

R E P O R T

of the

DEPUTY JUDGE ADVOCATE FOR WAR CRIMES

EUROPEAN COMMAND

June 1944

to

July 1948

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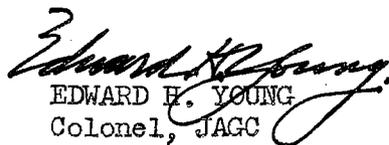
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July 1948

PREFACE

This report was submitted by the Deputy Judge Advocate for War Crimes, European Command, Lt. Colonel C. E. Straight, to the Judge Advocate, European Command, Colonel James L. Harbaugh, Jr., pursuant to the requirement of letter, Headquarters, United States Forces, European Theater, to Theater Judge Advocate, file AG 322 JAG-AGO, subject: "Inactivation of War Crimes Activities," 7 March 1947. The report covers the pre-trial and trial phases of that portion of the war crimes program, dealing with the so-called conventional war crimes cases, conducted by the United States Military Forces in Europe between the dates June 1944 and July 1948. Insofar as the post-trial phase of the program is concerned it covers only the initial reviews and recommendations prepared directly under the Deputy Judge Advocate for War Crimes which were submitted to the Judge Advocate, United States Forces, European Theater, for his further consideration and action.

The report does not deal with the final review operations of the Theater Judge Advocate, nor with subsequent post-trial action relating to modification and clemency. Nor does it reflect the legal proceedings thereafter initiated by the accused in Federal Courts. Accordingly, reference must be made to later reports or other official records in order to determine subsequent action or final disposition of any case.



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T A B L E O F C O N T E N T S

<u>Part</u>	<u>Page</u>
I. INTRODUCTION.	1
II. ADMINISTRATION.	5
A. First Phase	5
B. Second Phase	6
C. Third Phase	9
III. PHASES.	13
A. Preliminary	13
1. Exploration of Legal Problems	13
2. Mission Directives	14
a. Reports and Investigations	14
b. Apprehension and Detention	15
c. Trials	16
d. Extradition	16
3. Operational Responsibility	17
a. Reports and Investigations	17
b. Apprehension and Detention	17
B. First Phase	18
1. Mission Directives	18
a. Reports and Investigations	18
b. Apprehension and Detention	20
c. Trials	21
2. Operational Responsibility	21
a. Judge Advocate Sections	21
b. War Crimes Investigating Teams	21
3. Coordination with Other United Nations	21
C. Second Phase	22
1. Trial of Leaders of European Axis	22
2. Mission Directives	23
a. Scope	23
b. Operational Responsibility	25
c. Reports and Investigations	26
d. Apprehension and Detention	26
e. Trials	27
3. Coordination with Other United Nations	28
4. Extradition	29
D. Third Phase	29
1. Operational Responsibility	29
2. War Crimes Installations	30
3. Completion of Mission	31

Table of Contents (contd)

<u>Part</u>	<u>Page</u>
IV. COLLECTION AND DEVELOPMENT OF EVIDENCE.	32
A. Collection of Documents	32
B. Investigations	35
V. APPREHENSION AND DETENTION.	40
A. Apprehension	40
B. Detention	42
VI. TRIALS.	46
VII. DEVELOPMENT OF LEGAL PRINCIPLES	52
A. General	52
B. Conventions	54
1. Geneva (Prisoners of War) Convention of 27 July 1929	54
2. Geneva (Red Cross) Convention of 27 July 1929	55
3. Hague Convention No. IV of 18 October 1907	55
4. Annex to Hague Convention No. IV of 18 October 1907	55
C. Charges and Particulars	55
D. Courts	57
E. Jurisdiction	57
1. Offenses Committed Prior to Entry in War	57
2. Offenses Committed Outside US Zones of Occupation	58
3. Status of Victims	58
4. Double Jeopardy	59
5. Civilians as War Criminals	61
F. Common Design	61
1. General	61
2. Separate Substantive Offense	62
3. German Nationals as Victims	62
G. Superior Orders	63
1. General	63
2. Administrative Regulations	64
H. Certain Questions of Responsibility	64
1. Administrative Determination of Guilt	64
2. Military Necessity	65
3. Participation in Mob Action	65
4. Intervening Killer	66

Table of Contents (contd)

<u>Part</u>	<u>Page</u>
VII. DEVELOPMENT OF LEGAL PRINCIPLES (contd)	
I. Evidence	66
1. General	66
2. Best Evidence Rule	67
3. Reasonable Doubt and Presumption of Innocence	67
4. Judicial Notice	67
5. Extrajudicial Sworn Statements	67
J. Conduct of Trial	68
1. Plea of Guilty	68
2. Absence of Accused During Trial	69
3. Sentences	69
VIII. REVIEW OF RECORDS OF TRIAL.	71
A. Reviewing Authority	71
B. Reviews and Recommendations	71
IX. EXTRADITION.	73
A. Scope of Mission	73
B. Furnishing Leads to Other Nations	74
C. Procedure	74
1. Clearances	74
2. Clearances re Individuals of Diplomatic Level Interest	75
3. Individuals Located in Austria	76
4. Extradition to Non-United Nations	77
D. Operations	77
X. CONCLUSIONS AND RECOMMENDATIONS.	79
A. Conclusions	79
1. Central Recording Agency	79
2. Prompt Development of Cases	79
3. Detention	80
4. Centralization of Operational Responsibility	80
5. Type of Unit	81
B. Recommendations	81
TABLE OF FOOTNOTE REFERENCES.	83
APPENDICES.	90

LIST OF APPENDICES

NUMBER	DESCRIPTION	PAGE
I	Chart Showing Organization of War Crimes Group in July 1945.	91
II	Graph Depicting Personnel Strength of War Crimes Group 1945 to 1948.	92
III	Chart Showing Organization of War Crimes Group in July 1946.	93
IV	Table of Allowances No. 1119 for 7708 War Crimes Group, 28 October 1946.	94
V	General Orders No. 304, Headquarters, United States Forces, European Theater, 26 October 1946.	102
VI	General Orders No. 3, Headquarters, 7708 War Crimes Group, United States Forces, European Theater, 1 November 1946.	103
VII	Chart Showing Organization of War Crimes Group in December 1946.	110
VIII	Circular 132, Headquarters, United States Forces, European Theater, subject: "Investigation of War Crimes," 2 October 1945.	111
IX	Letter, Headquarters, United States Forces, European Theater, to Theater Judge Advocate, file AG 000.5 GAP-AGO, subject: "Delivery to Other United Nations and Italy of Persons Accused of War Crimes and of Witnesses and Evidence Required in the Trial of War Crimes," 13 September 1945.	117
X	Letter, Headquarters, United States Forces, European Theater, to Third United States Army, file AG 000.5 JAG-AGO, subject: "Trial of War Crimes Cases," 14 October 1946.	119
XI	Letter, Headquarters, European Command, to First Military District, file AG 383 (WC) JAG-AGO, subject: "Redesignation of Central Suspect and Witness Enclosure," 21 March 1947.	124
XII	Correlation and Recording System.	126

XIII	Standard Operating Procedure No. 3, Headquarters, 7708 War Crimes Group, European Command, subject: "Gathering and Processing of Bulk Enemy Documents," 15 May 1947.	135
XIV	Standard Operating Procedure No. 5, Headquarters, 7708 War Crimes Group, European Command, subject: "Processing of 'Reports of War Crimes' and 'Investigations of War Crimes' Involving Only Nationals of Other Governments," 15 May 1947.	138
XV	"Suggestions to Investigators of War Crimes," Headquarters, European Theater of Operations, United States Army, Office of the Theater Judge Advocate, 18 April 1945, and Change I thereto, 29 October 1945.	141
XVI	Standard Operating Procedure No. 6, Headquarters 7708 War Crimes Group, European Command, subject: "Standard Case Analysis Nomenclatures," 15 May 1947.	153
XVII	Standard Operating Procedure No. 7, Headquarters 7708 War Crimes Group, European Command, subject: "Establishment and Maintenance of Priorities in the Development of Cases," 15 May 1947.	157
XVIII	Graph Depicting Cases Docketed, Administratively Closed, and Tried by War Crimes Group 1945 to 1948.	160
XIX	Letter, Headquarters, United States Forces, European Theater, to Eastern Military District, et al., file AG 250.4 JAG-AGO, subject: "Military Commissions," 25 August 1945.	161
XX	Extract from "Manual for the Trial of War Crimes and Related Cases," 15 July 1946, as amended.	165
XXI	Graph Depicting Rates at Which War Crimes Cases Were Tried and Reviewed, 1945 to 1948.	203
XXII	Data as to Cases Tried.	204
XXIII	War Crimes Group Form No. 21 (Summary of Information Form), Headquarters, 7708 War Crimes Group, European Command.	248
XXIV	Tabulation by Nations of Extradition Requests and their Disposition.	249

I. INTRODUCTION

In addition to the other duties and responsibilities imposed upon the Judge Advocate, United States Armed Forces in Europe, he was assigned the duty of developing the evidence in war crimes cases and the trial thereof. This operation is aptly described by the Supreme Court of the United States as a second phase of war, i.e., the seizing and subjecting to discipline those of the enemy who, in their attempt to thwart or impede our military effort, violated the law of war.¹ Because of the unprecedented developments in this war, this task was without parallel both from the standpoint of its magnitude and the novel questions of international law involved.

This report relative to the war crimes operation covers the period from June 1944 to July 1948. The command comprising the United States Armed Forces in Europe was known as "European Theater of Operations, United States Army," until 1 July 1945; as "United States Forces, European Theater," from that date to 15 March 1947; and as "European Command," following the latter date. Each of these commands ordinarily will be hereinafter referred to as the "European Theater." The title of "Commanding General" was applied to the commander of the first two commands, and the title of "Commander-in-Chief" is applied to the commander of the European Command. The commander of each of these commands ordinarily will be hereinafter referred to as the "Theater Commander." The Supreme Commander,

Allied Expeditionary Force, was also Commanding General, European Theater of Operations, United States Army. The unified command of Allied Expeditionary Force was terminated on 13 July 1945. The Supreme Headquarters, Allied Expeditionary Force, will ordinarily be hereinafter referred to as "SHAEF." The principal legal officer of the European Theater of Operations, United States Army, and the United States Forces, European Theater, was designated as the "Theater Judge Advocate." Upon the organization of the European Command, he was designated as the "Judge Advocate, European Command." The principal legal officer of these three commands will ordinarily be hereinafter referred to as the "Judge Advocate."

In carrying out the assigned war crimes mission, the Judge Advocate operated through the War Crimes Group, which formed a part of his office, until 1 November 1946. On that date the War Crimes Group was organized as a unit, designated as "7708 War Crimes Group." Both these agencies ordinarily will be hereinafter referred to as the "War Crimes Group." The Deputy Judge Advocate for War Crimes will ordinarily be hereinafter referred to as "Deputy Judge Advocate." He was in charge of the War Crimes Group of the Judge Advocate's Office. After the organization of 7708 War Crimes Group, the Deputy Judge Advocate served not only as such staff officer of Headquarters, European Theater, but also as Commanding Officer, 7708 War Crimes Group.

Because of changes in the apposite mission directives, in the organization of war crimes agencies, and in the assignment of

operational responsibility, and particularly because operational control was progressively centralized in Headquarters, European Theater, some aspects of the operation can be best treated by considering the mission in its four main phases, i.e., the "preliminary phase," early 1944 to December 1944; the "first phase," January 1945 to July 1945; the "second phase," July 1945 to July 1946; and the "third phase," July 1946 through June 1948. These dates only form rough boundaries for the phases and in some instances the boundaries are not distinct, there being an overlap of the phases into the periods indicated. The preliminary phase is marked by a substantial lack of national policy as to the punishment of those who committed war crimes, broad restrictions on trials of war criminals, and almost a complete lack of appreciation of the magnitude of the impending problem. During the first phase, initial operational responsibility was in the army groups and the major commands in the communications zone, with primary emphasis on the collection of evidence and the apprehension of war criminal suspects. During most of this phase it was still not appreciated that war crimes had been committed on an extremely vast scale. In the second phase, which was wholly within the occupation period, the restrictions on trials were removed, but initial operational responsibility as to the investigation and trial of cases remained decentralized and rested with the Third and Seventh United States Armies of Occupation and the United States Forces in Austria. During the third phase, the operational responsibility for the entire operation in the US Zone of Occupation, Germany, was

assumed by Headquarters, European Theater. Initial operational responsibility was assigned to the Deputy Judge Advocate.

The primary purpose of this report is to provide a historical summary of the problems encountered, together with their solutions, for the benefit of those who might in the future be assigned a similar mission. While it is not believed practicable to set forth with particularity all of the numerous novel legal questions encountered or all the problems which obstructed operations, the major legal and operational problems will be briefly treated. In this connection, a continuous shortage of qualified personnel was the cardinal impediment.

II. ADMINISTRATION

A. First Phase:

During this phase the War Crimes Group was located in Paris, France, with Theater Headquarters. No prior arrangements having been made therefor, it was virtually impossible to obtain personnel within the European Theater to staff the War Crimes Group, the war crimes agencies in subordinate commands, and the War Crimes Investigating Teams.

SHAEF concluded that most of the violations of the law of war had been committed outside Germany and, consequently, anticipated that most of the war crimes investigations would be effected outside Germany. There being no appreciation of the tremendous number of war crimes which had been and were being committed, the hasty plans as to organization, personnel, equipment and facilities were inadequate for the mission at hand. Furthermore, the War Department took no effective steps to make trained or untrained personnel available and it was not until the end of hostilities that a substantial number of personnel for the war crimes operation could be made available within the European Theater. Prior to that time, only a nucleus of personnel had been obtained for the War Crimes Group and the war crimes branches of the army groups and armies. Only seven War Crimes Investigating Teams were organized prior to the end of hostilities, the remaining 12 being soon thereafter

staffed and organized in accordance with prior plans. Realizing that personnel for the mission were not available in the European Theater, urgent requests therefor were continuously made of the War Department by teletype conferences and otherwise, commencing in April 1945.

Similar difficulties continued until the cessation of hostilities in the procurement of specialized or ordinary equipment, such as ordinary equipment necessary for the organization of War Crimes Investigating Teams.

The dominant objective of the United States Armed Forces in Europe being the forcing of capitulation on the part of the enemy and in the absence of prior plans therefor, it is not unusual that difficulty was encountered by Theater Headquarters in focusing the attention of subordinate commands upon the necessity and urgency of investigations, apprehensions, and congregation of war criminal suspects and unfriendly witnesses to war crimes.

Near the end of this phase it was apparent that the War Crimes Group was located too remotely from most of the field war crimes agencies. Consequently, upon the formation of the plan for Theater Headquarters to move to Frankfurt, Germany, plans were immediately made and placed into effect for the War Crimes Group to move to Wiesbaden, Germany, by intermittent air lifts, as office space and quarters for the personnel became available.

B. Second Phase:

The movement of the War Crimes Group to Wiesbaden was

completed early in this phase. The personnel in the War Crimes Branch, Headquarters, Twelfth Army Group, were transferred to the War Crimes Group. The Twelfth Army Group was relieved of all further responsibility in connection with the war crimes operation. Also, the War Crimes Group thereafter operated the newly created War Crimes Evidence and Investigation Center. A chart showing the organization of the War Crimes Group and indicating the field war crimes agencies as of July 1945 appears in Appendix I.

Theater Headquarters constantly urged the War Department to assist in the procurement of the personnel essential to a timely completion of the program and made every effort to reassign to the War Crimes Group personnel in the European Theater who had experience and qualifications suitable or approaching those required for the war crimes work. Nevertheless, the extremely rapid redeployment of personnel from the European Theater, both prior and subsequent to the fall of Japan, resulted in serious personnel losses to the understaffed war crimes agencies as indicated in Appendix II. A senior officer from the War Crimes Group was placed on temporary duty with the War Department during the latter part of the phase to aid in the procurement of personnel for the operation.

Although the War Crimes Group formed a portion of the Judge Advocate Division, a staff section, the work of the War Crimes Group was primarily operational in character and it was imperative that adequate transport be available to and under its control in

order that investigations and urgent apprehensions be expeditiously and effectively made. Gradually the needed transport was thus assigned. Experience also demonstrated that the percentage of deadlined transport was extremely high and that the war crimes operation was being inordinately delayed so long as reliance was had upon obtaining second and third echelon maintenance from the already overburdened ordnance maintenance shops then available. Consequently, the War Crimes Group performed its own second and third echelon maintenance.

Provost Marshal agencies were overburdened with assigned primary missions, including the detention of hundreds of thousands of prisoners of war, and could not render effective and timely service in moving individuals of war crimes interest. The intelligence agencies were also overburdened with assigned intelligence and security functions, including the enormous task of screening and processing a tremendous number of individuals in automatic arrest categories and, consequently, could not furnish war crimes agencies adequate apprehension service. Shortages of personnel for other judge advocate work in the armies were so severe that war crimes personnel were used for functions other than investigation of war crimes cases and aiding in the screening of those in detention. Similarly, although the War Crimes Group was also seriously understaffed during the second phase, personnel thereof, including court reporters and lawyers, were utilized for long periods of time in connection with prominent and extended courts-martial cases then

being tried.

As during the first phase, in this second phase the operational responsibility was in the armies and the War Crimes Group could only make suggestions to the war crimes branches of the armies as to assignment of personnel for duty in connection with investigations and service on war crimes tribunals, priorities to be given to certain cases, etc. Similarly, only suggestions could be made to those branches as to the screening and movement of individuals thought to be of war crimes interest and the essential congregation of those wanted for war crimes in Central Suspect and Witness Enclosures. As to such screening and congregation those branches could merely request prompt action by other agencies of their headquarters.

While many administrative difficulties were encountered during this phase, as will be hereinafter demonstrated, the dominant and all important impediment to the proper coordination of the operation and a vigorous prosecution of the mission was the absence of centralized control.

C. Third Phase:

Near the outset of this phase, efforts on the part of the War Department to procure personnel in substantial numbers for the staffing of the war crimes agencies, which had always been understaffed, began to bear fruit. However, many of the personnel were not well qualified, from the standpoint of experience and training, for the work.

The Seventh United States Army had been inactivated in early 1946. At the outset of this third phase the Third United States Army was relieved of all responsibility in connection with the development and trial of war crimes cases and operational responsibility was assumed by Theater Headquarters. Following that assumption of responsibilities and with a view to centralizing the operation, the War Criminal Prison was established at Landsberg, Germany, the War Crimes Enclosure was established at Dachau, Germany, and all war crimes tribunals were moved to Dachau. The personnel assigned to the War Crimes Branch, Third United States Army, were transferred to the War Crimes Group and the War Crimes Investigating Teams were placed under the operational control of the War Crimes Group (App. III).

With the centralization of detention and trial activities in the facilities at Dachau, it became apparent that the War Crimes Group was located too far therefrom. Also Theater Headquarters was of the opinion that administrative and supply support for the operation could be improved, if the War Crimes Group and all its field agencies were organized into a separate numbered unit commanded by the Deputy Judge Advocate.

Consequently, the 7708 War Crimes Group was organized with its initial station at Augsburg, Germany, which was the closest point to Dachau where anything approaching suitable facilities for the headquarters was available (Apps. IV, V, VI, VII). Renovation of the Arras Caserne into which the headquarters of the War Crimes

Group moved was begun by the Augsburg Military Post in October 1946. The move was made by rail following the middle of November. However, the bulk of the work of renovating the facilities for offices, barracks, quarters, messes, clubs, motor maintenance shops, etc., was not completed until near the end of January 1947. This move together with the subsequent administrative burdens incident to aiding in renovating the facilities, considerable of which work had to be done by War Crimes Group personnel, severely interfered with the war crimes operation. Not long after the renovation work on the facilities at Augsburg had been completed, Theater Headquarters deemed it to be imperative that Headquarters, 7708 War Crimes Group, move to Freising, Germany. The undermanned Munich Military Post could not furnish many of the minimum types of housekeeping services at the Freising Sub-post. Moreover, electric current was only available spasmodically, water supply including that for fire protection was almost non-existent during drought periods, and adequate billets and housing were not available.

Finally, the headquarters of the War Crimes Group was moved to the McGraw Caserne in Munich, Germany, in September 1947, where very satisfactory facilities were made available and excellent housekeeping services were furnished by the Munich Military Post, the operation of messes and clubs, and the furnishing of third echelon maintenance, utilities services, etc., being assumed by the Munich Military Post.

Adequate housekeeping service and supply support at the War

Crimes Enclosure for the screening activities and for the war crimes tribunals were not obtained until the first half of 1947.

During the middle of 1947, in order to reduce the administrative burdens of the War Crimes Group, the officers assigned to the Dachau Detachment who were serving on war crimes tribunals were assigned to the Munich Military Post for duty with the War Crimes Group. The enlisted men assigned to that detachment were similarly assigned. During the autumn of 1947, the enlisted men on duty with the headquarters of the War Crimes Group were attached to the Munich Military Post for rations, quarters, supply, administration and discipline.

III. PHASES

A. Preliminary:

1. Exploration of Legal Problems. As reports of war crimes committed by enemy military and civilian personnel upon nationals of the United States and its Allies became more numerous and frequent, it was obvious that a well defined national policy would be established as to the punishment of those responsible for such crimes. Consequently, some of the anticipated legal problems were explored and analyzed.

For instance, it was not settled law that the protections extended to prisoners of war by the Geneva (Prisoners of War) Convention, respecting imprisonment, trial, and punishment, do not extend to prisoners of war who commit war crimes prior to their capture.² Similarly, it was not settled law that the provisions of the Articles of War, particularly Articles 25 and 38, are not applicable to proceedings before war crimes tribunals.³ The conclusion was reached that the Geneva (Prisoners of War) Convention grants no special rights to prisoners of war who have committed war crimes. It was also concluded that the Articles of War are not applicable to proceedings before war crimes tribunals. Soon thereafter the United Nations War Crimes Commission, ordinarily hereinafter referred to as the "UNWCC," reached a similar conclusion as to the first problem and in 1945 the Supreme Court of the United

States considered both problems and reached like conclusions.¹

Another illustration of the preliminary planning was the preparation of an analysis of regulations for Military Commissions.⁴

2. Mission Directives.

a. Reports and Investigations. In November 1944 the Secretary of War directed The Judge Advocate General to establish in the Office of The Judge Advocate General a War Crimes Office.⁵ While some consideration was given by SHAEF to the investigation of war crimes prior to the invasion of Europe, no plan was initiated therefor until 20 August 1944.^{6,7} The army group commanders, as well as commanders of major commands in the communications zone, were directed to report incidents involving war crimes in a manner prescribed in the directive. They were informed that a standing Court of Inquiry had been established in SHAEF, operating under the direction of the Assistant Chief of Staff, G-1, and that SHAEF would determine whether incidents reported would be referred to the Court of Inquiry for investigation.

These directives were operationally construed as requiring reports of war crimes, as well as investigations thereof by the Court of Inquiry, only as to incidents involving Allied military personnel as victims.^{8,9} Later, reports were required as to all war crimes, irrespective of the status or nationality of the victims.¹⁰ Near the end of this preliminary phase, the principle was accepted that each country was responsible for the investigation of war crimes committed against its nationals.^{11,12} The applicable procedure

contemplated that SHAEF forward reports of war crimes to the appropriate authority of the country whose nationals were involved as victims.¹¹ However, it was still contemplated that the investigation of cases involving British or American nationals, military or civilian, as victims was the primary responsibility of the Court of Inquiry.¹¹ The volume of such reports increased to numbers many times more than was anticipated. Consequently, only the more flagrant and heinous cases involving American or British military personnel were submitted to the Court of Inquiry for investigation. Parenthetically, it is noteworthy that SHAEF was of the view that the majority of war crimes had been committed outside Germany and that investigations would be "for the most part outside Germany."¹²

b. Apprehension and Detention. The procedure provided that after appropriate development of the reported war crimes cases the country concerned would request that the names of the perpetrators be placed on the UNWCC Wanted Lists. These lists were to be forwarded by SHAEF to subordinate commands for the apprehension of the war criminal suspects.^{7,10} Initially, the directives to subordinate commanders as to apprehension placed primary emphasis upon apprehending those war criminal suspects whose names appeared on lists furnished by SHAEF, i.e., the individuals whose names appeared on the UNWCC Wanted Lists.⁷

Throughout the preliminary phase, segregation of war criminal suspects in detention was prohibited and it was specifically provided that, irrespective of whether they were prisoners of war

or civilians, they were to be granted the privileges afforded by the Geneva (Prisoners of War) Convention to prisoners of war.⁷

Notations as to the crimes in which the individuals were involved were to be made on the records of those evacuated.⁷

c. Trials. Probably motivated by concern as to reprisals, the Combined Chiefs of Staff established the policy that war criminal suspects would not be tried prior to the cessation of hostilities with Germany.¹³ However, it was not considered by Headquarters, European Theater, that to try those charged with such violations of the law of war as threatened or impaired the security of the United States Armed Forces, "or the effectiveness and ability of such forces or members thereof," would constitute a violation of that policy.¹⁴

On 15 November 1944, FM 27-10, War Department, U.S. Army, "Rules of Land Warfare," was amended by Change No. 1 which eliminated a provision in paragraph 347 providing that members of armed forces will not be punished for war crimes "committed under the orders or sanction of their government or commanders," and which added paragraph 345.1 providing that the fact that war crimes were committed pursuant "to order of a superior or government sanction may be taken into consideration in determining culpability, either by way of defense or in mitigation of punishment."

d. Extradition. Similarly, the policies of the Combined Chiefs of Staff prohibited the granting of extradition.

and surrender requests filed with American or British forces by other United Nations until after the lifting of the ban on trials. 13

3. Operational Responsibility.

a. Reports and Investigations. It does not appear that steps were taken by commands in the communications zone to implement the directives.

In the combat zone most commands assigned supervisory responsibility to their judge advocate sections. However, as did SHAEF, lower commands in some instances assigned all or part of this responsibility to the assistant chiefs of staff, G-1.¹⁵ In most instances the operational responsibility was passed down as far as armies and in some instances as far as divisions. There was no uniformity at the operational level as to the agency assigned operational responsibility. Of necessity, the reporting of war crimes incidents was made the responsibility of all personnel. However, the responsibility for making the investigations, the type and extent of which were not clearly delineated by SHAEF directives, was variously assigned to the judge advocates, the inspectors general, the assistant chiefs of staff, G-2, or to several agencies.

b. Apprehension and Detention. Similarly, in the communications zone there was no implementation of the directives as to apprehension and detention and in the combat zone these functions were decentralized to the lowest possible level, being assigned indiscriminately to one or more agencies in addition to

their normal functions. No provision was made for the congregation of war criminal suspects.

B. First Phase:

1. Mission Directives.

a. Reports and Investigations. Near the end of December 1944, the War Department issued a directive providing for the establishment of a branch in the Office of the Judge Advocate, European Theater, operating under the general supervision of and communicating directly with The Judge Advocate General, having as "its primary function the investigation of alleged war crimes, and the collection of evidence relating thereto, including, for transmission to the governments concerned, evidence relating to war crimes committed against nationals of other United Nations."¹⁶

This directive was implemented by the European Theater on 24 February 1945.^{17,18} It was directed that the army groups establish war crimes branches in the judge advocate sections of their headquarters; that those branches function under the supervision of the judge advocate in carrying out the responsibilities of the War Crimes Group (then located in Paris, France), but under the operational control of the army group commanders; that "Reports of War Crimes" be submitted, those in the combat zone to be channelled through army judge advocates and those in the communications zone to be forwarded direct to the War Crimes Group; and that full and complete "Investigations of War Crimes" be submitted as to all war crimes incidents involving American nationals as victims. Direct

communications between war crimes agencies was authorized.

The principal commands in the communications zone and air force commands were directed to screen all patients in general hospitals as well as all US military or civilian personnel arriving at any assembly or staging area in order to identify those in possession of information regarding war crimes.¹⁹ All those in possession of such information were to be interrogated under oath. It was prescribed that the screening and interrogating be effected by personnel under the supervision of the staff judge advocate of the various commands. The principal objective of the plan was to perpetuate in the form of sworn testimony all evidence which could be furnished by recovered prisoners of war and all military and civilian personnel prior to their departure from the theater to other theaters of war or to the Zone of Interior.

To facilitate the taking of oaths a directive was issued providing that all commissioned officers assigned to duty with the War Crimes Group or the war crimes branches of other headquarters in the theater "are, within the purview of Article of War 114, hereby detailed to conduct such investigations in connection with alleged war crimes as may be directed by the commanding general of the command concerned."²⁰

Military intelligence personnel in the European Theater were directed to forward immediately all information as to war crimes obtained by them in the course of their intelligence functions to the war crimes branch of the headquarters to which they were

assigned or, if assigned to headquarters lower than an army, to the war crimes branch of the army.²¹

b. Apprehension and Detention. The War Department implemented the policy of the Combined Chiefs of Staff prohibiting the segregation of war criminal suspects and directed that they be handled in such manner as to avoid disclosure that they were being held for future trials.¹⁶

All commands were directed to prepare Wanted Reports on forms prescribed by the Central Registry of War Criminals and Security Suspects, hereinafter referred to as "CROWCASS," as to all war criminal suspects and forward the same in triplicate to the War Crimes Group, the original to be forwarded to CROWCASS and one copy to the Theater Provost Marshal.²¹

It was also directed that all prisoners of war suspected of war crimes be congregated as follows:

- "(1) 'Other rank' suspects at Continental Central Prisoners of War Enclosure No 13, Normandy Base Section, Communications Zone
- "(2) 'Other rank' witnesses at Continental Central Prisoner of War Enclosure No 21, Normandy Base Section, Communications Zone
- "(3) 'Officer' suspects and witnesses at Continental Central Prisoner of War Enclosure No 25, Normandy Base Section, Communications Zone"

This congregation was considered essential in order to facilitate the interrogation of the war criminal suspects and the development of the evidence in war crimes cases. The removal of war criminal suspects and friendly witnesses to war crimes from the European

Theater or from any of the Continental Central Prisoner of War Enclosures was prohibited.²¹

c. Trials. The War Department recognized the appropriateness of trying immediately those war criminals who had committed war crimes which involved the "security or the successful carrying out of military operations or occupation."¹⁶

2. Operational Responsibility.

a. Judge Advocate Sections. The only change during this phase in the assignment of operational responsibility was the placing of the responsibility for supervision of reporting and investigating war crimes in the judge advocate sections of the various commands. It was directed that each army judge advocate "direct the activities of Army war crimes personnel," including formal and informal War Crimes Investigating Teams.²²

b. War Crimes Investigating Teams. Plans contemplated the organization of 19 formal War Crimes Investigating Teams, eight to be assigned to Headquarters, Twelfth Army Group, for attachment to its armies; three to be assigned to Headquarters, Sixth Army Group, for like attachment; six to be assigned to the headquarters of the base sections, communications zone; and two to be assigned to Headquarters Command, European Theater, under the immediate operational control of the War Crimes Group.

3. Coordination With Other United Nations. Prior to the initiation of war crimes programs by United Nations, the United Nations War Crimes Commission was established in London. Most of

the United Nations concerned were represented thereon, except for Russia.

In this first phase it became apparent that additional steps were necessary to coordinate the activities of American war crimes agencies with the war crimes agencies of other United Nations. SHAEF directed the Twelfth Army Group to establish a War Crimes Evidence and Investigation Center, ordinarily hereinafter referred to as the "Records Center," at Wiesbaden, Germany, to serve as a center for the concentration of all records and evidence relating to war crimes collected in the European Theater, such records and evidence to be available to representatives of all United Nations. The originals were not to be removed from the Records Center.²³

CROWCASS, referred to above, was established in April 1945, to service the United Nations war crimes agencies as to information concerning wanted war criminal suspects and witnesses to war crimes.²⁴ The system provided that Wanted Reports covering wanted persons would be filed with CROWCASS by interested nations; that CROWCASS would issue and distribute Wanted Lists; that those having custody of wanted individuals would file Detention Reports with CROWCASS; and that CROWCASS would issue and distribute Detention Lists. After the inactivation of SHAEF, the operation of CROWCASS became a joint American, British and French venture. Still later it came under the control of the Control Council, Berlin.

C. Second Phase:

1. Trial of Leaders of European Axis. In May 1945 the

President by Executive Order 9547 designated Associate Justice Robert H. Jackson as the representative of the "United States and as its Chief of Counsel in preparing and prosecuting charges of atrocities and war crimes against such of the leaders of the European Axis powers" and their principal agents and accessories as the United States may agree with any of the United Nations to bring to trial before an international military tribunal. In conformity with the Moscow Declaration of 30 October 1943, Mr. Justice Jackson completed in August 1945 the negotiation of the London Agreement with Great Britain, France and Russia relative to the prosecution and punishment of the major Axis war criminals.²⁵

2. Mission Directives.

a. Scope. The first comprehensive directive issued by the Joint Chiefs of Staff was contained in their directive 1023/10, 8 July 1945. Being responsible for the effective application of that directive, it became necessary for the Judge Advocate to propose proper allocation of functions and to initiate the distribution of the burdens of the directive where they might be most appropriately placed. The procedure then in operation provided for the trial of the "leaders of the European Axis powers" by the International Military Tribunal. It also provided for the War Crimes Group to supervise the development and trial of cases involving American nationals as victims and mass atrocities committed in the US Zones of Occupation in Germany and Austria and areas overrun by the United States Armed Forces, irrespective of the nationality of the victims.

However, the scope of the operation contemplated by this directive was much broader and necessitated a plan for the trial of cases involving other "atrocities and offenses, including atrocities and persecutions on racial, religious or political grounds, committed since 30 January 1933."

The plan submitted placed chief responsibility for the trial of these accused, who were not war criminals wanted for trial by the International Military Tribunal, on the Director, Office of Military Government for Germany (US). It envisioned the taking of appropriate action to enable the German courts to perform the duty of bringing to justice those in this category who were non-United Nations nationals.²⁶ In implementing this plan the Law for Liberation from National Socialism and Militarism was enacted by the Minister-Presidents in the US Zone of Occupation, Germany, vesting German courts with special power to try individuals for the crimes in question and prescribing a procedure therefor.²⁷

Further pursuing the proper allocation of responsibilities under the Joint Chiefs of Staff directive 1023/10 to the Theater Commander, a portion of the plan contemplated extending the trials of war criminals to (1) such leaders of the European Axis powers and their principal agents and accessories as were not under indictment before the International Military Tribunal in the trial then in process and (2) members of groups and organizations which might be declared criminal by the International Military Tribunal. In accordance with recommendations made to the War Department, the

President implemented this portion of the plan by the issuance of Executive Order 9679 on 16 January 1946.

b. Operational Responsibility. Following the end of active operations against the enemy, the War Crimes Group was moved to Wiesbaden in the vicinity of Frankfurt, Germany. This was done in advance of the planned move of the Theater Headquarters from Paris to Frankfurt. While the move was in progress, the Sixth Army Group was inactivated. Upon completion of the move, the Twelfth Army Group was relieved of all responsibility in connection with the collection and perpetuation of evidence relative to war crimes as well as the operation of the War Crimes Evidence and Investigation Center. These functions were assumed by Theater Headquarters.²⁸

The Third and Seventh United States Armies were assigned occupational responsibility in the Eastern and Western Areas, respectively, US Zone of Occupation, Germany. The war crimes branches of those armies had operational responsibility within their areas for the war crimes mission.

Personnel for only seven War Crimes Investigating Teams could be procured prior to the end of hostilities. In May and June 1945, the additional 12 War Crimes Investigating Teams were organized, staffed and assigned to lower commands substantially in accordance with the plans above indicated (see III, B, 2, b, supra), two being assigned to the United States Forces in Austria and one being assigned to the Assembly Area Command.

c. Reports and Investigations. In August 1945 the War Department issued a directive similar to, but more comprehensive than, the one of December 1944.²⁹ That directive was implemented by the issuance of consolidated instructions prescribing that all commanders take such steps as might be necessary to assure that all records and evidence relating to war crimes be forwarded promptly to the Records Center operated by the War Crimes Group; that all personnel having knowledge of "an incident or an act thought to be a war crime" prepare a prescribed "Report of War Crime" and forward it to the war crimes branch of their Military District or to the War Crimes Branch, Headquarters, United States Forces in Austria, as the case might be, personnel in liberated areas to submit such reports directly to the War Crimes Group; that war crimes cases would be investigated by War Crimes Investigating Teams or personnel assigned to war crimes agencies; that "Reports of War Crimes" in which only nationals of other United Nations were involved would not be investigated; and that such reports would be forwarded to the War Crimes Group for delivery to appropriate agencies of the governments concerned (App. VIII).

Relying on the inherent powers of the Theater Commander as Military Governor, a directive was issued empowering civilian war crimes personnel, with professional grades or CAF grades of seven (7) or above, to administer oaths.³⁰

d. Apprehension and Detention. In the summer of 1945 the Combined Chiefs of Staff removed the prohibition on

segregation of war criminal suspects.³¹ In the fall of 1945 the Assistant Chief of Staff, G-2, was assigned technical responsibility for the apprehension of war criminal suspects and unfriendly witnesses to war crimes.³²

The Theater Provost Marshal was assigned technical responsibility for the movement of war criminal suspects and unfriendly witnesses to war crimes wanted in connection with the American war crimes operation or whose extradition and surrender was desired by another United Nation.

Each Military District established a Central Suspect and Witness Enclosure within reasonable proximity of its headquarters. The installation formerly utilized as the Dachau Concentration Camp near Dachau and Civilian Internment Enclosure No. 78 near Ludwigsburg were designated as such installations by the Eastern and Western Military Districts, respectively. The United States Forces in Austria set aside a portion of Camp Marcus W. Orr near Salzburg, Austria, as its Central Suspect and Witness Enclosure. It was directed that those individuals of war crimes interest then being detained in the installations in the communications zone be moved to the enclosure established by the Western Military District.³³

e. Trials. In the summer of 1945 the Combined Chiefs of Staff removed the restriction as to war crimes trials and directed SHAEF to proceed with such trials before Military Government Courts regardless of the nationality of the victims.³¹ That directive was relayed to the Theater Commander.³⁴ The Theater

Commander empowered the Commanding Generals of the Eastern and Western Military Districts to create specially appointed Military Government Courts for the trial of such war crimes cases as might be forwarded by the Judge Advocate or his delegate for reference for trial.³⁵ The War Crimes Group was designated as the central repository for all records of war crimes trials tried in the US Zones of Occupation in Germany and Austria.^{36, 37}

3. Coordination With Other United Nations. A Central War Crimes Library was established by SHAEF at Wiesbaden, Germany, in July 1945 under the joint control of the Deputy Judge Advocate and the Chief of the War Crimes Group, British Occupation Forces.³⁸ However, it was abandoned in August 1945 because operational experience demonstrated that any service such library could render would be substantially in duplication of that being rendered by the Records Center.³⁹

For their convenience, the congregation of war criminal suspects and unfriendly witnesses to war crimes in the Central Suspect and Witness Enclosures included those thought to be of interest to other United Nations.

American War Crimes Liaison Detachments were assigned for duty with Headquarters, British and French Occupation Forces. One was stationed in Paris to coordinate the American war crimes activities with the American Graves Registration Command and the French National War Crimes Office, CROWCASS and other agencies. One was assigned for duty with the Office of US Chief of Counsel for the

Prosecution of Axis Criminality.

Pursuant to an invitation by SHAEF to various United Nations, British, French, Luxembourg, Belgian, Netherlands, Danish, Norwegian, Polish, Czech, and Yugoslav governments assigned War Crimes Liaison Detachments for duty with the War Crimes Group. In addition, some of these nations similarly assigned formal War Crimes Investigating Teams.

4. Extradition. In July 1945 the prior ban by the ¹³ Combined Chiefs of Staff on the granting of extradition and surrender requests by other United Nations as to prisoners of war in British or American custody was lifted and authority was granted to proceed with the extradition and surrender of war criminal suspects and witnesses to war crimes to other United Nations and Italy in accordance with stated policy.⁴⁰ Accordingly, authority was delegated to the Judge Advocate to act for the Theater Commander, which authority was redelegated to the Deputy Judge Advocate, in the taking of action on requests made by authorized representatives of other United Nations and Italy for the extradition and surrender of war criminal suspects and witnesses to war crimes wanted in connection with the war crimes operations of those nations (App. IX).

D. Third Phase:

1. Operational Responsibility. Lower commands were relieved of responsibility in connection with the development and trial of war crimes cases. All responsibility therefor was assumed by Theater Headquarters, operational control and responsibility

being assigned the Deputy Judge Advocate, including the investigation and development of cases, references of cases for trial, and the preparation of Reviews and Recommendations for the Reviewing Authority.⁴¹ It was directed that those participants involved in mass atrocities committed in the US Zone of Occupation or areas overrun by the United States Armed Forces, who were not tried in the parent cases involving such mass atrocities, be tried in subsequent proceedings (App. X).

The personnel of all war crimes agencies, including officers serving on war crimes tribunals, were placed under the immediate control of the Deputy Judge Advocate. Formal War Crimes Investigating Teams were also placed under his operational control.

The Judge Advocate was authorized and directed to exercise all the powers of the Theater Commander as Reviewing Authority in war crimes cases where no sentence of death had been pronounced (App. X). This was in addition to the Judge Advocate's responsibility, as legal advisor to the Theater Commander, for the coordination of the war crimes operations, i.e., the one covered hereby and the one prosecuted at Nurnberg by the Chief of Counsel for War Crimes.⁴²

2. War Crimes Installations. The Central Suspect and Witness Enclosure established in the former Seventh Army Area was abandoned and provision was made for the detention of all war criminal suspects and unfriendly witnesses to war crimes of interest to the War Crimes Group or war crimes agencies of other United Nations in the War Crimes Enclosure, Dachau, Germany.⁴³ A major

command was assigned responsibility for the operation of that installation and the furnishing of the needed facilities and services in connection with the detention and screening of suspects and witnesses and war crimes trial (App. XI).

A war criminal prison was established at Landsberg, Germany, for the confinement of all convicted war criminals. The operation thereof was also made the responsibility of a major command.^{44,45}

3. Completion of Mission. In accordance with recommendations, the Theater Commander directed that the trial of war crimes cases of comparative major importance be completed prior to the end of 1947 and that all records of trial be reviewed and other aspects of the operation completed prior to 30 June 1948.⁴⁶

IV. COLLECTION AND DEVELOPMENT OF EVIDENCE

A. Collection of Documents:

All commands were assigned the general responsibility of collecting and forwarding evidence relating to war crimes.¹⁷ It was particularly emphasized that military intelligence personnel forward such information obtained in the course of their intelligence functions.²¹ ~~After~~ the creation of the Records Center, a list and description of captured enemy documents desired was prepared and distributed ~~throughout~~ the various commands.⁴⁷ Later all commands were specifically directed to take such steps as might be necessary to assure that the originals of all documents and evidence relating to war crimes were forwarded promptly to the Records Center (App. VIII). However, the issuance of clear and mandatory command directives did not result in proper progress in the collection of such records and evidence. This is ~~attributable~~ to a number of factors, e.g., insufficient dissemination of directives, lack of attention thereto, a general feeling by agencies that their requirements were entitled to first priority in the collection and use of documents, and the fact that the functions assigned to most agencies in possession of such documents were disproportionate to available personnel.

In the light of these circumstances, document teams were dispatched to the principal document centers to acquaint

personnel with the nature of the war crimes material desired and to offer supervisory services in document screening. Several tons of records, including death books, etc., were collected in connection with a few of the major concentration camps.

During the last few weeks of the rapid advances of the armies in Germany, a large number of atrocity scenes were recorded in still pictures and on motion picture films by combat photographers. No war crimes personnel were available to assist in or direct this work and no plan existed as to the preservation for war crimes purposes of the evidence from this unanticipated source. Consequently, no attempt was made to support the same by the sworn testimony of those in position to testify as to the accuracy of the scenes depicted. Later, all such pictures and motion picture films were made available by the Army Pictorial Service for screening for evidence of war crimes, after which efforts were made to return them for the sworn testimony of the combat photographers who shot the scenes or others who were present and familiar with the facts. However, little was gained by these efforts because (1) most of the pictures and films depicted scenes of mere general interest, (2) they were shot by personnel who had no conception as to the elements of proof in war crimes cases, and (3) most of those able to testify as to the scenes depicted could not be located. In any event, while such uncoordinated mass photography may establish that war crimes and mass atrocities have been committed on a vast scale, they are seldom of value as proof of the connection of particular individuals with specific crimes.

The formulation of an effective and efficient system of processing the millions of items of war crimes material, ranging from meager "Reports of War Crimes," or rumors thereof, to valuable documents and the sworn testimony of eyewitnesses to the crimes was extremely difficult. This war crimes material was in many languages and some of that which eventually proved to be the most valuable was very fragmentary and often merely bore on the fact of the commission of a war crime, or merely contained faint leads as to the place of commission, the identity of the perpetrator, the victim, or the witnesses. It was essential that these millions of items be so correlated as to permit of each being placed with the other items, if any, which related to the incident involved. Only by such accurate exploitation could the parts of the innumerable crimes be pieced together and the cases eventually developed for trial. A few of the more essential mechanics forming a part of the system utilized in the operations of the Records Center in correlating the items of war crimes material with the thousands of cases docketed are set forth in Appendix XII. Some of the essential elements of the procedure applicable to the processing of bulk enemy documents are set forth in Appendix XIII and some of those applicable to the processing of war crimes material relating to incidents involving only nationals of other United Nations are set forth in Appendix XIV.

Near the completion of the war crimes trials program about 18 tons of documents which were no longer of war crimes interest and the information collected in the personal data files of those detained in the War Crimes Enclosure were transferred to agencies

under the supervision of the Assistant Chief of Staff, G-2. All war crimes material considered essential for retention, including the case file folders in connection with tried and untried cases, the card indices, etc., necessary in utilizing the same, and the records of trial in cases tried, were transferred to the custody of the Judge Advocate Division, European Command, as of 20 June 1948.

B. Investigations:

During the preliminary phase, SHAEF, through the medium of a Court of Inquiry, investigated a few cases involving American nationals as victims. These investigations were later forwarded to the War Crimes Group. However, it was not then realized that war crimes had been committed on a scale unknown to modern history. Moreover, the Court of Inquiry was not mobile either as to organization or assigned equipment. Inasmuch as neither the British nor the American forces had perfected or staffed war crimes organizations to cope with their enormous war crimes operation, the SHAEF Court of Inquiry operated well into the first phase.

Early directives contemplated that intelligence, inspector general, and various other non-legal personnel partially or completely investigate war crimes cases. Very little effective work resulted therefrom because such non-legal personnel had no appreciation of the elements of proof. Moreover, they were overburdened with assigned primary missions.

The difficulties encountered in developing the evidence in war crimes cases warrants particular emphasis. In the first and

second phases, military witnesses were scattered by the redeployment of military personnel to other theaters of war and the Zone of Interior. Civilian witnesses, many of whom were imported slave laborers and other displaced persons, were also scattered. The perpetrators made every effort to conceal their identity.

Inasmuch as it was evident that in many instances the witnesses would be scattered throughout the world before most of the war crimes cases could be brought to trial and, in view of the fact that the extrajudicial sworn testimony of witnesses was admissible in evidence by the procedure applicable to the trial of war crimes cases, the investigative instructions provided that all statements would be under oath, preferably in question and answer form supplemented in instances where the circumstances so dictated with the sworn narrative statements of the witnesses in their native languages (App. XV).

The procedure relative to the interrogation of repatriated American military and civilian personnel and personnel scheduled for redeployment to other theaters of war or the Zone of Interior made provision for the identification of those who could give valuable testimony as to war crimes of substantial importance by the use of a prescribed questionnaire.¹⁹ Few personnel were made available by the commands concerned and most of such screening and interrogating as was done was effected by War Crimes Investigating Teams assigned to supplement the personnel to be made available by such commands (see III, B, 1, a, supra). Moreover, the repatriated and

other personnel were redeployed in such large numbers and with such speed that their adequate interrogation by the war crimes personnel obtainable was impossible.

In the second phase the operational responsibility for the investigation of war crimes cases rested with the war crimes branches of the armies, aided by War Crimes Investigating Teams assigned to the armies. The investigation work by these field agencies was seriously hampered by (1) heavy losses of irreplaceable personnel in the fall of 1945 and (2) by the burden of screening all individuals in the various detention installations in the forefront of 1946 (see V, B, post). During the second phase some valuable effort was lost due to the persistent proclivity on the part of field war crimes agencies to endeavor to submit "Investigations of War Crimes" as to incidents involving only nationals of other United Nations as victims,¹⁸ rather than to merely submit "Reports of War Crimes" as prescribed by directives (App. VIII).

In August 1945 "Standard Case Analysis Nomenclatures" providing for the use of standard symbols to designate victim categories, nationalities of victims, offense classifications, accused custody status, and degrees of completion of proof were adopted (see superseding directive, App. XVI). It was not possible to try all war crimes cases, even those involving American nationals as victims and mass atrocity cases aggregating several thousands. Furthermore, in view of the fact that no useful purpose would have been served by trying cases other than those of comparative major

importance, the adoption of such system for classifying each docketed war crimes case was essential. Also in February 1946 a formal system of priorities in the development of cases was adopted (see superseding directive, App. XVII).

During the second phase, inasmuch as direct communications between war crimes agencies were authorized, the War Crimes Group endeavored to control by means of recommendations to the war crimes branches of the armies the cases to be investigated and the priorities applied thereto. However, in view of the fact that field war crimes agencies were not under the command direction of the War Crimes Group during the second phase, attempts to control war crimes investigative activities effectively left considerable to be desired as to administration, production, and the focusing of effort upon cases of comparative major importance which showed signs of successful development. In the third phase, the control of the operation having been centralized in the War Crimes Group, War Crimes Investigating Detachments received their operational instructions direct from the Chief of the Evidence Branch thereof. Assignments of cases for investigation were made direct to the chiefs of the detachments, weekly progress reports were required, and two full time inspectors made unannounced investigations as to the housekeeping and production aspects of the activities of the detachments. Production and quality of the work were much improved.

During the process of the development of evidence in war crimes case, it was necessary for the War Crimes Group to repeatedly

reanalyze the evidence in the various cases as new evidence was received and to alter the case analysis classifications theretofore assigned. The return of cases to investigating agencies was a common occurrence due to the fact that a considerable portion of the personnel used on investigations were not fully qualified and did not adequately appreciate the elements of proof. Moreover, witnesses, surviving victims and sources of evidence being scattered, further development often involved the referring of reanalyzed cases to detachments in other Zones of Occupation, Germany, and in liberated areas. Also, it was frequently necessary to request that interrogations be made in the Zone of Interior.

During the third phase after the congregation of all war criminal suspects and unfriendly witnesses to war crimes in the War Crimes Enclosure, Dachau, an increased proportion of the interrogations was made there. During the course of the development of cases it was essential to supplement field investigations with reinterrogations of those in detention in the War Crimes Enclosure. During this phase, the reclassification of cases was not confined to the elimination of those considered not be of comparative major importance. It also included the elimination of cases of comparative major importance in connection with which all reasonable efforts to procure further essential evidence or apprehend principal perpetrators to assure successful prosecution had been to no avail.

Appendix XVIII graphically portrays the number of cases docketed, administratively closed, tried, etc., on a quarterly basis during the operations.

V. APPREHENSION AND DETENTION

A. Apprehension:

A task of equal complexity and difficulty to that of the preservation of evidence as to war crimes was the apprehension and congregation of war criminal suspects and unfriendly witnesses to war crimes. Throughout the operation, a high degree of coordination and cooperation among United Nations was necessary in this connection. The same was true as to American agencies, particularly in the first and second phases of the operation when military intelligence agencies were relied upon for apprehension service.

The CROWCASS system was outlined in III, B, 3, supra. The mission assigned to CROWCASS included, in addition to the registry service in connection with war criminal suspects and unfriendly witnesses to war crimes, the furnishing of similar service to the United Nations with regard to all security suspects, including millions of members of organizations which might later be held to be criminal by the International Military Tribunal, Nurnberg. Experience demonstrated that this latter service was one impossible of performance by one agency and that, even if the functions of CROWCASS were limited to the furnishing of service in connection with the war crimes operations, timely service would be very difficult to render. In the late fall of 1945, the functions of CROWCASS were limited to the furnishing of service in connection with the war crimes operations. The service rendered by CROWCASS was not of maximum value because (1) the decision

to limit its functions was made many months too late; (2) most nations did not make any substantial effort to file Wanted Reports until late in 1946, if ever; (3) detention installations, including those in the US Zone of Occupation, seldom filed Detention Reports; (4) installations made no effort to notify CROWCASS in the event an individual covered by a Detention Report was moved to another installation; and (5) such service as was rendered was not sufficiently timely, this delay being assignable to moves, to the novel character of the venture, and to the difficulties in training unskilled local clerical personnel.

During the first phase, technical responsibility for apprehension was unassigned. During the second and third phases, it was assigned to the Assistant Chief of Staff, G-2, and technical responsibility for the movement of individuals was assigned to the Theater Provost Marshal. In lower commands there was seldom any definite assignment of apprehension responsibility and little emphasis was placed thereon, intelligence and security functions always being given priority in planning and operations.

In the third phase, of necessity, all apprehensions and movements of individuals of urgent war crimes interest were effected by war crimes personnel.

It was particularly difficult to trace perpetrators who had been members of enemy tactical units, e.g., after all conceivable steps had been taken to identify the perpetrators in the Malmedy Massacre, instructions were sent to all major commands directing that all individuals in detention be screened for the purpose of identifying

those who had been members of specified units of the 1st SS Panzer (Adolf Hitler) Division. Those identified were to be moved to Prison No. 1, Schwabische Hall, an annex to the Seventh United States Army Central Suspect and Witness Enclosure. About 1000 were moved thereto. After arrival they were screened. Those apparently not connected with the Malmedy Massacre were moved to prisoner of war enclosures. The balance, being approximately 400 former members of Combat Group Peiper, were segregated in a manner making communication with each other impossible. Finally, a few confessed. Thereafter, the development of the case was possible, but the collection of the evidence and the apprehension of additional essential perpetrators continued to be a slow and tedious task.

B. Detention:

Directives to lower commands as to the detention of all war criminal suspects and unfriendly witnesses to war crimes were not effectively carried out. Notwithstanding the fact that the War Crimes Group, by use of its own transport, delivered Wanted Lists to lower commands and the principal apprehension agencies and the detention installations therein, thousands of wanted individuals were permitted to remain in miscellaneous installations. Those segregated in the communications zone during the first phase were moved forward indiscriminately during the second phase to various installations in the Western Military District.³³ Months of tracing of these individuals by War Crimes Investigating Teams resulted in the recovery of most of them. Sometimes large shipments of individuals, whose names did not appear on

Wanted Lists, were placed in the Central Suspect and Witness Enclosures. Consequently, it became necessary to prohibit such movements unless approved in advance by the Deputy Judge Advocate after preliminary screening at the point of origin (App. XI).

Upon the arrival of the first usable Wanted List in December 1945, the war crimes branches of the Third and Seventh United States Armies and the United States Forces in Austria were requested to place in effect a screening program outlined by the War Crimes Group, which proposed that investigative personnel, assigned to those branches or War Crimes Investigating Teams assigned for duty with those branches, would temporarily suspend investigations and supervise and assist in the screening of individuals detained in their areas and in effecting the movement of individuals wanted for war crimes purposes to the Central Suspect and Witness Enclosure of their area. As an incident of this screening program "Identification of Prisoner" sheets, setting forth merely personal identification data such as name, age, birthplace, color of hair and eyes, units to which assigned, and positions held, etc., were to be made as to each individual detained in the Central Suspect and Witness Enclosures and forwarded to the War Crimes Group in a prescribed number of mimeographed copies. The copies were used for various correlation purposes in the War Crimes Group. Periodically, sets of the sheets received were sent to the UNWCC and sets were delivered to War Crimes Liaison Detachments of other United Nations assigned for duty with the War Crimes Group, calling the attention of

the detachments to sheets apparently relating to individuals whose names appeared on Wanted Lists as being wanted by their governments.

At the outset of the third phase, the war criminal suspects and unfriendly witnesses to war crimes detained in the Central Suspect and Witness Enclosure located near Ludwigsburg were moved to the War Crimes Enclosure at Dachau. The former installation was abandoned.⁴³ As a result of a preliminary screening of those detained at Ludwigsburg, over 1000 were eliminated in advance of the movement. At the outset of the third phase, there were approximately 15,000, the actual number being undetermined, war criminal suspects and unfriendly witnesses to war crimes detained in the two enclosures, together with hundreds still scattered in various detention installations. This number was reduced to about 12,000 detained in the War Crimes Enclosure on 30 September 1946; 11,000 on 31 December 1946; 5500 on 31 March 1947; 2000 on 30 June 1947; and 600 on 30 September 1947. The screening load during each of the quarters mentioned included not only those in the War Crimes Enclosure at the outset of the quarter, but also those moved in during the particular quarter, usually exceeding 1000. The detention figures also include those detained for and covered by extradition requests of other United Nations. All of those detained in connection with the American war crimes operation were removed from the Enclosure either by trial or elimination prior to 31 December 1947. The remainder of those held for extradition and surrender to other United Nations had been removed from the Enclosure by 14 January 1948.

The elimination of and removal of detainees from the War Crimes Enclosure could not proceed faster than the work of developing the evidence in cases thought to be of comparative major importance and the elimination of such cases by administratively closing them. This was true for the reason that no mature conclusion could be reached as to whether further detention of most of the individuals was essential until reasonable possibilities of obtaining such essential additional evidence and perpetrators as were necessary to assure the successful prosecution of various cases had been exhausted.

VI. TRIALS

As in the investigation and development of cases, which necessitated the centralized correlation and analysis of evidence, the reference of cases for trial on a centralized basis was essential to the proper coordination of trials and the scheduling thereof, including the assuring that prosecutors were provided with all available evidence.

In the second phase, cases were forwarded to the Commanding General of the Third or Seventh United States Armies for reference for trial. As to United States Forces in Austria, cases were forwarded recommending that consideration be given to their reference for trial. In the third phase the cases were referred for trial by the Deputy Judge Advocate on behalf of the Theater Commander to Military Government Courts, specially appointed by Theater Headquarters. The courts were comprised of personnel permanently assigned to the War Crimes Group (App. X).

At the outset of the war crimes trials program, a few of the cases were tried by Military Commissions (App. XIX). However the balance were tried before specially appointed Military Government Courts. The more pertinent portions of the trial manual utilized by these war crimes tribunals are set forth in Appendix XX.

The trials involved all war crimes cases of comparative major importance other than those tried by the International Military Tribunal, Nurnberg, and the approximately 175 near high Nazis tried or being tried by the subsequent proceedings in charge of the Chief of Counsel for War

Crimes at Nurnberg. The offenses involved in the cases included the illegal killing of surrendered American airmen by shooting and beating at isolated and remote points, by planned and instigated mobs in populated areas, and by participants in the execution of widespread common designs to kill such airmen; offenses near the battlefield including violations of the Red Cross Convention, the Geneva (Prisoners of War) Convention, and the execution of a common design contemplating the application of terrorism in warfare; operation of euthanasia institutions; and the execution of common designs contemplating the operation of concentration camps, which operations included the subjection of inmates, including American nationals, to killings, beatings, tortures, starvation and other abuses and indignities. In one of the cases tried, a charge was included which alleged that the accused were members of organizations declared criminal by the International Military Tribunal, Nurnberg, knowing that the organizations were being utilized in the commission of criminal acts, or were personally implicated in the commission of such criminal acts.

Some of the more interesting cases tried were:

Hadamar Murder Factory Case (United States v. Klein, et al., opinion DJAWC, February 1946, Case No. 12-449), in which the accused were charged with killing several hundred nationals of other United Nations in the course of the operation of an euthanasia institution.

Russelheim Case (United States v. Hartgen, et al., opinion DJAWC, September 1945, Case No. 12-1497), involving the killing of several American airmen in a

populated area by a mob. Two of the victims of the mob action, although thought to be dead, through an act of Providence escaped from a wagon loaded with ostensibly dead bodies during a second air raid alert, scaled the cemetery wall and survived to tell the story.

Malmedy Massacre Case (United States v. Bersin, et al., opinion DJAWC, October 1947, Case No. 6-24), in which 73 members of Combat Group Peiper, a unit specially organized from elements of the 1st SS Panzer (Adolf Hitler) Division, killed several hundred surrendered American prisoners of war during the Ardennes Offensive in December 1944. This was in accordance with instructions given by Hitler during a two hour speech at Bad Nauheim to his highest officers on the western front, including General Dietrich, Commanding General of the Sixth SS Panzer Army and who was one of the accused, to prosecute the counter-offensive by applying such terrorism as to spread fear and panic among the United States Forces.

Superior Orders Case (United States v. Stroop, et al., opinion DJAWC, September 1947, Case No. 12-2000), involving the execution of a common design to kill surrendered American airmen throughout Wehrkreis XII. The accused ranged from Lieutenant General Stroop, Higher SS and Police Leader of Wehrkreis XII, down to and including the trigger men in several incidents of such illegal killings.

Other unusual cases include the Dachau, Mauthausen, Flossenburg, Buchenwald, and Nordhausen Concentration Camp Cases (United States v. Weiss, et al., opinion DJAWC, March 1946, Case No. 000-50-2; United States v. Altfuldisch, et al., opinion DJAWC, February 1947, Case No. 000-50-5; United States v. Becker, et al., opinion DJAWC, May 1947, Case No. 000-50-46; United States v. Waldeck, et al., opinion DJAWC, November 1947, Case No. 000-50-9; and United States v. Andree, et al., opinion DJAWC, April 1948, Case No. 000-50-37, respectively). As a representative concentration camp case, the Buchenwald Case included as accused Higher SS and Police Leader, SS Lieutenant General Josias Prince zu Waldeck and 30 other accused, many of whom were principal members of the staff operating Buchenwald and its scores of subcamps. All conceivable forms of killings were utilized, including shooting, hanging, injection, strangulation, beating, kicking, unnecessary surgical operation, starvation, medical experiment, lack of medical attention and exhaustion from overwork. Reliable figures and records as to the actual number who met their deaths in the various concentration camps were not available. However, the deaths in a few of the larger camps were estimated at approximately 100,000. Most conceivable types of medical experiments were practiced, including cold water experiments, freezing experiments, tubercular and malaria experiments, and hormone experiments on castrated inmates.

Among the trials were 222 cases involving 642 accused and approximately 1244 American nationals as known victims. These trials are

exclusive of mass atrocity cases in which an undetermined number of American nationals were victims. In addition to the number of victims above mentioned, probably hundreds of additional American victims were involved in these cases.

During the operation 489 cases involving 1672 accused were tried. The rate of completion of war crimes trials is graphically set forth in Appendix XXI. Eight war crimes tribunals were in session simultaneously at the War Crimes Enclosure at Dachau during the major portion of 1947. While the marked increased rate of completion of trials during 1947 is to some degree assignable to the fact that a vast amount of investigation and apprehension work had to be completed before cases could be referred for trial in large numbers and to the fact that a greater number of personnel was made available for the mission, it was primarily assignable to the centralized operational control of all aspects of the operation during the third phase, including investigation, apprehension, and movement of individuals of war crimes interest. Also, by such centralization many delays and difficulties in appointing courts, scheduling of trials and arranging therefor were substantially eliminated by holding all trials in the War Crimes Enclosure at Dachau and by the assignment of officers to the War Crimes Group for continuous service on war crimes tribunals.

However, many operational difficulties were encountered, e.g., the facilities at Dachau did not permit of appropriate segregation of suspects and witnesses. The technical barriers and restrictions on moving to and from other Occupation Zones and countries created by

regulations imposed by United States and other Occupation Forces constituted a very severe impediment to the procurement of witnesses from countries of western Europe and their movement to Dachau. Parenthetically, it should be mentioned that at no time could investigations be made in or witnesses obtained from Russia, areas under its control, or from Russian dominated countries. Similarly, the difficulties of coordinating war crimes activities with Czechoslovakia gradually increased. No investigations could be made therein during the third phase and near the end of the trials program it was nearly impossible to procure witnesses therefrom.

Set forth in Appendix XXII are data as to the cases tried showing as to each, the case number, the date the trial was completed, the names of the perpetrators, the sentences imposed, and the sentences as approved.

The various governments whose nationals were involved as victims in mass atrocity cases were invited to send official observers to attend such trials. The UNWCC was always invited to send one or two official observers to attend the more important trials.

VII. DEVELOPMENT OF LEGAL PRINCIPLES

A. General:

Consideration is given herein only to the legal principles as developed in the Reviews and Recommendations as to records of trial in war crimes cases as prepared for submission to the Reviewing Authority.

Any examination of the legal aspects involved in the trial of war criminals requires consideration of the applicable law and procedure. Except for a few cases tried by Military Commissions at the outset of the program, all cases were tried by specially appointed Military Government Courts, separate from the courts trying offenses against the occupation. It was directed by the Joint Chiefs of Staff in their directive 1023/10, 8 July 1945, that such courts should, to the greatest practicable extent, adopt fair, simple and expeditious procedures designed to accomplish substantial justice without technicality. The propriety of instructions of this character by the executive branch of the government was upheld by the Supreme Court of the United States in the case of *In re Yamashita*, 66 Supreme Court Reporter 340.

Some general aspects regarding procedure in Military Government Courts were set forth in Title 5, "Legal and Penal Administration" of "Military Government Regulations," published by Headquarters, United States Forces, European Theater, 30 November 1945, hereinafter referred

to as "Title 5." Those regulations superseded earlier regulations of similar import. The regulations of 30 November 1945 were superseded by Change 1, 27 March 1947, a portion of which is as follows:

"The purpose of proceedings in MG Courts and of the principal enactments enforced by them is the protection of the U. S. Forces in occupation and the advancement of the political, military and administrative objectives declared by the Control Council, CINCEUR, the Military Governor, and the Deputy Military Governor. All enactments will therefore be interpreted broadly and in accordance with their obvious intention. Proceedings will be conducted with a view to the attainment of this purpose to the fullest possible extent. Technical and legalistic view points will not be allowed to interfere with such a result" (Section 5-351).

"The procedure for the trial of cases laid down in these rules may be modified to the extent that certain steps in the trial may be omitted or abbreviated so long as no rights granted to the accused are disregarded. Opening statements in particular may frequently be omitted. No greater formality than is consistent with a complete and fair hearing under these rules is desirable and the introduction of procedural formalities from the manual of Courts Martial or from trial guides based thereon is discouraged except where specifically required by these rules" (Section 5-352).

"The proceedings shall not be invalidated, nor any finding or sentence disapproved, for any error or omission, technical or otherwise occurring in such proceedings, unless in the opinion of the Reviewing Authority, after an examination of the entire record, it shall appear that the error or omission has resulted in injustice to the accused" (Section 5-338).

It was contemplated that the regulations for ordinary Military Government Courts would in general be followed in the absence of applicable special procedures appearing in manuals for the trial of war crimes cases (Sections 5-390 to 5-394, inclusive, Title 5).

A fundamental concept to be kept in mind in considering the legal aspects of war crimes trials is that the applicable law is international law and not American or British municipal criminal law. Likewise, the

rules of procedure and evidence applicable in British and American municipal criminal proceedings are not applicable.¹

Manuals for the trial of war crimes cases were issued, the most recent of which was "Manual for Trial of War Crimes and Related Cases," 15 July 1946, as amended, hereinafter referred to as the "Trial Manual" (App. XX).

B. Conventions:

1. Geneva (Prisoners of War) Convention of 27 July 1929. The war crimes trials provided instances of interpretation and enforcement of conventions on international law.

Article 63 of the Prisoners of War Convention was interpreted in several cases. That article provides:

"Sentence may be pronounced against a prisoner of war only by the same courts and according to the same procedure as in the case of persons belonging to the armed forces of the detaining Power."

Concerning the contention by some accused that they were prisoners of war and, as such, entitled to trial in the same military courts as American military personnel, it was concluded that Article 63 applied only to a sentence pronounced against a prisoner of war for an offense committed while he was a prisoner of war and did not apply to a violation of the law of war committed prior to his status as a prisoner of war.^{48, 49}

Articles 10, 11, 12, 13, 14, 15, 29, 32 and 33, relating to care and treatment of prisoners of war, were enforced in a case in which two leaders of a prisoner of war camp (stalag), in which several hundred American prisoners of war were detained, were tried and convicted.⁵⁰

The view was expressed in the Buchenwald Case that the

summary execution of Russian prisoners of war constituted a violation of this convention.⁵³

2. Geneva (Red Cross) Convention of 27 July 1929. In a case involving the denial of proper medical aid and attention to a wounded American prisoner of war, the opinion was expressed that such a direct violation of Article 1 of the Red Cross Convention was "wrongful" or "illegal" per se and that it was not error for the Court to enter findings of guilty even in the absence of words of such import in the particulars.⁵¹

3. Hague Convention No. IV of 18 October 1907. Following the decision of the "International Military Tribunal, Nuremberg", Volume I, pages 253, 254, it was held that it was no defense to an alleged violation of this convention that accused were nationals of a non-signatory power for the reason that the convention gives formal expression to the then practices and usages followed by civilized nations at war.⁵³

4. Annex to Hague Convention No. IV of 18 October 1907. Article 23 of this convention prohibits, among other things, the improper use of the "the distinctive badges of the Geneva Convention." It was held that an accused who misused the Red Cross emblem was guilty of violating this article.⁵²

C. Charges and Particulars:

The principle of lesser included offense was applied in the war crimes trials. In the particulars in one case it was alleged that an accused participated in the killing of an American flyer after he had been taken into custody as a prisoner of war. The evidence estab-

lished that the accused shot the flyer three times with a small caliber pistol, but other events intervened prior to the victim's death. The flyer later met his death in a manner probably disconnected with the shooting and under circumstances where the proof failed to establish that death would have resulted from the gunshot wounds alone. The accused was convicted under the charge and particulars as alleged. In conformity with the Review and Recommendations only so much of the findings were approved as involved a finding of guilty of an assault with intent to kill.⁵⁴

Some accused who participated in the operation of concentration camps were not tried with a number of other accused under charges bottomed upon the theory of common design, discussed in VII,F, post, but separately under specific charges alleging the illegal killing of a stated number of concentration camp inmates in or about a stated month. Proof in a few of these cases established separate illegal killings on various days of the month alleged.

Two novel questions sometimes arose in this type of case, i.e., (1) whether the charge and the particulars thereunder alleged more than one offense where more than one illegal act was involved, and (2) the legal significance of the admission of evidence as to the commission by the accused of independent illegal acts not within the time alleged.

It was held as to the first question that only one offense was alleged in the charge, i.e., a violation of the law of war.⁵⁵ The opinion was expressed that the particulars under the charge sufficiently specified the criminal acts and identified the time, the place, and the victims.

Concerning the second question, it was held that the admission of evidence as to separate independent illegal acts not covered by the allegations does not, in and of itself, constitute grounds for disapproving findings of guilty in cases where there is sufficient evidence, exclusive of that relating to such independent illegal acts, to sustain the findings of guilty as to the offense charged.⁵⁵

D. Courts:

The applicable procedure required a minimum of five members to sit on a General Military Government Court specially constituted for the trial of war crimes cases. However, the procedure further provided that in the event a member, on account of unavoidable absence, missed part of the proceedings the president would cause such member to read the record of the proceedings had during his absence. The view was expressed that the temporary absence of one member of a five man Court, who read the record of the proceedings had during his absence, did not invalidate the proceedings.⁵⁶

The applicable procedure provided for the appointment of a legally trained officer as a member of the Court. However, in view of the absence of any provision specifying the amount of legal training and experience of such member and in the absence of assignment of functions and responsibilities to him analagous to those of the law member of general courts-martial, it was held that the failure to appoint a legally trained officer did not result in injustice to the accused.⁵⁷

E. Jurisdiction

1. Offenses Committed Prior to Entry in War. One of the

jurisdictional questions which arose during the course of the trials was whether American Military Government Courts have jurisdiction to try a war criminal for an offense committed during the war but prior to the time the United States became a belligerent. The opinion was expressed that the courts had jurisdiction over such offenses. The reason given was that jurisdiction of a sovereign state to try war criminals is derived from the common law of nations under which jurisdiction to try war criminals is an incident of the sovereign power of an independent state. Such power is full and complete, except where restricted by the body of principles comprising the law of nations. It was pointed out that it is axiomatic that a state, adhering to the law of war which forms a part of the law of nations, is interested in the preservation and the enforcement thereof. And this is true, irrespective of when or where the crime was committed, the belligerency or non-belligerency status of the punishing power, or the nationality of the victims.^{53, 58}

2. Offenses Committed Outside US Zones of Occupation. A similar theory was applied to offenses committed outside United States occupied territory. It was determined that no limitation was imposed by applicable regulations and directives as to the time or place of commission of a war crime triable by Military Government Courts.^{53, 59}

3. Status of Victims. The question of whether a war crimes tribunal had jurisdiction to try war criminals for individual acts of violence against nationals of Allied nations was disposed of by an

answer in the affirmative.⁴⁸ The reasoning was based on the principle of universality of jurisdiction under which every independent state has, under international law, jurisdiction to punish a war criminal in its custody regardless of the nationality of the victim.

60

Under this theory, it was held that war crimes tribunals have jurisdiction to try war criminals for offenses committed against nationals of countries who were cobelligerents of Germany. Regarding this question, it was pointed out that the following elements should be present for an act to constitute a war crime, viz., (1) the act must be a crime in violation of international law; (2) there must be disparity of nationality between the perpetrator and the victim; and (3) the criminal act must have been committed as an incident of war. The application of this test resulted in a determination that a war crime may exist when the national of a cobelligerent of Germany is the victim.

4. Double Jeopardy. Without deciding that one accused of a war crime is entitled to the benefits of the Constitution of the United States or the common law, three interesting questions regarding the plea of double jeopardy were presented.

62

In one case the accused had been tried in the Dachau Concentration Camp Case under a charge of participation in the execution of a common design to subject specified persons to killings, etc., between the period 1 January 1942 and 29 April 1945. Subsequently, the accused was tried under a specific charge alleging that he committed specified killings in October 1939. The plea of double jeopardy was denied on the ground that there was a failure to meet the test of identity of offenses. It was pointed out that the offenses alleged in the particu-

59

lars under the two charges differed as to time of commission and as to the legal character of the respective offenses.

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In another case the accused had been on trial for participation in the execution of the common design in the Flossenburg Concentration Camp Case,⁶⁵ but the case had been dismissed as to him under a nolle prosequi. In a subsequent trial under specific charges of illegal killings of non-German nationals in the Flossenburg Concentration Camp during specified months in the years 1942 and 1943, a period of time covered by the charge in the previous case, the accused entered a plea in bar on the ground that he was being placed in double jeopardy. Without conceding that the benefits of the Constitution of the United States were applicable, it was pointed out that there was considerable authority in American municipal criminal law in support of the view that an accused is not put in jeopardy until the case has proceeded to final judgment, resulting either in a conviction or an acquittal. It was not shown that the presence of the accused during part of the prior trial rendered his defense in the subsequent case more difficult. It was held that the plea was properly denied. In discussion, it was pointed out that to have sustained the plea would have required the application of technical and legalistic methods in ruling on a question apparently not well settled in American municipal criminal law, a practice to be avoided under the requirements of Title 5.

66

A further aspect of double jeopardy evolved from a case in which the accused contended that he had been previously tried in a German district court for certain alleged criminal acts which were the same

acts for which he was then being tried under a charge of participation in the execution of a common design to subject certain persons to killings, beatings, etc. The opinion was expressed in reviewing the case that the test of identity of offenses was not met. It was pointed out that the two trials differed in two respects, viz., (1) the charge in the instant case alleged a violation of the law of war, whereas, it was charged in the previous trial that the accused had violated the German penal code and (2) the charge in the instant case alleged participation in the execution of a common design, which involved action in concert with others, an element lacking in the German trial. Further, an analogy was drawn to the principle in American municipal criminal law under which the same act may be considered an offense against two sovereigns, e.g., state and federal governments. Under that principle an accused may be tried by both sovereigns for offenses growing out of the same act.

5. Civilians as War Criminals. ^{49, 53, 63, 74} In a number of cases it was held that the law of war is addressed not only to combatants and public authorities of a state, but to anybody, including civilians, regardless of status or nationality, who assists or participates in violations thereof.

F. Common Design:

1. General. Most participants in the operation of concentration camps were tried under charges and particulars alleging participation, in pursuance of a common design, in the operation of concentration camps, which operations included the wrongful subjection of inmates

to killings, beatings, tortures, etc.

The legal characteristics of common design are in all material respects the same as conspiracy, as the latter is recognized in American municipal criminal law, except that a previously conceived plan is not an essential element.^{53, 63}

On the principle of vicarious liability, accused convicted of participation in the execution of a common design were held responsible in varying degrees according to the positions held. Evidence as to illegal acts committed by them, or others at their direction, was also considered pertinent in measuring the extent and nature of their participation.

2. Separate Substantive Offense. In several concentration camp cases^{53, 67} the charge and particulars were challenged on the grounds that they alleged a common design as a separate substantive offense and that it had been ruled by Tribunal III, Nurnberg, Germany, in an order, July 1947, that common design is not a separate substantive offense. It was determined in these cases that the charges and particulars did not allege a common design as a separate substantive offense. It was pointed out that the accused were charged with participation in the execution of a common design to commit described unlawful acts and not a common design as a separate offense.

3. German Nationals as Victims. A novel question presented in the war crimes trials concerned the legal significance to be attached to evidence, in concentration camp cases tried under charges alleging participation in the execution of a common design, showing that some of

the victims of acts of violence by an accused were German nationals. In other words, was it appropriate for a war crimes tribunal to consider such individual acts of violence in determining the extent and nature of the participation of the accused in the execution of the common design? In arriving at the conclusion that it was appropriate to consider such evidence in determining the degree of participation of the accused in the execution of the common design,⁶⁸ it was pointed out that the charge and particulars alleged participation in the execution of a common design and not disassociated acts of violence against German nationals and that evidence showing that participants tortured, beat or killed German inmates demonstrated the character of their participation and established that they, through example by such acts, encouraged others to commit similar acts of cruelty against inmates without regard to nationality, thus maintaining and furthering the overall objectives of the operation.

G. Superior Orders:

1. General. In numerous war crimes cases the question arose as to what effect was to be given to evidence showing that an accused, in committing the offense with which he was charged, acted pursuant to orders of a superior.

The principle followed was that compliance with superior orders does not constitute a defense to the charge of having committed a war crime,^{48, 69, 70} although it may, under certain circumstances, be considered in mitigation of punishment. An accused who seeks relief on such grounds assumes the burden of establishing (a) that he received an order from

a superior directing that he commit the wrongful act; (b) that he did not know or, as a reasonably prudent person, would not have known that the act which he was directed to perform was illegal or contrary to universally accepted standards of human conduct; and (c) that he acted, at least to some extent, under immediate compulsion. Having satisfactorily established these elements, the amount to which his sentence should be mitigated depends upon the character and extent of the immediate compulsion under which he acted.

2. Administrative Regulations. The question arose in a number of instances as to whether or not superior orders could be pleaded as a defense in the trial of a war crimes case in which the accused was charged with a war crime which was committed at a time when a War Department manual provided that individuals would not be punished for offenses committed under the orders or sanction of their government or commanders.⁷² This provision was merely an attempt to make a statement of the law and in so far as such statement was at variance with the law it was of no legal significance.⁴⁸ At most, the provision merely constituted a temporary self imposed policy of the United States concerning the imposition of punishment for violations of the law of war. It in no way altered the law of war.⁷¹ The provision in question was superseded in November 1944 by an amendment which was more in conformity with the law of war.⁷³

H. Certain Questions of Responsibility:

1. Administrative Determination of Guilt. In several concentration camp trials, involving evidence as to mass executions of inmates, the defense was interposed that such executions were legal inasmuch as

they were carried out pursuant to executive orders and directions, most of which emanated from the Reich Security Head Office in Berlin. It was usually contended that these administrative determinations of guilt were legal under German law.

It was held that it was irrelevant that such executions may have been legitimate in the eyes of German Nazis and that no violation of domestic law resulted. The obligation to be fulfilled was to comply with the principles of international law. Under international law an execution must be preceded by a proper trial and sentence by a legally constituted court.⁷⁵

2. Military Necessity. Another question of interest involved military necessity as a justification for killing prisoners of war. In reaching a conclusion in the negative, it was stated that,⁷⁶ if military necessity went so far as to justify killing a prisoner of war, it would result in the destruction of most of the elementary restraints on war handed down from antiquity and it would permit governments and commanders deliberately to confuse military necessity with strategical interest and military convenience.

3. Participation in Mob Action. There are examples of application of the principle of joint responsibility for participation in mob action in beating and killing American prisoners of war. In two similar cases^{57, 77} the accused were charged with acting jointly and in conjunction with others in aiding, abetting, encouraging and participating in the killing of American surrendered prisoners of war. In both cases the accused actively participated in mob action against several American

flyers as they were being led through a town. Responsibility was attached to those who incited mob action by shouts and other forms of encouragement as well as to those who did the actual beating and killing.

4. Intervening Killer. The principle was applied that one who inflicts a wound or wounds on a victim of such character that it is clear that death would have resulted, in the absence of any intervening force, is responsible for the death of such victim, even though the immediate cause of death may be the application of violence on the part of another person.⁷⁸

I. Evidence:

1. General. Neither the rules of evidence as known in American municipal criminal law nor those prescribed for courts-martial are applicable to war crimes trials.

The general rules of evidence applied were as follows:

- a. A Military Government Court shall in general admit oral, written and physical evidence having a bearing on the issues before it, and may exclude any evidence which in its opinion is of no value as proof.
- b. The court shall in general require the best evidence available.
- c. Hearsay, or other evidence deemed to be of probative value or helpful in arriving at a true finding, is admissible.
- d. Evidence of bad character of an accused shall be admissible before findings only when the accused has introduced evidence as to his own good character (Sections 5-329, 5-354.4, Title 5; Section

270, Trial Manual, App. XX).

2. Best Evidence Rule. The procedural requirement that the "best evidence available" will be admissible is not to be confused with the "best evidence rule" applicable in American municipal criminal law. The Trial Manual provides in Section 270 that the latter rule is not applicable to trials before a war crimes tribunal (App. XX).

3. Reasonable Doubt and Presumption of Innocence. While the rule in American municipal criminal law as to reasonable doubt and presumption of innocence was not applicable as such to war crimes trials, in the absence of a suitable prescribed standard, the rule requiring that an accused be presumed innocent until proven guilty and that proof of guilt be established beyond a reasonable doubt was adhered to in the war crimes trials.

4. Judicial Notice. War crimes tribunals may appropriately take judicial notice of all matters of common knowledge in the territory wherein they are sitting. For example, they may take judicial notice of the fact that, as a war measure, hundreds of thousands of Russian, French, Polish, and other nationals were compulsorily deported from occupied territory to Germany as slave laborers. The illegal killing of these deported slave laborers through the concentration camp system is a war crime.⁵³

5. Extrajudicial Sworn Statements. Under the applicable rules of evidence, extrajudicial sworn statements of accused or witnesses are admissible in evidence, irrespective of their presence or absence (Section 270, Trial Manual, App. XX). Further, it is not required that

foundation evidence to establish that sworn statements, including those by accused, be offered to show that such statements were voluntarily procured (Section 270, Trial Manual, App. XX). The question of whether extrajudicial sworn statements or confessions were voluntary or whether they were made under circumstances which might have induced accused or witnesses to state untruths was held to be a question for the court to determine.⁴⁸

It was held that extrajudicial sworn statements or confessions by one accused are admissible in evidence against other accused. This conclusion was based primarily on the general rules of evidence applicable to war crimes trials under which any evidence deemed to be of probative value is admissible. Moreover, an analogy was drawn to the rule in American municipal criminal law under which an extrajudicial confession is admissible against the maker as an exception to the hearsay rule. As the hearsay rule is inapplicable to war crimes trials, there is no basis for excluding such evidence.⁴⁸

J. Conduct of Trial:

1. Plea of Guilty. Section 5-325, Title 5, provides that upon a plea of guilty the court will hear such statements for the prosecution and the defense and such evidence as it required to enable it to determine the sentence to be imposed. Section 5-328, Title 5, provides that a plea of guilty to an offense punishable by death may be accepted provided the court is satisfied from the nature of the case that the punishment of death would be clearly excessive and that a lesser punishment, which is within its power to impose, would suffice. Section

501, Trial Manual, provides that, while the court may enter a sentence on a plea of guilty without further proof, it must received evidence to determine that the plea was not improvident or qualified (App. XX).

The rules set forth above were applied in the war crimes trials. ^{79, 80, 81}

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In one case, however, an accused was charged with participation in the execution of a common design to subject certain persons to killings, beatings, etc. The accused entered a qualified plea of guilty of participation by having beaten inmates with his hands. It was held that the acceptance of the qualified plea did not invalidate the proceedings, inasmuch as under the facts of that case no injustice resulted to the accused.

^{53, 83}
2. Absence of Accused During Trial. It was held that the temporary absence of an accused from his trial, due to illness or other reason, did not invalidate the proceedings as long as he was adequately represented by counsel. It was pointed out that the applicable procedure permitted of a trial in absentia and that Martin Bormann was tried in absentia by the International Military Tribunal, Nuernberg. From this, it was concluded that there was no error in permitting a trial to proceed during the temporary absence of an accused.

3. Sentences. In the absence of a clear expression of intent by a war crimes tribunal that the sentence it imposed should be cumulative to a sentence imposed in a prior case, the rule was applied that no presumption will be indulged in favor of sustaining a sentence as cumulative. ⁷⁵

It was held that there was no reason for permitting a war criminal

sentenced to death to choose a form of execution less ignominious
than the prescribed manner of execution of death sentences by
48
hanging.

VIII. REVIEW OF RECORDS OF TRIAL

A. Reviewing Authority:

Prior to the third phase, the appointing authorities, i.e., the Commanding Generals of the Third and Seventh United States Armies, were vested with reviewing authority, after a review of the records of trial by and a receipt of advice from their staff judge advocates.³⁵ Sentences involving death required confirmation by the Theater Commander, after receipt of recommendations by the Judge Advocate as to the views expressed by the Deputy Judge Advocate in his Review and Recommendations.³⁶

During the third phase, the Judge Advocate was authorized and directed to exercise all the powers of the Theater Commander as Reviewing Authority in cases where no death sentence had been pronounced. Those involving a death sentence were acted upon by the Theater Commander (App. X).

B. Reviews and Recommendations:

The number of cases in connection with which Reviews and Recommendations had not been prepared and submitted to the Judge Advocate for his action as Reviewing Authority, or for recommendations to the Theater Commander as to views expressed by the Deputy Judge Advocate in his Reviews and Recommendations, gradually increased throughout the war crimes trials program. A backlog of 216 unreviewed

cases existed on 31 December 1947. This gradual increase in number of unreviewed cases resulted from a number of factors, including the almost total absence of personnel assigned to the War Crimes Group who had any prior experience in similar work, the small number of lawyers assigned to the War Crimes Group with prior experience fitting them for dealing with the novel questions of international law involved in the cases, the unfortunate but necessary recurrent moving of the headquarters of the War Crimes Group, thus inordinately burdening the Deputy Judge Advocate with administrative matters, and the great urgency placed upon the early completion of the other aspects of the program, i.e., investigations, apprehensions, and the screening of those in detention, which resulted in unusually strong demands for the utilization of most of the more capable personnel on other aspects of the operation.

Experienced personnel being unavailable for review work, lawyers therefor were selected from within the War Crimes Group and trained on the job. Following the completion of the war crimes trials program, efforts were concentrated on the reviewing of records of trial. The last Review and Recommendations was forwarded on 28 April 1948.

IX. EXTRADITION

A. Scope of Mission:

Without specifying the categories or time, the Moscow Declaration, 30 October 1943, lent support to the prospective return for trial of most war criminals to the countries in which their crimes were committed. In general the granting of extradition and surrender requests was postponed by the Combined Chiefs of Staff until after the cessation of hostilities with Germany.¹³ Following the lifting of the ban placed on extradition by the Combined Chiefs of Staff,⁴⁰ a procedure for the extradition and surrender of individuals wanted by other United Nations and Italy for trial as war criminals was established in September 1945 (App. IX). Few deliveries were effected prior to 1946.

In view of the unprecedented scale on which the law of war had been violated and in order to expedite the surrender of war criminal suspects by avoiding the delays which would of necessity be encountered in utilizing diplomatic channels, the applicable procedure contemplated that requests for extradition and surrender be accomplished on prescribed forms and filed with the Military Governor, US Zone of Occupation, Germany,⁸⁴ addressed to the attention of the Judge Advocate, who was empowered and directed to act on behalf of the Military Governor on requests for the extradition and surrender of war criminal suspects and witnesses to war crimes, as well as on requests for the

taking of depositions or for the delivery of evidentiary material in the US Zone of Occupation (App. IX). This authority of the Judge Advocate was redelegated to the Deputy Judge Advocate and such requests in practice were routed to the latter's office.⁸⁵ Although not war criminals, renegades and quislings, who by virtue of their high positions held or their international notoriety attained, presented potential diplomatic level problems. Under these circumstances and in view of the fact that no special procedure was prescribed for processing extradition requests as to them, such requests were handled under the procedure prescribed for the extradition and surrender of war criminal suspects.

B. Furnishing Leads to Other Nations:

A very substantial portion of the individuals surrendered were covered by extradition and surrender requests which were bottomed upon data furnished to the nations concerned by the War Crimes Group. In this connection the procedure followed in processing war crimes evidence and data which was thought to be of interest to other United Nations is set forth in Appendix XIV and the procedure followed in furnishing material as to wanted individuals in detention in the War Crimes Enclosure is discussed in V, B, supra.

C. Procedure:

1. Clearances. Requests received were examined to ascertain whether all prescribed information was furnished and to ascertain whether the described crimes constituted violations of the law of war.

In general, requests were not granted which covered individuals wanted in connection with the American war crimes operation. Consequently steps were not taken to coordinate the requests with the agencies immediately hereinafter indicated until such determination was made.

Summary of Information Forms (App. XXIII) were forwarded to the Assistant Chief of Staff, G-2. These forms, developed over a period of time, could be used for two purposes, i.e., for clearance requests and for apprehension requests.

Inquiries were made of CROWCASS by teletype in order to obtain current information as to whether United Nations other than those which had filed the requests wanted the individuals for war crimes purposes.

2. Clearances re Individuals of Diplomatic Level Interest.

Requests involving individuals who had "held high political, civil or military position in Germany or in one of its allies, cobelligerents, or satellites," or which involved individuals wanted by two or more United Nations presented at least potential diplomatic level problems. Clearance in such cases was sought from the Legal Division, Office of Military Government for Germany (US), ordinarily hereinafter referred to as "Legal Division," in order that the former categories of cases might be coordinated with State Department representatives and the conflicts of interest in the latter category of cases be determined by the Control Council.

Operationally, general officers and politically active individuals who had held high Reich level positions were considered as coming within the purview of the provision of applicable procedure.

concerning high personages. The Legal Division was responsible for ascertaining whether the Office of US Chief of Counsel for the Prosecution of Axis Criminality was likely to need the individuals involved in connection with the proceedings before the International Military Tribunal, Nurnberg.

In coordination with the Historical Division requests involving general officers and members of the German General Staff were not granted until that division had exploited all information which could be furnished by such individuals.

3. Individuals Located in Austria. At the outset of the extradition program it was planned that the procedure applicable to extradition and surrender from the US Zone of Occupation, Germany, would be applied and administered by the Deputy Judge Advocate in the extradition and surrender of individuals detained or subsequently apprehended in the US Zone of Occupation, Austria. Advantages from the standpoint of efficient and effective coordination of the American war crimes program in Europe would have resulted. However, Headquarters, United States Forces in Austria, answered directly to the War and State Departments as to the political aspects of the occupation of Austria. Also, problems which could be settled locally were dealt with by the American element of the Allied Control Authority for Austria. Hence, it was necessary for that Headquarters to reserve the power to take final action in the granting of extradition and surrender requests as to such individuals. Every effort was made to coordinate the granting of such requests with the war crimes program in the US Zone of Occupation, Germany.

4. Extradition to Non-United Nations. Extradition and surrender requests in appreciable number were received from Hungary and Austria, involving both their own nationals and Germans. The directive concerning extradition and surrender did not deal with such requests and explicit instructions were not forthcoming from the War Department. Under such circumstances the War Crimes Group pursued the policy of not granting such requests by former co-belligerents of Germany, except requests covering their own nationals in instances where the request was coupled with compelling circumstances.

D. Operations:

In so far as western European countries are concerned, coordination of the extradition program presented no problems which were not susceptible of ready solution.

At the outset deliveries of individuals cleared were made from various detention installations. However, operational experience indicated the desirability of utilizing one installation as a staging and delivery point and in consonance with the program of congregating all individuals of war crimes interest to the United States or other United Nations in the War Crimes Enclosure, Dachau, all deliveries were effected from that point. Among other things, this procedure permitted of an accurate and final check as to the identity of the individual proposed for delivery. The final deliveries were made early in January 1948.

The extent of the extradition program is shown graphically and in tabular form in Appendix XXIV.

Future extraditions are limited to exceptional cases and staff responsibility therefor is that of the Legal Division. The records of the War Crimes Group in connection with the extradition program were delivered to the Legal Division in February 1948.⁸⁶

X. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions:

1. Central Recording Agency. In situations similar to that obtaining in Europe during and immediately following this war which require that the large war crimes operations of various nations be coordinated, there is a dire need for an effective central agency for the recording of information as to names, physical description and other pertinent data as to wanted war criminal suspects and witnesses to war crimes, the dissemination of information as to such wanted individuals to the pertinent agencies of the nations concerned, the recording of information as to the installations in which such individuals are detained, and the dissemination of such detention information. Such an agency cannot give adequate and sufficiently prompt service, irrespective of the type and quality of facilities and personnel available to it, if it is burdened with any additional functions.

2. Prompt Development of Cases. The only opportune time for the collection of evidence as to and the apprehension of perpetrators of war crimes is soon after their commission. Sources of evidence must be exploited before they are dissipated. Witnesses must be interrogated and perpetrators must be apprehended and detained before they are scattered. Experienced lawyer investigators must follow close behind the advancing armies in such numbers as to assure prompt development

of cases. This work of gathering the sworn testimony of witnesses for actual presentation to war crimes tribunals is not investigative work, as that phrase is ordinarily used, and should be done by experienced lawyers.

3. Detention. Centralized detention of war criminal suspects and unfriendly witnesses to war crimes from the inception of a war crimes program is essential to the efficient and expeditious development of evidence in war crimes cases. During hostilities prisoners of war thus detained need not be deprived of the rights to which they would otherwise be entitled under the Prisoners of War Convention. Concern as to reprisals on the part of the enemy should not serve as a deterrent to such congregation.

4. Centralization of Operational Responsibility. Experience demonstrates that not much can be expected from other agencies or individual officers or soldiers, excluding the surviving victims of heinous crimes, in the making of "Reports of War Crimes." It is impractical to assign investigation and apprehension responsibilities to agencies already burdened with assigned primary missions. Effective combat operations are of such dominant interest to the commanders of lower commands and tactical units, as well as the personnel thereof, during operations against the enemy that it is futile to expect personnel under the operational control of such commands to receive effective direction and support in war crimes work. The same is true as to war crimes personnel under the operational control of subordinate commands during an occupation period. All aspects of a war crimes

operation, including the imperativeness of centralized correlation and continuous reanalysis of evidence procured, dictates that there be centralized operational control and direction of the mission and the personnel working thereon. Otherwise, progress is haphazard, attention is not focused on cases of comparative major importance susceptible of development for successful prosecution, and trials are not held promptly.

5. Type of Unit. The centralized operational direction can best be carried out through a unit similar to 7708 War Crimes Group commanded by the officer having initial responsibility for the legal aspects of the operation and the preparation of the basic reviews as to records of trial. The administrative and legal responsibilities thus concentrated are susceptible of efficient performance, providing his principal legal assistant and his principal administrative assistant are officers of proven ability.

B. Recommendations:

Advanced planning, together with the organizing and staffing of the Judge Advocate's war crimes unit responsible for all aspects of the mission in advance of the opening of a theater of operations, is essential.

A war crimes unit of this type should be relieved of a maximum amount of housekeeping responsibilities and care should be exercised in advance of and during the operation to assure that it receives adequate administrative and supply support.

By agreement of nations, there should be a general recodification

of the law of war incorporating recognized principles as applied
and elaborated upon in recent trials.

29 June 1948

C. E. Straight

C. E. STRAIGHT
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes

TABLE OF FOOTNOTE REFERENCES

<u>NUMBER</u>	<u>REFERENCE</u>
1	In re Yamashita, 66 Supreme Court Reporter 340.
2	Geneva (Prisoners of War) Convention of 27 July 1929, TM 27-251, War Department, U.S. Army, "Treaties Governing Land Warfare," 7 January 1944.
3	"Manual for Courts-Martial, U.S. Army," 1928.
4	"Military Commissions and Provost Courts with Particular Regard to Procedure Including Rules of Evidence," 25 September 1943, compiled by Adwin W. Green, Major, JAGD, Judge Advocate Division, Headquarters, European Theater of Operations, United States Army (JA-EPO File - War Guilt, Vol. I, Part 2, Item 11.1).
5	Memorandum, War Department, Office of The Chief of Staff, to The Judge Advocate General, file WDCSA 000.5 (30 Nov 44), subject: "Punishment of War Criminals," 30 November 1944.
6	Letter, Supreme Headquarters, Allied Expeditionary Force, to Headquarters, Twenty-first Army Group, et al., file AG 000.5-2 GAP-ACM, subject: "Procedure on Reports concerning Alleged Violations of the Geneva Conventions," 20 August 1944.
7	Letter, Supreme Headquarters, Allied Expeditionary Force, to Headquarters, Twenty-first Army Group, et al., file AG 000.5-2 GE-ACM, subject: "War Criminals - Enemy and Liberated Territory - All Operations in NW Europe," 7 September 1944.
8	Letter, Headquarters, European Theater of Operations, United States Army, to Base Sections, Communications Zone, file AG 000.5 OpJA, subject: "Procedure on Reports Concerning Alleged Violations of the Geneva Conventions," 21 October 1944.
9	Letter, Headquarters, Twelfth Army Group, to First United States Army, et al., file 092.2 (G-1), subject: "Violations of Provisions of the Geneva Conventions and Laws and Usages of War by Enemy Forces," 7 November 1944.
10	Letter, Supreme Headquarters, Allied Expeditionary Force, to Headquarters, Twenty-first Army Group, et al., file AG 000.5-2 GAP-ACM, subject: "Procedure for Investigation of Alleged Violations of the Geneva Conventions," 14 December 1944.

- 11 Letter, Supreme Headquarters, Allied Expeditionary Force, to Allied Naval Commander, Expeditionary Force, et al., file AG 000.5-2 GAP-AGM, subject: " 'ECLIPSE' Memorandum No. 18," 16 January 1945.
- 12 Letter, Supreme Headquarters, Allied Expeditionary Force, to Headquarters, Twenty-first Army Group, et al., file AG 000.5-2 GAP-AGM, subject: " 'ECLIPSE' Memorandum No. 18 - War Criminals and Security Suspects," 7 February 1945.
- 13 Cable, War Department, to United States Military Mission, Moscow, Reference No. WARX-33021, 19 September 1944.
- 14 Letter, Headquarters, European Theater of Operations, United States Army, to Sixth Army Group, et al., file AG 334 OpGA, subject: "Authority to Appoint Military Commissions," 19 November 1944.
- 15 Letter, Headquarters, Twelfth Army Group, to First United States Army, et al., file 383 (G-1), subject: "War Criminals," 13 February 1945.
- 16 Letter, War Department, to Southwest Pacific Area, et al., file AG 000.5 (7 Oct 44) OB-S-A-M, subject: "Establishment of War Crimes Offices," 25 December 1944.
- 17 Letter, Headquarters, European Theater of Operations, United States Army, to United States Strategic Air Forces in Europe, et al., file AG 000.5 OpJA, subject: "Establishment of War Crimes Branches," 24 February 1945.
- 18 Letter, Headquarters, European Theater of Operations, United States Army, to United States Strategic Air Forces in Europe, et al., file AG 000.5 OpJA, subject: "Establishment of War Crimes Branches," 22 April 1945.
- 19 Letter, Headquarters, European Theater of Operations, United States Army, to United States Strategic Air Forces in Europe, et al., file AG 000.5 OpJA, subject: "War Crimes Interrogation of US Military and Civilian Personnel," 28 April 1945.
- 20 Letter, Headquarters, European Theater of Operations, United States Army, to United States Strategic Air Forces in Europe, et al., file AG 210.6 MPMGA, subject: "Investigations in Connection with Alleged War Crimes," 15 April 1945.
- 21 Letter, Headquarters, European Theater of Operations, United States Army, to United States Strategic Air Forces in Europe, et al., file AG 000.5 OpJA, subject: "War Crimes Suspects and Witnesses," 4 May 1945.

- 22 Letter, Headquarters, Twelfth Army Group, to First United States Army, et al., file 000.5 (JA), subject: "Establishment of War Crimes Branches and Investigations of War Crimes," 30 April 1945.
- 23 Letter, Supreme Headquarters, Allied Expeditionary Force, to Headquarters, Twenty-first Army Group, et al., file AG 000.5-2 GAP-AGM, subject: "War Crimes," 10 May 1945.
- 24 Letter, Supreme Headquarters, Allied Expeditionary Force, to Headquarters, Twenty-first Army Group, et al., file AG 000.5-2 GAP-AGM, subject: "Central Registry of War Criminals and Security Suspects," 14 April 1945.
- 25 Agreement by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, for the Prosecution and Punishment of the Major War Criminals of the European Axis, August 1945.
- 26 Staff Memo 57, Headquarters, United States Forces, European Theater, subject: "Prosecution of Nazi Crimes Against Germans," 15 December 1945.
- 27 Law for Liberation from National Socialism and Militarism of 5 March 1946 as set forth in Title 24, "Military Government Regulations," published by Office of Military Government for Germany (US), 22 April 1946.
- 28 Letter, Headquarters, United States Forces, European Theater, to Twelfth Army Group, file AG 000.5-2 GAP, subject: "Movement of War Crimes Branch to Wiesbaden," 2 July 1945.
- 29 Circular No. 256, War Department, subject: "Reporting of War Crimes and Identification of Suspects," 22 August 1945.
- 30 Letter, Headquarters, United States Forces, European Theater, to United States Forces in Austria, et al., file AG 230 GAP-AGCP, subject: "Authority for Civilians to Administer Oaths in Connection with War Crimes Investigations," 2 April 1946.
- 31 Cable, Combined Chiefs of Staff to Supreme Headquarters, Allied Expeditionary Force, Reference No. WX-18961, 19 June 1945.
- 32 Staff Memo 47, Headquarters, United States Forces, European Theater, subject: "Staff Responsibility for War Crimes Activities," 24 September 1945.

- 33 Letter, Headquarters, European Theater of Operations, United States Army, to Twelfth Army Group, et al., file AG 255 OpJA, subject: "Establishment of Suspect and Witness Enclosures," 30 June 1945.
- 34 Letter, Supreme Headquarters, Allied Expeditionary Force, to United States Forces, European Theater, file AG 000.5-2 GAP-AGM, subject: "Trial of War Criminals," 9 July 1945.
- 35 Letter, Headquarters, United States Forces, European Theater, to Third United States Army, et al., file AG 000.5-2 GAP, subject: "Trial of War Crimes and Related Cases," 16 July 1945.
- 36 Letter, Headquarters, United States Forces, European Theater, to Third United States Army, et al., file AG 013.3 GAP-AGO, subject: "Disposition of Military Government Court Case Records in Certain War Crimes Cases," 18 August 1945.
- 37 Letter, Headquarters, United States Forces, European Theater, to United States Forces in Austria, file AG 250.4 GAP-AGO, subject: "Authority to Appoint Military Commissions," 10 October 1945.
- 38 Letter, Supreme Headquarters, Allied Expeditionary Force, to Twenty-first Army Group, et al., file AG 000.5-2 GAP-AGM, subject: "War Crimes Library," 4 July 1945.
- 39 Letter, Central War Crimes Library, War Crimes Group, subject: "Central War Crimes Library," 30 August 1945.
- 40 Cable, Combined Chiefs of Staff to Supreme Headquarters, Allied Expeditionary Force, Reference No. WARX-29993, 11 July 1945.
- 41 Letter, Headquarters, United States Forces, European Theater, to Third United States Army, et al., file AG 000.5 WCB-AGO, subject: "Trial of War Crimes Cases," 11 July 1946.
- 42 Letter, Headquarters, United States Forces, European Theater, to United States Forces in Austria, et al., file AG 000.5 GEC-AGO, subject: "Coordination of War Crimes Activities," 26 October 1946.
- 43 Letter, Headquarters, United States Forces, European Theater, to Third United States Army, file AG 383.6 JAG-AGO, subject: "Designation of Central Suspect and Witness Enclosure," 11 July 1946.

- 44 Letter, Headquarters, United States Forces, European Theater, to Third United States Army, file AG 013.37 GAP-AGO, subject: "Designation of Prison for War Criminals," 11 July 1946.
- 45 Letter, Headquarters, United States Forces, European Theater, to United States Constabulary, et al., file AG 383 JAG-AGO, subject: "Designation of Prisons for War Criminals," 26 February 1947.
- 46 Letter, Headquarters, United States Forces, European Theater, to Theater Judge Advocate, file AG 322 JAG-AGO, subject: "Inactivation of War Crimes Activities," 7 March 1947.
- 47 Memorandum of War Crimes Group re Types of Captured Enemy Documents Desired by Records Center, 5 June 1945.
- 48 United States v. BERSIN, et al., opinion DJAWC, October 1947, Case No. 6-24.
- 49 United States v. ALTFULDISCH, et al., opinion DJAWC, March 1947, Case No. 000-50-5.
- 50 United States v. METZ, et al., opinion DJAWC, September 1947, Case No. 12-1836.
- 51 United States v. Karl OTTO, opinion DJAWC, March 1948, Case No. 12-1182-2.
- 52 United States v. HAGENSDORF, opinion DJAWC, October 1946, Case No. 12-1290.
- 53 United States v. WALDECK, et al., opinion DJAWC, November 1947, Case No. 000-50-9.
- 54 United States v. SLIPPMANN, et al., opinion DJAWC, February 1948, Case No. 12-1866.
- 55 United States v. JACKOBS, opinion DJAWC, January 1948, Case No. 000-Buchenwald-3.
- 56 United States v. PETERSDORF, et al., opinion DJAWC, January 1948, Case No. 11-519.
- 57 United States v. GOEBELL, et al., opinion DJAWC, August 1947, Case No. 12-489.
- 58 United States v. BRUST, opinion DJAWC, September 1947, Case No. 000-Mauthausen-7.
- 59 United States v. Kurt OTTO, opinion DJAWC, July 1947, Case No. 000-Mauthausen-5.

- 60 United States v. LEHMANN, et al., opinion DJAWC, March 1948, Case No. 000-50-5-26.
- 61 United States v. PIRNER, et al., opinion DJAWC, February 1948, Case No. 000-50-5-42.
- 62 United States v. STINGLWAGNER, et al., opinion DJAWC, January 1948, Case No. 000-Dachau-1.
- 63 United States v. WEISS, et al., opinion DJAWC, March 1946, Case No. 000-50-2.
- 64 United States v. WODAK, opinion DJAWC, December 1947, Case No. 000-Flossenburg-2.
- 65 United States v. BECKER, et al., opinion DJAWC, May 1947, Case No. 000-50-46.
- 66 United States v. TUMA, et al., opinion DJAWC, January 1948, Case No. 000-50-46-6.
- 67 United States v. MIELENZ, opinion DJAWC, November 1947, Case No. 000-50-2-118.
- 68 United States v. SCHEMITZ, et al., opinion DJAWC, March 1948, Case No. 000-50-5-33.
- 69 United States v. STROOP, et al., opinion DJAWC, September 1947, Case No. 12-2000.
- 70 United States v. HILDEBRANDT, et al., opinion DJAWC, January 1948, Case Nos. 12-1368 and 12-1369.
- 71 United States v. CURDIS, et al., opinion DJAWC, April 1947, Case No. 12-1733.
- 72 FM 27-10, War Department, U.S. Army, "Rules of Land Warfare," 1 October 1940, paragraph 347.
- 73 FM 27-10, War Department, U.S. Army, "Rules of Land Warfare," 1 October 1940, paragraph 347, Change No. 1, 15 November 1944.
- 74 United States v. KLEIN, et al., opinion DJAWC, February 1946, Case No. 12-449.
- 75 United States v. ANDREE, et al., opinion DJAWC, April 1948, Case No. 000-50-37.
- 76 United States v. KLUETTGEN, opinion DJAWC, October 1947, Case No. 12-1502.

- 77 United States v. HARTGEN, et al., opinion DJAWC, September 1945, Case No. 12-1497.
- 78 United States v. Franz WEISS, opinion DJAWC, September 1947, Case No. 12-1885.
- 79 United States v. JAEGER, et al., opinion DJAWC, July 1947, Case No. 12-2971.
- 80 United States v. VICAN, opinion DJAWC, December 1947, Case No. 000-Flossenburg-3.
- 81 United States v. GOENNEMANN, et al., opinion DJAWC, January 1948, Case No. 000-50-5-34.
- 82 United States v. KLERNER, et al., opinion DJAWC, January 1948, Case No. 000-50-5-19.
- 83 United States v. ROTHACKER, et al., opinion DJAWC, January 1948, Case No. 12-2036.
- 84 Letter, Headquarters, United States Forces, European Theater, to United States Forces in Austria, et al., file AG 000.5 GAP-AGO, subject: "Delivery to Other United Nations and Italy of Alleged War Criminals and of Witnesses and Evidentiary Material Required in the Trial of War Crimes," 13 September 1945.
- 85 Letter, Headquarters, United States Forces, European Theater, Office of the Theater Judge Advocate, to Deputy Theater Judge Advocate for War Crimes, subject: "Delivery to Other United Nations and Italy of Persons Accused of War Crimes and of Witnesses and Evidence Required in the Trial of War Crimes," 18 September 1945.
- 86 Letter, Headquarters, European Command, to United States Forces in Austria, et al., file AG 000.5 (LD), subject: "Extradition of Alleged War Criminals From the American Zone of Occupation, Including Land Bremen and the American Sector of Berlin, Subsequent to 1 November 1947," 17 November 1947.

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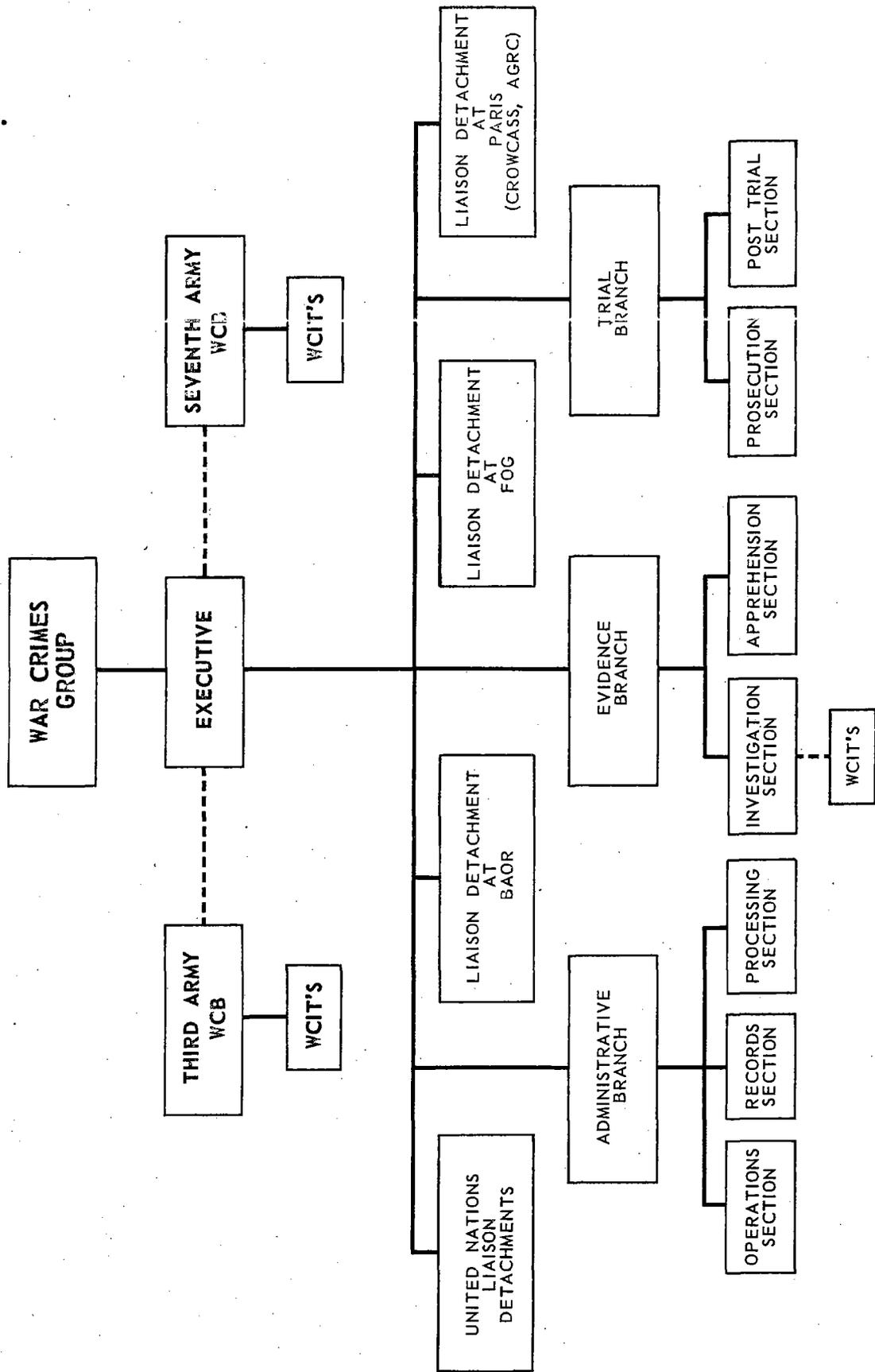
DEPUTY JUDGE ADVOCATE FOR WAR CRIMES

EUROPEAN COMMAND

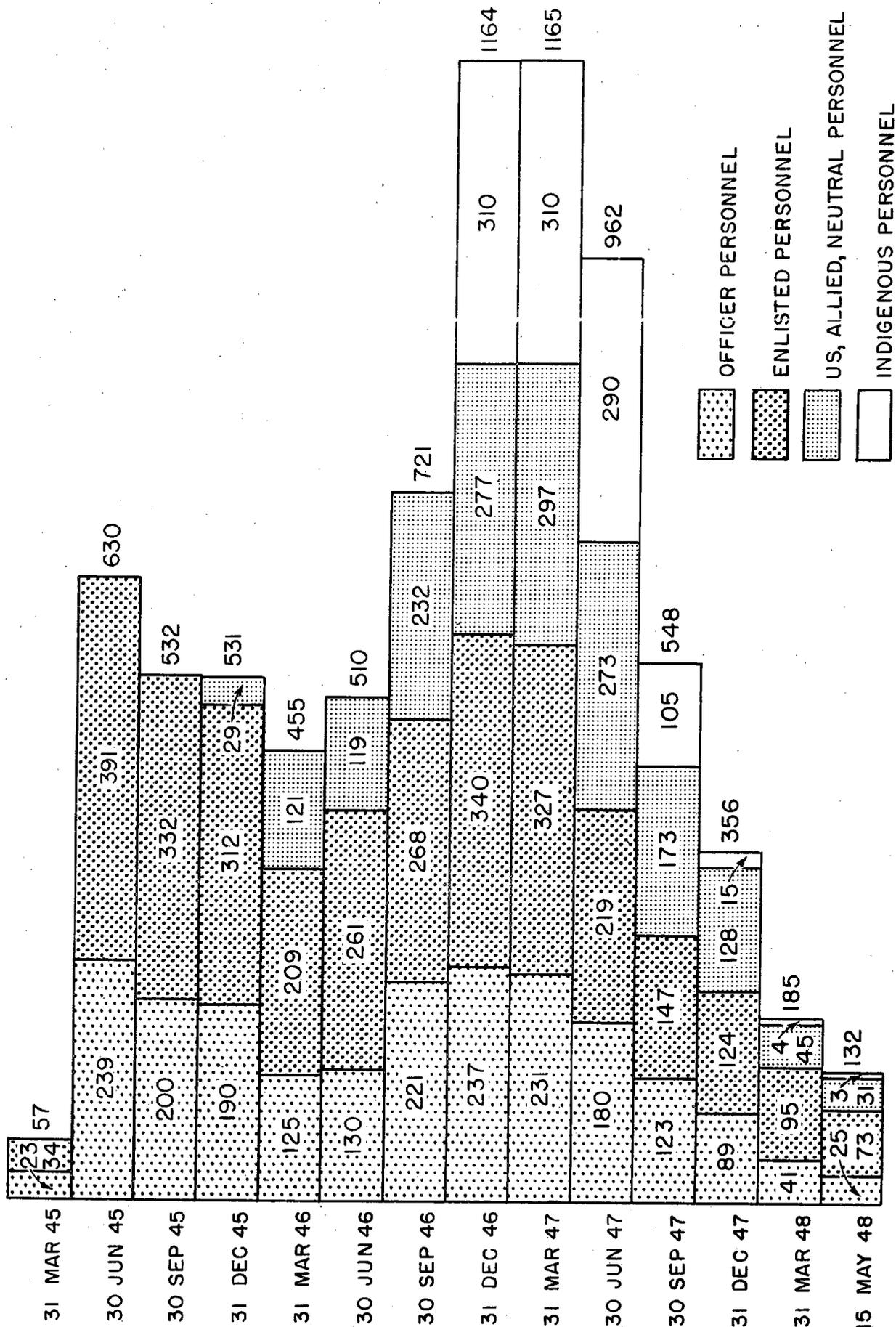
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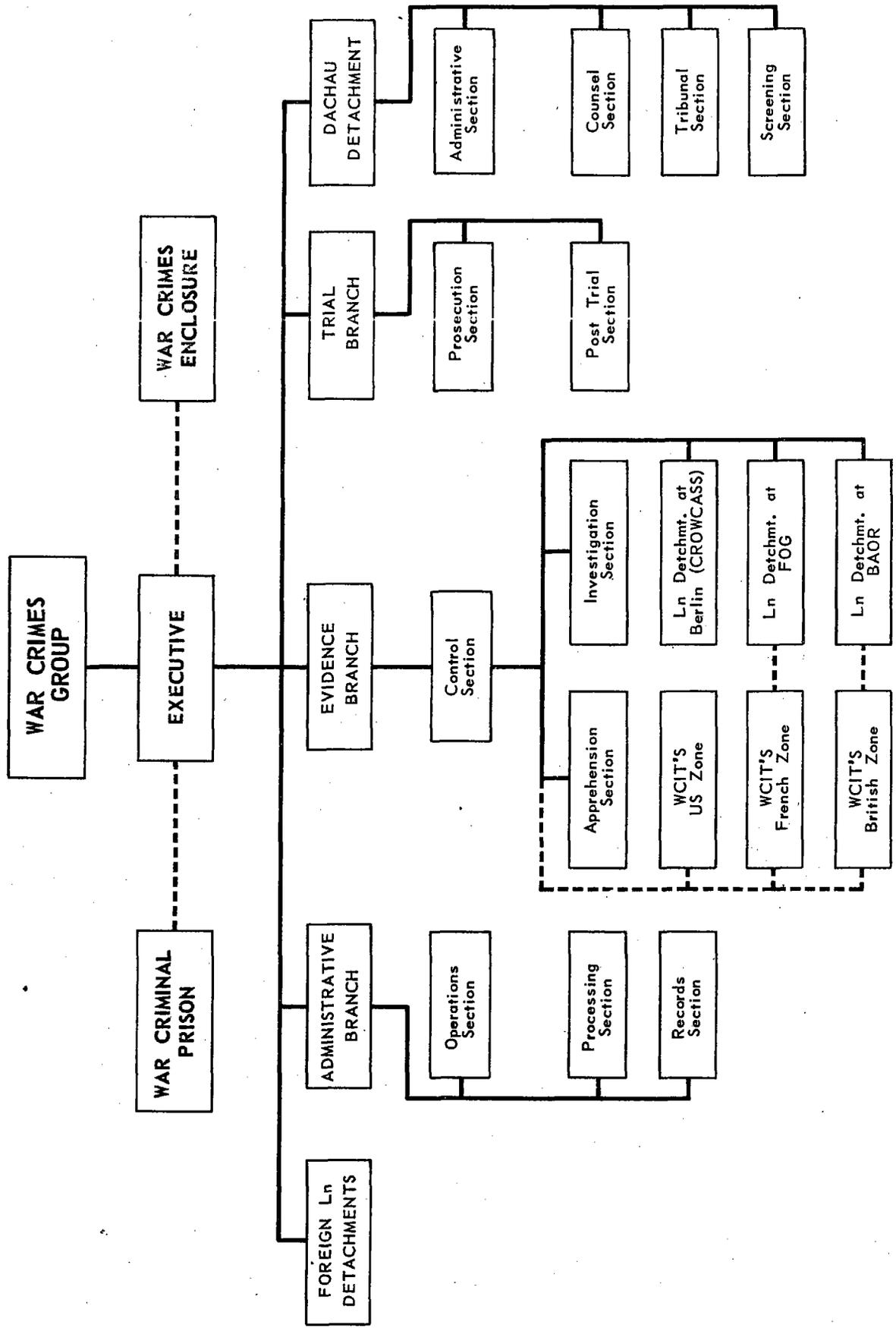
to

July 1948



War Crimes Group - 2nd Phase - July 1945





War Crimes Group - 3rd Phase - July 1946

TABLE OF)
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ALLOWANCES)
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No 1119)

HEADQUARTERS
US FORCES
EUROPEAN THEATER

APO 757, US ARMY

28 October 1946

7708 WAR CRIMES GROUP

This Table of Allowances supersedes all previous Tables of Distribution and Allowances and changes thereto pertaining to the above unit and rescinds all letters of authority for the issue of equipment on a loan basis to the above unit.

APPENDIX IV

TABLE OF ALLOWANCES

GENERAL

1. This table is in accordance with AR 310-60, and it will be the authority for requisition in accordance with AR 35-6540, and for the issue of all items of equipment listed herein unless otherwise indicated. This table rescinds all Tables of Basic Allowances, Tables of Equipment, Tables of Organization and Equipment, and Tables of Distribution and Allowances heretofore published except T/E 21, Clothing and Individual Equipment, so far as they pertain to the allowances of equipment for the organization and individuals covered by this table.

2. When there appears a discrepancy between the allowances shown in Column 2, "Allowances" and Column 3, "Basis of Distribution and Remarks" the amount shown in Column 2 will govern.

3. Items of clothing and individual equipment, components of sets and kits, spare parts, accessories, special equipment, special tools, and allowances of expendable items are contained in the following publications.

Army Air Forces

Air Corps Stock List.

AAF Technical Orders of the 00-30 Series.

Chemical Warfare Service

Army Service Forces Catalogs, CW 1, 2, 3, 5, 6, 7 and 9.

Allowances of Expendable Supplies, Army Service Forces Catalog, CW 4-1 and 4-2.

Corps of Engineers

Army Service Forces Catalogs, ENG 1-1, 2, 3-1, 3-2, 6, 7, 8, 10 and 11.

Allowances of Expendable Supplies, Army Service Forces Catalog
ENG 4-b.

Medical Department

Army Service Forces Catalogs, MED 1, 2, 3, 6, 7 and 10.

Allowances of Expendable Supplies, Army Service Forces Catalog MED 4.

Ordnance Department

Standard Nomenclature Lists (SNL), and Army Service Forces Catalog, Ordnance Supply Catalog, index to which is the Army Service Forces Catalog, ORD 2 OPSI.

Cleaning, Preserving and Lubricating Materials; Recoil Fluids, Special Oils, and Miscellaneous Related Items, Army Service Forces Catalog ORD 5 SNK K-1.

T/A 23, Targets and Target Equipment.

Quartermaster Corps

T/E 21, Clothing and Individual Equipment.

Allowances of Expendable Supplies, Cir 75, this headquarters 27
May 1946.

Components, Spare Parts, Accessories and Contents of Chests, Kits and Sets, and other items of Quartermaster property, Cir 4, OQMG.

T/A 1119, 7708.War Crimes Group (contd)

Army Service Forces Catalogs, QM 3-1, 3-2, 5-1, 6, 7, and 8.
AR 30-2290 Sale of Quartermaster Property and Services.

Signal Corps

Army Service Forces Catalogs, SIG 3, 5, and 6.
Allowances of Expendable Supplies, Army Service Forces Catalogs,
SIG 4-1 and 4-2.
Authorized Signal Corps Parts Lists, SIG 7 and 8.

AR 310-200, Military Publications, Allowances and Distribution.

1	2	3
Item	Allowances	Basis of Distribution and Remarks
CHEMICAL		
Mask, gas, service, light weight, M3-10A1-6	600	1 per Individual
ENGINEER		
Carpenters' equipment, set No 1, engineer squad	1	
Compass, lensatic, luminous dial	19	1 per Investigating Team
Extinguisher, fire, foam type, 2½-gal veh, bracket, type A	100	
Generator, set, portable, diesel eng driven, skid mtd, 30-KW, 127-220V, 3 ph, 60-cyc, or 230-400V, 3 ph, 50-cyc	1	
Machine:		
Photostat 18" x 24" im max size, single sheet, w/engineer board	1	
Strapping and boxing	6	
Oiler, steel, round, 1-pint, 3" spout	5	
Plane:		
Block, type I, adjustable 6"		
Jack, class A type VI, iron or steel	3	
Pliers:		
Diagonal cutting 8"	5	
Long needle nose 6"	5	
Straight cutters nippers 7"	2	
Ruler, folding, 6', 12-folds	19	1 per Investigating Team

T/A 1119, 7708 War Crimes Group
(contd)

1 Item	2 Allowances	3 Basis of Distribution and Remarks
ENGINEER (contd)		
Saw, hand, crosscut, 26", 8 point	2	
Hand, keyhole, 10"	2	
Screwdriver, common plastic handle:		
6" long x 5/16" wide blade	12	
8" long x 7/16" wide blade	6	
10" long x 1/4" wide blade	1	
Shears, office, bankers, 9"	50	
Square, carpenters, steel, one piece, 16 x 24" blade	2	
Tape, measuring, steel, metric and US 100'	5	
Vise, bench, type I, clamp, 3" jaw x 4" opening	2	
Welder, electric, arc, mtr driven, Hobart	1	
MEDICAL		
Kit, first aid, mtr veh, 12-unit, complete	111	1 per 2 fcmv or frac thereof, except mtrels
ORDNANCE		
Weapons and Miscellaneous		
Carbine, cal. .30, M-2	55	For use in movement of prisoners and 2 per investigating team
Clock, message center M-2	2	
Gun, sub-machine, cal..45, M-	1	For use in movement of prisoners
Pistol, automatic cal..45 ML911A1	193	1 per courier and 10 for movement of prisoners and 6 for investigating team
Pistol, cal..38, S&W Reg.	6	
Rifle, US cal..30, M1	53	
Vehicles		
Car, 5-pass, light sedan	34	SNL G-520; 21;22
Trailer:		
1/2-ton, 2-wheel, cargo	9	SNL G-529
1-ton, 2-wheel, cargo	26	SNL G-518

1	2	3
Item	Allowances	Basis of Distribution and Remarks
ORDNANCE--Vehicles (Contd)		
Truck:		
1/4-ton, 4x4	95	SNL G-503
3/4-ton, 4x4, ambulance, KD	3	SNL G-502
3/4-ton, C&R	29	SNL G-502
3/4-ton, WC	33	SNL G-502
1 1/2-ton, PC	4	SNL G-507
2 1/2-ton, 6x6, cargo w/o winch	2	SNL G-508
Motor Transport Equipment		
Axe, handled, chopping, single bit, standard grade, 4-lb	168	1 per fcmv except comb veh, pass car & mtrcl (SNL J-6)
Cabinet, spare parts, type I, model 1940	2	
Chain, mtr veh, tow, 16' long x 7/16" diam	5	1 per trk, 1 1/2-ton; trk 2 1/2-ton (SNL M-3)
Mattock, handled, pick, type II, class F, 5-lb	71	1 per fcmv except pass car, trk, 1/4-ton & mtrcl (SNL J-6)
Rope, tow, 20' long, 1" diam	215	1 per fcmv under 1 1/2-ton except mtrcl (SNL H-9)
Shovel, gen purp, D-handled, strapback, round point, No 2	168	1 per fcmv except comb veh, pass car & mtrcl (SNL J-6)
Tool sets:		
Body & fender repair	1	SNL J-20
Gen mechanic's	11	SNL G-27
Second ech:		
Set No.		
1, common	1	do
2, common	1	do
4, block & tackle	1	do
5, oxy-acetylene	1	do
6, battery & charging	1	do
7, hoist & towing	1	do
Third ech, set No 1	1	
QUARTERMASTER		
Individual Equipment		
Bag, canvas, field OD, M-1936	600	1 per indiv.
Belt, pistol or revolver, M-1936	600	do
Cover, canteen, dismtd, M-1910	600	do

T/A 1119, 7708 War Crimes Group (contd)

1 Item	2 Allowances	3 Basis of Distribution and Remarks
QUARTERMASTER		
Individual Equipment (contd)		
Pocket:		
Cartridge, cal..30, M1, carbine	108	2 per indiv armed w/ carbine
Magazine, double web, EM	244	1 per indiv armed w/ pistol
Strap, carrying, gen purp	600	1 per bag, canvas
Suspenders, belt, M-1936	600	1 per indiv
Organizational Equipment		
Bags, canvas:		
Mail	10	
Money	4	
Bucket:		
Gen purp, galvanized hvy weight w/o lip 14-qt capacity	4	1 per 75 indiv or maj frac thereof
Canvas, water, 18-qt	221	1 per fcmv except comb veh & mtrol
Can, water, 5-gal	38	
Case:		
Brief, leather or canvas	63	
Canvas, dispatch	10	
Chest, record fiber	25	
Desk, field empty, fiber	33	
Dictionary:		
Desk type	5	
English-French	5	
English-German	15	
English-Czechoslovakia	2	
Drum:		
Gas, 5-gal	294	
Oil, 55-gal	7	
Table, camp folding	76	
Tube, flexible-nozzle	169	1 per trk; 1 add per 5 fcmv or maj frac thereof
File, paper, clip, wood back	35	
Flag, field, bunting	2	

T/A 1119, 7708 War Crimes Group (contd)

1 Item	2 Allowances	3 Basis of Distribution and Remarks
Machine, computing, non-listing, portable hand operated	3	
Duplicating:		
Using stencil paper hand operated 8 x 13"	4	
Using stencil paper mtr driven 8 x 13"	1	
Numbering, automatic, 6-wheel 4 movement	5	
Paper-fastening, level or plunger type wire staple, preformed light duty	50	
Perforator:		
Adjustable, 3-hole	30	
Non-adjustable, 2-hole	45	
Safe:		
Field, combination lock	37	
Field, keylock	25	
Sharpener, pencil, office, transparent plastic	36	
Shovel, gen purp, D-handled, strapback, round point No 2	6	
Stove, tent, M-1941, complete	9	
Tool set, complete w/tools:		
Carpenters, No 1	1	
Electricians, No 1	1	
Typewriter mechanics	1	
Typewriter, portable w/carrying case	38	
Non-portable:		
11" carriage	179	
14" carriage	23	
18" carriage	4	
SIGNAL		
Camera, equipment, PH 104	19	
Clock, wall, continuous photostat, model-4	5	
Flashlight, TL-122- ()	133	
Lantern, MX-290/GV	57	

1 Item	2 Allowances	3 Basis of Distribution and Remarks
SIGNAL (contd)		
Recorder, Airgraph, model C-1 100-125 V, 500W, 60 cyc	1	
Telephone, EE-8	5	
Teletypewriter, TC-7	3	

BY COMMAND OF GENERAL McWARNEY:

C. R. HUEBNER
Maj General, GSC
Chief of Staff.

OFFICIAL:

(Official Seal: Hq
United States Forces
European Theater)

GEORGE F. HERBERT
Colonel AGD,
Adjutant General.

DISTRIBUTION: C and
10 - Third US Army
10 - 7708 War Crimes Group

HEADQUARTERS
US FORCES, EUROPEAN THEATER

CORRECTED COPY

GENERAL ORDERS)

NUMBER 304)

26 October 1946

ORGANIZATION OF A NUMBERED UNIT FOR WAR CRIMES PERSONNEL

1. Effective 0001 hours, 1 November 46, the 7708 War Crimes Group is organized with initial station in Augsburg, Germany.

2. Initially the authorized strength will be as follows:

<u>Officers</u>	<u>Warrant Officers</u>	<u>Enlisted</u>	<u>Aggregate</u>
239	0	361	600

3. The 7708 War Crimes Group will consist of all officers presently assigned to this headquarters for duty with War Crimes Group, Judge Advocate Division (except Deputy Theater Judge Advocate for War Crimes); enlisted personnel assigned to Headquarters Command, USFET, for duty with War Crimes Group; and all personnel assigned to War Crimes Investigating Teams 6822 to 6828 inclusive, 6830 to 6835 inclusive, and 6837 to 6840 inclusive. Additional personnel required will be requisitioned through normal channels.

4. Equipment required will be from sources presently available to the War Crimes Group this headquarters, pending publication of an appropriate Table of Allowances.

5. Initial rosters will be prepared in accordance with AR 345-900, 22 May 42, as changed by Changes No. 4, 22 June 44.

6. Unit will be initially assigned to Third US Army and will be under the operational control of the Theater Judge Advocate.

BY COMMAND OF GENERAL McNARNEY:

C. R. HUEBNER
Maj General, GSC,
Chief of Staff.

OFFICIAL:

s/ George F. Herbert
GEORGE F. HERBERT
Colonel, AGD,
Adjutant General.

APPENDIX V

DEPUTY THEATER JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
UNITED STATES FORCES, EUROPEAN THEATER
APO 178

GENERAL ORDERS)
NO 3)

1 November 1946

ASSIGNMENT OF ORGANIZATIONAL FUNCTIONS

7708 WAR CRIMES GROUP

I. General. Recommends promulgation of procedures for collection and perpetuation of war crimes evidence and rules of procedure for the trial of war crimes involving American nationals as victims and mass atrocities committed in the American Zones of Occupation in Germany and Austria. Operates the War Crimes Evidence and Investigation Center. Directs all field investigative and special apprehension work by War Crimes Investigating Detachments and coordinates the same with staff sections of Theater Headquarters, CROWCASS, and appropriate agencies of other headquarters and of other United Nations. Examines reports of investigations, procures additional evidence, prepares cases for trial, arranges for appointment of tribunals, refers cases for trial, invites other United Nations to send observers, assigns prosecutors and defense counsel, maintains liaison for apprehension, detention, custody, billeting and presence at trials of suspects and witnesses. Prosecutes the cases, prepares records of trial, and Reviews and Recommendations for the reviewing authority and maintains liaison with execution authorities. Aids tribunals as requested by them in the trial of the war crimes cases above mentioned. Grants clearances on behalf of Theater Commander for extradition and rendition of suspects and witnesses.

II. Headquarters Commandant.

HEADQUARTERS COMMANDANT

Insofar as such services are not furnished by military community, operates messes, billets, and club agencies, and special service activities, either on or off the post, plans supply programs and procures, allocates and distributes all supplies, operates and maintains all buildings utilized by Group Headquarters and utilities and equipment therein, including wire communication facilities. Operates Group motor pool and motor maintenance shop. Is responsible for discipline, morale, training, and inspection of all male and female enlisted troops assigned to the Group, and is personally responsible for security of Group Headquarters and for security of buildings off the post as directed.

1. Troop Section.

TROOP SECTION

Chief of Section is Enlisted Troop Detachment Commander of all male enlisted personnel assigned to 7708 War Crimes Group and is responsible for discipline, morale, training and inspection of such troops and the maintenance of records thereon, except for those relating to personnel and payrolls.

2. WAC Section.

WAC SECTION

Chief of Section is WAC Troop Detachment Commander of all female enlisted personnel on duty with 7708 War Crimes Group and is responsible for discipline, morale, training, and inspection of such personnel and maintenance of records thereon, except for records relating to personnel and payrolls.

3. Mess and Club Section.

MESS AND CLUB SECTION

Insofar as such services are not furnished by military community, operates all mess, billet, laundry, dry cleaning, and club agencies, and is responsible for all special service activities including PX, barber shop, beauty parlor, and recreational activities.

4. Supply Section.

SUPPLY SECTION

Plans Group supply programs and, insofar as such services are not furnished by military community, procures all supplies and equipment for the Group, allocates and controls distribution thereof, and maintains appropriate property records thereon.

5. Utilities Section.

UTILITIES SECTION

Insofar as such services are not furnished by military community, is responsible for operation and maintenance of all buildings, utilized by Group Headquarters, exclusive of billeting functions, and utilities and equipment therein, including operation of telephone and teletype facilities. Procures indigenous labor details for operation of Group Headquarters, and assigns and allocates same and maintains appropriate records.

6. Transportation Section.

TRANSPORTATION SECTION

Responsible for operation of motor pool and motor maintenance shop, maintenance and repair of all Group motor vehicles, initiation of policies concerning assignment, dispatch, and use thereof, and selection and training of all drivers therefor. Arranges for all transportation for personnel at Group Headquarters by means other than transport assigned to Group.

III. Adjutant's Branch.

ADJUTANT'S BRANCH

Responsible for procurement and assignment of all military and civilian

personnel for Group, initiation of all personnel actions in connection therewith, maintenance of records thereon and payment thereof. Receives, classifies, routes, and dispatches all official communications, regulations, and directives. Furnishes mail and message center service and arranges for or operates necessary courier services. Maintains files on correspondence not relating to specific war crimes cases. Operates non-evidentiary reproduction equipment and publishes all Group directives.

1. Personnel Section.

PERSONNEL SECTION

Procures, processes and assigns all military, American civilian and non-indigenous civilian personnel for Group. Maintains officer and civilian 201 files and enlisted personnel records. Initiates all personnel actions including assignments, promotions, reclassifications, dependency requests, awards and decorations, transfers, leaves, furloughs and demotions. Prepares payrolls and pay and allowance vouchers for all military and civilian personnel and effects payment thereof. Maintains sick book for officers and civilians and prepares morning report for all military personnel. Issues PX, clothing ration, and identification cards.

2. Miscellaneous Section.

MISCELLANEOUS SECTION

Receives, registers, classifies, dispatches, and routes all official communications. Operates Group Mail Room, message center, and non-evidentiary reproduction equipment. Maintains decimal files. Maintains files of and effects appropriate distribution of army publications and regulations. Publishes all group directives. Plans courier services and operates the same when necessary. Requisitions and maintains office supplies for Group.

IV. Records Center.

RECORDS CENTER

Receives, records, analyzes, and correlates all testimony, documents, records of trial, petitions, etc., and routes same within Group. Serves as Theater depository for above, operates War Crimes Evidence and Investigation Center, furnishes Group translation service, gathers captured enemy documents, and operates Group evidentiary reproduction equipment.

1. Processing Section.

PROCESSING SECTION

Receives, records, classifies, analyzes, and correlates all sworn testimony, documents, other evidence, records of trial, Petitions for Review and Petitions for Clemency, etc., with cases to which they relate. Routes all such items

and use folders within the Group, maintains appropriate records of such routing, furnishes messenger service for that purpose within Group Headquarters.

2. Documents Section.

DOCUMENTS SECTION

Serves as Theater depository for war crimes evidence, records of trial, petitions, etc. Maintains files of all cases, findings and sentences, testimony, documents, and other evidence, stores real evidence, and maintains appropriate indices thereof. Operates Group evidentiary reproduction equipment and War Crimes Evidence and Investigation Center; furnishes Group translation service; supervises gathering of captured enemy documents relating to war crimes by document teams from document centers and other field sources, and processes such bulk documents.

V. Evidence Branch.

EVIDENCE BRANCH

Initiates promulgation of procedures for collection and perpetuation of war crimes evidence and special apprehensions. Directs operational activities of numbered and lettered detachments in such work and coordinates same with staff sections of Theater and other headquarters and agencies. Prepares Wanted Reports and files same as well as Detention Reports with CROWCASS and TPM. Maintains Liaison with agencies for apprehension, detention, custody and billeting of accused and witnesses in their movement to War Crimes Enclosure. Directs transfer, movement and disposition of, and grants clearances for extradition or rendition of suspects and witnesses. Grants clearances for personnel of other agencies and other United Nations to interview or interrogate suspects and witnesses.

1. Investigation Section.

INVESTIGATION SECTION

Makes purely administrative analyses of "Reports of War Crimes" and "Investigations of War Crimes" in partially developed cases for the purpose of determining priorities, further investigations, special apprehension actions, and suspects and witnesses to be interrogated or apprehended, indicating the known or probable location thereof, utilizing and adopting the recommendations of the Field Branch. Directs the activities of lettered and numbered detachments in connection with such activities. Interrogates suspects and witnesses in the War Crimes Enclosure as may be necessary in investigation of cases.

2. Control Section.

CONTROL SECTION

Work of this Section is limited solely to coordination of priorities, if any, believed to be necessary by Investigation Section in connection with investigations, and priorities believed to be necessary, if any, by Apprehension

Section, in connection with special apprehension and body movement actions, and maintenance of statistics as to work load of numbered detachments and initiation of change of station thereof when desirable.

3. Apprehension Section.

APPREHENSION SECTION

Prepares and files Wanted Reports on wanted suspects and witnesses and Detention Reports on those in War Crimes Enclosure with CROWCASS and TPM. Maintains various rosters of those in Enclosure by use of IP Sheets. Represents this Group on behalf of Theater Commander in extradition and rendition matters; grants clearances for the release of suspects and witnesses from Enclosure, and determines, or causes to be determined, whether individuals are wanted. Directs activities of numbered and lettered detachments in connection with special apprehension and special body movement actions, and maintains liaison with other United Nations War Crimes Liaison Detachments. Effects distribution of Wanted and Detention Lists.

4. Lettered Detachments.

LETTERED DETACHMENTS

Performance of special assignments, as directed by Evidence branch and effective liaison with agencies to which attached constitute the two principal functions of lettered detachments. They may from time to time be assigned responsibility for immediate supervision of operational activities of numbered detachments. In administration of personnel they are guided by policies initiated by Adjutant's Branch, and in the use of motor vehicles and other equipment they are guided by policies initiated by Headquarters Commandant.

5. Numbered Detachments.

NUMBERED DETACHMENTS

The principal function of numbered detachments is to effect investigation and special apprehension and body movement assignments as directed by Evidence Branch. In administration of personnel they are guided by policies initiated by Adjutant's Branch, and in use of motor vehicles and other equipment they are guided by policies initiated by Headquarters Commandant.

VI. Trial Branch.

TRIAL BRANCH

Examines "Investigations of War Crimes" and directs procurement of additional sworn testimony in incomplete cases. Makes final preparation of cases for trial, including drafting of charges and particulars; refers cases for trial, and determines other United Nations, if any, which should be invited to send observers and extends such invitations on behalf of Theater Commander. Recommends rules of procedure and policies for tribunals, renders legal advice

thereto as requested by them, and establishes rules for preparation of records of trial. Prepares Reviews and Recommendations for reviewing authority. Maintains liaison with execution authorities.

1. Prosecution Section.

PROSECUTION SECTION

Conducts detailed examinations of all "Investigations of War Crimes" and directs procurement of additional evidence in incomplete cases, or recommends abandonment of such efforts. Makes final preparation of cases, including drafting of charges and particulars and reference for trial. Initiates promulgation of rules of procedure and policies for tribunals. Initiates appointment of tribunals.

2. Post-Trial Section.

POST-TRIAL SECTION

Initiates rules for preparation of records of trial. Maintains records of findings and sentences. Drafts Reviews and Recommendations for reviewing authority. Maintains liaison with authorities charged with execution of sentences. Prepares special and periodic reports and official historical records as directed.

VII. Dachau Detachment.

DACHAU DETACHMENT

As one of six main units of Group, initiates appointment of tribunals for processing by Adjutant's Branch, assigns prosecutors and defense counsel, court reporters, interpreters and other members of court staffs. Obtains office space, court rooms, press room, photographic and other war crimes facilities, appropriate mess and quarters for friendly witnesses, official representatives of other United Nations, war crimes trial personnel, members of press, etc. Arranges for security, including safeguarding distinguished persons, other personnel, courts and billets. Secures facilities for segregating of suspects and witnesses. Arranges for safeguarding such individuals. Segregates and screens suspects and witnesses in War Crimes Enclosure, and prepares Detention Reports and IP Sheets thereon, and exercises technical supervision over operation of War Crimes Enclosure.

1. Administrative Section.

ADMINISTRATIVE SECTION

Procures office space, court rooms, press rooms, photographic and other war crimes facilities, appropriate mess and quartering for friendly witnesses, official representatives of other United Nations, war crimes trial personnel, members of press, etc., and procures through Headquarters Commandant of this

Groups supply and dependency quartering service for personnel assigned to Detachment. Arranges for security, including safeguarding distinguished persons, other personnel, courts, and billets. Assigns court reporters, interpreters, and clerical staff for courts. Coordinates personnel actions with Adjutant's Branch but takes no action except in emergency cases. Operates reproduction equipment and mail room, and in coordination with Headquarters Commandant operates Detachment motor pool.

2. Counsel Section.

COUNSEL SECTION

Takes final steps to prosecute or defend cases assigned, including preparation of sworn testimony and other documents for presentation to the tribunal, presence of accused and witnesses at trials, planning of prosecution or defense, e.g., order of presentation of witnesses and documentary evidence, etc. Assures that Administrative Section procures facilities required, e.g., court rooms, photographic equipment, etc., and assigns appropriate court reporters, interpreters and clerical staff. Prosecutes and defends cases, supervises preparation of records of trial and prepares and presents necessary petitions for review and clemency requests.

3. Tribunal Section.

TRIBUNAL SECTION

Personnel serves as members of war crimes tribunals pursuant to Theater orders appointing such tribunals in trial of cases referred.

4. Screening Section.

SCREENING SECTION

Exercises technical supervision over the operation of the War Crimes Enclosure. Arranges for safeguarding suspects and witnesses and facilities for segregation thereof. Directs segregation and screening of such individuals and prepares Detention Reports and IP's thereon.

BY ORDER OF COLONEL STRAIGHT:

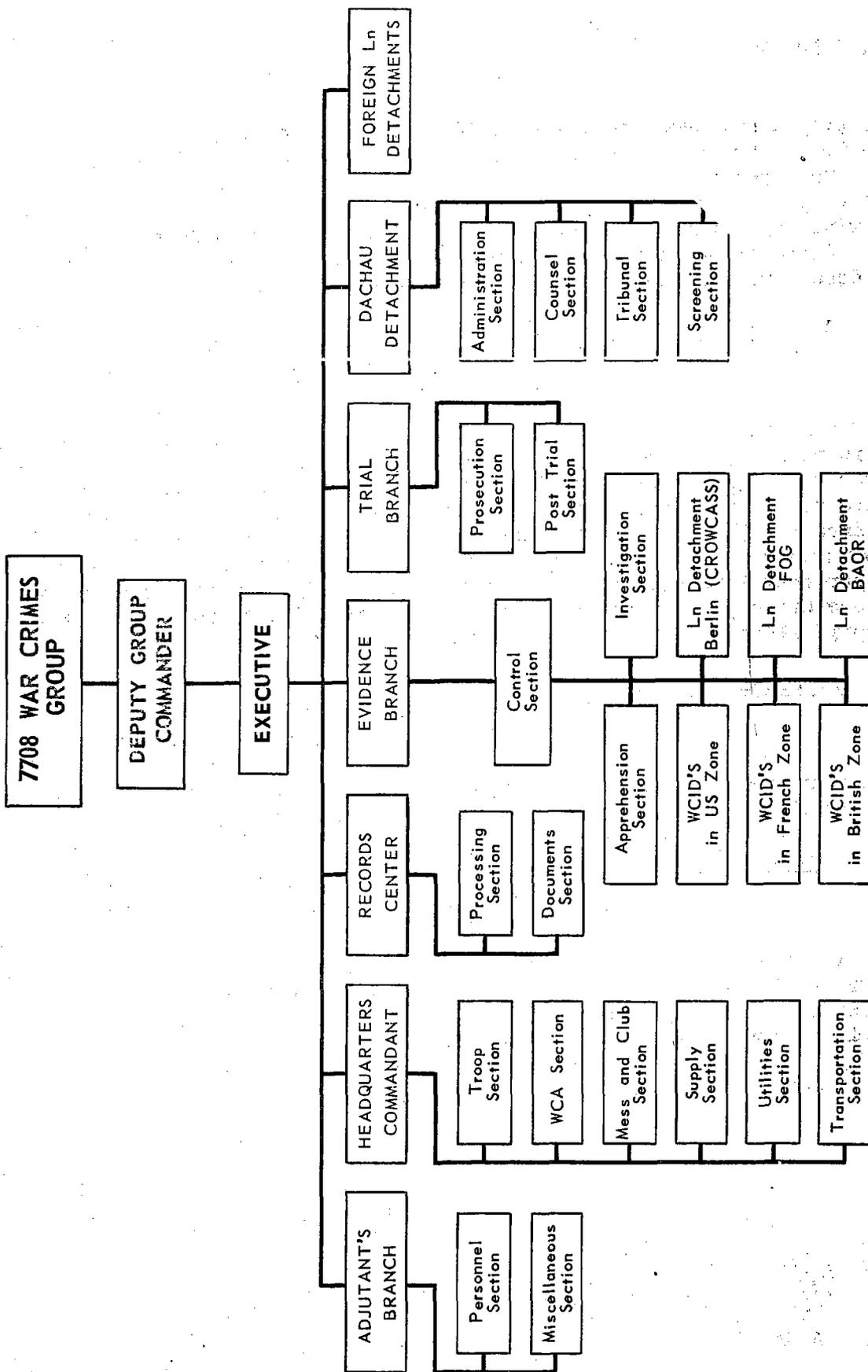
C. A. Hileman,
Lt. Col., AGD,
Adjutant.

OFFICIAL:

/s/C A Hileman
/t/C. C. Hileman,
Lt. Col., AGD,
Adjutant.

DISTRIBUTION

"A"



7708 War Crimes Group - December 1946

HEADQUARTERS
U.S. FORCES, EUROPEAN THEATER

Cir 132

2 Oct 1945

INVESTIGATION OF WAR CRIMES

General - - - - - I
Special - - - - - II

I--GENERAL. 1. Purpose. Experience in the handling and processing of war crimes cases indicates the need for a recapitulation of the general policies and procedures established in the theater with respect thereto. The provisions of this Sec I will be brought to the attention of all personnel.

2. Rescissions. These directives are rescinded:
a. Letters, this headquarters, file AC 000.5 OpJA, subject: "Establishment of War Crimes Branches", dated 24 Feb 1945, 22 Apr 1945 and 10 May 1945.
b. All letters issued by Headquarters, 12th Army Group, and Headquarters, 6th Army Group, concerning the collection and perpetuation of evidence relative to war crimes.

3. Definitions. a. War Crimes. For the purpose hereof, the term "war crimes" may be understood as including those violations by enemy nationals, or persons acting with them, of the laws and usages of war of general application and acceptance, including acts in contravention of treaties and conventions dealing with the conduct of war, as well as other offenses against persons or property which outrage common justice or involve moral turpitude, committed in connection with military operations, with or without orders or the sanction of commanders.
b. War Criminals. The term "War Criminals" may be understood to include persons who (i) have committed war crimes, or (ii) have aided, abetted or encouraged the commission of war crimes.

4. Organization and Function. a. Attention is directed to Cir 256, WD, 22 Aug 1945, subject: "Reporting of War Crimes and Identification of Suspects". Pursuant to the directive referred to therein, a War Crimes Branch was established in the Judge Advocate Section, this headquarters, operating under the general supervision of The Judge Avocate General, War Department.
b. Likewise, the Commanding Generals of the Western and Eastern Military Districts and of the US Forces in Austria have established, and will maintain, War Crimes Branches in the Judge Advocate Sections of their respective headquarters to assure the efficient investigation or report, in accordance with the principles set forth herein, of all war crimes which occurred within the areas of their respective responsibilities.
c. Similarly, certain other major commands in the theater have found it necessary to establish War Crimes Branches in the Judge Advocate Sections of their headquarters in order more effectively to carry out their responsibilities in this field.
d. War Crimes Investigating Teams have been specially organized and equipped for the purpose of investigating war crimes. They are assigned to various commands to supplement war crimes personnel therein as needs exist.
e. One of the primary functions of War Crimes Branches, and the sole function of War Crimes Investigating Teams, is the collection and perpetuation of evidence relative to war crimes. The procedures governing the trial of persons accused of war crimes is covered by other apposite directives.

(Cir 132, 2 Oct 1945, contd)

5. Reporting of War Crimes. a. In order that all military personnel may make more effective contributions to the ultimate prosecution and punishment of war criminals and in order that war crimes agencies may establish the best possible cases, it is necessary that all personnel having knowledge of an incident or an act thought to be a war crime be made aware of the need for promptly submitting a report of the essential facts to the war crimes agencies. Personnel performing investigative, intelligence, police, photographic, or medical functions will, during the normal course of their duties, make every effort to detect the commission of war crimes and will report the essential facts as hereinafter in this paragraph provided.

b. The "Report of War Crime" form attached as Annex A hereto will be utilized in reporting information concerning alleged war crimes, as a basis for appropriate investigation as prescribed in Sec II hereof.

c. Personnel in the Eastern or Western Military Districts will submit the "Report of War Crime", in quadruplicate, to the War Crimes Branch, Judge Advocate Section, of the headquarters of their Military District, and those in Austria will submit such reports, in quadruplicate, to the War Crimes Branch, Judge Advocate Section, Headquarters, US Forces in Austria. Personnel in liberated areas will submit the "Report of War Crime" to the War Crimes Branch, Judge Advocate Section this headquarters.

6. The War Crimes Evidence and Investigation Center, created, pursuant to letter, this headquarters, 10 May 1945, file AG 000.5-2 GAP-AGM, subject: "War Crimes", addressed to the Commanding General, 12th Army Group, as a center for the concentration of the originals of all records and evidence relating to war crimes, has been merged with, and is being operated by, the War Crimes Branch, Judge Advocate Section, this headquarters. Such concentration of all records and evidence relating to war crimes is of prime importance, and all commanders will take such steps as may be necessary to assure that all such records and evidence are forwarded promptly.

II--SPECIAL. 7. Investigation of War Crimes. The instructions in this Sec-II are of primary importance to war crimes agencies only. They relate to the investigation of war crimes and not to the reporting of the existence of war crimes.

8. War Crimes will ordinarily be investigated by War Crime Investigating Teams and personnel assigned to war crimes agencies.

9. The "Investigation of War Crime" form attached as Annex B hereto will be used by investigators.

10. The special objective of such investigations will be, so far as practicable, to perpetuate all available evidence so as to permit of the trial of the alleged war criminal at a subsequent date solely upon the "Investigation of War Crime", in the absence of witnesses, if necessary. A further objective of such investigations will be to collect evidence which, when properly correlated with evidence from other sources, may enable the fixing of responsibility at levels above that of the immediate perpetrator.

11. All evidence having probative value to a reasonable man will be received and included in investigations of war crimes. Witnesses will be sworn, and so shown by the records, and ordinarily the testimony will

(Cir 132, 2 Oct 1948, contd)

be in question and answer form. However, in some instances it is preferable for the statement of the affiant to be in affidavit form, in his own language, sworn to before a war crimes investigating officer, to which he appends, in his own handwriting, a statement that he has read and understands the testimony given by him. Also, reporters and interpreters will be appropriately sworn and the latter properly qualified, all affirmatively set forth in the record. Where practicable witnesses will be interrogated in the presence of cross-examiners, and the latter will be given an opportunity to cross-examine to assure that complete fairness is extended to the witness or accused and that the testimony possesses a maximum of probative value. In the absence of a cross-examiner, the examiner will conduct the interrogation in such manner as to effect similar fairness. Photographs and documentary evidence will be properly supported by the sworn testimony of competent witnesses. Detailed instructions and suggestions to investigators of war crimes relative to various technical problems arising in investigations have been compiled and are available in War Crimes Branches and also in the Judge Advocate Sections of the major commands which have not established War Crimes Branches.

12. The "Investigation of War Crime" forms prepared by personnel in the Eastern or Western Military Districts will be submitted to the War Crimes Branch, Judge Advocate Section, of the headquarters of their Military District, and those in Austria to the War Crimes Branch, Judge Advocate Section, Headquarters, US Forces in Austria, for examination as to thoroughness of investigation and correctness of form. If satisfactory all such investigations will be forwarded immediately, in triplicate, to this headquarters (Attention: War Crimes Branch), APO 757.

13. Except pursuant to special requests made by the War Crimes Branch, this headquarters, reports of war crimes in which only nationals of United Nations other than the US are involved will not be investigated as contemplated by this Sec II. Such reports of war crimes will be forwarded, in triplicate, promptly to the War Crimes Branch, this headquarters, for delivery to the appropriate authorities of the governments concerned.

14. Direct Communication. Direct communication between war crimes agencies is authorized. (AG 000.5 GAP-AGB)

BY COMMAND OF GENERAL EISENHOWER:

W. B. SMITH

Lieutenant General, USA, Chief of Staff.

OFFICIAL:

/s/ R. B. LOVETT,
Brigadier General, USA, Adjutant General.

ANNEX A

REPORT OF WAR CRIME

SUBJECT: Report of War Crime.

TO:

1. General description of crime is as follows:

- a. Victim (identity, nationality, organization, etc).
- b. Date, hour, and circumstances of discovery of crime.
- c. Date crime was committed, if ascertainable
- d. Exact place of crime (related by rough sketch to nearest permanent landmark, i.e., town, river, etc., if possible, together with map coordinates.)
- e. Nature of offense (killing, wounding, torture, pillage, misuse of Red Cross insignia, etc.)
- f. Means employed (pistol, rifle, club, knife, sword, starvation, etc.)

2. Description of suspect is as follows:

- a. (This is particularly important when the war criminal is not in custody. Every effort should be made to set forth an accurate and complete physical description of the suspect, which should include at least name and nicknames, color of hair, complexion, color of eyes, height, weight and build, age, any peculiarities of speech, habits, etc., marks and scars, tattoos, amputations, etc. If detained, the address and map coordinates of the installation in which detained should be stated. If not detained last known address of suspect and nearest relatives, with map coordinates, should be stated.)
- b. (In order to furnish a basis for fixing the responsibility at levels above that of the immediate perpetrator, the exact identity of organizations involved, as well as individual persons, should be reported. Description of enemy uniform, distinctive insignia, and special equipment will greatly facilitate identification.)

3. Description of witnesses is as follows:

- a. (Name, grade, serial number, organization, and present location of the witnesses, in the military service and the names and permanent addresses of other witnesses should be carefully reported. Unfriendly German witnesses should be described and information to aid in their early location should set forth with the same particularity as in the case of suspects.)

(Cir 132, 2 Oct 1945, contd)

b. (When any persons are detained as material witnesses, the address and map coordinates of the installation in which detained should be stated.)

4. Other evidence: (Photographs, etc., if readily available).

NOTE: This form is to be used for the initial reporting of the fact that a war crime has been committed. It is not to be used in forwarding results of investigations of war crimes, including the sworn testimony of the witness.

ANNEX B

INVESTIGATION OF WAR CRIME

SUBJECT: Investigation of War Crime.

TO:

1. The war crime covered by this investigation is described as follows: (State succinctly the salient facts, including the date and place, with map coordinates, and a citation of the relevant treaty provisions or statement of customary law violated.)

2. Attached are sworn statements of the following suspects or witnesses:

<u>Name</u>	<u>Exhibit Identification</u>	<u>Name and address of Installation in Which Detained</u>	<u>*Address, if Friendly and not Detained</u>
-------------	-------------------------------	---	---

3. Also attached are the following documents, photographs, etc., not made a part of the sworn statements described in the preceding paragraph. However, proper foundation evidence is present as to each in the form of the sworn testimony of a person having knowledge of the necessary facts. The exhibits are listed and described as follows:

4. (If there are any special circumstances which shed light on the probative value of the evidence inclosed, it will be set forth in this paragraph. Likewise, any suggestions as to further sources of evidence not available to the investigator will be stated in this paragraph. If these sources be suspects or witnesses, their addresses and the addresses of some of their nearest relatives should be stated with the definiteness requisite to their early interrogation, or apprehension and interrogation. Also, in the case of witnesses, an indication should be made as to whether they are thought to be friendly or unfriendly.)

Name

Grade, Branch and ASN

**Investigator-Examiner

WCIT NO _____

(Cir 132, 2 Oct 1945, contd)

* The stating of the address here is for the convenience of those processing the "Investigation of War Crime". The requirement that the detailed facts relative to the addresses of friendly witnesses and a number of their nearest relatives be set forth at length in their sworn statements is continued in effect.

** Investigators not assigned to War Crimes Investigating Teams will enter the name of the War Crimes Branch to which assigned.

HEADQUARTERS
U. S. FORCES, EUROPEAN THEATER

(Main) APO 757

13 September 1945

AG 000.5 GAP-AGO

SUBJECT: Delivery to Other United Nations and Italy of Persons Accused of War Crimes and of Witnesses and Evidence Required in the Trial of War Crimes

TO : Theater Judge Advocate, Headquarters, U.S. Forces, European Theater

1. a. You are authorized to act for the Commanding General, U.S. Forces, European Theater/Military Governor, United States Zone, Germany:

- (1) For the delivery of persons in the U.S. zone wanted for trial for war crimes;
- (2) For the delivery of persons in the U.S. zone desired as witnesses in the trial of war crimes, or the taking of depositions of such persons;
- (3) For the delivery of evidentiary material in the U.S. zone for use in such trials.

b. Incident to such authority, you may issue instructions and take action as may be necessary, in the name of the Commanding General, U.S. Forces, European Theater/Military Governor, United States Zone, Germany, relative to the apprehension and delivery of persons, the taking and delivery of depositions, and the collection, copying, photographing and delivery of evidentiary materials.

2. In proper cases, in accordance with apposite directives, you will grant requests for delivery of persons wanted for trial for war crimes. In cases involving persons who have held high political, civil or military position in Germany or in one of its allies, cobelligerents, or satellites, persons requested by two or more nations, or political or other unusual considerations, you will clear the requests with the Legal Division, U.S. Group Control Council, Germany. You will be responsible for such consultations with, or examination of the records of, the United Nations War Crimes Commission, the War Crimes Office in the Office of The Judge Advocate General, the Central Registry of War Criminals and Security Suspects, the Evidence and Investigation Centers and foreign liaison officers therewith, the Central War Crimes Library, the Assistant Chief of Staff, G-2, U.S. Forces, European Theater, and the War Crimes Branch of your office, as may be required or desirable in each case. The Legal Division, U.S. Group Control Council, Germany, will be responsible for any consultation or clearance with the Political Advisor

and Director of Intelligence, U.S. Group Control Council, Germany, the United States Chief of Counsel, the Joint Chiefs of Staff, and the Control Council for Germany or its quadripartite agencies which may be required or desirable in each case.

3. Requests for the delivery of persons desired as witnesses may be granted in accordance with apposite directives or, in their absence, upon principles consistent with those governing the delivery of persons wanted for trial for war crimes. Responsibility for consultation or clearance with other agencies will be as prescribed in the case of persons wanted for trial for war crimes.

4. You may grant requests for the taking of depositions and for the delivery of evidentiary material upon such conditions as you consider adequate to protect the interest of the United States. In cases involving political or other unusual considerations and in other cases where you deem it desirable, you will consult with the Legal Division, U.S. Group Control Council, Germany, before acting.

5. You will normally require foreign requests to comply substantially with the forms prescribed by this headquarters.

BY COMMAND OF GENERAL EISENHOWER:

R. B. LOVETT
Brigadier General, USA
Adjutant General

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- 5 - Theater Service Forces (Rear) (JA)
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- 5 - U.S. Group Control Council, Germany (Political Advisor)
- 5 - U.S. Group Control Council, Germany (Director of Intelligence)
- 10 - U.S. Group Control Council, Germany (Legal Division)
- 1 - G-1
- 1 - G-2
- 1 - G-3
- 10 - G-5
- 1 - I.G.
- 20 - Deputy Theater Judge Advocate, War Crimes Branch
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- 1 - AG Records

HEADQUARTERS
US FORCES, EUROPEAN THEATER

AGO 757
14 October 1946

AG 000.5 JAG-AGO

SUBJECT: Trial of War Crimes Cases

TO : Commanding General, Third US Army Area

1. Letters, this headquarters, file AG 000.5 WCB-AGO, subject as above, 26 June 1946 and 11 July 1946, are rescinded.

2. References:

a. Letter, this headquarters, file AG 000.5-2 GAP, subject: "Trial of War Crimes and Related Cases", 16 July 1945.

b. Letter, this headquarters, file AG 210.6 JAG-AGO, subject: "Execution of Death Sentences Adjudged in Trials of War Crimes and Related Cases", 16 August 1945.

c. Letter, this headquarters, file AG 013.3 GAP-AGO, subject: "Disposition of Military Government Court Case Records in Certain War Crimes Cases", 18 August 1945.

d. Letter, this headquarters, file AG 000.5 WCB-AGO, subject: "Trial of War Crimes and Related Cases", 12 December 1945.

e. Letter, this headquarters, file AG 250.4 JAG-AGO, subject: "Military Commissions", 25 August 1945.

f. Letter, this headquarters, file AG 014.1 GEC-AGO, subject: "Administration of Military Government in US Zone in Germany", 30 November 1945.

g. Letter, this headquarters, file AG 000.5 JAG-AGO, subject: "Trial of War Crimes and Related Cases", 29 January 1946.

h. Letter, this headquarters, file AG 000.5 JAG-AGO, subject: "Assumption of War Crimes Responsibilities Previously Exercised by Seventh US Army", 12 March 1946.

i. General Order No. 337, this headquarters, subject: "Responsibility for Military Government in US Zone in Germany", 14 December 1945.

3. Revocation of Authority

The authority formerly vested in the Commanding General, Third US Army Area, to appoint special Military Government Courts and Military Commissions for the trial of war crimes cases as well as all authority to take other actions in connection therewith has been revoked.

APPENDIX X

4. Appointment of Military Government Courts

Hereafter Military Government Courts for the trial of war crimes cases involving American nationals as victims and mass atrocities committed in the American Zone of Occupation will be appointed by, and all further actions in connection with such cases will be taken by this headquarters. The principles hereinafter set forth will be adhered to in the appointing of such courts and in the taking of such actions.

5. General

As a matter of policy, such cases involving offenses against the laws and usages of war or the laws of the occupied territory or any part thereof, commonly known as war crimes, committed prior to 9 May 1945, as may from time to time be determined by the Deputy Theater Judge Advocate for War Crimes, will be tried before specially appointed Military Government Courts, except where otherwise directed by the Theater Commander.

6. Procedural Matters Before Trial

a. Charges. Charges in the cases contemplated will be prepared under the direction of the Deputy Theater Judge Advocate for War Crimes in the form prescribed for Military Government Courts.

b. Reference for Trial. The charges will be referred to special Military Government Courts by the Deputy Theater Judge Advocate for War Crimes.

c. United Nations Observers. At the time of referring such charges for trial the Deputy Theater Judge Advocate for War Crimes will determine those United Nations, if any, which in his judgment should be invited to send observers to the trial and will extend such invitations on behalf of the Theater Commander.

d. Appointment of Courts. The courts will be appointed by this headquarters and will be composed of officers within this command. General Military Government Courts and Intermediate Military Government Courts appointed as contemplated herein will consist of not less than five and not less than three members, respectively, and the senior member present at each trial will be the president and presiding officer of the court. The orders appointing such courts will detail at least one officer with legal training as a member of such courts. The Deputy Theater Judge Advocate for War Crimes will assign one or more prosecutors and defense counsel but they will not be formally designated in the orders appointing the courts.

7. Trial

a. If after the trial has begun a new member is appointed, or a member on account of unavoidable absence during a trial misses part of the proceedings, the president will cause such member to read the record of the proceedings had prior to his being appointed or during absence, as the case may be.

b. The trial will be conducted according to pertinent Military Government directives and instructions, except that no person will be convicted or sentenced except by the concurrence of two-thirds of all the members present at the time the vote is taken.

c. The effective date of prison sentences will be as provided for other Military Government Courts. Sentences imposing death will provide for the execution thereof by hanging. Confinement without "hard labor" will not be imposed, providing, however, that sentences heretofore or hereafter imposed which do not include the words "hard labor" will be construed to required hard labor as a part of the punishment.

8. Post-trial Action

a. Irrespective of the result of trial, the accused will be returned to custody pending final disposition.

b. The prosecuting officer will be responsible for the preparation of the record of trial, which, after being properly authenticated will be forwarded to the Deputy Theater Judge Advocate for War Crimes, who will prepare a written Review and Recommendations for submission to Theater Judge Advocate.

c. In taking the action prescribed in subparagraph b, above, the Deputy Theater Judge Advocate for War Crimes will take into consideration and include in the Review and Recommendations any Petition for Review or request for clemency filed on behalf of the accused.

d. Except as hereinafter provided in this subparagraph, no sentence will be carried into execution until the sentence has been approved by the Theater Commander after having received the recommendations of the Theater Judge Advocate as to the views expressed in the Review and Recommendations. The Theater Judge Advocate is hereby authorized and directed to exercise all of the powers of the Theater Commander in cases where no sentence of death has been pronounced. The action taken will be entered on the case record in the space provided on Legal Form No. 13 over the signature of the Theater Commander or, in cases where no sentence of death has been pronounced, of the Theater Judge Advocate.

9. Witnesses to Executions. Death sentences adjudged may be executed without attendance of "mandatory witnesses" specified in MGR-382.5. Such executions will be attended by such US Army officer or officers as may be designated in the death warrant or order of execution.

10. Permanent Filing of Records. After final action the case records of all trials will be forwarded to the Deputy Theater Judge Advocate for War Crimes for permanent file.

11. Cases Being Tried. The tribunals heretofore appointed by the Third US Army Area for the trial of war crimes cases will continue as tribunals of this headquarters and will complete all war crimes cases then on trial by such tribunals. Courts appointed by this headquarters will proceed to trial with the war crimes cases heretofore referred to the

Third US Army Area for trial. This headquarters will take all appropriate action in connection with war crimes trials heretofore completed by the Third or Seventh US Armies as though such cases had been referred to courts appointed by this headquarters in the first instance.

12. Mass Atrocity Subsequent Proceedings.

a. Certain mass atrocity cases have heretofore been tried, i.e. Hadamar, Dachau and Mauthausen cases, wherein the principal participants in the respective mass atrocities were charged with violating the laws and usages of war under particulars alleging that they acted in pursuance of a common design to subject persons to killings, beatings, tortures, starvation, abuses and indignities, or particulars substantially to the same effect. The courts pronounced sentences in those cases involving imprisonment and death and of necessity, in view of the issues involved therein, found that the mass atrocity operation involved in each was criminal in nature and that those involved in the mass atrocities acting in pursuance of a common design did subject persons to killings, beatings, tortures, etc.

b. With regard to subsequent proceedings against accused other than those involved in the initial or "parent" mass atrocity cases heretofore or hereafter tried involving charges and particulars substantially similar to those described in subparagraph a, above, it is prescribed as follows:

(1) After final action by the reviewing and the confirming authority, if any, in connection with a parent mass atrocity case, this headquarters will appoint one or more Military Government Courts to try such additional individuals as may be charged with participating in the mass atrocity.

(2) In such trial of additional participants in the mass atrocity, the prosecuting officer will furnish the court certified copies of the charge and particulars, the findings and the sentences pronounced in the parent case. Thereupon, such Military Government Courts will take judicial notice of the decision rendered in the parent case, including the findings of the court (in the parent case) that the mass atrocity operation was criminal in nature and that the participants therein, acting in pursuance of a common design, did subject persons to killings, beatings, tortures, etc., and no examination of the record in such parent case need be made for this purpose. In such trials of additional participants in the mass atrocity, the courts will presume, subject to being rebutted by appropriate evidence, that those shown by competent evidence to have participated in the mass atrocity knew of the criminal nature thereof.

(3) The Military Government Courts will examine the evidence presented to them bearing upon the nature and extent of the participation of the additional participants in the mass atrocity operations and pronounce such sentences, if any, as may be appropriate.

(4) In any instance in which in the opinion of an Intermediate Military Government Court the evidence presented warrants a greater sentence than is within the power of Intermediate Military Government Courts, the court will suspend proceedings with regard to the accused involved and refer the matter to the Deputy Theater Judge Advocate for War Crimes, recommending that charges against the accused be referred to a General Military Government Court.

BY COMMAND OF GENERAL McNARNEY:

PETER PETERS
Lt Col, AGD
Assistant Adjutant General

Telephone: Wiesbaden 7486

DISTRIBUTION:

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- 500 - War Crimes Group Judge Advocate Division
- 2 - AG Records
- 2 - AG Opns

HEADQUARTERS
EUROPEAN COMMAND

AG 383. (WC) JAG-AGO

APD 757
21 March 1947

SUBJECT: Redesignation of Central Suspect and Witness Enclosure

TO : Commanding General, First Military District

1. Rescission. - Letter, Hq USFET, file AG 386.6 JAG-AGO, subject: "Designation for Central Suspect and Witness Enclosure," 27 November 1946.

2. The Central Suspect and Witness Enclosure heretofore established in Dachau is redesignated the War Crimes Enclosure, Dachau. In this and succeeding paragraphs the word "enclosure" refers to the War Crimes Enclosure, Dachau. All war criminal suspects and unfriendly witnesses to war crimes will be congregated therein. Individuals now or hereafter in detention at other installations and thought to be war criminal suspects or unfriendly witnesses to war crimes and covered by current CROWCASS wanted lists will be reported to the Deputy Judge Advocate for War Crimes, who will request those finally identified to be moved to the enclosure. No such suspect or witness will be moved to the enclosure prior to such final identification.

3. The Commanding General, First Military District, will be responsible for the operation of the enclosure under the technical supervision of the Provost Marshal, this headquarters.

4. The following facilities and services in connection with the EUCOM war crimes program will be furnished either inside the enclosure or in the village Dachau adjacent thereto:

a. Compounds and sections within compounds, etc., for the segregation of war criminal suspects and unfriendly witnesses to war crimes and further segregation within those categories, e.g., segregation by group and segregation of the more dangerous individuals from others.

b. Office space, court rooms and supply for US military and civilian personnel engaged in the trial of war crimes cases, serving as members of tribunals or screening war criminal suspects or unfriendly witnesses to war crimes, press rooms, photographing and other war crimes trials facilities.

c. Appropriate mess and quarters for friendly witnesses.

d. Appropriate mess, quarters, recreation and post exchange facilities for official representatives of other United Nations attending mass atrocity trials as observers, US war crimes personnel described in paragraph 4b, above and members of the press.

e. Security, including:

- (1) Safeguarding the distinguished persons visiting the trials.
- (2) Security of the courts during sessions thereof by the exclusive use of US military personnel for this purpose.
- (3) Safeguarding the billets of war crimes trials personnel.
- (4) Safeguarding individuals detained as war criminal suspects and witnesses to war crimes in the enclosure.

f. Maintenance of medical services.

g. Second and third echelon maintenance of the motor vehicles utilized by the US military and civilian personnel described in paragraph 4b, above and official representatives of other United Nations.

h. Such essential additional facilities and services as may be necessary to accomplish the war crimes operation herein contemplated.

5. Requisitions for supplies will be processed in accordance with current supply directives.

6. In carrying out the provisions of this letter, the importance of these trials to the United States should be impressed upon all personnel. The criticism of United Nations or their representatives must be avoided and all personnel should be impressed with their duties in this respect.

7. Such part of the enclosure as is not required to detain war criminal suspects and witnesses may be occupied by civilian internees not of war crimes interest and by prisoners of war insofar as such use does not endanger the general security of the enclosure.

BY COMMAND OF LIEUTENANT GENERAL CLAY:

/s/ Peter Calza
/t/ PETER CALZA
Lt Col, AGD

Telephone: Frankfurt 2-3127

Assistant Adjutant General

DISTRIBUTION:

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3 - Second Mil Dist	3 - Dir OPOF	
3 - CBS	3 - Dir SS&P	
3 - ED, ATC	10 - Dir Civ Affairs	

CORRELATION AND RECORDING SYSTEM

Case Numbering and Recording. A separate case file folder was maintained for those items relating to each war crime or mass atrocity. The case file folder numbers utilized were composed of two or more parts separated by hyphens. One part of the number thus separated indicated the country in which the war crime was committed. For example, the base figure of 12 was used in the numbers of case file folders as to crimes committed in Germany. The next figure, separated from the base figure by a hyphen, indicated the number of cases docketed at the time the number was assigned which involved crimes committed in a particular country. For example, the number 12-1235 was applied to the 1235th case to be docketed which involved a war crime committed in Germany.

Upon receipt of items as to a new case, the material was assigned a number in accordance with the system above indicated and was docketed by recording in a case journal (Ex. 1). A special section of the case journal was reserved for the entry of war crimes committed in each of the various countries of Europe. In docketing the cases in each section they were numbered serially. Spaces were provided for the entry of "Standard Case Analysis Nomenclatures" and trial data.

Processing and Indexing of War Crimes Material. Upon receipt of war crimes material, a "Processing Sheet" was accomplished in

duplicate (Ex. 2), the original being filed in the case file folder to which the material related and the copy filed in a separate processing sheet file according to case numbers. These processing sheets were essential as source material for the preparation of the card indices. The card indices hereinafter discussed were indispensable in determining to what case material related, the assigning of case numbers to new material, the associating of suspects, witnesses and places with the proper cases and innumerable other aspects of the expeditious development of cases. In the event the material did not relate to a docketed case, two index cards were made, one setting forth the new case number and a brief description of the war crime and the other showing the place (Ex. 3). In addition, in processing material pertaining to new cases, as well as that relating to cases theretofore docketed and which indicated names of new accused and witnesses, accused and witness index cards were made (Ex. 3). On these cards "V" denotes "Victim," "A" denotes "Accused," and "P" denotes "Place" of war crime.

In determining whether newly received material was the subject matter for a new case, or whether it was additional material for one already docketed, the names of persons involved and place of commission of the war crime appearing on the processing sheet were compared with the card indices heretofore described. In processing items which were not complex from the standpoint of length or content, the item was checked against the card indices

in advance of preparing a processing sheet and, if no new accused or witnesses were indicated, no processing sheet was prepared for the item.

Recording and Indexing Trial Data. Cases referred for trial were assigned log numbers serially and entered in a trial journal (Ex. 4). This journal also contained additional essential information. An accused card index of individuals tried was maintained (Ex. 5). A case number card index arranged according to case numbers and showing the corresponding log numbers was used in locating entries in the trial journal. These three sources of information, i.e., the trial journal with information according to the log numbers, the accused card index of persons tried filed alphabetically, and the case number card index, were sufficient to permit of expeditiously and accurately collecting data for the numerous and frequent reports of varied nature for higher authority.

A case review card index was maintained as a source of ready information as to the post trial action and the review status as to records of trial (Ex. 6). The file of such cards was separated into compartments according to the agency and sections, etc., having current physical possession of the various records of trial. These cards were arranged within each compartment according to case numbers. Each card was appropriately shifted as the record of trial to which it pertained progressed toward final action by the Reviewing Authority.

TOTAL L 2 IF 1
 LCA L 3 IF 2
 LIA L 4 IF 3
 LC SR IF 4
 LI IF 5

12
 SERIES

GERMANY

CASE NUMBER	CASE DESIGNATION	PROOF	VICTIM	NATIONALITY	OFFENSE	CUSTODY STATUS	DATE OF ENTRY	DATE OF TRIAL
1235	SCHMIDT, Hans (A)	LC-a	V-1	NA	0-1	A-3	15 Jan 1946	22 Oct 1946
1236	MILANEWSKY (V)	IF-4	V-1	NA	0-1	A-3		
1237	MISBURG (P)	IF-1	V-4	NA, B	0-6	A-3		
1238	BAD SCHWALBACH (P)	LC-a	V-1	NA	0-1	A-3	(Tried with 12-1955)	1 Oct 1946
1239	LAUSITZ (P)	L-4	V-4	NA	0-7	A-3		

PROCESSING SHEET

DATE 3 Dec 1945

SOURCE: HQTRS., 3rd Army 15 Sept. 1945

PLACE OF OFFENSE: FREISING, Germany

DATE: 1 Nov 1944

OFFENSES: Killing of surrendered American Airman

ORGANIZATION OF ACCUSED: _____

NAMES OF ACCUSED NATIONALITY RANK SERIAL # PRESENT STATUS OR LOCATION

SCHMIDT, Hans German German army officer Unknown
Obersturmfuehrer

NAMES OF VICTIMS NATIONALITY RANK SERIAL # PRESENT STATUS OR LOCATION

ROE, Richard American S/Sgt. 21010010 20 S. Main St., White River
Junction, Vt.

NAMES OF WITNESSES NATIONALITY RANK SERIAL # PRESENT STATUS OR LOCATION

DOE, John American Sgt. 31201547 895 Main St., Hartford,
Conn.

DESCRIPTIVE SUMMARY OF OFFENSES: On 1 Nov. 1944, in the vicinity of FREISING, Germany, Hans SCHMIDT participated in the killing of Richard ROE who was then an unarmed and surrendered prisoner of war.

Searched 4 Dec. LMB

CASE NUMBER: 12-1235

COMPILED BY: JM/hjs

APPROVED: _____
Chief of Section

ROE, Richard (V) 12-1235
American

S/Sgt. 21010010
Address - 20 S. Main St., White River
Junction, Vt.

SCHMIDT, Hans (A) 12-1235
German

German Army Officer-
Obersturmfuehrer

Present Status or Location Unknown

DOE, John (W) 12-1235
American

Sgt. 31201547
Address - 895 Main St., Hartford, Conn.

12-1235 FREISING, Germany

An American prisoner of war, S/Sgt.
Richard ROE, was murdered at
FREISING, Germany, by German guards
under the direction of Obersturm-
fuehrer Hans SCHMIDT.

FREISING, Germany (P) 12-1235
14-16
20-25

LOG NO.	NAME	CASE NO.	DATE REFERRED FOR TRIAL	DATE TRIED	OFFENSE CLASSIFICATION	SENTENCE	DATE RECORD RECEIVED FOR POST TRIAL ACTION	DATE FWD TO REVIEWING AUTHORITY FOR APPROVAL	DATE OF APPROVAL	ACTION BY REVIEWING AUTHORITY	DATE SENTENCE EXECUTED	REMARKS
155	SCHMIDT, Hans	12-1235	15 Sept 1946	12-22 Oct. 1946	01	Death by Hanging	26 Oct 1946	20 Dec 1946	5 Jan. 1947	25 yrs from 22 Oct. 1946	20 March 1947	
156	SCHULZ, Peter	12-2019	13 May 1947	13 June 1947	04	Acquitted	12 July 1947	14 Jan 1948	13 Mar 1948	-	-	Released 15 June 1947
157	NEU, Karl	12-2020	25 June 1947	28-29 July 1947	02	3 years from 10 June 1947	18 Aug 1947	23 Jan 1948	3 Feb 1948	A	15 March 1948	

Name of Defendant	SCHMIDT, Hans	Confirmed Sentence	25 years from 22 Oct 1946
Number of Case	12-1235	Title	US vs Hans SCHMIDT
Prison Confined	WCE #1	Date	20 March 1947
Remarks			
Sentence Commences	22 October 1946	Date	
Sentence Expires	22 October 1971	Date	
Released or Death Sentence Executed		Date	

NO 12-1235

TITLE US vs Hans SCHMIDT

DATE RECORD RECEIVED - 26 Oct 1946 PLACE AND DATE OF TRIAL DACHAU, Germany
DATE ASSIGNED REVIEWER 30 Oct 1946 12-22 Oct 1946
NAME OF REVIEWER Capt. JONES
DATE ROUGH DRAFT TO EXEC. OFFICE 20 Nov 1946
DATE ROUGH DRAFT RTD 30 Nov 1946
DATE FINAL DRAFT TO EXEC. OFFICE 15 Dec 1946
DATE FWDED HIGHER HQTRS. 20 Dec 1946
DATE RTD FM HIGHER HQTRS. 15 Jan 1947
DATE EXECUTED 20 March 1947

DEFENDANTS

SCHMIDT, Hans

PLEA

NG

FINDING

G

SENTENCE

Death by hanging

ACTION BY REVIEWING AUTHORITY

Committed to imprisonment for 25 years commencing 22 October 1946.
5 January 1947

HEADQUARTERS
7708 WAR CRIMES GROUP
EUROPEAN COMMAND

CES/ac

SOP NO. 3

15 May 1947

SUBJECT: Gathering and Processing of Bulk Enemy Documents.

1. The Documents Section is hereby assigned responsibility for:

a. Supervising the gathering of enemy documents relating to war crimes by document teams from document centers and other field sources.

b. Processing such bulk documents.

2. For the purpose of this SOP, bulk documents are classified as follows:

a. "Documents related to specific war crimes," i.e., those which definitely possess essential evidential value in connection with a specific atrocity.

b. "Documents related to concentration camps," i.e., those which definitely possess essential evidential value in connection with a concentration camp case.

c. "Reference documents," being those relating only generally to war crimes and usable only for research purposes, e.g., bound volumes giving general information concerning SS personnel.

d. "Documents of doubtful value," i.e., those concerning which doubt exists as to whether they possess evidential or reference value.

e. "Real evidence," i.e., evidence other than from the mouth of a witness such as instruments and devices used in the commission of a crime, or maps, pictures, plats, and fingerprints, etc.

f. "Documents unrelated to war crimes," i.e., those which definitely do not possess evidential or reference value.

3. Incoming bulk documents will be delivered directly to the Documents Section where they will be processed in accordance with the following principles:

a. The packages of documents will be entered in a journal and, after segregation into the classes described in

paragraph 2, above, will be taken up on stock record cards.

b. Documents related to specific war crimes will be translated and forwarded to the Processing Section for classification, analysis, and correlation with existing case file folders, etc., as ordinary evidence; providing, that such documents found in concentration camp records, relating solely to the concentration camp case and not to isolated atrocities unrelated to the concentration camp case, will be processed as provided in subparagraph c. below. The translation of documents relating to specific war crimes in which American victims are involved will receive translation priority over all other documents.

c. Documents related to concentration camps will be translated and forwarded to the Processing Section for processing in accordance with procedures pertinent to such cases.

d. Reference documents, which are of value primarily because of information of order of battle or "personality" nature, will be forwarded to the Investigation Section. The balance of reference documents will be placed in the appropriate dossier file maintained by the Documents Section. Reference documents of such bulk as to make translation impracticable will be accompanied by a Summary Work Sheet.

e. Documents of doubtful value will be forwarded accompanied by a Summary Work Sheet upon which will appear only a summary translation, to the Chief of the Investigation Section, inquiring whether a complete translation is deemed desirable. Complete translations of such documents will be made only pursuant to such requests. Those documents, for which a request for complete translation is not made, will be appropriately filed by the Documents Section.

f. Real Evidence, susceptible of filing as ordinary documents, will be filed with the case to which it relates; otherwise, it will be stored, a stock record made, and a memorandum listing the same will be forwarded to the Processing Section for inclusion in the case file folder to which it relates.

g. Documents unrelated to war crimes ordinarily will be returned to the sources from which they came or delivered to other interested agencies. If such sources refuse to accept return thereof and interested agencies cannot be located, after reasonable efforts so to do, these documents will be stored by the Documents Section. The Chief of the Records Center will then give consideration to the advisability of their being destroyed as may be permitted by pertinent

15 May 1947

regulations. It is not necessary that this class of documents be stored in vaults or safes.

4. The Processing Section will establish and maintain a separate index of documents of probable value to the Office of Chief of Counsel for War Crimes at Nurnberg.

/s/ C. E. Straight
/t/ C. E. STRAIGHT
Colonel, JAGD
Deputy Judge Advocate
for War Crimes

HEADQUARTERS
7708 WAR CRIMES GROUP
EUROPEAN COMMAND

CES/ac

SOP NO. 5

15 May 1947

SUBJECT: Processing of "Reports of War Crimes" and
"Investigations of War Crimes" Involving Only
Nationals of Other Governments.

1. As a guide in processing "Reports of War Crimes" and "Investigations of War Crimes" involving only victims who are nationals of other governments, the following procedure is prescribed. The phrases "Report of War Crime" and "Investigation of War Crime" as used herein are intended to carry the meaning given in Circular No. 132, Headquarters, US Forces, European Theater, 2 October 1945.

2. Attention is invited to the fact that Staff Memo 57, Headquarters, US Forces, European Theater, 15 December 1945, assigns to the Director, Office of Military Government (US Zone), in coordination with the Office of Military Government for Germany (US), now merged with the latter, hereinafter referred to as "DOMGUS," staff responsibility for taking appropriate action to enable German courts to bring to justice Germans or other non-United Nations' nationals accused of crimes or offenses in violation of local law against Germans or other non-United Nations' nationals; and also staff responsibility for the supervision of the trial of such cases.

3. Processing Reports of War Crimes. (Reports of War Crimes include not only those items bearing such title but all items which are in the nature of reports rather than investigations.)

a. The Processing Section will:

- (1) Not assign a case file folder number.
- (2) Not place the report in a case file folder.
- (3) Not prepare a summary work sheet.

b. The Investigation Section will:

(1) Determine by hasty examination only, whether any information therein is probably needed in developing an American case.

(2) Determine whether any accused are in custody.

(3) If the Accused Custody Status is A-1 or A-2, by appropriate means furnish adequate information relative to those in custody to the Apprehension Section, which Section will request that they not be further detained unless they are already in the War Crimes Enclosure, in which latter event their removal will be effected as an incident of action taken under provisions of SOP No. 11.

(4) Forward a copy of the report to the government whose nationals are involved as victims or to DOMGUS, as the case may be; providing, however, that if nationals of more than one government are involved as victims, the governments concerned and DOMGUS will be merely notified of the existence of the report in accordance with present procedure; and providing, further, that even though nationals of only one government are involved, if information in the report is needed in the development of an American case, such information will be preserved in the records of this Group by retention of a copy of the report or by other appropriate methods.

4. Processing Investigations of War Crimes.

a. The Processing Section will:

- (1) Place the investigation in a case file folder.
- (2) Assign a case file folder number.
- (3) Not prepare a summary work sheet nor witness or suspect cards.

b. The Investigation Section will:

- (1) Classify the case only as to Nationality of Victims, Accused Custody Status, and Offense Classifications.
- (2) Determine by hasty examination only, whether any information therein is probably needed in developing an American case.
- (3) Determine whether any accused are in custody.
- (4) If the Accused Custody Status is A-1 or A-2, by appropriate means furnish adequate information relative to those in custody to the Apprehension Section, which Section will request that they not be further detained unless they are in the War Crimes Enclosure in which latter event their removal will be effected as an incident of action taken under provisions of SOP No. 11.

15 May 1947

(5) Forward a copy of the investigation to the government whose nationals are involved as victims or to DCMGUS, as the case may be; providing, however, that if nationals of more than one government are involved as victims, the governments concerned and DCMGUS will be merely notified of the existence of the investigation in accordance with present procedure and, providing, further, that even though nationals of only one government are involved, if information in the investigation is needed in the development of an American case, such information will be preserved in the records of this Group by retention of a copy of the investigation or by other appropriate methods.

(6) If there be only one copy of the investigation, the letter of transmittal to be placed in the case file folder will suffice for future reference purposes.

5. The use of prescribed form letters in forwarding the data contemplated by this SOP to other nations is authorized.

6. In instances where the investigation so forwarded has been assigned a case file folder number by the Processing Section, care will be exercised to show that number on the letter of transmittal.

/s/ C. E. Straight
/t/ C. E. STRAIGHT
Colonel, JAGD
Deputy Judge Advocate
for War Crimes

UNITED STATES ARMY
THEATER JUDGE ADVOCATE'S OFFICE
WAR CRIMES BRANCH
EUROPEAN THEATER OF OPERATIONS

LJ/rwb

18 April 1945

SUGGESTIONS TO INVESTIGATORS OF WAR CRIMES

INTRODUCTION

It is not the purpose of the suggestions that follow to commit investigating teams or individual investigators to an unalterable method of interrogation and preparation of investigation reports. On the contrary, it is believed to be important that there be left to all investigators, a latitude of judgment and an elasticity of investigative procedure, so that the courses of action most appropriate to each factual situation may be followed.

From past interrogations of German prisoners of war, lessons have been drawn; through the examination of investigation reports heretofore forwarded to this Branch, irregularities have been discovered. Based on these, certain conclusions have been formed, which are submitted for the consideration of those charged with the duty of making investigations and preparing appropriate reports, for whatever aid they may offer in, (a) obtaining the maximum of proof available in each case and, (b) avoiding the forwarding of incomplete or defective reports that will require subsequent corrective action.

Nothing contained in the suggestions herein made is to be construed as a modification or alteration of the instructions embodied in "Appendix A" attached to letter of 24 February 1945, Hq., European T of Ops, AG 000.5 OpJA, subject: "Establishment of War Crimes Branches".

QUESTION AND ANSWER INTERROGATION PREFERRED

The question and answer form of interrogation is preferable to the taking of an affidavit in narrative form. The former has the advantage of definiteness and the feature of containing the witness' own words, whereas, the narrative affidavit so frequently embodies general statements and conclusions of doubtful probative value.

SEPARATE CONFINEMENT OF GERMAN PRISONERS UNDER INTERROGATION

A suspect should be separated prior to and during the course of interrogation. Better progress can be made with him when he has been in separate confinement. The association with other prisoners of war has a tendency to bolster his courage and will make him less amenable

to the suggestion that he discuss freely the information desired. He should not be permitted to rejoin other prisoners until all interviews contemplated have been completed.

PLACE OF INTERROGATION OF GERMAN PRISONERS

The selection of appropriate surroundings for the interrogation of prisoners of war is of utmost importance. The prisoner should be handled as to feel secure from any reprisal action at the hands of fellow-prisoners. This may require the making of arrangements for his transfer to another camp. He should never be called out of his compound for interrogation in such a manner as will disclose to other prisoners the object in mind.

GERMAN PRISONERS FEAR OF REPRISAL

Prisoners may indicate a reluctance to talk because of a fear that they will be tried by some German military court (KRIEGSGERICHT) after the war for disclosing information. Some may not know the present hopelessness facing the Nazi regime. Their minds should be placed at ease and they should be reassured that no reprisal action will come to pass. Nor should it be indicated to the prisoner that he may be called as a witness to testify in court. This may deter him from talking freely.

PRELIMINARY INTERVIEW WITH WITNESSES

a. Generally. Informal interviews had with witnesses prior to the taking of their written testimony will serve to acquaint the interrogator with the particular testimony that the witness is prepared to give and will aid materially in a coherent development of the facts during the recorded interrogation. It is seldom that a successful examination can be conducted without the benefit of prior interview.

b. German prisoners of war. It is not infrequent that the first interview with a German prisoner produces very little information and that subsequent interviews will find the prisoner ready to talk freely. If circumstances permit, at least three interviews should be held before it is concluded that the prisoner will not furnish helpful information.

NUMBER OF INTERROGATORS AT INITIAL INTERVIEWS OF GERMAN PRISONERS

When prisoners of war are first interviewed (before their recorded testimony is taken) it is considered inadvisable for a number of persons to be present. It is believed that better results will be obtained if preliminary interviews are conducted by only one interrogator. With several present, the prisoner sometimes fears that a trial is in progress - or perhaps even that he is on trial - and forms a resistance to furnishing information. In order to get a prisoner to "open up", there is no substitute for gaining his confidence and having quiet, unostentatious talks with him.

STATEMENTS IN WITNESS' HANDWRITING

a. Generally. If a key witness speaking only a foreign language testifies to vital facts on which the prosecution's case may depend, it is considered advisable that, in addition to the testimony developed through the use of an interpreter, the witness also be requested to give a statement in narrative form in his own handwriting. Particularly should this practice be followed in instances where the witness may be hostile to the prosecution or is of the type that may be apt to change his testimony at a later date. The occasion may arise when the witness will have to be impeached and the interpreter and other parties to the interrogation may not be available as witnesses. Under such circumstances, a statement written by him will be of inestimable value. In addition, this will eliminate any claim - subsequently advanced - that the witness misunderstood the interpreter or vice versa.

b. German prisoners of war. When it is believed that the interviews have netted as much information as can be obtained, pencil and paper should then be made available to the prisoner so that he may record his story in his own handwriting. A good approach to obtaining such a writing is to tell the prisoner that in order to avoid any misunderstanding of what he has said, it might be best for him to put the facts in his own handwriting; that the record will then be clear and unmistakable. If this approach is casually made, it probably will be found that the prisoner will readily agree that this is the best course to follow. The average German prisoner has been found to possess an extreme weakness for wanting to write. He likes to exercise the literary talents he believes he possesses. He should be given plenty of time within which to do this writing and should be left alone while doing it. Almost invariably, the information he sets out in this writing will be an amplification of what he previously related.

A written statement of the kind above mentioned has inestimable value. In the first place, it carries great weight as having been voluntarily given. It is in the prisoner's own words and expressions and eliminates any claim of misunderstanding or misinterpretation that the accused may desire to advance on the trial. It may also serve the very useful purpose of being exhibited to other prisoners of war in an attempt to procure statements from them about the same matter. It is suggested that no series of interviews with a prisoner of war be concluded without first making available to him pencil and paper.

OATH OR AFFIRMATION

No witness should object to either swearing or affirming to the testimony he gives. If he is unwilling to do so, his testimony should be reduced to writing together with all reasons he may advance for his unwillingness to swear or affirm thereto. It should be borne in mind however, that such testimony is not to be considered by the Investigator

as having probative value in presenting a prima facie case, unless it is in the nature of a confession or admission against interest.

Interpreters and reporters should also be sworn. The better practice is to set out the form of oath administered to witness, interpreter and reporter, instead of merely indicating that an oath was given.

DEVELOPMENT OF QUALIFICATIONS OF INTERPRETERS AND EXPERTS

After the interpreter or any expert witness is sworn, the Investigator should develop by appropriate interrogation the full qualifications of such interpreter or expert for the record. The education, training, experience, etc., qualifying such person to serve in the capacity of interpreter or expert witness should be established. Do not let the record show only a naked conclusion by the interpreter or expert witness that he considers himself qualified for the particular task.

HEARSAY TO BE AVOIDED

Testimony adduced should affirmatively show that it is based on personal knowledge. It should leave no intimation or implication that it might be based on hearsay. In several instances, the testimony of witnesses taken in affidavit form has failed to indicate clearly that it was based on the witnesses' own knowledge. When testimony is left in a form so uncertain and ambiguous, it is open to the risk of being rejected as hearsay.

COLORED TESTIMONY

When the informants are oppressed who have "a score to settle" with some accused or the Nazi forces generally, careful inquiry and appraisal should be made to determine if a personal design to obtain revenge, motivates their action. When such circumstances are present, their stories should be probed carefully. If the Investigator concludes that prejudice or ill will is present, giving rise to colored testimony, a comment to that effect should accompany the report.

In a few instances, shocking tales of atrocities have been related by soldiers of our forces, which upon close investigation, were found to be baseless. Such tales may be due to some mental aberration, to the desire to tell a story of adventure or may be inspired by an effort to obscure some wrongdoing on the informant's part. In one case, a soldier, claiming to be the only escapee from an atrocious murder of a number of soldiers, related a graphic description of the alleged crime. A searching interrogation that followed disclosed that the informant was a deserter and conceived the idea of telling this story to cover up his desertion. A check of G-2 information for tactical dispositions and

order of battle, resort to maps of the alleged sector involved and an inspection of pertinent physical facts may aid in testing the truth of the story.

INCRIMINATION OF OTHERS BY GERMAN PRISONERS

If the prisoner once gets the idea that someone else who has knowledge of the facts is about to talk and incriminate him, it will hasten his desire to talk. The average German prisoner of war possesses a strong feeling that he must help himself wherever he can and if he thinks that the matter under inquiry is going to come to light anyway, he usually evidences a ready desire to be the one to reveal it.

It is not unusual to find a prisoner who is implicated in an incident - upon realizing the seriousness of his situation, offer to give testimony that will incriminate others. He may seek some privilege or immunity for doing so. The power to grant immunity does not rest in those charged with the duty to investigate and the prisoner should be so advised.

EXHIBITS - FOUNDATION EVIDENCE TO SUPPORT

A photograph or other exhibit (such as a service record or pass book taken from a prisoner) is not admissible in evidence simply because it is attached to a report of investigation and referred to by the Investigator-Examiner as an exhibit. The photograph becomes admissible as competent proof, only when there appears sworn testimony by a person having knowledge of the facts that it is a correct reproduction of a certain object, an individual, a scene, or whatever it purports to depict. Similarly, an article taken from a prisoner of war become admissible only when there is competent proof as to its ownership, use or possession and this must be furnished by a person who has personal knowledge thereof. As to either the photograph or the article, no better proof can be adduced than the admission of the prisoner involved in the incident that the photograph is a correct one or that the article belonged to him or was used at the time of the incident, as the case may be. Every photograph or object identified should be initialled by the identifying witness and the latter's sworn testimony should show how he marked it for identification. The exhibit number given by the Investigator to such photograph or article should appear in the transcript of interrogation at the point where identification by the witness is established.

ILLUSTRATION: An ambulance containing two machine guns and other weapons was driven by four Germans into a town occupied by American troops. As the town was entered, the Germans began to fire from the ambulance on American troops. The ambulance was stopped and the culprits taken prisoners. In the investigation that followed, an investigator who arrived on the scene the next day undertook to certify that photographs attached to the report were true pictures of the ambulance involved. How did he know? Obviously, only through hearsay. Several American soldiers

who stopped the ambulance and captured its occupants were in a position to identify photographs of the ambulance as well as pictures of the weapons and articles taken from the German prisoners, yet none was asked to do so in the statements that were taken from them. The German prisoners guilty of this offense were interviewed and gave testimony, but none was asked to identify the photographs or articles.

IDENTIFICATION OF ENEMY UNITS

When testimony elicited refers to the perpetrators as being members of certain enemy units, it should appear affirmatively that the witness knew this of his own personal knowledge. On several occasions reports have disclosed affidavits by intelligence officers to the effect that the perpetrators were members of some particular German unit but there was nothing to show that the witness knew this of his own knowledge, nor what his conclusion was based on. Official unit journals, G-2 and S-2 Order of Battle Work Sheets, or the like, containing entries of prisoners' organizations based on their own statements are believed to have some probative value. When such journal entries are available, duly certified extract copies should be attached to the report. In this connection, it should be borne in mind that there is no testimony of stronger probative force than the admissions of prisoners themselves as to the units they belong to and the identity of the organizations that were operating at a certain place. Whenever prisoners are found who are willing to give this information, their testimony should be developed fully.

ANTICIPATING DEFENSE IN DEVELOPING TESTIMONY

In examining each witness, it is well to anticipate the defense that the accused is apt to invoke on the trial of the case and develop the testimony in the light of such suspected defense. What defense would you raise if you were representing him? The answer to that query should determine the course to be followed in developing the testimony so as to negative in all respects these probable defenses.

ILLUSTRATION: The accused is charged with machine gunning medical aid men. The proof definitely establishes the commission of this act. The logical defense will be that the accused could not determine from his position that the victims were aid men and that he considered them to be combat soldiers. Unless the facts rebutting this defense are fully developed (by showing that the weather was clear, the close proximity of the accused to the aid men, etc.) the court may feel impelled to accept this defense.

MENTAL CONDITION OF SUSPECT OR WITNESS

If any phase of the investigation should advance the suggestion that the mentality of either a witness or a suspect is in question, and such witness or suspect is available, resort should be had to a psychiatric

examination if a competent psychiatrist can be obtained for such purpose. The psychiatrist's testimony in such cases should also be developed under oath and made a part of the record.

ESTABLISHMENT OF IDENTITY OF SUSPECTS AND WITNESSES

If, in the course of interrogation, a prisoner of war is mentioned who will be wanted as a suspect or needed as a witness, the investigator should endeavor to obtain all possible information that will aid in locating him. In addition to matters of personal description, such information as his last known place of detention, the units that took him captive, the place where he was captured, etc., may be of assistance in finding him.

If a witness identifies a prisoner of war - or other suspect, a photograph, if available, should be attached. Do not let the record merely recite his name, if more information is obtainable.

CONFESSIONS

When a confession is obtained, the sworn testimony of each person present during the course of interrogation and at the time of confessing should be taken and included in the record. This testimony should show the circumstances under which the confession was obtained and that no force, threats or other acts showing involuntariness, occurred. Without such testimony (a) the necessary predicate for the admission of the confession on the trial may not be available and (b) rebutting proof may not be accessible should it be charged on the trial that the confession was improperly obtained.

If the confession is in the prisoner's own handwriting, the sworn testimony of each person present during the course of interrogation and at the time of the delivery of the confession should be taken and included in the record. It should disclose the circumstances of delivery of the confession - when, where and to whom delivered. In addition, the testimony of the author of the confession should be taken showing that it is entirely in his own handwriting and that it was a voluntary act, free of threats, compulsion or the like. The mere fact that the investigator has a confession in the prisoner's own handwriting does not ipso facto render it admissible. Proof supplying the proper predicate for its introduction is necessary. The investigator should develop the proof in the record in the same manner and to the same extent as if he were seeking to obtain the admission of the confession on the trial of the case.

The refusal of an accused to be placed under oath before his testimony is taken is immaterial. Some German soldiers have been taught in military courses of instruction never to take an oath. The administering of an oath is not a prerequisite to the validity of a confession or the use of admissions against interest.

CONFLICTS IN TESTIMONY OF WITNESSES

When testimony taken of witnesses reflects a conflict on a material point, an effort should be made to reconcile the discrepancy. It may be necessary to re-interview one or more of such witnesses to see if an error has not been made by one or the other. A witness is entitled to correct a mistake if he chooses to do so.

PHOTOGRAPHING AND FINGERPRINTING GERMAN PRISONERS

All prisoners of war who give material testimony or make confessions should be photographed and fingerprinted. The record should contain sworn testimony (of one having knowledge of the facts) of the correctness of the photograph and fingerprints and a detailed description of the person to whom they pertain. This will serve to counteract any claim of mistaken identity that may be asserted at the trial.

FULL DEVELOPMENT OF WITNESS' TESTIMONY

a. The testimony taken of eye witnesses to an incident often leaves a void as to a material element of proof. Upon review of the record, it cannot be determined whether the witness was without information on that element of proof, or whether the investigator overlooked the directing of an appropriate inquiry thereto. When a material witness is unable to testify to one or more of the elements of proof that one would normally expect to be within such witness' knowledge, there should be something set out in the report that discloses that the witness is uninformed on such facts. It is realized that it is not the best practice to show by a witness how much he does not know about the matter under inquiry, in that it has a tendency to weaken the positive proof that he is able to furnish. However, the suggestion here advanced can be met fully, if the investigator will simply include in his report, a statement on a separate sheet (not to be a part of the interrogation) calling attention to the fact that appropriate inquiries were made of the witness as to the other material matters, but that the witness was not able to testify thereto of his own knowledge.

ILLUSTRATION: An allied plane made a crash landing. The pilot was thrown clear of the plane and was injured. He was seized by enemy troops and shot. An eye witness to this atrocity was interviewed. Although he saw the pilot, he was unable to tell whether he was American or British. There was nothing in the interrogation to indicate that the witness was asked to describe the identification marks on the plane although the testimony showed clearly that the witness was close to the plane and observed it. In that state of the record, the examiner was left to conjecture as to whether the witness had been interrogated on the appearance of the plane and its identifying marks.

b. It is well to bear in mind, constantly, that the witness whose testimony is taken (unless he be an accused) doubtless will not be present when the case is tried. The prosecution's case may have to stand or fall on the basis of the witness' testimony as developed by you. It is important, therefore, that the facts be developed clearly and in an admissible manner to the full limits of the witness' personal knowledge.

ESTABLISHMENT OF PRIMA FACIE CASE

Before the investigation is completed and the report prepared, it is well to ponder the question of whether the prosecutor to whom the case will be assigned can present, on the basis of the record made, a case on which he can expect a conviction. The investigator must assume that there will be nothing available to the prosecutor de hors the record the investigator has prepared. Does the record present competent evidence as to each element that constitutes an essential part of the offense charged? If not, have all available sources of information been exhausted to supply the missing link in the chain of necessary proof?

DEPUTY THEATER JUDGE ADVOCATE'S OFFICE
WAR CRIMES BRANCH
UNITED STATES FORCES, EUROPEAN THEATER

APO 633
29 October 1945

CHANGE I TO "SUGGESTIONS TO INVESTIGATORS OF WAR CRIMES"

1. Reference is made to "Suggestions to Investigators of War Crimes", Theater Judge Advocate's Office, War Crimes Branch, European Theater of Operations dated 18 April 1945, copies of which were widely distributed to war crimes field agencies and a single copy delivered to all officers reporting for duty with this branch.
2. The suggestions hereinafter made are intended to supplement those contained in "Suggestions to Investigators of War Crimes" referred to in the preceding paragraph.
3. It is considered desirable for the following forms to be used in swearing witnesses, stenographic reporters and interpreters, respectively, during the course of investigation.
 - a. "You swear (or affirm) that the evidence you shall give in this investigation now being conducted by me shall be the truth, the whole truth and nothing but the truth. So help you God."
 - b. "You swear (or affirm) that you will faithfully perform the duties of reporter in this investigation now being conducted by me. So help you God."
 - c. "You swear (or affirm) that you will truly interpret in this investigation now being conducted by me. So help you God."
4. In the event a witness (for instance, a pathologist) is to testify in the capacity of an expert witness or the services of an interpreter are required for an interrogation, the professional qualifications of such witness or interpreter will be first established by appropriate examination which should include proof of the individual's education, pertinent training and experience in such capacity, and in the case of interpreters, their years of residence in America and other countries. The unsupported conclusion of an individual to the effect that he is an expert or an interpreter is merely self serving and of no probative value.
5. It is ordinarily desirable to include as exhibits a map or overlay of the scene of the crime, coordinated with an adequately described military map of the area, and photographs of the scene of the crime supported by the sworn testimony of a person having knowledge of the necessary facts.

6. Where a confession is obtained from an accused, a strenuous effort should be made to obtain proof of the corpus delicti. Such proof should not only show the commission of the war crime to which the accused has confessed, but if possible, it should connect the accused directly with the offense.

7. Attention is invited to letter, Headquarters, European Theater of Operations, United States Army, file AG 210.6 MPMGA, subject: "Investigations in Connection with Alleged War Crimes", dated 15 April 1945, which provides that all commissioned officers assigned to duty with the War Crimes Branch of the Judge Advocate Division of this or other headquarters in this theater are, within the purview of Article of War 114, detailed to conduct such war crimes investigations as may be directed.

8. It is suggested that the following form of affidavit be used by the war crimes officer who directs and supervises the taking of still pictures for war crimes purposes.

AFFIDAVIT RE AUTHENTICITY OF STILL PHOTOGRAPH

_____ being by
(Name) (Rank) (Branch) (ASN)
me duly sworn, upon his oath, deposed and stated as follows to wit:

That he has been assigned to war crimes investigative duties by duly constituted authority; that he was present at the time and directed and supervised the taking of the photograph affixed to the reverse side hereof, which photograph is marked Exhibit _____ and bears his personal signature; that said photograph was taken on the _____ day of _____ 194____, at _____; that it is a true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place (Describe the person, building, or physical facts reproduced).

(Signature of War Crimes Investigator)

Subscribed and sworn to before me, the undersigned authority on this
_____ day of _____ 194____.

(Signature of Officer Administering
Oath)

(Name, Rank, Branch, ASN, Official
Capacity)

9. With respect to exposed movie film, it is believed both practicable and extremely desirable that reduction film be returned to the war crimes officer who supervised and directed the shooting of the scene or some other officer who was present and is familiar with the facts, in order that an affidavit may be made as to accuracy of the scene depicted. Inquiry also reveals that projectors are available for this purpose, at least at Corps and higher levels. It is suggested that the following form of affidavit be used by war crimes investigating officers for this purpose.

AFFIDAVIT RE AUTHENTICITY OF MOTION PICTURES

_____ being by
(Name) (Rank) (Branch) (ASN)
me duly sworn, upon his oath, deposed and stated as follows to wit:

That he has been assigned to war crimes investigative duties by duly constituted authority; that, in such capacity, he was present at the time and directed and supervised the taking of motion picture film, IIB No. _____; that said film was taken on the _____ day of _____ 194____, at _____; that he has viewed such motion picture film projected on a screen and that it is true and correct reproduction of and accurately depicts the following scene as it appeared at said time and place:
(Describe the person, building, or physical facts reproduced).

(Signature of War Crimes Investigator)

Subscribed and sworn to before me, the undersigned authority on
this _____ day of _____ 194____.

(Signature of Officer Administering
Oath)

(Name, Rank, Branch, ASN, Official
Capacity)

/s/ C. B. Mickelwait,
/t/ C. B. MICKELWAIT,
Colonel, JAGD
Deputy Theater Judge Advocate.

HEADQUARTERS
7708 WAR CRIMES GROUP
EUROPEAN COMMAND

CES/ac

SOP NO. 6.

15 May 1947

SUBJECT: Standard Case Analysis Nomenclatures.

1. Standard case analysis nomenclatures are necessary in order that adequate and detailed information may be available for various purposes, including the making of reports to higher authority and the maintenance of priorities in the development of cases. Those adopted are set forth in the attached Chart A, "Standard Case Analysis Nomenclatures."

2. Categories of Information: Five general categories have been selected as follows:

Proof--Degree of Completion
Victim Categories
Nationality of Victims
Accused Custody Status
Offense Classifications

Each general category is further subdivided into detailed categories as indicated in the attached Chart A.

3. Use of Standard Case Analysis Nomenclatures by Various Branches.

These standard nomenclatures will be utilized by all branches. Records relative to trial status of cases, and approval, confirmation, and execution of sentences, etc., will be maintained by the Post Trial Branch in accordance with instructions outside this SOP.

/s/ C. E. Straight
/t/ C. E. STRAIGHT
Colonel, JAGD
Deputy Judge Advocate
for War Crimes

1 Incl:
Chart A

C H A R T ASTANDARD CASE ANALYSIS NOMENCLATURES1. Proof-Degrees of Completion:

- LC List completed, case ready for trial against all accused.
 LC-a LC cases referred for trial, being tried, or trial completed.
 L-1 List case, ready for trial as to one or more, but not all, accused.
 L-1a L-1 cases referred for trial, being tried, or trial completed.
 L-2 List case capable of being placed quickly in LC category.
 L-3 List case capable of being placed quickly in L-1 category.
 L-4 Other list cases, i.e., which from the information on hand disclose the commission of war crimes.
 SR Special Reference, a case where (1) it is not clear that a war crime has been committed, or (2) no additional investigation is now warranted, and (3) the file is kept alive in anticipation of receiving further evidence.
 IF-1 Index and File case in which no further investigation of the atrocity, involving only other nationals, is contemplated-- a copy having been furnished the interested governments.
 IF-2 Index and File case involving an American victim in an incident of such minor importance as to make further action at any time unwarranted.
 IF-3 Closed administratively because case is unfounded.
 IF-4 Closed administratively because of insufficient evidence.
 IF-5 Closed administratively because accused are dead.

2. Victim Categories:

- V-1 Aviators
 V-2 Paratroopers
 V-3 Medical personnel
 V-4 PW's
 V-5 Other military personnel
 V-6 Political prisoners
 V-7 Forced laborers
 V-8 Jews
 V-9 Other civilians
 V-10 Inmates of concentration camps
 V-11 Inmates of murder factories
 V-12 Hostages

3. Nationality of Victims:

- NA United States
 NAu Australia
 NAus Austria
 NB British
 NBe Belgium
 NBu Bulgaria

C H A R T A (Cont'd)

NC	Canada
NCh	China
NCz	Czechoslovakia
ND	Denmark
NF	France
NG	Germany
NGr	Greece
NH	Hungary
NI	Italy
NJ	Jugoslavia
NL	Luxembourg
NLi	Lithuania
NV	Netherlands
NVo	Norway
NVe	New Zealand
NP	Poland
NR	Russia
NS	South Africa
NX	Unknown

4. Accused Custody Status:

A-1 All accused in custody.

A-2 At least one, but not all, accused in custody.

A-3 None of accused in custody.

(The number of accused involved in each case will be shown by placing the appropriate figure in parentheses following the accused custody status symbol, e.g., A-3 (14)).

5. Offense Classifications:

O-1 Murder.

O-2 Murder of wounded.

O-3 Maim.

O-4 Torture.

O-5 Assault resulting in great bodily harm.

O-6 Assault resulting in bodily harm.

O-7 Assault.

O-8 Sterilization.

O-9 Euthanasia.

O-10 Guinea pig experiments.

O-11 Rape and sadistic treatment.

O-12 Mistreatment.

O-13 Forcing to work on military defenses.

O-14 Forcing to work on other operations directly related to war.

O-15 Forcing to work under fire.

O-16 Maltreatment of dead.

O-17 Firing on ambulances.

O-18 Attacking or bombarding hospitals.

O-19 Appropriation of Red Cross packages.

O-20 Using ambulances to carry troops or ammunition.

C H A R T A (Cont'd)

- 0-21 Concentration camp, including all offenses.
- 0-22 Misuse of Red Cross flag or emblem.
- 0-24 Arson.
- 0-25 Pillage and looting.
- 0-26 Death marches.
- 0-27 Denial of due process.
- 0-28 Orders not to protect aviators.
- 0-29 Orders not to protect other PW's.
- 0-30 Orders not to take PW's.
- 0-31 Orders to kill aviators.
- 0-32 Orders to kill other PW's
- 0-33 Other illegal orders.
- 0-34 Refusal of quarter.
- 0-35 Firing on undefended localities.
- 0-36 Bombarding privileged buildings other than hospitals.
- 0-37 Firing on flag of truce.
- 0-38 Abuse of flag of truce.
- 0-39 Making use of poisoned and otherwise forbidden arms and ammunition.
- 0-40 Treacherous request for quarter.
- 0-41 Improper use of privileged buildings for military purposes.
- 0-42 Ill-treatment of inhabitants in occupied territory.
- 0-43 Racial or religious persecution.
- 0-44 Destruction of churches.
- 0-45 Illegal reprisals.

HEADQUARTERS
7708 WAR CRIMES GROUP
EUROPEAN COMMAND

SOP NO. 7.

15 May 1947

SUBJECT: Establishment and Maintenance of Priorities in the
Development of Cases.

1. Attention is invited to the following:
 - a. SOP No. 6, subject: "Standard Case Analysis Nomenclatures."
 - b. SOP No. 9, subject: "General Policies and Practices re War Crimes Trials."
 - c. Letter, this headquarters, subject: "Cases to be Tried," 14 May 1947, and possible letters superseding or modifying same.
2. Reference is made to the letter, file SPJGI 151-5, to this Group, subject: "Screening War Crimes Questionnaires," 12 October 1945, by the War Crimes Office, The Judge Advocate General's Office, in which it was requested in effect that requests for interrogations relative to minor slappings and beatings, lack of medical care, general unsatisfactory camp conditions, poor food and housing and other less serious offenses, be not sent to the War Crimes Office, and that requests for interrogations be limited to the more serious offenses, such as the offenses within Offense Classifications 0-1 to 0-6, inclusive, set forth in paragraph 5 of Chart A attached to SOP No. 6.
3. It is the present policy of this Group to develop for trial only (a) cases involving American nationals as victims, and (b) mass atrocity cases, i.e., murder factory and concentration camp cases committed within US Zones of Occupation in Germany and Austria or areas overrun by American Armed Forces. Moreover, in view of the enormous number of the more heinous cases involving American nationals as victims, it is not deemed advisable to develop simple assault cases, Offense Classification 0-7, and other minor war crimes at this time. Consequently, mass atrocity cases committed outside US Zones of Occupation will not be developed. The reports of war crimes contemplated by Circular 132, Headquarters, US Forces, European Theater, 2 October 1945, and all evidence which may come into possession of this Group will be forwarded to the nations concerned as is provided in SOP No. 5.
4. In order that certain cases involving American nationals as victims may be given appropriate early attention, the priorities herein after set forth in this paragraph are hereby established and will be maintained by this Group until further notice:

Priority I

LC, L-1, 2
 V-1, 2, 3, 4, 5
 NA
 A-1, 2
 O-1, 2, 3, 4, 5

Priority II

L-1, 2, 3, 4
 V-1, 2, 3, 4, 5
 NA
 A-1, 2, 3
 O-1, 2, 3, 4, 5, 6, 8,
 9, 10, 11, 16, 18, 26

5. The Investigation Section will forward a copy of all reviews of case file folders and case analyses to the Apprehension Section.

6. It is necessary that the Apprehension Section be supplied with essential pertinent information for general apprehension and detention purposes, as well as for assignments concerning extraditions from other governments or the initiation of special apprehension or special body movement actions. Therefore, in addition to other matters covered in such reviews and analyses in accordance with present procedures there will be set forth the following in a special paragraph near the end of:

a. Reviews:

(1) The name of each suspect or witness on whom Wanted Reports should be filed, indicating the exhibits and pages thereof where the best available detailed description of the wanted person is to be found. There will also be indicated with regard to each whether he is detained, and if so, the name and address of the installation and, if in Germany or Austria, the map coordinates of its location, if in the US Zone of Occupation in Germany, or the name of the Zone, if located in Austria or in other Zones in Germany. The address of those not in detention will be stated with like particularity. With respect to witnesses, an affirmative statement will be made as to whether each is friendly or unfriendly. See paragraph 2c, SOP No. 10, which defines friendly witnesses.

(2) In unusual instances where special apprehension or body movements are necessary, requests therefor will be stated with particularity.

b. Analyses:

(1) The information required in subparagraph a(1), above, as to each accused and witness.

(2) The special apprehension or body movement actions desired, and, if none is desired as to any or all of the suspects and witnesses, an affirmative statement to that effect will be made.

15 May 1947

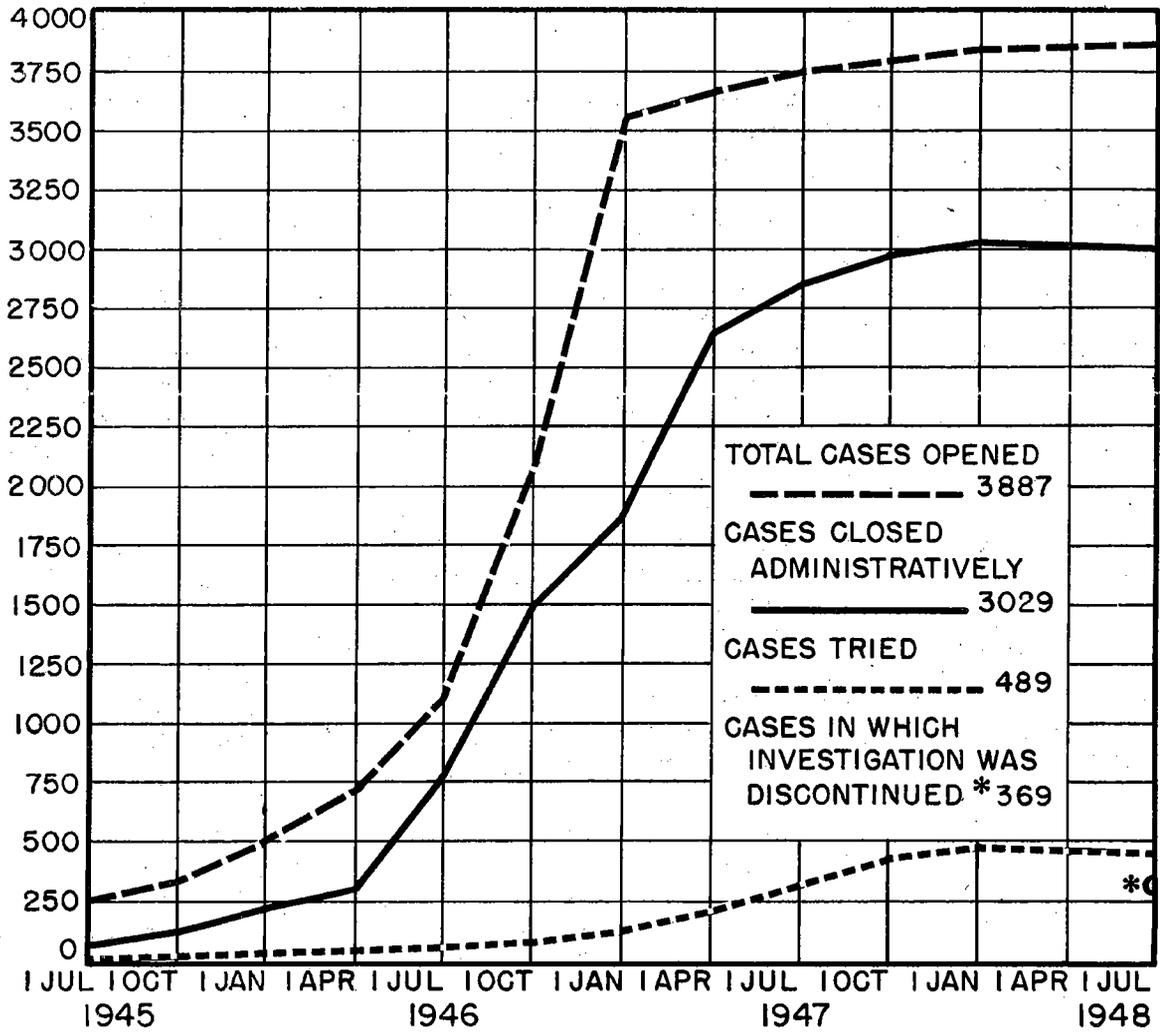
(3) The conclusions, if any, to the effect that named suspects are not to be tried or that named witnesses will not be used in the trial of the case.

(4) It is emphasized that the special paragraph hereby required to be included in a case analysis is of no interest to members of courts, or prosecution and defense staffs. Consequently, the Chief of the Evidence Branch in compliance with paragraph 5, above, will forward to the Apprehension Section a copy of the final rough draft of case analyses, indicating by his signature thereon that it is approved for reproduction. The special paragraph in such final rough drafts setting forth Wanted Report information will be eliminated in reproducing the same for use in referring the cases for trial.

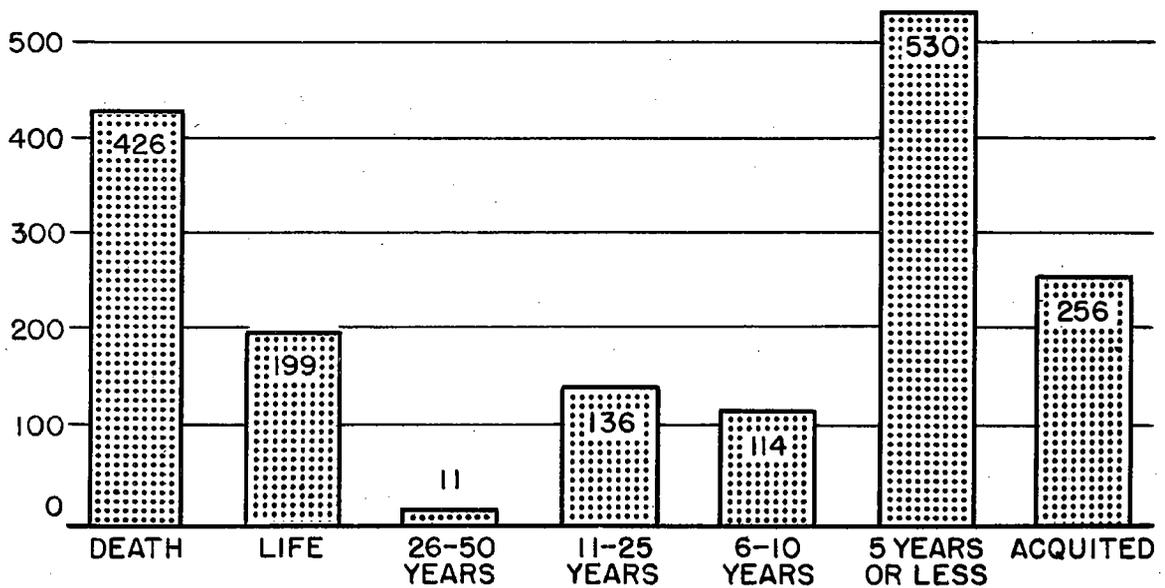
7. Reference is made to paragraph 5, SOP No. 4. In all instances where the Investigation Section or Chief of the Evidence Branch initiate a change in the classification of a case file folder to EF-2, 3, 4, or 5, there will be set forth, in a special paragraph near the end thereof, information relative to the suspects and witnesses involved therein with particularity similar to that required by subparagraph 6a(1), above, for the benefit of the Apprehension Section in keeping its records current as to wanted suspects and witnesses.

8. Reference is also made to the second and third sentences of paragraph 11, Circular No. 132, Headquarters, US Forces, European Theater, 2 October 1945. Notwithstanding instructions contained in that or in other directives, all provisions requiring that the sworn testimony of witnesses be obtained in question and answer form, as contrasted with narrative form, are hereby rescinded.

1-1/ C. E. Straight
/ C. E. STRAIGHT
Colonel, JAGD
Deputy Judge Advocate
for War Crimes



SENTENCES OF ACCUSED AS ADJUDGED BY COURT



HEADQUARTERS
U.S. FORCES, EUROPEAN THEATER

GAL/DSM/rm

AG 250.4 JAG-AGO

(Main) APO 757
25 August 1945

SUBJECT: Military Commissions.

TO : Commanding Generals:
Eastern Military District
Western Military District

1. General.

a. Authority to Appoint. You are hereby authorized to appoint military commissions for the trial of persons subject to the jurisdiction of such commissions who are charged with violations of the laws or customs of war, of the law of nations, or of the laws of occupied territory or any part thereof. You are not authorized to redelegate such appointing powers.

b. Cases to be Tried. As matter of policy no case shall be referred to trial before a military commission except when directed by this headquarters. Applications for authority to proceed with such trials will be forwarded to the Deputy Theater Judge Advocate, War Crimes Branch, this headquarters, APO 757.

c. Composition. Military commissions shall be composed of not less than three commissioned officers of the United States Army. There shall also be appointed a trial judge advocate and defense counsel.

d. Conviction or Sentence. The concurrence of at least two-thirds of the members of the commission present at the time of voting shall be necessary for the conviction and for the sentence.

e. Approval of Sentence. No sentence of a military commission appointed under the authority cited in sub-paragraph a, above, shall be carried into execution until the same shall have been approved by the officer appointing the commission or by the officer commanding for the time being.

f. Confirmation of Death Sentence. No sentence of death shall be carried into execution until it shall have been confirmed by the Theater Commander or his designee.

2. Rules of Procedure. Military commissions shall have power to make, as occasion requires, such rules for the conduct of their proceedings, consistent with the powers of such commissions, and with the rules of procedure herein set forth, as are deemed necessary for a full and fair trial of the accused, having regard for, without being bound by, the rules of procedure, and evidence prescribed for general courts-martial. The provisions of Section VII, paragraph 38-47, War Department FM 27-5, subject: "Military Government and Civil Affairs", dated

22 December 1943, are designed as a general guide in this field and will be followed except as amended by this letter or other instructions of this headquarters.

3. Evidence Admissible. Such evidence shall be admitted before a military commission as, in the opinion of the president of the commission, has probative value to a reasonable man.

4. Charges and Specifications. Formal charge and investigation as contemplated in Article of War 70 are not necessary in proceedings before military commissions, although War Department, Adjutant General's Office Form Number 115, may be used as a charge sheet. The charge should designate the offense by its legal name or describe it in terms of international law, preferably without reference to an Article of War. The specification should set forth the details of the act charged with sufficient definiteness to show the jurisdiction of the commission and the status of the accused. The accused shall be furnished with a copy of the charges and specifications. Although no oath is necessary, the charge should be signed by a person subject to military law. At some stage prior to the trial, the charge should be investigated sufficiently to enable the appointing authority to determine that the offense merits trial by military commission. Before directing the trial of any charge, the appointing authority will refer the case to his staff judge advocate for consideration and advice.

5. Challenges. Members of the military commission may be challenged by the accused or the trial judge advocate for cause stated to the court. Peremptory challenges shall not be allowed.

6. Oath. Making such changes as are necessary, the appropriate oath contained in Article of War 19 shall be administered to members of the commission as well as to the prosecution and to others connected with the trial. All witnesses will be sworn.

7. Pleas. General and special pleas of the accused should be heard and passed upon by the commission in order to insure a fair and impartial trial.

8. Fees and Allowances. Fees and allowances for witnesses, court reporters and interpreters will be set as provided in Army Regulation 35-4120, dated 30 July 1943, as changed, or as may be published in future instructions from this headquarters.

9. Interpreter for Accused. The accused shall have the right to have the proceedings of the commission interpreted into his own language if he so desires.

10. Records of Trial. a. Preparation. Commissions shall keep a record of their proceedings, conforming as nearly as practicable to that prescribed for general court-martial. Court reporters may be detailed for this purpose. If for any cogent reason it is inexpedient to make a verbatim record of the proceedings by stenographer or in longhand, the record shall be prepared in form prescribed for special courts-martial.

preparing in such case a sufficiently complete summary of the testimony of the witnesses that the reviewing authority may properly evaluate the evidence received by the commission.

b. Disposition. The record of trial will be prepared and authenticated in duplicate and forwarded, together with pertinent accompanying papers, including an original and signed copy of the review of the staff judge advocate, to the Deputy Theater Judge Advocate, War Crimes Branch, this headquarters, APO 757.

11. Sentence. a. General. Subject to limitations imposed by this headquarters, military commissions may adjudge any type of punishment referred to in paragraph 45, War Department FM 27-5, subject: "Military Government and Civil Affairs", dated 22 December 1943. Commissions may be guided by, but are not limited to, the penalties authorized by the Manual for Courts-Martial, the laws of the United States, and of the territory in which the offense was committed or the trial is held.

b. Places of Confinement. Places of confinement will be designated by the appointing authority as in the case of prisoners sentenced to imprisonment by military government courts.

12. Review. a. Every record of trial by military commission will be referred by the appointing authority to his staff judge advocate for review before he acts thereon.

b. Every record of trial in which a death sentence is adjudged, if such sentence is approved and not commuted by the appointing authority, will be forwarded to the Deputy Theater Judge Advocate, War Crimes Branch, this headquarters, APO 757, for review by the Theater Judge Advocate or his deputy and presentation with appropriate recommendations to the confirming authority for action.

13. Action Upon Sentences After Confirmation. The action taken by the confirming authority upon sentences requiring confirmation will be notified to the appointing authority, who will issue appropriate orders promulgating the sentence as confirmed and carry the same into execution. In confirmation cases the record of trial will be retained in the office of the Deputy Theater Judge Advocate.

14. Publicity. Trials will be held in open court, except when security, protection of witnesses, or other considerations make this inadvisable. Full publicity may be given to trial proceedings and execution of death sentences. News material will be submitted to press censorship in the normal way and will be subject only to normal press censorship restriction to protect counter-intelligence organizations and method.

15. Mitigation, Remission, etc. The power to order the execution of a sentence, or to confirm a death sentence, of a military commission

includes the power to disapprove or vacate in whole, or in part, any finding of guilty, and to mitigate, remit, approve and commute, suspend or to remand for further proceedings or for rehearing before a new military commission.

16. Reports. a. The appointing authority will advise the Deputy Theater Judge Advocate, War Crimes Branch, this headquarters, APO 757, by TWX of the result of each trial by military commission immediately upon announcement of findings and sentence.

b. Reports of execution of all death sentences imposed by military commissions will be made to the Deputy Theater Judge Advocate.

17. Distribution of Orders Promulgating Sentences. The distribution listed below will be included for all orders promulgating sentences of military commissions:

- a. Three copies to The Adjutant General, Washington 25th D.C.
- b. Two copies to The Judge Advocate General, Washington 25, D.C.
- c. One copy to the Adjutant General, U.S. Forces, European Theater, APO 757.
- d. Three copies to the Theater Judge Advocate, APO 757.
- e. Two copies to The Assistant Judge Advocate General with the United States Forces, European Theater, APO 887.
- f. Three copies to the Deputy Theater Judge Advocate, War Crimes Branch, APO 757.

18. All directives and instructions of this and subordinate headquarters relating to military commissions are hereby superseded to the extent inconsistent with this letter.

BY COMMAND OF GENERAL EISENHOWER:

H. F. NEWMANN
Colonel, AGD
Acting Adjutant General

DISTRIBUTION:

- 5 - Each Addressee
- 3 - G-1
- 5 - G-5
- 5 - JA (Rear)
- 5 - JA (Main)
- 5 - Dep JA (WCB)
- 1 - AG Mil Pers
- 1 - AG Opns
- 1 - AG Records

(EXTRACT FROM)

MANUAL

for

TRIAL OF WAR CRIMES AND RELATED
CASES

Prepared by

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
European Command
APO 178

For the sake of brevity, the Table of Contents and Foreword, the latter containing information as to changes made and the mechanics of substitution of pages and servicing the Trial Manual, have not been included in this extract.

(Part I of the Trial Manual has not been included in this extract.)

SEC 201

PART II
POWERS AND PROCEDURE

SEC General Directives.
201 - - - - -

Reference is made to: (a) Military Government Regulations, Title 5, Legal and Penal Administration. (b) Letter of this Headquarters, file AG 000.5 WCB-JAG, subject, "Trial of War Crimes Cases", dated 14 October 1946, quoted at length in Part I, supra.

The abbreviations for the foregoing references as hereinafter used are as follows:

MGR - Military Government Regulations, Title 5, Legal and Penal Administration.

L - Letter of this Headquarters, file AG 000.5 WCB-JAG, subject, "Trial of War Crimes Cases", dated 14 October 1946.

The references in Arabic numerals refer to the numbered paragraphs of the citation.

SEC Personnel of the Court.
210 - - - - -

General Military Government Courts and Intermediate Military Government Courts shall consist respectively of not less than five (5) members and not less than three (3) members, and, in addition, personnel of the prosecution and defense (L,6d). The senior member of the court present at each trial will be the president and presiding officer of the court (L,6d, MGR 5-301.2). The members of the court are seated according to rank alternately to the right and left of the president, except that ordinarily the law member should be seated on the immediate left of the president.

If after the trial has begun a new member is appointed or a member, on account of unavoidable absence during a trial misses part of the proceedings, the president will cause such member to read the record of the proceedings had prior to his being seated or during absence, as the case may be (L 7a). Whenever deemed necessary, a Military Government Court may, on its own motion or the request of

the accused, appoint an impartial adviser to assist the court in a particular case in checking the interpreter or giving testimony or written opinions as an expert on German law, local customs, business practices, or technical matters. Such an adviser may be invited to sit with the court but will not participate in the court's deliberations or in its decisions. He shall be paid pursuant to MGR 5-308. (MGR 5-353.2). The interpreter will be carefully selected with a view to his language qualifications and reliability. He will be instructed to translate directly and in the same person everything that is said, subject to the direction of the court. He will not be permitted to engage in colloquy on his own or to conduct the proceedings in any respect. Statements, questions, and answers should be addressed by all parties directly to the court and by the court to the person concerned and not to the interpreter. (MGR 5-353.3).

SEC 220 Duties of President as Presiding Officer.

a. General.

The senior member of the court present at the trial will be the president and presiding officer of the court (L,6d). (All those present in the courtroom stand until the court is seated. The accused and the personnel of the prosecution and defense rise and remain standing until the choice of counsel has been announced.) Any member of the court may sign the record (MGR 5-908). The practice in continental countries is for the presiding judge to conduct the examination of the accused and witnesses and generally to take a leading part in the proceedings. However, this should be done in these trials only when it appears that the prosecutor, defense counsel, or the accused are not familiar with common law procedures. In such event the presiding judge should conduct the proceedings to the extent necessary to protect the interests of the accused and to bring out all the facts relating to the issue being tried (MGR 5-354.2). Otherwise, the presentation of the evidence will be conducted by the prosecution and defense counsel.

b. Interrogations by Court.

Because the practice of pleading to a charge is unfamiliar to the citizens of continental countries and is not known in continental practice, the interrogation

of the accused by the court at the time of pleading is discretionary. For the purpose of obtaining from the accused sufficient information to determine whether he has the intention of admitting the elements of the charge or denying it, the court will arrange to be provided with a dossier of the case against the accused, prior to the trial, such dossier to contain a summary of all documentary evidence and testimony of the prosecutor's witnesses. This dossier will be studied by the court prior to its examination of the accused. It will be used as a basis for such examination but not regarded as proof of the statements it contains which will have to be established in evidence in the usual way. If the accused appears unable to plead guilty or not guilty, the court will enter a plea on the basis of the accused's statements made during the interrogation, providing, that a plea of guilty will only be entered if the accused expressly admits each and every element of the offense. Otherwise, a plea of not guilty will be entered. The accused's statements made upon the interrogation will form part of the record, and anything he says may be used as evidence for or against him. If the case is complicated, the interrogation will enable the court to appreciate the issues involved and assist in determining what evidence will be relevant and what witnesses or documentary evidence should be procured for the trial. (MGR 5-354.3).

c. Interrogations by court in war crimes trials.

It should be noted that the suggestions in MGR concerning the questioning of the accused by the court primarily relate to ordinary cases in which the court is sitting in a capacity similar to that of a committing magistrate as contrasted with war crimes trials in which adequate prosecution and defense counsel are present.

SEC Prosecutor.
230

a. Qualifications of prosecutor.

Any qualified officer, enlisted or civilian lawyer may serve as prosecutor.

b. Duties of prosecutor.

The prosecutor should (a) familiarize himself with the orders and directives providing for the trial of war criminals and should especially be familiar with the regulations cited in Section 201; (b) serve a copy of the charge sheet upon the accused, complete the "record of service," advise defense counsel of such

service, and file the original charge sheet in the original record of trial and a duplicate copy in the four duplicate copies of the record; (c) as an incident of the service of charges, cause the accused to be re-finger-printed and re-photographed in duplicate by use of current WCG Form No. 38, and assure that one copy of such completed form is introduced as an exhibit near the outset of the trial and placed in the original copy of the record and that the duplicate copy of such form is placed in the accused's War Crimes Enclosure 201 file, which files move with convicted accused to War Criminal Prisons; (d) arrange with the accused and his defense counsel for the stipulation of pertinent matters which the accused does not wish to contest; (e) arrange with the presiding officer of the court for the date of trial, arrange the courtroom, provide the necessary stationery, arrange for the necessary reporters and interpreters to be present, and notify the Court, other court staff, and witnesses concerning the date of trial; (f) assure that the court receives a dossier of the case against the accused, such dossier to contain a summary of all documentary and written evidence and a summary of the testimony to be given by the witnesses for the prosecution; (g) place before each member of the court, for his use during the trial, a copy of the charges and particulars outlining the offenses for which the accused is being tried; (h) supervise preparation of the record of trial (I, 8b); (i) arrange for transporting the accused with necessary guard and the witnesses for the trial; (j) arrange for sufficient military guards to keep order; (k) make certain that the requisite mess and billeting facilities are available; (l) assure that defense counsel has been furnished with the proper form for Petition of Review; (m) advise the court as to the War Criminal Prison in which the convicted accused should be confined; and (n) draft the necessary commitment to the War Criminal Prison as described in letter, Headquarters, United States Forces, European Theater, file AG 383 JAG-AGO, subject, "Designation of Prisons for War Criminals," dated 26 February 1947, using Legal Form No. 5 (MGR 5-905).

The above duties of the prosecutor are not exclusive, but they are intended only as a reminder.

SEC
240

Defense Counsel.

a. Qualifications of defense counsel.

Any lawyer not debarred from appearing by the Military Government may appear as defense counsel.

b. Duties of defense counsel.

Within proper limits, the court may with the consent of the accused designate counsel named by the

SEC 240

accused to represent him in addition to assigned defense counsel, if the nature of the case makes it desirable. When German defense counsel is appointed by the court, the court will authorize the Amtsgericht to pay such defense counsel in the same manner and under the same conditions as provided for payment of defense counsel appointed by German courts.

SEC Powers of the Court.
250

a. General.

A General Military Government Court may impose any lawful sentence including death (MGR 5-300.5). An Intermediate Military Government Court may impose any lawful sentence except death, imprisonment in excess of ten (10) years, or fine in excess of 100,000 Reichsmarks (MGR 300.6). Fines will not normally be imposed in war crimes cases.

A Military Government Court shall have power to summon as a witness any person except a child under 14 years of age, in which case it may summon the parents or guardian to bring the child to attend as a witness, except a member of the US Forces or service personnel of one of the United Nations, in which case the attendance of such witness will be obtained by a request made to the commanding officer of such person to order his attendance (MGR 5-303.1).

Any person whom the court may summon as a witness may be ordered to bring with him any document or article in his possession or under his control which has a bearing on the issues of the case (MGR 5-303.2).

Whenever the court has reason to believe that a witness may be intimidated or become unavailable at the trial, it may direct that he be detained as a material witness (MGR 5-303.3).

The court shall have power to order trial in camera, if it is necessary to prevent any prejudice to the security of the US Forces or for some other exceptional reason (MGR 327.6).

b. Sentences.

The following rules shall govern the imposition of sentences:

(1) A Military Government Court shall announce its findings on each charge before it and shall pronounce one sentence in respect to all the charges upon which the accused is found guilty.

(2) Every sentence of imprisonment shall state the date of commencement thereof, which, if the accused was previously in custody, shall ordinarily make allowance for the period of custody.

A Military Government Court shall have the power to hold in contempt any person, including the accused, counsel, witnesses, officials, or spectators, who offend the dignity of the court, in any manner, or disregard its orders. Such contempt may be punished by fine, imprisonment, or other appropriate punishment. In exercising its powers to punish for a contempt, a Military Government Court shall make a record which shall be transmitted and reviewed as in the case of any other sentence (MGR 5-333).

SEC
260

Voting on Rulings and Verdicts.

If the members of the court agree, all interlocutory questions arising during the trial may be decided by the president subject to objection by any member of the court. Unless the court has agreed that all interlocutory questions arising during the trial may be decided by the president, subject to the objection by any member of the court, the findings of the court on all interlocutory questions and on all other questions arising during the trial requiring the decision of the court will be determined by a majority vote of all the members present at the time the vote is taken. When the vote is evenly divided the president casts a second vote. Voting is in the inverse order of rank, the president voting last. If, in computing the number of votes required, a fraction results, such fraction will be counted as one. A two-thirds vote of the members present is required to convict, and to assess a punishment on the accused.

SEC
270

Rules of Evidence.

a. Non-applicability of AW 25 and AW 38.

A directive to a military tribunal charged with trial of offenses against the laws of war to the effect

that it will admit "such evidence as in its opinion will be an assistance in proving or disproving the charge, or such as in (its) opinion would have probative value in the mind of a reasonable man" is not contrary to the provisions of Article 25 or Article 38 of the Articles of War. Persons charged with the commission of a war crime are not "persons subject to military law" within the meaning of the Articles of War and are not entitled to their benefit (in re YAMASHITA, #61 and #672, Sup. Ct., October 1945).

b. Non-applicability of rules of evidence for Courts-Martial.

The rules of evidence as known in British and American courts (or as set forth in the Manual for Courts-Martial) do not apply to proceedings before Military Government Courts. The only positive rules binding upon them are those set forth in MGR 5-329. Hearsay evidence is admissible. Generally, the best evidence available will be required, and all evidence which will aid in determining the truth will be admitted (MGR 5-354.4).

c. General rules of evidence.

Evidence shall be admitted in accordance with the following rules:

(1) A Military Government Court shall in general admit oral, written, and physical evidence having a bearing on the issues before it, and may exclude any evidence which in its opinion is of no value as proof. If security is at stake, evidence may be taken in camera, or in exceptional cases where security demands it may be excluded altogether.

(2) The court shall in general require the production of the best evidence reasonably available. However, this principle is not to be confused with the "best evidence rule." The latter is definitely not applicable (see paragraph d, this Section 270, below, and Section 280, post). In this connection it is emphasized that the sworn statements of accused and witnesses are always admissible regardless of the presence or absence of those who made the statements, unless the court is of the opinion that statements have no probative value or, to apply a similar test, that the statements would not be helpful in arriving at a true finding.

(3) Evidence of bad character of an accused shall be admissible before finding only when the accused person has introduced evidence as to his own good character

(4) War Crimes tribunals will not require foundation evidence to establish that sworn statements offered in evidence were voluntarily procured or the qualifications of war crimes investigative personnel participating in such procurement. On the other hand, war crimes tribunals will presume, subject to being rebutted by competent evidence, that sworn statements procured by war crimes investigative personnel from accused and witnesses were voluntarily made and that all interpreters and other personnel assisting in the procurement of such statements were qualified by training and otherwise to perform the tasks assigned. Evidence, if any, by opposing counsel to overcome this presumption will not be admitted prior to the admission of such statements but may be offered by such counsel in the regular course of the introduction of evidence to support their side of the case.

(5) Courts will to the greatest possible extent apply expeditious and non-technical procedure, and shall admit any evidence which they deem to have probative value. Without limiting the foregoing general rule, the following will be deemed admissible if they appear to the war crimes tribunal to contain information of probative value relating to the charges and particulars: affidavits, depositions, interrogations, and other statements, diaries, letters, orders, directives, memoranda, bulletins, circulars, other communications and documents, as well as the records, or extracts therefrom, findings, statements and judgments of the military tribunals and the reviewing and confirming authorities of any of the United Nations, and copies of any document or other secondary evidence of the contents of any document, if the original is not readily available or cannot be produced without delay.

d. Non-applicability of "best evidence rule".

In determining questions involving the best evidence available, the court should keep in mind the difficulties involved in procuring evidence concerning crimes committed months or even years prior to occupation, the fact that witnesses may be and often are hostile, the destruction of primary records due to the war and the difficulties involved in the division of Germany into four zones of occupation. In admitting evidence which might be objectionable, if the "best evidence rule" were applicable to war crimes trials the court need only satisfy itself that the original records or the author of a statement cannot be produced, after reasonably diligent effort to do so, that the evidence offered is of probative value, and that the accused will not unreasonably be prejudiced by admission of such evidence. The controlling factor should always be whether evidence admitted is helpful in arriving at a true finding.

e. Admissibility of extra-judicial confession or admission against co-accused.

The Deputy Theater Judge Advocate for War Crimes has adopted the following opinion concerning the admissibility in evidence in war crimes cases of the statements of one accused, made out of court, against his co-accused (Letter, Deputy Theater Judge Advocate for War Crimes subject: "Admissibility before a Military Government Court of extra-judicial statement of co-accused," dated 10 November 1945).

"The rules of procedure in Military Government Courts provide that 'Military Government Courts shall in general admit all written and physical evidence having a bearing on the issues before it, and may exclude any evidence which in its opinion is of no value as proof'. (Rule 12 (1) Section 305, page 37, Military Government Germany, Technical Manual for Legal and Prison Officers, 2d edition.)* This rule permits the admission of any evidence 'which in the opinion of the court is of probative value.' The Guide to Procedure in Military Government Courts provides that hearsay evidence, including the statements of the witness not produced, is admissible in Military Government Courts. These authorities

most certainly permit the admission of hearsay evidence.

"The general rule, applicable in courts-martial, that the confession or admission of one accused, made out of court, is admissible only as against such accused, is simply an application of the hearsay rule. A confession or admission, made out of court, is admissible against the maker as an exception to such rule, (M.C.M. par. 114; FM 27-255, par. 94) and, of course, that exception is not applicable when the statement is used against another accused. The fact that the basis for the admissibility of an extra-judicial statement of one accused against another accused is simply the application of the hearsay rule is demonstrated by the fact that one co-accused may testify in court against his co-accused.

"It is clear that a statement made out of court by one accused is admissible before a military government court against all accused to the same extent as any other hearsay evidence."

* The cited authority has been superseded by MGR 5-329. The wording in the new authority is identical with that of the cited authority.

f. Rights of witnesses.

Any person other than the accused may be required to testify before a Military Government Court, except a person of unsound mind, providing that no witness shall be required to incriminate himself and providing also that a court shall not compel.

(1) A husband or a wife or a parent or a child to give evidence against the other.

(2) A legal adviser to disclose any communication between himself and a client made in the course of a professional relationship, except when the communication was part of or connected with an unlawful act or omission.

(3) A priest (or other minister of religion)

to disclose a communication made in the course of a confession (MGR 5-332).

These privileges are personal to the witness and except when claimed by the witness are not allowed.

In connection with self-incrimination, if the witness asserts that the answer to a question might incriminate him, the court, and not the witness, will decide whether answer to the question could have that effect and may require the witness to answer.

An accused has no privilege against self-incrimination. He will not be warned that he is not required to answer when questions are put to him. However, he will not be compelled to answer questions nor may he be sentenced for contempt for refusing to answer. If he refuses to answer any questions put to him, the court may draw an unfavorable inference from his refusal to answer (MGR 5-354.5).

8. Oaths.

The accused may elect to make either a sworn or unsworn statement. The record of trial before either Military Government Courts or Military Commissions should indicate whether the accused's testimony is sworn or unsworn. In this connection, the following quotation from a case involving a trial before a Military Commission is of interest:

"The record should show, in trial by military commission, whether accused's testimony is sworn or unsworn. Failure of the record to do so is not, however, prejudicial, when it is clear that his testimony was given voluntarily and when the record contains ample evidence aliunde to show accused's guilt" (UNITED STATES v. DOMINIKUS THOMAS, Opinion, DEJAWC, December 1945).

The court may at any stage of the examination question any witness and may call or recall any witness at any time before finding, if it considers it necessary in the interests of justice (MGR 5-327.3).

"The record of trial indicated that a witness for the prosecution, who testified only concerning the facts surrounding the

SEC 270

taking of pre-trial statements from the two accused, was not administered an oath before testifying. Both accused stated in the record of trial that the statements were correctly reported and interpreted and did not contend that they were improperly obtained. Held that the irregularity did not injuriously affect any substantial right of the accused" (UNITED STATES v. WILHELM DIETERMAN, Opinion, DTJAWC, December, 1945).

SEC

273

Scope of Cross-Examination of Accused.

An accused may not be required to testify before a Military Government Court, as indicated in paragraph f, Section 270, supra. However, having taken the stand to testify, he may be cross-examined as to any matters relating to the charge and particulars under which he is being tried, irrespective of whether all such matters were touched upon during direct examination.

(Sections 280 and 283 have not been included in this extract from the Trial Manual.)

P A R T I I I
P R O C E D U R A L S U G G E S T I O N S

Stipulations.

A stipulation is an agreement between the prosecution, accused, and the defense counsel, either as to facts (that certain facts are true), or as to testimony (that if a certain witness were present in court he would give the following testimony) - (here set out the expected testimony). In a stipulation as to testimony to be given by a witness, if present, there is no agreement as to the verity of such testimony, but it is on the same plane as the testimony of those witnesses who appear in person and testify.

Stipulations are entered into with a view of saving time, labor and expense. Stipulations should be drawn to cover as many of the unimportant and uncontested matters which necessarily must be established by either side. Stipulations may be agreed to by all parties prior to the trial, but in all cases of the use of stipulations in the trial the record must show that they are agreed upon by the prosecutor, the accused, and the defense counsel in open court. The record must also show that such stipulations were received by the court. They need not be accepted by the court when any doubt exists as to the accused's understanding of what is involved. Stipulations should not be made as to vital matters amounting to a complete defense or substantially admitting the accused's guilt. Stipulations should be closely scrutinized by the court before acceptance.

The court is not bound by a stipulation, even if received. For instance, the court's own inquiry may convince it that the stipulated fact is not true. The court may permit a stipulation to be withdrawn, and if so withdrawn, it is not effective for any purpose.

Stipulations as to facts may be written or oral. Such a stipulation may be in the form:

"It is stipulated between the accused, his counsel, and the prosecution that (here set out the facts stipulated)."

If the stipulation is in written form, the side offering

it may show it to the other side and offer it in evidence. If oral, it is stated in court. The accused and his counsel should announce in open court that they join in the stipulation. The court may assure itself by questioning, if necessary, that the accused fully understands the contents of the stipulation and that it is otherwise proper.

The court will then announce whether the stipulation is received by the court.

Stipulations as to testimony:

(PROS) (DC): It is stipulated between the accused, his counsel, and the prosecution, that if _____ were in court, he would testify as follows, (or would testify as shown in the statement, Exhibit _____, which I now offer.)

COURT: (The court should announce its decision as to receiving the stipulation as above.)

The following forms may be used for stipulations entered into as to facts prior to trial.

Bad Homburg, Germany,
15 July 1945

STIPULATION

It is hereby stipulated and agreed by and between the prosecution, defense, and the accused, as follows:

That 1st Lt. Jos. R. Cannon, A G, US Army, O-1679543, was shot down near Bremen, Germany on 10th day of January 1945, and that he was confined in POW Camp Stalag Luft 3 from the 11th day of January 1945 until 20th day of April 1945, when he was liberated by the troops of the US Army.

/s/ Thomas D. MacFadden,
/t/ THOMAS D. MACFADDEN,
Capt., 180th Inf.,
Prosecutor.

/s/ Cecil T. People
/t/ CECIL T. PEOPLE,
Capt., 179th Inf.,
Defense Counsel.

/s/ Hans Schmidt
HANS SCHMIDT,
Accused

The following form of Stipulation may be used as
to expected testimony.

Bad Homburg, Germany,
15 July 1945.

STIPULATION

It is hereby stipulated and agreed by and between the
prosecution, the defense, and the accused, that if
private John Brown, 796th MP Bn, US Army, were present,
he would testify as follows:

I was a member of the 796th MP Bn, US Army, on
duty 15 February 1945, at POW Stockade near Rheims,
France, when the accused, Hans Schmidt, was delivered
to me for confinement in said stockade by a Sgt. Jones,
30th Inf. US Army. Schmidt was then in the uniform of
a soldier in the German Army.

/s/ Thomas D. MacFadden,
/t/ THOMAS D. MACFADDEN,
Capt., 180th Inf.,

/s/ Cecil T. People
CECIL T. PEOPLE,
Capt., 179th Inf.,
Defense Counsel.

/s/ Hans Schmidt,
HANS SCHMIDT
Accused.

Judicial Notice.

Certain kinds of facts need not be proved because the court is authorized to recognize their existence without proof. Such recognition is termed "Judicial Notice".

Among matters of which a Military Government Court may take judicial notice are the following:

The Constitution, treaties, and other general laws of the United States; the law of nations, rules of war as interpreted and construed by the United States of America.

The great seal of the United States and those of its possessions and of the several States and Territories; the seals of all courts of record of the United States and its territories and possessions and of the several States; the seal of a notary public; the seal of the Adjutant General's Office.

The ordinary divisions of time, as to years, months, weeks, etc., general facts and laws of nature, including their ordinary operations and effects; and general facts of history; current condition of war and peace.

The organization of the Army, including the Army Regulations, the Official Army Register, the Army List and Directory, the provisions of official Army Manuals, the existence and location of service commands, reservations, posts, and stations of troops, as published to the Army, the fact that an officer belongs to a certain organization, branch, etc., the organization and component parts of the German Army.

General orders, bulletins, and circulars of the War Department; War Department orders regarding General Courts-martial, Military Commissions, Military Tribunals, and Military Government Courts. General orders, circulars, bulletins, orders regarding General Courts-martial, Military Commissions and Tribunals, and Military Government Courts of the appointing authority, and of all higher authority, and all manuals, directives, rules, orders, and publications of Military Government, Military Government Courts and Commissions in occupied Germany.

All proclamations, ordinances, laws, notices and other

SEC 310

regulations for the people of the occupied territory of Germany, or any sub-divisions thereof; German laws in force in the territory wherein the court is sitting; and all matters of common knowledge in such territory.

The seal of an Adjutant General's Office on a certificate is prima facie evidence that the signature thereon is that of an Adjutant General or one of his assistants.

The principle of judicial notice does not prohibit the court from receiving evidence of a fact of which it is authorized to take judicial notice, and, if not satisfied with the existence of the fact of which it is asked to take judicial notice, it may resort to any authentic source of information.

For example, where the terms of a general order of the War Department are material, the court may send for a copy of the order.

It is customary for the side desiring the court to take judicial notice of a given fact to ask the court to do so, at the same time presenting any available authentic source of information of the subject.

SEC 320

Expert Witness.

If the witness is to be used as an expert, in addition to developing the name, age, residence and nationality of the witness, facts should be adduced showing the education generally; the specialized education, if any, along the line for which the witness is offered as an expert; the number of years the witness has been engaged in such line of work and the place of such work; the opportunities his work afforded for him to learn about his speciality; the text books, magazine articles, etc., he has written on his speciality; honors conferred upon him by Governments, institutions, foundations, or recognized organizations devoted to his speciality; and any other facts that would be of value to the ordinary man in determining if the witness is so well qualified in his speciality as to merit the title of expert.

SEC 330

Real Evidence.

Material things, such as watches, coats, pistols, etc., when relevant, may be offered as exhibits in the same manner as documentary evidence. Although the court has the right to consider such evidence as in its opinion has value as proof, and while not REQUIRED, it is

suggested - in order that the court may be fully acquainted with the facts bearing on the identification and custody of the article and so that the record will indicate to the reviewing authority the exact nature thereof - that each article be identified by appropriate evidence and that proof be made of the custody of such articles in an unbroken chain from the time they originally came into possession of the offering side until the very instant of offering in evidence. If a witness is available who can identify the object as the one in question and that such object is in substantially the same condition as it was when first coming into the possession of the offering side, there is no necessity for a strict accounting of its possession in the interim. If due to the nature of real evidence, it is impracticable to attach it to the record the party offering it should request authority to withdraw it at the end of the trial. In such case the party offering it should develop by testimony a description of the article sufficient to enable the reviewing authority to visualize it.

These articles should be handed to the court reporter to be marked as exhibits "for identification" prior to the questioning of the witnesses who are to furnish the proof whereby the articles are properly identified for admission in evidence. They should then be offered in evidence by some such statement as:

"I now offer in evidence Prosecution's (or Defense Exhibit No. _____ (Identification No.))"

IN ALL CASES OF EXHIBITS BE SURE TO INTRODUCE THE EVIDENCE AFTER IT HAS BEEN PROPERLY IDENTIFIED, AND HAVE THE RECORD SO SHOW.

Tags, stickers, or adhesive tape may be used by the court reporter to affix properly his mark of identification to articles, such as pistols, knives, guns, etc., on which written marks would not show or would wear off easily.

SEC 340

Documentary Evidence.

a. General

All documents and other written instruments which in

the opinion of the court have a bearing on the issues before it and have probative value are admissible in evidence, including proceedings of Boards and Courts of Inquiry; investigations by Inspectors General or other investigating officers and reports of War Crimes Investigation Teams, either in whole or in part; affidavits and depositions of witnesses (including affidavits which have been translated into a language different from that used by the witness in making the affidavit.)

While not REQUIRED, it is suggested - in order that the court may be fully acquainted with their nature and source and so that the record will indicate to the reviewing authority the exact nature thereof - that the proof of authenticity of all documents and written instruments received in evidence be established in the normal way.

b. Introduction

A predicate for the introduction of evidence of this character might well include, but not necessarily be limited to, the following steps, assuming the document to be an affidavit or written statement:

- (1) Identification of the written statement by the witness (who has been placed on the stand, sworn and identified).
- (2) The introduction of evidence of the execution of the document in the presence of the witness or otherwise by the person whose signature appears thereon.
- (3) The identification of the signature of the person executing it.

After the court has "admitted" any document or instrument, it must be "introduced" in evidence as an exhibit and given an exhibit number so that it will become a part of the record.

All documents should be handed to the court reporter to be marked as exhibits "for identification" prior to the questioning of the witnesses who are to furnish the proof whereby the articles are properly identified for admission in evidence. After the proper predicate has been laid for the admission of the article it should then be offered in evidence by some such statement as

"I now offer in evidence Prosecution's (or Defense's) Exhibit No. ____ (Identification No.)".

c. Copies of Record and Reproduction of Written Exhibits.

An original and four copies of the transcript of the record will be prepared for the use of the Deputy Theater Judge Advocate for War Crimes. In this connection, investigation procedure has required the procurement of sworn testimony and other written evidence in an original and two duplicate copies. Consequently, while such written exhibits should be introduced and read to the court, etc., in the same manner as is the practice in ordinary trials, shortage of court reporters, etc., dictates that such written exhibits not be physically reproduced in the record. Of course, the record of trial should affirmatively show that each such written exhibit was read to the court. Consequently, the original and the first duplicate copy of written exhibits will be attached to original and first duplicate copy of the transcript, respectively. In the event that first and second duplicate copies of all written exhibits are not available in the files submitted to the chief prosecutor, authenticated copies thereof will be made, one attached to the first duplicate copy of the transcript, and a second placed in the case file folder.

(Section 350 has not been included in this extract from the Trial Manual.)

Action in Case of Insanity of Accused.

Whenever a court is satisfied that the accused is unable by reason of insanity to understand the nature of the charges against him or the proceedings of the court, or that the accused committed the offense for which he is being tried but was insane when he committed it, the court shall record a finding of either such fact and may make an order providing for temporary custody pending direction by the reviewing authority for permanent custody or other disposition. (MGR-5-335).

(Except for Section 450, Part IV of the Trial Manual has not been included in this extract.)

SEC 450

Payment of Witness Fees

a. Allied witnesses:

Civilian witness fees of friendly allied nationals should be paid from appropriated funds in accordance with the provisions of AR 35-4120, dated 30 July 1943, as amended, and Circular 76, this headquarters, dated 4 June 1945. Such payment should be made on War Department Form 338, the administrative certificate thereon to be signed by the chief prosecutor of the war crimes case.

b. Friendly German nationals.

Civilian witness fees of German nationals who are friendly witnesses should be paid according to the provisions of letter, this headquarters, file AG 000.5, WCB-AGO, subject: "Fees and Allowances of Military Government Courts Especially Appointed for the Trial of Cases Involving War Crimes," dated 7 September 1945. The vouchers for payment of such witness fees or expenses will be signed by the chief prosecutor of the war crimes case and will be in the form of a certificate showing an itemized statement of the sum due the witness.

PART V
OUTLINE OF TRIAL

SEC Outline Of A Trial Before A General Or Intermediate
501 Military Government Court.

PRES: THE COURT WILL COME TO ORDER.

PROS: THE PROSECUTION IS READY TO PROCEED WITH THE CASE OF; THE ACCUSED (A MALE) (A FEMALE), IS PRESENT, TOGETHER WITH THE REGULARLY ASSIGNED DEFENSE COUNSEL.

The members of the court shall be furnished with a dossier of the case prior to trial. The members of the court should have before them during the trial copies of the charge and particulars.

PRES: THE COURT HAS APPOINTED AS INTERPRETER. HE WILL BE SWORN. The interpreter rises and faces the President who asks: DO YOU SWEAR BY ALMIGHTY GOD (SOLEMNLY AFFIRM) THAT YOU WILL, TO THE BEST OF YOUR ABILITY, TRULY TRANSLATE THE PROCEEDINGS OF THIS COURT AS THE COURT MAY REQUIRE? (MGR 5-914, No. 2).

INTERPRETER: I DO.

The prosecutor, defense counsel, and members of the court, in conducting their interrogations, should propound their questions by addressing the witness directly, and the interpreter should translate directly and verbatim, and in the same person, everything that is said subject to the direction of the court. He should not be permitted to engage in colloquy on his own. The accused is entitled to have the proceedings translated when he is otherwise unable to understand the language in which they are conducted.

Note that the president, and not the prosecutor, administers all oaths.

PRES: THE COURT HAS APPOINTED AS REPORTER. HE WILL BE SWORN. The reporter rises and faces the President who asks: DO YOU SWEAR BY ALMIGHTY GOD (SOLEMNLY AFFIRM) THAT YOU WILL, TO THE BEST OF

SEC 501

YOUR ABILITY, TRULY RECORD AND TRANSCRIBE THE PROCEEDINGS OF THIS COURT? (MGR 5-914, No. 3).

REPORTER: I DO

PRES: (If an Adviser has been appointed.) THE COURT HAS APPOINTED . . . AS ADVISER TO THE COURT. HE WILL BE SWORN. The Adviser rises and faces the President who asks: DO YOU SWEAR BY THE ALMIGHTY GOD (SOLEMNLY AFFIRM) THAT YOU WILL, TO THE BEST OF YOUR ABILITY, ACT IMPARTIALLY AS ADVISER TO THIS COURT?

ADVISER: I DO.

PROS: THIS COURT HAS BEEN APPOINTED PURSUANT TO SPECIAL ORDERS NO. _____, PARAGRAPH _____, HEADQUARTERS, EUROPEAN COMMAND, DATED THE _____ DAY OF _____. A COPY THEREOF IS OFFERED IN EVIDENCE AS EXHIBIT P-1.

PROS: A COPY OF THE CHARGES UPON WHICH THE ACCUSED ARE TO BE TRIED WAS SERVED UPON THE (EACH) ACCUSED ON THE _____ DAY OF _____, AS SHOWN BY THE SERVICE OF CHARGES ENTERED UPON A COPY THEREOF, WHICH I NOW OFFER IN EVIDENCE AS EXHIBIT P-2.

PROS: THIS CASE OF THE UNITED STATES v. _____ (ET AL.) WAS REFERRED TO THIS COURT FOR TRIAL ON SAID CHARGES BY LETTER OF THE DEPUTY JUDGE ADVOCATE FOR WAR CRIMES, DATED THE _____ DAY OF _____, WHICH IS NOW OFFERED IN EVIDENCE AS EXHIBIT P-3.

PROS: THE PROSECUTION AND DEFENSE COUNSEL FOR THIS TRIAL WERE ASSIGNED BY LETTER OF THE DEPUTY JUDGE ADVOCATE FOR WAR CRIMES, DATED THE _____ DAY OF _____, I OFFER THE SAME IN EVIDENCE AS EXHIBIT P-4.

PRES: WHOM DOES THE ACCUSED DESIRE TO INTRODUCE AS COUNSEL IN ADDITION TO THE REGULARLY ASSIGNED DEFENSE COUNSEL?

In the event of special counsel, such counsel is introduced as follows:

DC : THE ACCUSED DESIRES TO INTRODUCE AS SPECIAL DEFENSE COUNSEL _____ (Name) _____ (Nationality) _____ (Profession) WHO IS DULY QUALIFIED TO PRACTICE BEFORE THIS COURT.

SEC 501

In the event of civilian counsel, the court must satisfy itself and the record must show affirmatively that such counsel has permission of, and is authorized by, the Military Government to practice law. A statement of the court in the record to that effect will suffice.
(MGR 5-322.2)

PROS: THE FOLLOWING MEMBERS OF THE COURT ARE PRESENT:

.

No member of the court or of the prosecution is sworn.

PROS: _____ IS ABSENT, HAVING BEEN DULY EXCUSED
(Rank) (Name)
BY THE APPOINTING AUTHORITY OR HIS DELEGATE.

PROS: THE GENERAL NATURE OF THE CHARGE AND PARTICULARS
IS

PROS: IS ANY MEMBER OF THE COURT FUNDAMENTALLY OPPOSED
TO CAPITAL PUNISHMENT?

This question need be asked only in cases being tried before General Courts and the Court will excuse as disqualified any member who is opposed to such punishment.

PROS: THE PROSECUTION WILL (NOT) CALL ANY MEMBER OF THE COURT AS A WITNESS. WILL THE ACCUSED CALL ANY MEMBER OF THE COURT AS A WITNESS?

DC: NO (YES).

PROS: HAS ANY MEMBER OF THE COURT A PERSONAL INTEREST IN THE CASE?

The court should excuse any member of the court who will be called as a witness in the case or has a personal interest in it.

PRES: (After interrogating other members of the Court): NO.

PRES: _____, A MEMBER OF THE COURT, IS
(Rank) (Name)
AN OFFICER WITH LEGAL TRAINING (L-6d).

PRES: THE COURT HAS SATISFIED ITSELF THAT IT IS PROPERLY CONSTITUTED UNDER THE LAWS AND RULES GOVERNING MILITARY GOVERNMENT COURTS AND HAS JURISDICTION OVER THE PERSON (S) AND OFFENSE (S) OF THE ACCUSED. IF EITHER THE PROSECUTION OR DEFENSE HAS ANY GROUND FOR CHALLENGE OF ANY MEMBER, IT IS REQUESTED THAT IT BE DISCLOSED NOW. (If none disclosed, add) THERE BEING NO GROUND FOR CHALLENGE, THE COURT IS DECLARED TO BE PROPERLY CONSTITUTED.

Only challenges for cause may be exercised as neither the prosecution nor the defense is entitled to peremptory challenges. Challenges will be decided by a majority vote of the court unless the basis for challenge is such that obviously the challenged member should be excused and it is unnecessary to go through the formality of voting.

PRES: THE TRIAL WILL BE CONDUCTED IN OPEN COURT (IN CAMERA).

The court by majority vote is empowered to order trial in camera if it is necessary for security, protection of witnesses or other good reason. Any order for trial in camera will be noted on the record and a report attached stating the reasons therefor (MGR 5-327.6).

PRES TO ACC: ALL INTERLOCUTORY QUESTIONS ARISING DURING THIS TRIAL WILL BE RULED UPON BY THE PRESIDENT SUBJECT TO OBJECTION BY ANY MEMBER OF THE COURT.

Section 501

PRES: THE ACCUSED WILL NOW BE INTERROGATED AS TO HIS NAME, AGE, RESIDENCE, NATIONALITY, CIVILIAN OCCUPATION, PARTY MEMBERSHIP, MILITARY STATUS, AND LENGTH OF PERIOD IN DETENTION.

The accused will always stand when addressed.

PRES. TO ACC: YOU ARE ADVISED THAT UNDER THE LAW OF MILITARY GOVERNMENT YOU ARE ENTITLED IN THIS COURT TO THE FOLLOWING:

1. TO HAVE, IN ADVANCE OF TRIAL, A COPY OF THE CHARGES UPON WHICH YOU WILL BE TRIED.

While no time in advance of trial is prescribed, the purpose of this provision is to enable the accused to receive a copy of such charges sufficiently in advance of trial as will assure him a fair trial and afford him an opportunity to prepare a defense.

2. TO BE PRESENT AT YOUR TRIAL, TO GIVE EVIDENCE, AND TO EXAMINE OR CROSS EXAMINE ANY WITNESS.
3. TO CONSULT COUNSEL BEFORE TRIAL AND TO CONDUCT YOUR OWN DEFENSE OR TO BE REPRESENTED AT THE TRIAL BY COUNSEL OF YOUR OWN CHOICE, SUBJECT TO THE RIGHT OF THIS COURT TO DEBAR ANY PERSON FROM APPEARING BEFORE IT.
4. IN ANY CASE IN WHICH A SENTENCE OF DEATH MAY BE IMPOSED TO BE REPRESENTED BY A MEMBER OR CIVILIAN ATTORNEY OF THE UNITED STATES FORCES AND SUCH OTHER COUNSEL AS THE ACCUSED MAY DESIGNATE.

Defense Counsel will be assigned in all cases (L 6a).

5. TO BRING WITH YOU TO THIS TRIAL SUCH MATERIAL WITNESSES IN YOUR OWN DEFENSE AS YOU MAY WISH, OR TO HAVE THEM SUMMONED BY THE COURT AT YOUR REQUEST, IF PRACTICABLE.
6. TO APPLY TO THE COURT FOR AN ADJOURNMENT WHERE NECESSARY TO ENABLE YOU TO PREPARE YOUR DEFENSE.

SEC 501

7. TO HAVE THE PROCEEDINGS TRANSLATED WHEN YOU ARE OTHERWISE UNABLE TO UNDERSTAND THE LANGUAGE IN WHICH THEY ARE CONDUCTED.
8. IN THE EVENT OF CONVICTION TO FILE A PETITION FOR REVIEW TO THE APPOINTING AUTHORITY SETTING FORTH GROUNDS WHY THE FINDINGS AND SENTENCE SHOULD BE SET ASIDE OR MODIFIED.

Such petition shall be filed on Legal Form No. 10 within ten (10) days after the announcement of the Court's decision unless before the expiration of such ten (10) days the court extends such period for good cause shown (MGR 5-311.3)

PRES. TO ACC: DO YOU UNDERSTAND?

ACC. : YES, SIR.

PRES. TO ACC: ARE YOU NOW READY FOR TRIAL IN THIS CASE?

ACC. : YES, SIR.

PRES. TO ACC: HAS A COPY OF THE CHARGE SHEET BEEN SERVED UPON YOU PRIOR TO TRIAL?

ACC. : YES, SIR.

PRES. TO ACC: WERE YOU PHOTOGRAPHED AND FINGERPRINTED AT THE TIME YOU WERE SERVED WITH THE CHARGES?

ACC. : YES, SIR.

PRES. TO PRES: YOU WILL NOW OFFER IN EVIDENCE AS EXHIBIT P-5 THE ACCOMPLISHED WCG FORM NO. 38.

PRES. : YES, SIR.

PRES. TO ACC: I WILL NOW READ TO YOU THE CHARGE (S) AND PARTICULARS.

The president reads to the accused the charge(s) and particulars as set forth in the charge sheet. After the reading of EACH particular and EACH charge the court will ask the accused in the language next below set out, if he understands the same and whether he pleads guilty or not guilty to it (MGR 5-324.3). The court may accept a plea of guilty to an offense other than that charged (MGR 5-324.4).

PRES. TO ACC: DO YOU UNDERSTAND THE CHARGE (PARTICULARS)?

ACC. : YES, I DO.

Section 501

If the issue of insanity is raised, it should be done here. The court will then proceed as set forth in Part III, Sec. 360, of this Outline.

PRES. TO ACC: HOW DO YOU PLEAD?

ACC. : (GUILTY) (NOT GUILTY)

If the plea is guilty:

PRES. TO ACC: DO YOU UNDERSTAND THAT BY A PLEA OF GUILTY YOU ADMIT AS TRUE ALL PARTICULARS AND THE CHARGE AS SET FORTH IN THE CHARGE SHEET AND THAT WITHOUT FURTHER PROOF THE COURT CAN IMPOSE ANY LAWFUL SENTENCE, EXCLUDING DEATH (IF A GENERAL MILITARY GOVERNMENT COURT) (UP TO TEN (10) YEARS IMPRISONMENT IF AN INTERMEDIATE COURT)? (MGR 5-325; MGR 5-328).

ACC. : YES, SIR.

PRES. TO ACC: DO YOU DESIRE TO CHANGE YOUR PLEA TO ONE OF NOT GUILTY?

ACC. : NO, SIR.

While the court may sentence on plea of guilty without further proof, it must receive evidence to determine that plea was not improvident or qualified. After hearing such evidence the court will be closed and will determine by majority vote whether such plea of guilty should be entered for the accused.

If it determines that the plea of guilty will be entered, a finding of guilty by not less than two-thirds vote should be made by the court and announced in open court. The court will then receive evidence to (a) ascertain extenuating circumstances, if any, and (b) to enable it to determine the sentence to be imposed. (MGR 5-325a; MGR 5-328) This may properly include evidence of character of the accused and prior convictions, if any. The court will then be closed, decided upon the sentence to be imposed upon the accused by not less than two-thirds vote, reopen and announce the sentence in open court.

If the court determines that a plea of guilty should not be accepted and it is determined that a plea of not guilty should be entered for the accused (MGR 5-324.5), the court will open and announce:

PRES. TO ACC: A PLEA OF NOT GUILTY WILL BE ENTERED AND THE CASE WILL BE TRIED AS IF SUCH A PLEA HAD BEEN MADE BY THE ACCUSED.

The court may not accept a plea of guilty and must enter a plea of not guilty to any offense involving the death penalty, providing, however, that a plea of guilty to an offense punishable by death may be accepted, if the court is satisfied from the nature of the case that the punishment of death would be clearly excessive and that a lesser punishment would suffice (MGR 5-328).

The court may, on its own motion, or at the request of the accused, at any time before the sentence, alter a plea of guilty to one of not guilty (MGR 5-330).

If there is more than one defendant, and one or more, but not all, plead guilty, or if a single defendant pleads guilty to one or more, but not all of the charges, the court shall defer sentence on any of the charges until the trial of all is completed, in order to impose one sentence on each defendant with respect to all the charges to which he has pleaded or has been found guilty.

The president or any member of the court may interrogate the accused on facts pertinent to the charge and particulars, but will not apply any compulsion to require him to answer. Any statements made by the accused will be evidence in the case. Attention is invited to paragraph c, Section 220, supra, in which it is emphasized that occasion should very seldom arise in war crimes trials, where adequate prosecution and defense counsel are always available, for interrogation of accused or witnesses by the court. In any event, an orderly development of cases dictates that courts not do so until prosecution and defense counsel have finished with the witness. Likewise,

in the case of the accused, interrogation by the court should always be postponed until near the end of the trial in order to allow the prosecution an opportunity to prove the essential elements of the crime in accordance with its trial plan.

PRES: DOES THE PROSECUTOR DESIRE TO MAKE AN OPENING STATEMENT? (MGR 5-327.1; MGR 5-328).

PROS: YES, SIR. (NO, SIR).

The prosecutor makes his opening statement, if any.

PROS: THE PROSECUTION CALLS AS ITS FIRST WITNESS

PRES. TO WITNESS: DO YOU SWEAR BY GOD, THE ALMIGHTY AND OMNISCIENT (SOLEMNLY AFFIRM) THAT YOU WILL SPEAK THE PURE TRUTH AND WILL WITHHOLD AND ADD NOTHING?

WITNESS : I DO.

The foregoing oath is administered by the president to all witnesses (MGR 5-354.6), and to the accused if he elects to make a sworn statement. A form of affirmation, in the event the witness wishes to make an affirmation, instead of taking an oath, is the same as the oath except the words "solemnly affirm" are substituted for the words "swear by God, the Almighty and Omniscient" (MGR 5-914). Witnesses and the accused stand while giving testimony unless the court gives special permission for them to be seated. Counsel interrogating them may stand or sit.

Witnesses should be permitted in the court-room only during the course of their interrogation.

PROS: STATE YOUR FULL NAME, ADDRESS, OCCUPATION, AGE, AND RESIDENCE.

WITNESS: _____.

PROS: DO YOU KNOW THE ACCUSED? IF SO, STATE HIS NAME.

WITNESS: _____.

PROS: IS HE PRESENT IN COURT? IF SO, INDICATE TO THE COURT WHICH PERSON HE IS.

WITNESS: (Indicates the accused.)

PROS: NO FURTHER QUESTIONS. DOES THE DEFENSE DESIRE TO CROSS-EXAMINE?

DC : THE DEFENSE DOES (NOT).

PROS: ANY QUESTIONS BY ANY MEMBER OF THE COURT?

PRES: YES (NO).

PRES: THE WITNESS IS EXCUSED.

PROS: THE PROSECUTION RESTS.

If any motion for a finding of not guilty is to be made, it is made at this time as follows: (MGR 5-327.2).

DC: THE DEFENSE MOVES AT THIS TIME FOR A FINDING OF NOT GUILTY AS TO (ALL PARTICULARS 1, 2, ETC., FIRST CHARGE, ETC.) ON THE GROUND THAT THERE IS NOT SUFFICIENT EVIDENCE TO SUPPORT A FINDING OF GUILTY AS TO THIS (THESE) PARTICULAR(S) AND THIS (THESE) CHARGE(S).

If any such motion is made, the court will determine the issue as in the case of any other interlocutory question and will announce its decision.

After the close of the case for the prosecution, the court may on its own motion acquit the accused on any charge, if it decides there is not sufficient evidence to support the charge and that the accused should not be required to answer it, and any such acquittal shall be entered in the record of the case (MGR 5-327.2).

The court, on application of the prosecution, may direct that any further charge or charges be preferred against the accused and may grant any necessary adjournment for that purpose (MGR 5-327.2). If no adjournment is deemed necessary, the court may proceed to make its findings and assess the punishment on such further charge without the re-introduction of the evidence already heard.

A Military Government Court may amend a charge at any time before finding, provided that an adjournment is granted if necessary, and that no injustice is thereby done the accused (MGR 5-330).

SEC 501

Here is made the opening statement, if any, of the defense.

DC : THE DEFENSE DOES (NOT) DESIRE TO MAKE AN OPENING STATEMENT.

DC : THE DEFENSE CALLS AS ITS FIRST WITNESS _____

The president administers to the defense witnesses the same oath administered to witnesses for the prosecution.

The president or any member of the court may interrogate the accused on any facts pertinent to the charge and particulars, but will not apply any compulsion to require him to answer. An accused has no privilege against self-incrimination and he will not be warned that he is not required to answer questions (MGR 5-354.5). Attention is invited to page 407, this Section 501, in which it is emphasized that occasion seldom arises for the court to interrogate the accused and that such interrogation, if any, by the court should be postponed until near the end of the trial. Furthermore, the president has the obligation to make certain that any such interrogation is orderly and expeditious. If the accused has not already testified, the president should always give him an opportunity to testify immediately before the defense is permitted to rest in the manner hereinafter indicated.

PRES. TO ACC: YOU MAY MAKE A SWORN OR AN UNSWORN STATEMENT, ON WHICH YOU MAY BE CROSS-EXAMINED. YOU ARE ADVISED THAT THE COURT MAY DRAW SUCH INFERENCES AS THE CIRCUMSTANCES JUSTIFY FROM YOUR REFUSAL TO ANSWER OR FROM YOUR FAILURE TO TAKE THE STAND IN YOUR OWN BEHALF. ARE YOU NOW WILLING TO TESTIFY?

DC : THE DEFENSE RESTS.

PROS: THE PROSECUTION HAS NOTHING FURTHER. DOES THE COURT DESIRE ANY WITNESSES CALLED OR RECALLED? (MGR 5-327.3).

PRES: THE COURT DOES (NOT).

PROS: (Argument):

DC : (Argument).

It will be noted that the defense has the right to close (MGR 5-327.1 f).

PRES: THE COURT WILL BE CLOSED.

The findings of the court as to the guilt or innocence of the accused and, if guilty, as to the sentence to be imposed, must be by the concurrence of at least two-thirds of all the members present at the time the vote is taken (L-7D).

The court will be opened in the presence of the accused, his counsel, the interpreter, the reporter, and the personnel of the prosecution, all of whom remain standing (except the reporter) at which time the president announces:

PRES: THE COURT, IN CLOSED SESSION, AT LEAST TWO-THIRDS OF THE MEMBERS PRESENT AT THE TIME THE VOTE WAS TAKEN CONCURRING IN EACH FINDING OF GUILTY FINDS YOU:

OF ALL PARTICULARS AND THE CHARGE: GUILTY

OR

OF PARTICULARS 1, FIRST CHARGE : GUILTY

OF PARTICULARS 2, FIRST CHARGE : NOT GUILTY

OF FIRST CHARGE : GUILTY

PRES: THE COURT ACQUITS YOU OF ALL PARTICULARS AND THE CHARGE(S)

Irrespective of the result of trial, the accused will be returned to custody pending final disposition (L-8a).

A Military Government Court shall announce its findings on each particular and charge before it, and shall pro-

Section 501

nounce one sentence in respect of all the charges upon which the accused is found guilty (MGR 5-331).

The findings, as well as the sentence, must be announced in open court (MGR 5-327.1).

PRES: THE COURT WILL HEAR EVIDENCE OF PREVIOUS CONVICTIONS AND OF ANY EXTENUATING CIRCUMSTANCES.

Evidence of any previous convictions of the accused in any court may be received (MGR 5-327.1).

PROS: THE PROSECUTION HAS (NO) EVIDENCE OF PREVIOUS CONVICTIONS.

PRES. TO ACC: DOES THE ACCUSED DESIRE TO INTRODUCE EVIDENCE OF EXTENUATING CIRCUMSTANCES OR TO MAKE ANY FURTHER STATEMENT TO THE COURT? (MGR 5-327.1).

DC : THE ACCUSED DOES (NOT).

PRES: THE COURT WILL BE CLOSED.

The procedure for voting on the sentence is the same as for voting on findings (L 7b).

The court will be opened in the presence of the accused, his counsel, the interpreter, the reporter, and the personnel of the prosecution, all of whom remain standing (except the reporter) at which time the president announces:

PRES: THE COURT IN CLOSED SESSION, AT LEAST TWO-THIRDS OF THE MEMBERS PRESENT AT THE TIME THE VOTE WAS TAKEN CONCURRING, SENTENCES YOU:

1. TO BE IMPRISONED FOR A TERM OF _____ COMMENCING 194 AT _____ OR SUCH OTHER PLACE AS MAY BE DESIGNATED BY COMPETENT MILITARY AUTHORITY.
2. TO LIFE IMPRISONMENT COMMENCING FORTHWITH AT _____ OR SUCH OTHER PLACE AS MAY BE DESIGNATED BY COMPETENT MILITARY AUTHORITY.
3. TO DEATH BY HANGING AT SUCH TIME AND PLACE AS HIGHER AUTHORITY MAY DIRECT.

Section 501

Upon approval of a sentence of death, an order will be issued directing the execution of the sentence. The arrangements and procedure for the execution will be as prescribed by the authority appointing the court.

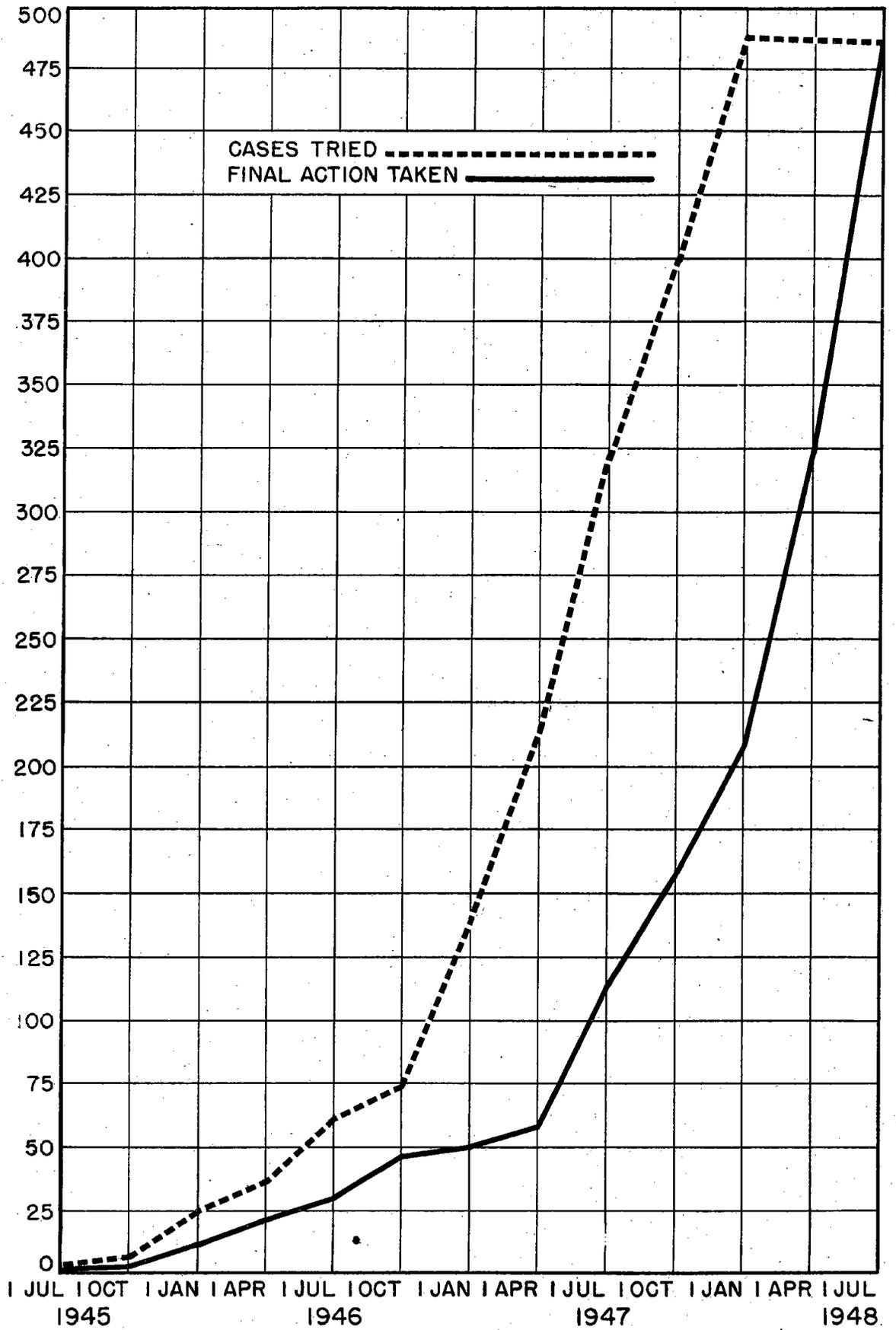
(As to sentence powers of the court, see above Sec. 250).

PRES: IS THERE ANYTHING FURTHER TO BE PRESENTED TO THE COURT?

FROS: YES (NO).

PRES: THE COURT ADJOURNS, SUBJECT TO CALL BY THE PRESIDENT.

(Part VI has not been included in this extract from the Trial Manual.)



DATA AS TO CASES TRIED

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
5-37	22 Jan 47	BAST, Rudolf BRUCKBOECK, Franz ERHART, Ernst EDELMAUN, Ferdinand GEYERHOFER, Rudolf GOETZ, Franz GRUBER, Norbert HAUSWIRTH, Herta HENDL, Karoline HUEBNER, Friedrich KARNER, Stephanie KISCH, Friedrich KUBISKA, Gretl LACHINGER, Alois MAYERHOFER, Rudolf NIEMIEZ, Paul PAULEZYNSKI, Joseph PERBEL, Elizabeth PRESSL, Johann SCHLOEGELHOFER, Franz SCHMIDHAMMER, Josefa SCHUECH, Josef SCHWARTZ, Stephan WEINERTH, Friedrich ZIEGLER, Victor	Acquitted 2 years 1½ years Acquitted 2 years 2 years 4 years Acquitted Acquitted 2 years 3 months Acquitted Acquitted Acquitted 1 year Acquitted 2 years 1½ years 2 years 5 years 1½ years 4½ years Acquitted 1½ years Acquitted	 2 years 1½ years 2 years 6 months 4 years 2 years 3 months 1 year 2 years 1½ years 2 years 5 years 1½ years 4½ years 1½ years
5-67 & 5-72	18 Oct 45	HANGOBL, Josef	Life	10 years
5-83	30 Oct 47	KAPPELLER, Mathias KRAUSE, Adolf, Karl Maria	30 years 5 years	28½ years 2½ years
5-88	26 Jun 46	GRISL, Alois	Life	15 years
5-92	15 Jul 47	WANDREY, Erich	Death	15 years
5-100	7 Jun 46	BAKOS, Miklos CSIHAS, Istvan EROS, Istvan KAROLYI, Ferenc LENGYEL, Istvan NEY, Karoly	Death Death Life Death Life Death	Death Death Life Life Life Life

APPENDIX XXII

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>REVIEWING AUTHORITY</u>
6-24 continued		OCHMANN, Paul Hermann	Death	Death
		DEPPER, Joachim	Death	Death
		PLETZ, Hans	Life	15 years
		PRIESS, Hermann	20 years	20 years
		PREUSS, Georg	Death	Death
		RAU, Fritz	Life	Disapproved
		RAUH, Theo	Death	Life
		REHAGEL, Heinz	Death	25 years
		REISER, Rolf Roland	10 years	Disapproved
		RICHTER, Wolfgang	Life	Disapproved
		RIEDER, Max	Death	15 years
		RITZER, Rolf	Life	Disapproved
		RODENBURG, Axel	Death	25 years
		RUMPF, Erich	Death	Death
		SCHAEFER, Willi	Death	Life
		SCHWAMBACH, Rudolf	Death	Life
		SICKEL, Kurt	Death	Life
		SIEGMUND, Oswald	Death	Life
		SIEVERS, Franz	Death	Life
		SIPROTT, Hans	Death	20 years
		SPRENGER, Gustav Adolf	Death	Life
		STERNEBECK, Werner	Death	Disapproved
		STICKEL, Heinz	Death	15 years
		STOCK, Herbert	Life	Disapproved
		SZYPERSKI, Erwin	Life	Disapproved
		TOMCZAK, Edmund	Life	20 years
		TOMHARDT, Heinz	Death	15 years
		TONK, August	Death	Life
		TRITZIN, Hans	Life	15 years
		WASSENBERGER, Johann	Life	15 years
		WELS, Günther	Death	25 years
		WERNER, Erich	Life	15 years
		WICHMANN, Otto	10 years	10 years
		ZWIGART, Paul	Death	Death
6-55	24 Jun 47	ENGELHARD, Ludwig Johann Michael	Acquitted	
6-100	9 Sep 47	Von BEHR, Philipp	Acquitted	
		BELLSTEDT, Ralph	Acquitted	
		de BRUIN, Arend	Acquitted	
		FITZE, Gunther	Acquitted	
		HASS, Hans	Acquitted	
		KOCHERSCHIEDT, Wilhelm	Acquitted	
		MAUS, Wilhelm	Acquitted	
		MUNTZ, Dennis	Acquitted	
		SCHERF, Walter	Acquitted	
		SKORZENY, Otto	Acquitted	
6-155	14 Jul 47	RUESTER, Gustav Karl Wilhelm	Death	Disapproved

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
8-5	24 Oct 47	KIESLINGER, Harras WINTSCHNIG, Roman	Acquitted 25 years	25 years
8-27	24 Aug 45	STRASSER, Franz	Death	Death
11-18	13 Feb 47	SCHIENKIEWITZ, Erwin Wilhelm Konrad	Life	Life
11-23	17 Oct 46	HACKERT, Alois	Acquitted	
11-52	16 Sep 47	KOENKE, Bernard	Acquitted	
11-96	16 May 47	KIRCHNER, Karl Adam WOLF, Hugo	Death Death	
11-511	26 Sep 47	PAULY, Otto SCHNEIDER, Hans	Life Death	Life Death
11-514	19 May 47	SCHMID, Max Josef	10 years	10 years
11-562	5 Jun 47	SUNTZ, Engelbert	5 years	5 years
11-584	28 May 47	ISENMANN, Otto Friederich REBEL, Karl Josef	Life 10 years	20 years 10 years
12-25	14 Apr 47	BAUMGAERTNER, Karl Wilhelm	Acquitted	
12-27	9 Sep 46	OSTERRIEDER, Georg	2 years	2 years
12-43	9 Oct 47	ASCHNER, Thomas GROSS, Kurt MACK, Eduard MATTES, Adolf SPLETZER, Rudolf	3 years Life 5 years Life Life	Disapproved Life 5 years Life Life
12-45	18 Dec 46	HEIM, Albert KUNZE, Herbert SAALMUELLER, Fritz	Death Death Life	Death Death Life
12-57	5 Jun 47	RUEGER, Otto SCHROEDER, Wilhelm TIDOW, August	3 years 2½ years Acquitted	3 years 2½ years
12-80	28 Apr 47	STERN, Josef	Acquitted	
12-336	4 Dec 46	DOESCH, Ludwig TOENNIES, Ernst	4 years 5 years	4 years 5 years
12-348	30 Sep 47	BARTH, August STAREK, Rudolf	20 years Acquitted	20 years

<u>CASE NO.</u>	<u>SERIAL</u>	<u>NAME</u>	<u>STATUS</u>	<u>REMARKS</u>
12-355 & 12-356	3 Mar 47	HERMANN, Eduard LANG, Rupert SCHICKLER, Karl H.	Acquitted Acquitted Acquitted	
12-413	18 Apr 47	DRESSLER, Karl	Death	Life
12-413-1	8 Aug 47	HEITKAMP, Hans	Life	Life
12-449	15 Oct 45	BLUM, Philipp HUBER, Irmgard KLEIN, Alfons MERKLE, Adolf RUOFF, Heinrich WAHLMANN, Adolph WILLIG, Karl	30 years 25 years Death 35 years Death Life Death	30 years 25 years Death 35 years Death Life Death
12-468	15 Oct 45	BLOCH, Karl NEUNOHEL, Karl	Death 10 years	Death Disapproved
12-472	5 Aug 46	BOESS, Karl Georg NOACK, Herman	8 years Death	8 years Death
12-481	9 Oct 45	THOMAS, Dominikus	Death	Death
12-485	19 Mar 46	MUELLER, Ernst	Death	Death
12-489	22 Mar 46	AKKERMANN, Jan J. ALBRECHT, Gunther GEYER, Karl GOEBELL, Kurt HEINEMANN, Heinrich KROLIKOVSKI, Walter MAMMENA, Gustav MEYER-GERHARDS, Klaas POINTNER, Johann ROMMEL, Heinrich SCHMIEZ, Johann Josef SEILER, Jakob V. WEBER, Karl WENZEL, Erich WITZKE, Heinz	Death 6 years 4 years Death 18 years Life 20 years Acquitted 5 years 2 years Death Death 25 years Death 11 years	Death 6 years 4 years Life 10 years Life 20 years 5 years Disapproved Death Death 25 years Death 11 years
12-489-1	26 Jun 47	HAESIKER, August	10 years	10 years
12-494	13 Jun 45	SPEINERT, Georg THIELE, Gunther	Death Death	Life Life
12-494-1	4 Jun 47	SCHWAREN, Johann	Acquitted	
12-524	2 Apr 46	RUDOLF, Otto	7 years	2 years

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
12-531	7 Feb 47	BOHRS, Ernst BRUMMER, Peter DAMMANN, Hermann	7 years 20 years Death	7 years 20 years Death
12-551	7 Nov 46	BAESSE, Martin BECK, Reinhard EHLEN, Josef MULLER, Franz VIEHL, August WINKLER, Paul	6 years 4 years Death 6 years Death Death	6 years Disapproved Death 6 years Death Death
12-551-1	3 Jun 47	EGGERT, Karl	Death	Death
12-581	23 Apr 47	GILCH, Johann ZIERHUT, Matthias	10 years Life	10 years Life
12-643	11 Oct 45	DIETERMAN, Wilhelm EBLING, Andreas	Death Acquitted	Death
12-658	5 Nov 47	BEHME, Otto FELDMETTER, Waldemar	Acquitted Death	Death
12-714	16 Nov 45	BAUSCH, Wilhelm BREHM, Otto	5 years 5 years	5 years 5 years
12-765	27 Mar 47	KNOPP, Otto MENRATH, Christian	Death Death	Death Death
12-779	25 Apr 47	BIRNBREIER, Heinrich EISELE, Josef FALLER, Arthur HEIM, Friedrich MATTHES, Max WERNER, Gottlieb	Death Life 20 years Acquitted Life Death	Death Life 20 years Life Life Death
12-788	18 Jun 47	THOMA, Karl	1 year	1 year
12-793	3 Aug 45	FACHINGER, Nikolaus FLAUJUS, Heinrich	Death Death	Death Death
12-793-1	15 Aug 45	DEUBERT, Heinrich SCHINDEL, Peter SOLOMON, Anna ZEECK, Margot	15 years 1 year 2 years 1½ years	15 years 6 months 1 year 1 year
12-793-2	29 Jul 47	STURM, Georg	3 years	3 years
12-819	4 Feb 46	GEISSER, Emil KATZ, Friedrich NERGE, Karl	5 years 10 years 5 years	2½ years 5 years 2½ years

<u>CASE NO.</u>	<u>DATE</u>	<u>DEFENDERS</u>	<u>SENTENCE</u>	<u>REMARKS</u>
12-930	8 Dec 45	SCHULZE, Julius WEGNER, Adolf	Life Death	25 years Life
12-926-1	26 Apr 46	NEUBER, Karl	7 years	7 years
12-931	7 Mar 47	MUELLER, Fritz SCHRAFF, Albert SELBOLD, Hans	Death Life Life	Life Life Life
12-932	19 Apr 46	FOERSTER, Wilhelm	2 years	2 years
12-966	21 May 47	WIPPERMANN, Erich	20 years	20 years
12-966-1	18 Aug 47	HAGENBUCH, Eberhard	1 year	1 year
12-1022	21 May 47	WINTER, Otto	Acquitted	
12-1034	24 Aug 46	BLUM, Christian HANS, Kurt HOHLOCH, Gottlob	1 year Acquitted Acquitted	1 year
12-1067	3 Aug 46	HERMANN, Maximilian HUHER, Josef KAISER, Lt. Walter STAUDINGER, Hans	Death Life Acquitted Death	Death Life Death
12-1068	19 Sep 47	ALTENA, Friedrich	Life	Life
12-1077	2 Oct 47	HOMANN, Ernst	Acquitted	
12-1035		KONIGSDORF, Ernst	Life	
12-1837		Hermann August		
12-1878		LANDWEHR, Albert LANGERBACHER, Hartmann LESSMANN, Arthur PFLEIFFER, Wilhelm REINECKE, August REINHARDT, Otto SCHOCK, Michael SCHOTTKE, Robert	5 years Acquitted Acquitted Life Life Life Acquitted 15 years	5 years
12-1086	29 Mar 46	HEENE, Wilhelm MATTHAEI, Wilhelm	Death Death	Death Death
12-1093	31 Jan 46	BATTALO, Charlotte ERDI, Erhardt GRUENDEL, George HEGELE, Maria KLOTZ, Josef SHANDL, Mathias	1 year 2 years 2 years 1 year 2 years 1 year	1 year 2 years 2 years 6½ months 2 years 1 year
12-1104	7 May 46	BECK, Gerd WEINREICH, Otto	Death Life	Life Life

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
12-1104-1	28 Aug 47	KANSCHAT, Wilhelm	Death	Death
12-1106	13 Nov 46	BOCK, Wilhelm	Death	Death
12-1109	4 Jun 47	GROSS, Johann	Life	Life
12-1115	6 Jun 46	FIRMENICH, Ludwig JAEGER, Philipp KNELL, Adolf KRAFT, Wilhelm OVERDICK, Heinrich SCHUCK, Hugo	Life 6 years 6 years 10 years Life 1 year	Life 6 years 6 years 10 years Life 1 year
12-1119	14 Feb 47	HANSELMANN, Friedrich	2 years	2 years
12-1140	4 Dec 47	RIXEN, Heinrich	Death	Death
12-1145	16 Oct 45	WIEGAND, Clemens	Death	Death
12-1146	25 Apr 46	ALBISHAUSEN, Anton BOULLET, Josef OHSIEK, Fritz	Life Death Acquitted	Life Life
12-1149	14 Sep 45	SCHLOSSER, Anton	Death	Death
12-1149-1	17 Sep 45	GOLDBRUNNER, Josef WILM, Alfons Jacob	Acquitted Acquitted'	
12-1149-2	18 Sep 46	BREITENSTEIN, Emil	Acquitted	
12-1155	14 Nov 45	KOBUS, August	Death	Death
12-1155-1	14 Mar 46	STREDELE, Bernhard	Death	Life
12-1155-2	25 Jun 47	BOEHM, Karl von MASSOW, Ruediger	Acquitted Acquitted	
12-1160	13 Sep 46	POLJUS, Karl	18 months	18 months
12-1168	26 May 47	LUETHJE, Wilhelm	Life	Life
12-1182	13 Nov 45	ENDRESS, Heinz	Death	Death
12-1182-1	11 Dec 45	DRAUZ, Richard	Death	Death
12-1182-2	6 May 47	OTTO, Karl	5 years	5 years
12-1203	17 Apr 47	SCHOLZ, Siegfried	Acquitted	
12-1217	25 Apr 47	HINKEL, Erich	20 years	20 years
12-1237	11 Sep 47	WEIMANN, Herbert	Acquitted	

CASE NO.	DATE	NAME	STATUS	REMARKS
12-1282	29 Jan 47	DEPPE, Gustav DUESCHKE, Franz SPORK, Gustav	Death Death Death	Death Death Death
12-1290 & 6-58	9 Aug 46	HAGENDORF, Heinz	6 months	6 months
12-1292	5 Aug 47	HESS, Werner	6 months	6 months
12-1299	25 Apr 46	AWDING, Wilhelm SALZMANN, Friedrich SCHNEIDER, Walter SINGER, Albert	Life Death Life Death	Life Life Life Life
12-1307	4 Apr 47	DOOSE, Paul GIESE, Otto HACHMEIER, Ernst HAMMER, Richard LEHMENSICK, Friedrich NEUER, Karl OHRN, Hans PARZYK, Gotthard SCHULTZ, Christian STAPELFELDT, Hertha VOIGE, Willi WAHLS, Hans	3 years Life Life Life 3 years 2 years 1 year Death Acquitted 21 months 10 years Acquitted	Disapproved Life Life Life 3 years Disapproved 1 year Life 21 months 10 years
12-1368 & 12-1369	31 Mar 47	BOLLOW, Wilhelm GROENWALDE, Karl HASELOW, Ewald HILDEBRANDT, Friedrich MUELLER, Kurt PENSIEN, Franz SCHROEDER, Fritz	Death Death Death Death Death Death 20 years	Death Death Death Death Death Death 20 years
12-1370	22 Jun 46	SAUR, Hans	Death	Death
12-1395	21 Feb 47	GROSCH, Karl HAEHNERT, Fritz E. HENDRICH, Albert	Life Death 20 years	25 years Death 20 years
12-1397	17 Jul 45	BURY, Albert HAFNER, Wilhelm HENKEL, Karl KALTE, Georg LOSER, Johann Friedrich Wilhelm PLETT, Wilhelm	Death Death Acquitted Acquitted Acquitted Acquitted	Death Death
12-1418	21 Sep 45	SCHULTHEISS, Georg	Acquitted	
12-1422	9 Jul 46	HEIDMAN, Gustav SCHNELLE, Erich	Death 20 years	Life 10 years

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
12-1449	14 Aug 47	DIRNAGEL, Rudolf MARTIN, Kurt	Acquitted Acquitted	
12-1457	30 Apr 46	LOESCH, Karl	11 years	11 years
12-1497	31 Jul 45	BARTHELE, Heinrich DAUM, Georg FUCHMANN, Karl GUTLICH, Philipp HARTGEN, Josef OEPFER, Johann REINHARDT, Kathe SEIPEL, Johannes WITZLER, Margarete WOLF, August WUST, Friedrich	15 years 25 years Acquitted Death Death Death Death Death Death Death 15 years Death	15 years 25 years Death Death Death 30 years Death 30 years 15 years Death
12-1502	12 Aug 47	KLUETTGEN, Ludwig	Death	Death
12-1534	11 Jul 47	BRUNS, Carl DIERKING, Karl HUNKE, Fritz MEYER, Friedrich SCHEIDES, Heinrich	2 years 2 years 2 years 2 years 2 years	2 years 2 years 2 years 2 years 2 years
12-1538	10 Nov 45	MUNDO, Wilhelm WEISS, Erich	Acquitted Acquitted	
12-1542	26 Jun 46	FRIEDL, Franz X GEBHARDT, Therese von der GRUN, Josef HEIDENREICH, Heinrich HEILMEIER, Johann HERMANN, Maximilian KAINDL, Korbinian LECHNER, Hans STAUDINGER, Hans	7 years Life 2 years Acquitted Life Death Acquitted 7 years Death	7 years 10 years 2 years 10 years 10 years 4 years 10 years
12-1545 & 12-2272	15 Jul 47	DIETRICH, Fritz DINTINGER, Fritz ELL, Albert HUNSICKER, Karl KLEIN, Johann STEMMLER, Willy WANDEL, Richard ZEITZER, Otto	Death Life Life Death Acquitted Death Acquitted 4 years	Death Life Life Death Death Disapproved
12-1576	1 Jul 46	BODENSTEIN, Julius KIERSCHNER, Edmund	Life 20 years	Life 20 years

<u>CASE NO.</u>	<u>ARRIVAL DATE</u>	<u>DEFENDERS</u>	<u>SENTENCE</u>	<u>APPROVED BY REVIEWING AUTHORITY</u>
12-1576-1	10 Oct 46	ECK, Richard ROTH, Wilhelm	18 months 18 months	Disapproved 18 months
12-1592	30 Apr 46	HAFERBURG, Rudolf	1 year	1 year
12-1594	11 Apr 46	LUECHAU, Albert	5 years	5 years
12-1595	3 Jan 47	SCHICKERT, Ludwig	2 years	2 years
12-1607	19 May 47	LOSER, Johann Friedrich Wilhelm	Acquitted	
12-1622	27 Nov 45	KORNALEWICZ, Werner	1 year	1 year
12-1650	19 Dec 46	LOEHMER, Hermann	18 months	18 months
12-1666	11 Jun 47	MACK, Karl	Acquitted	
12-1685	13 Feb 47	RIEKE, Willi SCHENK, Karl	Death Acquitted	Death
12-1733	23 Jan 47	CURDES, Eduard Karl	Death	Death
12-1740	7 Jan 46	PAJAND, Wilhelm SPTEG, Karl	2 years Acquitted	1 year
12-1742	8 Dec 45	TEUTEBERG, Fritz AMSTUTZ, Fritz CHRIST, Willi SCHAUER, Robert	4 years 5 years 1 year 13 years	4 years 5 years 1 year 13 years
12-1745	3 Apr 46	POHLA, Fritz VOGLER, Ernst	Death Death	Life Life
12-1752	14 Feb 46	BORK, Dr. Wilhelm ECKERT, Lt. Paul ENGELBRECHT, Lt. Bernhardt	Acquitted Acquitted Acquitted	
12-1761	19 Mar 47	BLESSMANN, Hugo KARLSOH, Wilhelm MARX, Adam SCHMITZ, Franz Johann SEGSCHEIDER, Gottfried	2 years 18 months 6 months Acquitted 1 year	2 years 18 months 6 months Acquitted 1 year
12-1774	21 Apr 47	HARTMANN, Kurt HEENE, Otto HOFMANN, Emil	Acquitted Acquitted Death	Death
12-1776	12 Apr 46	HARJUNG, Kurt	Acquitted	
12-1783	7 May 46	MUTZECK, Rudolf SCHIEDHERING, Josef	Acquitted 30 years	30 years
12-1790	8 Aug 47	SCHLARP, Bernhard	Acquitted	

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
12-1807	9 Sep 46	CONZMANN, Karl G.	18 months	18 months
12-1812	17 Jan 47	MEPPE, Erich PETERS, Otto	Death Life	Life 20 years
12-1813	18 Oct 46	UTERMARK, Siegfried	Life	30 years
12-1814	21 Jan 46	GERSTENBERG, Justus	Death	Death
12-1821	24 Jan 46	HIRSCHELMANN, Walter MELCHIOR, Johann	Life Life	Life Life
12-1833	13 Dec 46	LANG, Wilhelm LECHENS, Otto MULLER, Karl MULLER, Ludwig PFLUEGER, Otto WEIL, Albert August	Life 10 years 10 years 15 years 20 years 25 years	Died in Prison Disapproved Disapproved 15 years 20 years Disapproved
12-1836	15 Oct 46	MERZ, Ludwig	Death	5 years
12-523		MEITZ, Erwin	Death	Life
12-989				
12-2070				
12-2090				
12-1848	8 Oct 46	KATZENMEIER, Eugen	Life	Life
12-1851	10 Apr 46	KIEHNE, Kurt SUKOPP, Otto	5 years 12 years	5 years 12 years
12-1852	9 Aug 46	SCHEILZ, Friedrich	Life	2 years
12-1866	8 Apr 47	KUHNERT, Kurt LIPPMANN, Helmuth	Life Death	Disapproved 25 years
12-1871	23 Nov 45	SCHARDT, Ludwig	Life	Life
12-1871-1	10 Jun 47	LASSAK, Julius	Life	Life
12-1880	14 May 46	POHL, Hans	1 year, 1000M	6 mos, fine remitted
12-1881	28 Jul 47	DILBA, Kurt Friedrich Wilhelm RIESEBERG, Walter Heinrich Ernst	Acquitted Life	 Disapproved
12-1885	13 Jun 47	WEISS, Franz	Death	Death
12-1890	11 Dec 45	WEISSHUHN, Karl	3 years	3 years
12-1894	2 Apr 46	KOLLER, Alfred	5 years	2 years

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>DEFENDANTS</u>	<u>SENTENCE</u>	<u>REMARKS</u>
12-1898	18 Dec 45	KRAMM, Wilhelm KRAMM, Konrad	Acquitted 5 years	5 years
12-1905	5 Feb 46	AURBURGER, Rudolf HEMAUER, Johann	1 year 1 year	1 year 1 year
12-1911	12 Mar 47	BOERNSCHEIN, Arno BRUECKNER, Hermann	Acquitted Life	Life
12-1915	3 Sep 46	BAESSE, Martin BECK, Reinhard CRUMBACH, Josef EHLEN, Jacob RUBSAMEN, Paul SCHRADER, Karl WINKLER, Paul	25 years 2 years Acquitted 3 years Death 12 years Death	25 years 2 years 2 years 3 years Death 12 years Death
12-1930	20 Feb 47	RITSCH, Peter SCHMITT, Heinrich	2 years 2 years	2 years 2 years
12-1930-1	27 May 47	GEGGUS, Karl	2 years	2 years
12-1934	9 Apr 47	RUDMANN, Erwin	10 years	10 years
12-1949	5 Jun 47	MINX, Heinz Franz Herbert	Acquitted	
12-1950	12 Mar 46	SAUTNER, Gustav	3 years	3 years
12-1958	3 Feb 47	SCHWARTZ, Jakob	21 months	21 months
12-1960	30 Jul 47	WOLTER, Ludwig	Life	Life
12-1960-1	21 Oct 47	KOWITZKE, Leo	Death	Life
12-1961 & 12-2841	12 Mar 47	FRANKE, Richard (alias FRANKE, Rijort)	2½ years	2½ years
12-1966	25 Sep 46	BRUECKMANN, Jacob DICKHAUT, George FRIEDRICH, Herman JAEGER, Georg KRAFT, Karl LIETSCHUE, Peter LULEY, Heinrich REINHEIMER, Karl SCHMIDT, Friedrich STEIN, Anna	20 months 18 months 1 year 3 years 18 months 3 years 1 year 18 months 1 year 1 year	20 months 18 months Disapproved 3 years 18 months 3 years 1 year 18 months 1 year 1 year
12-1967	11 Jun 46	WEGMANN, Richard	Death	30 years
12-1968	2 May 47	LANG, Willy OTTE, Heinrich F. SEIDEL, Hans Otto	1 year Death Acquitted	1 year Death

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
12-1973	3 Oct 46	UTERMARK, Sigfried	Acquitted	
12-1989	22 Nov 46	FEUERLEIN, Adolf KOLB, Josef LOERCH, Albert	Acquitted 2 months 1 year	2 months 1 year
12-1993	3 Apr 47	FESCHKE, Otto SCHMITZ, Josef (Sepp)	Life Acquitted	Life
12-20 12-390A 12-391 12-565 12-1872 12-1892 12-2127 12-2182 12-3188	21 Mar 47	ALBRECHT, Wilhelm BEST, Georg EICHEL, Hans FAY, Bernard FUERER, Arthur GIRKE, Fritz GOEHRLENDE, Wilhelm GOSS, Erwin HAMMANN, Philipp HELLENBEROICH, Heinz HOEHLER, Wilhelm KIWITT, Joseph Johann LASSAK, Julius MICHELY, Heinrich MOLLER, Hermann NAHRGANG, Paul RAAF, Michael SOMANN, Otto STATTMANN, Karl Franz STROOP, Jurgen TRUMMLER, Hans	15 years 15 years Death 5 years Death Death Acquitted Death 15 years Death Death Death 3 years Death Death 5 years Death 4 years Death Death Death	15 years 15 years Death 5 years Death Death Death 15 years Death Life Death 3 years Life Life 5 years Death 4 years Death Death Death
12-2000-1	14 Aug 47	WENIG, Anton	6 years	6 years
12-2009	11 Mar 46	DIEBZSCHOLD, Erich	Acquitted	
12-2011	20 Mar 46	SPONSEL, Johann George ZIEHNERT, Walter Joseph	Death Death	Death Death
12-2013 & 12-1968-1	1 Oct 47	KOCH, Oskar Wilhelm	10 years	10 years
12-2018	16 Jul 46	LANGNER, Herbert TOELLE, Hans	Acquitted 6 years	6 years
12-2025	11 Mar 46	HITZER, Georg	4 years	2 years
12-2034	24 Oct 46	DOERR, Anton MAI, Karl NEIS, Aloys STURM, August	17 months 14 months 16 months Acquitted	17 months 14 months 16 months

<u>CASE N.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>APPROVED REVIEWING AUTHORITY</u>
12-2027 12-3218 12-3219	29 May 47	EIERMANN, Adolf Phillip GONZ, Xaver GONZMANN, Matthaens HATZLER, Maurus KARCHER, Wilhelm KLUMPP, Isidor KRIEG, Hermann Wendelin MERKEL, Rudolf OVERLACK, Kurt RATZKE, Julius ROTHACKER, Hans SCHNEIDER, Johann Gotthilf STICHLING, Heinrich WEILAND, Franz	Death 5 years Death 4 years Death Death Death Life Acquitted 20 years 3 years Death Life 20 years	
12-2052	30 Sep 46	PELZMANN, Josef	10 years	Disapproved
12-2058	23 Apr 47	KLAEBE, August	8 years	3 years
12-2060	5 Aug 47	HOLLACHER, Ludwig MAY, Friedrich	Death Death	Death Death
12-2067	16 Apr 47	BRACHT, Alfred KROLL, Fritz MOHLEN, Hubert SCHILLINGS, Theodor	2 years 18 months Acquitted 2 years	14 months 12 months 14 months
12-2068	14 May 47	BAUM, Georg Adalbert LOEBER, Ludwig	1 year 2½ years	1 year 2½ years
12-2074	20 Mar 46	HARTMANN, Nicholas	25 years	20 years
12-2114	14 Apr 47	SCHERT, Peter	5 years	5 years
12-2119	19 Jul 46	SONNER, Karl	Acquitted	
12-2129	3 Jul 47	KANNERT, Paul	Life	Life
12-2150	23 Dec 46	BLUM, Ferdinand LANGENFELD, Hugo REINHARD, Heinrich RUPP, Heinrich TRENZ, Johann	4 years 1 year 1½ years 2 years 1½ years	4 years Disapproved 1½ years 2 years 1½ years
12-2157	20 May 47	SCHMAUDER, Fritz	Life	Life
12-2162	29 May 47	ELIERS, Josef	20 years	20 years
12-2175	28 Jul 45	WALDMANN, Ernst	Death	Death

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
12-2185	4 Oct 46	FELIX, Carl REINWINGER, Franz ROMER, Alfred	1 year 1 year 1 year	1 year 1 year 1 year
12-2202	12 Jun 47	SCHULT, Paul Wilhelm	Acquitted	
12-2218	9 Jul 47	BAECKER, Heinrich HELLWING, Otto Paul MAYER, Georg WANDERS, Wilhelm	10 years 3 years Life 10 years	10 years 3 years Life 10 years
12-2256 & 5-66	18 Jun 46	LIEBHART, Franz LIEBHART, Markus	10 years Death	3 years Death
12-2261	16 May 46	ZAHNEN, Matthias	15 years	Disapproved
12-2270	22 Oct 46	GOLDINGER, Franz KLAES, Peter SCHNEIDER, Peter WOLL, Albert ZIMMER, Jakob	18 months 2 years Acquitted 22 months 8 months	18 months 2 years 22 months 8 months
12-2283	30 Aug 46	ENGELHARDT, Gustav MOLLER, Reinhard	Death Death	Death Death
12-2313	6 Jan 47	STOLL, Karl	10 years	10 years
12-2337	30 Jan 47	REINHE, Alwin	Death	Death
12-2381	27 Aug 46	UMSTATTER, Franz	Death	Disapproved
12-2400	2 May 47	SCHLICKAU, Erwin Karl Heinrich	7 years	5 years
12-2404	17 Oct 47	ECKSTEIN, Georg HOFMEIER, Ernst STIEGLER, Fritz STURM, Johann TIEFENBACH, Friedrich	Death Death Life Death Acquitted	Death Death Life Death
12-2409	22 Sep 47	FRANKE, Heinrich	Death	Death
12-2420	23 Jan 47	WINGELGEN, Albert	Life	Life
12-2422	2 Jun 45	GIERENS, Matthias KOHN, Peter KREIN, Matthias	Death Death Death	Death Death Life
12-2422-1	16 Jun 45	BACK, Peter	Death	Death

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
12-2581	15 May 47	EISER, Johann ENGELNIEDERHAMMER, Johann MAIER, Max MISSLINGER, Bartholomaeus MONTSCHEER, Franz OBERMAYR, Ludwig PFEIFERR, Anton RUEHLING, Karl SCHEEM, Hans	Acquitted Death Acquitted Life Death 10 years Acquitted 7 years Life	Death Life Disapproved Disapproved Life
12-2593	20 Mar 47	DIETGEN, Emil LAMBERTI, Mathias MERTEN, Peter	Acquitted 3 years 2 years	3 years 2 years
12-2595	5 Nov 46	HEITINGER, Johann HOFMANN, Ernst	Acquitted Acquitted	
12-2616	16 Sep 46	KAISER, Michael	1 year	Disapproved
12-2662	30 Jan 47	BESS, Karl KUFER, Rudolf	1½ years 2 years	1½ years 2 years
12-2694	24 Jul 47	SCHERER, Karl Heinz	25 years	Disapproved
12-2804	22 Jan 47	KURN, Michael	1 year	1 year
12-2823	3 Jun 47	DEHNPOSTEL, Willie GALTMANN, Max Bruno HAHNE, Heinrich HUETLER, Josef MEIER, Friedrich	10 years Death 10 years Acquitted 10 years	10 years Death 10 years 10 years
12-2823-1	7 Aug 47	ADLER, Heinrich	Acquitted	
12-2887	24 Jun 47	FREITAG, Waldemar	2 years	2 years
12-2971	26 May 47	JAEGER, Heinrich KUENEMANN, Robert SCHMIDT, Herman Gustav	2 years 4 months 3½ years 2½ years	2 years 4 months 3½ years 2½ years
12-3121	11 Apr 47	LANGLOCH, Wilhelm (alias) BAUER, Felix	Death	Death

AS APPROVED
BY REVIEWING
AUTHORITY

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	
12-3193B 12-1034-1 12-1462 12-2701 000-12-63	10 Oct 47	BAUMANN, Georg BAUMANN, Heinrich BUCHLER, Franz ENDRES, Norbert GUNDELACH, Oswald HAMMER, Albert HANS, Kurt HELMUTH, Karl HELMUTH, Otto INGEBRAND, Andreas SCHULZE, Richard	2 years Death 10 years Death Death Death Death 3 years Death Death Death	
12-3193D 11-519 11-584-1	27 Oct 47	FUERBOECK, Johann HAAK, Alois MUTSCHLER, Friedrich PETERSDORF, Kurt PHILIPP, Viktor	Acquitted 25 years Life Acquitted 3 years	25 years Life 3 years
12-3205	14 Apr 47	CONRAD, Oswald DREGER, Kurt FELDMER, Waldemar HAUENSCHILD, Harry MUELLER, Erich SCHROEDER, Karl SCHUBERT, August	20 years Life Life 20 years 20 years Life 20 years	20 years Life Life 20 years 20 years Life 20 years
12-3245	16 May 47	STOLZ, Otto Hermann	Death	Death
000- BUCHENWALD- 2	27 Aug 47	HINDERER, Wilhelm POSTL, Josef	Acquitted Acquitted	
000- BUCHENWALD- 3	3 Nov 47	JACKOBS, Ernst Emil	15 years	15 years
000- BUCHENWALD 4	17 Sep 47	HOFFMAN, Alfred Andreas	5 years	5 years
000- BUCHENWALD-	15 Sep 47	MUELLER, Josef	Death	Life
000- BUCHENWALD- 6	27 Oct 47	WEYRAUCH, Karl Erich	10 years	4 years
000- BUCHENWALD- 7	24 Oct 47	BLUME, Heinz	Death	6 years

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000-BUCHENWALD- 8	16 Oct 47	HANTSCHARENKO, Victor	Life	Life
000-BUCHENWALD- 9	14 Oct 47	BUUCK, Heinrich	Death	Death
000-BUCHENWALD- 11	6 Nov 47	SEITZ, Ignatz VOLK, Johannes	10 years 10 years	10 years 10 years
000-BUCHENWALD- 13	28 Oct 47	KUNIKOWSKI, Alfons	7 years	5 years
000-BUCHENWALD- 14	7 Oct 47	VOGEL, Max Paul	4 years	4 years
000-BUCHENWALD- 17	13 Oct 47	ANKENBRAND, Adam	Death	Death
000-BUCHENWALD 20	30 Oct 47	DEMNER, Friedrich	10 years	Disapproved
000-BUCHENWALD- 23	14 Nov 47	SINGER, Johann	Acquitted	
000-BUCHENWALD- 25	22 Sep 47	GIESE, August	4 years	4 years
000-BUCHENWALD- 26	27 Oct 47	MUELLER, Paul	15 years	15 years
000-BUCHENWALD- 31	21 Oct 47	FISCHER, Ludwig	Acquitted	
000-BUCHENWALD- 36	4 Nov 47	HUELS, Klaus Ferdinand	Acquitted	
000-BUCHENWALD- 37	3 Nov 47	ZWICKL, Heinrich	Death	Disapproved
000-BUCHENWALD- 40	20 Nov 47	WINKLE, Adolf	4½ years	4½ years
000-BUCHENWALD- 41	19 Nov 47	SCHRAMM, Josef	Life	Disapproved
000-BUCHENWALD- 42	20 Oct 47	KRAUSE, Otto	10 years	10 years
000-BUCHENWALD- 49	21 Nov 47	LEMKE, Ferdinand	Acquitted	

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-BUCHENWALD-50	3 Dec 47	BERGER, Werner Alfred BERGF, Helmuth Friedrich BREISSER, Josef DITTRICH, Harst HILBERGER, Wiegand MOECKEL, Herbert	Life Acquitted 15 years Life 20 years 20 years	
000-DACHAU-1	14 Aug 47	LENGFELDER, Max SPINGELWAGNER, Anton	Life Death	20 years Life
000-DACHAU-2	18 Sep 47	SCHMID, Sebastian	Life	20 years
000-FLOSSENBURG-1	12 Jun 47	DEGMER, Georg	Acquitted	
000-FLOSSENBURG-2	13 Jun 47	WODAK, Wenzel	Death	Death
000-FLOSSENBURG-3	2 Oct 47	VICAN, Johann	20 years	20 years
000-FLOSSENBURG-4	31 Oct 47	FRITZSCHE, Helmut	15 years	15 years
000-FLOSSENBURG-7	19 Sep 47	SCHULMEISTER, Rudolf	Death	Death
000-FLOSSENBURG-8	13 Oct 47	BRAUNER, Josef	Death	Death
000-FLOSSENBURG-10	21 Oct 47	AUERSWALD, Max	Death	Life
000-FLOSSENBURG-11	29 Oct 47	GOLDMANN, Peter	Death	Death
000-FLOSSENBURG-12	13 Nov 47	GOETZMANN, Kurt	Acquitted	
000-FLOSSENBURG-15	3 Oct 47	STRAUB, Julius	Death	Death
000-FLOSSENBURG-16	29 Oct 47	LUTZ, Friedrich Christian	Acquitted	
000-FLOSSENBURG-18	29 Oct 47	ZIEHMER, Eugen	Death	Death
000-MAUPHAUSEN-1	2 Apr 47	ERB, Eduard	Life	Life
000-MAUPHAUSEN-2	19 May 47	BLOY, Gustav Hermann Adolf	Life	Life
000-MAUPHAUSEN-4	22 Apr 47	DAMASCHKE, Arnold	Death	Disapproved
000-MAUPHAUSEN-5	13 Mar 47	OTTO, Kurt	Death	Death
000-MAUPHAUSEN-6	4 Apr 47	CURTEN, Eduard	Life	Disapproved
000-MAUPHAUSEN-7	6 May 47	BRUST, Rudolf	Death	Death

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-MAUTHAUSEN-10	24 Apr 47	KAUFFELD, Wilhelm	30 years	10 years
000-MAUTHAUSEN-12	1 Apr 47	KANIA, Karl	Life	Extradited to Poland - not reviewed
000-MAUTHAUSEN-13	25 Apr 47	ALBRECHT, Karl	Death	Life
000-MAUTHAUSEN-15	22 Apr 47	SCHALLENBERG, Fritz	20 years	20 years
000-MAUTHAUSEN-16	28 May 47	LAMM, Rudolf	Life	Life
000-MAUTHAUSEN-19	12 May 47	ESPINOZA, Joaquin	3 years	3 years
000-MAUTHAUSEN-20	24 Apr 47	NOKY, Eugen Hermann	Death	Death
000-MAUTHAUSEN-21	21 May 47	TUNFKE, Hermann	Death	Death
000-NORDHAUSEN-1	23 Oct 47	GREBINSKI, Michael	Acquitted	
000-NORDHAUSEN-2	1 Dec 47	MUELLER, Albert	25 years	10 years
000-NORDHAUSEN-3	10 Nov 47	ENKENZELLER, Georg	2 years	Disapproved
000-NORDHAUSEN-5	1 Dec 47	KLEIN, Philipp	4 years	4 years
000-NORDHAUSEN-6	12 Dec 47	PALKO, Stefan	25 years	15 years
000-50-2	13 Dec 45	BECHER, Fritz	Death	Death
		BEYZ, Peter	Life	Life
		BOEFTGER, Franz	Death	Death
		DEGELOW, Fritz	Death	10 years
		EICHBERGER, Leonhard	Death	Death
		EISELE, Hans Kurt Dr.	Death	Life
		EICHELSDORFER, Johann	Death	Death
		Baptist		
		ENDRES, Anton	Death	Death
		FILLEBOECK, Sylvester	Death	17 years
		FOERSCHNER, Otto	Death	Death
		GRETSCH, Albin	10 years	10 years
		HINZERMAYER, Fritz	Death	Death
		Dr.		
		JAROLIN, Josef	Death	Death
		KICK, Johann	Death	Death
		KIERN, Simon	Death	Death
		KIRSCH, Johann	Death	Death
		KNOLL, Christof	Death	Death
		KRAMER, Alfred	Death	Death
		LAVENIST, Walter	Death	Death
		LAUSCHNER, Hugo	10 years	10 years
		LIPPMAN, Arno	Death	Death

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-2 continued		MAHL, Emil Erwin	Death	10 years
		MOLL, Otto	Death	Death
		NIEDERMAYER, Engelbert	Death	Death
		PUHR, Fridolin	Death	20 years
		REDWITZ, Michael	Death	Death
		RUPPERT, Friedrich	Death	Death
		SCHILLING, Klaus	Death	Death
		SCHOEPP, Johann	10 years	5 years
		SCHOTT, Vinzenz	Death	Death
		SCHULZ, Otto	Death	20 years
		SEUSS, Josef	Death	Death
		SUTTROP, Rudolf	Death	Death
		TEMPEL, Wilhelm	Death	Death
		TRENKLE, Franz	Death	Death
		WAGNER, Wilhelm	Death	Death
		WEISS, Martin	Death	Death
		WEITER, Wilhelm	Death	Death
		WEITZEL, Friedrich	Death	10 years
		WITTELER, Wilhelm	Death	20 years
000-50-2-1	14 Oct 46	ADAMI, Karl	6 months	6 months
		BALTES, Adolf	6 months	6 months
		BAYER, Franz	6 months	6 months
		BOENSCH, Josef	3 years	3 years
		DEPNER, Andreas	6 months	6 months
		KARPE, Georg	30 months	30 months
		SCHERMAUL, Anton	6 months	Disapproved
		SCHOLZ, Alfred	2 years	2 years
000-50-2-2	16 Oct 46	BARZEN, Johann	18 months	18 months
		BAUER, Georg	18 months	18 months
		BIHER, Josef	18 months	18 months
		BIELZ, Johann	18 months	18 months
		HERBERT, Josef	18 months	18 months
		LAUTNER, Franz	18 months	18 months
		RECHNER, Paul Hermann	Acquitted	
		SEHMISCH, Herbert	18 months	18 months
000-50-2-3	21 Oct 46	ARZBERGER, Ernst	3 years	3 years
		BINDER, Martin	3 years	3 years
		DANDL, Jakob	4½ years	4½ years
		GARLATTI, Franz	3 years	3 years
		GIERLING, Johann	4 years	4 years
		JAHN, Otto	5 years	5 years
		KELLER, Franz	3 years	3 years
		OBMANN, Wilhelm	Acquitted	

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-2-4	24 Oct 46	BRUECKER, Thomas BURGHARD, Erwin DIEFIMAYER, Michael HELLER, Josef HOLLNACHER, Josef JEISEL, Josef JUNG, Stefan MORLOCK, Ernst	18 months 15 months 2 years 2 years 2 years 18 months 18 months 18 months	18 months Disapproved 2 years 2 years 2 years 18 months 18 months 18 months
000-50-2-5	23 Oct 46	BECKER, Otto FRANZEN, Claus HOSHNE, Rudolf Max LANG, Alois LANZL, Michael PFLAUM, Nikolaus ZERRIES, Otmar	21 months 3 years 5 years 2 years 3 years 1½ years 1½ years	21 months 3 years 4 years 2 years 3 years 1½ years 1½ years
000-50-2-6	22 Oct 46	BABLICK, Josef DORCHEKFER, Willi HURA, Paul HEITZ, Johann LANG, Andreas STARGARDE, Max UNGER, Willy	2 years 2½ years 2 years 2 years 2 years 2 years 18 months	2 years 25 months 2 years 2 years 2 years 2 years 18 months
000-50-2-7	29 Oct 46	DIPPE, Rudolf DRECHSEL, August GOETZ, Georg GROSSMAN, Roland HOLLER, Ernst LEIDLINGER, Benno LENZ, Robert	5 years Acquitted 5 years Acquitted 2 years Acquitted 2 years	3 years 5 years 2 years 2 years
000-50-2-8	30 Oct 46	BERGLER, Wilhelm BEYER, Hans Fritz BRUNN, Richard BUENLER, Hermann DREHER, Adolf GANSCHOW, Otto GRISSE, Albert	Acquitted 18 months 18 months Acquitted Acquitted 18 months 18 months	 18 months 18 months 18 months 18 months
000-50-2-9	4 Nov 46	BEZAK, Franz BERKE, Hans ERDLE, Josef GASTL, Karl KRAFFT, Johann LANGSTEIN, Karl SCHARFFLER, Stefan VIEZTHUM, Franz	Acquitted 2 years 2 years Acquitted Acquitted 2 years 2 years 2 years	 2 years 2 years 2 years Disapproved 2 years

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000-50-2-10	30 Oct 46	BUEHLER, Wilhelm	18 months	18 months
		GERHARDT, Robert	18 months	18 months
		GREINER, Josef	18 months	18 months
		HAUSWIRTH, Otto	18 months	18 months
		KIRSCHRAUM, Wendel	18 months	18 months
		KORFF, Alfred Rudolf	18 months	Disapproved
000-50-2-11	31 Oct 46	UNTERPAINTNER, Hugo	18 months	Disapproved
		GOMBKOTO, Josef	2 years	2 years
		HALTER, Anton	2½ years	2½ years
		JAUCH, Michael	Acquitted	
		KATZIAN, Georg	2 years	2 years
		KOBEL, Josef	3 years	3 years
		THOMASCHKE, Josef	Acquitted	
ZINCK, Franz Erich	2 years	2 years		
000-50-2-12	6 Nov 46	MUELLER, Andreas	20 months	20 months
		MUELLER, Otto Karl	2 years	2 years
		PATZER, Reinhold	2 years	2 years
		PETERMANN, Georg	2 years	2 years
		ROHMER, Wilhelm	Acquitted	
		SCHROEFL, Hermann	1½ years	½ years
		ROTTMAIER, Ludwig	2½ years	1½ years
		SCHUSTETTER, Franz	1½ years	1½ years
000-50-2-13	6 Nov 46	FRAENZL, Ernst	19 months	19 months
		NAUBEREIT, Gustav	2 years	2 years
		OBERMEIER, Wilhelm	2 years	2 years
		PENZEL, Kurt	21 months	21 months
		SAETTELE, Jacob	2 years	2 years
		SCHNUR, Friedrich	Acquitted	
		SCHWARZ, Stefan	3 years	3 years
		SELZER, Walter	2 years	2 years
000-50-2-14	5 Nov 46	AU, Jacob	2½ years	2½ years
		ELGERT, Gustav	18 months	18 months
		FLORIAN, Georg	18 months	18 months
		HLAWATY, Karl	2 years	2 years
		HUEPNER, Robert	2 years	2 years
		NEUFERT, Johann	18 months	18 months
		UEBERSETZIG, August	2 years	2 years
000-50-2-15	14 Nov 46	HELLER, Johann Albin	Acquitted	
		HERTHA, Willy	8 years	8 years
		HUHN, Mathias	2 years	2 years
		ISERLIS, Boris	8 years	8 years
		KARLSTETTER, Georg	Acquitted	
		KUENZL, Josef	3 years	Disapproved
LAUX, Wilhelm	5 years	2½ years		

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000-50-2-16	14 Nov 46	LEONHARDT, Fritz LINDNER, Erich MISCHOWITZ, Valentin OBERMEIER, Alois ORNDL, Friedrich OPP, Josef REHORN, Valentin	2 years 2 years Acquitted 18 months 2 years 18 months Acquitted	2 years 2 years 18 months 2 years 18 months
000-50-2-17	22 Nov 46	MERKLE, Otto ULRICH, Hans	20 years 20 years	20 years 20 years
000-50-2-18	15 Nov 46	HEBE, Johann GEBRKE, Josef HAIN, Hans MACK, Herrmann MAYER, Josef POHLERS, Fritz ROCKENMAYER, Adolf	2 years Acquitted 2½ years 2 years Acquitted 2½ years 3½ years	2 years 2½ years 2 years 2½ years 2½ years
000-50-2-19	20 Nov 46	BLOESSER, Alois JOCHIMSEN, Heinrich PAIM, Heinrich PRESS, Oskar REINERT, Josef RICHTER, Heinrich SCHMELZ, Karl	2 years 2 years 2 years 18 months 18 months 18 months 2 years	2 years 2 years 2 years 18 months 18 months 18 months 2 years
000-50-2-20	20 Nov 46	BAUMGARTNER, Johann MAUBACH, Michael PFEIFER, Adam POHL, Franz PROHL, Kurt Max RANDHAN, Karl TONWEBER, Franz	Acquitted 2 years 2½ years 2½ years 2 years 2 years 2 years	 2 years 2½ years 2½ years 2 years 2 years 2 years
000-50-2-21	21 Nov 46	EISENHARDT, Ernst Gotthilf HOELL, Josef KARSER, Friedrich KUMKAR, Wilhelm SPICGLER, Hans TREBS, Philipp VALERIEN, Josef	2 years Acquitted 2 years 2 years 2 years 2 years 21 months	2 years 2 years 2 years 2 years 2 years 21 months
000-50-2-22	3 Dec 46	ANGERER, Ernst FROHNAPFEL, Franz HIPP, Alois	25 years Death Death	25 years Death Death
000-50-2-23	17 Jan 47	DEIMERS, Heinz PIORKOWSKI, Alex	15 years Death	5 years Death

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-2-24	5 Dec 46	WIPPLINGER, Alois	Life	Life
000-50-2-25	11 Dec 46	WEBER, Anton WOLF, Josef	18 years 20 years	18 years 20 years
000-50-2-26	5 Dec 46	BEHRENS, Ernst August BLECHSCHMIDT, Albert BOSCH, Josef GALL, Martin GRASSIE, Stefan HACK, Johann HINZE, Rudolf HUHN, Joseph JELINEK, Jacob JUNG, Alfred	2 years 2 years 2 years 2 years 3 years 2 years 2½ years 2 years 2½ years Acquitted	2 years 2 years 2 years 2 years 3 years 2 years 2½ years 2 years 2½ years
000-50-2-27	9 Dec 46	HENNECKE, Erwin KIEFER, Adolf KLINKNER, Josef LAEMMLE, Friedrich LAPOS, Josef LEICHT, Otto	Acquitted Acquitted Acquitted 20 months 2 years 2 years	20 months 2 years 2 years
000-50-2-28	10 Dec 46	FLEISCHER, Stefan HEINRICH, Reinhold Berthold MAGHOLD, Willy MAERZWEILER, Jakob MARKER, Josef MARTIN, Anton MATERN, Walter Otto METZINGER, Johann MITHEIS, Mathias	20 months Acquitted Acquitted 2 years Acquitted 2 years 20 months 18 months 2 years	20 months 20 months 2 years 2 years Disapproved 18 months 2 years
000-50-2-29	17 Dec 46	MOELLER, Waldemar NALEPINSKI, Erwin NEUGEBOERN, Friedrich NEUMANN, Otto NIEMANN, Alois NOWKA, Alfred OELZE, Otto OEBELT, Richard PELZ, Oswald E.	20 months Acquitted 20 months 21 months Acquitted 21 months 20 months 21 months Acquitted	Disapproved 20 months 21 months 21 months
000-50-2-30	11 Dec 46	NOSSEK, Alois Josef PFALLER, Josef PHILIPP, Johann PICKENHAHN, Adolf PITZER, Michael PLATENIK, Alfred PROSSWIMMER, Johannes PUNDRICH, Paul Alfred SCHULZ, Erwin Alfred	2½ years 21 months 21 months 2½ years 21 months 21 months 2½ years 21 months 21 months	2½ years 21 months 21 months 2½ years 21 months 21 months 2½ years 21 months 21 months

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-2-31	16 Dec 46	EBERHARDT, Wilhelm HEITBECKER, Nikolaus KRITZLER, Josef MEIER, Arno MIESCH, Michael MOHR, Rudolf MUCK, Ferdinand MUELLER, Johann	Acquitted 21 months Acquitted 2 years Acquitted Acquitted 21 months Acquitted	21 months 21 months 2 years 21 months 21 months
000-50-2-32	12 Dec 46	VEIHNEN, Wilhelm VEINUM, Josef WALTER, Karl WAWRZINEK, Friedrich WEINERT, Max WEINZEL, Adolf WIDLAREK, Johann Otto WOLF, Nikolaus WRIA, Johann WIENSCHNEL, Michael	21 months 21 months Acquitted Acquitted 21 months 18 months 2 years 21 months 21 months 2 years	21 months 21 months Disapproved 18 months 2 years 21 months 21 months 2 years
000-50-2-33	13 Dec 46	BIENGER, Herbert EYENHORN, Hans GEISSLER, Josef GENESCHEL, August WILBERTZ, Nikolaus ZELINGER, Martin ZIMMERMANN, Georg	Acquitted Acquitted Acquitted Acquitted 18 months 18 months 18 months	18 months 18 months 18 months
000-50-2-34	17 Dec 46	BURGER, Hans FRIEDER, Nikolaus von FUCHS, Friedrich KOLLENGER, Edward KREMER, Victor	21 months 21 months 20 months 21 months 21 months	Disapproved Disapproved Disapproved 21 months 21 months
000-50-2-35	18 Dec 46	RUMFOLD, Hermann SCHEWERTFUEHER, Ott SCHWARZWEINBERGER, Josef SCHMIDT, Andreas SCHMIDT, Lorenz SHIBERL, Heinrich SZABO, Josef	20 months 20 months 7 months Acquitted 20 months Acquitted 20 months	20 months 20 months 7 months 20 months Disapproved
000-50-2-36	18 Dec 46	HACHENBERGER, Erhard IEDE, Otto LOHR, Wolfgang MUELLNER, Samuel OBERFRANK, Franz FROCKL, Josef RABL, Josef RESSLER, Albin	2 years 21 months 20 months 21 months 1 year Acquitted 21 months 21 months	Disapproved 21 months Disapproved 21 months 1 year 21 months 21 months

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-2-37	20 Dec 46	SCHMIDT, Walter SCHWESIG, Johann STRAUBINGER, August STRAUSS, Wilhelm THELSSL, Friedrich THELMANN, Michael TIRSCHEL, Ludwig	2 years 20 months 21 months 21 months 2 years 21 months 22 months	2 years 20 months 21 months Disapproved 2 years 21 months 22 months
000-50-2-38	23 Dec 46	BESTER, Karl DIETHEI, Xaver EBERT, Gustav FROEMMER, Hermann HEGGER, Max HECHLER, Georg HEIN, Leo LUKACSEK, Alfred	3 years 9 months 21 months 3 years 2½ years 21 months 21 months 21 months	2½ years 9 months 21 months 2½ years 2½ years 21 months 21 months 21 months
000-50-2-39	26 Dec 46	OREND, Friedrich PANKE, Julius ROTH, Georg PUSSEK, Karl SCHMEIDL, Franz SCHREINER, Franz SPERLING, Martin	2 years 2 years 2 years 20 months 2 years 20 months 2 years	2 years 2 years 2 years 20 months 2 years 20 months 2 years
000-50-2-40	24 Dec 46	STEFAN, Albert TRESCHER, Ludwig ULMER, Werner VERHOEVEN, Johann WAGNER, Karl WANDER, Erich WASTRACH, Werner WEBER, Otto WERNER, Josef	2 years 23 months 20 months 2 years 20 months 22 months 23 months 2 years 21 months	2 years 23 months 20 months 2 years 20 months 22 months 23 months 2 years 21 months
000-50-2-41	30 Dec 46	BAECHSTAEDT, Heinz BECK, Gottlob von HAAREN, Georg HOFFMANN, Walter HORBEL, Kurt Gustav WITTMANN, Otto ZIMPELMANN, Friedrich	20 months 20 months 2½ years 2 years 20 months 20 months 2 years	20 months 20 months 2½ years 2 years 20 months 20 months 2 years
000-50-2-42	3 Feb 47	ZISCH, Hermann	Death	Death
000-50-2-43	26 Dec 46	FAIME, Heinrich	12 years	12 years
000-50-2-44	10 Jan 47	BURKART, Josef DOEMNER, Franz EICHLINGER, Thomas GANGEL, Karl SIEPS, Arnold	Acquitted Acquitted Acquitted Acquitted Acquitted	

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000-50-2-45	27 Jan 47	HERMER, Josef	15 years	15 years
000-50-2-46	4 Jan 47	CARL, Ludwig Philip DAUB, Robert Hugo DJERIN, Alexander DUERMEIER, Josef FISCHBACH, Heinrich GRAEFF, Johann HENKEL, Friedrich HUMM, Franz	Acquitted 2½ years 6 years Acquitted Acquitted Acquitted 3 years 20 months	2½ years 4 years 3 years Disapproved
000-50-2-47	10 Jan 47	GLASHAUSER, Josef HAYNE, Max HERFF, Wilhelm JOREWITZ, Eduard JOSIGER, Willi KAEMPER, Robert KARCH, Anton KELLER, Wilhelm KOCK, Johannes	Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted	
000-50-2-48	8 Jan 47	LANGE, Kurt LINDNER, Jakob MATTEKOWITSCH, Peter NEMETZ, Friedrich PAUL, Franz PRETTIN, Wilhelm SCHEBESCH, Ewald SEITZ, Xaver	21 months 20 months 20 months 21 months 21 months 21 months 20 months 21 months	21 months 20 months 20 months 21 months 21 months 21 months 20 months 21 months
000-50-2-49	9 Jan 47	FORSTER, Valentin NAZEL, Gustav REINHART, Xaver SCHNEIDER, Oskar STEINMANN, Wilhelm WACHER, Erich WALTER, Wilhelm WELLER, Friedrich	21 months 21 months 22 months 21 months 21 months 21 months 30 months 21 months	21 months 21 months 22 months 21 months 21 months 21 months 30 months 21 months
000-50-2-50	15 Jan 47	BOOS, Robert Anton BUECHL, Albert BUSCH, Michael DYSL, Walter Josef	30 months 21 months 6 months Acquitted	30 months 21 months 6 months
000-50-2-51	13 Jan 47	GREINER, Ferdinand KELLERMANN, Adolf KONNERTH, Daniel	21 months 30 months 21 months	21 months 30 months 21 months
000-50-2-52	14 Jan 47	SCHLOETTER, Anton SIEDER, Hans STRAUSS, Kurt WINTER, Hermann	20 months Acquitted 20 months Acquitted	20 months 20 months

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000-50-2-53	20 Jan 47	WINTER, Gottfried Adam	20 years	20 years
000-50-2-55	21 Jan 47	KOCH, Stefan KUEHNER, Karl August KURZ, Johann LOBERMAYER, Franz MARKS, Emil MAST, Ernst	Acquitted Acquitted Acquitted Acquitted Acquitted Acquitted	
000-50-2-57	10 Feb 47	HESKE, Fritz PELLERT, Johann	Acquitted 3 years	3 years
000-50-2-58	25 Feb 47	ADOLF, Johann	Acquitted	
000-50-2-59	9 Apr 47	HERRLOSS, Otto	Acquitted	
000-50-2-60	11 Mar 47	ERNST, Joseph Peter SCHUETZ, Karl	10 years 10 years	10 years 10 years
000-50-2-61	7 Mar 47	CALENBERG, Hermann HOSCHKE, Richard	3 years 3 years	3 years 3 years
000-50-2-62	6 Mar 47	FISCHER, Willi JENTNER, Kurt Walter JOREWITZ, Josef LIPPMANN, Albert SCHREYER, Martin	Death 2 years Life Acquitted Death	Death 2 years Life Death Death
000-50-2-63	3 Feb 47	DEUTSCH, Ludwig STROESSENREUTHER, Herbert	5 years 10 years	5 years 10 years
000-50-2-64	5 Feb 47	PFEIFFER, Matthias	Life	Life
000-50-2-65	11 Feb 47	DEFFNER, Georg	3 years	3 years
000-50-2-66	26 Feb 47	BEER, Georg KUSTERMANN, Magnus SCHASSBERGER, Friedrich	10 years Life Life	2 years 20 years 30 years
000-50-2-67	24 Mar 47	HOEGG, Oswald REUTER, Ernst STILLER, Edgar WITT, Heinrich	2 years 3 years 7 years 11 years	2 years 3 years 5 years 5 years
000-50-2-68	5 Mar 47	GOTSCH, Josef HINTERMAYER, Josef HOEHLER, Otto Heinrich LENZKOWSKI, Bruno RAUSCH, Karl Christian ROSTEK, Hermann	3 years 14 months 3½ years 2½ years 2½ years 2 years	3 years 14 months 3½ years 2½ years 2½ years 2 years

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000-50-2-69	3 Mar 47	UELTZHOEFFER, Julius	Life	Life
000-50-2-70	3 Mar 47	KREBER, Mathias Josef Peter KULLIK, Johann (also known as KRESSE, Johann)	11 years 5 years	11 years 5 years
000-50-2-72	17 Mar 47	HUBER, Bernhard MUELLER, August Friedrich SCHLESSL, Georg WUELFERT, Hans	2 years 10 years Acquitted 5 years	2 years 10 years 2½ years
000-50-2-73	6 Mar 47	DEINER, Josef	Death	Death
000-50-2-74	10 Mar 47	HAUSSLER, Josef PICHNER, Rudolf WICHMANN, Otto Karl	3 years 2 years 2 years	3 years 2 years 2 years
000-50-2-75	18 Apr 47	BECKER, Wilhelm Karl EIGN, Anton RUHNKE, August Richard	Acquitted 5 years Death	5 years Death
000-50-2-76	14 Mar 47	BRUNOLD, Franz BUENGER, Rudolf Walter Erich SCHAAL, Albert	5 years 8 years 10 years	5 years 8 years 10 years
000-50-2-77	17 Mar 47	STIRNWEIS, Kurt Konrad	2 years	Disapproved
000-50-2-78	28 Mar 47	NEUNER, Josef	Death	Death
000-50-2-79	13 May 47	SOELKEN, Engelbert	Life	Life
000-50-2-80	9 May 47	TRIXL, Heinrich	30 years	30 years
000-50-2-81	6 May 47	OHNMACHT, Wilhelm	Acquitted	
000-50-2-82	29 Apr 47	KOESSL, Donatus	Acquitted	
000-50-2-83	5 May 47	HEYNE, Jon KNOCHE, Oskar	4 years 4 years	2 years 2 years
000-50-2-84	9 May 47	GREIL, Michael HAIST, Christian HANSCHEN, Hermann HOLDERBAUM, Karl JAKUSCH, Bruno	4 years 5 years 3 years 3 years 2½ years	4 years 5 years 3 years 2½ years 2½ years
000-50-2-85	16 May 47	KUCZMIERCZYK, Karl	Death	Life

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000-50-2-86	8 Jul 47	FROESCHL, Franz HRADILEK, Fritz	2½ years 3 years	2½ years 3 years
000-50-2-87	26 May 47	FIEDLER, Nikolaus KIEPFER, Karl LENGFELDER, Max MUELLER, Josef RATICH, Kurt	5 years 3 years 6 years 3 years 3 years	5 years 3 years 6 years 3 years 3 years
000-50-2-88	27 May 47	EIFLER, Oskar	Acquitted	
000-50-2-89	10 Jul 47	FERG, Christian METZLER, Wilhelm	5 years 10 years	5 years 10 years
000-50-2-90	18 Jun 47	KAHLES, Nikolaus KRECH, Stefan	Death Death	Death Death
000-50-2-91	29 May 47	MEYER, Leonhard	Life	Life
000-50-2-92	11 Jun 47	MUTH, Nikolaus	3 years	3 years
000-50-2-93	20 Jun 47	SCHAITNER, Johannes	5 years	5 years
000-50-2-94	23 Jun 47	ARZ, Georg	5 years	3 years
000-50-2-95	17 Oct 47	BENDL, Franz	20 years	20 years
000-50-2-96	1 Jul 47	ANTKOWIAK, Johann BERGER, Rudolf	3 years 3 years	3 years 3 years
000-50-2-97	11 Jun 47	MUEHLBAUER, Alois STOLZ, August Wilhelm	6 years 4 years	6 years 4 years
000-50-2-98	3 Sep 47	BITTRUF, Anton	Death	Disapproved
000-50-2-99	22 Jul 47	KOHN, Franz LEYSER, Kurt LOBZENSKY, Georg REISS, Johann SCHUH, Andreas WICKLEIN, Ernest WOLLBRINK, Julius	5 years 20 years 10 years 5 years 20 years 10 years 5 years	5 years 5 years 5 years 5 years 10 years 5 years 5 years
000-50-2-100	24 Jul 47	KEMM, Wilhelm MOERTEL, Albert Rudolf MORITZ, Wilhelm MOSER, Hans PANITZ, Julius	5 years 11 years Acquitted 15 years 15 years	3 years 5 years 10 years 3 years

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-2-100	continued	SCHNEIDER, Fritz SCHUELLNER, Hubert SENGENBERGER, Hans Nikol SETTE, Hans	10 years 5 years 5 years 5 years	5 years 3 years 3 years 3 years
000-50-2-101	17 Jun 47	BURKHARDT, August KRAUS, Alfred WEHNER, Karl Hans	26 months 15 years 5 years	26 months 15 years 5 years
000-50-2-102	9 Sep 47	KASTNER, Johann LUTKENHORST, Josef Gerhard MURLASCHITZ, Johann	Life 3 years 10 years	Life 3 years 10 years
000-50-2-103	11 Dec 47	BRACHTEL, Rudolf Adalbert ZIMMERMANN, Karl	Acquitted Acquitted	
000-50-2-104	31 Jul 47	LIPPMANN, Karl August SCHMIEDER, Rudolf	Life 28 months	Life 28 months
000-50-2-105	22 Aug 47	STUTZ ZÄNNER, Theodore	Life	Life
000-50-2-106	6 Nov 47	GRUND, Ludwig WIRTH, Johann	10 years Acquitted	10 years
000-50-2-107	25 Jul 47	HELLER, Christian Georg SCHMELZLE, Otto	Acquitted Acquitted	
000-50-2-108	7 Jul 47	EHRENBOECK, Karl	20 years	20 years
000-50-2-109	25 Aug 47	BERSCHIED, Johannes BOLK, Wilhelm BOSCH, Jakob Peter DENESOWYTSCH, Iwan EUCHNER, Emil LEHNER, Heinrich PIETZARKA, Franz SILBERNAGEL, Franz	15 years 15 years Acquitted 5 years 5 years 5 years 15 years Acquitted	15 years 15 years 5 years 5 years 5 years 15 years
000-50-2-110	15 Sep 47	REMMELE, Josef	Death	Death
000-50-2-111	26 Jun 47	FRISCH, Gottlob	5 years	Disapproved
000-50-2-112	15 Jul 47	HINTERSEER, Johann NEUBAUER, Franz RIENER, Josef SUESS, Wilhelm TRUMMER, Johann UNRECHT, Josef VOGEL, Michael	Life Life Acquitted 15 years 4 years Life Life	Life Life 15 years 4 years Life Life

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000-50-5	continued	HEGENSCHEIDT, Hans	Death	Death
		HENKEL, Wilhelm	Death	Death
		HOEHLER, Walter	Death	Life
		HUBER, Franz	Death	Death
		JOBST, Willy	Death	Death
		KAISER, Paul	Death	Death
		KAUFMANN, Anton	Death	Death
		KAUFNY, Franz	Death	Death
		KEILWITZ, Kurt	Death	Death
		KLIMOWITSCH, Kaspar	Death	Death
		KREBSBACH, Eduard	Death	Death
		KORGER, Viktor	Death	Life
		KREINDL, Gustav	Death	Death
		LAPPERT, Ferdinand	Death	Life
		LEEB, Josef	Death	Death
		LUDDOLF, Julius	Death	Death
		MACK, Wilhelm	Death	Life
		MAYER, Josef	Life	Life
		MEISSNER, Erich	Death	Death
		MUELLER, Emil	Death	Death
		MUELLER, Wilhelm	Death	Death
		MYNZAK, Rudolf	Death	Death
		NIEDERMAYER, Josef	Death	Death
		NOHEL, Vinzenz	Death	Death
		PRIBYLL, Herman	Death	Death
		PRIEBERT, Theophil	Death	Death
		RIEGLER, Josef	Death	Death
		RUTKA, Adolf	Death	Life
		SIGMUND, Thomas	Death	Death
		SPATZENEGGER, Hans	Death	Death
		STRIEGEL, Otto	Death	Death
		STRULLER, Karl	Death	Death
		TRAUNER, Leopold	Death	Death
		TRUM, Andreas	Death	Death
		WASICKY, Erich	Death	Death
		WOHNER, Waldemar	Death	Death
		ZOLLER, Viktor	Death	Death
		ZUTTER, Adolf	Death	Death
000-50-5-1	23 Jun 47	BERGERHOFF, Hans	Death	10 years
		DUDZINSKI, Richard	Death	9 years
		FELSCH, Friedrich	Life	20 years
		FINK, Ottmar	20 years	10 years
		GEYER, Max	Acquitted	
		LEIDNER, Otto	Death	20 years
		NESSL, Erwin	10 years	3 years
		RICHTER, Alfred	Life	Disapproved
		SCHOEPPERLE, Karl	Death	Death
		SPIELHOFER, Josef	Life	2 years
		STRENG, Karl	Death	Death
		ZINK, Otto	10 years	4 years

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-5-2	23 Jun 47	DURA, Ernst Walter HOLLRIEGL, Alois KRONER, Johann KUHNERT, Alfred NITSCHKE, Fritz SCHMUTZLER, Kurt SCHRADER, Otto SPIER, Ludwig	Acquitted Death 20 years 3 years 20 years Death 2 years 7 months Death	Death 20 years 3 years 20 years Death 31 months Died in hospital
000-50-5-3	24 Jun 47	GRILL, Wilhelm HARTUNG, Herbert HEISIG, Alfons Hugo JUNG, Johann Willy SCHUETTAUF, Erick TANDLER, Oskar	Death Death Life Death Life Death	
000-50-5-4	29 Jul 47	GOETZ, Kaspar GUENTHER, Fritz Karl KOPISCHKE, Otto LEHRBACHER, Gustav MEYER, Ernst	Life 25 years Life 20 years Life	Life 25 years Life 20 years Life
000-50-5-5	23 Jul 47	SCHMIDT, Bruno WERNER, Willi	Acquitted 10 years	10 years
000-50-5-6	5 Aug 47	BINZENBACH, Paul DEISTLER, Paul EULER, Emil GEIGER, Hans GRUTZL, Max KOBILKE, Lothar KRAEMER, Max KRAUSS, Stefan MEIER, Mathaeus SCHIFFTER, Otto WEINER, Albert	3 years 3 years 10 years 20 years 10 years 15 years 20 years Acquitted 20 years Acquitted 3 years	3 years 3 years 10 years 20 years 10 years 15 years 20 years 20 years 2 years 9 months
000-50-5-8	17 Jul 47	AUERSWALD, Willi FREYHOLDT, Hans FUSTEN, Herman HEESS, Otto KOLBE, Karl KUEHN, Werner SCHILLER, Alwin	Death 15 years Death Life 5 years Life 10 years	Death 25 years Life 10 years 5 years 3 years 10 years
000-50-5-9	28 Aug 47	FRINDT, Matthias LUKAN, Josef	Death 20 years	Death 20 years

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000-50-5-10	3 Jul 47	BACH, Georg HEINZ, Kaspar LATSEL, Josef OBENBERGER, Alois PFAFFENBERGER, Christoph REICHERT, Ernst ROEDER, Rudolf STUMPF, Heinrich VAESSEN, Heinz Martin	3 years Acquitted Life 10 years 10 years 10 years Life Acquitted 10 years 3 years	3 years 10 years 10 years 10 years 12 years 10 years 3 years
000-50-5-11	1 Jul 47	BAITTERMANN, Andreas FITZNER, Albert HAUSKNECHT, Gert JAIT, Michael KLEIN, Rudolf Gustav KLEINERT, Otto Richard MOHR, Adolf	3 years 10 years 3 years 10 years Death 2 years 2 years	3 years 5 years 3 years 10 years Death 2 years 2 years
000-50-5-12	11 Aug 47	GIOVANAZZI, Hans NUSZKOWSKI, Richard PANHANS, Alois SCHAEFER, Robert SCHMITZ, Theo STUETZ, Florian WAGNER, Heinrich WEFERS, Robert WINTER, Leopold	Death 10 years 20 years 5 years Death 30 years Life Acquitted 10 years	Life 3 years 10 years 5 years Death 5 years Life 3 years
000-50-5-13	12 Sep 47	HAIDER, Johann HIRSCH, Rudolph ISKRA, Matheus KISCH, Josef FULLGRAF, Herbert STEINMETZ, Martin STOECKEL, Daniel USCHAREWITSCH, Stefan	Life 10 years Acquitted Death Life 7 years 7 years 7 years	Life 10 years Death Life 3 years 2 years 2 years
000-50-5-14	23 Jul 47	DLOUHY, Edward MIROFF, Franz RICKEN, Paul STUMFOL, Karl GLISSMANN, Wilhelm	3 years Death Life 2½ years 3 years	3 years Death Life 2½ years 3 years
000-50-5-15	22 Jul 47	FENNER, Paul KOEPLER, Otto	Life 10 years	Life 10 years
000-50-5-17	9 Sep 47	BARNER, Waldemar FIRSCHING, Franz GINNERS, Ludwig HOCHWITZ, Wilhelm	15 years 3 years 8 years 5 years	15 years 3 years 8 years 3 years

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000-50-5-17	continued	HUB, Emil RUBER, Viktor SOENS, Jacob UEBENER, Willi	Acquitted 8 years 5 years 3 years	8 years 5 years 3 years
000-50-5-18	25 Aug 47	BERNHARDT, Theo Otto DOMIS, Johann JUNG, Hans Clemens KUEHN, Karl LUETSCHER, Heinrich PURUCKER, Reinhard STRAUSS, Xaver WAGNER, Fritz WLOTZKA, Ewald	10 years 3 years 5 years 3 years 3 years Death Life 5 years Death	10 years 3 years 5 years 3 years 3 years Death Life 5 years Death
000-50-5-19	26 Nov 47	KLERNER, Eduard SCHULZ, Karl	5 years 5 years	5 years 5 years
000-50-5-20	25 Sep 47	BUERGER, Ernst FULSCHE, Heinrich KORSITZKI, Rene SEIDL, Max ZETTERAEG, Albert	Life Death Death Death Death	Life 5 years Death Death Death
000-50-5-21	9 Sep 47	BRANDT, Olf GERBIG, Emil KATTNER, Josef KLEINGUNPHER, Otto LOTHALLER, Johann MALLESSCHIPS, Stefan WOHLRAB, Christian	3 years Acquitted Acquitted Death Acquitted 10 years Death	3 years Life 10 years Death
000-50-5-22	24 Oct 47	ANTIS, Josef BAERENS, Peter BLOH, Josef DIENER, Adam GLESSRIGL, Karl GRETSCH, Johann HEHL, Philipp KIRSCHBICHLER, Ernst MUECK, Rudolf PUSITZ, Michael Peter REINSDORFF, Werner	5 years Life 30 years Acquitted Life Acquitted 25 years 10 years 25 years 20 years Life	5 years Life 3 years Life 3 years 10 years 25 years 20 years Life
000-50-5-23	21 Aug 47	BUETGEN, Hermann Heinz FLAUCHER, Quirin HELLER, Michael KOFLEK, Franz LENNERT, Stefan	3 years Death Death Death Acquitted	3 years Death Death Death

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000-50-5-23	continued	PEIRAT, Gustav REUTER, Arno Albert THELMANN, Emil	Death 2 years Life	Death 2 years Life
000-50-5-24	5 Aug 47	BARTL, Josef BECK, Philipp BLUME, Walter BOBROWSKI, Max DOERFLER, Oscar Eduard LORENZ, Ernst OHNMACHT, Eduard VOLGGER, Konrad ZIRNER, Johann ZULEGER, Herman	3 years 5 years 10 years 3 years 3 years Life 10 years 10 years 3 years 15 years	3 years 5 years 10 years 3 years 3 years 25 years 10 years 10 years 3 years 15 years
000-50-5-25	21 Jul 47	DOMINGO, Felez FERWANDEZ, Moises GONZALESS, Indalecio NAVAS, Lauriano	2 years 20 years Death Life	Disapproved 20 years Death Life
000-50-5-26 000-50-5-27	9 Sep 47	ARNDT, Hermann Emil FLECK, Karl GOEBEL, Bernhard KIRNER, Baptist KLAPPER, Johann Iwan KOERNER, Max MOGLE, Karl Theodor PATOLIA, Leopold PFLEIFFER, Jakob POMMERICH, Paul SEIDEL, Alois WEGERT, Johann	8 years Life 10 years 6 years Life Life 4 years Acquitted Life Acquitted 3 years 3 years	8 years Life 10 years 6 years Life Life 4 years Life Life 3 years 3 years
000-50-5-28	11 Sep 47	BOEHM, Hans GLOSZE, Walter Ernst HAASENGIER, Walter Kurt MUELLER, Wilhelm Friedrich OBST, Arthur PEROUTKA, Alexander SCHULZ, Franz Gottfried	Death Death Death Death 15 years Death Life	Death Life Life Death 15 years Death Life
000-50-5-29	22 Oct 47	GAY, Emil Andreas KANSMEYER, Rudolf KAUPP, Erwin Georg KAUPP, Wilhelm PAUSCH, Max SIELAFF, Hans Willi Ernst	Death Death 20 years Death Death Death	Death Death 20 years Death Death Death

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-5-30	31 Oct 47	FERNIKORN, Bernhard GUTTENBERGER, Hubert Franz KESTEL, Willi MOELLER, Fritz MOHR, Nikolaus	Life Life Life 15 years 10 years	Life Life Life 15 years 10 years
000-50-5-31	12 Aug 47	GLAS, Karl KIRCHNER, Kurt PILLEXEDER, Franz SLUPEPZKY, Anton VETTER, Helmuth	Life Death 30 years 5 years Death	Life Death 30 years 5 years Death
000-50-5-32	10 Oct 47	GAERTNER, Karl GLAS, Johann HORCICKA, Karl SCHROEGLER, Karl VOIGHEI, Otto WIRTH, Johann	Life 20 years Death Death Acquitted 3 years	Life 20 years Death Death Death 3 years
000-50-5-33	17 Sep 47	GLOECKNER, Emil SCHILLING, Andreas SCHMITZ, Heinrich	10 years Death 5 years	10 years Life 5 years
000-50-5-34	27 Oct 47	GOENNEMANN, Horst	5 years	5 years
000-50-5-37	6 Aug 47	KURBEL, Friedrich RAAB, Hilar	Acquitted Acquitted	
000-50-5-38	27 Aug 47	FRISCH, Hubert MOCBEICHEI, Josef SCHMIDT, Josef	Life 20 years 20 years	Life 20 years 20 years
000-50-5-39	12 Sep 47	SCHILLER, Johann	30 years	30 years
000-50-5-40	11 Sep 47	HOOS, Johann RICHTER, Fabian	25 years Death	25 years Death
000-50-5-41	20 Aug 47	STURM, Hermann	20 years	20 years
000-50-5-42	19 Sep 47	FOLGER, Johann MADLMAYR, Alois PIRNER, Georg	10 years 15 years 20 years	10 years 15 years 20 years
000-50-5-43	26 Sep 47	PAVELA, Franz	25 years	25 years
000-50-5-44	26 Sep 47	TREMMEI, Paul	Death	Death
000-50-5-45	7 Oct 47	FLEISCHER, Carl	Death	Death

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-37 continued		BUEHRING, Emil Otto	Life	
		DEHMERS, Heinz Georg	7 years	
		Alfred		
		FUCHSLOCH, Josef	Acquitted	
		HEINRICH, Kurt	Acquitted	
		HELBIG, Oskar Georg	20 years	
		JACOBI, Rudolf	Life	
		KILLIAN, Josef	Life	
		KOENIG, Georg Wilhelm	Life	
		MAISCHEIN, Paul	5 years	
		MOESER, Hans	Death	
		RICKHEY, Georg Johannes	Acquitted	
		SCHMIDT, Heinrich	Acquitted	
		SIMON, Wilhelm	Life	
		ULBRICHT, Walter	5 years	
		WALLENIA, Richard	20 years	
		ZWIENER, Willi	25 years	
000-50-46	22 Jan 47	BECKER, Josef	1 year	1 year
		BERGER, Franz	3½ years	3½ years
		BLOMBERG, Konrad	Death	Death
		BONGARTZ, Peter	15 years	15 years
		BRUSCH, Wilhelm	Death	Life
		BRUNNENBERG, Ludwig	Life	Life
		BUTNER, Karl	Acquitted	
		EISBUSCH, Christian	Death	Death
		FAHRNBAUER, August	15 years	15 years
		GETSBERGER, Johann	Life	Life
		GELHARDT, Michael	Life	Life
		GIESELMAN, Karl	Acquitted	
		Friedrich Alois		
		GINSCHEL, August	Death	Death
		GRAEBER, Karl	10 years	10 years
		HAUBOLD, Gerhard	20 years	20 years
		HAUSER, Josef	Death	Death
		HERZ, Peter	Acquitted	
		HOLMICH, Georg	Acquitted	
		JAKUBITH, Alois	Life	Life
		KELLING, Karl	Death	Life
		LIPINSKI, Hans Johann	10 years	10 years
		LOSCH, Eduard	20 years	20 years
		MATHOI, Karl	Life	Life
		MATZKE, Gustav	10 years	10 years
		MAURER, Raymond	30 years	30 years
		MOHR, Christian	Death	Death
		MUSSELDT, Erich	Life	Life
		NEYE, Walter Paul	15 years	15 years
		Adolf		
		OLSCHEWSKI, Willi	Death	Death
		PACHEN, Hermann	Life	Life
		PAWLICZEK, Otto	Life	Life
		PENZ, Erich	Life	Life

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-46	continued	PINTNER, Josef REIZLAFF, Theodor REUPSCH, Walter ROLLER, Albert SCHREIBER, Kurt Erich SCHUBERT, Alois SCHWANNER, Cornelius SCHWARZ, Ludwig SKLERKA, Bruno SOMMERFELD, Hermann WEILBACH, Georg WOLF, Erhard Ernst Georg WURST, Josef	Life Acquitted 20 years Death 20 years Death Death Death Death 15 years Life Death Death	Life 20 years Death 20 years Life Death Death Death 15 years Life Death Death
000-50-46-1	12 Nov 47	HUMM, Martin LOE, Wilhelm WISSMANN, Edmund	Death Death Death	Life 20 years Life
000-50-46-2	21 Nov 47	DORFLEIZ, Ernst FIEDLER, Albert WEYRICH, Emil WILHELM, Ferdinand	10 years 10 years 2 years 3 years	5 years 10 years 2 years 3 years
000-50-46-3	12 Dec 47	BECKER, Friedrich GUTJAHR, Georg HEERDE, Ewald RINK, Otto SCHMATZ, Sepp SCHMITZ, Heinrich	Life Acquitted 3 years 3 years Life Death	Life 3 years 3 years Life Death
000-50-46-4	19 Nov 47	FISCHER, Max FUCHS, Johann MUELLER, Philipp SEUBERT, Adolph TOERMER, Paul	Life Life 2 years 17 years 15 years	Life Life 2 years 17 years 15 years
000-50-46-5	28 Nov 47	BERGMUELLER, Josef HAENSEL, Karl JESS, Ferdinand KIRSAMMER, Hermann MAYER, Karl SCHLUNDEHMANN, Fritz STELZNER, Kurt	Life Life Acquitted Life Life 5 years 20 years	25 years 25 years 25 years 25 years 3 years 8 years
000-50-46-6	12 Dec 47	BANASTIAK, Bernhard KOKOTT, Josef KRAUSS, Heinrich ROESCH, Alfons TUMA, Ottokar	3 years Acquitted 5 years 4 months Acquitted	3 years 5 years 4 months

<u>CASE NO.</u>	<u>TRIAL DATE</u>	<u>PERPETRATORS</u>	<u>SENTENCES</u>	<u>AS APPROVED BY REVIEWING AUTHORITY</u>
000-50-136	13 May 47	AUER, Franz	Death	Death
		BACHMANN, Karl	Acquitted	
		BAYHA, Wilhelm	10 years	10 years
		ENGELHARDT, Heinrich	Life	25 years
		FLOCKEN, Erika	Death	Life
		GICKELEITER, Karl	20 years	20 years
		GIESLER, Hermann	Life	25 years
		GOTTCHLING, Daniel	15 years	15 years
		GRIESINGER, Wilhelm	15 years	15 years
		JERGAS, Wilhelm	Death	Life
		OSTERMANN, Anton	Acquitted	
		SCHMIDBERGER, Jakob	20 years	20 years
		SPAETH, Herbert	Death	Life
		SPERLING, Otto	Death	Life

HEADQUARTERS
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 407

Date _____

TO: Headquarters 970th CIC Detachment
European Command, APO 757. U S Army

WCG No. 000.5 EXT _____

- ____ REQUEST CLEARANCE FOR EXTRADITION TO _____
- ____ REQUEST PRESENT LOCATION OF SUBJECT _____
- ____ REQUEST APPREHENSION OF SUBJECT _____
- ____ REQUEST NOTIFICATION OF SUBJECT'S APPREHENSION _____
- ____ REQUEST INVESTIGATION OF LEADS AS INDICATED _____

NAME (WITH ALIASES) _____ SEX _____

NATIONALITY _____ AGE _____ SINGLE _____ MARRIED _____

FORMER ADDRESS _____ OCCUPATION _____

DESCRIPTION: DATE OF BIRTH _____ PLACE _____

HEIGHT _____ WEIGHT _____ EYES _____ HAIR _____ BUILD _____

DISTINGUISHING CHARACTERISTICS _____

LAST KNOWN ADDRESS OR POSSIBLE WHEREABOUTS _____

REASON WANTED: In connection with war crimes.

PREVIOUS HISTORY AND OTHER DATA _____

WIFE OR HUSBAND _____ NATIONALITY _____ AGE _____

ADDRESS _____

CHILDREN _____

FATHER _____ ADDRESS _____

MOTHER _____ ADDRESS _____

FOR THE DEPUTY JUDGE ADVOCATE FOR WAR CRIMES:

WCG Form No. 21 (Summary of Information
APPENDIX XXIII Form)

248

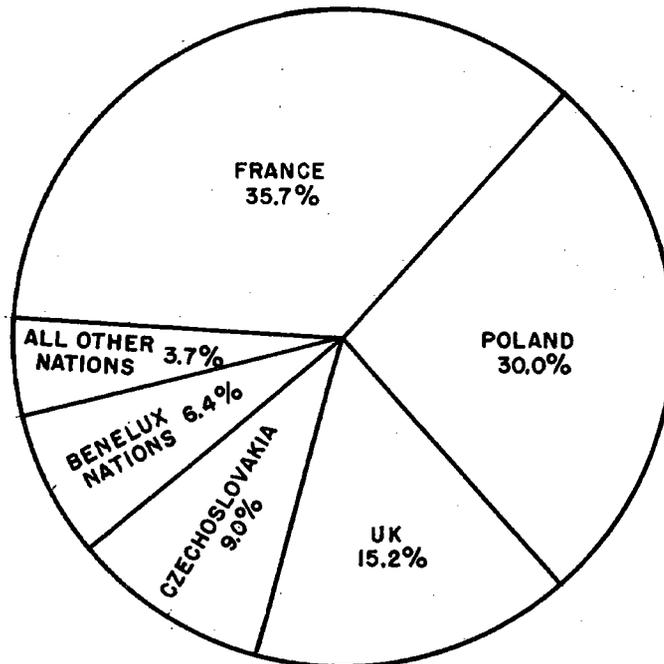
FRED W. LUDECKE
Major Cml C
Chief, Extradition Section

TABULATION BY NATIONS OF EXTRADITION REQUESTS AND THEIR DISPOSITION

Country Making Request	No. of Individuals Requested	No. of Individuals Surrendered	Cases Closed Administratively*
Austria	33	15	18
Belgium	281	93	188
Bulgaria	18	0	18
Czechoslovakia	960	354	606
Denmark	28	21	7
France	2224	1397	827
Greece	10	3	7
Hungary	94	0	94
Italy	5	2	3
Luxemburg	109	62	47
Netherlands	157	98	59
Norway	29	9	20
Poland	2202	1172	1030
Russia	65	45	20
United Kingdom	1682	592	1090
Yugoslavia	219	51	168
TOTAL	8116	3914	4202

*Delivery of individuals in this column was not effected for various reasons, including:

- a. Clearance could not be granted
- b. Individuals could not be located
- c. Requests covered individuals located in other zones



Distribution of Surrendered Individuals Among Various United Nations