

PROCEEDINGS

of a

COURT MARTIAL

held at

MILITARY COURT CENTRE BULFORD

on the

16th and 17th days of July 1945

in the case of

14951951 Captain Edward Robert NORTHMOOR
Devonshire Regiment

JUDGE ADVOCATE

Judge Caterham
Assistant Judge Advocate General

PRESIDENT OF THE BOARD

Lieutenant Colonel R F Telford
Royal Regiment of Artillery

MEMBERS

Major C N Bowman
Royal Regiment of Artillery

Captain P R Snow
The Royal Logistic Corps

Warrant Officer Class One J S Marriott
Army Air Corps

Warrant Officer Class Two J H Fretwell
Coldstream Guards

T R A N S C R I P T O F P R O C E E D I N G S
(223 folios)

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The Court reopened at 1019 hours.

Tuesday, 17th July 1945

(The President of the Board and Members entered the Court.)

JUDGE ADVOCATE: Yes, Captain Northmoor please stand. I come to identify you for the purpose of these proceedings. Are you 14951951 Captain Edward Robert Northmoor, Devonshire Regiment?

DEFENDANT: I am your honour, yes.

JUDGE ADVOCATE: All right, please be seated. Now I have in front of me a Notification of Court Martial Proceedings, I am going to read it out and at the end of it I am going to ask you a single question so please pay close attention.

The Notification of Court Martial Proceedings is read over in the hearing of the Defendant.

The names of the President of the Board and Members are read over and they severally answered to their names.

JUDGE ADVOCATE: Yes, Captain Northmoor please stand. The single question is this: do you object to any of the officers whose names you have heard read out in court today?

DEFENDANT: I do not your honour, no.

The Waiting Member is released.

The Court is duly sworn.

JUDGE ADVOCATE:

Yes, well Mr President, Members, before we commence there are one or two things I need to say to you.

Now I know that you have all received and duly certified you have read the Court Martial Guide for Court Members. Please keep its contents constantly in mind during this court martial and your duties and obligations as contained in it. I will summarise some of the more important points at this stage.

Reports: now you are specifically excluded by Queen's Regulations from any reports being made upon you in respect of your performance at this court martial. This is so that if it is the right thing to do, you may take decisions which may be thoroughly unpopular with the powers that be. There is nothing to be gained or lost by any decision taken so far as your own futures are concerned and that is why that rule has been brought in.

Undue influence: now any previous attempt by any person to influence you in the performance of your duties at this court martial or to discuss with you any aspect of this case must be reported to me now. If, in the very unlikely event during this short court martial, there is any such attempt so to do at any stage, you should report it to me immediately. Any such acts by any person will be dealt with as a potential criminal offence or an offence under Service Law.

And finally confidentiality: at the conclusion of this court martial you must maintain the confidentiality of the proceedings and there must be no disclosure of any discussion in closed court except in accordance with your oath. Of course anything that takes place in open court is already in the public domain and is not confidential. Thank you very much.

Well, Colonel, I think the charge sheet please now.

(Copies of the charge sheet are handed in and distributed to the President of the Board and Members.)

JUDGE ADVOCATE: Yes, well you will see that the defendant, Captain Northmoor, has two charges against him. The first is that of leading his men forward from the British lines without permission. Secondly, causing the death by means of an explosive device of a number of civilians of Swiss and German nationalities. We are now going to hear a summary from Colonel Barnett of the prosecution's case so far. Colonel, if you please.

COL BARNETT: Certainly, your honour. The case as stated thus far - that Captain Northmoor did on the 12th of September 1944, led his men forward from British lines with the express purpose of destroying the train due to leave the town of Lörrach in Germany at 18:15; that they carried quantity of explosive, again unauthorised, with the sole intent of that

destruction; that they placed charges and blew up said train with the intent of killing the passengers, when mere disablement of the tracks was an option open to them; that Captain Northmoor did all of this without the knowledge of his superiors and against the recommendations of his peers.

JUDGE ADVOCATE: Thank you, Colonel. Now, Mr Winter, I believe you have a witness to call in mitigation?

MR WINTER: Yes, your honour. Could Major Courtenay come forward, if you please?

Major Charles Wyndham Falworth COURTENAY having been called and duly sworn is examined by Mr WINTER as follows:

MR WINTER: Could you give the board your full name and rank, please?

MAJ COURTENAY: 17421254 Major Charles Wyndham Falworth Courtenay, Devonshire Regiment

MR WINTER: Thank you, Major. Could you give the board exact details of your posting on the 12th of September 1944?

MAJ COURTENAY: Certainly, sir. My unit were maintaining a defensive position at a farm called Michelbach some three miles north-west of the centre of Basel in Switzerland, right on the point where Germany, France and Switzerland meet; our orders were to maintain that position, to watch for movement upon the road ahead, and to rebuild and strengthen the outbuildings of the farm.

MR WINTER: Thank you, Major. I am given to understand that this was a portion of France under the Vichy government - how is it that you were posted there?

MAJ COURTENAY: We were posted there as part of an operation to support the Resistance, sir - more than that I don't believe I'm permitted to say.

JUDGE ADVOCATE: Quite right, Major - I don't believe this has a bearing on the case, Mr Winter?

MR WINTER: Apologies, your honour, no, that has no immediate bearing. Now, Major Courtenay, it is my understanding that the defendant was also at the farm on that day. Is that correct?

MAJ COURTENAY: Yes, sir. Captain Northmoor and his men.

MR WINTER: How many men?

MAJ COURTENAY: Six, sir. All from the Devonshire regiment.

MR WINTER: And did you know these men?

MAJ COURTENAY: I knew Captain Northmoor, sir, but none of the others.

MR WINTER: Ah, yes, you had known each other in civilian life, I believe.

MAJ COURTENAY: Yes sir.

MR WINTER: So, Captain Northmoor and half a dozen of the Devonshire under his command were there that day. Were they posted under you?

MAJ COURTENAY: No, sir. Captain Northmoor was not under my command.

MR WINTER: Please tell us, as clearly as you can, your memory of the events of that day with regards to this case. I will save further questions until you are done.

MAJ COURTENAY: Yes, sir. Captain Northmoor and his men arrived at approximately 1315. The Captain said that they were ordered on a mission across the border. I was pleased to see him - we swapped news of our families. They ate in our mess. At approximately 1500 they set off to the north. At approximately 1807 we heard a loud explosion, and estimated that it had come from the Lörrach train station. I sent three men to investigate - using binoculars they established that several train carriages had been destroyed while waiting in the station, and there was a lot of confusion around them.

MR WINTER: Thank you, Major Courtenay. The prosecution has made a full account of the injuries suffered by said explosion, and the defence is not contesting the fact that Captain Northmoor's unit were directly responsible for it, including the loss of civilian life. What the defence are contesting is the assertion that no-one in the chain of command knew about this mission. Our contention is that this was entirely under orders, whereas the prosecution contend that

Captain Northmoor and his men were acting on their own initiative. Do you understand the distinction, Major?

MAJ COURTENAY: Of course, sir.

MR WINTER: Very well. Now, I believe it to be the case that you examined Captain Northmoor's written orders on entry to your position, is that correct, Major? And that they confirmed the mission to destroy the train?

MAJ COURTENAY: I...

There is a pause.

MR WINTER: Major? You saw the orders?

MAJ COURTENAY: I did not, sir.

MR WINTER: I'm sorry? Could you clarify that?

MAJ COURTENAY: I saw no orders instructing Captain Northmoor to destroy the Lörrach train, sir.

JUDGE ADVOCATE: Major Courtenay, you are aware that you are a witness for the defence?

MAJ COURTENAY: I am, sir. Sorry, sir. I believe I have said all that I am able to do.

JUDGE ADVOCATE: I believe we should call a recess at this point. Mister Winter, a word if you please?

The Court closed at 1046 hours.