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

Nurnberg, Germany
8 November, 1945.

Brief of
Interrogation of Ernst MANTEL
Oberrichter (Judge Advocate General) OKH.

Made by
Colonel Curtis L. Williams, IGD

On 7 November, 1945, PM.

The witness joined the legal staff of OKH in August 1939 and remained in the Field Army Headquarters of the OKH from that date until the end of the war, and, therefore, was in a position to know and testify concerning all the orders that had ever passed through the Field Headquarters of the OKH during his tenure of office.

It was explained by the witness that Dr Lehmann, who was Judge Advocate General of the Wehrmachtsamt directly under Keitel, passed up on the legality of all orders issued by Keitel unless such orders were Fuehrer Befehle, which, he was careful to explain could not be commented upon by any member of any legal staff of the army, including Dr Lehmann who was the highest Oberrichter in the German Army. However, in regard to orders which were issued by Keitel or his headquarters, Dr Lehmann did examine them for their legality and passed them on to the lower echelons, firstly to the Chief of the Ersatz Army, i.e. Reserve Army, to the Chief of the Field Armies, to the Navy, and to the Luftwaffe. In case an order of Keitel's applied only to the Field Armies, such an order, after being examined for its legality by Dr Lehmann, was sent directly to the Field Army Headquarters of General Jodl and thus came directly into the hands of General Mantel, who was chief of the Field Army Justice Department.

The position of Oberrichter Mantel was such that he had an opportunity to see and learn about nearly all important legal orders governing the field armies of the German Wehrmacht, and, in such position, he testified that he did see the Commando Order of the Fuehrer which was dated 18 October 1942 and did remember the comment thereon. He testified that there was a discussion among his close friends that this order was thought by the Field Army Legal Section to be contrary to the Geneva Convention. In addition, he identified the order of Keitel dated December 16, 1942, concerning partisans and identified that order as having passed through his office in the OKH, but it was his opinion that the order was a justifiable one in view of the fact that the Russians and the partisans in the Balkans were using tactics that were contrary to the Geneva Convention also. He furthermore explained that, in-

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asmuch as Russia was not a signatory of the Geneva Convention nor of the Hague conference, that any action against that Nation did not fall within the purview of the rules established thereat. He therefore thought it justified that Paragraph 1, sub-paragraph 3, of the Partisan Order of Keitel, dated December 16, 1942, was correct as far as the German Army was concerned wherein Keitel stated: " It is, therefore, not only justified but is the duty of the troops to use all means without restriction, even against women and children, as long as it insures success".

Concerning the order issued to the German Army in regard to the elimination of Kommissars and Partisans captured by the Wehrmacht, he testified that he remembered this order being issued in 1941 or early 1942, but as to the details of it he did not recall. In view of the fact that Oberrichter Mantel was in a position to know and identify all legal orders that passed through his headquarters from 1939 to 1945, he will be interrogated further concerning those orders and a supplement hereto will be made.