

A F F I D A V I T

I, the undersigned, Walter H. Rapp of New York City, United States of America, hereby make oath and depose as follows:

1. During the years 1946 thru 1948 I headed the Evidence Division of the Office of Chief of Counsel of War Crimes (OCCWC) at Nurenberg Germany (hereinafter referred to as the Evidence Division). During the same period I was also Deputy Chief of Counsel to Brig.Gen. Telford Taylor, the Chief of Counsel who succeeded the late Justice Robert H. Jackson.
2. The above-mentioned OCCWC was the successor organisation (U.S.) to the International Military Tribunal which was set up by the Allies in order to bring Nazi War-Criminals to justice.
3. Mr. Benno H. Selcke Jr. served as my deputy in the above Evidence Division, and as such was an officer of the Nurenberg Tribunal.
4. While serving in my official capacity as head of the Evidence Division I met Dr. Rudolf Kastner of Hungary (hereinafter referred to as Dr. Kastner).
5. Dr. Kastner approached me and Mr. Benno H. Selcke Jr., in our official capacities as members of the prosecution staff, and presented himself as an official representative of the Jewish Agency and the Jewish World Congress.
6.
 - a) Dr. Kastner approached me and the above-mentioned Mr. Selcke a number of times and discussed with us, among other things, one Kurt Becher, an S.S. Standartenfuehrer (hereinafter referred to as Becher), who at the time was held by us under arrest in the Nurenberg Jail.
 - b) Until the arrival of Dr. Kastner, Becher was one of many individuals in custody under my jurisdiction and it was highly probable that he would be tried by us. It was due to Kastner's repeated requests to get Becher out of custody that we did in fact single him out for the first time.
7.
 - a) Dr. Kastner's endeavors with regard to Becher and his numerous pleadings on the latter's behalf also took the form of an Affidavit dated August 4th 1947 (hereinafter referred to as the Affidavit).

- b) The Affidavit was sworn to before the above-mentioned Mr. Benno H. Selcke Jr. in his official capacity as Deputy Director of the Evidence Division, and/or officer of the court.
- c) The Affidavit was given by Dr. Kastner to the Evidence Division as the appropriate section of the OCCWC to which an application requesting on recommending Becher's release from custody should be addressed.
- d) Becher's position at the time the Affidavit was given and Dr. Kastner's talks with myself and the above-mentioned Mr. Selcke made it clear that the Affidavit given to us had only one main purpose at the time it was given, and that was to prevail on us to release Becher from jail.
- e) Prior to the giving of Dr. Kastner's Affidavit, no definite decision had been arrived at with regard to Becher's fate and it was very possible that he would have been brought to trial by us as a Nazi War Criminal, like many others who held like positions during the war.
- f) The Affidavit was in fact instrumental in obtaining Becher's release and was, beyond a doubt, the main if not the sole reason underlying our decision to free him.

8. Dr. Kastner did not at any time inform me as to his intention to use the Affidavit or a copy thereof for any other purpose other than the above mentioned one and I took no interest in his activities on behalf of Becher, if any, after the latter's release by us.

9. If Dr. Kastner intends to testify or has testified to the effect that the Affidavit he gave us was meant at the time it was given primarily or only for the German authorities, or that we should even call its existence to the attention of the German authorities, Dr. Kastner has at no time requested us to do so, orally or in writing, and if this desire on his part to have the Affidavit only so used was his intention he did not make us privy to his thoughts. Aside from this, we maintained no official contact with the German authorities at that time for the

purpose of passing on or exchanging documents relating to subject matter entirely and properly so under our jurisdiction. Moreover, since Dr. Kastner's Affidavit was given to members of the Prosecution Staff, which was an instrumentality of the United States Government, the document was considered confidential per se and its release to a foreign Government with which the U.S. Government was officially still at war would have been a serious security violation on our part. If, of course, the Affidavit had ever been used in court (it was not) by us it would have become public property and the German authorities would have had access to it.

10. To the best of my knowledge, the Affidavit was filed, as a matter of course, in one of the Evidence Division's files pertaining to Becher, most of which eventually were shipped to Washington D.C., and are now kept by the Departmental Record Branch of the United States Army.

11. The contents of my talks with Dr. Kastner with regard to Becher leave no room for doubt that all the facts mentioned in this Affidavit must have been well known to him.

12. All the facts mentioned in this Affidavit are known to me personally and directly.

APRIL 23RD 1956

Peter Quaglia

PETER QUAGLIA
NOTARY PUBLIC, State of New York
No. 24-3130100
Qualified in Kings County
Commission Expires March 30, 1957

Walter H. Rapp

Walter H. Rapp

April 23, 1956