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COMMUNICATION FROM DR. HEINZ LANGGUTH  
CONCERNING TANGANYIKA

(Circulated in accordance with rule 24 of the rules  
of procedure of the Trusteeship Council)

DR. DR. HEINZ LANGGUTH

HAMBURG L, 10th Nov. 1956  
Rathausmarkt, Fölsch-Block  
Eingang Plan. I. Stock

Registered Letter

Attorney at Law

To: -

The Trusteeship Council of the United Nations  
Att.: M.H.A. Wieschhoff  
Acting Director Division of Trusteeship  
NEW YORK, USA.

Gentlemen,

Re: Danzig Petitions  
Werner (T/PET.2/194.Add.1, 2 u. 3)  
von Heyer (T/COM.2/L.28)  
von Prince (T/PET.2/199)  
von Prince and von Lekow (T/PET.2/200)  
von Gebhardt (T/PET.2/201)

Enclosed I beg to hand you a communication relating to the above cases.

I respectfully request that my communication be transmitted to the members of the Trusteeship Council in accordance with Rule 85 of the Rules of Procedure for the Trusteeship.

Yours faithfully,

(Signed)

H. LANGGUTH

Dr.Dr. H. Langguth

Encl.

/...

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I respectfully beg leave to submit the following summarized information on the aforesaid petitions of Danzig nationals pursuant to the hearing of the Werner case in the Standing Committee on Petitions of the Three hundred and thirty-fifth meeting:

1. At the hearing of the Standing Committee on Petitions in the case of Otto Werner, deceased - EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF TANGANYIKA (T/C.2/L.190) - the Special Representative of the Administering Authority, for the Trust Territory of Tanganyika, Mr. Grattan-Bellew, pointed out that Mr. Werner's property had been vested in the Custodian of Enemy Property in 1939 because the since deceased Otto Werner had been in enemy territory at the outbreak of the war (page 6 of the minutes).

It will still be set forth elsewhere in the case of the deceased Otto Werner that he was temporarily in Germany for medical treatment and that he had therefore not become a resident in an enemy territory.

The aforesaid petitioners, von Heyer, von Prince, von Lekow and von Gebhardt, however, were in Tanganyika Territory at the outbreak of the second world war.

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All of them were definitely not resident in an enemy territory. The Government of Tanganyika Territory also had full knowledge of the fact that the above-mentioned petitioners were resident in Tanganyika Territory on 3rd September 1939 (Ordinance Trading with the Enemy, Chapter 240, 4 (b) (b)). The residence of the petitioners von Heyer and von Prince in Germany during the war had been brought about by an action of the Government itself; the petitioner v. Gebhardt was in an internment camp from 1939 to 1947 in Rhodesia and the British subject, von Lekow, lived in Tanganyika Territory.

2. The Special Representative of the Administering Authority for the Trust Territory of Tanganyika, Mr. Grattan-Bellew, stated in the case of Otto Werner that the latter "had concealed the fact of his Danzig nationality completely" and "had not advanced his claim in 1939 because he had felt, like many Germans living in Tanganyika, that Hitler would win the war" (cf. page 3).

It will be shown elsewhere in the Werner case that the Danzig nationality of Otto Werner, deceased, was evident from the files of the Hale Plantation of Enemy Property (T/PET.2/194 and page 7 of the minutes T/C.2/SR.335), and that during the war no mail connexion existed from Germany to Great Britain and Tanganyika Territory.

However, in the aforesaid cases of petitioners von Heyer, von Prince, von Gebhardt it has been set forth and confirmed by the enclosure of affidavits by witnesses that the aforesaid petitioners referred the competent Authorities before, at and after the outbreak of the second world war to their Danzig nationality and their then valid and submitted Danzig passports, this having been done before (von Prince), at and during internment. (von Prince, von Heyer, von Gebhardt - von Prince petition of 23.12.55, T/PET.2/199, p. 2, II, par.1, Annex F and G to Annex C of petition of 23.12.55, von Heyer T/COM.2/L.28 and supplementary petition of 22.12.55, p. 3 II, par.1, 1), Annex 3 and p. 4, par.2, Annex 4, von Gebhardt petition of 17.12.1955, T/PET.2/201, p. 3, d,2, Annex E, Annex F cf. p. 4e, Annex G, H.F.I.).

The above facts regarding the reference made by the aforesaid petitioners to their Danzig nationality would appear to be of significance particularly because of the above-mentioned argumentation of the Special Representative of the Administering Authority for the Trust Territory of Tanganyika, Mr. Grattan-Bellew, in the case of the since deceased Otto Werner, because the Government of Tanganyika Territory had

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full knowledge at the seizure and at the disposal of the property that the aforesaid petitioners were not "nationals of a State at war with His Majesty" (see Chapter 240, Trading with the Enemy 2 (1) (a) and (b)) or "German Nationals" as defined in Section 2 (1) of the German Property (Disposal) Ordinance, Chapter 258.

3. As to the questions relating to the furnishing of information by the Custodian of Enemy Property as regards the settlement of accounts, the Special Representative of the Administering Authority for the Trust Territory of Tanganyika, Mr. Grattan-Bellew, replied to an inquiry by stating "that the petitioners could have disputed the figures relating to the Hale Sisal Estate shares but as far as he knew they had not done so."

In a letter of the Custodian of Enemy Property dated 16 July 1954 addressed to Messrs. W.P. Holder and Co. the Custodian stated that in accordance with prescribed procedure no further detailed accounts would be furnished.

In or about the first week in September 1954, the undersigned and Mr. William Peter Holder had a personal interview with the Custodian and one of the requests made to him was that further and detailed information be furnished as to how the sum aforesaid had been made up. The Custodian reiterated that he was not prepared to supply any details other than those contained in the enclosed statement.

The statements quoted above under (1) and (2) as made by the aforesaid Mr. Grattan-Bellew on the alleged readiness of the Custodian of Enemy Property to supply information to the community of heirs of Otto Werner deceased or to their attorneys, are accordingly incorrect.

Also at the conference held at the beginning of September 1954 at the Custodian of Enemy Property in the presence of the undersigned and of the lawyer, Mr. Holder, the manager of the Office of the Custodian of Enemy Property expressly declined to furnish any information on the settlement of accounts in the case of Gustav von Heyer.

4. As regards the question of having petitioner's claims represented by the Government of the Federal Republic of Germany the Chairman, the member for Australia, Mr. Hamilton, made the following statement:

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"As they appeared to be nationals of the Federal Republic of Germany and were certainly resident in that country, they might do well to seek the support of the German Federal Government. It was quite possible that the case involved matters of international law, with which the Committee was not competent to deal."

The German Federal Republic has no legal possibility to advance the claims of the petitioners; it is not a member of the United Nations and not a Contracting State of the Statute of the Permanent International Court of Justice at The Hague. Moreover, the Federal Republic of Germany would not deal with a case concerning the property of a person for whom, as in this case, the community of heirs has renounced German nationality and who had never acquired German nationality.

However, the above-mentioned petitioners von Prince and von Heyer have expressly renounced the German nationality they would have acquired in pursuance of the Law of 22.2.55 of the German Federal Republic (cf. page 8) and at present possess Danzig nationality and are stateless; von Heyer is now living in the Dominican Republic; von Gebhardt, who continues to have Danzig nationality as before, is in Tanganyika Territory. The above persons can therefore not seek the support of the German Federal Government.

5. As regards the question of the nationality of the undersigned and the heirs of the deceased Otto Werner, the Special Representative of the Administering Authority for the Trust Territory of Tanganyika, Mr. Grattan-Bellew has set forth (page 8) that the latter and the undersigned have German nationality. The heirs of Otto Werner deceased are also represented by Mr. W.P. Holder, partner of Messrs. Archer and Wilcock, of Nairobi. Incidentally, the subscribed Dr. Langguth is still a national of the Free City of Danzig in which his family has lived for generations and to which he cannot return on account of post-war developments. Under the law of the Federal Republic of Germany of 22.2.1955 mentioned by the aforesaid Mr. Grattan-Bellew (page 8) he has acquired German nationality which he possesses simultaneously in addition to his still existing Danzig nationality and which he could not refuse because otherwise he could not, under the laws of the German Federal Republic, practice as a lawyer in Hamburg. With regard to the Danzig nationality and the nationality of the German Federal Republic of the heirs of Otto Werner deceased, the legal position is the same as for the subscribed Dr. Langguth.

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6. In view of the special circumstances of these cases as described in the petitions and supplemented in the summarized information of 6.3.56, it would be justified if - without prejudice to the legal position as such - in this case the losses incurred were settled by way of an ex gratia payment in accordance with the practice of the Administering Authority (cf. page 8).

Yours very truly,

(Signed)

H. LANGGUTH

Dr.Dr. H. Langguth

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