

OFFICE OF US CHIEF OF COUNSEL
APO 403, US ARMY
INTERROGATION DIVISION

Nurnberg, Germany.
30 August, 1945.

Brief of
Interrogation of General von FALKENHAUSEN.

by
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Von FALKENHAUSEN identified Document C-49 as a photostatic copy of a document which was published by his headquarters, the signature of which he recognized. The program outlined in the document concerning the maintenance of security against internal unrest was issued in conformity with an order of the OKH and applied equally in all occupied countries subject to the jurisdiction of the OKH. FALKENHAUSEN has no recollection of the details of the OKH order in accordance with which the document in question was issued.

The court martial sentence prescribed in paragraph 4 applied to the trial of civilians as well as military personnel. The field commander appointing the court had the final review of all cases in which the punishment was less than five years imprisonment. Cases involving sentences exceeding five years went to the witness' office for review and ultimate transmittal to OKH. Falkenhausen said it was impossible for him to reduce a sentence, once imposed, but he had two courses which he might follow: (1) He could find an error of law in the record and return it for a new trial; and (2) he could recommend a suspension of sentence or clemency to the OKH. The OKH received copies of the files in all cases irrespective of the sentence imposed. The files in those cases in which the penalty exceeded five years were the only ones which reached the witness for legal review and appropriate recommendations.

The extract from sub-paragraph 4 of IV Document C-49 is misleading in that that paragraph is to operate when a state of unrest or rebellion exists and in such event death sentences may be ordered executed by the field commanders appointing the court.

The whole procedure outlined in the paper, according to Falkenhausen, is not to operate until either he or the supreme commander of the West makes a determination that a state of unrest exists in Belgium.

Falkenhausen stated that there were three types of police operating in Belgium: (1) the field gendarmerie (military police); (2) secret field police (counter espionage); and (3) SD. All of these, he stated, were under his control and in addition, of course, some Belgian police.