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PETITION FROM DR. HEINZ LANGGUTH ON BEHALF OF MR. TOM ADALBERT VON PRINCE
CONCERNING TANGANYIKA

(Circulated in accordance with rule 85 of the rules
of procedure of the Trusteeship Council.)

Dr. Dr. Heinz Langguth

Hamburg 1, March 15, 1957

To:-
The Trusteeship Council of the United Nations
Attention: Mr. B. Cohen
Under-Secretary for Trusteeship and
Information from Non-Self-Governing Territories

NEW YORK
U.S.A.

Sir,

Re: Petition on behalf of Mr. Tom Adalbert Von Prince
(T/PET.2/199 and Add.1)

Observations of the United Kingdom Government as
Administering Authority.

Enclosed please find my comment on the observations in connection with the above
petition.

In accordance with rule 82 of the rules of procedure for the Trusteeship Council I
would ask you to kindly circulate my comment on the observations in connection with
the above petition as soon as possible as a supplementary petition for examination
to the members for the Standing Committee of Petition and of the Trusteeship
Council.

Should the meeting of the Standing Committee of Petition have taken place already,
please circulate my comment on the observations in connection with the above
petition to the members for their deliberations in the Trusteeship Council.

Yours faithfully,

(Signed) H. LANGGUTH

(Dr.Dr.H. Langguth)

Hamburg, March 15, 1957

To: -
The Trusteeship Council of the United Nations

NEW YORK
U.S.A.

Gentlemen,

Re: Petition on behalf of Mr. Tom Adalbert von Prince
(T/PET.2/199 and Add.1)

Observations of the United Kingdom Government as
Administering Authority.

ad A, 1:

(1) At the time of the outbreak of World War II Tom Adalbert von Prince was a national of the Free City of Danzig (cf. Petition T 2/199). Reference is made to the exact evidence in Petition T 2/200 (B 2a and b, page 3-7). Even the Administering Authority will not deny (cf. Observations A, 3) that he continues to be a Danzing national still at this moment (cf. Petition T 2/199, A, II, 2). The "incorporation in the German Reich" (cf. A, 1, sentence 3) mentioned by the Administering Authority (cf. minutes) was illegal (cf. Petition T 2/199, A, II, 1). The legislature enacted by the nazi-Gauleiter in the Free City of Danzig on the occasion of the "incorporation in the German Reich" was null and void, as has been recognized generally by international law, because it was unconstitutional and because it was enforced without approval of the Council of the League of Nations. The British Prime Minister then in office denounced the "incorporation in the German Reich" as illegal when speaking before the House of Commons. The Administering Authority did not refer to the inter-nationally illegal incorporation of the Free City of Danzig in the German Reigh when taking measures against Danzig nationals in Tanganyika Territory.

(2) Tom Adalbert von Prince never signed any document relating to membership in nazi associations. He never had anti-British views.

/...

(a) Tom Adalbert von Prince is of British origin. His grandfather was a police superintendent in the British colony of Mauritius. Originally his father was a British citizen. His brother, Massow von Prince, resident at Tanga, Tanganyika Territory, is now a British citizen. Tom Adalbert von Prince was born in Tanganyika Territory. His most ardent desire was to return to Tanganyika Territory after World War I.

(b) Tom Adalbert von Prince did not attend Party Meetings in Tanganyika Territory. He sent his children to the Missionary School, not to the German School of Luchoto where the teaching staff consisted of party members. He had strictly forbidden the negroes of the plants he managed to use the Hitler salute which was demanded by the Germans on the other plantations.

(c) In 1937 one of the largest British plantation companies offered petitioner the post of a General Manager. Later Tom Adalbert von Prince received big business orders from British firms. He maintained best relations to British families. This would not have been possible, had von Prince had anti-British views.

(d) After deportation to Germany in 1940 von Prince was rebuked by the Gestapo and by the party for his anglophile and anti-national-socialistic attitude in Tanganyika Territory. During the following years petitioner was persecuted and injured by the authorities of the national-socialistic regime for being pro-British and anti-Nazi.

(e) In 1945, after occupation of Eastern Germany by the Russian von Prince was sentenced to lifelong compulsory labour in Siberia. This was on the strength of the records of the German authorities (Gestapo, Party) in which he was suspected as anti-Nazi, as a man deported to Germany by the British in 1940, as an alleged British spy. Petitioner succeeded in escaping the detention and he fled afoot over 1300 kilometers. During his detention he rescued an American risking to the utmost his own life.

Evidence: Affidavit of a witness.

All of the above statements (ad a-e) can be proved by witnesses or affidavits.

(3) It was not as late as in 1945, but it was in 1939 already when von Prince referred emphatically to his being a national of the Free City of Danzig. This was proved by producing evidence (cf. Petition T 2/199, A, II, 1, application 24th March and 22nd April 1955). The conclusions in the observations (cf. A, 1, last sentence) are thus unjustified.

ad A, 2:

In Petition T 2/199 (cf. A, III, 1 and 2) it was proved unequivocally that the Tanganyika Government acted subjectively wrongfully by interning him and deporting him. This is also shown by the above comment ad A, 1, of the Observations.

ad A, 3:

The Administering Authority acted especially unlawful and in violation of international law when they confiscating the property of Mr. von Prince, although von Prince was a Danzig national living in Tanganyika Territory. Supplementary reference is made to Petition T 2/199 (A, II, 3 and III, 1 and 2). Further reference is made to the Petition on behalf of Messrs. Bertram von Lekow and Tom Adalbert von Prince (T/PET.2/200 and Add. 1), B, II, S. 3 - 7, S. 9, C, I and II, page 9 - 13).

The Tanganyika Government, is full knowledge of the true facts in regards to the Danzig nationality of the Petitioner, failed to make the right decisions under principles of International Law regarding him.

As to the legal situation of the Danzig nationals, the seizure, and the illegality of the confiscation of their property at the outbreak of World War II, reference is made to the summarizing comments in regard to this issue in the applications to the Trusteeship Council of March 6th and 7th, 1956, and November 10th, 1956. We would request to go back to this application.

In conformity with the legal situation the Danzig nationals in the countries of the Western Allies were treated as Danzig citizens, and not as Germans after the outbreak of the Second World War.

Neither in Great Britain nor in France nor in the United States of America were the Danzig nationals interned after the outbreak of the Second World War, nor was their property seized or expropriated, apart from temporary measures to determine the actual circumstances (cf. the letter annexed of the Department of State, Washington, D.C. to the President of the Danzig Committee in the United States dated January 5, 1942).^{1/}

1/ Note by the Secretariat: The above-mentioned communication has been retained by the Secretariat and is available to members of the Trusteeship Council on request.

The Department of State in Washington, D.C. made the following communication to the President of the Danzig Committee in the United States in accordance with the legal situation as set forth above:

"The Committee's understanding of the attitude of this Government is correct. This Government does not recognize as legal the changes brought about by force in the status of the Free City of Danzig and it continues to distinguish between citizens of the Free City of Danzig and citizens of Germany on the same basis as it did prior to the forcible change in the status of the Free City of Danzig."

A copy of the pertinent letter of the Department of State in Washington dated 5 January 1942 is annexed hereto.^{1/}

ad B T/PET.2/199, Add.1:

Owing to the liability of the Administering Authority for wrongful seizure of petitioner's property, petitioner is entitled to full indemnification for the damage sustained by this wrongful seizure. These damages were specified in Petition 2.199 ad B, I and II, and in Add.1 to Petition T 2/199.

It is not what stocks of sisal or what buildings there were in 1939 which matters, but petitioner claims payment in respect of the production which he would have obtained, had the estate been under his personal management or under the management of an appointed representative of von Prince's, at the varying prices ruling from year to year less such sums as would represent the normal and usual production costs.

The damage which petitioner sustained on account of the illegal measures of the Administering Authority amounted to a total of Shs 2,094,076 (cf. Petition B, II, page 9).

Referring to the state of affairs and the legal position as described petitioner would ask for a settlement ad C, III, 2a and b as applied for by Petition T 2/199.

Yours very truly,

(Signed) H. LANGGUTH
(Dr. Dr. H. Langguth)

^{1/} Note by the Secretariat: The above-mentioned communication has been retained by the Secretariat and is available to members of the Trusteeship Council on request.