

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

[Source: Zayas, A. de, *The Wehrmacht War Crimes Bureau, 1939-1945*, University of Nebraska Press, 1989, pp. 82-83]

DIPLOMATIC PROTECTION

[...]

The Third Reich and the Anglo-Americans

One of the tasks of a Protecting Power is to communicate one government's accusation of another's violation of international law. The German Foreign Office, for instance, would send a note to the German Embassy in Bern, Switzerland; the embassy would transmit that note to the Swiss Foreign Office (called the Federal Political Department), which would telegraph the note to the Swiss Embassy in London or Washington, which would bring it to the attention of the British or American government. After due investigation an official answer would be drafted by the British Foreign Office or the U.S. Department of State and telegraphed to its embassy in Bern for delivery to the Swiss Federal Political Department, which would complete the circle by informing the German Foreign Office through the Swiss Embassy in Berlin. [...]

The German Foreign Office obtained its information about violations of the laws of war from many sources – first of all through the War Crimes Bureau but also through its own liaison officers at the High Command of the Army, Navy and Air Force, in the Wehrmacht propaganda department, and with the armies in the field. The Bureau however, besides making its documents available to the Foreign Office, often itself recommended lodging a protest with the Protecting Power and sometimes prepared the draft of the note.

Perhaps the most frequent cause of protest was the treatment of German prisoners of war, one of the most celebrated cases being the shackling of German soldiers taken prisoner by British commandos at Dieppe in August 1942. Another case involved the misuse of German POWs on dangerous assignments close to the front line. On 20 December 1944 the Bureau sent to the Wehrmacht operations staff a copy of the sworn

deposition of Private Hans Greiss, who alleged that he and other German POWS had been forced to dig trenches at the American battle front close to Kirchberg, Jülich, in November 1944. Greiss stated that he and his comrades had been compelled to work under German artillery fire and that the resulting casualties included two dead and twenty wounded. Goldsche recommended lodging a diplomatic protest against the British and American governments, "since this case entails a very serious violation of the Convention on the Treatment of Prisoners of War (Articles 7 and 9)" (1929 Geneva Convention relative to POWS). The operations staff passed the recommendation to the German Foreign Office, which agreed and transmitted an official protest on January 26, 1945. [...]

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