

**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. 156-157]

[...]

Judge Rüdél, in charge of investigating allegations about crimes committed against parachutists, first questioned numerous wounded soldiers who had been flown to hospitals in Athens. Their testimony convinced the chief of staff of the 11<sup>th</sup> Air Corps, Major General Alfred Schlemm, that a special commission under intelligence officer Major Johannes Bock should be sent forthwith to Crete to continue on-site investigations. Rüdél, as a member of the commission, flew to Crete on May 28, 1941. On 14 July he submitted a long report more favorable to the British military than to the Cretan civilian population. He summed up:

On the basis of sworn testimony of German soldiers who participated in the fighting on Crete, [plus] interrogation of Greek and British soldiers, and aided by photographic evidence, we could establish the following:

1. Participation of civilians and policemen in open battle on all battlefields, especially in the western parts of the island; in some areas civilians offered organized resistance according to military principles. The civilian population, including youngsters about ten years old, fired with all sorts of weapons, also with dum dum and hunting ammunition. Bush and tree snipers were repeatedly observed... .
2. Dead and wounded soldiers were robbed and deprived of parts of their clothing, primarily by the civilian population.
3. On corpses of German soldiers countless mutilations have been established; some had their genitals amputated, eyes put out, ears and noses cut off; others had knife wounds in the face, stomach, and back; throats were slit, and hands chopped off. The majority of these mutilations were probably defilement of the dead bodies; only in a few cases does the evidence indicate that the victim was

maltreated and tortured to death. A number of corpses were found with hands, arms, or legs tied up; in one case the corpse had a cord around his neck... .

4. On the enemy side the use of German uniforms, especially parachutist combinations and steel helmets, was observed. Similarly, in order to deceive the other side, they signaled with swastika flags.
5. Shipwrecked soldiers of the light squadron "West"... which had been attacked and partly destroyed by British warships in the night of the 21-22 May, were shot at by the British. Soldiers swimming in the water with life vests or paddling their lifeboats were fired upon and many killed or wounded... .

From these investigations it appears that the mutilation of corpses and the maltreatment of soldiers were committed almost exclusively by Cretan civilians. In some cases survivors observed that civilians fell upon dead soldiers, robbed them, and cut them with knives. In only one case were enemy soldiers involved in such acts; on the contrary, the British attached great importance to the proper treatment of prisoners of war, prevented abuses by Greek soldiers and civilians, and did all was necessary in the medical field. On the other hand, the shooting of shipwrecked was carried out exclusively by British warships. It is difficult to determine how it was that the civilian population of Crete participated in the fighting and committed atrocities; the statements made by the Cretans and by the British prisoners must be taken cum grano salis, because they each tend to put the blame on the other.