established at KLACHEFURT to control all fuel and lubricants for both GEME KÄRNTEN and STEIFMARK. Senior officials already appointed and storage plants surveyed. Limited number of retailers allowed to draw supplies to pumps.
- (j) Petrol Production: Investigations are being made into the possibility of opening a small petrol production plant which formerly operated in KÄRNTEN. The maximum output was 500 litres daily.

4. Labour.

- (a) On arrival in KLACHEFURT, it was found that the Gau Arbeitsamt was occupied by Yugoslav troops, and it was feared that the records and office equipment had been destroyed or taken away. Temporary premises were found and Austrian labour officials were instructed to reorganise and carry on, pending a clarification of the Yugoslav problem.
- On 22 May, the Yugoslavs vacated the Gau Arbeitsamt and it was found that a considerable amount of office equipment had disappeared, including desk lamps and typewriters; the offices were left in a chaotic state. Order was restored and the records were found relatively intact. The staff numbered 116; eleven of these have been suspended and a survey of the staff position is now in progress, as it is considered that the number of employees is somewhat high.
- The administration is now functioning normally.
- (b) The Trustee of Labour was suspended upon entry.
- (c) D.A.F.: The premises of this organisation received a direct hit in February 1945, and most of the records and equipment were destroyed. Temporary accommodation found elsewhere is now occupied by the Army. All the employees had been dismissed by the Provisional Govt prior to our entry. Investigations are

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The administration is now functioning normally.

(b) The Trustee of Labour was suspended upon entry.

(c) D.A.F.: The premises of this organisation received a direct hit in February 1945, and most of the records and equipment were destroyed. Temporary accommodation found elsewhere is now occupied by the Army. All the employees had been dismissed by the Provisional Govt prior to our entry. Investigations are continuing.

(d) Labour Situation: Complete co-ordination exists between the Civil Labour Unit and the Arbeitsamt in the placement of employees for the Armed Forces.

There is an acute shortage of unskilled labour, and 15,000 are required urgently for Horticulture and Agriculture. It is hoped that the Army will be able to release Poles to meet this need.

An ordinance published throughout KÄRNTEN ordering all unemployed to register for work has produced good results; for the week ending 25 May, 507 men and 194 women registered in KLACHTURK. The Army, during this period, took 173 men and 96 women. It is thought that these people, none of whom had been claiming unemployment relief, had been lying low, waiting for the Yugoslavs to go before asking for work. They are mainly shop assistants, hotel employees, clerks and typists.

(e) Wages: Basic rates of pay were frozen upon entry and an interim scale of wages issued for employees of the Armed Forces.

(f) Trade Unions: There is little evidence to report of any move for the formation of Trade Unions, probably because of apathy and the fact that KÄRNTEN is more agricultural than industrial. The situation is however being watched.

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- (g) Social Insurance: The Krankenkasse (Health Insurance) is working and has ample funds available. Contributions continue to come in and payments are being made.
- Old Age, Invalidity and Workman's Compensation were originally dealt with from BERLIN or GRAZ, according to the category of workers, and paid through the local Post Office. A scheme for the continuation of these payments is in course of preparation.
- (h) Summary: Taking the overall situation, it is considered that the following month should find the Labour situation stabilised, with the Austrian administration functioning smoothly.
- It is not anticipated that there will be any request for increase of wages, provided that prices continue at their present level.

## 5. Agriculture.

- (a) State of Cultivation: No cultivated land within the Gau remains unplanted and unseeded, though in certain areas completion had been retarded by 2/3 weeks. It may therefore be assumed that, with these exceptions, harvest will be at normal times.
- Owing to the disappearance or removal of displaced/forced labour, summer cultivation, especially of root crops, will not be fully practiced. Yields must therefore be adversely affected.
- (b) Land Fertility: Generally the land is not of high fertility; much of it being of a sandy nature from glacial deposit. There is much evidence that growing crops are suffering from lack of artificial fertilisers. The supply during the past three years has been much restricted and present crops have in only isolated cases received any at all. The nature of the soil is such that it will respond readily to the use of artificial fertilisers.
- (c) Livestock:
- (i) With the exception of pigs and poultry, there has been no excessive slaughter of stock for human consumption, and the majority of farms are carrying as much stock as can be maintained. (See also para (k)).
  - (ii) There appears to be a shortage of bulls for breeding but this question has not been fully examined. There is one artificial insemination institute located in MILLIRUCKE, but its work has not been investigated.
  - (iii) There are approx 170 stallions in KARTEN and this number should suffice for the Gau.

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 (iii) There are approx 170 stallions in KARNUTH and this number should suffice for the Gau.
- (d) Crops - Agriculture: Maize growing has been enforced but is not economic in KARNUTH, and the land so used could be more profitably used for growing bread grains. The growing of oil seeds (rape, poppy and sunflower) has also been enforced but, again, this area is not suited to their growth because of soil and climate. There is a small oil extraction factory at BIEBURG for dealing with small quantities of seeds which peasants were authorised to retain. The bulk crop was exported to BAVARIA for oil extraction. A serious problem will therefore arise regarding the processing of the present crop unless machinery is available in STEIERMARK or plant is established in KARNUTH.
- (e) Seeds:  
 (i) Almost the whole requirement of grass, clover and vegetable seeds require to be imported for KARNUTH. Grasses and clovers have come largely from GERMANY or German controlled territory, and vegetable seeds from VIENNA area. The Head of the Landesbauwirtschaft is preparing estimated import requirements for next season's seeding.



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(ii) A certain amount of seed broad grains and seed potatoes has been provided from GERMANY. It is submitted that next season's requirements will have to be met from indigenous production and be considered as a first demand upon this year's harvest. Some system of control purchasing, storage and distribution to peasants, principally small land holders, will require to be devised under Provincial Government arrangements.

(f) Agricultural Machinery:

(i) Present holdings appear sufficient for requirements, and replacement can be effected from local production of existing factories and factories scheduled for conversion from armament manufacture.

(ii) Wire for fences is an urgent requirement. One factory for production is located in FURLACH. It is assumed that there will be considerable military stocks which could be released for civil needs.

(g) Animal Health:

(i) There is little foot and mouth disease and, when outbreaks occur, strict control of movement is exercised.

(ii) Abortion in cows is very common, but here, too, control is exercised. Serum vaccination has been practised but without marked success.

(iii) "Rauschbrand", a disease which attacks cattle on hill pastures, is very serious unless stock are vaccinated prior to grazing on infected pastures. No vaccine is available, as supplies have previously come from VIENNA and BAVARIA. Details of vaccine and location of manufacture in BAVARIA and quantity required (150 litres) have been given.

(iv) Other than above, there is no immediate requirement, but Gau Agricultural Officer has knowledge of store of German Army vet supplies and is investigating the possibility of handing over to Austrian (KARNTEN) authorities.

(v) Head of Veterinary Services is preparing schedule of requirements for period up to end 1945 and this will be ready in a few days.

(h) Animal Feeding Stuffs:

(i) During winter 1944/45, little feeding stuffs have been available for stock, except such quantities of cereals as were not fit for human consumption.

(ii) It was ascertained that none of the sugar beet pulp or other crops was made available for animal feed in KARNTEN. It is known

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- (iii) Hay has been largely used for maintaining winter milk production. In view of considerable damage to growing crops by stray Army/displaced horses, a limited import of concentrated commodities will be highly desirable for strictly controlled distribution to dairy farms.

(j)

Agricultural and Horticultural Fertilisers: Little artificial fertiliser has been available for 1944/45 crops and not much more during previous two years. (See para. (b)).

The local practice has been to apply all artificial fertilisers at crop seeding (60/70% autumn sowing), with the exception of nitrogen. It has been impressed upon Provincial officials that NO supplies can be made available for autumn sowing, and that whatever quantities may be procured will have to be applied in Spring. This is quite a practical proposition, but a certain amount of propaganda may be necessary to convince peasant farmers of this.

Information has been obtained in sufficient detail to permit estimated requirements for KARNTEN to be computed.

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(K) Damage to Crops: The presence of roughly 15,000 stray Army and displaced horses has caused much damage to growing crops - especially hay - and they have consumed much valuable pasture. The Gau Agricultural Officer is dealing in conjunction with 5 Corps, and these horses are being collected and disposed of as quickly as possible. Some locally and the bulk to Italy through the Allied Commission. Other than above, agricultural land has sustained little damage.

- (L) Black Market:
- (i) It is suspected that there has been a large increase during recent weeks in the number of cases of illicit slaughtering of stock for food.
  - (ii) Milk deliveries have dropped by approx 1/3 during past month. There have been considerable top difficulties, but it is suspected that illicit sales are being made and that milk is being made into butter and cheese on farms for black market sales.

6. Public Works and Utilities.

- (a) Karnten Engineering Dept
- (i) On the entry of the British Army into KARNTEN, the "Landesregierung KARNTEN" abt. Bauwesen was completely disrupted and ceased functioning due to the Yugoslav Armies having taken over their offices and nearly all their equipment and stores. Their records and books were taken with their offices and were not used but merely thrown into storerooms and destroyed or at least disrupted to a great degree.
  - (ii) After much difficulty the department has been resurrected and is now functioning again in offices situated at 15 Sternbachstrasse, KLAGENFURT. The Dept advises to supervise all engineering and construction matters in the Gau and has branches dealing with General Technical matters, Buildings, Highways, Water Supply and Utilization, Electrical and Mechanical matters and legal matters in connection with any of the above.
  - (iii) The director of the department, Oberbaudirektor Dipl. Ing. Karl GUNZER and the engineers working under him, are all Austrian Civil Servants and as they appear efficient and none of them were political appointees or appear to have been ardent Nazis, they have all been retained. They are very co-operative and are all most anxious to be allowed to get on with their jobs. The organization of the department seems sound and efficient so no changes are being made at this time. We understand that the organizations of the Engineering Departments in the other Gaue are similar. A summary of the organization and the responsibilities...
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- (iv) Arrangements have been made for the KARNTEN Engineering Dept to take over the responsibility of technical matters in the portions of STEIERMARK under British Control until such time a the engineers in those areas can work under their own headquarters again.
- (v) With as to methods of handling contracts, prices, distribution of materials etc. has been obtained and is being checked over and translated.
- (b) Roads.
- (i) MAJ. DAVIES of ACA arrived from UDINE as representative of CE, Eighth Army to deal with Army road matters. Arrangements are in hand for Majors HERBERT and DAVIES to interview CRE 5 Corps and Div CREs to ascertain Army requirements, arrange a road maintenance programme, arrange for contracts, arrange for the release of equipment, materials and labour required by the civilians etc.
- (ii) Generally the roads were in good condition but are now beginning to go to pieces so it is very necessary that a maintenance programme be proceeded with at once



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- (c) Bridges: Eight old bridges in the Gau were gradually being replaced by the Karnten Engineering Dept. There are several which are or have gone in various ways under heavy army traffic and we are trying to arrange to have these replaced or repaired to fit in with army requirements.
- (d) Construction Materials:
- (i) Discussions have been held with RE at Corps and Divs re construction equipment and materials located at various places around the Gau. Have asked and PE have agreed to turn over all equipment and materials not needed by Army to the Karnten Engineering Dept, who will handle accounting, storing and distribution to contractors, etc. throughout the Gau as required.
  - (ii) A train of 65 cars of construction materials and equipment and materials is now being hauled due. This train, complete with two engines and 31 German Technicians was located on the railway west of KLAMMENT and was the first and only shipment of some 600 cars of material which the Germans were proposing to move West out of the reach of the Russians. The shipment is from a partially completed aluminum plant at SCHARING, which was being erected by the Aluminium Coy of EPFUMAL. The Engineering Dept is inventoring and storing the goods and will see that they need.
  - (iii) Arrangements are in hand to get all quarries operating for the production of road materials.
- (e) Electricity:
- (i) There is a considerable surplus of electricity available in the Gau. Statistics are being gathered and a complete survey of electricity situation is being made and will be forwarded this week. The situation is very good as there has been practically no damage to the electricity system.
  - (ii) The Yugoslavs asked for and were granted a small amount of electric power from the Schweibach power plant for general use in northern Yugoslavia. Amounts used are being kept track of and will not be allowed to interfere with Austrian requirements.
  - (iii) The Lavamund power plant is partially completed but very little is being done now except for maintenance due to lack of labour. Material and machinery to proceed with the construction are at the plant and the situation is being completely investigated and all electric companies are mentioning normally, and will be reported on with recommendations.
- (f) General: The RWU situation is as satisfactory as possible. All MCO's reports indicate that water, light and sanitation are normal and satisfactory and what repairs are required due to bombing, etc. are and can be carried out by local authorities.

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(f)

General: The PMU situation is as satisfactory as possible. All WGO's reports indicate that water, light and sanitation are normal and satisfactory and what repairs are required due to bombing, etc. are and can be carried out by local authorities. The only stumbling block is a lack of materials, equipment and labour, which are being arranged for locally by WGOs in conjunction with local army authorities. So far we have been asked for no help other than for roads which we are handling on a Gen basis as was done previously and as dealt with above.

Industry.

(a)

- Visual Impression: With the exception of those damaged by the action of Allied Forces, regarding which a detailed list is being prepared, the buildings and equipment are in a good state of repair.
- (ii) Labour: Due to enforced reduction in production caused by lack of fuel and the fear of exhausting the present meagre stocks of raw materials, the amount of special skilled labour is not generally being used to capacity.

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(411) Raw Materials: The deposits at the coal, lead and magnesite mines would appear to be plentiful. However, full use cannot at present be made of them in view of the fact that the coal mine is situated in the neutral kilometre between the British and Russian Zones, and the railway line used to transport the coal from the mine to the industrial enterprises is broken down within the same zone and consequently cannot at the moment be repaired.

This lack of access to the KOPVACH coal mine is temporarily immobilising those industries which previously depended upon this source of coal. Other instances of the shortage of raw materials holding up production are the non-availability of gypsum at Cement Factories, which it is hoped to obtain from SALZBURG, and of ammonia for refrigeration at a Yeast Factory, which, we are informed, could be obtained from VERTNA.

(b) Factory Management: It would seem that the senior officials of most of the large enterprises have been too closely associated with Nazism and will have to be removed. Their vetting is being actively pursued, and it is hoped that their removal will not adversely affect the future efficient management of the enterprises which they have controlled.

(c) Work in Hand: Close liaison is maintained all the time with Demil and the preliminary survey forms are being completed as quickly as possible. Until all these forms are returned and collated it will not be possible to see the picture as a whole.

It is our impression that most firms made false returns in the past, in order to obtain a larger quota of fuel and raw materials, and consequently the stocks shown in their books have, on several occasions, been found not to correspond with stocks on the ground. This will probably necessitate a personal visit to the more important enterprises with a view to ensuring that the preliminary survey form has been based upon actual stocks and not book stocks.

A great deal of time has been spent assisting the Chief Engineer with the hubbing programme to house 150,000 people, both PWA and DP, and this project will make equal demands on the Industry Officer's time for at least the next six weeks, owing to the fact that this

Factories, which it is hoped to obtain from SAIZBURG, and of ammonia for refrigeration at a Coast Factory, which, we are informed, could be obtained from VIMINA.

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A great deal of time has been spent assisting the Chief Engineer with the hutting programme to house 150,000 people, both PWs and DP, and this project will make equal demands on the Industry Officer's time for at least the next six weeks, owing to the fact that this job is being done by contract using civilian contractors.

The two Industry Officers at present on the ground have up to date made cursory examinations of the mines in the area at present uncovered, but their technical knowledge is inadequate to assess their maximum productive capacity. Allied Commission AUSTRIA have been requested to attach a Mining Engineer to this HQ to expedite this work.



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D. DISPLACED PERSONS (DP) SECTION.

1. Camps and administration.

- (a) In the initial stages DP and refugees were scattered all over the British Zone in AUSTRIA, only comparatively few being in organised camps. DP establishments have been collecting as many as can be held within the limits of available permanent or temporary shelter. In addition 5 Corps have been, and still are, running camps for DP which will be handed over to us progressively.
- (b) At present the DP units operating in AUSTRIA total:
  - Six Forward Groups
  - Six Control Camps
  - Three Assembly Centres

These, plus two more Forward Groups, comprise the units originally authorised to be formed. Elements of the two Forward Groups not in AUSTRIA are operating as detailed in para (d) below. Authority has now been received to form a further ton Assembly Centres, six Control Camps and four Forward Groups. These are now being mobilised and will be sent forward as, and when, they are ready.

- (c) Accommodation has been a major problem all along, as the calls on available buildings have been heavy, as also the demands from all sources upon the RE for hutting. Chief Engineer 5 Corps has now accepted a bid for hutting for 15,000 DP and work has started.
- (d) On 1 Jun, at the wish of Eighth Army, arrangements were made to relieve 5 Corps of the administration of DP who could not be cleared immediately upon arrival at FORTEBBA, the Italian terminus of the railway from KLAGENFURT and VILLACH. In addition a staging camp is being set up at GEMONI, where the railway reconnoitres, in order to cope with any DP overflow there.
- (e) Some 50 British Red Cross and Friends Ambulance Unit workers are giving valuable assistance in DP camps.
- (f) Rationing, in accordance with Supply Directive No.7, has now been instituted in all camps under Military Government control.
- (g) Welfare and recreational facilities are still, of necessity, in their infancy, but it is worth noting that an excellent concert party, composed of Russian DP, has given a number of performances to British troops.
- (h) Total holdings of DP camps (exclusive of 5 Corps camps) on 5 Jun are 18,509

2. Repatriation and movement of DP.

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## 2. Repatriation and movement of DE.

- (a) 5 Corps is responsible for evacuating Russians and Hungarians eastwards to the Russian zone in STEIERMARK. 5,600 Russians have been moved to WOLFSBURG, the departure point for STEIERMARK. Yugoslav nationals are, with the exception of a few dissidents, repatriated direct via the Austro-Yugoslav frontier. All other nationals evacuated have travelled via TARVISIO - UDINE into Italy.
- (b) No.4 AMB Evac Centre, UDINE, the source of our returns of numbers by nationalities of DE evacuated into Italy, was not established until 6 May 45. Prior to that date uncontrolled movement of DE into Italy, largely Italians bent on self-repatriation, is estimated at some 40,000. Subsequent to control having been established the following figures are recorded as having passed through the Centre, for the period 6 May to 5 Jun inclusive:-

|           |        |
|-----------|--------|
| Italians  | 51,696 |
| French    | 9,592  |
| Poles     | 12,484 |
| Jugoslavs | 3,942  |
| Russians  | 5,509  |
| Turks     | 69     |
| Greeks    | 325    |
|           | <hr/>  |
| c/f       | 83,617 |

..... / Czechs

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|            |        |
|------------|--------|
| b/E        | 85,617 |
| Czechs     | 177    |
| Belgians   | 13     |
| U.S.A.     | 5      |
| Dutch      | 615    |
| Hungarians | 309    |
| Rumanians  | 181    |
| Danes      | 25     |
| Swiss      | 1      |
| Albanians  | 105    |
| Bulgars    | 2      |

TOTAL .. 85,176

(c) Onward movement of DP from UDINE to TREVISO and MESTRE is adequately covered for by the available empty W.D. transport. However, on 1 Jun, SREO, HQ VENEZIE REGION, reported that the camp at TORLI, BOLOGNA, FIDU, etc. were jammed far in excess of their practicable holdings and that movement out of them was negligible. It was requested that the Austrian frontier be closed until the situation had eased sufficiently.

This office made urgent representation to Eighth Army and AMHQ for

- (i) sea transport ex VENICE to S. Italy
- (ii) sea transport ex LIVORNO to repatriate French DP and ex-PW

and energetic measures were taken by Army in conjunction with SREO (Major Hudson). Fifth Army were also contacted with a view to assisting in the transport of French nationals from BOLOGNA to GENOA, MILAN and TURIN and have agreed to give all possible help.

The Polish HQ moved 6,000 Poles from BOLOGNA, while 86 Area at MESTRE produced a "windfall" of 100 lorries to ease the position. Further evacuation has not, however, been resumed as A.C. have advised that their southern camps cannot absorb any more DP and, at the moment, only Italians for repatriation are authorised to cross the frontier.

(d) Some slight difficulty was experienced by 4 AMG Evac Centre at UDINE in holding a Roumanian diplomatic party of 186 persons. It had been ruled that their status was that of DP to be evacuated as "priority one." They objected to being treated as such and to the conditions of travel and

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### 3. Registration and Documentation.

- (e) There has been delay in setting up a complete Registration process in all DP camps owing to the rapidity of the evacuation of DP from AUSTRIA and the urgency of feeding and housing them. The non-arrival of sufficient SIBBY Forms and lack of Camp Staff made it impossible to ensure a continuous registration process once it had been started. However, complete records of the numbers in camps have been kept consistently from the first to enable payments to be made



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(b) Preliminary registration was begun on 25 May and 16,988 DP had been registered in books by 2 Jun 45. From 26 May all parties evacuated were accompanied by a nominal roll. Registration on SIAEF forms was starting at KILGERHOF, ST. VEIT, WELLMANSDORF and SPITTL on Jun 2.

General registration throughout all DP Camps will be operating on 11 Jun, when a central Record Bureau run by the BIC will be opened at KILGERHOF. It has been necessary to have copies of Forms DP 1 and DP 3 printed in AUSTRIA pending arrival of further supplies from G-5 AFHQ.

(c) Finance. Lieut. Roberts, Finance Branch, has been in AUSTRIA advising on the use of forms and the keeping of records concerned with payments to be made for food, etc. since 24 May. Maj. MEACHIN (Property Control) and Capt. HUSBAND and Lt. ZELL (Finance) have been assisting since 3 Jun with the documentation of and surrender of currency and valuables by DP.

4. Nazi Breeding Farm.

DIMS 5 Corps asked BIC to send reps to MILLSTADT to investigate Hungarian families, women and babies, believed to form a Nazi breeding farm.

Dr. WEIDE has been sent and will report her findings.

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APPENDIX 'A'

Mil Govt Staff (MUSTRA) Monthly Report  
to

for

May 1945

Terms of reference for the Consultative Committee for KARPEN.

1. The above named Committee will consist of not more than 12 members including a Chairman.
2. The Committee will be democratic in principle and execution and fully representative of all democratic anti-Nazi elements.
3. The Committee will constitute the link between the Military Government and the people of KARPEN and for that purpose will perform a dual function as explained below.
4. On the one hand the Committee will act as a consultative body and its advice may be requested by the Military Government on matters affecting the civilian population. On the other hand the Committee has the right to submit to the MG suggestions regarding questions of civil administration and the machinery most suitable for carrying out the orders of MG.
5. In all cases under para 4, the Committee will submit advice or recommendation through its Chairman who will act as spokesman for the Committee and will have ready access to the Senior Military Government Officer KARPEN with whom he will deal direct.
6. The Chairman of the Committee will be empowered to call meetings of the Committee as and when he feels necessary. It will meet at least once a week, and will draw up its own rules of procedure.
7. The Committee will have no powers of executive authority in relation to the civil administration.
8. Members of the Committee who at present hold paid appointments as employees of the provincial administration will be given leave of absence on full pay while...

1. The above named Committee will consist of not more than 12 members including a Chairman.
2. The Committee will be Democratic in principle and execution and fully representative of all democratic anti-Nazi elements.
3. The Committee will constitute the link between the Military Government and the people of KARSTEN and for that purpose will perform a dual function as explained below.
4. On the one hand the Committee will act as a consultative body and its advice may be requested by the Military Government on matters affecting the civilian population. On the other hand the Committee has the right to submit to the MG suggestions regarding questions of civil administration and the machinery most suitable for carrying out the orders of MG.
5. In all cases under para 4, the Committee will submit advice or recommendation through its Chairman who will act as spokesman for the Committee and will have ready access to the Senior Military Government Officer KARSTEN with whom he will deal direct.
6. The Chairman of the Committee will be empowered to call meetings of the Committee as and when he feels necessary. It will meet at least once a week, and will draw up its own rules of procedure.
7. The Committee will have no powers of executive authority in relation to the civil administration.
8. Members of the Committee who at present hold paid appointments as employees of the provincial administration will be given leave of absence on full pay while acting as members of the Committee.
9. The Chairman of the Committee, in addition to the functions described in para 5 above, has been entrusted by Military Government with the task of supervising the efficiency and management of the Austrian admin services in KARSTEN.

SECRETHEADQUARTERS ALLIED COMMISSION  
APO 394

21 March 1945

REFERENCE: G-1B/83/A

SUBJECT : Planning for Austria

TO : Distribution below.

1. Attached herewith is a new Nominal Roll showing amendments as referred to in para. 2 of our letter of even reference dated 18 Jan 45.
2. It is possible that further amendments may be necessary, and these will be communicated to you in due course.
3. Your attention is again invited to paras. 6 and 7 of our above quoted letter.
4. We are informed by AF HQ that there has been much discussion among officers earmarked for Austria regarding the appointments which it is intended they should fill, and addressees are reminded that this document is SECRET and that there is no necessity for an officer to be given any information other than that he has been earmarked provisionally for Austria.
5. Once an officer is earmarked, he will not be removed from the list without the approval of AF HQ.

FOR THE CHIEF COMMISSIONER

*T. J. Fiske*  
 NORMAN E. FISKE  
 Colonel Cav.  
 Vice President-  
 Establishment Section.

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3. Your attention is again invited to paras. 6 and 7 of our above quoted letter.

4. We are informed by AF HQ that there has been much discussion among officers earmarked for Austria regarding the appointments which it is intended they should fill, and addressees are reminded that this document is SECRET and that there is no necessity for an officer to be given any information other than that he has been earmarked provisionally for Austria.

5. Once an officer is earmarked, he will not be removed from the list without the approval of AF HQ.

FOR THE CHIEF COMMISSIONER

*T. F. Fiske*

NORMAN E. FISKE  
Colonel Cav.  
Vice President-  
Establishment Section.

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- Toscana Region
- Emilia Region
- Liguria Region
- Piemonte Region
- Lombardia Region
- Venezia Region
- S.C.A.O. AEG HQ Fifth Army
- S.C.A.O. AEG HQ Eighth Army

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|                      |  |
|----------------------|--|
| LEGAL SUB-COMMISSION |  |
| C/O                  |  |
| PC/O                 |  |
| Chief Counsel        |  |
| C/O                  |  |
| Station Section      |  |
| 23 MAR 1945          |  |
| 2882                 |  |

SECRET

APPENDIX "A1"

G-5 STAFF AUSTRIA

PERSONNEL EMPLOYED

| Serial | Detail                   | NE | Selected or Prospective Officers                                       |
|--------|--------------------------|----|--|
| 1      | ACOS Brig                | 1  | Gp Capt C.E. Benson, DSO, RAF  |
| 2      | Deputy Col.              | 1  | W/Comd E.T. Beer, RAF (.C)   |
| 3      | MILITARY GOVT BRANCH     |    |  |
|        | S01                      | 1  | Lt Col P.F. Benton-Jones, RA (.C)                                      |
|        | S02                      | 2  | Maj A.J.H. Clarke, SUFFOLK (22 G.U)<br>Maj D.R.B. Lynors, SG (.C)      |
| 4      | INTELLIGENCE SECTION     |    |  |
|        | S03                      | 2  | Capt P.A. Dillon, 12 L (22 G.U)<br>J/Comd H.J. Frisc, ATS (22 G.U)     |
| 5      | ADMINISTRATIVE BRANCH    |    |  |
|        | D.I.&C.G                 | 1  | Maj R.W. Harriman, RA (.C)   |
|        | Staff Capts              | 2  | Capt B.T. Faherty, WORCR (22 G.U)<br>Capt R. Walters, RA (22 G.U)      |
|        | Camp Comdt               | 1  | Capt L.B. Adams, R.C (22 G.U)  |
| 6      | PUBLIC SAFETY BRANCH     |    |  |
|        | S01                      | 1  | Maj E.J. Pullen, Gen. List (.C)  |
|        | S02                      | 1  | Capt E.J.R. Roberts, Gen. List (.C)                                    |
|        | S03                      | 1  | Lt W.L. Turner (Essex R) (AC)  |
| 7      | HEALTH BRANCH            |    |  |
|        | S02                      | 1  | Maj L.G. Norman, RAAC (AC)   |
|        | S03 (Med Sups)           | 1  | Capt. F.F. Light, MAAC (AC)  |
| 8      | LEGAL BRANCH             |    |  |
|        | S01                      | 1  | Lt. Col. I.G.H. Campbell (AC)  |
|        | S02                      | 1  | Sqn/ldr P.H. Layton, RAF (22 G.U)                                      |
| 9      | FINANCE BRANCH           |    |  |
|        | Col Cl.                  | 1  | Col P.C. Anderson, DSO, IC (.C)  |
|        | S02                      | 2  | Maj G.K. Tyrrell, Gen. List (.C)<br>Maj T.V.G. Gilbertson, RA (22 G.U) |
|        | S03                      | 1  | Capt P.E. Husband, Gen. List (22 G.U)                                  |
| 10     | DISPLACED PERSONS BRANCH |    |  |
|        | S01                      | 1  | Lt. Col. P. Rodd (W.G.) (UK)   |
|        | S02                      | 1  | Maj D.J.B. Tormant, RASC (.C)  |
|        | S03 (CI)                 | 1  | Capt. G. Smith (Eight Army)  |

|   |                                       |    |
|---|---------------------------------------|----|
| 1 | Maj R.N. Harriman, R. (AC)            |    |
| 2 | Capt B.T. Faberty, OACR (22 CAU)      |    |
|   | Capt R. Walters, R. (22 CAU)          |    |
| 1 | Capt L.B. Adams, R.C (22 CAU)         |    |
|   |                                       |    |
| 1 | Maj E.J. Fullen, Gen. List (AC)       |    |
| 1 | Capt E.J.R. Roberts, Gen. List (AC)   |    |
| 1 | Lt M.L. Turner (Essex R) (AC)         |    |
|   |                                       |    |
| 1 | Maj L.G. Norman, R.A.C (AC)           |    |
| 1 | Capt. P.P. Light, R.A.C (AC)          |    |
| 1 | Lt.Col. I.G.H. Campbell (AC)          |    |
| 1 | Sqn/Ldr P.H. Layton, R.A.F (22 CAU)   |    |
|   |                                       |    |
| 1 | Col P.C. Anderson, DSO, AC (..CA.)    |    |
| 2 | Maj G.K. Tyrell, Gen. List (..C)      |    |
|   | Maj T.W.C. Gilbertson, R. (22 CAU)    |    |
| 1 | Capt P.E. Husband, Gen. List (22 CAU) |    |
|   |                                       |    |
| 1 | Lt.Col. P. Redd (M.G.) (UK)           |    |
| 1 | Maj D.J.B. Tennant, R.A.S.C (..C)     |    |
| 1 | Capt. G. Smith (Eight Army)           |    |
|   |                                       |    |
| 1 | Maj C.H. Sykes, R.A.S.C (..C)         |    |
| 2 | Maj R.C. Helliwell, R.A.S.C (22 CAU)  |    |
|   | Maj M.F.D. Young, R. (..C)            |    |
| 1 | Capt E.F. Beresford (22 CAU)          |    |
|   |                                       |    |
| 1 | Major R.H. Kennedy, Hamps. (AC)       |    |
| 1 |                                       |    |
| 1 |                                       |    |
| 1 | Maj J... Roadman, WILTS YEO (UK)      |    |
|   |                                       |    |
|   | TOTAL OFFICERS                        | 33 |

6f

6. PUBLIC SAFETY BRANCH

7. HEALTH BRANCH

8. LEGAL BRANCH

9. FINANCE BRANCH

10. DISPLACED PERSONS BRANCH

11. SUPPLY BRANCH

Civ Sup Det

12. TRANSPORTATION

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APPENDIX "A2"

PROPOSED ATTACHMENTS TO C-5 STAFF AUSTRALIA

| <u>Serial</u> | <u>Detail</u>  | <u>No of Officers</u> | <u>Selected or Prospective Officers</u> |
|---------------|--|-----------------------|---|
| 1             | <u>PROPERTY CONTROL</u><br>S02                                     | 1                     | Maj F.C. Baker, RA (22 CAU)             |
| 2             | <u>ACCOUNTING SECTION</u><br>S01<br>S02<br>S03                     | 1                     | Lt Col J.H. Hall, RA (AC)               |
|               |  | 2                     | Capt J.E. Hayes, RA (AC)                |
|               |  | 3                     | Capt H.B. Scott, RASC (AC)              |
|               |  |                       | Lt M.J.L. Bell, RA (AC)                 |
|               |  |                       | Lt W.A. Roberts, RA (AC)                |
| 3             | <u>CURRENCY SECTION</u><br>S02<br>S03                              | 2                     | Maj D. Drimmie, RA (AC)                 |
|               |  | 2                     | Capt J.W. Clay, Gen. List (AC)          |
|               |  |                       | Capt G.G. Sorrell, LFRICK (22 CAU)      |
|               |  |                       | Capt H.D. Hodier, KRRC (AC)             |
| 4             | <u>REFUEL</u><br>S02<br>S03  | 1                     | Capt E. Croft-Murray, Int. Corps (AC)   |
|               |  | 2                     | Capt T.H. Brock, KRRC (AC)              |
| 5             | <u>SUPPLY AND ECONOMICS</u><br>S02 (Agriculture)<br>S02 (Industry) | 1                     |   |
|               |  | 2                     |   |
| 6             | <u>PUBLIC WORKS &amp; UTILITIES</u><br>S02<br>S03                  | 1                     |   |
|               |  | 1                     |   |
| 7             | <u>LABOUR</u><br>S02<br>S03  | 1                     |   |
|               |  | 1                     |   |
| 8             | <u>EDUCATION</u><br>S02  | 1                     |   |



1477  
Capt G.G. Sorrell, MRICK (22 CAU)  
Capt W.D. Hodler, KRRC (.C)

Capt E. Croft-Murray, Int. Corps (.C)  
Capt T.H. Brock, KRRC (.C)

|    |                                     |    |
|----|-------------------------------------|----|
| 4. | <u>WELFARE</u>                      |    |
|    | S02                                 | 1  |
|    | S03                                 | 2  |
| 5. | <u>SUPPLY AND ECONOMICS</u>         |    |
|    | S02 (Agriculture)                   | 1  |
|    | S02 (Industry)                      | 2  |
| 6. | <u>PUBLIC WORKS &amp; UTILITIES</u> |    |
|    | S02                                 | 1  |
|    | S03                                 | 1  |
| 7. | <u>LABOUR</u>                       |    |
|    | S02                                 | 1  |
|    | S03                                 | 1  |
| 8. | <u>EDUCATION</u>                    |    |
|    | S02                                 | 1  |
| 9. | <u>PUBLIC HEALTH</u>                |    |
|    | S03 (Welfare)                       | 1  |
|    | <hr/>                               |    |
|    | Total Officers                      | 23 |

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Appendix "A3"

GAU STAFF AUSTRIA  
VIENNA

PERSONNEL EMPLOYED

| <u>Serial</u> | <u>Detail</u>                          | <u>#</u> | <u>Selected or prospective officers</u>   |
|---------------|--|----------|---|
| 1             | S/SGO - Brig                           | 1        | -   |
| 2             | P.                                     | 1        | -   |
| 3             | D/S/SGO - Col                          | 1        | Lt. Col. J.H. Giffon, Gen. List (A.C)   |
| 4             | <u>MILITARY GOVERNMENT BRANCH</u>      |          |   |
|               | S01                                    | 1        | Lt. Col. H.B. Simson, Par. Corps (A.C)  |
|               | S02                                    | 1        | Maj. F.R.I. Williams, R.Fus (A.C)   |
|               | S03                                    | 2        | Capt. M.H. Salway, Gen. List (A.C)<br>J/Cdr. G.H. Palmer, JTS (A.C)   |
| 5             | <u>REARME ADJ</u><br><u>S03 (UGOS)</u> | 8        | Capt. M.B. Hartley, IC (22 GAU)<br>Capt. J. Goulding, RA (A.C)<br>Capt. G.H. Campbell, RA (A.C)<br>Capt. P.E. Clarke, Int. Corps (A.C)<br>Capt. G. Ellis, Queens R (22 GAU)<br>Capt. D.R. Vallance, RA (22 GAU) |
|               | <u>S03 (Police Officers)</u>           | 4        | Capt. R. Hunt, Gen. List (A.C)<br>Capt. P.H. Bricknell, Gen. List (A.C)<br>Capt. J. Macmill, Gen. List (A.C)<br>Capt. H.H. Mackenzie, Gen. List (A.C)   |
| 6             | <u>SUPPLY AND ECONOMIC BRANCH</u>      |          |   |
|               | S01                                    | 1        | Lt. Col. J.B. Thompson, RA (A.C)  |
|               | S03                                    | 1        | -   |
| 7             | <u>LABOUR SECTION</u>                  |          |   |
|               | S02                                    | 1        | Capt. C.W.H. Buckwell, Int. Corps (A.C)   |
|               | S03                                    | 1        | Capt. J. Topliss, RA (A.C)  |
| 8             | <u>INDUSTRY AND COMMERCE</u>           |          |   |
|               | S02                                    | 1        | Maj. J.R. Stockman, RA (A.C)  |
|               | S03                                    | 1        | Lt. J.E.H. Bury, R. Signals (A.C)   |
| 9             | <u>FINANCE SECTION</u>                 |          |   |
|               | S01                                    | 1        | Maj. G.E. Galeud, RA (22 GAU)   |
|               | S02                                    | 1        | Maj. G.G. Withers, Gen. List (A.C)  |
|               | S03                                    | 1        | Capt. I.C.J. Hall, INNSISKS (A.C)   |

4 Capt P.E. Clarke, Int. Corps (AC)  
 5 Capt G. Ellis, Queens R (22 C.U.)  
 6 Capt D.R. Vellence, RA (22 C.U.)

4 1 Capt R. Hunt, Gen. List (AC)  
 2 Capt F.H. Erickson, Gen. List (AC)  
 3 Capt J. Redhill, Gen. List (AC)  
 4 Capt. F.K. Mackenzie Gen. List (AC)

1 Lt. Col. J.B. Thompson, RA (AC)  
 1

1 Capt C.M.H. Buckwell, Int. Corps (AC)  
 1 Capt J. Topliss, RA (AC)

1 Maj J.R. Stockman, RA (AC)  
 1 Lt J.E.H. Bury, R. Signals (AC)

1 Maj G.E. Geland, RA (22 C.U.)  
 1 Maj G.G. Withers, Gen. List (AC)  
 1 Capt. J.C.J. Hall, INNISKS (AC)

6h

1 Lt B... Bickerton (UK) (AC)  
 1

1 Capt R.C. Gardner, RASC (22 C.U.)  
 1 Capt R.H. Walker, RASC (AC)

1 Maj R.J. Meyer, R.E. (AC)  
 2 Capt T.M.D. Hatt, ACC (AC)  
 Lt. R. Homer, RASC (AC)

1 Maj J.S. Herritt, C.I.C. (22 C.U.)  
 2 Maj ...G. Ferley, RCOG (AC)  
 Maj M.H. Gamble, Gen. List (AC)

1 Lt. Col. S.H. White, Gen. List (AC)  
 1 To be nominated by AC

S03 (Police Officers)

6 SUPPLY AND ECONOMIC BRANCH

S01  
S03

7 LABOUR SECTION

S02  
S03

8 INDUSTRY AND COMMERCE

S02  
S03

9 FINANCE SECTION

S01  
S02  
S03

10 PROPERTY CONTROL

S02  
S03

11 TRANSPORTATION

S02  
S03

12 SUPPLY SECTION

S02  
S03

13 FUELS UTILITIES

S01  
S02

14 ADMINISTRATIVE BRANCH

S01  
S03

SECRET

SECRET  
SECRET

15 PUBLIC SAFETY

Col  
S01  
S02  
S03  
Staff Lt

1 Lt. Col. ... F. Wilcox, Gen. List (..C)  
1 Lt. Col. J. R. Pollock, Gen. List (..C)  
3 Maj J. C. Reid, Gen. List (..C)  
Maj G. W. Brooke, Gen. List (..C)  
2 Capt L. R. Ashton, Gen. List (..C)  
2 Capt C. Noble, Gen. List (..C)  
2 Capt T. W. Greenhill, Gen. List (..C)

16 LEGAL SECTION

S01  
S02  
S03

1 Maj G. A. Bralet, Gen. List (..C)  
1 Capt L. de Firm, .EC (22 C.U)  
1 Capt W. T. Fielding, Int. Corps (..C)

17 DISPLACED PERSONS

S02

1 Major G. Hartman, Gen. List (..C)

18 PUBLIC HEALTH

S02  
S03

1 Maj F. King, R.A.M.C (..C)  
1 Capt C. O. S. Brooke, R.A.M.C (..C)

19 EDUCATION & RELIGION

S02  
P.T.T.  
S02

1  
1 Maj E. H. Weaver, Gen. List (22 C.U)

20 INTERNATIONAL SECTION

Major i/c adm  
C/S Supervising clerk  
Camp Comdt

1 Capt F. ... Dolby (..PHQ)  
1  
1

Total Officers 60

N.B. Interpreters are omitted.



19 EDUCATION & RELIGION

S02

P.T.T.

S02

- 1
- 1 Maj E.H. Weaver, Gen. List (22 CAU)

20 INTERNATIONAL SECTION

Major i/c adn

CI Supervising clerk

Comd Condt

- 1 Capt P.H. Dolby (AFHQ)
- 1
- 1

Total Officers 60

N.B. Interpreters are omitted.

SECRET

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SECRET

Index "14"

G.U. STAFF LIST

STAFF

PERSONNEL A.R. RATED

A.R. Selected or prospective officers.

Serial Detail

| Serial | COM. NDR                            | Detail | A.R. Selected or prospective officers.  |
|--------|-------------------------------------|--------|---|
| 1      | <u>CONSIGNEE</u>                    |        | 1 Lt. Col. W.C. Wilkinson, DSO, MAJ, MAJ-R., (..C)  |
| 2      | <u>MILITARY GRANT BRANCH</u>        |        | 1 To be nominated by ..C<br>2 Maj ..G. Veneas, The Buffs (22 C.U.)<br>Capt ..C. ..Fish, R. (..C)                        |
| 3      | <u>ADMINISTRATIVE BRANCH</u>        |        | 2 Capt V. Houghtby, HLI (..C)<br>J/Squad J. Thuning, ..TS (..C)   |
| 4      | <u>LEGAL BRANCH</u>                 |        | 1 Maj F.R.P. Knoll, R. (..C)<br>2 Capt ..J. ..Allen, RA (22 C.U.)<br>J/Comm D. ..Pindley, ..TS (..C)                    |
| 5      | <u>FINANCIAL BRANCH</u>             |        | 1 Maj G. ..McPadyean, SOL. L.I. (..C)<br>1 Lt. L.H. Slade, RA. (22 C.U.)  |
| 6      | <u>PUBLIC SAFETY BRANCH</u>         |        | 2 Maj C. Drummond, R. (..C)<br>1 Maj ..Nichols, RA (..C)<br>1 Capt E.F. Taylor, Gen. List (..C)                         |
| 7      | <u>PUBLIC HEALTH BRANCH</u>         |        | 1 Maj G.C.F. Duncann, Gen. List (..C)<br>1 Capt I.J.T.G. Bartlett, Gen. List (..C)<br>1 Capt ..P. Shaw, Gen. List (..C) |
| 8      | <u>SUPPLY &amp; ECONOMIC BRANCH</u> |        | 1 Maj ..D.R. Thompson, RA.C (AC)<br>1 Maj T.R.S. Hodgson, RA. (..C)<br>1 Capt H. Baydon, RA.C (22 C.U)                  |

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|    |   |                       |  |
|----|---|-----------------------|--|
| 4  | <u>LEGAL BRANCH</u><br>S02<br>S03   | 1<br>1                | Maj G. J. McPherson, SOL. I.I. (.C)<br>M. L. J. Slade, R. (22 CAU)   |
| 5  | <u>FINANCIAL BRANCH</u><br>S02<br>S03   | 2<br>1                | Maj C. Drummond, R. (.C)<br>Maj M. Michalis, RA (.C)<br>Capt E.F. Tyler, Gen List (.C)                                   |
| 6  | <u>PUBLIC SAFETY BRANCH</u><br>S01<br>S02<br>S03  | 1<br>1<br>1           | Maj G.C.P. Duncan, Gen.List (.C)<br>Capt L.J.T.G. Bartlett, Gen.List (.C)<br>Capt M.P. Shaw, Gen.List (.C)               |
| 7  | <u>PUBLIC HEALTH BRANCH</u><br>S02  | 1                     | Maj D.R. Thompson, RAIC (.C)   |
| 8  | <u>SUPPLY &amp; ECONOMIC BRANCH</u><br>S01<br>S02 (supply)<br>S02 (Agric, Forests,<br>Fisheries)<br>S03 | 1<br>1<br>1<br>1<br>1 | Maj J.H.B. Hodgson, R. (.C)<br>Capt H. Hayden, R.C (22 CAU)<br>Maj T.Q.S. Mite, MRRC (.C)<br>Lt. R. Lincham, R. (22 CAU) |
| 9  | <u>TRANSPORTATION BRANCH</u><br>S02   | 1                     | Maj A.R. Hughes, R. (.C)   |
| 10 | <u>UTILITIES BRANCH</u><br>S02<br>S03 (Electrical<br>Engineer)  | 1<br>1<br>1           | Maj D. ... Boyd, RE (.C)<br>Capt E.P. Indo-Brown, R. (.C)  |

**SECRET**  
**SECRET**

Serial Detail

M. Selected or prospective officers.

| Serial | Detail                          | M. | Selected or prospective officers.      |
|--------|---------------------------------|----|--|
| 11.    | <u>DISPLACED PERSONS BRANCH</u> |    |  |
|        | SO 2                            | 1  | 1. Maj J.E. Dufour, RC. (.C)           |
|        | SO 3                            | 1  | Te be nominated by .C                  |
| 12.    | <u>LABOUR BRANCH</u>            |    |  |
|        | SO 2                            | 1  | 1. Capt D.I. Bethan, R. (.C)           |
| 13.    | <u>PROPERTY CONTROL BRANCH</u>  |    |  |
|        | SO 2                            | 1  | 1. Capt R. Crosby, R.S.C (ex UK)       |
|        | SO 3                            | 1  | 1. Lt. E.D. Han, R. (ex UK)            |
| 14.    | <u>WRECKAGE ADMINISTRATION</u>  |    |  |
|        | SO 1                            | 1  | 1. Lt. Col. J.F. Simpson, DLI (.C)     |
|        | SO 2                            | 18 | 1. Maj F.H. Barre, C Inf (.C)          |
|        |                                 |    | 2. " C.O. Sturgis, Par C (.C)          |
|        |                                 |    | 3. " S.S. Patrick, R. (.C)             |
|        |                                 |    | 4. " R.S. Mount, R. (.C)               |
|        |                                 |    | 5. " E.G. Twiddle, Cheshire (.C)       |
|        |                                 |    | 6. " G.D. Machlow, Lynes Fus (.C)      |
|        |                                 |    | 7. " J. Ellice, R. (.C)                |
|        |                                 |    | 8. " J.D. Loggett, R. (.C)             |
|        |                                 |    | 9. " I.R. Dennis, R. (.C)              |
|        |                                 |    | 10. " B. du B.F. White, L.Surreys (.C) |
|        |                                 |    | 11. " C.G. Sponson, R.C.P (.C)         |
|        |                                 |    | 12. " C.E.F. Hambury-Tracey, R. (.C)   |
|        |                                 |    | 13. " H.G. [unclear], R. (C.FU)        |
|        |                                 |    | 14. " R.H. Barton, Innisks (.C)        |
|        |                                 |    | 15. " C.N. Lane, R. (22 G.U)           |
|        |                                 | 28 | 1. Capt R.N.K. Beresford, R.O.C (.C)   |
|        |                                 |    | 2. " D.P. Schleihuf, Cdn Inf (.C)      |
|        |                                 |    | 3. " F. Turner, R. (.C)                |
|        |                                 |    | 4. " R.H. Buckley, Int. Corps (.C)     |
|        |                                 |    | 5. " J. Hyte, Gen. List. (.C)          |
|        |                                 |    | 6. " E.G. Kemp, R. (.C)                |
|        |                                 |    | 7. " K.D. Erskine, R. (.C)             |
|        |                                 |    | 8. " H.G. Harris, Int. Corps (.C)      |
|        |                                 |    | 9. " R.E. Cook, Int. Corps (.C)        |
|        |                                 |    | 10. " H.G. Fitchmarsh, HLI (.C)        |
|        |                                 |    | 11. " D.J.C. Brown, R. (.C)            |
|        |                                 |    | 12. " [unclear] R.O.C (.C)             |



- 10. " B. ... RCP (.C)
- 11. " C.G. Sweeney, RCP (.C)
- 12. " C.E.F. Hambury-Tracey, R. (.C)
- 13. " H.G. ... R. (C.PU)
- 14. " R.H. Berton, Innisks (.C)
- 15. " C.M. Lane, R. (22 CIU)

- 28 1. Capt R.M.K. Beresford, RIOC (.C)
- 2. " D.P. Schlotheuf, Can Inf (.C)
- 3. " P. Turner, R. (.C)
- 4. " R. Buckley, Int. Corps (.C)
- 5. " J. Hyte, Gen. List. (.C)
- 6. " K.G. Kemp, R. (.C)
- 7. " K.D. Erskine, R. (.C)
- 8. " H.C. Harris, Int. Corps (.C)
- 9. " R.E. Gask, Int. Corps (.C)
- 10. " G. Fitchmarsh, HLI (.C)
- 11. " D.J.C. Brown, R. (.C)
- 12. " R. Leach, RIOC (.C)
- 13. " E. Richman, Pnr. Corps (.C)
- 14. Lieut. G. Murray, Cdn. Inf. (.C)
- 15. Lieut. W.B. Jones, Pnr. C. (.C)
- 16. Lieut. R. Hastings, BUFFS (.C)
- 17. Capt. R. ... R. (22 CIU)
- 18. " H.U.I. Jones, R. (22 CIU)
- 19. " G.T. Fullerton-Carnegie, SG(22 CMU)
- 20. " G.L. Smith, (22 CIU)
- 21. " E. Williams, (22 CIU)
- 22. " F.J. Bullock, Gen. List (.C)
- 23. " G.E. Coult, Gen. List. (.C)
- 24. " F.C.V. Hayward, Gen. List. (.C)
- 25. " T.P. Hunter, Gen. List. (.C)
- 26. " P. Massingberd-Mundy, Gen. List. (.C)

30 3

77

TOTAL OFFICERS

SECRET

SECRET

Reference "11.15"

G.A.U. STAFFS - USIA/L.

G.A.U. PERSONNEL  
PERSONNEL EMPLOYED

| <u>Serial</u> | <u>Detail</u>  | <u>NO</u>        | <u>Selected or respective officers</u>  |
|---------------|--|------------------|---|
| 1             | <u>COMMANDER</u><br>Colonel  | 1                | Lt. Col. D.G.H.H. Smith, London Sect (.C)   |
| 2             | <u>MILITARY GOVERNMENT BRANCH</u><br>SO 1<br>SO 2<br>SO 3  | 1<br>2<br>1      | Lt. Col. H.H. Nichols, The Buffs (.C)<br>Maj F.H. Aldren, R. BERKS (.C)<br>S. Comd. P.R. Stones, .TS (ex UK)<br>Capt .C.F. Mitby MC - R. (.C) |
| 3             | <u>ADMINISTRATIVE BRANCH</u><br>SO 3   | 1                | Capt E.R.S. Pope, R. (.C)   |
| 4             | <u>LEGAL BRANCH</u><br>SO 2<br>SO 3  | 1<br>1           | Maj G. Caldwell, R. (.C)<br>Capt E.N. Blacklock, KOCB (.C)  |
| 5             | <u>FINANCIAL BRANCH</u><br>SO 2  | 2                | Capt M.P. Dryburgh, Gen. List (.C)<br>Capt J.A. Coombes, R. (.C)  |
| 6             | <u>PUBLIC SAFETY BRANCH</u><br>SO 1<br>SO 2<br>SO 3  | 1<br>1<br>1      | Maj W.E. Collins, Gen. List (.C)<br>Maj J.A. Kelly, Gen. List (.C)<br>Capt J.E.H. Dunstan, Gen. List (.C)                                     |
| 7             | <u>PUBLIC HEALTH BRANCH</u><br>SO 3  | 1                | Capt C.T. Jones, R.M.C. (.C)  |
| 8             | <u>SUPPLY AND ECONOMIC BRANCH</u><br>SO 1<br>SO 2 (Supplies)<br>SO 2 (.Agric, Forests, Fisheries)<br>SO 3 (Supplies) | 1<br>1<br>1<br>1 | Lt. Col. G.M. Stewart, R.S.C. (.C)<br>Maj D.L. Struth, R. (22 GAU)<br>Maj V. Guy, M. Gds (.C)<br>Capt .A.T. Hunt, Pnr. Corps (.C)             |
| 9             | <u>TRANSPORTATION BRANCH</u><br>SO 2   | 1                | Capt J.F.D. Halstead, R.S.C. (.C)   |
| 10            | <u>UTILITIES BRANCH</u><br>SO 2  |                  |   |

Capt V.L. Coombes, RA (AC)

- 6 PUBLIC SAFETY BRANCH
  - SO 1 1 Maj R.E. Collins, Gen.List (AC)
  - SO 2 1 Maj J.A. McWay, Gen.List (AC)
  - SO 3 1 Capt J.E.H. Dunstan, Gen.List (AC)
- 7 PUBLIC HEALTH BRANCH
  - SO 3 1 Capt C.T. Jones, RAHC (AC)
- 8 SUPPLY AND ECONOMIC BRANCH
  - SO 1 1 Lt.Col. W.H. Stewart, R.SC (AC)
  - SO 2(Supplies) 1 Maj D.I. Struth, RA (22 CAU)
  - SO 2(Agric, Forests, Fisheries) 1 Maj V. Guy, RA Cds (AC)
  - SO 3(Supplies) 1 Capt A.J. Hunt, Pur.Corps (AC)
- 9 TRANSPORTATION BRANCH
  - SO 2 1 Capt J.F.D. Halstead, R.SC (AC)
- 10 UTILITIES BRANCH
  - SO 3 1 Capt F.H.H. Stephens, RA (AC)
- 11 DISPLACED PERSONS BRANCH
  - SO 2 1 Maj E.H. Sanson, RA (AC)
- 12 LABOUR BRANCH
  - SO 2 1 Capt C.F. Mason, RA (AC)
- 13 PROPERTY CONTROL
  - SO 2 1 Capt P.H. Vincent, S.M.F. (AC)
- 14 PREISE AND ADMINISTRATION
  - SO 2 10 1 Maj R.H. Barton, C/P BUCKS (22 CAU)
  - 2 Maj P. Bryer, RA (22 CAU)
  - 3 Maj G.B. Butler, RA (22 CAU)
  - 4 Maj G.F.G. Edlin, RA (AC)
  - 5 Maj A. Gahan, RA (AC)
  - 6 Maj I.D. Turner, P.R. (AC)
  - 7 Capt A. Purvis, R.Fus (AC)
  - 8 Capt J.T.R. Gellop, R.C (AC)
  - 9 Maj H.C. Corbin, Gen.List (AC)
- SO 3 13 1 Capt D.E. Hurles, WRC R (AC)
- 2 Capt H. Baker, Gen.List (AC)

63

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4-170  
H. J. [unclear]

IL AFFAIRS SECTION

LEGAL (5)

- 1. Capt LEVY ✓
- 2. Lt Col HENDRICKSON ✓
- 3. Major KERR ✓

PUBLIC HEALTH (7)

- 1. Lt Col MILES

PUBLIC WELFARE (4)

- 1. Capt GODFRINGTON

DISPLACED PERSONS (5)

- 1. Capt YARLEY

PUBLIC SAFETY (16)

- 1. Col SNOOK

*Emmett de [unclear]*  
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*com [unclear]*  
*19.3.53*

- 4. Col CHAPMAN
- 5. Major WOODWARD
- 6. Major ROGERS
- 7. Capt FEYTON

- 2. Lt Col ADAMS
- 3. Major HILL
- 4. Major CIULINI
- 5.
- 6.
- 7.

- 2. Major BALLEW
- 3. Capt WILCOX
- 4.

- 2. Lt WOOLFORD
- 3. Lt CAHLSON
- 4.
- 5.

- 2. Major CHANEY
- 3. Capt DAVENPORT
- 4. Capt MACDOUGALL
- 5. Capt BEATTY
- 6. Lt WOOD
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.



62

DISPLACED PERSONS (5)

- 2. Lt WOOLFORD
- 3. Lt CARLSON
- 4.
- 5.

PUBLIC SAFETY (16)

- 2. Major CHANEY
- 3. Capt DAVENPORT
- 4. Capt MACDOUCALL
- 5. Capt BEATTY
- 6. Lt WOOD
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.

EDUCATION & RELIGIOUS AFFAIRS (4)

- 2. Major MURPHY
- 3. Capt TILROE
- 4.

MONUMENTS & FINE ARTS (1)

- 1. Capt KELLER

HOUSING (2)

- 2.

- 1.

MUNICIPAL COMMERCIAL ENTERPRISES (1)

- 1.

CIVIL SERVICE REORGANIZATION (2)

- 2.

- 1.

1490

4170

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

key 34A

Originator's Reference: .....  
Date/Time of Origin: FEB 261015A

Message Centre No: D/3483  
Date-Time Rec'd: FEB 171230A  
Precedence: ROUTINE

FROM: ACAB HAMMER LONDON (VIA AFHQ)  
TO: ALCON LEG

27

## SECRET

SECRET

Ref your FX 24513 dated 10 February. For Legal. CAMPBELL departing whenever passage available probably within 2 or 3 days.

Dist

- Action - Legal
- Info - A/President
- Chief Commissioner
- CA Sec
- Est
- G-1 (B)
- File

# ACTION

|                      |
|----------------------|
| LEGAL SUB-COMMISSION |
| CLO                  |
| DCLO                 |
| Chief Counsel        |
| CIO                  |
| Italian Section      |
| CLERKS               |
| 27 FEB 1945          |

HEADQUARTERS  
27 FEB 1945  
A. C.

## SECRET

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HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Tel. 47810E

D.O. 9/3.1A/CA.

26 February 1945

Dear David

No doubt you have received a copy of Lord Schuster's letter to me dated 13 Feb 45.

I regard the old gentleman as being definitely hot! It never occurred to me that he was going to try and land us with H-H (of whom the less said the better) and R. indefinitely.

If he (H-H) becomes a bore I shall return him to plan at Portici without hesitation.

There is one matter on which I am going to be absolutely firm and where I think his Lordship has been horribly weak. I will not have P.As. accompany these officers; nothing could be worse for morale as with us, as you know, even full colonels do not have P.As.

Can you detach these girls from them please and send them to Portici?

Yours

*Ford*

Lt. Col. D. JACKLING,  
G-5 Section,  
Allied Force Headquarters.

Copy to: Col. BEIRNS. —

*Austin  
file 611*

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✓  
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**SECRET**

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

32A

1/22.B/CA

23 Feb 45

SUBJECT : Planning for AUSTRIA

TO : All CA Sub-Commissions

- 1 Attached hereto is revised nominal roll of Officers earmarked for Austria. (G-1B/83/A dated 22 Feb 45).
- 2 Sub-Commissions desiring amendments to be made to this list should submit particulars to CA Section by 27 Feb 45.

*R.R. Cripps*

R.R. CRIPPS Col.  
CSO CA Section

*unt.*

1945



HEADQUARTERS ALLIED COMMISSION  
AFC 394

SECRET

22 February 1945

REFERENCE: G-1B/83/A

SUBJECT : Planning for Austria

TO : Distribution below

1. Attached herewith is a new Nominal Roll showing amendments as referred to in Para. 2 of our letter of even reference dated 18 January 1945.
2. It is expected that further amendments will be made, and these will be communicated to you in due course.
3. Your attention is again invited to paras. 6 and 7 of our above quoted letter.

FOR THE CHIEF COMMISSIONER

*J. T. ...*

NOELAN E. FISKE  
Colonel Cav.  
Vice President-  
Establishment Section

DISTRIBUTION:-

- G-5 AF HQ
- Office of Chief Commissioner
- Office of Executive Commissioner
- C. A. Section HQ 15 Army Group
- Vice President-Civil Affairs Section (9 copies)
- Vice President-Economic Section (10 "
- Vice President-Establishment Section
- Communications Sub Commission
- Regional Commissioner, Sicilia Region
- Southern Region
- Latiao Region
- Abruzzi-Marche Region
- Sardegna Region

FOR THE CHIEF COMMISSIONER

*11 copies*  
*enc*

NORMAN E. FISKE  
Colonel Cav.  
Vice President-  
Establishment Section

DISTRIBUTION:-

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- Communications Sub Commission
- Regional Commissioner, Sicilia Region
- Southern Region
- Lazio Region
- Abruzzi-Marche Region
- Sardegna Region
- Toscana Region
- Emilia Region
- Liguria Region
- Piemonte Region
- Lombardia Region
- Venezia Region
- S.C.A.O. AME HQ Fifth Army
- S.C.A.O. AMG HQ ~~Eight~~ Army

JLJ/acf

54

NOTE

Further to para 1 above, amendment No. 1 to Nominal Roll referred to therein is attached hereto.

SECRET

8

G-5 STAFF AUSTRIA

PERSONNEL MANAGED

APPENDIX "A1"

| <u>Serial</u> | <u>Detail</u>                  | <u>WE</u> | <u>Selected or Prospective Officers</u>                                   |
|---------------|--------------------------------|-----------|---|
| 1             | ACOS Brig                      | 1         | Gp Capt C.E. BENSON, DSO, RAF   |
| 2             | Deputy Col.                    | *1        | W/Comd L.T. BEHR RAF (AMG & AC)   |
| 3             | <u>CO-ORDINATING STAFF</u>     |           |   |
|               | S01                            | 1         | Lt Col P.F. BENTON-JONES RA (AMG & AC)                                    |
|               | S02                            | 1         | Maj A.J.W. CLARKE, SUFFOLK (22 CAU)                                       |
| 4             | <u>INTELLIGENCE SECTION</u>    |           |   |
|               | S02                            | *1        | -   |
|               | S03                            | 2         | Capt J.R. HARTLEY Int Corps (22 CAU)<br>J/Comd M.J. WILSON, ATS (22 CAU)  |
| 5             | <u>ADMINISTRATIVE BRANCH</u>   |           |   |
|               | DISPATCH                       | 1         | Maj R.W. HARRISON RA (AMG & AC)   |
|               | Staff Capts                    | 2         | Capt B.T. F. HENRY JOCHR (22 CAU)<br>Capt R. WALTERS RA (22 CAU)          |
|               | Camp Comdt                     | *1        | Capt I.B. ADAMS RA (22 CAU)   |
| 6             | <u>PUBLIC SAFETY BRANCH</u>    |           |   |
|               | S01                            | 1         | Maj E.J. PULLEN Gen List (AMG & AC)                                       |
|               | S02                            | 1         | Maj J.A. MCKAY Gen List (AMG & AC)  |
|               | S03                            | 1         | Capt D.J.R. ROBERTS Gen List AMG & AC)                                    |
| 7             | <u>HEALTH BRANCH</u>           |           |   |
|               | S02                            | 1         | To be nominated   |
| 8             | <u>LEGAL BRANCH</u>            |           |   |
|               | S01                            | 1         | Lt. Col. I.G.H. CAMPBELL (AMG & AC)                                       |
|               | S02                            | 1         | Sqn/Ldr P.E. LAYTON, RAF (22 CAU)   |
| 9             | <u>FINANCE BRANCH</u>          |           |   |
|               | Col Ca                         | 1         | Col P.C. ANDERSON DSO, MC (ACA)   |
|               | S02                            | 2         | Maj G.K. TYRRELL Gen List (AMG & AC)<br>Maj T.V.G. GILBERTSON RA (22 CAU) |
|               | S03                            | 1         | Capt P.A. HUSBAND Gen List (22 CAU)                                       |
| 10            | <u>DISPATCH PERSONS BRANCH</u> |           |   |
|               | S01                            | 1         | Maj J.E. DUPOUR, RCA (AMG & AC)   |
|               | S02                            | 1         | Maj J.E. TENNENT, RASC (AMG & AC)   |

\*1 Capt L.B. ADAMS IAC (22 CAU)

PUBLIC SAFETY BRANCH

- 1 Maj W.J. PULLIN Gen List (AMG & AC)
- 1 Maj J.A. MCKAY Gen List (AMG & AC)
- 1 Capt E.J.R. ROBERTS Gen List (AMG & AC)

HEALTH BRANCH

- 1 To be nominated

LEGAL BRANCH

- 1 Lt.Col. I.G.H. CAMPBELL (IIC & AC)
- 1 Sqn/Ldr P.H. LYTON, RAF (22 CAU)

FINANCE BRANCH

- 1 Col P.C. ANDERSON DSO, MC (ACI)
- 2 Maj G.K. TRIMM Gen List (AMG & AC)
- 1 Maj T.V.G. GILBERTSON RA (22 CAU)
- 1 Capt P.E. HUSBAND Gen List (22 CAU)

DISPL. CTD PERSONS BRANCH

- 1 Maj J.E. DUGOUR, RCA (AMG & AC)
- 1 Maj J.J.E. TENNENT, RASC (AMG & AC)

SUPPLY BRANCH

- 1 Maj C.H. SYKES, RASC (AMG & AC)
- 2 Maj R.C. HELL I.L.L.L., RASC (22 CAU)
- 1 Maj F.D. YOUNG, RA (AMG & AC)
- 1 Capt E.F. BERTSFORD (22 CAU)

TRANSITION BRANCH

- 1 Maj J.A. REIDMAN WILTS YEO (UK)

Total Officers 28

\*Proposed that these appointments be added to BE

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APPENDIX "A"

PROPOSED  
ATTACHMENTS TO  
C-5 STRATEGIC

| <u>Serial</u> | <u>Detail</u>   | <u>No of Officers Selected on Prospective Officers</u>   |
|---------------|---|--|
| 1             | <u>PROPERTY CONTROL</u><br>S02  | 1 Maj F.C. BAKER RA (22 C.U)   |
| 2             | <u>ACCOUNTING SECTION</u><br>S01<br>S02<br>S03  | Lt Col J.H. HILL RA (JG & AC)<br>Capt J.E. HYES R. (JG & AC)<br>Capt M.B. SCOTT R.SC (JMG & AC)<br>Lt R.J.L. BELL, R. (JG & AC)<br>Two to be nominated |
| 3             | <u>CURRENCY SECTION</u><br>S02<br>S03   | Maj D. DRIMIE RA (JG & AC)<br>Capt J.W. CLAY Gen List (ACA)<br>(Capt A.C. SORPELL WARWICK<br>or<br>(Capt W.D. HODDER KRRC (JG & AC)                    |
| 4             | <u>MFAA</u><br>S02  | Capt E. CROFT-MURRAY Int Corps<br>(JG & AC)<br>Capt T.H. BROCK KRRC (JG & AC)  |
| 5             | <u>SUPPLY AND ECONOMICS</u><br>S02 (Agriculture)<br>S02 (Industry)<br>S02 (Economics) | Maj A.M. STUART RA (UI)<br>Maj S.H. MACHINILLY RACC (SHJEF)  |
| 6             | <u>PUBLIC WORKS &amp; UTILITIES</u><br>S02<br>S03                                     | -<br>-   |
| 7             | <u>LABOUR</u><br>S02<br>S03   | -<br>-   |
| 8             | <u>EDUCATION</u><br>S02   | -  |
| 9             | <u>PUBLIC HEALTH</u><br>S03 (Welfare)   | -  |

|   |   |           |  |   |
|---|---|-----------|--|---|
| 4 | <u>MEAA</u><br>SC2  | 1         | Capt E. CROFT-MURRAY Int Corps<br>(AMC & AC) | - |
|   |   | 2         | Capt T.H. BROCK KRHC (AMC & AC)              | - |
| 5 | <u>SUPPLY AND ECONOMICS</u><br>SC2 (Agriculture)<br>SC2 (Industry)<br>SC2 (Economics) | 1         | Maj A.M. STUART RA (UL)                      | - |
|   |   | 1         | Maj S.H. MACKINNELLY RACC (SH.EF)            | - |
|   |   | 1         |  | - |
| 6 | <u>PUBLIC WORKS &amp; UTILITIES</u><br>SC2<br>SC3                                     | 1         |  | - |
|   |   | 1         |  | - |
| 7 | <u>LABOR</u><br>SC2<br>SC3  | 1         |  | - |
|   |   | 1         |  | - |
| 8 | <u>EDUCATION</u><br>SC2   | 1         |  | - |
| 9 | <u>PUBLIC HEALTH</u><br>SC3 (Welfare)   | 1         |  | - |
|   |   | <u>23</u> | Total Officers                               |   |

SECRET

S.G.M.A. - 54 - 1100 - \$50,000

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ANNEX "A1"

G-5 STAFF AUSTRIA

PERSONNEL BANKED

| <u>Serial</u> | <u>Detail</u>                | <u>WE</u> | <u>Selected or Prospective Officers</u>                                   |
|---------------|------------------------------|-----------|---|
| 1             | ACOS Brig                    | 1         | Gp Capt C.E. BENSON, DSO, RAF   |
| 2             | Deputy Col.                  | *1        | W/Comd L.T. BEER RAF (AMG & AC)   |
| 3             | <u>CO-ORDINATING STAFF</u>   |           |   |
|               | S01                          | 1         | Lt Col P.F. ELNTON-JONES RA (AMG & AC)                                    |
|               | S02                          | 1         | Maj A.J.W. CLANCE, SUFFOLK (22 CAU)                                       |
| 4             | <u>INTELLIGENCE SECTION</u>  |           |   |
|               | S02                          | *1        |   |
|               | S03                          | 2         | Capt J.R. HARTLEY Int Corps (22 CAU)<br>J/Comd M.J. WISSE, ATS (22 CAU)   |
| 5             | <u>ADMINISTRATIVE BRANCH</u> |           |   |
|               | Staff Capts                  | 1         | Maj R.W. HARRIMAN RA (AMG & AC)   |
|               | 2                            | 2         | Capt B.T. FAHERTY JOCER (22 CAU)<br>Capt R. WALTERS RA (22 CAU)           |
|               | Camp Comdt                   | *1        | Capt L.B. ADAMS R.I.C (22 CAU)  |
| 6             | <u>PUBLIC SAFETY BRANCH</u>  |           |   |
|               | S01                          | 1         | Maj E.J. PULLEN Gen List (AMG & AC)                                       |
|               | S02                          | 1         | Maj J.A. MCKAY Gen List (AMG & AC)  |
|               | S03                          | 1         | Capt E.J.R. ROBERTS Gen List AMG & AC)                                    |
| 7             | <u>HEALTH BRANCH</u>         |           |   |
|               | S02                          | 1         | To be nominated   |
| 8             | <u>LICEL BRANCH</u>          |           |   |
|               | S01                          | 1         | Lt.Col. I.G.H. CURBELL (AMG & AC)   |
|               | S02                          | 1         | Sqn/Ldr P.H. LAYTON, RAF (22 CAU)   |
| 9             | <u>FINANCE BRANCH</u>        |           |   |
|               | Col Ca                       | 1         | Col P.C. ANDERSON DSO, IC (ACA)   |
|               | S02                          | 2         | Maj G.K. TYRRELL Gen List (AMG & AC)<br>Maj T.W.G. GILBERTSON RA (22 CAU) |
|               | S03                          | 1         | Capt P.E. HUSEND Gen List (22 CAU)  |

10 DISCIPLINED PERSONS BRANCH

ADMINISTRATIVE BRANCH

- 1 Maj R.W. HARRIMAN RA (AMG & AC)
- 2 Capt B.T. FAHERTY WOHR (22 CAU)
- \*1 Capt R. WALTERS RA (22 CAU)
- 1 Capt L.B. ADAMS RA (22 CAU)

PUBLIC SAFETY BRANCH

- 1 Maj E.J. PULLMAN Gen List (AMG & AC)
- 1 Maj J.A. McKAY Gen List (AMG & AC)
- 1 Capt E.J.R. ROBERTS Gen List (AMG & AC)

HEALTH BRANCH

- 1 To be nominated

LEGAL BRANCH

- 1 Lt.Col. I.G.H. CAMPBELL (JG & AC)
- 1 Sqn/Ldr P.H. LAYTON, RAF (22 CAU)

FINANCE BRANCH

- 1 Col P.C. ANDERSON DSO, MC (ACA)
- 2 Maj G.K. TYRRELL Gen List (AMG & AC)
- 1 Maj T.W.G. GILBERTSON RA (22 CAU)
- 1 Capt P.H. HUSH ND Gen List (22 CAU)

DISP. OLD PERSONS BRANCH

- 1 Maj J.E. DUFUR, RCA (JG & C)
- 1 Maj J.E. TUMMENT, RASC (JG & C) **58**

SUPPLY BRANCH

- 1 Maj C.H. SYKES, RASC (JG & C)
- 2 Maj R.C. HELL I, RASC (22 CAU)
- 1 Maj F.F.D. YOUNG, RA (JG & C)
- 1 Capt E.F. BERESFORD (22 CAU)

TRANSPORTATION BRANCH

- 1 Maj J.A. READMAN WILTS YEO (UK)

Total Officers 28

\*Proposed that these appointments be added to ME

SECRET



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APPENDIX "A.2"

PROPOSED  
ATTACHMENTS TO  
C-5 STAFF LISTING

| <u>Serial</u> | <u>Detail</u>   | <u>No of</u><br><u>Officers Selected or Prospective Officers</u>  |
|---------------|---|---|
| 1             | <u>PROPERTY CONTROL</u><br>S02  | 1 Maj F.C. BAYER RA (22 C.U)  |
| 2             | <u>ACCOUNTING SECTION</u><br>S01<br>S02<br>S03  | Lt Col J.H. HILL RA (JIG & AC)<br>Capt J.E. HYES R. (JIG & AC)<br>Capt M.B. SCOTT R.SC (JMG & AC)<br>Lt R.J.L. BELL, R. (JIG & AC)<br>Two to be nominated |
| 3             | <u>CURRENCY SECTION</u><br>S02<br>S03   | Maj D. DRIMIE RA (JMG & AC)<br>Capt J.W. CLAY Gen List (ACA)<br>(Capt A.C. SORPHELL WARWICK<br>or<br>(Capt W.D. HODDER KRRG (AMC & AC)                    |
| 4             | <u>MEALS</u><br>S02   | Capt E. CROFT-MURRAY Int Corps<br>(AMC & AC)<br>Capt T.H. BROCK KRRG (AMC & AC)   |
| 5             | <u>SUPPLY AND ECONOMICS</u><br>S02 (Agriculture)<br>S02 (Industry)<br>S02 (Economics) | Maj A.M. STUART RA (UL)<br>Maj S.H. MACKINNELLY RAOC (SH,EF)  |
| 6             | <u>PUBLIC WORKS &amp; UTILITIES</u><br>S02<br>S03                                     | -   |
| 7             | <u>LABOUR</u><br>S02<br>S03   | -   |
| 8             | <u>EDUCATION</u><br>S02   | -   |
| 9             | <u>PUBLIC HEALTH</u><br>S03 (Welfare)   | -   |

1502

|   |   |           |  |   |
|---|---|-----------|--|---|
| 4 | <u>MFAA</u><br>S02  | 1         | Capt E. CRCFT-MURRAY Int Corps<br>(AMC & AC) | - |
|   |   | 2         | Capt T.H. BROCK KRRRC (AMC & AC)             | - |
| 5 | <u>SUPPLY AND ECONOMICS</u><br>S02 (Agriculture)<br>S02 (Industry)<br>S02 (Economics) | 1         | Maj A.M. STUART RA (UR)                      | - |
|   |   | 1         | Maj S.H. KACKNELLY RACC (SH.EF)              | - |
|   |   | 1         |  | - |
| 6 | <u>PUBLIC WORKS &amp; UTILITIES</u><br>S02<br>S03                                     | 1         |  | - |
|   |   | 1         |  | - |
| 7 | <u>LABOUR</u><br>S02<br>S03   | 1         |  | - |
|   |   | 1         |  | - |
| 8 | <u>EDUCATION</u><br>S02   | 1         |  | - |
| 9 | <u>PUBLIC HEALTH</u><br>S03 (Welfare)   | 1         |  | - |
|   |   | <u>23</u> |  |   |

Total Officers

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S. G. M. A. - 5-45 1190 - 250 000

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Appendix A1311

STAFF AUSTRIA  
VIENNA

PERSONNEL RECOMMEND

| <u>Serial</u> | <u>Detail</u>                     | <u>WE</u> | <u>Selected or prospective officers</u>   |
|---------------|-----------------------------------|-----------|---|
| 1             | SMGC - Brig                       | 1         | -   |
| 2             | D/SMGO - Col                      | 1         | -   |
| 3             | PA                                | 1         | -   |
| 4             | <u>MILITARY GOVERNMENT BRANCH</u> |           |   |
|               | SCC                               | 1         | LT. COL. J.H. GIFFEN Gen List (AMG & AC)  |
|               | SC2                               | 1         | M.C.F.R.I. WILLIAMS R.Fus. (AMG & AC)     |
|               | SC3                               | 2         | CAPT A.W. PURVIS R. Fus (AMG & AC)        |
|               |                                   |           | J/CDR G.M. PALMER ATS (AMG & AC)          |
| 5             | <u>BEZELNE D.M.</u><br>SC3 (MGOS) | 8         | C.PT P.A. DILLON 12L (22 CAU)             |
|               |                                   |           | C.PT J. GOULDING R. (AMG & AC)            |
|               |                                   |           | C.PT G.H. CAMPBELL R. (AMG & AC)          |
|               |                                   |           | C.PT P.E. CLARKE Int Corps (AMG & AC)     |
|               |                                   |           | and 4 to be nominated                     |
| 6             | SC3 (Police Officers)             | *4        | CAPT E. HUNT Gen List (AMG & AC)          |
|               |                                   |           | CAPT P.H. BRICKNELL Gen List (AMG & AC)   |
|               |                                   |           | CAPT J. W.DHILL Gen List (AMG & AC)       |
|               |                                   |           | one to be nominated                       |
| 7             | <u>SUPPLY AND ECONOMIC BRANCH</u> |           |   |
|               | Col                               | 1         | To be nominated                           |
|               | SO3                               | 1         | To be nominated                           |
| 7             | <u>LEOUR SECTION</u>              |           |   |
|               | SO2                               | 1         | CAPT C.W.H. BUCKWELL Int Corps (AMG & AC) |
|               | SO3                               | *1        | To be nominated                           |
| 8             | <u>INDUSTRY AND COMMERCE</u>      |           |   |
|               | SO2                               | 1         | M.J H.G. REID R. (AMG & AC)               |
|               | SO3                               | 1         | To be nominated                           |
| 9             | <u>FINANCE SECTION</u>            |           |   |
|               | SO1                               | 1         | M.J G.E. GILAD R. (22 C.U)                |
|               | SO2                               | 1         | M.J A.G. WITHERS Gen List (AMG & AC)      |
|               | SO3                               | 1         | C.PT W.C.J. HALL Innisks (AMG & AC)       |

and 4 to be nominated

\*4 C/PT E. HUNT Gen List (AMG & .C)  
 C/PT P.H. BRICKWELL Gen List (AMG & .C)  
 C/PT J. W.DHILL Gen List (AMG & .C)  
 one to be nominated

1 To be nominated  
 1 To be nominated

1 C/PT C.W.H. BUCKWELL Int Corps (AMG & .C)  
 \*1 To be nominated

1 M/ J R.G. REID R. (AMG & .C)  
 1 To be nominated

1 M/ J G.E. GILLUD R. (22 C.U)  
 1 M/ J A.G. WITHERS Gen List (AMG & .C)  
 1 C/PT W.C.J. HILL Innisks (AMG & .C)

1 C/PT P.H. VINCENT S.I.F (AMG & .C)  
 1 LT B... BICKERTON (UK) (AMG & .C)

1 C/PT R.C. GEDMER R.S.C (SHLEF)  
 1 C/PT R.H. WALTER R.S.C (AMG & .C)

1 M/ J R.J. MEYER R.E. (AMG & .C)  
 1 C/PT T.H.D. HITT .CC (AMG & .C)  
 1 LT. R. HOMER R.LOC (AMG & .C)

1 M/ J J.S. MERRITT C.I.C. (22 C.A.U)  
 2 Both to be nominated

1 To be nominated  
 1 To be nominated

57

S03 (Police Officers)

6 SUPPLY AND ECONOMIC BRANCH

S01  
S03

7 LABOUR SECTION

S02  
S03

8 INDUSTRY AND COMMERCE

S02  
S03

9 FINANCE SECTION

S01  
S02  
S03

10 PROPERTY CONTROL

S02  
S03

11 TRANSPORTATION

S02  
S03

12 SUPPLY SECTION

S01  
S02  
S03

13 PUBLIC UTILITIES

S01  
S02

14 ADMINISTRATIVE BRANCH

S01  
S03

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15 PUBLIC SAFETY

Col  
S01  
S02

S03

Staff Lt

- 1 To be nominated
- 1 LT. COL. J.R. POLLOCK Gen List (MG & LC)
- 3 MAJ J.C. REID Gen List (MG & LC)
- MAJ G.W. BROOKE Gen List (MG & LC)
- 2 CAPT L.R. SHTON Gen Lists (MG & LC)
- 2 CAPT C. NOBLE Gen List (MG & LC)
- 2 CAPT T.W.M. GREENHILL Gen List (MG & LC)
- 2 To be nominated

16 LEG L SECTION

S01  
S02  
S03

- 1 MAJ G.M. BAMIET Gen List (MG & LC)
- 1 To be nominated
- 1 CAPT H.T. FIELDING Int Corps (MG & LC)

17 DISPLACED PERSONS

S02

- 1 To be nominated

18 PUBLIC HEALTH

S02  
S03

- 1 To be nominated
- 1 CAPT C.O.S. BROOKE R.M.C (MG & LC)

19 EDUCATION & RELIGION

S02  
F.I.T.  
S02

- 1 -
- 1 MAJ E.W. WEAVER Gen List (22 C.U)

20 INTERNATIONAL SECTION

Major i/c adm  
Camp Supervising clerk  
Camp Comit

- 1 CAPT F... DOLBY (AFHQ)
- 1 -
- 1 -

Total Officers 60

\* Proposed that these appointments be added to ME.

N.B. Interpreters are omitted.

1  
 SO2  
 F.I.I.  
 SO2

1 M.J. E.W. MEYER Gen List (22 CAU)

1 C.P.T. F... DOLBY (.FHC)

1  
 1  
 1

20 INTERN. L. ADJ. SECTION  
 Major i/c adm  
 CM Supervising clerk  
 Comp Comdt

Total Officers 60

\* Proposed that these appointments be added to WE.

N.B. Interpreters are omitted.

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S. G. M. A. - 544 - 1100 - 200,000

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Appendix C

CHIEF STAFF USARV.

STAFFER

PERSONNEL MARKED

Selected or prospective officers.

Serial Detail

| Serial | Detail                               | Officer Name & Grade   |
|--------|--------------------------------------|--|
| 1      | <u>COMBAT</u><br>CO 1                | 1 LT COL W. C. WILKINSON, DSO,<br>USA - R. (IG & C)                    |
| 2      | <u>ALTERNATE GOVT BRANCH</u><br>SO 1 | 1 LT COL W. F. SIMPSON, III (IG & C)                                   |
|        | SO 2                                 | 2 MAJ W. S. WOODSON, R. (IG & C)<br>CPT B. C. WILSH - R. (IG & C)      |
|        | SO 3                                 | 2 CPT V. HILGUCHY, III (IG & C)<br>S/CDR J. CUNNING - AFS (IG & C)     |
| 3      | <u>ALTERNATE GOVT BRANCH</u><br>SO 2 | 1 MAJ T. R. F. WHEEL - R. (IG & C)                                     |
|        | SO 3                                 | 2 CPT G. TISON - III (IG & C)  |
| 4      | <u>ALTERNATE GOVT BRANCH</u><br>SO 2 | 1 To be nominated.   |
|        | SO 3                                 | To be nominated.   |
| 5      | <u>ALTERNATE GOVT BRANCH</u><br>SO 2 | (a) 2 MAJ W. C. DRUMMOND - R. (IG & C)<br>MAJ W. NICHOLS - R. (IG & C) |
|        | SO 3                                 | 1 CPT W. F. TILAR - Gen List (IG & C)                                  |
| 6      | <u>ALTERNATE GOVT BRANCH</u><br>SO 1 | 1 MAJ G. C. F. DUNCAN - Gen List (IG & C)                              |
|        | SO 2                                 | 1 To be nominated.   |
|        | SO 3                                 | 1 CPT W. F. SHAW - Gen List (IG & C)                                   |

2

056

- 1 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)
- 2 ADJUTANT GENERAL'S OFFICE  
1 To be nominated.  
1 To be nominated.
- 3 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)
- 4 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)
- 5 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)
- 6 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)
- 7 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)
- 8 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)
- 9 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)
- 10 ADJUTANT GENERAL'S OFFICE  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)  
1 ADJUTANT GENERAL'S OFFICE - HLI (AG & C)

SECRET



Serial

Detail

(U.E. Selected or prospective officers.

**SECRET**

|     |                                 |     |                                 |
|-----|---------------------------------|-----|---------------------------------|
| 11. | <u>DISPLACED PERSONS ER NCH</u> | 1   | To be nominated.                |
|     | SO 2                            |     |                                 |
|     | SO 3                            |     |                                 |
| 12. | <u>LABOUR ER NCH</u>            | 1   | To be nominated.                |
|     | SO 2                            |     |                                 |
| 13. | <u>PROPERTY CONTROL ER NCH</u>  | 1   | C.PT J. TOPLISS - R. (.IG & .C) |
|     | SO 2                            |     |                                 |
|     | SO 3                            |     |                                 |
| 14. | <u>GRASS MAINTENANCE</u>        | * 1 | To be nominated.                |
|     | SO 1                            |     |                                 |
|     | SO 2                            |     |                                 |
|     | SO 3                            |     |                                 |
|     | SO 4                            |     |                                 |
|     | SO 5                            |     |                                 |
|     | SO 6                            |     |                                 |
|     | SO 7                            |     |                                 |
|     | SO 8                            |     |                                 |
|     | SO 9                            |     |                                 |
|     | SO 10                           |     |                                 |
|     | SO 11                           |     |                                 |
|     | SO 12                           |     |                                 |
|     | SO 13                           |     |                                 |
|     | SO 14                           |     |                                 |
|     | SO 15                           |     |                                 |
|     | SO 16                           |     |                                 |
|     | SO 17                           |     |                                 |
|     | SO 18                           |     |                                 |
|     | SO 19                           |     |                                 |
|     | SO 20                           |     |                                 |
|     | SO 21                           |     |                                 |
|     | SO 22                           |     |                                 |
|     | SO 23                           |     |                                 |
|     | SO 24                           |     |                                 |
|     | SO 25                           |     |                                 |
|     | SO 26                           |     |                                 |
|     | SO 27                           |     |                                 |
|     | SO 28                           |     |                                 |
|     | SO 29                           |     |                                 |
|     | SO 30                           |     |                                 |
|     | SO 31                           |     |                                 |
|     | SO 32                           |     |                                 |
|     | SO 33                           |     |                                 |
|     | SO 34                           |     |                                 |
|     | SO 35                           |     |                                 |
|     | SO 36                           |     |                                 |
|     | SO 37                           |     |                                 |
|     | SO 38                           |     |                                 |
|     | SO 39                           |     |                                 |
|     | SO 40                           |     |                                 |
|     | SO 41                           |     |                                 |
|     | SO 42                           |     |                                 |
|     | SO 43                           |     |                                 |
|     | SO 44                           |     |                                 |
|     | SO 45                           |     |                                 |
|     | SO 46                           |     |                                 |
|     | SO 47                           |     |                                 |
|     | SO 48                           |     |                                 |
|     | SO 49                           |     |                                 |
|     | SO 50                           |     |                                 |
|     | SO 51                           |     |                                 |
|     | SO 52                           |     |                                 |
|     | SO 53                           |     |                                 |
|     | SO 54                           |     |                                 |
|     | SO 55                           |     |                                 |
|     | SO 56                           |     |                                 |
|     | SO 57                           |     |                                 |
|     | SO 58                           |     |                                 |
|     | SO 59                           |     |                                 |
|     | SO 60                           |     |                                 |
|     | SO 61                           |     |                                 |
|     | SO 62                           |     |                                 |
|     | SO 63                           |     |                                 |
|     | SO 64                           |     |                                 |
|     | SO 65                           |     |                                 |
|     | SO 66                           |     |                                 |
|     | SO 67                           |     |                                 |
|     | SO 68                           |     |                                 |
|     | SO 69                           |     |                                 |
|     | SO 70                           |     |                                 |
|     | SO 71                           |     |                                 |
|     | SO 72                           |     |                                 |
|     | SO 73                           |     |                                 |
|     | SO 74                           |     |                                 |
|     | SO 75                           |     |                                 |
|     | SO 76                           |     |                                 |
|     | SO 77                           |     |                                 |
|     | SO 78                           |     |                                 |
|     | SO 79                           |     |                                 |
|     | SO 80                           |     |                                 |
|     | SO 81                           |     |                                 |
|     | SO 82                           |     |                                 |
|     | SO 83                           |     |                                 |
|     | SO 84                           |     |                                 |
|     | SO 85                           |     |                                 |
|     | SO 86                           |     |                                 |
|     | SO 87                           |     |                                 |
|     | SO 88                           |     |                                 |
|     | SO 89                           |     |                                 |
|     | SO 90                           |     |                                 |
|     | SO 91                           |     |                                 |
|     | SO 92                           |     |                                 |
|     | SO 93                           |     |                                 |
|     | SO 94                           |     |                                 |
|     | SO 95                           |     |                                 |
|     | SO 96                           |     |                                 |
|     | SO 97                           |     |                                 |
|     | SO 98                           |     |                                 |
|     | SO 99                           |     |                                 |
|     | SO 100                          |     |                                 |

6. " G.D. MUEHLER - Lancers (JG & .C)  
7. " J. ELLICE - R. (.C & .C)  
8. " J.D. LEGGITT - R. (.C & .C)  
9. " I.R. DEWING - R. (.C & .C)  
10. " E. du B.F. MITCHELL - Surrey's  
(JG & .C)  
11. " O.G. SUPPES - R. (JG & .C)  
12. " C.E.F. HAMBURY-DACEY - R. (JG  
& .C)  
13. " D.L. STATH - R. (JG & .C)  
14. " R.H. BRON - Lancers (JG & .C)  
15. " C.N. KNE - R. (22 C.U)  
16. " LORD . GORDON - R. (22 C.U)  
17. " C.PT R.N.K. BERESFORD - R. (JG & .C)  
18. " D.F. SCHLEINER - Cdn Inf  
(JG & .C)  
19. " E. TURNER - R. (JG & .C)  
20. " R.W. BUCHLEY - IntCorps  
(JG & .C)  
21. " J. HYDE - Gen List (JG & .C)  
22. " K.G. KEMP - R. (JG & .C)  
23. " R.D. BRISKE - R. (JG & .C)  
24. " H.G. HARRIS - 1st Corps  
(JG & .C)  
25. " R.L. COOK - Int Corps (JG & .C)  
26. " G. TITCHER - RLI (JG & .C)  
27. " D.J.C. DROWN - R. (JG & .C)  
28. " R. LECH - R. OC (JG & .C)  
29. " L.R. RICHARD - Par Corps  
(JG & .C)  
30. " J/CO.D P... FINELEY - TS  
(JG & .C)  
31. LIEUT. G.I. MURRY - Cdn Inf  
(JG & .C)  
32. LIEUT. A.E. JONES - Par C (JG & .C)  
33. LIEUT. R... H. STUBBS - BUFFS  
(JG & .C)  
34. C.PT. R. D. IR - R. (22 C.U)  
35. " D.R. WALLACE - R. (22 C.U)  
36. " H.U.I. JONES - R. (22 C.U)  
37. " L.C. MILLEN - R. (22 C.U)  
38. " G.T. FULLERTON - GAWES - SG  
(JG & .C)

## TOT I OFFICERS 77

\* Proposed that these appointments be added to 1.E.  
(a) Proposed that an existing SO 3 be upgraded to SO 2

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Appendix "A" 5

785016

HEAD STAFFS AUSTRIA

GAU KARTEN

PERSONNEL REWARD

| <u>Serial</u> | <u>Detail</u>                     | <u>WE</u> | <u>Selected or prospective officers</u>    |
|---------------|-----------------------------------|-----------|--|
| 1             | <u>COMMANDER</u><br>Colonel       | 1         | LT COL D.G.H.H. SMITH London Scot (AMB&AC) |
| 2             | <u>MILITARY GOVERNMENT BRANCH</u> |           |  |
|               | SO 1                              | 1         | LT COL S.H. WITT TD Gen List (AVG & AC)    |
|               | SO 2                              | 2         | MAJ F.H. WIDRON R BRKS (AVG & AC)          |
|               | SO 3                              | 1         | CAPT J.T.R. COLLOP RAC (AVG & AC)          |
|               |                                   |           | To be nominated                            |
| 3             | <u>ADMINISTRATIVE BRANCH</u>      |           |  |
|               | SO 3                              | 1         | CAPT F.P.S. POPP RA (AVG & AC)             |
| 4             | <u>LEGAL BRANCH</u>               |           |  |
|               | SO 2                              | 1         | To be nominated                            |
|               | SO 3                              | 1         | To be nominated                            |
| 5             | <u>FINANCIAL BRANCH</u>           |           |  |
|               | SO 2                              | (a) 2     | CAPT W.P. DRYBURGH Gen List (AVG & AC)     |
|               |                                   |           | CAPT C.H. ANGELL RA (AVG & AC)             |
| 6             | <u>PUBLIC SAFETY BRANCH</u>       |           |  |
|               | SO 1                              | *1        | To be nominated                            |
|               | SO 2                              | 1         | MAJ W.B. COLLINS Gen List (AVG & AC)       |
|               | SO 3                              | 1         | CAPT L.J.T.G.B. REPTT Gen List (AVG & AC)  |
| 7             | <u>PUBLIC HEALTH BRANCH</u>       |           |  |
|               | SO 3                              | 1         | CAPT C.T. JONES RAC (AVG & AC)             |
| 8             | <u>SUPPLY AND ECONOMIC BRANCH</u> |           |  |
|               | SO 1 (Supplies)                   | *1        | To be nominated                            |
|               | SO 2 (Agric, Forests, Fisheries)  | *1        | To be nominated                            |
|               | SO 3 (Supplies)                   | 1         | CAPT A.W. HUNT Pnr Corps (AVG & AC)        |
| 9             | <u>TRANSPORTATION BRANCH</u>      |           |  |
|               | SO 2                              | 1         | MAJ W.T. MARTIN R Sifs (AVG & AC)          |
| 10            | <u>UTILITY'S BRANCH</u>           |           |  |
|               | SO 3                              | 1         | CAPT R.Y.J. HIBBERD R (AVG & AC)           |
| 11            | <u>DISCIPLINED PERSONS BRANCH</u> |           |  |
|               | SO 2                              | 1         | To be nominated                            |

|    |                                   |       |  |  |
|----|-----------------------------------|-------|--|--|
| 5  | <u>FINANCIAL BRANCH</u>           |       |  |  |
|    | SO 2                              | (a) 2 | CAPT W.P. DEWBURGH Gen List (ANG & AC)     |  |
|    |                                   |       | CAPT C.H. ANGELL RA (ANG & AC)             |  |
| 6  | <u>PUBLIC SAFETY BRANCH</u>       |       |  |  |
|    | SO 1                              | *1    | To be nominated                            |  |
|    | SO 2                              | 1     | MAJ W.T. COLLINS Gen List (ANG & AC)       |  |
|    | SO 3                              | 1     | CAPT L.J.T.G.B. RUIPPT Gen List (ANG & AC) |  |
| 7  | <u>PUBLIC UTILITE BRANCH</u>      |       |  |  |
|    | SO 3                              | 1     | CAPT C.T. JONES RA/IC (ANG & AC)           |  |
| 8  | <u>SUPPLY AND ECONOMIC BRANCH</u> |       |  |  |
|    | SO 1 (Supplies)                   | *1    | To be nominated                            |  |
|    | SO 2 (Agric, Forests, Fisheries)  | *1    | To be nominated                            |  |
|    | SO 3 (Supplies)                   | 1     | CAPT A.W. HUNT Pnr Corps (ANG & AC)        |  |
| 9  | <u>TRANSPORTATION BRANCH</u>      |       |  |  |
|    | SO 2                              | 1     | MAJ W.T. MARTIN P Sigs (ANG & AC)          |  |
| 10 | <u>UTILITIES BRANCH</u>           |       |  |  |
|    | SO 3                              | 1     | CAPT R.H.J. HIBBERD RA (ANG & AC)          |  |
| 11 | <u>DISINFECTED PERSONS BRANCH</u> |       |  |  |
|    | SO 2                              | 1     | To be nominated                            |  |
| 12 | <u>LABOUR BRANCH</u>              |       |  |  |
|    | SO 2                              | *1    | To be nominated                            |  |
| 13 | <u>PROPERTY CONTROL</u>           |       |  |  |
|    | SO 2                              | *1    | To be nominated                            |  |
| 14 | <u>CRISIS ADMINISTRATION</u>      |       |  |  |
|    | SO 2                              | 10    | 1. MAJ M.H. BILTON OXF BUCKS (22 CAU)      |  |
|    |                                   |       | 2. MAJ I. FAYON RA (22 CAU)                |  |
|    |                                   |       | 3. MAJ G.B. BUTTER RA (22 CAU)             |  |
|    |                                   |       | 4. MAJ F.V.J.C. SMYTH RA (ANG & AC)        |  |
|    |                                   |       | 5. MAJ G.F.G. POLIN RA (ANG & AC)          |  |
|    |                                   |       | 6. MAJ M.H. HARRISON Gen List (ANG & AC)   |  |
|    |                                   |       | 7. MAJ A. MCCHEAN RA (ANG & AC)            |  |
|    |                                   |       | 8. MAJ I.D. TURNER T.R. (ANG & AC)         |  |
|    |                                   | 13    | 1. CAPT H.C. CORBIN Gen List (ANG & AC)    |  |
|    |                                   |       | 2. CAPT D.E. HURLES WORG R (ANG & AC)      |  |
|    |                                   |       | 3. CAPT H. BAKER Gen List (ANG & AC)       |  |
|    |                                   |       | 4. CAPT H.H.F. WILLS DWVONS (ANG & AC)     |  |
|    |                                   |       | 5. CAPT D. ROSE RA (22 CAU)                |  |
|    |                                   |       | 6. CAPT G.H. INGHAM T.R. (22 CAU)          |  |
|    |                                   |       | 7. CAPT B.M. WILLIAMS RA (22 CAU)          |  |



SECRET

Appendix "F" Continued

8 CAPT D.J. WATSON, SUFFOLK (22 CAU)  
9 CAPT G.M.L. SMITH, RA (22 CAU)  
10 CAPT R.T. LLOYD-MOIRY, TECOF (22 CAU)  
11 CAPT E.N. CHEYNE, V (22 CAU)  
12 LT W.C. CUBBERLEY, RA (A/C & AC)  
13 LT L.V. SLADE, VA (22 CAU)  
14 LT R.N. HETHERINGTON, RA (22 CAU)  
(Surplus Captains are against deficiencies  
in Majors)

Total officers 46

- \* Proposed that these appointments be added to "F"
- (a) Proposed that existing SO 3 be up graded to SO 2.

1514

Declassified E.O. 12356 Section 3.3/NND No.

785016

SECRET

SCHEDULE OF AMENDMENT

N.B. The amendments shown below are those which affect the Allied Commission, IT.IY. Amendments not directly affecting .G.C. are omitted from this summary.

DELETIONS.

The following nominations included in the lists forwarded under G-5 letter of 14 Jan. '45 have been excluded from the lists now submitted.

1. G-5 STAFF USTRI.

Legal.

M/Comd H. ... DICKIE, R.F.

2. G. STAFF CHANTS.

- (a) Accounting Section
- (b) Currency Section

See Appendix 2 for alterations.

3. G-5 VISITORS.

- (a) Property Control
- (b) Public Utilities

(c) Public Safety

(d) Public Health

(e) Legal

(f) Public Safety

(g) Property Control

(h) Kreiswehr

- Maj C. ... GULL AND R.
- Maj ... G. PAILEY ACOC
- Maj H. ... WESTOOD MBE
- Lt Col H. DOHERTY Gen List
- Maj G. ... REVELLY MBE
- Maj W. ... CALDWELL R.
- Maj L.G. NORMAN R.A.C

- Capt L. COHEN R Siss
- Maj G. ... DYE M SOE II
- Capt E.N. BLACKLOCK RGS
- Maj ... I C.M. Gen List.
- Capt. B. ... S. LISH. J. Fur. Corps.
- Maj. ... H. HILTON, Buffs.
- Maj. J.K. HARRIS, Kinns.
- J/Comd W. HILLIER, ...
- Capt. T.B.H. ULTON, R. (but see par. 11(b))
- Capt. C.B. TINKINSON-GILL, ...
- Capt. R. ... OUTHET, Cdn. Inf.
- Capt. R. ... S VIL, Cheshire.
- Capt. ... H. S L. Y. Gen List.

See Appendix A.2 for alterations.

- (a) Accounting Section
- (b) Currency Section

3. G.U. VICTIMS.

- (a) Property Control
- (b) Public Utilities

(c) Public Safety

- (d) Legal
- (e) Public Health

G.U. STAFF.

- (a) Adm Branch
- (b) Legal
- (c) Public Safety
- (d) Supply
- (e) Property Control
- (f) Welfare

- Capt L... COHEN R Sigs
- Maj G... DYE M Sigs II
- Capt E.H. BLACKLOCK MOS
- Maj ... i Coy. Gen List.
- Capt. B... S. Lish... Fr. Corps.
- Maj. S.H. HAMILTON, Buffs.
- Maj. J.K. HARRIS, Kings.
- J/Comd M. HILLIER, ...
- Capt. T.B.H. ULTON, M. (but see par 11(b))
- Capt. C.B. KINSON-GRIFFITH, "
- Capt. R. CUTHBERT, Cdn. Inf.
- Capt. R. S VIL, Cheshire.
- Capt. ... H. S L... Y. Gen List.

5/

5. G.U. ...

- (a) Military Govt. Branch.
- (b) Legal.
- (c) Supply.
- (d) Welfare

- J/Comd. ... F.E. COGGIN, ... T.S.
- Maj. F. B. CKHOUSE.
- Capt. J. ...
- Maj. H. DRING, S. Lances.
- Capt. H... N. F. NE. R... (but see para. 11(b) below)

ADDITIONS.

Following appointments which are included in the lists now submitted are additional to the nominations in lists forwarded under G-5 letter of 14 Jan.

6. C-5 STAFF USTRI.

- (a) Legal.
- Lt. Col. I.G.H. CAMPBELL, R.D.

SECRET



SECRET

7. C. ATCHMENTS.

- (a) Accounting Section
- (b) Currency Section
- (c) FF..

see Appendix 2 for alterations

Capt. E. CROFT-MURNY, Int. Corps.  
Capt. T.H. BRACK, KANG.

8. G.U. VIEN.

- (a) Bezirk (Police Offr.) Capt. R. HUNT, Gen List.
- (b) Public Safety. Capt. L.A. SHTON, Gen. List.

9. G.U. STIRIK. KK.

- (a) Finance. Capt. E.F. TIL R. Gen. List.

10. G.U. K. STERN.

- (a) Kreise di. Capt. D.E. HUNDLES, Gen. List.

ADDITIONS TO BE CONSIDERED BY H. . . . C.

11. The following officers will be considered for nominations for appointments in UETVI .

(a) Displaced Persons.

Maj. G. H. H. N. Gen. List.  
Maj. H. J. ENTHOV. N. . . . .  
Maj. L. H. S. S. SON, d. . . . .  
Capt. F. C. HARRISON, d. . . . .

(b) Public Safety Police Officers.

Number of Police officers are required to replace GOs in Kreise di. The following will be considered as replacements for those GOs referred to in paras. 4 (b) and 5 (d) above.

Capt. D. A. J. BULLOCK, Gen. List.  
Capt. S. E. COULT, Gen. List.  
Capt. F. C. H. Y. AD, Gen. List.  
Capt. T. P. HUNTER, Gen. List.  
Capt. F. B. SINGHED-JNEY, Gen. List.  
Capt. J. J. JHYE, Gen List.

(c) Supply & Economics Branch ( of a G.U)

1518  
1  
Declassified E.O. 12356 Section 3.3/NND No. 785016

1. Maj. C. H. ATIM, Gen. List.  
2. Maj. H. J. EATHOVAN, B. . .  
3. Maj. L. W. J. S. SON, B. . .  
4. Capt. F. J. H. WILSON, B. . .

(b) Public Safety Police Officers.

Number of Police officers are required to replace GCOs in Kreis 1. The following will be considered as replacements for those GCOs referred to in paras. 4 (b) and 5 (d) above.

Capt. D. A. J. BULLOCK, Gen. List.  
Capt. S. A. E. COULT, Gen. List.  
Capt. F. C. H. Y. IND, Gen. List.  
Capt. T. P. HUNTER, Gen. List.  
Capt. F. MASSINGHEAD-WINDY, Gen. List.  
Capt. J. J. WYTE, Gen. List.

(c) Supply & Economics Branch ( of a G.U)

Lt. Col. W. N. STEWART, B. . . S. C.

(d) Leads.

Maj. B. E. . . COLT, B. . .

AMENDMENT NO. 1 TO A.P.H.C. LETTER

G-5: 210.3-30 of 15 February

SECRET

AMENDMENTS.

1. Proposed ICA attachments to G-5 Staff AUSTRIA

- (a) MEMO. - for SO 3, 2 read SO 3, 1
- (b) Supply & Economics - delete all details and substitute:
  - SO 2 (Agriculture) 1 to be found ex U.K.
  - SO 2 (Industry) 2 to be found ex U.K.

2. GAU VIENNA

- (a) Industry & Commerce - delete Maj H.G. REID. R.A. (JMG & AC)

3. GAU STEIERMARK

- (a) Military Govt. Branch - delete Lt Col W.R. SIMPSON ILLI (JMG & AC)  
insert Lt Col H. LLOYD-CARSON R. ILLI R.  
(From U.K.)

VIENNA ADJUSTMENTS. (not affecting AC ITALY)

4. G-5 Staff AUSTRIA

- (a) Intelligence Section - delete Capt. W.R. MCALLEY. Int. Corps (22 CAU)  
insert Capt. DILLON. P.A. 12 I (22 CAU)

5. GAU VIENNA

- (a) Bezirke Adm - delete Capt. P.A. DILLON 12 I (22 CAU)  
insert Capt. W.R. MCALLEY Int. Corps. (22 CAU)
- (b) Industry & Commerce - insert Maj. S.H. BLACKWELL RAOC (ex SHLEF)

6. GAU STEIERMARK

- (a) Military Govt. Branch - delete Maj. W.R.S. HOPKINSON RA. (JMG & AC)  
insert Maj. L.H. WILSON RA (22 CAU)
- (b) Adm. Board - insert J/Comd D.M. FENNELL AFS (JMG & AC)
- (c) Supply & Economic Branch - insert against SO1, Maj W.R.S. HOPKINSON RA (JMG & AC)  
insert against SO2, Maj A.M. STUART  
RA (ex U.K.)

1520

INTERNAL ADJUSTMENTS, (not affecting AC IV/III)

4. G-5 Staff Austria  
(a) Intelligence Section - delete Capt. J.R. HARTLEY, Int. Corps (22 CAU)  
insert Capt. DILLON, F.A. 12 L (22 CAU)

5. CAU VIENNA  
(a) Bezirke Adm - delete Capt. P.A. DILLON 12 L (22 CAU)  
insert Capt. J.R. HARTLEY Int. Corps. (22 CAU)  
(b) Industry & Commerce - insert Maj. S.H. MACHENELLY RAO (ex SHLEF)

6. CAU STUTTGART  
(a) Military Govt. Branch - delete Maj. W.R.S. HODGSON RA (AMG & AC)  
insert Maj. L.H. WILSON RA (22 CAU)  
(b) Adm. Board - insert J/Comd D.M. FURLEY ATS (AMG & AC)  
(c) Supply & Economic Branch - insert against SO1, Maj W.R.S. HODGSON RA (AMG & AC)  
insert against SO2, Maj A.M. STUART RA (ex U.K.)

(d) Property Control - delete Maj L.H. WILSON RA (22 CAU)  
insert Capt. R. CROSBY RASC (ex U.K.)  
insert against SO3 Lt. E.D. HAM RA (ex U.K.)  
(e) Kreise Adm. - delete Maj D.L. STURTH RA (AMG & AC)  
delete J/Comd D.M. FURLEY ATS (AMG & AC)

7. CAU KARLSTADT  
(a) Military Govt. Branch - insert against SO2 E/Comd P.B. STONES  
ATS (ex U.K.)  
(b) Supply & Economic Branch - add SO2 (supplies)  
insert against SO2 supplies, Maj. D.L. STURTH RA (AMG & AC)

53



1 5 2 1

470 ✓ file

SECRET 31A

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Tel. Ext. 603

16 Feb 45

Ref. 1/22 B/CA

SUBJECT:- Personnel for Austria.  
TO:- Establishment Section.  
(Attn. Col. Fiske)

In confirmation of telephone conversation of this afternoon (Brigadier Upjohn - Col. Fiske speaking) the name of CAPT. J.B. LEVY is substituted for that of CAPT. C.F. DELBRIDGE Jr. in the list of Officers submitted in this office letter 1/22 B/CA dated 15 Feb 45.

*R.R. Cripps*  
R.R. CRIPPS Col.  
C.S.O. CA Sect.

Copy to:- Legal Sub-Commission ✓

CB/

|                 |    |
|-----------------|----|
| LEGAL SUB.COM   |    |
| CLO             |    |
| DCLO            | ✓  |
| Chief Counsel   |    |
| CJO             |    |
| Italian Section |    |
| CLERKS          |    |
|                 | 52 |

SECRET

17 FEB 1945

1 5 2 2

4170  
✓

File

30A

SECRET

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Tel. Ext. 603

16 Feb 45

Ref: 1/22 B/CA

SUBJECT: Personnel for Austria

TO: Establishment Section  
(Att. Col. Fiske.)

Reference our letter 1/22 B/CA dated 15 Feb 45 and your letter 130/Est dated 15 Feb 45.

Will you please substitute the name of CAPT. C.F. DELBRIDGE Jr. for that of 1st LT. M.A. MILLER, in the list of Officers submitted.

*R.R. Cripps*

R.R. CRIPPS Col.  
CSO CA Section.

Copy to: Legal Sub-Commission ✓

CB/

| LEGAL SUB-COMMISSION |  |
|----------------------|--|
| ○                    |  |
| ○                    |  |
| Chief Counsel        |  |
| Clg                  |  |
| Italian Section      |  |
| CRKS                 |  |

16 FEB 1945

51

1523

*File*

SECRET

29A

4170

HEADQUARTERS ALLIED COMMISSION  
AND  
CIVIL AFFAIRS SECTION

Tel. Ext. 608

Ref: 1/22B/CA.

15 Feb 45.

SUBJECT: Personnel for Austria.  
TO: Establishment Section  
(Attn. Col. Sisko.)

In accordance with your request for Officers with specific qualifications for duty with Austria Planning Staff, the Officers whose names are set out on the list appended below are available for immediate release for work in this connection.

CIVIL AFFAIRS SECTION

Public Safety:

- Major E.L. CHAFFY
- Capt. J.C. DAVIDSON
- Capt. S. BEATY
- 1/Lt. P.A. WOOD.

Public Health Officers:

- Lt. Col. Walter H. NILES
- Lt. Col. Charles L. ADAMS

Legal Officers:

- Major R.M. WOODWARD
- Major T.A. ROGERS
- Major G.S. ~~PARLIN~~ PARLIN
- ~~1/Lt. ...~~
- Capt. C.F. DELBRIDGE

LEGAL SUB-COMMISSION

|                 |   |
|-----------------|---|
| ○               |   |
| ○               | ✓ |
| Chief Counsel   |   |
| CID             |   |
| Italian Section |   |
| CL RKS          |   |
| 16 FEB 1945     |   |

*R.A. Cripps*  
R.A. CRIPPS, Col.,  
CIVIL AFFAIRS SECTION.

Copy to: Public Safety Sub-Commission,  
Public Health Sub-Commission,  
Legal Sub-Commission

*Capl ...*

162

1524

Declassified E.O. 12356 Section 3.3/NND No. 785016

ADDRESS AUSTRIA PLANNING

c/o.

File 4170

O.C. ~~etc~~ 22 Civil Affairs Unit

C.M.P.



1525

*Handwritten:* 4170  
APHQ G-5

*Handwritten:* 27A

1439

10 February 1945

ROUTING

RESTRICTED PD

SUBJECT IS AUSTRIA PLANNING LEGAL PD

PAREN TO APHQ FOR G-5 FROM AJOOM CITE ACLEG PAREN

PARA ONE PD REQUEST YOU SEND SIGNAL LONDON FOR SCHUSTER STATING LT COL CAMPBELL DEPARTS NAPLES MONDAY TWELVE FEBRUARY

LEGAL SUB-COMMISSION

302

*Handwritten:* 49

1526

4170/

# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

26A

Originator's Reference: LEG 109  
Date/Time of Origin: FEB 091300A

Message Centre No: D/1339  
Date Time Rec'd: FEB 100915A  
Precedence: IMMEDIATE

FROM: ACAP HAMBUR LONDON  
TO: AFHQ RPTD AC ITALY

## CONFIDENTIAL

CONFIDENTIAL.

Your F 22547. LEG 94 begins.

For G5 Subject Legal Planning AUSTRIA. Confirming conversation Lord SCHUSTER may Lt Col IAN CAMPBELL Legal SubCommission ALLIED COMMISSION visit U K for discussion final text legal documents and legal planning AUSTRIA. Target date documents imminent due regrettable delay Lord SCHUSTER's journey after departure. BENSON agrees this proposal. Ends.

DIST

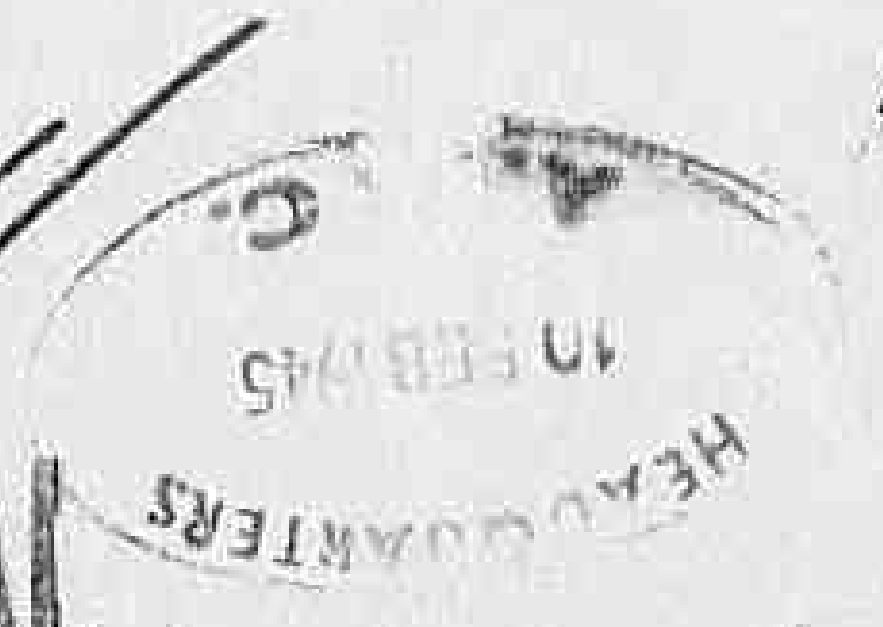
INFO-ACTION: Legal S/C  
INFO: A/President  
Chief Commissioner  
CA S c  
C-1(P)  
Est Sec  
File 2  
Float

INFO - ACTION

|                      |  |
|----------------------|--|
| LEGAL SUB COMMISSION |  |
| CLO                  |  |
| SOLO                 |  |
| Chief Counsel        |  |
| CO                   |  |
| Italian - Section    |  |
| CL RKS               |  |
| 10 FEB 1945          |  |

*x Ill received this message  
+ Yes - but AFHQ never received it!  
N.A*

## CONFIDENTIAL



28

1527

4170 file

25A

Ext. 510

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION  
APO 394

6 February 1945

REFERENCE: G-14/83/A

SUBJECT : Planning for Austria

TO : Chief Legal Adviser, Legal S/C

The officers shown on the attached list are earmarked for employment in Austria.

While considering the question of the replacement of these officers it is necessary to investigate whether they can be replaced by qualified civilians. To assist in this investigation please complete column 2 and 3 on the attached list, and return to this office as soon as possible.

Please treat this matter as very urgent.

J. L. JONES  
Colonel  
Executive Officer (B)

/aof

| LEGAL SUB-COMMISSION |          |
|----------------------|----------|
| CLO                  |          |
| DCLO                 |          |
| Chief Counsel        |          |
| CLD                  |          |
| Legal Secretary      |          |
| Legal Officer        |          |
|                      |          |
| 7                    | FEB 1945 |

41

COPY

COLUMN 1

COLUMN 2

COLUMN 3

25B

Name

Location & Duties

In your opinion can replacement be a qualified civilian.

|                          |   |    |
|--------------------------|---|----|
| Lt.Col. Campbell (B)     |   | NO |
| Major C.A. Bamlet (B)    |   | "  |
| Major W.A. Caldwell (B)  | } Legal Officers<br>in the field,<br>holding AMG<br>courts. | "  |
| Capt. W.T. Fielding (B)  |   | "  |
| Maj. G.W. McFadyean (B)  |   | "  |
| Capt. E.N. Blacklock (B) |   | "  |
| Major P. Backhouse (B)   |   | "  |
| Capt. J. Mere (B)        |   | "  |
| Major D.A. Rogers (A)    |   | "  |
| Capt. C.F. Delbridge (A) |   | "  |
| Capt. F.L. Peyton (A)    |   | "  |

Capt. J.W. Levy (A) now at HQ but will be sent into an AMG province as soon as necessary for N.W. Italy.

7. Feb. 45

W. E. BEHRENS, Colonel,  
Deputy Chief Legal Advisor

*Original sent by hand to Es Off...*

46

7 FEB 1945



# INCOMING MESSAGE

HEADQUARTERS ALLIED COMMISSION

24A

Originator's Reference: LEG/94  
Date Time of Origin: FEB 2/0915

Message Centre No: D/514  
Date Time Rec: FEB 3/1710  
Precedence: ROUTINE

4170

FROM: ACAB HAMER LONDON  
TO: AFHQ INFO ALCOM

## CONFIDENTIAL

CONFIDENTIAL

For G-5. Subject legal planning AUSTRIA. Confirming conversation LORD SCHUSTER (one corrupt group) IAN CAMPBELL legal sub commission ALCOM visit UK for discussions final text legal documents and legal planning AUSTRIA. Target date documents imminent due regretable delay LORD SCHUSTE'S journey after departure. BENSON agrees this proposal.

DIST

INFO-ACTION : LEGAL SC

INFO - ACTION

INFO : A/PRESIDENT  
CHIEF COMMISSIONER  
CA SEC  
FILET(2)  
FLOWT

|                     |  |
|---------------------|--|
| LEGAL SUB-COMMISSIO |  |
| CLO                 |  |
| DCLO                |  |
| Chief Counsel       |  |
| CJO                 |  |
| Italian Sec         |  |
| CL RKS              |  |

10

HEADQUARTERS  
FEB 1945

FEB 1945

## CONFIDENTIAL

1530

CONFIDENTIAL (23A)

4170

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

Ref : 1/22/CA

29 JAN 1945

SUBJECT : G.5. Austria - Personnel.

TO : ~~G-1(B)~~

2/A

Reference GI-B/83A dated 18 Jan 45 and nominal roll attached.

1. Will you please substitute Lt Col I.G.H. CAMPBELL in serial 6 for Wing Commr DICKIE.
2. It should be made plain to AFHQ that the terms on which Lt Col CAMPBELL is earmarked for this post are as follows:-
  - (a) He will be included in the earliest operational phase of A.C. Austria to fill a vacancy carrying the rank of Colonel.
  - (b) He will not be called for until required operationally. This will not prevent his going to PERTICI from time to time for 2 1/2 hours to supervise planning.
3. The above has been orally agreed with Lord SCHUSTER, Sp Capt SIKKON and Lt Col JACKLING.

*G. R. Urjohn*  
G. R. URJOHN, Brig.,  
VP CA Section,  
DCUS AC.

Copy to :- Legal Sub-Commn.



|                   |    |
|-------------------|----|
| LEGAL SUB-COMMISS |    |
| CLO               |    |
| DCLO              | ✓  |
| Chief Counsel     |    |
| CJO               | ve |
| Italian Section   |    |
| CLERKS            |    |
| 29 JAN 1945       |    |

43

3

1531

22A

SECRET

HEADQUARTERS ALLIED COMMISSION  
APO 394  
LEGAL SUB-COMMISSION

AC/1170/L.

26 January 1945

SUBJECT: Planning for Austria.

TO: C. A. Sec.

Reference G-1B/82/4 dated 18 Jan 45, say the following amendment please be made to para.6 of the nominal roll of personnel earmarked for G-5 Staff Austria, which is attached to the above quoted letter :-

1170/L

W/Comd. A.H.H.W.DICKIE RAFF  
(A.M.C. & A.C.)

W. E. BEHRENS, Colonel,  
Deputy Chief Legal Advisor.

21A

HEADQUARTERS ALLIED COMMISSION  
APO 394

SECRET

18 January 1945

REFERENCE: G-1B/83/A

SUBJECT : Planning for Austria

TO : Distribution below

1. Attached herewith is a nominal roll of officers who have been provisionally earmarked for military government in AUSTRIA. The nominal roll is divided into five parts as follows:-

- G-5 Staff AUSTRIA
- ACA Accounting & Currency Section
- GAU VIENNA (Br element)
- GAU STEIERMARK
- GAU KANTZEN

2. It is proposed that G-5 AF HQ shall periodically (not more frequently than once a month) issue a new nominal roll to bring the previous one up to date in the light of possible amendments.

3. Arrangements are well advanced for officer replacements where considered necessary with priority to the Regions of PEMONTE, LIGURIA, LOMBARDIA, VENEZIA and ABRUZZI-MARCHE.

4. Except for a small number of officers who will be required for planning it is not anticipated that there will be any movement of officers on a permanent basis until officer replacements are either in position, or have been nominated.

5. Many of the officers nominated for AUSTRIA will be called upon to attend a Course of Instruction on AUSTRIA. The Course will be of approximately 14 days' duration, after which they will return to their duty stations.

6. Nothing in this letter or the attached nominal rolls will be taken as meaning that an officer will finally be selected for the appointment for which he has been provisionally earmarked. The fact that an officer's name appears against an appointment of a higher grade than his present rank, does not mean that the officer has been, or ever will be, recommended for such promotion.

7. There has been some misunderstanding regarding Military Government teams for AUSTRIA. It is desired to make it clear to all concerned that they are part of an operational organization, and the question of whether an officer desires to remain in the service at the end of hostilities does not arise.



3. Arrangements are well advanced for officer replacements where considered necessary with priority to the Regions of PEMONNE, LIGURIA, LOMBARDIA, VENEZIA and ABRUZZI-MARCHE.

4. Except for a small number of officers who will be required for planning it is not anticipated that there will be any movement of officers on a permanent basis until officer replacements are either in position, or have been nominated.

5. Many of the officers nominated for AUSTRIA will be called upon to attend a Course of Instruction on AUSTRIA. The Course will be of approximately 14 days' duration, after which they will return to their duty stations.

6. Nothing in this letter or the attached nominal rolls will be taken as meaning that an officer will finally be selected for the appointment for which he has been provisionally earmarked. The fact that an officer's name appears against an appointment of a higher grade than his present rank, does not mean that the officer has been, or ever will be, recommended for such promotion.

7. There has been some misunderstanding regarding Military Government teams for AUSTRIA. It is desired to make it clear to all concerned that they are part of an operational organization, and the question of whether an officer desires to remain in the service at the end of hostilities does not arise.

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SECRET

C-5 STAFF AUSTRIA

PERSONNEL EAR-MARKED.

| <u>Serial</u> | <u>Detail.</u>                         | <u>W.E.</u> | <u>SELECTED OR PROSPECTIVE OFFICERS</u>        |
|---------------|--|-------------|--|
| 1             | ACOS Brig.                             | 1           | * Gp/Cept. C.E. BENSON, DSO, RAF.              |
| 2             | <u>Co-ordination Staff</u>             |             |  |
|               | SO 1                                   | 1           | * Lt. Col. P.F. BENTON-JONES, R.A. (AMG & IC)  |
|               | SO 2                                   | 1           | * Maj. A.J.W. CLARKE, Suffolk. (No. 22 CAU)    |
|               | SO 3                                   | 2           | * Capt. W.R. HARTLEY, Int. Corps. (No. 22 CAU) |
|               |  |             | * J/Comd. H.J. FRISE, JTS (No 22 CAU)          |
| 3             | <u>Internal Administrative Branch.</u> |             |  |
|               | DIA & OIG Staff Cpts.                  | 1           | * Maj. P.W. HARRIMAN, RI (AMG & IC)            |
|               |  | 2           | * Capt. B.T. FIERBY, More's (No. 22 CAU)       |
|               |  |             | * Capt. R. MILLERS, RI (No. 22 CAU)            |
| 4.            | <u>Public Safety Branch.</u>           |             |  |
|               | SO 1                                   | 1           | * Maj. E.J. FULLER, Gen List (AMG & IC)        |
|               | SO 2                                   | 1           | * Maj. J.... HCKAY, Gen List (AMG & IC)        |
|               | SO 3                                   | 1           | * Cap. E.J.R. ROBERTS, Gen List (AMG & IC)     |
| 5.            | <u>Health Branch.</u>                  |             |  |
|               | SO 2                                   | 1           | * Capt. C.O.S. BROOKE, RANG (AMG & IC)         |
| 6.            | <u>Local Branch.</u>                   |             |  |
|               | SO 1                                   | 1           | */Comd. H.H.M. DICKES, RAF? (AMG & IC)         |
|               | SO 2                                   | 2           | * Sqn/Ldr P.H. LAYTON, RAF (No. 22 CAU)        |

Note: Proposed to delete one SO 2 from 'E.

7. Finance Branch.

- 2 \* Capt. E.T. FIFTEY, Merc's (No. 22 CAU)
- \* Capt. R. WILKINS, R. (No. 22 CAU)
  
- 4. Public Safety Branch.
  - SO 1 \* Maj. E.J. FULLER, Gen List (AMG & AC)
  - SO 2 \* Maj. J... HICKY, Gen List (AMG & AC)
  - SO 3 \* Cap. E.J.R. ROBERTS, Gen List (AMG & AC)
  
- 5. Health Branch.
  - SO 2 \* Capt. C.O.S. BROOKE, RAMC (AMG & AC)
  
- 6. Legal Branch.
  - SO 1 W/Comd... H.H.M. DICKIE, RFP? (AMG & AC)
  - SO 2 \* Sgt/Ldr P.H. LAYTON, R.F (No. 22 CAU)

Note: Proposed to delete one SO 2 from 'E.
  
- 7. Finance Branch.
  - Col. G. \* Col. P.C. ANDERSON DEO, MC (AC)
  - SO 2 \* Maj. C.R. GUTTIS, KRRC (22 CAU)
  - SO 3 \* Maj. T.W.G. GILBERTSON, R. (22 CAU)
  - \* Capt. P.E. HUSBAND, Gen List (22 CAU) **41**
  
- 8. Displaced Parsons Branch.
  - SO 1 } Maj. J.E. DUFOUR, RC. (AMG & AC)
  - SO 1 } Maj. D.J.B. TENNENT, R.SC (AMG & AC)
  
- 9. Supply Branch.
  - SO 1 } \* Maj. C.H. SYKES, R.SC ( AMG & AC)
  - SO 2 } \* Maj. R.C. HELLFELL, R.SC ( No. 22 CAU)
  - SO 3 } \* Maj. V.F.R. YOUNG, R. (AMG & AC)
  - To be nominated.
  
- 10. Transportation Branch.
  - SO 2 Capt. R.H. WILKER, R.SC (AMG & AC)

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Serial.      Detail      W.E.      SELECTED OR PROSPECTIVE OFFICERS

PROPOSED ADDITIONS TO VE

11.      Deputy ..COS (Col)      1      \* W/Comdr. E.T. BEER, R.F (AMG & AG 8 Army)

Property Control.

12.      50 2      1      \* Maj. F.C. BAKER, RA. (22 C.U)

\* ..t present with AMG 8 Army or G-5 Staff AUSTRIA.



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ACA ACCOUNTING AND CURRENCY SECTIONS.

PERSONNEL FARMARRED

ACCOUNTING SECTION

Proposed WE

|         |   |
|---------|---|
| Colonel | 1 |
| S0      | 1 |
| S02     | 5 |
| S03     | 3 |

Selected as Prospective Officers.

Believed nominated in UK  
T/Lt.Col. J. H. Hall, RA (AMG & AC)  
To be nominated.

Capt. J.E. Hayes, RA. (AMG & AC)  
Two to be nominated

CURRENCY SECTION

Proposed WE

|     |   |
|-----|---|
| S02 | 2 |
| .   | . |
| S03 | 3 |

Selected as Prospective Officers.

T/Maj. D. Drimmie, RA (AMG & AC)  
CSE to be nominated.

T/Capt. J.W. Clay, Gen List (ACA)  
Two to be nominated

SECRET

T/Maj. D. Drimmie, RA (AMG & AC)  
 CTS to be nominated.

T/Capt. J.W. Clay, Gen List (AC)  
 Two to be nominated

S02 2

S03 3

SECRET

G A U V I E N N A

PERSONNEL MARKED

| <u>Serial</u> | <u>Detail</u>                     | <u>WE</u> | <u>SELECTED OR PROSPECTIVE OFFICERS</u>   |
|---------------|-----------------------------------|-----------|---|
| 1             | SMGO - Brig                       | 1         |   |
| 2             | D/SMGO - Col                      | 1         |   |
| 3             | <u>MILITARY GOVERNMENT BRANCH</u> |           |   |
|               | S01                               |           | 1 Lt. Col. J.H. Giffen Gen List (AMG & AC)  |
|               | S02                               |           | 2 Maj F.R.I. Williams R. Fus. (AMG & AC)  |
|               | S03                               |           | 2 Capt P.E. Clarke Int Corps (AMG & AC)   |
|               |                                   |           | J/Cdr G.K. Palmer ATS (AMG & AC)  |
|               |                                   |           | Note:- Proposed that one S02 be deleted from WE   |
| 4             | <u>Bezirks Adm</u>                |           |   |
|               | S03                               | 8         | Capt J. Goulding RA (AMG & AC)<br>Capt G.H. Campbell RA (AMG & AC)<br>Capt A.V. Purvis R. Fus (AMG & AC)<br>and 5 to be nominated |
|               |                                   |           | Note:- Proposed that 4 S03 be added to WE as Public Safety officers   |
| 5             | <u>SUPPLY AND ECONOMIC BRANCH</u> |           |   |
|               | Col                               |           | Capt P.H. BRICKNELL Gen List (AMG & AC)   |
|               | S02                               | 1         | Capt J. M.DHILL Gen List (AMG & AC)   |
|               | S03                               | 1         | two more to be nominated.   |
|               |                                   | 1         | To be nominated   |
|               |                                   | 1         | To be nominated   |
|               |                                   |           | Note:- Proposed that S0 2 be deleted from WE.   |
| 6             | <u>LABOUR SECTION</u>             |           |   |
|               | S02                               | 1         | Capt C.W.H. Buckwell Int Corps (AMG & AC)   |
|               |                                   |           | Note:- Proposed that one S03 be added to WE<br>to be nominated  |
| 7             | <u>Industry and Commerce</u>      |           |   |
|               | S02                               | 1         | Maj H.G. Reid RA (AMG & AC)   |
|               | S03                               | 2         | one to be nominated   |
|               |                                   |           | Note:- Proposed that one S03 be deleted from WE   |
| 8             | <u>Finance Section</u>            |           |   |
|               | S01                               |           |   |



Capt P.H. BRICKWELL Gen List (AMG & AC)  
Capt J. MADHILL Gen List (AMG & AC)  
two more to be nominated.

5 SUPPLY AND ECONOMIC BRANCH

- 1 To be nominated
- 1 -
- 1 To be nominated

Note:- Proposed that SO 2 be deleted from VE.

6 LABOUR SECTION

- 1 Capt C.W.H. Buckwell Int Corps (AMG & AC)

Note:- Proposed that one SO3 be added to VE to be nominated

7 Industry and Commerce

- 1 Maj H.G. Reid RA (AMG & AC)
- 2 one to be nominated

Note:- Proposed that one SO3 be deleted from VE

8 Finance Section

- 1 Maj G.K. Tyrell Gen List (AMG & AC)
- 1 Maj A.G. Withers Gen List (AMG & AC)
- 1 Capt H.C.J. Hall Innisks (AMG & AC)

9 Property Control

- 1 Maj C.M. Gulland RA (AMG & AC)
- 1 Capt P.H. Vincent SAAF (AMG & AC)

10 Transportation

- 1 To be nominated
- 1 To be nominated

11 Supply Section

- 1 Maj R.J. Meyer R.E. (AMG & AC)
- 1 Capt T.D. Hatt ACC (AMG & AC)
- 1 Lt. R. Homer RAOC (AMG & AC)

12 Public Utilities

- 1 Maj J.S. Merritt C.I.C. (No. 22 CAU)
- 4 T/Maj A.G. Perley RCOC (AMG & AC)
- T/Maj H.M. Westwood RE (AMG & AC)

Note:- Proposed that two SO2 be deleted from VE

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ADMINISTRATIVE BRANCH

- Col1 1 to be nominated
- S02 1
- S03 1 To be nominated

Note:- Proposed that S02 be deleted from VE.

14 Public Safety

- Col 1 Lt. Col. W. Doherty Gen List (AMG & AC)
- S01 1 Lt. Col. J.R. Pollock Gen List (AMG & AC)
- S02 3 Maj J.C. Reid Gen List (AMG & AC)
- S03 2 Maj G.W. Brooke Gen List (AMG & AC)
- Staff Lt 2 Maj G.M. Revely R.A. (AMG & AC)
- 2 Capt C. Noble Gen List (AMG & AC)
- 2 Capt T.W.M. Greenhill Gen List (AMG & AC)
- 2 To be nominated

15 Legal Section

- S01 1 Maj G.A. Banlet Gen List (AMG & AC)
- S02 1 Maj W.A. Caldwell RA (AMG & AC)
- S03 1 Capt W.S. Fielding Int Corps (AMG & AC)

16 Displaced Parsons

- S02 1 To be nominated

17 Public Health

- S02 1 Maj L.G. Norman RAMC (AMG & AC)
- S03 1

18 Education & Religion

- S02 1 -
- P.T.T. 1
- S02 1 Maj E.W. Weaver Gen List (No 22 GAUF)

19 Internal Admin Section

- major l/c admin 1 -
- GM Supervising clerk 1 -
- Camp Comdt 1 -

17 Public Health

1  
1

Maj L.G. Norman RMC (ANG & AO)

18 Education & Religion

1

Maj E.W. Wenver Gen List (No 22 GAU?)

19 Internal Adm Section

1  
1  
1

Major I/c edu  
GM Supervising clerk  
Camp Condt

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GAU STAFF AUSTRIA

STIERZANK

PERSONNEL E.A.R. J.A.E.D

| SERIAL | DETAIL  | TE          | SELECTED OR PROSPECTIVE OFFICERS   |
|--------|---|-------------|--|
| 1      | <u>COMMANDER</u><br>COLONEL                         | 1           | LT. COL. R.A.C. WILKINSON, DSO,<br>AC, GA - R.A. (AIG & AC)  |
| 2      | <u>MILITARY GOVT BRANCH</u><br>SO 1<br>SO 2<br>SO 3 | 1<br>2<br>2 | LT. COL. W.F. SIMPSON, DLI<br>(AIG & AC)<br>MAJ. J. ELLICE - R.A. (AIG & AC)<br>CAPT. B.C. WALSH - R.A. (AIG & AC)   |
| 3      | <u>ADMINISTRATIVE BRANCH</u><br>SO 2<br>SO 3        | 1<br>2      | CAPT. V. MULLOUGHEY, HLI (AIG<br>& AC)<br>J/COMD. J. GUNNING - A.T.S.<br>(AIG & AC)  |
| 4      | <u>LEGAL BRANCH</u><br>SO 2<br>SO 3                 | 1<br>2      | MAJ. F.R.F. KNELL - R.A. (AIG<br>& AC)<br>CAPT. G. WATSON - HLI (AIG & AC)<br>CAPT. L.A. COHEN - R. Sigs.<br>(AIG & AC)  |
| 5      | <u>FINANCIAL BRANCH</u><br>SO 2<br>SO 3             | 1<br>2      | MAJ. G.W. McFADYEN - Som L.I.<br>(AIG & AC)<br>CAPT. E.N. BLACKLOCK - KOSE<br>(AIG & AC)<br>MAJ. A.C. DRIFLOND - R.A. (AIG<br>& AC)<br>MAJ. A. NICHOLS - R.A. (AIG & AC)<br>CAPT. A.C. SORRELL - WARMICK<br>(22 GAU) <b>3h</b> |

Note: Proposed to upgrade one SO 3 to SO 2.

6. PUBLIC SAFETY BRANCH



|    |                                      |   |   |
|----|--------------------------------------|---|---|
| 3  | <u>ADMINISTRATIVE BRANCH</u><br>SO 2 | 1 | MAJ. F.R.F. KWELL - R.A. (AIG & AC)   |
|    | SO 3                                 | 2 | CAPT. G. WATSON - HLI (AIG & AC)<br>CAPT. L. COHEN - R. Sigs.<br>(AIG & AC)   |
| 4  | <u>LEGAL BRANCH</u><br>SO 2          | 1 | MAJ. G.T. McFADYEN - Son L.I.<br>(AIG & AC)   |
|    | SO 3                                 | 1 | CAPT. E.N. FLICKOCK - KOSB<br>(AIG & AC)  |
| 5  | <u>FINANCIAL BRANCH</u><br>SO 2      | 1 | MAJ. A.C. DRUMOND - R.A. (AIG & AC)   |
|    | SO 3                                 | 2 | MAJ. A. NICHOLS - R.A. (AIG & AC)<br>CAPT. A.G. SORRELL - WARWICKS<br>(22 GAU) <b>3h</b>                                      |
|    |                                      |   | Note: Proposed to upgrade one SO 3 to SO 2.   |
| 6. | <u>PUBLIC SAFETY BRANCH</u><br>SO 1  | 1 | MAJ. G.C.F. DUNCAN - Gen. List.<br>(AIG & AC)   |
|    | SO 2                                 | 1 | MAJ. W. LACEY - Gen. List.<br>(AIG & AC)  |
|    | SO 3                                 | 1 | CAPT. A.F. SHAM - Gen List.<br>(AIG & AC)   |
| 7  | <u>PUBLIC HEALTH BRANCH</u><br>SO 2  | 1 | MAJ. W.D.R. THOMPSON - R.A.M.C.<br>(AIG & AC)   |
| 3  | <u>SUPPLY BRANCH</u><br>SO 2         | 1 | CAPT. J.G. HILL - Int. Corps<br>(AIG & AC)  |
|    | SO 3                                 | 1 | CAPT. B.M. SULLIVAN -<br>Pnr Corps (AIG & AC)   |
|    |                                      |   | Note: Proposed to add one SO 1 (Economics and head of Branch) and one SO 2 (Agric, Forests, Fisheries). Both to be nominated. |

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SELECTED CR PROSPECTIVE OFFICERS

9 TRANSFORMATION BRANCH  
SO 2 1 MAJ. A.R. HUGHES - R.A. (AIG & .C)

10 UTILITIES BRANCH  
SO 2 1 MAJ. D.A. BOYD - R.E. (AIG & .C)

Note: Proposed to add one SO 3 to 'E (Electrical Engineer)  
To be nominated,

11 DISPLACED PERSONS BRANCH  
SO 2 1 To be nominated,

SO 3 1 To be nominated,

12 LABOUR BRANCH  
SO 2 1 CAPT. J. TOFLISS - R.A. (AIG & .C)

13 ECONOMICS BRANCH  
SO 2 1

Note: Proposed to delete this branch from 'E.

14 PROPERTY CONTROL BRANCH  
SO 2 1 MAJ. E.W. HAMILTON, - BUFFS  
(AIG & .C)

Note: Proposed to add one SO 3 to 'E. To be examined,

15 CRISIS ADMINISTRATION  
SO 1 1 LT. COL. H.H. NICHOLLS - BUFFS  
(AIG & .C)

SO 2 18 1. MAJ. I.H. BARRIE - C. Inf.  
(AIG & .C)

2. " C.C. STURGIS - Inf Corps  
(AIG & .C)

3. " W.J. VACCULLUM - C. Inf.  
(AIG & .C)

4. " S.S. FRITCK - R.A.  
(AIG & .C)

5. " R.S. MOUNT - R.A.  
(AIG & .C)

6. " E.G. FIDDLE - Cheshire  
(AIG & .C)

7. " G.D. HUCKLOW - Lancs Fus  
(AIG & .C)

8. " T.R.S. HODGSON - R.A.

33

Note: Proposed to delete this branch from E.

PROPERTY CONTROL BRANCH

14 SO 2 1 Maj. E.V. HAMILTON, - BUFFS (AIG & AC)

Note: Proposed to add one SO 3 to TE. To be earmarked.

RECRUIT ADMINISTRATION

- 15 SO 1 1 LT. COL. H.H. NICHOLLS - BUFFS (AIG & AC)
- SO 2 16 1. Maj. F.H. BARRÉ - C. Inf. (AIG & AC)
- 2. " " C.C. STURGIS - Inf Corps (AIG & AC)
- 3. " " M.J. ESCOFFIER - C. Inf. (AIG & AC)
- 4. " " S.S. F. TRICK - R.A. (AIG & AC)
- 5. " " R.S. MOUNT - R.A. (AIG & AC)
- 6. " " E.G. FIDDLE - Cheshire (AIG & AC) <sup>35</sup>
- 7. " " G.D. HUGHLON - Lancs Fus (AIG & AC)
- 8. " " T.H.S. HODGSON - R.A. (AIG & AC)
- 9. " " J.D. LEGGET - R.A. (AIG & AC)
- 10. " " L.R. DENNING - R.A. (AIG & AC)
- 11. " " D. du P.F. WHITE - E. Surreys (AIG & AC)
- 12. " " J.K. HARRIS - KINGS (AIG & AC)
- 13. " " C.G. SUPPENE - R.C.M.T. (AIG & AC)
- 14. " " C.E.F. HANBURY-TRACEY - R.A. (AIG & AC)
- 15. " " D.L. SMITH - R.A. (AIG & AC)

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DETAIL

RE

SELECTED OR PENDING ACTIVE OFFICERS

15

BRITISH ARMY (CONTINUED)

SO 3

28

1. CAPT. R.N.K. BERESFORD - RAOC  
(AIG & AC)
2. " D.I. SCHLEHAUF - Cdn. Inf.  
(AIG & AC)
3. " F. TURNER - R.A.  
(AIG & AC)
4. " R.W. BUCKLEY - Int. Corps  
(AIG & AC)
5. " J. HYTE - Gen. List.  
(AIG & AC)
6. " K.G. KEAT - R.A.  
(AIG & AC)
7. " T.B.H. MUTTON - R.A.  
(AIG & AC)
8. " C.F. ATKINSON-GRIFFITH  
Int. Corps (AIG & AC)
9. " K.D. BRISKINE - R.A.  
(AIG & AC)
10. " H.G. HARRIS - Int. Corps  
(AIG & AC)
11. " R.E. COOK - Int. Corps  
(AIG & AC)
12. " M.G. TITCHMARSH - H.L.I.  
(AIG & AC)
13. " D.J.C. BROWN - R.A.  
(AIG & AC)
14. " H. BAKER - Gen. List  
(AIG & AC)
15. " H.H.F. WILLS - DEVONS  
(AIG & AC)
16. " E. LEACH - R.A.O.C.  
(AIG & AC)
17. " R.A. CUTHBERT - Cdn. Inf  
(AIG & AC)
18. " R.A. S.VIL - CHESHIRE  
(AIG & AC)
19. " A.H. SALWAY - Gen. List  
(AIG & AC)
20. " E.R. RICHMAN - Inf Corps  
(AIG & AC)
21. " J/GOLD. N. HILLER - 3/4  
A.T.S. (AIG & AC)
22. " J/GOLD. D.A. FINDLAY -  
A.T.S. (AIG & AC)
23. " LIEUT. G.M. MURRAY -



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- 11. " R.E. COOK - Int. Corps  
(MAG & AC)
- 12. " T.E. TITCHENASH - H.L.I.  
(MAG & AC)
- 13. " D.J.C. BROWN - R.A.  
(MAG & AC)
- 14. " H. BAKER - Gen. List  
(MAG & AC)
- 15. " H.H.F. MILLS - DEVONS  
(MAG & AC)
- 16. " E. LEACH - R.A.O.C.  
(MAG & AC)
- 17. " R... CUTHET - Cdn. Inf  
(MAG & AC)
- 18. " R... SAVIL - CHESHIRE  
(MAG & AC)
- 19. " A.H. SALTWAY - Gen. List  
(MAG & AC)
- 20. " E.R. RICKMAN - Inr Corps  
(MAG & AC)
- 21. " J/COMD. N. HILLER - **3/4**  
A.T.S. (MAG & AC)
- 22. " J/COMD. D.L. FINDLAY -  
A.T.S. (MAG & AC)
- 23. " LIEUT. G.M. MURRAY -  
Cdn Inf. (MAG & AC)
- 24. " LIEUT. P.E. JONES -  
Inr. Corps (MAG & AC)
- 25. " LIEUT. R.A.M. HASTINGS  
BUFFS (MAG & AC)

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U STAFFS AUSTRIA

GAU KAPITEN  
PERSONNEL EARMARKED

| SERIAL | DETAIL  | WE          | SELECTED OR PROSPECTIVE OFFICERS  |
|--------|---|-------------|---|
| 1      | <u>Commander</u><br>Colonel   | 1           | Lt Col D.G.H.H. Smith London Sect (AMG & AC)  |
| 2      | <u>Military Government Branch</u><br>SO 1<br>SO 2<br>SO 3   | 3<br>2<br>1 | Lt Col S.H. White TD Gen List (AMG & AC)<br>Maj F.H. Waldron R. Berks (AMG & AC)<br>Maj J.T.R. Gollop RAC (AMG & AC)<br>J/Comd M.F.E. Goggin ATS (AMG & AC) |
| 3      | <u>Administrative Branch</u><br>SO 3  | 1           | Capt E.R.S. Pope RA (AMG & AC)  |
| 4      | <u>Legal Branch</u><br>SO 2<br>SO 3   | 1<br>1      | Maj P. Backhouse RASC (AMG & AC)<br>Capt J. More Gen List (AMG & AC)  |
| 5      | <u>Financial Branch</u><br>SO 2<br>SO 3<br>Note: Proposed that SO 3 be up-graded to SO 2  | 1<br>1      | Capt W.P. Dryburgh Gen List (AMG & AC)<br>Capt S.H. Angell RA (AMG & AC)  |
| 6      | <u>Public Safety Branch</u><br>SO 2<br>SO 3<br>Note: Proposed that one SO 1 be added to WE to be nominated  | 1<br>1      | Maj W.E. Collins Gen List (AMG & AC)<br>Capt L.J.T.C. Bartlett Gen List (AMG & AC)  |
| 7      | <u>Public Health Branch</u><br>SO 3   | 1           | Capt C.T. Jones RAMC (AMG & AC)   |
| 8      | <u>Supply Branch</u><br>SO 2<br>SO 3<br>Note: Proposed to add one SO 1 (Economics and head of branch) and one SO 2 (Agric, Forests, Fisheries) - Both to be nominated | 1<br>1      | Maj H. Bring S Lanes (AMG & AC)<br>Capt A.W. Hurt Pnr Corps (AMG & AC)  |
| 9      | <u>Transportation Branch</u><br>SO 2  | 1           | Maj W.T. Martin R Sigs (AMG & AC)   |
| 10     | <u>Utilities Branch</u><br>SO 3   | 1           | Capt R.N.J. Hibbard RE (AMG & AC)   |
| 11     | <u>Displaced Persons Branch</u>   |             |   |

- 5 Financial Branch  
SO 2 1 Capt W.P. Dryburgh Gen List (AMG & AC)  
SO 3 1 Capt C.H. Angell RA (AMG & AC)  
Note: Proposed that SO 3 be up-graded to SO 2
- 6 Public Safety Branch  
SO 2 1 Maj W.E. Collins Gen List (AMG & AC)  
SO 3 1 Capt L.J.T.G. Bartlett Gen List (AMG & AC)  
Note: Proposed that one SO 1 be added to WE to be nominated
- 7 Public Health Branch  
SO 3 1 Capt C.T. Jones RA/MC (AMG & AC)
- 8 Supply Branch  
SO 2 1 Maj H. Dring S Lance (AMG & AC)  
SO 3 1 Capt A.W. Hurt Pnr Corps (AMG & AC)  
Note: Proposed to add one SO 1 (Economics and head of branch) and one SO 2 (Agric, Forests, Fisheries) - Both to be nominated
- 9 Transportation Branch  
SO 2 1 Maj W.T. Martin R Sigs (AMG & AC)
- 10 Utilities Branch  
SO 3 1 Capt R.N.J. Hibbard RE (AMG & AC) 33
- 11 Displaced Persons Branch  
SO 2 1 To be nominated
- 12 Labour Branch  
SO 2 1 To be nominated  
Note: Proposed to add this branch and appointment to WE
- 13 Property Control  
SO 2 1 To be nominated  
Note: Proposed to add this branch and appointment to WE
- 14 Kreise Administration  
SO 2 10 1 Maj F.V.J.C. Snee RA (AMG & AC)  
2 Maj G.F.G. Edlin RA (AMG & AC)  
3 Maj N.M. Harrison Gen List (AMG & AC)  
4 Maj A. McGahan II. (AMG & AC)  
5 Maj I.D. Turner P.R. (AMG & AC)  
SO 3 13 Capt H.C. Corbin Gen List (AMG & AC)  
Capt R. Walters RA (22 Gau)  
Capt H.W.N. Fane RA (AMG & AC)  
Lieut W.C. Cubberley RA (AMG & AC)

SECRET

NOTE.

208

G.I. (B) state that the legal officers named for Austria 3 may be required in the very near future.

Use as therefore to submit the names of 3 officers (NOT above rank of Major) who will be required to be available on call at expiration of 1 week from today.

10

5 Jan 45

- ① In instruction BELA, I gave WEST Jones (G.I. (B)) the 3 following names:  
Major BACKHOUSE, 174 CALDWELL, Capt BLACKLOCK
- ② No confirmation of above required
- ③ G.I. will issue necessary order to Regions.

G.I. (B) also informed that legal has no direction for FIELDING going to Austria vice FALK

10  
5 Jan

10

1720 hrs  
5 Jan 45



1 5 5 3

**SECRET**

194

4170  
26

LES 49  
DEC 29/0940

0/5931  
DEC 30/1540  
PRIORITY

AC AB HAMMER LONDON  
G-5 AFHQ ITALY INFO: ALCOM

**SECRET.**

Arranged UPJOHN LONDON Lord K(Y) SCHREIBER Chief Legal Division ALLIED COMMISSION  
for AUSTRIA with Major HURST staff officer proposes travel 5th January aircraft  
urgent liaison visit you and ALCOM. Please confirm

INFO-ACTION: DISC  
                  LEGAL SC (2)  
INFO: CHIEF COMMISSIONER  
      COG  
      CA SEC  
      EST SEC  
      G-1 (3)  
      FILE



39

**SECRET**

TO : H.Q. ALLIED COMMISSION  
 (for attention of Level 1 Sub-Commission)

FROM : H.Q. AMG/AC ABRUZZI MARCHE REGION

SUBJECT : Planning for Austria

REF. : 611/3/1

DATE : 20 Nov. '44

SECRET

18A

4870  
file

Ref. your ACC/4170/L dated 26 Oct. '44.

Only one British Officer in this Region claims to have a reasonable knowledge of German viz :-  
 Major Paul Backhouse 133752 R.A.S.G..

*R. G. S. Alexander*

R. G. S. ALEXANDER, Major  
R.L.O.

File 4770 (17A)

ALLIED COMMISSION FOR AUSTRIA

Note of a Meeting held in the Attorney General's room on 18 Dec. 1944.

PRESENT:

- The Attorney General
- Sir Thomas Barnes
- Brigadier Upjohn
- Mr. Andrew Clark, and
- Lord Schuster.

The following points were discussed:-

1. The provision in the Draft Codes about the interrogation of the accused.

Mr. Clark and Brigadier Upjohn respectively set out their own points of view. It was generally agreed by all present that whatever the Code is for Germany, it must be the same for Austria.

The Attorney General then said that the provision allowing the interrogation of the accused had been inserted in the German Code after discussion between the Lord Chancellor, himself and others, and that that question must be regarded as settled and could not be reopened.

He agreed that in instructions prepared for the Judges of the Austrian Courts (perhaps also of the German), stress should be laid upon the difficulties which attended the institution of such a system in the courts presided over by British lawyers as well as the advantages which it was hoped to gain.

2. The position of such military courts, if any, as are to be set up for the trial of war criminals, on the one hand, and of the Military Government Courts to be set up in connection with the Commission, on the other, was discussed.

It was agreed that, so far as Military Government Courts were set up by Royal Warrant, they would have no connection with Military Government Courts under the Commission, and that Military Government Courts under the Commission would not owe their origin to or be affected by any such Royal Warrant. It might possibly be decided that war criminals, or some war criminals, should be triable in Allied Military Government Courts, and, in that event, the machinery already discussed whereby the prosecutions would be directed by or under the supervision of the Attorney General would apply in those Courts for that purpose. It might also be that the Legal Branches of Germany and Austria respectively might be concerned with the collection of evidence against war criminals, if requested to do so, and that the other Services attached to the Commissions might be charged with the duty of apprehending war criminals. But these

He agreed that in instructions prepared for the Judges of the Austrian Courts (perhaps also of the German), stress should be laid upon the difficulties which attended the institution of such a system in the courts presided over by British lawyers as well as the advantages which it was hoped to gain.

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3. Sovereignty

Both Mr. Clark and I explained to the Attorney General the difficulties we felt in respect of the juridical basis of the Allied authority, whatever it was, in Germany and Austria, after the occupation had ceased to be, strictly speaking, military, particularly in regard to the transitory nature of any legislative acts of the Military Commander during his control. We pointed out that some of the ordinances to be produced would purport to effect permanent changes in the ownership of property, but that if they were based merely on military occupancy they would cease to have any effect when the military occupation came to an end. It seemed possible that, as the effects

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of legislation which rested upon military occupation alone were transitory, cases might arise in our own courts in which it might be declared that the permanent changes contemplated were null and void.

It therefore seemed to us a necessary implication from the designs of the Allied Nations that the occupying forces (by whatever name the occupation was called) should exercise sovereignty on behalf of their respective Governments. We were unable to conceive any half-way house between sovereignty and something less than sovereignty, in which the acts of the agents of the occupying power would be other than transitory.

It was at the same time pointed out that by the Constitution of the United States the Government of that country cannot assume sovereignty over a foreign territory without making that territory a part of the United States, and that therefore those who represented the United States in this country were averse to the use of the word "sovereignty" in this connection.

We pointed out that the question depended not on the use of the word "sovereignty" but upon the assumption of sovereignty in fact and law, whatever words were used to convey the idea.

The conversation reached no definite end. All present were agreed on the soundness of the doctrine set out above. I pressed the Attorney General to take care that whatever shape the Proclamations took they should be settled on behalf of this country by the Law Officers in association perhaps with the Lord Chancellor.

18. 12. 44.

Chief, Legal Division.

*S*

LRG/26.

Loose Minute

- 3 -

J.A.G.

1. My comments on Minute 1 are as follows:-
2. Liaison between your officers and C.A. Legal Officers destined for any given field of operations seems much to be desired so as to reach accord as to

(a) the division of duties, and  
(b) mutual assistance.

3. As to 2(a), I understand that the proper division is:-

(1) J.A.G.

- (i) British military law and Courts-Martial.
- (ii) Disciplinary matters concerning prisoners of war as such, and their trial as such under the Royal Warrant of 1939.
- (iii) Preliminaries relating to prosecution (after hostilities) of alleged war-crimeals before Special Military Courts, and ultimately their prosecution, under the proposed Royal Warrant.

(2) C.A. Legal

- (i) Military Courts established by Proclamation of the Commander.
- (ii) General legal matters relating to the inhabitants.
- (iii) Control or supervision of indigenous courts, if any.
- (iv) Trial by Military Courts (in the field) of persons alleged to have committed certain war-crimes in the course of the Commander's operations or administration.

The distinction between (1) (iii) and (2) (iv) above is to be laid down in a Combined Chiefs of Staff directive, which it is proposed should apply to all commands all over the world. The draft directive (enclosure "A" to OCS 705 of 2nd Oct. 1944) is now under consideration, H.A.G.'s suggested amendments having been telegraphed to JCS Washington in telegram OCS(W)521 dated 15th December, 1944.

4. As to 2(b), mutual assistance is desirable whenever necessary as regards the collection of evidence, the production of witnesses, decisions as to whether a given accused is entitled to be treated as a prisoner of war, and the application in practice of OCS 705 when it is issued.

5. Para 2 of Minute 1 seems to have gone astray. The Military Courts in question will have jurisdiction over anyone in the territory except prisoners of war and members of the British and Allied Forces (save that followers, etc. may be tried by these courts unless a military commander directs trial by court-martial).

- (1) Military courts established by Proclamation of the Commander.  
 (ii) General legal matters relating to the inhabitants.  
 (iii) Control or supervision of indigenous courts, if any.  
 (iv) Trial by Military Courts (in the field) of persons alleged to have committed certain war-crimes in the course of the Commander's operations or administration.

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4. As to 2(b), mutual assistance is desirable wherever necessary as regards the collection of evidence, the production of witnesses, decisions as to whether a given accused is entitled to be treated as a prisoner of war, and the application in practice of OCS 705 when it is issued.
5. Para 2 of Minute 1 seems to have gone astray. The Military Courts in question will have jurisdiction over anyone in the territory except prisoners of war and members of the British and Allied Forces (save that followers, etc. may be tried by those courts unless a military commander directs trial by court-martial). Secondly, of course no trial for a war-crime could be conducted before a court-martial (unless the accused were a member of the British or Allied Forces and he were charged under his own code of military law). Thirdly, if a prisoner of war is tried for a war-crime he is not entitled to be treated and tried as a prisoner of war but is triable without reference to the Convention and by any Military Court which the Commander elects to establish or convene for the purpose.
6. As to para 3 of Minute 1, it seems to me that the proper course is this: when C.A. prisons become civil prisons there must be legislation empowering and directing the civil authorities concerned to take over the convicts until their sentences expire; if a given convict is a Japanese soldier or other person entitled to be treated as a prisoner of war, he must be handed over as such to the military authorities if his sentence expires before the end of the war with Japan; if it expires afterwards, he must be repatriated; if the convict is any other person, on the expiry of his sentence he must be released (and, if he is not a resident of the territory, should be dealt with according to his category, e.g. returned to his native land).

7. May I please have your concurrence or otherwise as regards the above-stated views for my general guidance, since presumably the same machinery should be adopted in all territories?



(16A)

4120

SECRET

EAST HEADQUARTERS  
EMILIA REGION  
ALLIED MILITARY GOVERNMENT  
APO 394

Ref : RIX/LE/400  
SUBJECT: Planning For Austria.  
TO : Deputy Chief Legal Advisor, Hq. AC.

WHL/dab  
12 November 1944

1. Ref. your ACC/4170/2, 26 Oct. 44, forwarded herewith are the returns from British Legal Officers in this Region.

For the Regional Commissioner:

*William H. Levit*  
WILLIAM H. LEVIT  
Major, JAGD  
RLO.

5 incls.



|                     |   |
|---------------------|---|
| LEGAL SUBCOMMISSION |   |
| CLO                 |   |
| OCLO                | / |
| Chief Counsel       |   |
| CJO                 |   |
| Public Section      |   |
| CLERS               |   |
| 18 NOV 1944         |   |

27

SECRET

1562

(16B)

HEADQUARTERS BRITISH ARMY  
ALLIED MILITARY GOVERNMENT

Ref: RM/IS/400/50

WHL/doh  
4 November 1945

SUBJECT : Knowledge of German.  
THROUGH : Provincial Commissioners.  
TO : Major G.L.P. Gilshenan, P.D.C. Forli Province.

Please complete the data called for at the bottom of this sheet and return to R.L.C. as soon as possible.

By order of Lt. Col. BOWMAN:

*W.H. Levitt*  
WILLIAM H. LEVITT  
Major, J.A.C. & L.  
Regional Legal Officer.

To : R.L.C., Emilia Region.

1. I have a knowledge of German.  (Yes)  (No)  
(Strike out word not applicable)
2. If answer to question 1 is affirmative, state briefly the extent of your knowledge.
3. If answer to question 1 is affirmative, please give your full name, number, rank and unit.

26

*G.L.P. Gilshenan*  
\_\_\_\_\_  
Signature.

1563

*Entered  
8/11/44  
File # 400*

*R.L.O. (bc)*

HEADQUARTERS EMILIA REGION  
ALLIED MILITARY GOVERNMENT  
APO 394

Ref: PIX/IE/400/50

WHL/dm.  
4 November 1944.

SUBJECT : Knowledge of German.

THROUGH : Provincial Commissioner.

TO : Capt. G.M. Davis, P.L.O. Modena Province.

Please complete the data called for at the bottom of this sheet and return to R.L.O. as soon as possible.

By order of Lt. Col. BOWMAN:

*W. M. Levitt*  
WILLIAM M. LEVITT  
Major, J.A.C.D.  
Regional Legal Officer.

TO : R.L.O., Emilia Region.

1. I have a knowledge of German. (Yes)  (No)   
(Strike out word not applicable)
2. If answer to question 1 is affirmative, state briefly the extent of your knowledge: *fair - well conversational (spoken and written). Has got walled still through lack of practice*
3. If answer to question 1 is affirmative, please give your full name, number, rank and unit:

*T/Capt. G.M. DAVIS 117575 13/18 Hussars 20  
now for Provincial Legal Office, Emilia Region  
AMG  
*G.M. Davis Capt*  
Signature*

1564

150

COPY

*Interview 8/11/44  
Jde #400*

HEADQUARTERS EMILIA REGION  
ALLIED MILITARY GOVERNMENT  
APO 394

WHL/dsh.  
4 November 1944.

Ref: REX/LE/400/50

SUBJECT : Knowledge of German.

THROUGH : Provincial Commissioner.

TO : Capt. E. N. Blacklock, P.O. Reggio Emilia Province.

Please complete the data called for at the bottom of this sheet and return to R.L.O. as soon as possible.

By order of Lt. Col. BOWMAN:

WILLIAM H. LEVET  
Major, J.A.G.D.  
Regional Legal Officer.

TO : R.L.O., Emilia Region.

1. I have a knowledge of German. (Yes)  (No)   
(Strike out word not applicable)

2. If answer to question 1 is affirmative, state briefly the extent of your knowledge.

I took German in my School Certificate. I became good at the language because I was in the Rhineland for a period of several months in 1937. (I was working out a problem connected with International Law in Cologne and Wiesbaden. I am not anything like interpreter

3. In answer to question 1 is affirmative, please give your name, number, rank and unit.

(Conversationally).  
standard but can read and talk ~~(Conversationally)~~

*E. N. Blacklock Capt.*  
Signature

*Edward Nicholas Blacklock Capt. 50044  
Kings Own Scottish Borderers.  
P.O. Reggio Emilia  
Legal Staff. Reg. 9*

EDWARD NICHOLAS BLACKLOCK 50044 KOSB  
Capt. Legal Staff AMG. Region IX  
Prov. Legal Officer for Reggio Emilia



(16E)

HEADQUARTERS EMILIA REGION  
ALLIED MILITARY GOVERNMENT  
APO 394

Ref: RIX/IS/400/50

WIL/ash.  
4 November 1944

SUBJECT : Knowledge of German.

THROUGH : Provincial Commissioner.

TO : Capt. J. More, P.L.O. Ravenna Province.

Please complete the data called for at the bottom of this sheet and return to R.L.O. as soon as possible.

By order of Lt. Col. BOWMAN:

*W. H. Levitt*  
WILLIAM H. LEVITT  
Major, J.A.C.D.  
Regional Legal Officer.

TO : R.L.O., Emilia Region.

1. I have a knowledge of German. ~~(Yes)~~ (No)  
(Strike out word not applicable)
2. If answer to question 1 is affirmative, state briefly the extent of your knowledge.
3. If answer to question 1 is affirmative, please give your full name, number, rank and unit. 23

*Jasper Hone*  
\_\_\_\_\_  
Signature

Capt

1566

(16F)

HEADQUARTERS EMILIA REGION  
ALLIED MILITARY GOVERNMENT

Ref: RIK/IE/400/50

WHL/dsh.  
4 November 1944

SUBJECT : Knowledge of German.

THROUGH : Provincial Commissioner.

TO : Major H. S. Reynolds, R.L.O., Ferrara Province.

Please complete the data called for at the bottom of this sheet and return to R.L.O. as soon as possible.

By order of Lt. Col. BOSMAN:

*W.H. Levitt*

WILLIAM H. LEVITT  
Major, J.A.G.D.  
Regional Legal Officer.

To : R.L.O., Emilia Region.

1. I have a knowledge of German. ~~(Yes)~~ (No)  
(Strike out word not applicable)
2. If answer to question 1 is affirmative, state briefly the extent of your knowledge.
3. If answer to question 1 is affirmative, please give your full name, number, rank and unit. 2?

*W.H. Levitt*  
Signature.

1567

**SECRET**

15A

4170

HEADQUARTERS  
PISA PROVINCE  
ALLIED MILITARY GOVERNMENT

4010/P

13 November 1944

SUBJECT : Planning for Austria

TO : Hq. ACC Legal Sub-Commission (Attn Col Behrens)

Ref ACC/4170/L dated 26 October 1944

I have no knowledge of German and do not wish my name to be forwarded.

*Wm. A. Caldwell*  
Wm . A CALDWELL,  
Major, RA

|                      |                                     |
|----------------------|-------------------------------------|
| LEGAL SUB-COMMISSION |                                     |
| CLO                  |                                     |
| DELO                 | <input checked="" type="checkbox"/> |
| Chief Counsel        |                                     |
| CP                   |                                     |
| Adm Section          |                                     |
| RKS                  |                                     |
| 18 NOV 1944          |                                     |

21

**SECRET**

1568

# SECRET

15A

4170

HEADQUARTERS  
PISA PROVINCE  
ALLIED MILITARY GOVERNMENT

4010/P

13 November 1944

SUBJECT : Planning for Austria

TO : Hq. ACC Legal Sub-Commission (Attn Col Behrens)

Ref ACC/4170/L dated 26 October 1944

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*Wm. A. Caldwell*  
Wm . A CALDWELL,  
Major, RA

|                      |                                     |
|----------------------|-------------------------------------|
| LEGAL SUB COMMISSION |                                     |
| CLO                  |                                     |
| SCIO                 | <input checked="" type="checkbox"/> |
| Chief Counsel        |                                     |
| AD                   |                                     |
| ation Section        |                                     |
| RKS                  |                                     |
| 10 NOV 1944          |                                     |

21

# SECRET



1589

479

14A

C-O-N-F-I-D-E-N-T-I-A-L

CONFIDENTIAL

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LAZIO-UMBRIA REGION, LEGAL DIVISION  
APO 394

L/1402

10 NOVEMBER 1944

SUBJECT : Plannig for Austria  
TO : Legal Sub-Commission, HQ. A.C.

1. The attached has just been received and is forwarded for your information.

ROBERT C. HENDRICKSON  
MAJOR A.U.S.  
REGIONAL LEGAL OFFICER

ENCLOSURE :  
Letter from Capt. E.V.FALK.

|                      |                                     |
|----------------------|-------------------------------------|
| LEGAL SUB COMMISSION |                                     |
| CLO                  |                                     |
| DCLO                 | <input checked="" type="checkbox"/> |
| Chief Counsel        |                                     |
| CJO                  |                                     |
| Italian Section      |                                     |
| CLERKS               |                                     |

20

12 NOV 1944

CONFIDENTIAL

C-O-N-F-I-D-E-N-T-I-A-L

785016

Recd 8 -11-1944 (14B)

*Luogal*

*L/I402*

LEG/AMG/3



Subject: Planning for Austria

To: HQ

LAZIO-UMBRIA REGION

Attn R.L.O.

Ref. your L/I402. As a result of learning Italian, I can neither speak French or German any more.

Before the war I could speak German moderately and understand it. I never could read or write the language, I am confident that in 3 weeks of practise it would come back.

My full name, number, rank and branch of service is:  
ERIC VICTOR FALK I202I4 CAPT. RASC.

May I add that under no circumstances do I wish to plan for Austria, but am perfectly willing and would like to go there and work after we have finished our Italian job.

*Walt*

*A. De Rob.*

To: HQ

LAZIO-UMBRIA REGION

Attn R.L.O.

Ref. your L/I402. As a result of learning Italian, I can neither speak French or German any more.

Before the war I could speak German moderately and understand it. I never could read or write the language, I am confident that in 3 weeks of practise it would come back.

My full name, number, rank and branch of service is:

ERIC VICTOR FALK I202I4 CAPT. RASC.

May I add that under no circumstances do I wish to plan for Austria, but am perfectly willing and would like to go there and work after we have finished our Italian job.

*E. V. Falk*  
Capt. E. V. FALK

PROVINCIAL LEGAL OFFICER

HQ

LAZIO-UMBRIA REGION  
PERUGIA PROVINCE  
3/II/I944.

1572

S E C R E T

13A

4120

HEADQUARTERS  
SOUTHERN REGION, ALLIED COMMISSION  
LEGAL DIVISION  
APC 394, U.S. Army

L-9308-E

9 November 1944

SUBJECT: Planning for Austria.

TO : Chief Legal Advisor, Legal Sub-Commission, A.C.

1. Reference is made to your letter ACC/417C/L dated 26 October 1944.
2. Lieut.Colonel LIGNEL FRANK DAWSON, Gen.List Staff A.C.Italy, has a reading, writing and speaking knowledge of Nederlands (High Dutch). He feels that he would have little difficulty in acquiring a working knowledge of German.
3. Nil report is submitted in respect of:  
Major J.A. Boyd-Carpenter, Bari  
Major M. Setton , Bari, and  
Capt. A.C. German, Taranto.

*L.F. Dawson*

L.F. DAWSON,  
Lieut.Colonel, G.L.,  
Reg.Chief Legal Officer  
Southern Region. 18

LJP/mo

|                      |  |
|----------------------|--|
| LEGAL SUB-COMMISSION |  |
| CLERKS               |  |
| Chief Counsel        |  |
| Italian Section      |  |
| CLERKS               |  |
| 11 NOV 1944          |  |

S E C R E T



1373

4170: *file*

62 (RA)

SECRET

HEADQUARTERS LIGURIA REGION  
ALLIED COMMISSION

Lig/Leg/5.

6 november 1944.

SUBJECT : Planning for Austria.-

TO : Legal Sub-Commission - H.Q. A.C.

- 1. Ref.your ACC/4170/L letter dated 26 oct.1944.
- 2. There are no British Legal Officers attached to this Region who have a reasonable knowledge of German.

| LEGAL SUB-COMMISSION |                                     |
|----------------------|-------------------------------------|
| CLO                  | <input type="checkbox"/>            |
| → DCLO               | <input checked="" type="checkbox"/> |
| Chief Counsel        | <input type="checkbox"/>            |
| CJO                  | <input type="checkbox"/>            |
| Italian Section      | <input type="checkbox"/>            |
| CLERKS               | <input type="checkbox"/>            |
| 9 NOV 1944           |                                     |

*W.G. Elder*  
 W. G. ELDER  
 Lt - Col  
 Regional Legal Officer  
 Liguria Region.

1574

*File*

HEADQUARTERS ALLIED COMMISSION  
APO 374  
L.M.P. SUB-COMMISSION

SECRET

(11A)

AG/4170/L.

CW/mt  
9 Nov. 46

SUBJECT: Planning for Austria.

TO : J.A. Sec.

1. Reference to your 3/4.9/CA dated 6 Nov. 44.
2. Herewith return of legal officers in respect of above as requested.

Major G.W. McFadyean  
 Major P. Backhouse  
 Major R.L.P. Gilshennan  
 Major W.A. Caldwell

W.S. BEIRING,  
 Colonel,  
 Deputy Chief Legal Advisor.

1575

4170

10A

HEADQUARTERS ALLIED COMMISSION  
AIG 394  
CIVIL AFFAIRS SECTION

REF: 3/4.9/Ch

6 Nov 44

SUBJECT: Planning for Austria.

TO: All Sub-Commissions, CA Section.

6A

1. With reference to the letter G-1B/83/A of 1 Nov 44, please submit all returns to this section for collation. Returns should reach this office not later than Thursday, 9 Nov 44.

*R. R. Cripps*  
R. R. CRIPPS, Col.,  
CSO CA Sec.,

Copy to G 1 (B). (Your G-1B/83/A of 1 Nov refers.)

→  
Maj Gen. McFarlane  
Maj P Backhouse  
Maj C. P. Goldsman  
Maj WA Caldwell

|                     |                          |
|---------------------|--------------------------|
| LEGAL SUB-COMMISSIO |                          |
| CLO                 |                          |
| DCLO                | <input type="checkbox"/> |
| Chief Counsel       |                          |
| CJO                 |                          |
| Italian Section     |                          |
| CL RKS              |                          |
| 7 NOV 1944          |                          |

B/F, 6900  
9:15 AM  

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4170/L

4170

Legal s/c  
(9A)

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LOMBARDIA REGION  
APO 394

SECRET

3rd November 1944

SUBJECT : Planning for Austria.

TO : HQ, Allied Commission.  
(Legal Sub-Commission)

(2A)

1. In reply to your letter ACC/4170/L dated 26th October 1944, all British Officers assigned to this Region (with the exception of myself) are on temporary duty with other Regions by whom it is assumed that the required return will be made.
2. I myself have a reasonable knowledge of German.

*H.M. Dickie*  
H.M. DICKIE,  
W/Cdr, R.A.F. (82327),  
Regional Legal Officer.

/jls.

RECEIVED  
6 NOV 1944  
A. C. C.



C-O-N-F-I-D-E-N-T-I-A-L.

CONFIDENTIAL

4120

no

8A

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LAZIO-UMBRIA REGION, LEGAL DIVISION  
A.P.O. 394

L/1402

3 November 1944.

SUBJECT : Planning for Austria.

TO : Acting Chief Legal Officer, A.C.  
(Colonel Beherns).

1. Herewith please find returns from all British officers attached to this Division with respect to the above.

ROBERT C. HENDRICKSON  
Major, A.U.S.  
Regional Legal Officer.

RCH/ac.

Incls. - Letters from British Officers of Legal Division.

CONFIDENTIAL

C-O-N-F-I-D-E-N-T-I-A-L. (8B)

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LAZIO-UMBRIA REGION, LEGAL DIVISION  
A.P.O. 394

L/1402

3 November 1944.

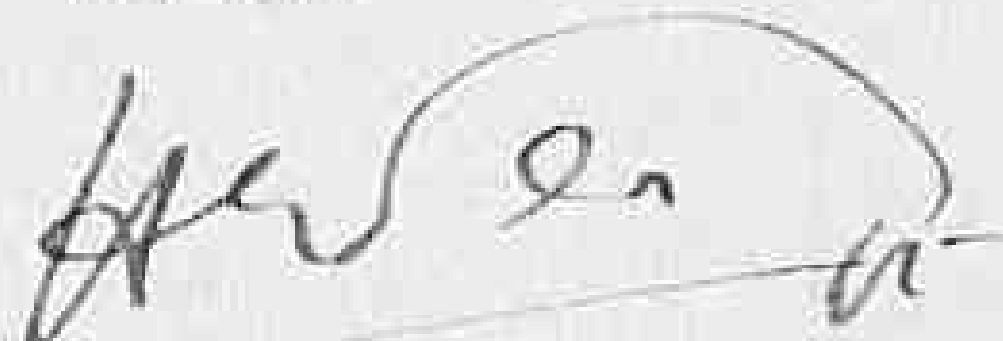
SUBJECT : Planning for Austria.  
TO : Regional Legal Officer, H.Q. A.M.G.  
Lazio-Umbria Region, Legal Division.

1. In reference to your L/1402 of the 28 Oct. 1944, I have to inform you that I have a working knowledge of the German language.

2. I am able to make my requirements appreciated though my ability to comprehend is greater than my ability to speak. Prior to coming to this country, I spent some 4 months studying the language and I imagine that what is needed is a refresher course.

3. The particulars required by you are as follows :-

LAURENCE ARTHUR, SYLVESTER. 264389.  
Lieut. Pioneer Corps.

  
LAURENCE A. SYLVESTER,  
Lieut.  
Legal Officer.

LAS/ac.

12

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LAZIO-UMBRIA REGION, LEGAL DIVISION  
A.P.O. 394


L/1402

3 November 1944.

SUBJECT : Planning for Austria.  
TO : Regional Legal Officer,  
Lazio-Umbria Region.

1. In reply to your L/1402 dated 28 Oct. 1944,-  
I have no knowledge of the German language.

2. My particulars are,-  
= Francis Edward Young, = ( 106513 ) Major, E.R.E. List.

  
FRANCIS E. YOUNG,  
Major,  
Legal Officer.

FEY/ac.

1580

C-O-N-F-I-D-E-N-T-I-A-L

Res 31-10-1944

80

HEADQUARTERS  
ALLIED MILITARY GOVERNMENT  
LAZIO-UMBRIA REGION, LEGAL DIVISION  
A.P.O. 394

28 October, 1944

L/1609

SUBJECT : Planning for Austria,

TO : Major MacFadyean, P.L.O.  
ROME PROVINCE.

1. Please advise this Headquarters, at the earliest possible moment, whether you have a working knowledge of the German language, and if so to what extent you are able to speak, read, write and generally comprehend the same.

2. When replying please furnish your full name, number, rank and branch of service.

Robert C. Hendrickson,  
Major, A.U.S.  
Regional Legal Officer,

RCH/PA.

To P.L.O.

Regret my knowledge of the German language is about nil. However I spent one year in occupied Germany 1918-19.

S. W. MacFadyean  
S. W. MacFadyean  
96734 III

Temp. Major. U.S. Captain.

Somerset L. S.

C-O-N-F-I-D-E-N-T-I-A-L



4170

7A

HEADQUARTERS VENEZIA REGION  
Allied Commission  
A.P.O. 394.

SECRET

2 November 1944.

To: Chief Legal Adviser, Legal Sub-Commission, A.C.  
Subject: Planning for Austria.  
File No: RXII/LE/Reg/E/02.

Reference your ACC/4170/L dated 26 October 1944:-

N I L .

*H. G. Wilmer*

Colonel,  
Regional Legal Officer,  
Venezia Region, A.C.

4

6A

4770

HEADQUARTERS ALLIED COMMISSION  
APO 394  
G-1 (B)

S E C R E T

1 November 1944

REFERENCE : G-1B/83/A

SUBJECT : Planning for Austria  
TO : Distribution below

1. The Allied Commission will have to provide certain Officer. personnel, all British, for the Austria Military Government set up, some for Planning and some for Field Work.

2. Appendix "A" shows requirements for the Planning (G-5) Staff. Those shown in Column 2 are required immediately. Those shown in Column 3 will be held ready to join at 7 days notice. The majority of these officers have been selected and names are given.

3. Appendix "B" shows requirements for Field Work. Column 2 shows those who will be required to form the nucleus of GAU teams and who will have to join as soon as the occupation of Austria becomes imminent.

Column 3 shows the remainder of the GAU teams who will be required in time to get the teams organized to take up their work. Column 4 shows those who may be required for the British element of the Vienna GAU.

4. Officers shown in Appendix "B" will be earmarked now by name so that arrangements to replace them can be put in hand. It is hoped that some literature will be available to assist them to study in detail the GAUs to which they will be assigned.

It is probable that Officers for Column 3 will be drawn mostly from AMG 8 Army (Plan B as agreed by SCAO, AMG, 8 Army).

5. Will addresses please submit names of Officers desirous and recommended for employment in this Austria set up. A thorough knowledge of German is desirable but not absolutely essential.

6. This gives all requirements for Austria as far as they are at present known and is an amplification of letters which have already been issued.

3. Appendix "B" shows requirements for Field Work.  
 Column 2 shows those who will be required to form the nucleus of GAU teams and who will have to join as soon as the occupation of Austria becomes imminent.  
 Column 3 shows the remainder of the GAU teams who will be required in time to get the teams organized to take up their work.  
 Column 4 shows those who may be required for the British element of the Vienna GAU.

4. Officers shown in Appendix "B" will be earmarked now by name so that arrangements to replace them can be put in hand. It is hoped that some literature will be available to assist them to study in detail the GAUs to which they will be assigned.

5. It is probable that Officers for Column 3 will be drawn mostly from AMG 8 Army (Plan B as agreed by SCAO, JMG, 8 Army).

6. Will addresses please submit names of Officers desirous and recommended for employment in this Austria set up. A thorough knowledge of German is desirable but not absolutely essential.

7. This gives all requirements for Austria as far as they are at present known and is an amplification of letters which have already been issued.

BY COMMAND OF COMMODORE STONE

MISSION

*R.H. to read*

8

R.H. TAPPEN,  
 Colonel,  
 Executive Officer.

*NA under letter  
 passed from CA Sec 1*

DISTRIBUTION:

- Vice President, Civil Affairs Section - 10
- Vice President, Economic Section. - 10
- Regional Commissioner, Sicilian Region
- " Southern Region
- " Lazio Region
- " Abruzzi Marche Region
- " Sardegna Region
- " Toscana Region

- Regional Commissioner, Emilia Region
- " Liguria Region
- " Piemonte Region
- " Lombardia Region
- " Venezia Region
- S.C.A.O.; A.M.C.; H.Q. Fifth Army
- S.C.A.O.; A.M.C.; H.Q. Eighth Army

3643



Appendix "A"

| <u>Column 1</u>                                  | <u>Column 2</u>               | <u>Column 3</u>         | <u>Total</u> |
|--|-------------------------------|-------------------------|--------------|
| <u>Military Government Staff</u>                 |                               |                         |              |
| G.S.O. I   | 1                             |                         | 1            |
| G.S.O. III                                       | 1 (Name)                      |                         | 1            |
| D.A.A. & Q.M.G.                                  | 1 (Maj. Farrier)              |                         | 1            |
| <u>Public Safety</u>                             |                               |                         |              |
| S.O. 2 CA  | 1 (Maj. McKay)                |                         | 1            |
| S.O. 3 CA  |                               | 1 (Capt. Lee)           |              |
| <u>Public Health</u>                             |                               |                         |              |
| S.O. 2 CA  |                               | 1 (Capt. C.O.S. Brock)  | 1            |
| <u>Legal</u>                                     |                               |                         |              |
| S.O. I CA  |                               | 1 (Maj. Bamlet)         | 1            |
| <u>Displaced Persons and Repatriation Branch</u> |                               |                         |              |
| S.O. 2 CA  | 1 (Probably Lt. Col. Brister) |                         | 1            |
| <u>Finance</u>                                   |                               |                         |              |
| S.O. 2 CA  | 1 (Maj. C.R. Curtis)          |                         | 1            |
| S.O. 3 CA  |                               | 1 (Lieut. P.E. Husband) | 1            |
| <u>Supply</u>                                    |                               |                         |              |



Public Health

1 (Capt. C.O.S. Brook) 1

S.O. 2 CA

Legal

1 (Maj. Benlet) 1

S.O. 1 CA

Displaced Persons and Repatriation Branch

1 (Probably Lt. Col. Brister) 1

S.O. 2 CA

Finance

1 (Maj. C.R. Curtis) 1  
1 (Lieut. P.E. Husband) 1

S.O. 2 CA  
S.O. 3 CA

Supply

1 (Lt Col G.W.M. Sharpe) 1

S.O. 1 CA

Transportation

1 (Maj. Walker) 1

S.O. 2 CA

7

362

Appendix "B"

Total

Column 4

Column 3

Column 2

Column 1

H.Q. Staff

Commander (Brig.)  
2 i/c (Colonel)  
P.A./Commander  
Camp Commandant

1  
1  
1  
1

Military Government Branch

S.O. I CA  
S.O. II CA  
S.O. III CA

4  
7  
5

Administrative

S.O. 2 CA  
S.O. 3 CA

4  
7

Legal

S.O. I CA  
S.O. 2 CA  
S.O. 3 CA

1  
4  
4

Public Safety

Col. CA  
S.O. I CA  
S.O. 2 CA  
S.O. 3 CA  
S/Lieut. CA

1  
2  
5  
2  
2

Public Health

S.O. 2 CA  
S.O. 3 CA  
S.O. 2 CA (Housing)

3  
3  
1

Displaced Persons and Repatriation Branch

5

Legal

S.O. 1 CA  
S.O. 2 CA  
S.O. 3 CA

1  
4  
4

4

3

Public Safety

Col. CA  
S.O. 1 CA  
S.O. 2 CA  
S.O. 3 CA  
S/Lieut. CA

1  
1  
3  
3  
2

1  
2  
5  
4  
2

2

1  
4

Public Health

S.O. 2 CA  
S.O. 3 CA  
S.O. 2 CA (Housing)

2  
1

3  
3  
1

1  
3

Displaced Persons and Repatriation Branch

S.O. 2 CA  
S.O. 3 CA

1

5  
1

4  
1

6

Property Control

S.O. 2 CA

1

2

1

Finance

S.O. 2 CA  
S.O. 3 CA

1

4  
3

3

3

Supply

S.O. 2 CA  
S.O. 3 CA

3  
2

6  
5

3

3

1/2...

7644

- 2 -

Appendix "B"

| <u>Column 1</u>                     | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> | <u>Total</u> |
|-------------------------------------|-----------------|-----------------|-----------------|--------------|
| <u>Transportation</u>               |                 |                 |                 |              |
| S.O. 2 CA                           | 2               |                 |                 | 2            |
| <u>Public Works &amp; Utilities</u> |                 |                 |                 |              |
| S.O. 2 CA                           |                 | 3               |                 | 3            |
| S.O. 3 CA                           |                 |                 | 3               | 3            |
| <u>Labour</u>                       |                 |                 |                 |              |
| S.O. 2 CA                           | 1               |                 |                 | 1            |
|                                     |                 |                 |                 | 2            |
| <u>M.G.Os. (C.A.Os.)</u>            |                 |                 |                 |              |
| S.O. 1 CA                           | 2               |                 |                 | 2            |
| S.O. 2 CA                           | 41              |                 |                 | 43           |
| S.O. 3 CA                           | 59              |                 | 4               | 63           |



*Sicilia Region 4170* *7/10*

(5A)

SECRET  
HEADQUARTERS  
ALLIED CONTROL COMMISSION  
LEGAL SUB-COMMISSION  
APO 394

ACC/4170/L.

/rlf.  
26 October 1944.

SUBJECT : Planning for Austria.

TO : Regional Commissioners (Attn: Regional Legal Officers),  
~~SICILIA, SOUTHERN, LAZIO-UMBRIA, ABRUZZI-MARCHE, TOSCANA, EMILIA,~~  
~~LIIGRIA, LIGURIA, VENEZIA.~~

1. Please notify this sub-commission as soon as possible the names of all British legal officers now assigned or attached to your region who have a reasonable knowledge of German.
2. When replying, please give full name, number, rank and unit of the officer.
3. A nil return is required.

*W. E. Mehrens*

W. E. MEHRENS,  
Colonel,  
Deputy Chief Legal Advisor.

SECRET

1st Ind

ALLIED COMMISSION, Sicilia Region Hqs. 1 November 1944.

TO: Headquarters, AC, APO 394  
Attention: Legal Sub-Commission

1. Complied with.
2. The only Legal Officer of Sicilia Region is Capt. E.K. Matthews (B).
3. Capt. Matthews has no knowledge of the German language.

4 NOV 1944

*William R. Jordan*  
WILLIAM R. JORDAN  
Colonel  
Acting Regional Commissioner

1590

*H-170*

SECRET

(4A)

HEADQUARTERS ALLIED COMMISSION  
APO 394  
CIVIL AFFAIRS SECTION

REF: 3/4.9/CA

30 Oct 44.

SUBJECT: Austria Planning.

TO: Legal Sub-Commission, ✓  
Public Safety Sub-Commission.

Reference 3/4.9/CA of 27 Oct 44. — 3A

1 It has now been decided that these Officers are not required immediately as they are for the first GAU teams and not for planning only.

2 They will be selected and earmarked and arrangements will be made to enable them to be taken away at 7 days' notice.

*R.R. Cripps Maj.*

R.R. CRIPPS, Col.,  
CSO CA Section.

JSR/sg

|                      |
|----------------------|
| LEGAL SUB-COMMISSION |
| CLO                  |
| DCLO                 |
| Chief Counsel        |
| CJO                  |
| Italian Section      |
| CL RKS               |
| 31 OCT 1944          |

*See file with you E.*

(3/07)

1594

4170

3A

SECRET

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
CIVIL AFFAIRS SECTION  
APO 394

Ref : 3/4.9/CA

27 October 1944.

SUBJECT : Appointments C.A. Staff  
for Austria

TO : Legal Sub-Commission  
Public Safety Sub-Commission.

1. The undermentioned appointments on the Civil Affairs Staff for AUSTRIA have to be filled from Allied Control Commission.

2. The Officers selected will be assigned by 10th November 1944 at the latest. All Officers must be British.

3.O. 2 (CA)                      3.O. 3 (CA)

|               |   |   |
|---------------|---|---|
| Legal         | 4 | - |
| Public Safety | 2 | - |

3. These Officers should, if possible be German speaking. They are required as the nucleus of the Teams for AUSTRIA. Good experienced Officers should therefore be selected.

4. Please submit names as early as possible.

|                      |  |
|----------------------|--|
| LEGAL SUB-COMMISSION |  |
| CLO                  |  |
| DCLO                 |  |
| Chief Counsel        |  |
| CJO                  |  |
| Italian Section      |  |
| CL RKS               |  |
| 27 OCT 1944          |  |
| JSR/tr               |  |

*R.R. Cripps*

R.R. CRIPPS, Col.  
CSO CA Section.

3243



(2A)

SECRET  
 HEADQUARTERS  
 ALLIED CONTROL COMMISSION  
 LEGAL SUB-COMMISSION  
 APO 394

ACC/4170/L.

/rlp.  
26 October 1944.

SUBJECT : Planning for Austria.

TO : Regional Commissioners (Attn: Regional Legal Officers).  
 SICILIA, SOUTHERN, LAZIO-UMBRIA, ABRUZZI-MARCHE, TOSCANA, EMILIA,  
 LIGURIA, LOMBARDIA, VENEZIA.

1. Please notify this sub-commission as soon as possible the names of all British legal officers now assigned or attached to your region who have a reasonable knowledge of German.

2. When replying, please give full name, number, rank and unit of the officer.

3. A nil return is required.

W. E. Herrens.

W. E. HERRENS,  
 Colonel,  
 Deputy Chief Legal Advisor.

SECRET

~~Replies~~  
~~Sicilia - EA~~



4170/L

1A

SECRET

HEADQUARTERS  
ALLIED CONTROL COMMISSION  
CIVIL AFFAIRS SECTION  
APO 384

Ref : S/A.G/CA

25 October 1944

SUBJECT : Planning for Austria

TO : Public Safety S/C  
Public Health S/C  
Legal S/C ✓  
Displaced Persons S/C

1. Names of Officers to fill the undermentioned grades are requested :

a) Public Safety Sub-Commission

LEGAL SUB-COMMISSIO

Grade G.S.O. II ( Major )  
Grade G.S.O. III (MCaptain )

CLO

b) Public Health Sub-Commission

→ DCLO

Grade G.S.O. II ( Major )

→ Chief Counsel

c) Legal Sub-Commission

→ CJO

Grade G.S.O. I ( Lt. Col. )

→ Italian Section

d) Displaced Persons and Repatriation Sub-Commission

CL RKS

Grade G.S.O. II ( Major )

2. Major Brooks has been put forward for Public Health S/C and Lt. Col. Myster has been selected for Displaced Persons S/C. Major Mackenzie had been selected for Public Safety S/C but it is understood that this is not acceptable.

3. When replying please give full name, number, rank and unit of the Officers. It is pointed out that names of British Officers only are meantime required.

*R.R. Cripps*  
R.R. CRIPPS, Col.  
GSO CA Section. 3135

Copy to : G-1(B)

JBR/tr

*P.S. The officers selected should have a good knowledge of German. J.B.*



1594