

This statement by the witness Dr. Kreutzer conforms with the testimony of Tessmann, viz. that the Gestapo-official BAUER came to Fuhlshüttel a few days before the execution and that he declared to have something to say to the Poles. He did not say what it was he had to tell them. On the day of the execution Bauer spoke to the Poles again. In the witness-stand Tessmann made an extraordinarily clear, sure and favourable impression. Tessmann did not entangle himself in contradictions. For Tessmann very important witnesses gave their evidence in an incontestable manner. As it is doubtless a fact that these eleven Poles could only have been sentenced legally, Tessmann has not become guilty of committing a punishable offence.

III. In reference to the third point of the prosecution there is this to say: that Tessmann is not responsible for the incidents that occurred on the march to Kiel. It will be a matter for the individual leaders of the transport to clear up the occurrences on the march. Tessmann did not accompany any transport. Tessmann told the guards before the march began: "arms will be used" - there was no word about shooting to death - "as soon as anybody escapes, becomes mutineer or stays back for the purpose of escape." This was told by the witness KOOPMANN who took part in the march. He is the only witness who, as witness for the prosecution and as a prisoner gave a clear evidence in reference to this point. No other witness to this conversation exists. The witness Koopmann stresses a decided difference between the issue of the order by Tessmann and the passing on of the order by SCHÜTTE. According to Koopmann's evidence as a witness, Schütte had changed and misrepresented the order and has passed it on thus changed. Tessmann had said arms will be used and that is the decisive point - i.e. shoot and disable the adversary by wounding him in case he escapes or if/when there is a mutiny, resistance or an attempt to escape. Then the purpose of a wound - perhaps a bullet into a leg - is fulfilled. In such a case of mutiny or escape the wounded person - the same as a sick person, will be passed on to the nearest police station or to the burgomasters office. Therefore the order was not intended to shoot to kill indiscriminately or to shoot to kill after an attempt to escape had been made and the fugitive had been recaptured. That, of course would be entirely inadmissible legally. Tessmann acted therefore strictly according to international penal law, in a legally indisputable manner. Tessmann could do no more than give an order concerning the conduct during the march, but he could not be present in the different groups. Tessmann has proved that, what with the big number of prisoners, many of them women, and about 100 guards, he was able to keep order, discipline and obedience in the prison. In such a manner he had to organise the march of the prisoners in an orderly manner. The guards and the prisoners must be protected. But this protection was non-existent if, due to mutiny, resistance or flight the unity of the column was disturbed on the march. Therefore Tessmann's conduct was in every aspect quiet, clear and moderate. The witness Koopmann himself was a prisoner and participant of the march and is witness for the prosecution. The very unfortunate occurrences on the march are the result of the difference between the order as issued by Tessmann and as issued by the individual leaders of the columns. Insofar the individual leaders of the transport acted on their own and outside of Tessmann's sphere of power. Tessmann, for this transport and as we know, had caused a truck to be procured for the sick, weak injured or wounded. It was Tessmann who was caring for the lives and health of the prisoners on the imminent march. Everything necessary for an orderly execution of the march had been thought of by Tessmann.