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ANNEX F

NUREMBERG TELEGRAM FROM
BRITISH WAR CRIMES EXECUTIVE

DATED 6 JULY 1946

SECRET

N 8817/108/55

For Dean and Scott-Fox repeated for Sinclair.

Subject Katyn Forest murder of 11,000 Polish Officers.

After hearing 3 witnesses for the defence and a similar number for the prosecution Soviet case has undoubtedly emerged very much enhanced and they are very pleased with the way it has gone. The defence first called the Officer Commanding the Signals Regiment whose H.Q. was situated close to the mass graves from September 1941 onwards; his evidence with regard to the discovery of the mass graves was not very impressive. After hearing rumours of the shooting his men discovered a cross in the winter of 1942-43 round which a wolf had been scratching. Shortly after human bones were brought to him and he spoke about the matter to other officers but admitted that he did not report the matter in writing. In the spring of 1943 a Professor Butz arrived and proceeded to excavate the graves. Although they were not more than 30 metres from the road to the Regimental H.Q., the Colonel had never noticed anything during the long time the unit had been stationed there until the incident of the cross and wolf occurred. This witness was followed by an Officer from the Army Group Signals who handled all secret messages and who said that he never handled any order to kill Polish prisoners and any order to this effect must have gone through his hands. He was confronted with a captured document annexed to the Soviet report showing that in September 1941 Einsatz Commando B and also Einsatz Commando Moscow were situated at Smolensk and admitted that he did not handle secret orders between the Einsatz Commandos and their superior authorities in the S.S. The third witness was the General in charge of the whole Signals of the Army Group whose H.Q. was also nearby. He had constantly been along the track from September 1941 onwards and had never noticed anything unusual nor had he any knowledge of Polish prisoners being in the neighbourhood. He made virtually the only good point on behalf of the defence that no German Signals Regiment would knowingly have pitched its H.Q. practically on top of these mass graves. The prosecution called first a Professor of Astronomy whom the Germans had compelled to be Deputy Mayor of Smolensk during the occupation. This Professor reported being informed by the Mayor, who was a collaborator, of the Germans' decision to kill Poles in September 1941. He was subsequently told that they had been killed and it was clear that the Mayor had been so informed by the German Commandant. This secondhand evidence was greatly improved by defence counsel in cross-examination as he elicited that the witness had personally known the place in the [forest] so extremely well it being a resort of the residents of Smolensk and had been there off and on until the German occupation after which it became a forbidden area. He also elicited that in August [1940], namely some months after the Germans alleged that the murders took place, the Deputy Mayor had spent his holiday with his wife at Kozelsk and

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seen the Poles in the camp in which it is common ground that they were formerly detained. The witness further stated that although he had not seen the Poles after the Germans moved in his students told him that they were walking along the road through the forest by which the graves were subsequently found. He had never been told the precise location of the graves by anyone. This witness was followed by a Bulgarian member of the German commission. He gave evidence at length of the very perfunctory nature of Commission's examination. They only spent some 7 or 8 hours at the site altogether and emphasised that everything they were shown had previously been discovered or exhumed. He was less convincing in his explanation of why he had signed the joint report finding that the murders had been committed in April or May 1940 but his explanation that they were all put under pressure to sign at a military airfield in Russia was not possible and the effect of his evidence was generally to discredit the German report. The third witness was the principal member of the Soviet investigation. He was undoubtedly a most effective witness and testified to having personally exhumed some 5,000 bodies at Kiev, Kharkov, Smolensk and other places. He spoke in great detail of the condition of the bodies and of the very careful investigation made. His commission had made a most careful autopsy of 925 bodies only 3 of which had apparently been perfunctorily examined previously. He explained the condition of the clothing which had been searched and gave details of a few documents found. They included receipts dated April and May 1941 and a letter from a wife to the Soviet Red Cross bearing a Warsaw and Moscow postmark in September 1940 as well as postcard with the stamp of the Tarnopol Post Office dated 13th November 1940. He has personally discovered a letter dated 20th June. His mastery of the details of these documents was complete and his evidence delivered confidently and quickly, but obviously not parrotwise. He went on to deal with the bullet cases which were found in the graves which were those of a calibre which the German witnesses had admitted applied to the German pistols and which he stated bore the initials of a German firm Geco. This evidence was greatly fortified by a captured document produced by the Americans being a telegram dated May 1943 from an official of the Government General to the defendant Franks office in Poland stating that members of the Polish Red Cross who had been visiting Katyn at the invitation of the Germans had been very much disturbed at finding bullet cases marked Geco, a well known German firm. The conjunction between this document showing German bullet cases found in the graves in May 1943 by the Poles and by the Soviet commission a year later in January 1944 was most convincing. He went on to give reasons why the bodies could not have been buried as early as 1940 and concluded by comparing the method of killing with that in the many other cases which he had personally investigated where German action was not disputed. Altogether although not of course conclusive the evidence emerged strongly in favour of the Soviet case and the German report was largely discredited and their evidence unimpressive.

Copies sent to War Crimes Executive, Lansdowne House .

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Author of this letter; letter in text format

- from Maresch Eugenia » Katyn 1940: The Documentary Evidence of the West's Betrayal

Much can be learned from documents generated by the BWCE and their correspondence with the FO. Patrick Dean, legal adviser to the FO, was the primary recipient of all signals coming from Lt Col Harry Phillimore, Secretary of the BWCE at Nuremberg. At the beginning of July, a telephone call was received at the FO from Phillimore, informing them briefly that 'the Russians had much the best of the argument' and in the BWCE view 'rightly so'.

...

Phillimore's passive summary of Katyn procedures[2] was in accordance with the FO instructions to desist from analysing the validity of the court, stating only what transpired. He expressed his satisfaction with the way it had gone for the Soviets, but what caught his attention particularly were the GECO fired cartridges found in the graves, which for him, tilted the balance of guilt onto the Germans. One can deduce that the BWCE team were ignorant of the Rapallo Treaty of 1920, signed by Russia and Germany in violation of the Versailles agreement, which prohibited Germany to rearm or allow her to deal in arms. The War Office should have briefed the BWCE about this matter and confirmed that in between the wars Germany had sold GECO ammunition to Russia and other countries of Eastern Europe. The White Book on Katyn, which includes the ballistic experts report, states that 'all bullets found in Katyn graves were of German make'. So the Germans were not covering up the fact, which could have been taken as proof of guilt.

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H.Q., the Colonel had never noticed anything during the long time the unit had been stationed there, until the incident of the cross and wolf occurred.

An officer followed this witness from the Army Group Signals, who handled all secret messages and who said that he never handled any order to kill Polish prisoners and any order to this effect must have gone through his hands. He was confronted with a captured document annexed to the Soviet report, showing that in September 1941, Einsatz Kommando B and also Einsatz Kommando Moscow were situated at Smolensk and admitted that he did not handle secret orders between the Einsatz Kommandos and their superior authorities in the SS.

The third witness was the General in charge of the whole Signals of the Army Group, who's H.Q., was also nearby. He had constantly been along the track from September 1941 onwards and had never noticed anything unusual nor had he any knowledge of Polish prisoners being in the neighbourhood. He made virtually the only good point on behalf of the defence that no German Signals Regiment would knowingly have pitched its H.Q. practically on top of these mass graves.

The prosecution called first a Professor of Astronomy whom the Germans had compelled to be Deputy Mayor of Smolensk during the occupation. This Professor reported being informed by the Mayor, who was a collaborator, of the Germans' decision to kill Poles in September 1941. He was subsequently told that they had been killed and it was clear that the Mayor had been so informed by the German Commandant. This second-hand evidence was greatly improved by defence counsel in cross-examination as he elicited that the witness had personally known the place in the [forest] so extremely well, it being a resort of the residents of Smolensk and had been there off and on until the German occupation, after which it became a forbidden area. He also elicited that in August [1940], namely some months after the Germans alleged that the murders took place; the Deputy Mayor had spent his holiday with his wife at Kozelsh [Kozelsk] and seen the Poles in the camp in which it is common ground that they were formerly detained. The witness further stated that although he had not seen the Poles after the Germans moved in, his students told him that they were walking along the road through the forest [where subsequently the graves were found]. He had never been told the precise location of the graves by anyone.

This witness was followed by a Bulgarian [Markov] member of the German [Medical] commission, who gave evidence at length of the very perfunctory nature of Commission's examination. They only spent some 7 or 8 hours at the site altogether and emphasised that everything they were shown, had previously been discovered or exhumed. He was less convincing in his explanation of why he had signed the joint report, finding that the murders had been committed in April or May 1940 but his explanation that they were all put under pressure to sign at a military airfield in Russia was not possible and the effect of his evidence was generally to discredit the German report.

The third witness was the principal member of the Soviet investigation [Prozorovsky]. He was undoubtedly a most effective witness and testified to having personally exhumed some 5,000 bodies at Kiev, Kharkov, Smolensk and other places. He spoke in great detail of the condition of the bodies and of the very careful investigation made. His commission had made a most careful autopsy of 925 bodies, only 3 of which had apparently been perfunctorily examined previously. He explained the condition of the clothing, which had been searched and gave details of a few documents found. They included receipts dated April and May 1941 and a letter from a wife to the Soviet Red Cross, bearing a Warsaw and Moscow postmark in September 1940 as well as postmark with the stamp of the Tarnopol Post Office dated 13 November 1940. He has personally discovered a letter dated 20 June. His mastery of the details of these documents was complete and his evidence delivered confidently and quickly, but obviously not parrot wise. He went on to deal with the bullet cases, which were found in the graves, which were those of a calibre which the German witnesses had admitted applied to the German pistols and which, he stated, bore the initials of a German firm GECO. This evidence was greatly fortified by a captured document produced by the Americans being a telegram dated May 1943 from an official of the Government General to the defendant Frank's office in Poland stating that members of the Polish Red Cross who had been visiting Katyn at the invitation of the Germans had been very much disturbed at finding bullet cases marked GECO, a well known German firm. The conjunction between this document showing German bullet cases found in the graves in May 1943 by the Poles and by the Soviet commission a year later in January 1944, was most convincing. He went on to give reasons why the bodies could not have been buried as early as 1940 and concluded by comparing the method of killing with that in the many other cases which he had personally investigated where German action was not disputed. Altogether, although not of course conclusive the evidence emerged strongly in favour of the Soviet case and the German report was largely discredited and their evidence unimpressive.