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INTERROGATION
OF THE FORMER PLENIPOTENTIARY OF THE GERMAN REICH
IN DENMARK, DR. WERNER BEST, IN THE KASTELL,
COPENHAGEN, 7 AUGUST 1945.

In connection with yesterday's interrogation, the subject requests to add the following notes which he had completed in the meantime.

Copenhagen, 6 August 1945

NOTE

"As proof for my continuous efforts to maintain the sovereignty and integrity of the Danish State even under the most difficult conditions of the period of occupation, the conscientiousness must be considered with which I prevented the encroachment on the Danish legal system by German judicial authority.

1) In my relations with the Danish Central Administration I always designated explicitly all individual German actions which were contrary to the Danish legal code, as "de facto acts of violence" necessitated by an actual state of war, by which the Danish sovereignty and legal system was not to be affected in principle.

2) I deliberately used the authority to issue German decrees, with which a "Führer" order had invested me, in a manner different than was expected from me. It was expected that I would issue decrees to all inhabitants of Denmark--Danes as well as Germans when there was material need for it. In that way, I would have put German judicial authority in place of Danish judicial authority, which I wanted to avoid under all circumstances. Therefore, the few decrees which I issued were issued as inner German decrees for distribution only among German offices in Denmark, and for regulation of only their activities. The decrees as such were not even communicated to the Danish population, because the decrees were not addressed to them. Rather, the population was informed through the press under the heading "it is reported from an official German source", of how the German offices would act under certain conditions. Thus, I avoided to issue formally German laws to the Danish population which originated from German judicial authority.

(Signed) DR. WERNER BEST."

The subject states about the deportation of interned communists to Germany on 30 September 1943, that he was never included in the conferences about this question, but that he suddenly found out from Dr. Mildner, that the order for deportation had been transmitted from Germany and in the opinion of the subject from the Reich Security Main Office. The subject protested at once energetically to Dr. Mildner as well as to the Foreign Office. The subject explains that he had no direct connection with the Reich Security Main Office so that he could only deal with either the highest official of the police here, or with and by way of the Foreign Office. His protest however, was without success. He further states that the reason for this was that he demanded always at certain intervals the return of all Danes, interned in Germany, to Denmark. He had figured that this would be the case when the Frøslev camp was completed, and the order for the deportation of the Communists as well as that of the other Danes was as such contrary to the existing conditions.

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As far/the Jews are concerned, the request for their deportation was known to him before it took place, and he protested energetically against the deportation as such; he also supported the Danish offer to provide a camp where the Jews could be interned in the country, after the arrest of Jews had actually taken place.

Concerning the police the subject also tried to prevent the deportation, and he states in this connection that, when he found out on his return from Jütland on the evening of the 19 September, that his guard consisting of about 25 policemen on "RYDHAVE" was guarded by the German police, he sent the Danish policemen away with the request to dress in civilian clothes, in order to avoid another arrest.

Furthermore, the subject had made a special protest against the deportation of the border gendarmes which followed shortly afterwards, and he maintained among other things, that the border gendarmes are not policemen, but custom officials.

Asked whether one knows where the Germans got the leads for the raid on the Jews, the subject answers that this was not known to him. When he learned that the card index had been taken out he had investigated by whom it was taken out, without coming to a result. However, he thinks that civilians, not policemen, took the card index away, and turned the card index over to the German police only later on.

Asked, whether the desire on the part of the Germans to provoke the resistance movement into uncovering their arms was at the bottom of various actions, subject answers, that the actions as such had their purposes; but on the part of the German one was naturally interested that the resistance movement would come out with its weapons at such a moment, when one did not have to combat others in the country. The subject begs to remember that he did not officiate during the state of martial law in August-October 1943, and could not issue any orders.

The subject was asked, what position he took generally with regard to the methods of the police here in the country, for instance their method of torture, liquidations without legal procedure and similar matters. To that, the subject answers that he had no actual command function with respect to the German police, and therefore could not issue orders to them of any kind. He was completely kept in the dark about their actions, and he always learned about individual actions only after they had taken place either through the Danish Foreign Ministry or through the illegal press. He was at all times against such methods and gave full expression of this attitude to the police officials here as well as to the foreign office in Berlin, however without success. If he inquired at the German police about the circumstances of a case, often he had learned about individual actions, he always received evasive or unsatisfactory answers; for instance, when he asked at a certain occasion, whether it was correct, that a Professor (Brandt Rehberg) had been mistreated, he received the reply, that one could not give any information about this, because the police official concerned had been killed in the Shellhouse, and in the case of liquidations the standard answer was that the man concerned had either attempted to resist or to escape. Among other things, the subject points out that at one time he had denied in absolutely good faith the killing of 11 young men. The reluctance of the German police to give him information was also caused, among other things, by the fact that the police knew that the subject was always trying to have the police subordinated to himself and that he was known to protest against their methods. He claims that the opinion which one had gradually formed about him in Berlin, namely that the subject did not press the German demands in the country hard enough, was strengthened by the police.

When the subject is charged that he contributed among other things by his statements to the press, for instance his interview of 5 December 1943, to the general impression that he was the highest authority for the activities of the German courts and the German police, the subject declares that according to the formal set-up, he had nothing to do at all with the situation of the armed forces. The armed forces were responsible for prosecuting, sentencing and pardoning persons. Concerning SS soldiers and the police, the SS and the general of the police, that is PANCKE, had the authority to prosecute, and the subject could not exercise any influence in this matter, not even with regard to the sentence. However, the subject had the right to pardon persons sentenced by SS courts, who did not belong to the SS formations, while he also did not have the right to pardon persons, who were attached to the SS, the SS troops or the police. In the latter case, Himmler had the right to pardon. Because these cases were to be submitted to Himmler, it took usually months, and the result was always a rejection. The subject had this right to pardon for the entire period during which the SS court could sentence persons, who were not attached to the Corps (SS), and he had been invested with it on his own strong demands, because he considered it unjust that these persons had to sit for months without knowing, whether they would be executed or not.