



You have downloaded a document from
RE-BUŚ
repository of the University of Silesia in Katowice

Title: “Laconia Order” and the responsibility of Admiral Dönitz before the Nuremberg Military Tribunal

Author: Konrad Graczyk

Citation style: Graczyk Konrad. (2017). “Laconia Order” and the responsibility of Admiral Dönitz before the Nuremberg Military Tribunal. “Journal of Science of The Military Academy of Land Forces” (Vol. 49, No. 2 (2017), s. 5-15), doi 10.5604/01.3001.0010.4894



Uznanie autorstwa - Licencja ta pozwala na kopiowanie, zmienianie, rozprowadzanie, przedstawianie i wykonywanie utworu jedynie pod warunkiem oznaczenia autorstwa.



UNIwersYTET ŚLĄSKI
W KATOWICACH



Biblioteka
Uniwersytetu Śląskiego



Ministerstwo Nauki
i Szkolnictwa Wyższego

“LACONIA ORDER” AND THE RESPONSIBILITY OF ADMIRAL DÖNITZ BEFORE THE NUREMBERG MILITARY TRIBUNAL

Konrad GRACZYK*

* Faculty of Law and Administration, University of Silesia, Katowice
e-mail: ko.graczyk@interia.pl

Received on 17th July; accepted after revision in February 2017

Copyright © 2017 by Zeszyty Naukowe WSOWL



Abstract:

The article concerns the theme related to the order of 17 September 1942 issued by Admiral Karl Dönitz, Commander-in Chief of the German submarine fleet during the World War II. In the German literature this order is known as the Laconia Befehl. It was issued in connection with the rescue operation after the sinking of the British ship 'Laconia', which was commenced by the crew of a German submarine. Not only weighty military and ethical, but also legal nature issues appear against the background, since in connection with the order issued Admiral Dönitz was charged before the Nuremberg Military Tribunal for war crimes.

Keywords:

order, Dönitz, Laconia, the Nuremberg Military Tribunal

INTRODUCTION

From 1 September 1939 Germany led a war of aggression against Poland, and two days later they were at war with France and Great Britain. The German Navy (*Kriegsmarine*), vigorously expanded from the year 1935 when the British-German Naval Treaty was concluded, also participated in the hostilities¹.

The submarines (*Unterseeboote, U-Boote*) constituted an important part of the German Navy. The attacks of German submarines targeted primarily the British fleet, and during the war the German submariners were present in the most remote areas of the

¹ Kaplan P., *U-booty. Podwodna armia Hitlera*, Warsaw 2015, p. 2.

world. The peak of their success in terms of tonnage sunk occurred in the months from July to November 1942 - it was the climactic phase of the “Battle of the Atlantic”².

In mid-August 1942, four German Type IX C submarines went out to sea from ports in the west of France³. They moved south towards the region of Cape Town. One of them was U-156 commanded by Captain Werner Hartenstein⁴.

On the night of 12 September 1942, the U-156 carried out the surface attack and with two torpedoes sank the British ship *Laconia*, which during the War served as the auxiliary cruiser and the military transport vessel. *Laconia* was built at the beginning of 1922 as an oceangoing passenger ship. Its displacement was of 19 680 GRT⁵. The ship sank at 505' south latitude and 11 38' west longitude, about 900 nautical miles south of Freetown. *Laconia* left Cape Town unescorted on 1 September 1942 with 2,725 people on board, among whom there were 1,793 Italian prisoners of war, 286 British soldiers, 103 Polish soldiers and 80 civilians⁶.

The attack on the *Laconia* was not a violation of international law, because the ship was armed with two 120 millimeters caliber guns and six anti-aircraft guns, sailed darkened and zigzagged, and, as such, was a natural target for a submarine⁷.

The crew and passengers of the sunken ship saved themselves through evacuation into lifeboats or jumping into the water, where they were exposed to attacks of sharks. The German sailors heard a cry for help in Italian and commenced a rescue operation. A few minutes after midnight on 13 September 1942 Admiral Dönitz received a radiogram from Captain Hartenstein, the commander of the submarine. Its content read as follows: “Hartenstein. I sank the British *Laconia*, square FT 7721, 310 degrees, but with 1500 Italian prisoners of war. 90 recovered so far. 157 m³, 19 torpedoes, *Passat 3*, awaiting orders”⁸.

In response to the above message, Admiral Dönitz directed the U-506 and U-507 submarines at the *Laconia* dumping site as they were closest to it, and asked the Italians for help and sending the *Cappellini* submarine operating in the same area. As pointed out in his memoirs, the rescue aid decision was not easy, because its conditions

² Pertek J., *Druga mała flota*, Poznań 1983, p. 300.

³ The Type IX C submarine was a large ocean vessel, designed to operate at large distances from their home port. Its displacement was of 1,120 tons on the surface and of 1,232 tons under water. The hull of vessels of this type was 76.8 m long and 6.8 m wide. The crew consisted of 4 officers and 44 sailors. Its operating depth was of 150 m and the maximum immersion depth of 225 meters. The range of the ship on the surface at the speed of 10 knots was 13,450 nautical miles offshore, while at the speed of 12 knots - 11,000 miles, and at the speed of 4 knots under water - 63 nautical miles, Kittel & Graf, *History of the U-boat*, 2015, pp. 101-102.

⁴ Dönitz K., *10 lat i 20 dni. Wspomnienia z lat 1935-1945*, Gdańsk 2004, p. 295.

⁵ GRT - gross registered ton. For comparison, the displacement of the Polish passenger ship *Batory* was of 14 287 GRT and the famous *Titanic* of 46 329 GRT.

⁶ Jarosz J., Brytyjskie krążowniki pomocnicze II wojny światowej, „Morza, statki i okręty” „Seas, ships and vessels”, No. 6/2005, p. 47. In contrast, in his memoirs Admiral Dönitz wrote that on board there were 436 crew members, 286 British holidaymakers with 80 women and children, 1800 Italian prisoners of war and 160 Polish guards, Dönitz K., *op. cit.*, p. 296. More than 1000 people survived the disaster. Thoß H., *Das Laconia-Ereignis: Korvettenkapitän Werner Hartenstein im Spannungsfeld von Gehorsam, Kriegsvölkerrecht und Moral; September 1942 - September 2012; wissenschaftliches Symposium; Tagungsband*, Plauen 2012, p. 4.

⁷ Blair C., *Hitler's war U-boats. Ścigani 1942-1945*, Warsaw 1999, p. 89.

⁸ Dönitz K., *op. cit.*, p. 296.

threatened the destruction of the submarine as a result of an air attack. He did not change his decision despite the orders of Admiral Raeder, the *Kriegsmarine* General Commander, that submarines could not be exposed to danger during rescue operations, and of Hitler, that the operation of the submarines sent to Cape Town should not have been delayed and they could not be posed to any threat. Dönitz ordered the submarines to bring on board only such a number of shipwrecked people, which would retain their ability to dive⁹.

The submarines alerted with an emergency call took part in the rescue operation. On 13 September 1942 after 06.00 hrs, on his own initiative Capt. Hartenstein sent three open radiograms saying: *"If Any ship will assist the ship-wrecked Laconia crew, I will not attack her providing I am not being attacked by ship or airforces. I picked up 193 men, 452' South, 1126' West. German submarine"*¹⁰.

On 16 September 1942 at noon, during the rescue operation being carried out, an American bomber attacked the U-156, despite previous open messages and placing a large Red Cross flag on its conning tower. As a result, the submarine was damaged. A day later an attack was launched against the U-506 with 142 survivors on board. The dropped depth charges did not cause any damage, since she managed to draught at a safe depth. After the attack on U-156 and stormy deliberation, the German submarine fleet command decided to continue the rescue operation¹¹.

Due to the attack of the Allied air forces against German submarines conducting the rescue operation, on 17 September 1942 r Admiral Dönitz issued the "Laconia" order.

1. THE CONTENT AND MOTIVES OF THE ORDER

As acknowledged by Admiral Dönitz, as a result of the abovementioned incident he was forced to issue an order that would prevent it from happening again and would deprive vessels commanders of discretion, regardless of whether the danger of air strikes allowed to conduct a rescue operation or not. Experience with rescue operations resulted in the adoption of a model of conduct receiving the discretion of a submarine commander at a spot. This model generally assumed withholding of any assistance for survivors. The order read as follows: *"No attempts should be taken to rescue crew members of sunken ships, recover swimming shipwrecked people, put them into lifeboats, lift overturned boats or give food and water. A rescue operation is opposed to the elementary principles of conducting the action to destroy enemy ships and crews. Orders related to taking the captains and chief engineers remain in force. Shipwrecked people are to be rescued only if their information could be relevant to your vessel. Be tough. Remember that the enemy also does not show consideration of your wives and children during the bombing raids on German cities"*¹².

The commander of the German submarine fleet with the above order, so as to ensure the safety of their own vessels, introduced the principle of not providing assistance to

⁹ *Ibidem*, p. 299-300.

¹⁰ *Ibidem*, p. 299, C. Blair, *op. cit.*, p. 90-91.

¹¹ Dönitz K., *op. cit.*, pp. 301-302.

¹² Quoted after: Pertek J., *op. cit.*, p. 301-302.

crewmembers and passengers of sunken ships. He made no distinction between citizens of the Allied and the Axis countries. Using the illustrative calculation of activities, he recommended not recovering survivors, not lifting overturned lifeboats and putting victims in them, as well as not providing them with food and drinking water. Giving the reasoning to his view he referred to the principles of conducting submarine warfare and its objectives, which was not only to destroy enemy vessels, but also their crews. However, he was not consistent in his assumption, as he mentioned two exceptions to the established rule. They included rescue officers in charge, i.e. a captain and the first mechanic, and those survivors who would have important information. Undoubtedly the rescue of those people could have a positive impact on the position of a submarine, if they agreed to provide information on the activity of the fleet in a given region and even, in a wider strategic dimension, reveal technical issues related to their own weapons, tactics, etc. *In fine* Dönitz, aiming to break / overcome the moral standards of German officers referred to the bombing of German cities. The command to maintain a firm stance clearly demonstrates Admiral Dönitz's awareness about a moral reprehensible of the prohibition of aid to survivors and possible subordinates' objections.

The relation between the content of *Laconia Befehl* and orders previously issued by the command of the German Navy in terms of the conduct towards crewmembers of damaged vessels can be considered. The permanent (general) war order (*Ständiger Kriegsbefehl*) No. 154 was issued at the beginning of May 1940. Its fragment, quoted before the Nuremberg Court, read as follows: “Do not save or take any people. No concern over the steamer boats. [...] Just care about own ship and take any effort to quickly achieve subsequent success. In this war we have to be tough. The enemy launched the war to destroy us, this is not, therefore, anything more”¹³.

In contrast, at the beginning of 1942, in an interview with the Japanese ambassador, Hitler pointed out that regardless of the number of ships under construction, the main problem of the USA is the lack of personnel. Therefore, he said that ships were to be sunk and their crews killed without warning, because the training of maritime personnel took a long time, and in such conditions it would be problematic to recruit new people. He had to give the order for submarines to surface and destroy lifeboats in the case when the enemy sailors could not be taken as prisoners¹⁴.

The issue being analyzed corresponds to the content of the operation Atlantic order No. 56 (*Atlantik Operationsbefehl*), which was given later, on 7 October 1943, and highlighted the special task of destroying a rescue ship in each convoy. It was a specialist ship with a displacement of 3000 GRT, which was to bring survivors on board after the attacks of submarines; it was equipped with an aircraft and large motorboats. The Command identified the sinking of such a ship as crucial for the desired destruction of ships' crews¹⁵. *Laconia Befehl* did not substantially differ from the intention emerging

¹³ [online] [access: 18.09.2015] Available on the Internet <http://www.zeno.org/Geschichte/M/Der+N%C3%BCrnberge+Proze%C3%9F/Hauptverhandlungen/Dreiunddrei%C3%9Figster+Tag.+Montag,+14.+Januar+1946/Vormittagssitzung>, accessed on: 18.09.2015.

¹⁴ *Ibidem*, accessed on: 18.09.2015.

¹⁵ *Ibidem*, accessed on: 18.09.2015.

from other Hitler's orders and views. It was about the destruction of the enemy crews, in order to lead to the paralysis of the enemy shipping, even when it had the relevant number of vessels. There is no point in questioning the Command's power to impose a specific hierarchy of objectives. However, the guidelines of the Command with reference to the priority in the selection of targets of attack are something different from firing at survivors at sea. The wording of *Laconia Befehl* seems to be milder from the Hitler's view that recommended the destruction of the boats with survivors on board.

2. THE ACCUSATION OF ADMIRAL DÖNITZ

The "Laconia" order was one of the circumstances justifying counts of alleged war crimes at sea. This charge was placed in the third chapter of the indictment, devoted to war crimes, where all the accused persons were accused of murder and abuse of prisoners of war and other members of the armed forces in the countries which Germany led the war against, as well as people on the high seas¹⁶. Two other allegations against Admiral Dönitz concerned the participation in the preparation for the attack against Norway and turning the crew of the Allied torpedo boat over to the Security Forces of the NSDAP¹⁷. Generally, three charges against the German Admiral fell within the range of particular groups of criminal acts, including, firstly, the participation in the National Socialist conspiracy aiming to take power, as well as the preparation and waging the aggressive war, secondly, crimes against peace by taking part in the conduct of the aggressive war, and thirdly war crimes¹⁸.

The author of the indictment when justifying the accusation stated¹⁹ that the defendants murdered and mistreated prisoners of war through depriving them of the sufficient amount of food, clothing, accommodation and medical care, forced them to work in inhuman conditions, and tortured, humiliated and killed them as well. Examples given by the prosecutor in support of the allegation included sending prisoners of war to concentration camps, murdering them at the time of their surrender on the battlefield, forcing prisoners to march at long distances without food, during which they died from exhaustion, using corporal punishment of non-commissioned officers and cadets who refused to work, and also poking privates with bayonets, beating them with rifle butts and flogging. The examples mentioned in this section of the indictment do not include any offense committed at sea or against survivors²⁰.

The literal interpretation of the order does not confirm the prosecutor's conviction. The order issued by Admiral Dönitz prohibiting any actions bringing help, was the order to refrain, not act. His hypothesis assumed refraining instead of operating actively. Having referred the content of *Laconia Befehl* to the allegation against the German

¹⁶ Cyprian T., Sawicki J., *Materiały norymberskie: umowa, statut, akt oskarżenia, wyrok, radzieckie votum*, Warszawa 1948, p. 93.

¹⁷ Heydecker J., Leeb J., *Trzecia Rzesza w świetle Norymbergi. Bilans tysiąca lat*, Warsaw 1979, p. 425.

¹⁸ Gelewski T., *Zbrodnie wojenne na morzu w drugiej wojnie światowej*, Gdańsk 1976, p.355.

¹⁹ It should be emphasized that at this point of the indictment there was also posted a statement about 11000 Polish officers - prisoners of war murdered by the Germans in September 1941 in Katyn Forest near Smolensk, which - as we know - was not true, Cyprian T., Sawicki J., *op. cit.*, p. 95. About the Katyn lie ,Cf. Graczyk K., *Wyrok niemieckiego Trybunału Ludowego z 1943 r. w sprawie kłamstwa katyńskiego*, „Z Dziejów Prawa”, vol. 8(16), p. 13-25.

²⁰ Cyprian T., Sawicki J., *op. cit.*, p. 93-94.

admiral it can be concluded that the prosecutor recognized the order prohibiting rescuing survivors as the order to murder them²¹.

The thesis of the quoted order seemed to be giving relative priority to the military action and security of the submarine²² in relation to the universal yet obligation to provide assistance. Relativity is the result of an exception allowed for captains, chief mechanics and people possessing important information

However, it does not alter the fact that *Laconia Befehl*, even assuming its restrictive interpretation, was a morally reprehensible order. The ban on aid provided to survivors was in fact the infringement against the rules governing the conduct of submarine warfare under international law - not only customs, but also concluded treaties, in particular the Protocol regulating the war operation of submarines set out in Part IV of the Treaty of London of 22 April 1930²³. This Protocol obliged submarines to comply with international law, which surface vessels were subject to. In accordance with the provisions of the Protocol submarines were not allowed to sink an enemy ship without prior locating passengers, crew and ship's documentation in a safe place. Importantly, boats could not be considered as safe unless, depending on the sea state and weather conditions, the safety of passengers and crew was ensured by the proximity of land or the presence of another vessel capable of providing assistance.

When analyzing this specific order it must be borne in mind that the German Admiral issued it under the influence of events occurring after the sinking of the ship “Laconia” by the U-156, in particular after the Allied air forces had attacked the German submarine, in spite of the apparent rescue operation, the flag of the Red Cross hung out and open information transmitted. It can be assumed that the German captain made every effort to safely coordinate and continue the rescue action. The Allied Command did not take this, however, into due consideration, because then the sinking of the German submarine was more important than the fate of the survivors²⁴. The Germans, unlike the Americans, behaved really humanely in this situation.

The Admiral Dönitz's order had generally preventive value - its aim was to avoid a threat to the German submarine. Such threat existed even when the submarine remained on the surface during the day, and grossly increased in the case of its involvement in emergency actions limiting the mobility of the ship. It should be added that this fear, both then and in the last months of the war, was justified. An armed aircraft was a monstrous threat to a submarine, if she did not have enough time to hide in the depths. Hence rightly the German Command recommended taking on board only the relevant number of people during rescue operations to maintain the capacity of alarm dive. Otherwise an aircraft attack could lead to the destruction of the entire vessel, and thus the death of survivors brought on board. The fairness of this position was also

²¹ Dönitz K., *op. cit.*, p. 306.

²² Heydecker J., Leeb J., *Trzecia Rzesza...*, p. 423.

²³ Journal of Laws of 1937 No. 55 item 425.

²⁴ General Robert Richardson, who ordered the air attack on the German submarine conducting the rescue action after the sinking of 'Laconia', expressly confirmed the fact after the war. He said, among others, that it was a war so submarines had to be destroyed, and the presence of the survivors did not make any difference Dönitz K., *op. cit.*, p. 305.

testified by the fate of three submarines taking part in the rescue operation of “Laconia”, as all of them were destroyed along with the crews as a result of air strikes²⁵.

3. THE JUDGEMENT OF THE NUREMBERG TRIBUNAL

The International Military Tribunal in Nuremberg was established by the so-called London Agreement, that is “International agreements on the investigation and prosecution of the major war criminals of the European Axis”²⁶, while its structure, the powers of the Tribunal and the principles governing taking of evidence were included in the card being the Annex to this Agreement. Taking of evidence during the Nuremberg trial was subject to several specific rules, essentially deteriorating the possibility to defend the accused. The exculpation was excluded by appointing to an official position, acting on behalf of the State or at the behest of the superior authority²⁷. It was a very reasonable position, since its absence in the extreme case (though unrealistic) would only allow a conviction of the Commander-in-Chief, namely Adolf Hitler, for a crime²⁸.

Furthermore, there was excluded the principle *tu quoque* (you too) including the argument related to the behavior of the other party, which would allow to absolve from guilt based on the fact of committing a similar act by the enemy²⁹. In the absence of such a solution Germany could rely even on examples of bombing raids on German cities, for example Dresden.

Admiral Karl Dönitz did not plead guilty. He was questioned about the fact of issuing *Laconia Befehl*, before the Tribunal there were quoted the content of this order, the content of the order of 7 October 1943 and the content of the permanent (general) war order No. 154; moreover, the conversation between Hitler and the Japanese diplomat was reported, the example of opening fire at survivors on the order of Captain Eck was mentioned, and witnesses were interrogated – among others, Lieutenant Peter Heisig about the fact of the speech given by Admiral Dönitz at officers' school, concerning the conduct of a total war at sea as well as the major problems of the United States with staffing new vessels³⁰.

In the prosecutor's intention the introduction of the case of *Laconia Befehl* to the Nuremberg Court was to be the circumstance definitely aggravating Admiral Dönitz. However, it actually was an opportunity for the defense to prove that the crews of German submarines behaved in a humane manner, exposing themselves to danger, and that the Allies acted brutally attacking submarines conducting the rescue operation³¹.

²⁵ Ibidem, p. 307.

²⁶ Journal of Laws 1947 No. 63 item 367.

²⁷ Gelewski T., *op. cit.*, p. 351.

²⁸ In this issue it can be added that also the then German military penal code was on the basis of the so-called doctrine of intelligent bayonets, according to which a soldier was obliged to refuse to obey an order if it clearly aimed at committing a crime. Cyprian T., Sawicki J., *op. cit.*, p. 28.

²⁹ Gelewski T., *op. cit.*, p. 351.

³⁰ [online] [access: 05.10.2015] Available on the Internet: <http://www.zeno.org/Geschichte/M/ Der+N%C3%BCrnberger+Proze%C3%9F/Hauptverhandlungen/Dreiunddreie%C3%9Figster+Tag.+Montag,+14.+Januar+1946/Vormittagssitzung>.

³¹ C. Blair, *op. cit.*, p. 96.

It seems that defending efforts undertaken by Dr. Otto Kranzbühler, who was a judge of the German Navy, had a significant influence on the - favorable to the accused - assessment of *Laconia Befehl*. Among others, he questioned one of the deputies of Dönitz, Admiral Eberhard Godt, as a witness. This officer was involved in the formulation of the order being analyzed and stated that it had only meant to prohibit the conduct of any rescue actions³². Kranzbühler managed to get similar content orders of the British Admiralty on the unrestricted submarine warfare³³. Kranzbühler undermined the prosecution's witnesses' testimonies and submitted statements of sixty-six commanders of German submarines for the benefit of Dönitz³⁴. The introduction into evidence, with the agreement of the Tribunal, a questionnaire developed by Kranzbühler, completed by the American Admiral Chester Nimitz, the Commander-in-Chief of the US fleet in the Pacific, was more crucial in effects and factually violated one of the rules of proceeding. Responses given by Nimitz evidenced that in the Pacific Ocean the American submarines attacked without warning, and no survivors were rescued if it exposed a submarine to danger or prevented further operation³⁵. Especially the latter circumstance proved that Germany in the war at sea used the same methods toward England, as the USA toward Japan. The content of Admiral Dönitz's order has been considered as an element of a total war³⁶, which in conjunction with Admiral Nimitz's testimony suggests that the Americans also conducted a total war against Japan.

When referring to the presented evidence and statements, Admiral Dönitz condemned the criminal act of Captain Eck. He reasoned that the commanders of the submarines had to destroy floating wrecks - without killing sailors – so that they did not facilitate the pursuit of the U-boat³⁷. However, with regard to shipwrecked people he said that fighting against them was a matter of soldier ethics in combat and it was unacceptable in any case³⁸.

The Tribunal in its judgment stated that the evidence presented did not provide absolute certainty that Dönitz deliberately ordered the killing of survivors. He added, however, that orders were ambiguous and deserved the severest condemnation³⁹.

The Nuremberg Tribunal sentenced Admiral Karl Dönitz to ten years of imprisonment and was the lowest quantum of penalty ordered in the process. In conclusion, the Court ruled that he was considered guilty of the offenses covered by the second (i.e. a crime against peace) and the third (i.e. war crimes) parts of the indictment, while acquitting him of the offenses covered by the first section (i.e. a conspiracy aimed at committing or leading to the commission of crimes against peace, war crimes and

³² [online] [access: 05.10.2015] Available on the Internet <http://www.zeno.org/Geschichte/M/Der+N%C3%BCrnberger+Proze%C3%9F/Hauptverhandlungen/Einhundertneundzwanzigster+Tag.+Dienstag,+14.+Mai+1946/Nachmittagssitzung>, accessed on: 05.10.2015.

³³ Heydecker J., Leeb J., *Trzecia Rzesza...*, p. 424.

³⁴ Blair C., *op. cit.*, p. 726.

³⁵ Gelewski T., *op. cit.*, s. 361.

³⁶ Bird K., *Erich Raeder. Grossadmiral III Rzeszy*, Warsaw 2009, p. 269.

³⁷ Kaplan P., *op. cit.*, p. 230.

³⁸ Heydecker J., Leeb J., *Proces w Norymberdze*, Warsaw 2006, p. 331.

³⁹ Cyprian T., Sawicki J., *op. cit.*, p. 308.

crimes against humanity) of that indictment⁴⁰. The fact that the judgment was not based on an alleged breach of the international law on the conduct of submarine warfare⁴¹ indicates that the Nuremberg Tribunal did not recognize the *Laconia Befehl* as aggravating. The attributed perpetration of crimes against peace related to the participation in the preparation of the attack on Norway, while the perpetration of war crimes included turning the crewmembers of the Allied torpedo boat, who were then shot, over the Security Service of the NSDAP⁴².

CONCLUSION

The sinking of the ship “Laconia” was an example of one of the numerous activities carried out by the Germans during the unleashed by them World War II. The peculiarity of this event was that the rescue operation was begun primarily due to the survivors who were allies of the Third Reich. The attack of the Allied aircrafts on the German ships engaged in the rescue operation was definitely unworthy. It showed, however, the degree of determination of the Allies towards German submarines. The order issued on the ground of the rescue operation did not become the basis for finding Admiral Dönitz guilty by the Nuremberg Tribunal, primarily because of its careful wording as well as similar orders of the British Admiralty on the unrestricted submarine warfare⁴³.

At the margin it may be stated that the issue of Laconia, including the order given by Donitz, is also an example of the historic policy pursued by Germany, the manifestations of which were the film “Laconia” and the miniseries “Sinking of Laconia” from 2011. Opinions on the two works are divided. Among them critical views appear in relation to opposing “the good German sailors with the Nazi Hartenstein at the forefront” to “the stupid and bad English officers and Polish soldiers guarding Italian prisoners of war”⁴⁴. The film adaptations may in any case encourage the promotion of the own history in a way emphasizing its positives.

BIBLIOGRAPHY

1. Bird K., *Erich Raeder. Grossadmiral III Rzeszy*, Bellona, Warszawa 2009.
2. Blair C., *Hitlera wojna U-bootów. Ścigani 1942-1945*, Wydawnictwo Magnum, Warszawa 1999.
3. Cyprian T., Sawicki J., *Materiały norymberskie: umowa, statut, akt oskarżenia, wyrok, radzieckie votum*, Książka, Warszawa 1948.
4. Dönitz K., *10 lat i 20 dni. Wspomnienia z lat 1935-1945*, Finna, Gdańsk 2004.

⁴⁰ *Ibidem*, p. 310.

⁴¹ *Ibidem*, p. 309.

⁴² Heydecker J., Leeb J., *Trzecia Rzesza...*, p. 425.

⁴³ Heydecker J., Leeb J., *Proces ...*, s. 329, 511.

⁴⁴ [online] [access: 05.10.2015] Available on the Internet: <http://www.welt.de/fernsehen/article13691942/Die-Laconia-und-der-gute-Nazi-Werner-Hartenstein.html>, dostęp: 27.12.2015

5. Gelewski T., *Zbrodnie wojenne na morzu w drugiej wojnie światowej*, Wydawnictwo Morskie, Gdańsk 1976.
6. Graczyk K., Wyrok niemieckiego Trybunału Ludowego z 1943 r. w sprawie kłamstwa katyńskiego, „Z Dziejów Prawa”, t. 8(16), Wydawnictwo Uniwersytetu Śląskiego.
7. Heydecker J., Leeb J., *Proces w Norymberdze*, Świat Książki, Warszawa 2006.
8. Heydecker J., Leeb J., *Trzecia Rzesza w świetle Norymbergi. Bilans tysiąca lat*, Książka i Wiedza, Warszawa 1979.
9. Jarosz J., *Brytyjskie krążowniki pomocnicze II wojny światowej*, „Morza, statki i okręty” nr 6/2005.
10. Kaplan P., *U-booty. Podwodna armia Hitlera*, Wydawnictwo RM, Warszawa 2015.
11. Kittel & Graf, *History of the U-boot*, Edizioni R.E.I., b.m. 2015.
12. Pertek J., *Druga mała flota*, Wydawnictwo Poznańskie, Poznań 1983.
13. Thoß H., *Das Laconia-Ereignis: Korvettenkapitän Werner Hartenstein im Spannungsfeld von Gehorsam, Kriegsvölkerrecht und Moral; September 1942 - September 2012; wissenschaftliches Symposium; Tagungsband*, Kulturbetrieb der Stadt Plauen, Plauen 2012.
14. [online]. [access: 27.12.2015]. Available on the Internet: <http://www.welt.de/fernsehen/article13691942/Die-Laconia-und-der-gute-Nazi-Werner-Hartenstein.html>.
15. [online]. [access: 05.10.2015]. Available on the Internet: <http://www.zeno.org/Geschichte/M/Der+N%C3%BCrnberger+Proze%C3%9F/Hauptverhandlungen/Dreiunddrei%C3%9Figster+Tag.+Montag,+14.+Januar+1946/Vormittagssitzung>.
16. [online]. [access: 05.10.2015]. Available on the Internet: <http://www.zeno.org/Geschichte/M/Der+N%C3%BCrnberger+Proze%C3%9F/Hauptverhandlungen/Einhundertneundzwanzster+Tag.+Dienstag,+14.+Mai+1946/Nachmittagssitzung>.
17. [online]. [access: 18.09.2015]. Available on the Internet: <http://www.zeno.org/Geschichte/M/Der+N%C3%BCrnberger+Proze%C3%9F/Hauptverhandlungen/Dreiunddrei%C3%9Figster+Tag.+Montag,+14.+Januar+1946/Vormittagssitzung>.

BIOGRAPHICA NOTE

Konrad GRACZYK – M.A., a doctoral student in the Department of History of Law at the Faculty of Law and Administration of the University of Silesia in Katowice; he received Scholarship of the Minister of Science and Higher Education for extraordinary scientific achievements in the academic year 2014/2015 and DAAD Scholarship for the academic year 2016/2017. Author of nine scientific papers and the master's thesis „Sprawa majora Jerzego Sosnowskiego w świetle niemieckich i polskich akt procesowych” (*Eng. 'The case of Major Jerzy Sosnowski in the light of German and Polish case-files'*), which received the third prize in the Competition of the Head of the Internal Security Agency for the best bachelor's / master's dissertation in 2015.

HOW TO CITE THIS PAPER

Graczyk K., (2017), "Laconia order" and the responsibility of admiral Dönitz before the nuremberg military tribunal. *Zeszyty Naukowe Wyższa Szkoła Oficerska Wojsk Lądowych im. gen. Tadeusza Kościuszki Journal of Science of the gen. Tadeusz Kosciuszko Military Academy of Land Forces*, 49 (2), p. 5-15, DOI: 10.5604/01.3001.0010.4894



This work is licensed under the Creative Commons Attribution International License (CC BY).
<http://creativecommons.org/licenses/by/4.0/>