

MILITARY GOVERNMENT COURT

Legal Form No. 8

CASE RECORD.

MAIMFDY

VOLUME XII - Pages 2529 - 2757 Incl.

Case No. 6-24 Prosecutor LT COL BURTON F ELLIS

~~Summary~~ ~~Witness~~ Military Court. Defence Counsel COL WILLIS M EVERETT JR.

*General Interpreter

Place DACHAU, GERMANY Reporter

Date 0830 hours 1 JULY 1946 1200 hours 3 JULY 1946 Incl.

Members of Court:
 BRIG GENERAL JOSIAH T DALBEY
 COL PAUL H WELLAND
 COL JAMES G WATKINS
 COL WILFRED H STEWARD
 COL RAYMOND C CONDER
 COL A H ROSENFELD (LAW MEMBER)

Accused VALENTIN BERSIN, ET AL

Address Sex Age

	First Charge	Second Charge
Pleas VALENTIN BERSIN, ET AL	Not Guilty	
Findings	CLASSIFICATION CANCELLED By Summary dtd 4 Aug 1950.	
Previous Convictions		

Sentence {
 Imprisonment { Term
 Beginning 194
 Fine { Amount
 To be paid before 194
 or in case of default of payment to serve a *further
 term of
 imprisonment.

Charge Sheet and Record of Testimony are annexed hereto.

(Signature of member of court.)

REVIEW

Action of Reviewing Authority

(Signature of reviewing authority)

*Strike out words not applicable.
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EXHIBITS

<u>Number</u>	<u>Description</u>	<u>Marked</u>	<u>Offered</u>
D-6	Statement of Mayor of Bullange relative to vital statistics	2559	2560
D-6-A	English Translation of Exhibit D-6	2560	2560
D-7	Statement of Anton Jonsten relative to death of Katharina Jonsten	2561	2562
D-8	Photograph	2635	
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D-21	Photograph (Stoumont)	2710	2710
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D-23	Photograph (Stoumont)	2711	2712
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CAMP DACHAU, GERMANY

1 July 1946

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: Take seats. The Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court, all members of the Prosecution, with the exception of Lt Col Crawford, who is absent on business of the Prosecution, and Captain Byrne, who has been excused by verbal orders of the Commanding General, all members of the Defense, with the exception of Dr. Wieland, who is absent on business of the Defense, all the defendants and the Reporter are present.

If the Court please, there is a new Interpreter to be sworn this morning.

(Whereupon Rudolph H. Schubert was sworn in as an Interpreter in this case.)

DEFENSE COUNSEL: May it please the court, Lt Wahler of the Defense Staff has a matter to present to the Court at this time.

LT WAHLER: May it please the Court, this is a matter which involves one of the defendants who was represented by Dr. Wieland. He has requested that I act as co-counsel in this matter with him. He is not present this morning. In the record of May 23 a witness by the name of Hans Joachim Piper, at that time he was interrogated by the Prosecution and he was a prosecution witness. His testimony was relative to certain incidents or certain individuals who were accused of having participated at the cross roads incident on 17 December. After his testimony in open Court he was on cross examination. He was interrogated by, I believe it was, Mr. Strong and several other defense attorneys. He was then three or four days later brought to the office of the defense counsel and he was then interrogated by Dr. Wieland. A few days ago, later,

(Defense Motion)

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namely on the morning of 24 June I left the court room and at that time interrogated the prosecution witness myself. His interrogation was taken down by a stenographer and translated into English.

The interrogation that was conducted by myself in the presence of Dr. Wieland and the stenographer showed several severe discrepancies between the testimony that was given in open court on direct examination. In view of the discrepancies, before disclosing them to the Court, this is a request that this witness be called as a Court's witness so that the Defense will have the opportunity of cross examining this witness as well as the prosecution.

As authority for the right of the Court to call the witness as a Court's witness I would like to call the Court's attention to Section 391 of Underhill's Criminal Evidence. The paragraph deals with the right of the Court to present questions to the witness by the Court or by a jury. In the latter part of the section this statement is made (reading):

"..where the Prosecution fears a witness he may be called by the Court and in such case he is not a witness for either, subject to examination and cross examination by both sides."

The several quotations are given, one from the Supreme Court from the State of Illinois and one from the Supreme Court of Florida.

We contend that since this matter goes to the essence of one of Prosecution's witnesses that the Defense should have the right of cross examining this witness relative to the truth and veracity of the statements that he made before this Court.

That is all I have at this time.

PROSECUTION: If the court please, the Court's expression is often not bound by the rules of other Courts of evidence. In as much as the Defense had the opportunity to cross examine this witness, not only one of them but several of the defense counsel, and there the witness maintained the story that he told us on direct examination, I believe that the defense had ample opportunity to

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cross examine this witness. And therefore now their request to have him called as the Court's witness and the privilege of cross examining him is improper. Furthermore the defense was given the name of this witness before he was called and they had ample opportunity to interview him before he was called as a prosecution witness.

LAW MEMBER: Is your purpose in making this motion at the present time to keep it in line with the phase of your case dealing with the cross examination?

LT WAHLER: That is correct, sir.

PROSECUTION: If the Court please, we do not disagree on their right to call him as their own witness. Their request to have him called as the Court's witness so that they can cross examine him is our only objection.

LT WAHLER: If the Court please, if this witness has committed perjury before this Court, it is certainly to the interest of the Court to determine that factor. And in view of that I can present the questions and answers that I presented to this witness in my own office. I will therefore make a tender of proof to this Court relative to my interrogation which can be checked back with the testimony of the witness on direction examination in the record. The Court after hearing that evidence can judge for itself whether or not perjury has been committed before this Court.

LAW MEMBER: Rather than admit such tender of proof into the record, the Law Member desires to study such tender of proof and requests the Court to be closed in the meantime.

LT WAHLER: I can testify that the witness was sworn under oath. (Handing papers to Court and to the Prosecution.)

PRESIDENT: The Court will be closed and the spectators will remain in the court room.

(Whereupon the Court took a recess at 0847 hours.)

(Whereupon the Court returned at 0915 hours.)

PRESIDENT: Court is open; it will come to order.

PROSECUTION: Do you want me to make the regular announcement?

PRESIDENT: I think if the court is open and closed, it is not necessary.

LAW MEMBER: The Court requests that HANS JOACHIM PIPER be recalled as the Court's witness merely for the purpose of enlightening the Court upon alleged discrepancies in his testimony.

HANS JOACHIM PIPER, recalled, having been previously sworn, testified further through an interpreter as follows:

PRESIDENT: Remind the witness he is still under oath.

PROSECUTION: The witness is reminded he is still under oath.

A Yes.

EXAMINATION BY THE COURT

LAW MEMBER: Are you the same Hans Joachim Piper who has testified previously in this case, on behalf of the Prosecution?

A Yes.

Q You have been called before the court as a courts' witness, to explain some of the alleged discrepancies in your testimony.

A Yes.

Q By that the Court means a discrepancy or an alleged discrepancy between the testimony which you offered here in the Court and on a sworn statement which you made to Defense Counsel recently.

A Yes.

Q Then the Defense may examine him.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler):

Q What is your name?

A Hans Joachim Piper.

Q Do you recall being interrogated by myself in the presence

(Piper - recross).

of Dr. Wieland in our offices on last Tuesday morning?

A Yes.

Q That was the 25th of June?

A Yes.

Q Do you recall that you were sworn under oath at that time?

A Yes.

Q At that time you were interrogated relative to the incident that occurred at the cross roads on the 17th of December, is that correct?

A Yes.

Q At that time you were asked:

"Did you ever stop at the cross roads?"

A Yes.

Q Do you remember the answer that you gave?

A The first answer?

DEFENSE COUNSEL (Lt. Wahler): Will you strike that, if the Court please. You were asked the question:

"Did you ever stop at the cross roads?"

And you gave the answer:

"We stopped before the cross roads."

A Yes.

Q You were then asked: "How long did you park there?"

You gave the answer:

"Ten or fifteen minutes, approximately."

A Yes.

Q You were then asked:

"How far from the intersection did you stop?"

You gave the answer:

"At a distance of approximately two hundred meters."

(Piper - recross)

A Two hundred meters?

Q Yes.

A Yes.

Q You were then asked:

"Question: What did you do then?"

And you gave the answer:

"We saw a detail of soldiers. Later we fired with the cannons. We moved on in the direction of the intersection. If we stopped once more at the cross roads, I do not know any more. I saw prisoners of war standing in a field."

Q You were then asked:

"Where was your tank when you first saw the prisoners of war? and you

And you gave the answer:

"In the middle of the street?"

Is that correct?

A Yes.

Q You were then asked:

"did you drive in the direction of the prisoners of war?"

And you gave the answer:

"Yes."

Is that correct?

A Yes.

Q You were then asked;

"Where was your vehicle standing there?"

And you gave the answer:

"In the middle of the street. Christ came from the front. His vehicle also stopped in the middle of the street."

Is that correct?

A No, I didn't say that. Not about the vehicle.

Q You were then asked the question:

"Were you able to recognize Christ?"

And you gave the answer:

"Not 100%."

A Yes.

Q Is that correct?

A Yes.

Q You were then asked the question:

"How long was your vehicle standing there?"

You gave the answer:

"Four or five minutes."

Is that correct?

A Yes.

Q You were then asked the question:

"During the time the vehicle was parking, what did Rehagel do?"

You gave the answer:

"Rehagel left the vehicle."

Is that correct?

A Yes.

Q You were then asked the question:

"Where did Rehagel go?"

The answer:

"He went in the direction of Engelsdorf."

Is that correct?

A Yes.

Q You were then asked:

"Did you see him return?"

A You gave the answer:

"Yes."

Is that correct?

A Yes.

Q "How long had you been there?"

You gave the answer:

"Approximately as long as we parked there."

Is that correct?

A Yes.

Q You were then asked:

Q "What did Rehagel do after he had returned to his vehicle?"

You gave the answer:

"We drove to Engelsdorf. He talked to a leader."

You were then asked--is that correct?

A No.

Q You were then asked:

"Do you know what they were talking about?"

And you gave the answer:

"No."

Was that correct?

A Yes.

Q You were then asked:

"Was Koch there?"

A Yes.

Q And you said:

"Yes."

You were then asked:

"Did Koch ride in your tank, or in which one?"

You said:

"Koch was a commander and had his own tank."

Is that correct?

A Commander? Yes.

Q You were then asked: the question:

"Is it not true that he fired upon prisoners of war with his machine gun out of the turret?"

hi

Then you gave the answer:

"I did not see it myself, but it might be possible, since I heard some machine guns firing at that time."

Is that correct?

A No, I saw that myself, that he shot.

Q You were then asked: the question:

"Do you still remember the question, referring to the record dated May 23, Do you know what Rehagel did when he came back to his tank?"

You answered:

"He mounted the turret of his tank and fired upon the prisoners with his machine gun.

A It wasn't on the 23rd of May; it was on the 26th of February.

Q Do you recall testifying to making that statement on direct examination before this court on the 23d of May? Strike that out. Do you remember being asked that question before this court on the 23rd?

A Yes.

Q And did you give this answer:

"He mounted the turret of his tank and fired upon the prisoners of war with his machine gun."

A Yes.

Q You were then asked the question:

"Is that true?"

By myself.

A I gave the answer, but it is not correct.

PROSECUTION: If the court please, I believe the questions and answers should be given without this witness being allowed to answer again. I think he is reading from the record questions and answers?

DEFENSE COUNSEL (Lt. Wahler): Correct. You gave the answer:

"I do not know any more."

A Rehagel did not fire.

Q Did you give this answer when I interrogated you on the morning of the 25th of June, the answer being?

"I do not know any more."

Did you give that answer when I interrogated you?

A Yes.

Q You were then asked the question:

"Did you personally see Rehagel firing upon the prisoners of war?"

And you gave the answer:

"I did not see it personally but I heard it from the direction where the machine gun was firing."

Do you remember making that statement?

A Yes.

Q You were then asked the question:

"Is that true?"

And you gave the answer:

"Yes."

Is that correct?

A Yes.

Q You were then asked the question:

"Did you see Rehagel firing?"

You gave the answer:

"I did not see it personally; I was in the tank and Christ was standing in front of me."

Is that true?

A Christ?

Q Will you read the answer back again?

(Whereupon the question and answer was read by the reporter.)

A Christ came from the front.

Q Well, is that answer correct, or not?

A Yes, it is correct.

Q Then you were asked the question:

"Did you hear Rehagel's machine gun firing?"

And you gave the answer:

"I don't know quite exactly whether it was our own or another one."

A Yes.

Q Did you make that statement?

A Yes.

Q Then you were asked the question:

"Then you do not know whether Rehagel actually did fire or not?"

And you gave the answer:

"In Schwaibisch Hall somebody told me that Rehagel had said that, that I had fired."

Is that correct?

A Yes.

Q You were then asked the question:

"Was the reason for your stating that Rehagel had shot, because Rehagel had stated you had fired?"

A no.

Q You gave the answer "No", is that correct?

A Yes.

Q You were then asked the question:

"Why, at your first interrogation, did you testify that Rehagel had fired at the prisoners of war?"

And you gave the answer:

"I said that, because I was under pressure."

Was that correct?

A Yes.

Q You were then asked:

"If I ask you whether you told the truth in your first statement, what is your answer to that?"

A I did not say the truth.

Q You gave the answer:

"I do not know it exactly any more."

Is that correct? Is that the answer you gave at that time?

A Yes.

Q You were then asked the question:

"Do you remember Mr. Strong asking you the questions and you giving the answers as following: 'Who fired? Rehagel and Koch.' Is that true?"

You gave the answer: "Koch fired."

Is that true?

A Yes.

PROSECUTION: (Capt. Shumacker): If the Court please, so the record will not be ambiguous, it is not clear to the Prosecution, at least, when Defense Counsel asks the question: "Is that correct?" whether he means are these facts true, or is it correct that this was your answer when interrogated by Defense Counsel.

(Fifer - recross).

DEFENSE COUNSEL (Lt. Wahler): If the Court please,
I will state at this time when I ask witness the question: "Is it
true that you gave that answer, I am merely asking you whether you
gave that answer at the time I interrogated you. Now do you understand
that?

A Yes.

Q You were then asked the question:

"Is it true that Rehagel fired too?"

And you gave the answer:

"I cannot say it for sure."

Is that true? Is that the answer that you gave?

A Yes.

Q You were then asked the question:

"Mr. Strong asked you the question: 'You have just stated
that you saw Rehagel, Koch and Brandt firing. In the
court room you answered: 'Yes'. Is this answer true or
not?

You gave the answer:

"Concerning Koch and Brandt, yes.

Is that answer correct?

A No, that is not correct.

Q Is that the answer that you gave when he interrogated you?

A I said, partly.

Q You were then asked the question:

"And what about Rehagel."

And did you make the following answer; when he interrogated
you:

"I do not know it for sure, and I did not see it quite
exactly either.

Did you make that answer to me when I interrogated you?

A I didn't say, I merely shrugged my shoulders.

Q You were then asked the question:

"Did you understand this question at the time you were
asked it?"

And did you give the following answer:

"Yes."

Is that the answer you gave me?

A Yes.

Q You were then asked the question:

"Did you also understand the question containing the word "see"?"

And did you make the following answer to me:

"Yes."

A Did you say "no"?

Q Read that question back to him again. Mr. Rosenstock,
will you read that question back to him again?

(Whereupon the question was read by the Interpreter).

Q And you gave the answer

"Yes".

Is that correct?

A I don't remember that.

Q You were then asked the question:

"Is that the truth?"

And did you give the answer:

"Partly."

A Yes.

Q You were then asked the question:

"And which part is true?"

And did you give the answer:

"Koch and Brandt".

A Yes.

Q You were then asked the question:

"It is not true, that Rehagel fired?"

And did you give the answer:

"I cannot say it with 100% certainty that Rehagel did shoot, and I cannot say with 100% certainty either that he did not shoot."

A Yes.

Q Did you give that answer?

A Yes.

Q You were then asked the question:

"Do you understand the German language?"

And did you give the answer:

"Yes."

A Yes.

Q You were then asked the question:

"Now I ask you, did you see Rehagel firing?"

Did you give the answer:

"I cannot say it for sure.

Did you give that answer?

A Yes.

Q You were then asked the question:

"Did you see yourself Rehagel firing?"

And did you give the answer:

"I did not see it myself."

Did you give that answer?

A Yes.

Q You were then asked the question:

"Did you talk to anybody--

LAW MEMBER: At that point, from here on, there is no discrepancy, so far as I can see, and there is no use taking up any time.

DEFENSE COUNSEL (Lt. Wahler): Yes. Do you recall being asked on direct examination--

- LAW MEMBER: Before the Court.

DEFENSE COUNSEL (Lt. Wahler): Before this court on the 23rd of May the following question:

"Was Rehagel in the tank when it stopped at the cross-roads?"

And you gave the answer:

"At first he was in the tank."

Do you recall that?

A Yes.

Q You were then asked the question:

"Rehagel mounted into the turret and fired with a machine gun on the prisoners of war" and

and you gave the following answer:

PROSECUTION: Will you tell me what page you are reading from:

DEFENSE COUNSEL (Lt. Wahler): I am reading from page 581 of the Record. Were you asked the following question:

"Do you know, or do you remember, what Rehagel did after he returned to the tank?"

And you gave the following answer:

"Rehagel mounted into the turret and fired with a machine gun on prisoners of war."

Do you remember testifying to that before this court?

A I testified that after Rehagel got back here he first talked to an officer.

Q Do you remember being asked that question and giving that answer before this court on the 23rd of May?

LAW MEMBER: He can be given the record to refresh his memory.

DEFENSE COUNSEL (Lt. Wahler): Well, this is the record. Do you read English?

A No, sir.

Q Do you remember being asked that question and did you give that answer?

(Whereupon the question and answer were read by the interpreter.)

A I don't remember that. I just gave him the answer as I gave it before.

Q Did you see Rehagel firing?

A No, I did not see it.

DEFENSE COUNSEL (Lt. Wahler): I think that is all.

Tk #301-SR-7/1-1

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Piper, you remember two or three days before you testified in this court as a Prosecution witness, that I talked to you in my office just outside this courtroom?

A Yes, I remember that.

Q And you remember that not once, but two or three times, I told you that I wanted you to testify nothing but the truth, either on direct examination or on cross examination?

A Yes, I remember that.

Q Do you remember that I told you that the most important thing for you to remember was that you must tell the truth?

A I don't remember that exactly.

Q And you remember that there was at least a guard and an interpreter in the room when you talked to me?

A Yes.

Q Did I threaten you in any way while I was discussing this case with you?

A Not threatened, --

Q What did I say to you?

A -- However, I remained silent for that reason because when I was first interrogated by Captain Shumacker concerning the issuance of orders and when I was asked whether I had heard that somebody had been beaten, I said I heard that somebody was beaten. After that matter the interpreter came on out and said to me, "Piper, for your future everything is okay."

(Piper-Cross)

Tk #301-SR-7/1-2

Q That was before I talked to you, however, was it not?

A Yes.

Q Several days before I talked to you, was it not?

A More than a week, probably.

Q And is it not a fact that you did not volunteer to talk to the Defense, that they called you after you had testified as a Prosecution witness?

A I knew exactly that the Defense would call me because all the comrades were called.

Q But you did not ask the Defense to call you, did you?

A The second time, yes.

Q I am talking about the first time.

A The first time, no.

LAW MEMBER: Without going any further in this examination, let the Court ask this question of both the Defense and the Prosecution: So far, the Court can see only one slight discrepancy in the testimony, whether or not Rehagel fired, which the witness said before the Court in his direct examination on May 23rd and which he is not quite sure of now. Is that the only discrepancy?

LT. WAHLER: The question is whether he saw Rehagel fire. That is the only contention./

LAW MEMBER: Very well, the Court will take notice of that situation without going into it any further.

By the Court: Were you Rehagel's tank driver?

THE WITNESS: No.

(Piper-Cross)

Tk #301-SR-7/1-3

LAW MEMBER: Did you have some further questions?

LIEUTENANT WAHLER: Just one minute.

PROSECUTION: If the Court please, I would like to ask at least one more question of this witness.

LAW MEMBER: If it has to do with whether he was in the tank, we will find that out.

PROSECUTION: That is what I was going to ask him.

LIEUTENANT WAHLER: One other discrepancy that was called to my attention was relative to the identification of Christ.

EXAMINATION BY THE COURT

QUESTIONS BY LAW MEMBER:

Q Was Rehagel in your tank at this time, at the crossroads?

A At first, yes; then he got out.

Q Did you see Christ at the crossroads?

A I cannot say with 100 percent certainty any more. It might be a mistaken identity with 1st Lieutenant Kremser.

Q What time was this?

A About noon; I can't give the exact time.

Q Were you in the tank which Rehagel commanded?

A Yes.

Q During the time when you saw German machine guns firing on the American prisoners, was there a machine gun in your tank firing?

A No.

Q Was Rehagel in your tank at the time you heard these machine guns firing?

Tk #301-S^H-7/1-4

A Yes.

PRESIDENT: Any other questions?

PROSECUTION: If the Court please, we would like to go a little bit into this story about the investigation made by the Defense after this witness testified as a Prosecution witness. I think that is relevant and has some value.

LIEUTENANT WAHLER: We would also like to go into the question as to why the witness made these statements on direct examination and what was the inducement for it.

LAW MEMBER: How do you mean, on direct examination by the Court?

LIEUTENANT WAHLER: No, no, on direct examination on the 23rd of May, -- why the inconsistencies in his statement then and the inconsistencies now.

LAW MEMBER: The Court has looked into the matter rather thoroughly and unless there is something you think the Court should know, I do not think it is necessary. I think it is obvious to the Court, and since the Court is not sitting as a jury, it is quite obvious. It is also obvious to the Court that the witness was examined by the Defense after he had appeared here as a Prosecution witness. The Court will take that into consideration.

why?

PRESIDENT: Any other questions? Apparently not. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

(Piper-Court)

Tk #301-SR-7/1-5

DEFENSE COUNSEL: Defense recalls as its next witness, Oskar Maurer. Dr. Hertkorn, on behalf of the Defense, will conduct the direct examination.

OSKAR MAURER, a witness called by the Defense, having been previously duly sworn, resumed the stand and testified further through an interpreter as follows.

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. HERTKORN):

Q Maurer, you have appeared as a Defense witness here before, have you not?

A Yes.

Q Do you remember being questioned about Honsfeld in your last interview?

A Yes.

Q Which tank was driving in front of you when you left Honsfeld?

A The C.O.'s Panzer.

Q In which direction did you leave Honsfeld?

A West.

Q What was the next town you reached?

A Buellingen.

Q About how long did it take you to go from Honsfeld to Buellingen?

A About one hour.

Q About when did you reach Buellingen?

A It might have been about 1400 hours.

Q On your march from Honsfeld to Buellingen, did you stop anywhere?

(Maurer- Redirect)

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Tk #301-SR-7/1-6

A Yes.

Q Why?

A We were attacked by aircraft and we were also carrying infantry who mounted and dismounted the vehicles constantly.

Q Did you see your Company Commander, 1st Lieutenant Christ during that march?

A Yes.

Q Where was he?

A He was in the turret of his tank and directed his tank.

Q Was the porthole in the turret open or closed?

A The porthole in the turret was open and the body of 1st Lieutenant Christ was sticking out to the chest.

Q Where were you sitting while you observed your C.O. in that manner?

A I was in the turret myself and directed the tank.

Q Was your turret hole open or closed?

A The turret hole was open.

Q Did you look outside the porthole with the upper part of your body sticking out?

A Yes.

Q Just about how long did your company stop in Buellingen?

A We stopped in Buellingen only because of an air attack. We used this halt in order to refuel.

Q How much time, -- how many minutes did you, in your opinion, use in that halt?

(Maurer- Redirect)

Tk #301-SR-7/1-7

A It might have been 15 minutes.

DEFENSE COUNSEL: You may cross examine.

CAPTAIN SHUMACKER: No cross examination.

PRESIDENT: Any questions by the Court?

Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: Defense recalls as its next witness, Horst Vollprecht. Dr. Hertkorn, on behalf of the Defense, will conduct the redirect examination.

HORST VOLLPRECHT, a witness recalled by the Defense, having been previously duly sworn, resumed the stand and testified further through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

PROSECUTION: The witness is reminded he is still under oath.

THE WITNESS: Yes.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. HERTKORN):

Q Vollprecht, have you been interrogated here as a Defense witness previously?

A Yes.

Q Do you remember testifying about Honsfeld while on the witness stand last?

A I was not questioned about Honsfeld yet.

Q Where were you about noon on the 17th of December?

A In Honsfeld.

Q Do you remember when you left Honsfeld?

(Vollprecht-Redirect)

Tk #301-SR-7/1-8

A We left Honsfeld about one o'clock.

Q Did you observe any combat activity, artillery barrage, or anything else while leaving Honsfeld?

A The artillery was active and we were attacked by aircraft.

Q In what direction did you leave Honsfeld?

A Towards Buellingen.

Q About how long did it take you to go from Honsfeld to Buellingen?

A It might have taken about one hour.

Q Why did it take so long for this relatively short distance?

A We were carrying infantry and due to the constant air attacks, these infantrymen had to mount and dismount constantly in order to go under cover again.

Q Do you remember which tank was in front of you in this march from Honsfeld to Buellingen?

A Yes, the tank of 1st Lieutenant Christ.

Q Did you see 1st Lieutenant Christ yourself?

A Yes, I saw 1st Lieutenant Christ looking out from his turret with the upper part of his body in view.

Q What were your military duties in your tank?

A I was tank driver.

Q What did the company do in Buellingen?

A Part of the company refueled in Buellingen.

Q About when do you estimate that you reached Buellingen?

A It might have been about two o'clock.

Q About how long did you stay in Buellingen?

(Vollprecht-Redirect)

Tk #301-S²-7/1-9

A We refueled and that might have taken about 10 or 15 minutes.

Q Did you see your Company Commander in Buellingen?

A In Buellingen, the last time I saw him was next to the tank. He then drove ahead because we spent some more time refueling. We later caught up with him again.

Q Where did you catch up with Christ again?

A We caught up with 1st Lieutenant Christ about 1500 meters outside of Buellingen.

DR. HERTKORN: That is all.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q Who was your tank commander?

A 2nd Lieutenant Koch.

Q Who sat next to you in the tank?

A The radio operator, Sergeant Aumer.

Q Where did Koch sit or stand?

A Koch was standing in the turret at that time.

Q Where were the other members of your crew sitting or standing?

A At their positions.

Q Where are their positions in the tank?

A The first gunner below the command in the tower, the assistant gunner on the right side of the turret, the driver out front to the left and the radio operator out front to the right.

Q As I understand it then, you and the radio

(Vollprecht-Recross)

operator sat in the front of the tank, the commander of the tank, Koch, stood in the turret, and the gunner and assistant gunner sat in the tower below the tank commander, is that right?

A Yes, the positions are correct but for a while, the assistant first gunner instructed me while 1st Lieutenant Koch was standing in the tower.

Q At what point was that that you were instructed by the first gunner?

A He conducted me for a distance in Honsfeld and then another distance near Thirimont.

Q You are talking about Maurer, M-a-u-r-e-r? You are talking about the man who just left the witness stand?

A Maurer, yes, he was the gunner.

Q Vollprecht, you volunteered for the SS in 1943 from the Air Force, did you not?

A Yes.

CAPTAIN SHUMACKER: That is all.

PRESIDENT: Any further questions by the Defense?

DR. HERTKORN: One correction here. The question has come up as to where Koch was standing after Maurer was directing the tank. The witness Vollprecht stated that 2nd Lieutenant Koch was outside the turret on the tank, while I think in the translation it appeared as if 2nd Lieutenant Koch was in the turret also.

PROSECUTION: I suggest we ask the witness over again.

(Vollprecht-Recross)

LAW MEMBER: Yes, ask it over again, because that was the Court's impression.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. HERTKORN):

Q Vollprecht, do you know where 2nd Lieutenant Koch was at the time the tank was being directed by Maurer?

A Yes, he was immediately behind the turret in the motor room.

Q Inside or outside the turret?

A Outside the turret.

Q One other question: Was Koch inside or outside the motor room?

A He was standing on top of the motor room. He was warming his feet there.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q You were the driver of this tank, is that right, Vollprecht?

A Yes.

Q And from your position you could see Koch sitting on top of the motor compartment in back of the turret, warming his feet, is that right?

A He told me before he left the turret that Maurer would be directing me from now on and that he would be going there to warm his feet.

Q So you are not testifying to what you saw, are you?

A No, that is only what 2nd Lieutenant Koch

(Vollprecht-Recross)

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Tk #301-SR-7/1-12

told me personally prior to leaving the turret.

Q Did you see him leave the turret?

A No, I couldn't see that from my position.

Q You do not know that he ever left the turret,
do you?

A Yes, I do know that.

Q Did you see him leave?

A No.

Q Did you see him come back?

A I recognized the voice when Lieutenant Koch
was directing me again.

CAPTAIN SHUMACKER: Nothing further.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. HERTKORN):

Q Vollprecht, is it possible that two men can
be in a turret at the same time, that is, Koch and Maurer
together?

A Yes, that is possible. Maurer would have had
to be at his aiding machine at the time and Koch standing
in the turret.

DR. HERTKORN: That is all.

DEFENSE COUNSEL: Nothing further.

EXAMINATION BY THE COURT

QUESTIONS BY LAW MEMBER:

Q You say that it might have been about noon
when you were in B₁ellingen. Will you fix that time more
definitely?

A I cannot fix the time any further because I
didn't look at my watch but some tanks were knocked out

(Vollprecht-Court)

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Tx #301-S⁴-7/1-13

about noon, the tanks of Kritzler and P^ublick.

Q What time did you leave Buellingen, going in the general direction of the crossroads?

A We left Buellingen about two o'clock.

PRESIDENT: Any other questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

PRESIDENT: Court will recess until 1035 hours.

(Whereupon at 1005 hours Court recessed until 1035 hours.)

End Tx #301

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Tk #302-SR-7/1-1

(Whereupon Court reconvened at 1035 hours.)

PRESIDENT: Take seats. Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court, all the members of the Prosecution, with the exception of Lieutenant Colonel Crawford, who is absent on business of the Prosecution, and Captain Byrne, who has been excused by verbal orders of the Commanding General, all the members of the Defense, with the exception of Mr. Strong, Mr. Walters, Lieutenant Wahler and Dr. Wieland, who are absent on business of the Defense, all the defendants, and the reporter are present.

DEFENSE COUNSEL: The Defense recalls as its next witness, Oskar Maurer. Dr. Hertkorn, on behalf of the Defense, desires to ask an additional question.

OSKAR MAURER, a witness recalled by the Defense, having been previously duly sworn, resumed the stand and testified further through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

PROSECUTION: The witness is reminded he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DR. HERTKORN:

Q Maurer, one question. What was the location of Untersturmfuehrer Koch while you directed the tank?

A He was on top of the motor compartment behind the turret.

(Maurer-Redirect)

Q Where is the motor compartment?

A Behind the turret.

PROSECUTION: No recross examination.

PRESIDENT: Any questions by the Court?

Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: Defense calls as its next witness, Miles W. Rulien. Lieutenant Colonel Sutton, on behalf of the Defense, will conduct the direct examination.

MILES W. RULIEN, a witness called by the Defense, after being first duly sworn, testified through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (LT. COL. SUTTON):

Q State your full name to the court.

A My name is Miles William Rulien.

Q What is your present assignment?

A I am with War Crimes Branch, U.S. Army.

Q Are you also connected with the defense of the Malmedy case?

A I have been assigned to the Defense now for about five weeks.

Q What is your civilian profession?

A I was a lawyer.

Q How long were you in the practice of law?

A 16 years.

(Rulien-Direct)

Tk #302-SR-7/1-3

Q Are you a university or college graduate?

A I have a Bachelors and Juris Doctor Degrees from Northwestern University.

Q In the course of your business, did you have occasion to visit the town of Bellinggen?

A I was, on the 26th of June, last month.

Q Will you tell us approximately the population of the town of Bellinggen?

A I would say about 300.

Q Approximately how many houses are in that town?

A Oh, 30 to 40.

LT. COL. SUTTON: I hand the reporter Defense Exhibit Number 6 and ask that it be marked as such for identification.

(Whereupon the document referred to was marked Defense Exhibit D-6 for identification by the reporter.)

QUESTIONS BY DEFENSE COUNSEL (LT. COL. SUTTON):

Q I hand the witness Defense Exhibit D-6 for identification and ask him if he can identify it?

A I can.

Q What is that paper?

A That is a statement of the Mayor of what is now called Bullange relative to certain vital statistics records.

Q Were you present when that certificate was made?

A I was.

Q Did you witness it?

(Rulien-Direct)

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Tk #302-SR-7/1-4

A I did.

LT. COL. SUTTON: The Defense offers Exhibit D-6 in evidence.

PROSECUTION: No objection.

PRESIDENT: There being no objection, the exhibit offered by the Defense is accepted in evidence and will be marked Exhibit D-6.

(Whereupon the document referred to, having been previously marked Defense Exhibit D-6, was received in evidence, is attached hereto and made a part hereof.)

LT. COL. SUTTON: Defense offers an English translation of Exhibit D-6 and asks that it be marked Defense Exhibit D-6-A and that it be received in evidence.

(Whereupon the document referred to was marked Defense Exhibit D-6-A for identification by the reporter.)

PROSECUTION: No objection.

PRESIDENT: There being no objection, the exhibit offered by the Defense is accepted in evidence and will be marked Exhibit D-6-A.

(Whereupon the document referred to, having been previously marked Defense Exhibit D-6-A, was received in evidence, is attached hereto and made a part hereof.)

LT. COL. SUTTON: It is requested that permission be given by the Court to read this in evidence.

PRESIDENT: Granted.

(Whereupon Lt. Col. Sutton proceeded to read Defense Exhibit D-6-A as follows:

(Rulien-Direct)

2560

"Province of Liege
District of Verviers

Bullange, June 26, 1946.

Community of
Bullange

Certificate.

I, the undersigned, burgomaster and registrar of the community of Bellingingen certify herewith that Erna Colias from Honsfeld was found without showing signs of life in our community 'Luchenborn' on May 28, 1945.

There is likewise certified that Mrs. Anton Josten, nee Katharina Thies, died in Bellingingen on December 18, 1944.

No other similar case of death with an unknown cause of death is entered in the lists of the registrar's office of our community.

The registrar:

(seal)

/s/ Schulzen

Subscribed and sworn to before me this 26th day of June 1946.

/s/ Miles W. Rulien

/t/ Miles W. Rulien, P-5,

I, Pfc JACQUES Y. DELANGRE, ASN 10610024, being first duly sworn, state: That I truly translated the oath administered by Miles W. Rulien, P-5, to Schultzen, and that thereupon he made and subscribed the foregoing statement in his own handwriting in my presence.

(Whereupon the statement was ^{/s/ Delangre.} read in the German language.)

LT. COL. SUTTON: I hand the reporter a document and request that it be marked Defense Exhibit D-7 for identification.

(Whereupon the document referred to was marked Defense Exhibit D-7 for identification by the reporter.)

QUESTIONS BY DEFENSE COUNSEL (LT. COL. SUTTON):

Q I hand the witness a document marked Defense Exhibit D-7 for identification and ask him if he can identify

(Rulien-Direct)

Tk #302-SR-7/1-6

it?

A I can.

Q What is it?

A This is the sworn statement of Anton Jonsten relative to the death of his wife, Katharina, with alterations made by him in his handwriting and initialed.

Q Did you witness the signature of that document?

A I did.

LT. COL. SUTTON: The Defense offers in evidence Exhibit D-7.

PRESIDENT: Is there any objection by the Prosecution?

PROSECUTION: No objection.

PRESIDENT: There being no objection, the exhibit offered by the Defense is accepted in evidence and will be marked Exhibit D-7.

(Whereupon the document referred to, having been previously marked Defense Exhibit D-7, was received in evidence, is attached hereto and made a part hereof.)

LT. COL. SUTTON: Permission is requested of the Court to read Exhibit D-7 in evidence.

PRESIDENT: Granted.

(Whereupon Lt. Col. Sutton proceeded to read Defense Exhibit D-7 as follows: Bullingen, Bullange, Belgium
June 26, 1946

"I, Anton Jonsten, being first duly sworn, on my oath aver: That I am a resident of Duellingen or Bullange, Belgium, that my wife, Katharina Jonsten was killed by fire from American artillery on the 16th or 17th of December 1944, that my aforesaid wife was

Tk #302-SR-7/1-7

outside the house when so slain, that she was killed while in the line of fire of the American Artillery as aforesaid, that she was outside the house while on the road while fleeing from the combat; that around the body were marks and signs that showed that she was killed by the explosion of a grenade.

Further affiant sayeth not.

(signed) Anton Jonsten

Subscribed and sworn to before me this 26th day of June 1946.

(signed) MILES W. RULIEN
Miles W. Rulien, P-5

I, Pfc Jacques Y. Delangre, ASN 10610024, being first duly sworn, state: that I truly translated the oath administered by Miles W. Rulien, P-5, to Anton Jonsten and that thereupon he made and subscribed the foregoing statement in his own handwriting in my presence.

(signed) Jacques Y. Delangre
PFC Jacques Y. Delangre
10610024

I, Pfc Jacques Y. Delangre, ASN 10610024, being first duly sworn, state that the foregoing is a true and correct translation of the sworn testimony of Anton Jonsten at Buellingen or Bullange on the 26th day of June 1946, to the best of my ability.

(signed) Jacques Y. Delangre
PFC Jacques Y. Delangre
10610024

(Whereupon the document was read in the German language.)

LAW MEMBER: There is a question about the

translation of the word "grenade." Will you look at it again, Mr. Rosenstock? Does it mean shell?

INTERPRETER ROSENSTOCK? It says "explosion of the grenade" in English.

LT. COL. SUTTON: If the Court please, it says "grenade" in English and also "American Artillery." The words "American artillery" were written in and initialed by the person signing this document.

(Rulien-Direct)

QUESTIONS BY DEFENSE COUNSEL (LT. COL. SUTTON):

Q Was this investigation made in connection with any particular defendant in this case?

A Yes, it was.

Q What is his name?

A I am trying to remember. I think I have only heard it a couple of times.

Q I hand you Exhibit P-57, and ask you to look at it and see if that will refresh your memory.

A Rieder, yes, that is the name.

Q What is the first name?

A Max.

Q Will you look at Exhibit B of P-57?

A Yes.

Q Is house number 4 on the sketch the home of Anton Jonsten, the house of the deceased woman?

A It is not.

Q By the words "deceased woman" it is meant the woman whose name has been mentioned in one of the papers offered in evidence.

A So I understand.

Q Is Mr. Jonsten's house shown on that sketch?

A No, it is not.

Q Where is Mr. Jonsten's house with relation to house number 4 indicated on Exhibit B of P-57?

A It would be further up in the direction of the arrow points, turn left and about 300 feet the last house on the right.

Q Did you have occasion to go into the house

(Rulien-Direct)

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Tk #302-SR-7/1-9

of the deceased Jonsten?

A I did.

Q What parts of that house did you examine, if any?

A I was in the entrance hall and the kitchen and I had a good view of the dining room.

Q Directing your attention to Exhibit C of Prosecution Exhibit P-57, I ask you if that is a correct and accurate drawing of that house?

A It is not.

Q In what respects does that differ from the sketch?

A The house that I entered, the hallway did not go all the way through. At the end of the hall there was a door that led into the kitchen.

Q Was that the house of Mr. Jonsten?

A Yes.

Q Did Mr. Anton Jonsten show you the place where the body of his wife was found?

A He did.

Q Did you take photographs of that location?

A I did.

Q Can you describe the place where the body was found as told you by Mr. Jonsten?

A About 50 feet from the house toward the town, going toward the town on the lefthand side of the road, the same side of the house, on the shoulder of the road right at the foot of about a six-foot embankment.

Q What is the population of that town of Bjellinggen?

(Rulien-Direct)

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A Oh, about 250 or 300.

Q And the number of houses, approximately?

A 30 to 40.

LT. COL. SUTTON: You may inquire.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court?

EXAMINATION BY THE COURT

QUESTIONS BY LAW MEMBER:

Q Do you know if Mr. Jonsten on the 26th of June 1946 was residing in the same house as he resided in on the 18th of December 1944?

A He told me he was.

Q Did you find out whether or not there had been any change in the physical condition of his house between those two days?

A I asked him the question and he said no.

Q In Defense Exhibit D-6-A, the following words are in the first paragraph: "Without showing signs of life in our community 'Luchenborn' on May 28th, 1945" What does "Luchenborn" mean?

A I don't know.

PRESIDENT: Any other questions? Apparently not. The witness is excused.

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6/29/46
11:00

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QUESTIONS BY THE COURT (LAW MEMBER) CONT'D.):

Q Before the witness leaves the stand, do you know whether or not this town of Luchenborn is a district or town outside of Buellingen, apart of Buellingen?

A May the Court excuse my previous answer. If Luchenborn is the town or district mentioned in the death of the first woman on that statement, it is a small village, as I understand it, connected with a larger town for administrative purpose.

Q Did you see that village while you were in Buellingen?

A No, I did not.

Q How far is it from Buellingen?

A I understand two or three kilometers.

Q Do you know the general direction from Buellingen?

A My only knowledge is negative. I didn't come through it from -- coming from Malmedy.

PRESIDENT: Any other questions by the Court?

PROSECUTION: If the Court please, we would like to ask one question.

PRESIDENT: Go ahead.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Mr. Rulien, you observed a lot of destruction in Buellingen from various kinds of warfare?

A Yes, I did.

PROSECUTION: That is all.

DEFENSE (LT. COL. SUTTON): May it please the Court, I would like to ask one more question.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (LT. COL. SUTTON):

Q Did the official who signed this statement have the vital (Rulien - Redirect)

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sh-2

statistics -- was he charged with the responsibility of maintaining vital statistics for the town of Bullingen?

A Yes.

PRESIDENT: Any other questions? Apparently none, the witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The Defense calls as its next witness, Walter Landfried. Dr. Leiling, on behalf of the Defense, will conduct the direct examination.

May it please the Court, this witness is still in the hospital, and he will be recalled at a later date. The Defense calls in place of Walter Landfried, Rudolf Zimmerman. Dr. Leiling, on behalf of the Defense, will conduct the direct examination.

RUDOLF ZIMMERMAN, called as a witness for the Defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (DR. LEILING):

Q What is your name?

A Zimmerman.

Q First name?

A Rudolf.

Q Are you the same Rudolf Zimmerman who has already testified in this case?

A Yes.

Q Were you a member of the German armed forces in December 1944?

A Yes.

Q What unit?

A 1st Panzer Regiment, Headquarters Company, Communications Platoon.

Q What was your final rank?

(Rudolf Zimmerman - Direct)

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sh-3

A Sturmann (Pfc.).

Q Did you see the accused Gruhle on 17 December 1944?

A Capt. Gruhle drove past us about 15 kilometers west of Buellingen, on a dirt road.

Q Could you identify Gruhle if you were to see him now?

A Yes.

Q Look at the accused and see if he is there.

A Yes, No. 19.

Q What happened when you saw Gruhle on this dirt road?

A My Commander, Oberscharfuehrer Diener stopped Capt. Gruhle and gave him a radio message. Capt. Gruhle returned the answer with his signature.

Q When did that happen?

A It was between 1430 and 1500.

Q How do you know the time so exactly?

A I remember the tactical official time, which was after 1400 hours. I also am still able to recall the text of the two radio messages.

Q By "tactical time" you mean related to what?

A At which the radio message left the Division.

Q When did Gruhle arrive?

A Capt. Gruhle arrived in our place about twenty minutes after the receipt of the radio message.

Q What direction did Gruhle come from?

A Gruhle came from the direction of Buellingen.

Q Can you point out on the map over there the point where you saw Gruhle?

A I will try. It must have been about here (pointing).

DEFENSE (DR. LEILING): Let the record show that the witness indicated the point on the road leading....

A No, it was in front of this village yet.

(Rudolf Zimmerman - Direct)

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sh-4

DEFENSE (DR. LEILING): Let the record show that he points to a point on the road leading to Faymonville.

PROSECUTION (CAPT. SHUMACKER): If the Court please, let him show that he points to a point on a railroad.

DEFENSE (DR. LEILING): Sorry, that is the railroad.

PROSECUTION (CAPT. SHUMACKER): If Counsel talks to the witness, I want the remarks spoken out loud and translated.

DEFENSE (DR. LEILING): I object to the remark of the counsel of the Prosecution. I didn't even try to talk to the witness.

WITNESS ZIMMERMAN: On this road here (indicating).

PROSECUTION: Will you indicate where the witness pointed?

DEFENSE (DR. LEILING): Let the record show that he pointed at a point on the road, half way between the villages of Oberwywertz and Wimes.

QUESTIONS BY DEFENSE (DR. LEILING):

Q Can you claim that this is the point?

A No, I cannot claim that.

Q Was that the approximate location?

A I don't think that was the point, because the road was muddy.

Q Then where was it, approximately?

A We appeared to have passed a row of houses just then. It might have been here, in front of this group of houses (indicating).

PROSECUTION: Will you indicate...

DEFENSE (DR. LEILING): He now points on the road between Oberwywertz and Faymonville -- just a group of houses.

PROSECUTION: About two kilometers northeast of Faymonville?

DEFENSE (DR. LEILING): Yes.

QUESTIONS BY DEFENSE (DR. LEILING):

Q Is that your opinion?

(Zimmerman - Direct)

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sh-5

A Yes.

DEFENSE (DR. LEILING): I have no further questions.

PROSECUTION: No cross.

PRESIDENT: Any questions by the Court? Apparently none,
the witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The Defense calls as its next witness, Fritz
Geisenberger. Dr. Hertkorn, on behalf of the Defense, will con-
duct the direct examination.

FRITZ GEISENBERGER, called as a witness for the Defense, being
first duly sworn, testified through an interpreter as follows:

DEFENSE: May it please the Court, Dr. Hertkorn went out
on business for the accused. At this time, if the Court would
indulge us in releasing this particular witness, we would like to
call another one.

PRESIDENT: The witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The Defense calls its next witness, Gotfried
Neckerauer. Dr. Leiling, on behalf of the Defense, will conduct
the direct examination.

GOTFRIED NECKERAUER, called as a witness for the Defense, being
first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (DR. LEILING):

Q What is your name?

A Neckerauer, Gotfried.

Q Were you a member of the German armed forces?

A Yes.

Q What unit were you a member of on December 17, 1944?

A Headquarters, 3rd Battalion, 2nd Panzer Grenadier Regiment,
LSSAH.

(Gotfried Neckerauer - Direct)

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sh-8

- Q Who was your Battalion Commander?
- A Major Diefenthal.
- Q Could you identify Major Diefenthal if you saw him here?
- A Yes.
- Q Look at the accused and see where you see him down there?
- LAW MEMBER: He can get off the stand and walk over.
- PROSECUTION: We will stipulate.
- A Number ten (10).
- Q What were your duties during the Eifel Offensive?
- A Driver of a half track.
- Q Whose half track did you drive?
- A The radio half track of the adjutant, Lt. Flacks.
- Q What was the location of this tank compared to the tank of Diefenthal on December 17, 1944?
- A Immediately behind Diefenthal's tank.
- Q Where were you, yourself, on the 17th of December 1944?
- A Advancing from Buellingen to Engelsdorf.
- Q Do you remember the Cross-Road South of Malmedy?
- A Yes.
- Q What happened before you came to the Cross-Road?
- A Before we got to the Cross-Road, we were fired at. Firing was done by heavy tanks towards the -- running parallel from this road to Malmedy, before we reached the Cross-Road.
- Q Did you see where the tanks were firing?
- A No.
- Q Why not?
- A My view to the right was impeded by a forest.
- Q What happened then?
- A After the tanks fired, we drove on.
- Q Where was Diefenthal riding at that moment?
- A Diefenthal mowed out in front of me, in the tank too.

(Neckerauer - Direct)

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sh-7

Q Where did you go?

A In the direction of the Cross-Roads.

Q Did you stop on your way?

A Yes.

Q For how long?

A About a half minute.

Q What did you do after you left the Cross-Road?

A I, myself, stopped at the road?

Q Where?

A At the Cross-Road itself.

Q Can you describe that more closely? Were there any buildings?

A Yes. We got one bottle of liquor from one house.

Q How long did you stop there?

A Half a minute to one minute.

Q What happened next?

A We moved out again.

Q How far?

A About a hundred and fifty to two hundred meters.

Q Then?

A And then we stopped again, next to some trucks.

Q Why did you stop there?

A We wanted to look for some gas.

Q How long did you stop?

A For a very short time.

Q What did you do next?

A We drove on again and caught up with Diefenthal's tank,
about three or four hundred meters behind the Cross-Roads.

Q And then?

A When we caught up with them, we drove into Engelsdorf.

Q Did you see Diefenthal at the moment when you reached him?

A Yes.

(Neckerauer - Direct)

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sh-8

Q Where did you see him?

A Standing in the tank.

Q At what time did you drive past the Cross-Roads?

A About 1:15 to 1:30.

Q Did you see American soldiers at the Cross-Roads?

A Not on the Cross-Roads.

Q Do you remember the field which is next to the house you mentioned previously?

A Yes.

Q Did you see any American soldiers in that field?

A No.

Q Where did you see American soldiers?

A On the road a hundred and fifty to two hundred meters past the Cross-Roads.

Q Where were these American soldiers?

A On the road. They were marching in the direction of the Cross-Roads.

Q Did you see any other American soldiers?

A In Engelsdorf?

Q No, I mean at the Cross-Roads.

A No.

Q Did you see any dead Americans at the Cross-Road?

A No.

DEFENSE (DR. LEILING): No further questions.

(Neckerauer - Direct)

000051

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q Diefenthal, at the time and place you have been talking about, wore a yellow leather jacket, did he not?

A Yes.

Q Who else did you see in a yellow leather jacket at that time and place.

A I don't remember anybody else.

Q The yellow jacket was pretty noticeable, was it not?

A Yes.

Q Now you talk about Diefenthal riding in a tank. As a matter of fact, he was riding in an SPW, was he not?

A Yes; SPW.

Q And this house where you got the bottle of liquor, where you stopped a half to one minute, did you know where they kept the liquor?

A In the tank. In my tank.

Q Did you get the bottle of liquor from the house?

A From a woman who was standing outside the house.

Q She was standing out there with the bottle of liquor in her hand?

A As I drove up to a cross roads she walked out of the house.

Q With the bottle of liquor in her hand?

A Yes.

Q That was the house on the right hand side of the street, as you made the turn?

A Yes.

Q Were you acquainted with this woman who lived in the house on the corner, or was any member of your crew acquainted with her?

A No.

Q Was she passing out a bottle of liquor to each tank and SPW that drove by?

A No.

(Heckerauer - cross).

000055

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7-1-MDH-2

Q She just picked out your particular SPW; is that right?

A Yes. No. I just happened to be passing by.

Q You didn't call the woman towards you when you saw her standing there with the bottle of liquor?

A No.

Q She just saw your SPW coming around the corner and she walked out and handed the bottle of liquor to you; is that right?

A She probably saw us coming on down.

Q You say you stopped 150 to 200 meters down the road beyond the intersection?

A Yes.

Q And how long did you stop there while you looked for gasoline?

A Half a minute.

Q Where did you look for the gasoline?

A In the vehicle. At the truck.

Q And you didn't find any cans of gas on any of the trucks?

A No.

Q No extra cans of gas on the truck?

A I wasn't there myself.

Q Where were you?

A I was inside; in the tank, as driver.

Q How close were you to these trucks that were on the right hand side of the road?

A Right next to them on the road.

Q Who left your SPW to look for the gas?

A I don't remember that exactly. The radio operator, it was.

Q Did he leave your SPW?

A Yes.

Q What is his name?

A I think Har.

Q Where did he go, with respect to these trucks, to look for the gas?

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7-1-MDH-3

A I couldn't say that.

Q Did he get out of your sight?

A He was on the right side of my tank.

Q Well, did he get out of your sight while he was looking for the gasoline?

A No, I couldn't see him.

Q Well, he did get out of your sight, then; is that right?

A He got out towards the right and I could see only toward the front.

Q So you do not know where he went to look for the gasoline?

A No.

Q But when he came back he said he couldn't find any; is that right?

A He could have been only right next to me. He was back right away.

Q I am asking you, when he came back he said that he couldn't find any gasoline?

A Yes.

Q And he was gone a half a minute?

A Well, he got out and shortly thereafter he came back again.

Q Well, now, as a matter of fact, you were there about five or ten minutes looking for gasoline, weren't you?

A No.

Q How many cans of gas did he actually bring back to your SPW?

A I beg your pardon?

Q How many cans of gasoline did he actually bring back to your SPW?

A None.

Q What good did he bring back?

A None.

Q Didn't get any food from any of those trucks?

A Not to my tank.

2517

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7-1-MDH-4

Q Did you see him take some food to the tank, to the SPW, ahead?

A I didn't see it.

Q Did you see whether or not he took food to the SPW ahead?

A No.

Q You do not know whether he did or not?

A The one that got out of my tank?

Q Yes, the one that got out of your tank?

A No.

Q Did you see anybody else taking good to the SPW ahead, as you stood there on the road?

INTERPRETER: Question?

Q Did you see anyone else taking food to the SPW ahead?

A No.

Q And, as I understand it, you saw no American prisoners of war until you stopped there 150 to 200 meters from the cross roads? Beyond the cross roads?

A I saw them already in the cross roads.

Q So you did see prisoners of war at the cross roads, is that correct?

A No, from the cross roads, looking from the cross roads, I saw them 200 meters away from the cross roads.

Q That would put the prisoners, then, just about at a point where you stopped, is that right?

A Yes.

Q When you stopped on the right hand side of the road at this point you are talking about, how many American trucks did you see ahead of you down the road and how many were behind you?

A We were about the second or third truck from the beginning.

Q You mean you had already passed two or three trucks at the point you stopped?

A Yes.

(Neckerauer - cross)

25/8

Q And you didn't see any prisoners from these trucks?

A Next to the trucks?

Q Yes, next to the trucks.

A None of them next to the--next to the truck.

Q As you drove down this road from the cross roads to the point where you stopped, did you pass any prisoners of war in that section of the road there?

A Yes.

Q And then after you left, did you see any other prisoners?

A No.

Q How many did you see then from the time you left the intersection itself until the point where you stopped?

A There were two groups of thirty or forty men each.

Q And they were already back of you then, when you stopped at this place 150 to 200 meters from the cross roads?

A Yes.

PROSECUTION (Capt. Shumacker): Nothing further.

DEFENSE COUNSEL (Dr. Lelling): No further questions.

PRESIDENT: Any questions by the court? Apparently none, the witness is excused.

(Whereupon the witness was excused and withdrew from the court room.)

(Discussion off the record.)

PRESIDENT: The court will adjourn until 0830 hours tomorrow morning.

(Whereupon the court adjourned at 1145 hours.)

Tk #305-SR-7/2-1

Camp Dachau, Germany

2 July 1946

MORNING SESSION

(Whereupon Court reconvened at 0830 hours.)

PRESIDENT: Take seats. Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court, all the members of the Prosecution, all the members of the Defense, with the exception of Lieutenant Wahler and Dr. Pfister, who are absent on business of the Defense, all the defendants and the reporter are present.

DEFENSE COUNSEL: The defense recalls as its next witness, Karl Heinz Lieber.

KARL HEINZ LIEBER, a witness called by the Defense, having been previously duly sworn, resumed the stand and testified further through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

PROSECUTION: The witness is reminded he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

Q Lieber, will you once more give us your full name?

A Karl Heinz Lieber.

Q To what military unit did you belong during the so-called Eifel Offensive?

A The Panzer Regiment of the Leibstandarte.

(Lieber-R redirect)

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Tk #305-SR-7/2-2

My Regimental Commander was Colonel Feiper; 1st Company, Commander, 1st Lieutenant Kremser, 1st Platoon, Platoon Leader 2nd Lieutenant Hennecke.

Q . Do you remember when you arrived at the crossroads?

A Yes.

Q When was that, approximately?

A On the 17th of December between 1400 and 1430 hours.

Q Were you in the tank of the accused Hennecke?

A No.

Q In whose tank were you?

A I was in the tank of Sergeant Richards.

Q Was your tank behind or ahead of Hennecke's tank?

A We were driving behind the tank of 2nd Lieutenant Hennecke.

Q How far away did you say you were from Hennecke's tank?

A 30 meters at the most.

Q Do you know the accused Briesemeister?

A Yes.

Q Did you see Briesemeister's tank at the crossroads when you were there?

A No.

Q Do you know of your own experience where Briesemeister was at that time or what happened to him?

A I only know that the motor of his vehicle was damaged.

(Lieber-Redirect)

Tk #305-SH-7-2-3

Q Lieber, I am going to read to you from Prosecution Exhibit 58, which is a statement signed by the accused Hennecke and dated 17 January 1946.

LAW MEMBER: What page on the record is that?

MR. STRONG: Page 782-A.

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

Q In this statement, Hennecke says: (Reading):

"Rock cried out a moment later, 'Shouldn't we stop?' I paid no attention to that because I was looking ahead and watching the street. A moment later I heard machine pistol bursts behind me. I turned around and saw Rock with a machine pistol in his hand. The machine pistol was always lying to my right, within easy reach, on the turret. I assume that Rock picked it up without my seeing it when we passed by there. I shouted to Rock, 'Lay off, that doesn't concern us, we are going ahead.'"

Q Now, Lieber, from your own experience, did Rock shoot?

A No.

Q Did you see Rock while you passed the crossroads?

A Yes.

Q Where was he?

A He was on the motor room on the tank of 2nd

Lieutenant Hennecke.

Q Were you able to observe him through your optic?

A Yes.

Q What was your function in Richards' tank?

A I was 1st gunner in the tank of 2nd Lieutenant Richards.

Q Did you leave your tank at the crossroads?

(Lieber-Redirect)

000056

Tk #305-SR-7/2-4

A No.

Q Was your motor running?

A Yes.

Q You think you would have heard the shots fired by Rock?

CAPTAIN SHUMACKER: We object to that question. It calls for an opinion of the witness. Of course, he can state whether or not he heard it. He cannot state what he thinks as to what he might have heard.

MR. STRONG: I will rephrase my question.

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

Q Lieber, I ask you once more, did you hear Rock's alleged shots?

A No.

Q Did you wear any earphones at that time?

A Yes, I was wearing the left earphone.

Q Were both of your ears covered by earphones?

A No, only the left ear.

Q Was ^{it} the first action you ever saw or did you see any previous actions?

A Yes, it was the first action.

Q When you passed through the crossroads, Lieber, was anybody else shooting or firing at that time?

A I did not hear a shot.

Q Did you see any dead or alive Americans at the crossroads?

A I saw dead Americans lying there.

Q How many approximately?

(Lieber-Redirect)

Tk #305-SF-7/2-5

A About 50 to 60.

Q Where were they lying?

A They were lying on the righthand side of the street.

Q How could you see them from your position as gunner?

A Because my tank turned to the left on the road and the dead Americans came into my view.

Q Lieber, exactly where were you in the tank?

A I was in the combat room on the seat of the 1st gunner below the tank commander.

Q Is there a wall or division between the seat and your motor?

A Yes, there is a wall between the motor room and the combat room. It prevents the crew from touching the motor.

Q Could you observe Hennecke's tank when your tank turned around at the crossroads?

A Yes.

MR. STRONG: Your witness.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q You say you were travelling about 30 meters behind Hennecke's tank, is that right?

A Yes.

Q And you were sitting in the turret of your tank below the tank commander?

A Yes.

Q And there is a slit in this turret, which through

(Lieber-Recross)

you looked as you rode along?

A That is the optic of the 1st gunner.

Q Is that the periscope?

A Yes.

Q And is that periscope located on the front of the turret?

A Yes.

Q Were you manipulating ^{the} periscope or was it just stationary so that you could see straight ahead in the direction the tank was moving?

A The periscope is straight and you can only look into the direction in which the periscope is directed.

LAW MEMBER: Is that periscope or turret?

THE WITNESS: The whole tower.

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q When you got to the crossroads, your tank made a left turn, did it not?

A Yes.

Q And just as you left the intersection itself and before you made a left turn, Hennecke's tank had already made its left turn and was then approximately 30 meters ahead of you down the road towards Engelsdorf, was it not?

A Yes, Hennecke had to make the turn before us.

Q And after Hennecke's tank, which was approximately 30 meters ahead of you, had made its left turn, it was then out of your view until you reached the intersection and made your left turn, was it not?

A He could have been out of our view at the most for fifteen seconds.

Q It took your tank just fifteen seconds to cover the 30 meters and make this sharp left turn, is that right?

A No, but I could see the tank, how it made its left turn during the 1st meters and thus, the way between the tank of Hennecke and mine was shortened considerably and he was out of my view only for a few seconds.

Q It just takes a few seconds to fire a few shots with a machine pistol, does it not, Lieber?

A Yes, but I must have heard it.

MR. STRONG: Correction. My attention has been called to the fact that one sentence has not been translated, -- one sentence that he spoke in German. Maybe the interpreter can ask him again.

THE WITNESS: My view was like an angle and --

PROSECUTION: (Interrupting) May we have the question asked that has not been fully translated, and answered over again?

CAPTAIN SHUMACKER: If it please the Court, I do not know in response to which question this sentence that they claim was not translated was made.

MR. STRONG: I am making the correction with reference to the answer that was given to your question as to how it was possible for the witness to keep track of or keep Hennecke's tank in his view before he turned at the crossroads.

CAPTAIN SHUMACKER: I did not ask that question.

(Lieber-Recross)

PRESIDENT: (To the reporter) Will you check back and read the question and answer?

(Whereupon the reporter read questions and answers as follows:

"Q And after Hennecke's tank, which was approximately 30 meters ahead of you, had made its left turn, it was then out of your view until you reached the intersection and made your left turn, was it not?

"A He could have been out of our view at the most for fifteen seconds.

"Q It took your tank just fifteen seconds to cover the 30 meters and make this sharp left turn, is that right?

"A No, but I could see the tank, how it made its left turn during the first meters and thus, the way between the tank of Hennecke and mine was shortened considerably and he was out of my view only for a few seconds.")

MR. STRONG: That was the answer and part of the answer of the witness was not translated.

THE WITNESS: Because the angle of the view of the first gunner enlarges to the front.

CAPTAIN SHUMACKER: I think that is clear enough.

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q Lieber, you spoke of Briesemeister's tank having motor trouble. Did you see Briesemeister having trouble with his tank? If so, when and where was that?

A I only know that he remained behind from Buellingen on.

Q Did you see him in Buellingen?

A I was together with Sergeant Briesemeister up to Buellingen and from Buellingen on, I didn't see him any more. Thus, he must have remained in Buellingen.

Q How do you know he did not get ahead of you?

A Because I would have seen his tank on the
(Lieber-Recross-)

crossroads most probably.

Q You are just drawing a conclusion from the fact that the last time you saw him was in Buellingen and you did not see him any more between that town and the crossroads, is that right?

A Sergeant Eriesemeister must have arrived at the crossroads behind us because when we were standing at the corner on the road to Engelsdorf together with 2nd Lieutenant Hennecke, Sergeant Eriesemeister joined us.

Q You never saw him repairing his tank, did you?

A No.

Q And the only thing you know about the motor trouble is what he later told you?

A Yes, we talked about that amongst the members of the crew.

Q How long had you been stopped at this point before Engelsdorf when Eriesemeister came up behind you?

A It might have been about one-half hour. I do not know any more exactly.

Q Do you know Unterscharfuehrer Storm and Rottenfuehrer Hess, who rode in Eriesemeister's tank?

A Yes.

Q You know that they were members of his tank crew?

A Yes.

Q You also know that Schuetze Muechter and Sturmman Thielieke were also members of his crew?

000065

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A I don't know Thielieke.

Q What about the other one?

A Leuckel, I believe.

Q Who were the crew members of Briesemeister's tank, as far as you know?

A Sergeant Briesemeister, Nuechter as loading gunner, Sergeant Storm as driver, Corporal Hess as radio operator and PFC Leuckel as first gunner.

Q Did you have a conversation with Briesemeister or any members of his crew when they drove up behind you and stopped shortly before Engelsdorf?

A No.

Q Where were you when Hannecke's tank side-swiped Rumpf's vehicle and injured that member of Rumpf's crew?

A I must have been in my seat of 1st gunner, because I did not leave it.

Q Did you know Lieber, that that happened at the crossroads?

A That happened at the crossroads?

Q That the vehicle side-swiped the SPW of Obersturmfuehrer Rumpf?

A I assume that that was the reason for our stop there.

End tk #305

(Lieber-Recross)

Ta-306
7/2/46
sh-1
9:00

Q So you don't deny then that Hennecke's tank did side-swipe the vehicle of Rumpf, injuring one of his crew?

A No, I don't deny that.

Q Where was your tank standing when the "halt" came - when you halted - before you made the left turn or after you made the left turn?

A I don't know that exactly any more.

Q Don't you know, as a matter of fact, that your tank halted some thirty or forty meters before it reached the intersection, and the reason it had was because of this slight accident between Hennecke's tank and Rumpf's SPW? That happened in the intersection itself.

A I don't know that exactly, whether we halted thirty to forty meters before the intersection.

Q And don't you remember that after there was a discussion concerning this accident, Hennecke's tank completed its left turn and moved on down the road, and then you started following in to the intersection and made your left turn?

A I couldn't have heard anything, with the discussion, because our motor was running.

Q Well, you could have seen the discussion, couldn't you? That is, you could have seen Hennecke and Rumpf talking there on the Cross-Road if you were only thirty meters behind him?

A I don't remember exactly.

Q Do you deny that they held a discussion there at the Cross-Road?

A We didn't have a discussion. Whether or not 2nd Lt. Hennecke had a discussion, I don't know, but I don't deny it.

PROSECUTION (CAPT. SHUMACKER): Nothing further on recross.

(Lieber - Recross)

000067

Ta-306
sh-2

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (MR. STRONG):

Q Lieber, if Briesemeister would have overtaken your tank between Buellingen and the place before Engelsdorf where you stopped, would you have seen it from your optic?

PROSECUTION (CAPT. SHUMACKER): If the Court please, I object to that question, unless the witness is in a position to swear that he knows Briesemeister's tank traveled exactly the same road that he traveled, for only in that way would he be able to know whether Briesemeister's tank overtook him.

DEFENSE (MR. STRONG): I will insert in my question - presuming Briesemeister's tank traveled the same route.

LAW MEMBER: I think, Mr. Strong, you had better qualify the statement first by finding out where Briesemeister's tank was along this route with respect to the tank in which the witness was riding.

QUESTIONS BY DEFENSE (MR. STRONG):

Q Do you know Briesemeister's tank?

A Yes.

Q When did you see it for the last time before you reached the Cross-Road?

A I remember exactly when we went through a little creek, and I know exactly that Sgt. Briesemeister and we went together.

DEFENSE (MR. STRONG): I don't think it is translated correctly. Would you ask him to repeat it, please (to interpreter)?

(Whereupon the interpreter did as directed.)

A One time we drove through a creek. I know exactly that Sgt. Briesemeister was with us.

Q Was that before or behind Buellingen?

A Before Buellingen.

(Lieber - Redirect)

Q And this is the last time you saw Briesemeister's tank until you stopped together with Hennecke's tank, shortly before Engelsdorf, isn't it?

PROSECUTION (CAPT. SHUMACKER): If the Court please, we object to the question, not only because it is leading, but because it is cross examination of the defense witness by the Defense.

LAW MEMBER: Why not ask the question of the witness if he saw Briesemeister, saw him pass his tank somewhere between Buellingen and the Cross-Road?

QUESTIONS BY DEFENSE (MR. STRONG):

Q Lieber, did you see Briesemeister's tank pass you between the place you just mentioned and the place just before Engelsdorf, as you testified before, where you stopped?

A No.

DEFENSE (MR. STRONG): That is all.

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

Q What number tank was Briesemeister driving at the time he piled up behind you, just before Engelsdorf?

A The tank of Sgt. Briesemeister had the number a hundred and fourteen (114).

Q And you saw this tank pull up behind you when you got to Engelsdorf?

DEFENSE (MR. STRONG): Objection, the witness already testified that he saw the tank not when he pulled up at Engelsdorf but somewhere before Engelsdorf.

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

Q What vehicles passed you between Buellingen and the Cross-Road?

A I don't remember that any vehicles passed us.

(Lieber - Recross)

000066

Ta-306
sh-8i

Q No tank or SPW's passed you between Buellingen and the Cross-Road?

A It is possible, but I do not remember.

PROSECUTION (CAPT. SHUMACKER): Nothing further.

DEFENSE (MR. STRONG): Nothing further.

EXAMINATION BY THE COURT

QUESTIONS BY THE LAW MEMBER:

Q What time did you pass the Cross-Road?

A Between 2:00 o'clock and 2:30.

Q Now you said in your direct examination that you saw the dead Americans at the Cross-Road. How do you know they were dead?

A Because they were lying, because they didn't move any more, and I remember exactly that one of the Americans was white -- quite pale, and thus I assumed that he was dead.

Q Were there any German troops or officers in the field with these dead Americans when you saw them?

A In a short moment when the Americans came into my view, I saw only the dead Americans and no person was standing up.

PROSECUTION (CAPT. SHUMACKER): I have one other question, if there are no further questions by the Court.

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPT. SHUMACKER):

Q And your vehicle was second in the column?

A Yes.

Q And you were sitting in the turret and looking straight ahead all the time, so that you don't know what vehicle was directly behind you at the Cross-Road?

A No, I don't know which vehicle was behind us.

Q So you don't know but what Briesemeister's tank was fifteen or twenty meters right behind you?

(Liewer - Recross)

000070

Ta-308
sh-5

A I don't know.

PROSECUTION (CAPT. SHUMACKER): That is all.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (MR. STRONG):

Q You stated before, Lieber, that your tank and Hennecks's tank stopped just before you reached Engelsdorf, is that correct?

A Yes.

Q And how much time elapsed until Briesemeister's tank arrived?

A I think at least fifteen minutes.

Q Did you at that time have a conversation with Briesemeister or any member of his tank?

A No.

DEFENSE (MR. STRONG): Nothing further.

PROSECUTION (CAPT. SHUMACKER): No further cross.

PRESIDENT: Any further questions by the Court? Apparently none, the witness is excused.

DEFENSE: The Defense calls as its next witness Gerhardt Taut. Col. Sutton, on behalf of the Defense, will conduct the direct examination.

GERHARDT TAUT, called as a witness for the Defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION .

QUESTIONS BY DEFENSE (LT. COL. SUTTON):

Q State your full name to the Court.

A Taut, Gerhardt.

Q What platoon and what company were you in on the 17th of December 1944?

A I was in the 3rd Pioneer Company, in the 1st Platoon.

Q Did you pass the Cross-Road southwest of Malmedy and northwest of Engelsdorf on the 17th of December 1944?

(Taut - Direct)

A Yes.

Q What time did you pass that place?

A I passed the Cross-Roads in the afternoon, between two and three o'clock.

Q What type of vehicle were you in at that time?

A I was driving an SPW.

Q Did you observe anything in the field or pasture in the vicinity of the Cross-Road?

A Yes.

Q What did you observe?

A In the field, on the right side of the street, I saw dead American soldiers lying there.

Q Did you see any living Americans in that field or pasture?

A No, I didn't see any.

Q About how many dead prisoners did you see in the field?

A According to my estimate about forty to fifty American soldiers.

Q Did your vehicle in which you were riding stop in the vicinity of the Cross-Road?

A No, we stopped before, about four hundred to five hundred meters before the Cross-Road.

Q Did your vehicle stop near the field or pasture in which the dead Americans were lying?

A No, only before the Cross-Road.

Q Were you in the vehicle ahead of Tratt?

A No, I was behind Tratt.

Q How far behind Tratt's vehicle were you?

A There were two vehicles. The way was about a hundred to a hundred and fifty meters, that is, behind Tratt.

DEFENSE (LT. COL. SUTTON): Will the reporter ask the question again and have the witness answer it?

(Taut - Direct)

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sh-7

(Whereupon the reporter read the last question by the Defense.)

A My vehicle was the second one behind Tratt, and this interval behind that vehicle and mine might have been a 150 to 200 meters.

Q Approximately how fast was the vehicle in which you were riding going at the time you passed the Cross-Road?

A We passed the Cross-Road at a speed of about 15 to 20 kilometers.

LAW MEMBER: There is a correction in the translation. I believe his answer previously was between 100 to 150 meters, and the translation given was 150 to 200. Will you correct the answer, please.

QUESTIONS BY DEFENSE (LT. COL. SUTTON):

Q What was your duty or assignment in the SPW at that time?

A I was a commandant of my SPW, and was driving exactly the SPW in my column, because at that time I was troop leader.

Q Were you standing or sitting at the time your SPW was passed -- your SPW passed the pasture or field in which the Americans were lying?

A I was standing in my SPW.

Q Were there any vehicles parked along the road in front of the pasture when you passed?

A Yes, American vehicles were standing on the righthand side, vehicles which were left behind by the Americans.

Q Approximately how many American vehicles?

A It might have been about five to ten vehicles.

(Taut - Direct)

Q Did you see any German soldiers in the vicinity of the cross roads at the time you passed?

A Yes.

Q How many, and where were they?

A There were about five persons standing at the cross roads and going in the direction in which we had to travel.

Q Were any of those in the field, or pasture, at that time?

A No, I didn't see any German soldiers in the field or in the pasture.

Q Did you see Rumpf at the cross roads?

A No, I didn't see Rumpf at the cross roads.

Q Do you know Gustaf Sprenger?

A Yes.

Q What company was he in?

A He was in my company, in the 3d Pioneer Company.

Q Which platoon was he in?

A He was in the second platoon.

Q Were the first and second platoons of the 3d Pioneer Panzer Company together in the town of Stoumont?

A Yes.

Q Do you recall seeing Sprenger in Stoumont?

A Yes.

Q At what time and place did you see Sprenger?

A I saw Sprenger near the house at the cross roads in the direction of Stoumont.

Q Would you describe that house as a hotel or what kind of a house was it?

A The house gave the impression of being a smaller type of a farm house, with an inn.

Q In relation to the station, which side of the road was that house on?

A In relation to the station, this house was on the left hand side.

Q About what time did you see Sprenger at this building?

A It was in the afternoon about three o'clock. It was the 19th of December.

Q About how long were you and Sprenger together at that place?

A It was about a half an hour.

Q Do you know what Sprenger did after your meeting with him there for half an hour?

A During this thirty minutes Sprenger drove his SPW in cover against shots and upon my direction it was ordered to camouflage the vehicle.

Q Did you see any American prisoners of war at the time you were talking with Sprenger?

A No.

Q Did you see any American prisoners of war during the time you were in Stoumont?

A Yes, the three prisoners which I took myself.

Q What did you do with these prisoners?

A I brought those three prisoners of war to my SPW and ordered my driver to bring them back to the main aid station.

Q Was either one of these prisoners wounded?

A Yes, one of the American soldiers was wounded.

Q What was the nature of his wounds?

A It was a severe injury on the right side.

Q What disposition was made of these three prisoners?

A When we moved out of the encirclement I learned that those three prisoners were supposed to have been shot by Billoschetsky upon orders of Buetner.

Q Do you know that is a fact?

A Cpl. Billoschetsky himself told me that when we had moved

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out of the encirclement on the morning of the 26th of December.

Q As far as you were concerned, what part did you have to do with these three prisoners?

A I took those three prisoners. Two of them were in good health. One of them must have been from Chicago since he spoke German very well. When I put the American mines aside together with those two soldiers, then when I saw the third American soldier they had in the house I took the two other Americans along and told them to help their comrade. Thereupon they made a stretcher out of American blankets and they laid the wounded down there and brought him to the SPW.

Q Did you, yourself, take the prisoners to the first aid station?

A No, I did not bring them to the main aid station.

Q Did you give an order to anyone to take them to the aid station?

A Yes, I gave this order to my driver Krueger.

Q Did the driver carry the order out?

A I don't know. At any rate, the driver is supposed to carry out the order of his troop leader.

Q Did you see Sprenger shoot any prisoners of war at any time in Stoumont?

A No. I didn't see Sprenger in Stoumont except the time I was there.

DEFENSE COUNSEL (Col. Sutton): You may examine.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q In other words, you were with Sprenger thirty minutes one afternoon in a house and he didn't shoot anybody in that house during that thirty minutes. Is that right?

A Yes.

(Taut - cross.)

Q Now you say you later heard that these three prisoners which you had captured were later shot by Billoshetzky on orders of Buetner; is that right?

A Yes.

Q Of course, you know Buetner is dead?

A Yes.

Q And you know Billoshetzky is not here?

A Yes.

Q Don't you remember that when you told me about this incident you told me that these three prisoners were shot not only by Billoshetzky but by a man named Krebe and the accused Sprenger, on orders of Schaefer and Buetner? Is that true or not?

A Yes, ^{at} that time I thought about that with you.

Q Is that what you told me? (to interpreter) Tell him.

A Yes.

Q Have you since changed your mind?

A Yes.

Q Now, without referring again to the cross roads south of Malmedy and north of Engelsdorf, you say you got there between two and three o'clock in the afternoon. Is that right?

A Yes.

Q You were traveling in the first platoon?

A Yes.

Q Do you remember that the first platoon left Buellingen about a half an hour ahead of the second platoon?

A Yes, the first platoon left Buellingen before the second platoon left Buellingen.

Q And you know that the accused Sprenger, Joachim Hofmann, Gustave Neve, Friedl Keis, and Johann Wasenberger, and Marcel Boltz, and Heinz Stichel and Max Hammerer and Ernst Goldschmidt are all men in the 2nd platoon of your company?

A Yes, all of those men belong to the 2d platoon, as drivers or crew members.

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Q And they were all, therefore, behind you?

A Yes.

Q And you say when you got to the cross roads all the prisoners were dead in the field, is that right?

A Yes.

Q As you approached the field, you didn't hear any shooting?

A No. There was no shooting when we passed by.

Q As you approached the field, I said.

A No; also when we approached the field we didn't hear any shooting.

Q And there were no German vehicles there at all. The only thing you saw were the American trucks?

A Except with the exception of one knocked-out tank, which was standing on the right hand side of the street.

Q In other words, you saw one knocked out German tank at the cross roads, five German soldiers standing at the cross roads directing traffic, and that is all you saw of German vehicles or German personnel?

A Yes.

Q Where was the SPW of Willi Schaefer with respect to your SPW at the cross roads?

A The SPW of Willi Schaefer was not at the cross roads.

Q Never did go by the cross roads?

A They must have passed the cross roads considerably after us because they had motor trouble shortly after we had left the Buslingen forest.

Q Was Willi Schaefer riding in the SPW of the company commander, Franz Sievers, one of the accused?

INTERPRETER: I Didn't get it.

Q Was Willi Schaefer riding in the SPW of the company commander, Franz Sievers, one of the accused?

A Yes, Schaefer was riding in the SPW of Franz Sievers.

(Taut - cross)

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Q And you didn't see the SPW or Sievers from the time you left the Buellingen forest area until shortly before Stavelot, did you?

A Yes.

Q Is that correct?

A I didn't see Sievers any more after we had left the Buellingen forest when he was standing by his SPW on the right hand side until shortly before Stavelot.

Q You say that you didn't stop in front of the pasture where these Americans were lying, as you claim?

A No, we did not stop there. We stopped in front of the cross roads. Before we reached the cross roads.

Q What did you stop in front of the cross roads for?

A 2nd Lt. Seitz ordered us to stop in order to assemble the platoon, since we were driving through a very difficult area and the vehicles were not together any more.

Q To refresh your recollection, Taut, as to whether or not you stopped in front of the field, I am going to read to you a part of the statement of Willi Schaefer, one of the accused:

"I furthermore saw the following persons go around in the field and I also saw how they discharged mercy shots at the still living prisoners."

I am reading from Prosecution's Exhibit P-109. Reading further, Taut:

"I saw Unterscharfuhrer Max Buetner shooting with his machine pistol. I saw Unterscharfuhrer "Bubi" Goldschmidt shooting at the prisoners with the machine pistol. I also saw in the field Rottenfuhrer Max Hammerer, Unterscharfuhrer Sepp Wittkroski, Unterscharfuhrer Edgar Dieckmann, Sturmann Gustav Sprenger, Rottenfuhrer Billoschetzky, Unterscharfuhrer Altkreuger, Sturmann Oskar Tratt, Opion. Willi Taut, and still several others whose names I cannot remember any more."

Any other Willi Taut in the 3d Pioneer Company in December 1944?

A There was no Willi Taut besides me in the 3d Pioneer Company.

Q How long had you been in the 3d Pioneer Company at that time?

A I came to the 3d Pioneer Company on the first of December 1944.

(Taut - cross)

Q Did the witness say September or December?

A September. (Interpreter: I am sorry).

Q Was Willi Schaefer a troop leader of the 3d Pioneer Company when you came to the 3d Pioneer Company in September 1944?

A Troop leader?

Q Troop leader? Company troop leader.

A When I came into the 3d Pioneer Company I did not know any members of the 3d Pioneer Company since I was a new arrival there.

Q What I am getting at, Taut, is: Schaefer was already with the 3d Pioneer Company when you joined it in September 1944?

A Yes.

PROSECUTION (Capt. Shumacker): No further cross.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Col. Sutton):

Q Did Willi Schaefer give you any orders in connection with prisoners of war in the town of Stoumont?

A Yes.

Q What were they?

A Willi Schaefer instructed us that, all the group leaders-- to the effect that all prisoners of war who were taken were to be brought to the main aid station.

DEFENSE COUNSEL (Col. Sutton): That is all.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q When was it and where was it that he gave you those instructions?

A These instructions were given to the group leaders shortly before we reached Stoumont.

Q Altkrueger was among the group leaders present, was he?

A I did not see Altkrueger when Schaefer gave those instructions.

PROSECUTION (Capt. Shumacker): No further cross.

PRESIDENT: Any questions by the Court? Apparently none,
(Taut - recross)

the witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: The Defense calls as its next witness Gerhard WALLA. Captain Narvin, on behalf of the defense, will conduct the direct examination.

GERHARD WALLA, called as a witness for the Defense, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Capt. Narvin):

Q What is your full name?

A Gerhard Walla.

Q Were you a member of the LSSAH?

A Yes.

Q Did you participate in the Eifel Offensive?

A Yes.

Q What platoon, what company were you?

A I was in the headquarters Company in the 1st department, in the motor reconnaissance platoon.

Q Do you know the accused, Paul Hermann Gehman?

A Yes.

Q Was he a member of the same platoon?

A Yes, he was the platoon leader of his platoon.

Q In what kind of vehicle were you during the Eifel Offensive?

A In an amphibious vehicle.

Q Was Gehmann with you in the same vehicle?

A Yes.

Q Do you recall arriving at Engelsdorf on the 17th of December 1944?

A Yes.

Q At about what time did you reach the outskirts of Engelsdorf?

(Walla - direct.)

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A At about one o'clock. It could have been shortly after one o'clock.

Q Did you thereupon proceed into Engelsdorf?

A No, we remained in front of Engelsdorf until it was getting dark.

Q Why?

A Because we had vehicles and we were supposed to guard our vehicles, and we were only seven men and there was combat going on in the town and that was the reason why we didn't want to proceed into the town.

Q About how many meters from the town proper did you stop?

A About six hundred meters.

Q Was Oehmamm with you at that time?

A Yes, Oehmamm was with me.

Q Was Oehmamm with you all the time from the time you reached this particular spot until the evening when you entered Engelsdorf?

A Yes, he was together with me from the time on when we were standing in front of Engelsdorf until he himself sent me down to Engelsdorf.

Q At about what time did he send you to Engelsdorf?

A At about 5:30, to my estimation.

Q And what was the purpose of the mission?

A He sent me down to Engelsdorf with eight prisoners of war to a house that was in front of us.

Q Did anybody else go along with you?

A Yes, there were two other men, but I do not know their names.

Q From your platoon?

A No, they were from some other company and they were assigned as booty drivers. They had to drive the booty vehicles back to the rear.

Q At that time when you were instructed to take the eight

(Walla - direct)

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prisoners to Engelsdorf, was it dark?

A Yes, it was rather dark. It was getting dark.

Q And prior to that time was Oehmann always with you?

A Yes, he was always at the vehicle. We unloaded part of the vehicles and he was always there with me.

Q Did you see Oehmann mistreat any prisoner of war at any time?

A No.

Q What did you do with the eight prisoners of war?

A When I got down there I saw that the house was a hotel and I locked them up the first room on the left side.

Q What was that hotel used for?

A What for? I brought the prisoners to this house. It was a former American C.P.

Q What happened to the prisoners there?

A I locked them up there and guarded them until Oehmann and others came to this house.

Q You said you left Oehmann about five-thirty in the evening and it was rather dark then. When was the next time you saw Oehmann?

A He got to the house at about seven o'clock, with the rest of the men.

Q Where was the first aid station in Engelsdorf?

A In the hotel.

Q When was that established?

A At about nine o'clock in the evening.

PRESIDENT: The Court will recess until 10:30.)

(Whereupon the Court, at 1030 hours took a recess.)

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(Whereupon the court reconvened at 1030 hours.)

PRESIDENT: Take seats. Court will come to order.

PROSECUTION: Please let the record show that all members of the court, all members of the prosecution, all members of the defense with the exception of Dr. Pfister who is absent on business for the defense, all of the defendants, and the reporter are present.

DEFENSE COUNSEL: The defense recalls the witness Gerhard Walla.

PROSECUTION: The witness is reminded that he is still under oath.

(Whereupon the witness, Gerhard Walla, resumed the stand and testified further as follows:)

DIRECT EXAMINATION (CONTINUED)

QUESTIONS BY DEFENSE COUNSEL (CAPT. NARVID):

Q You testified that a first aid station was established in this hotel where you took the eight prisoners of war, is that correct?

A Yes.

Q What time was the first aid station established?

A At 2100 hours.

Q Who was the medical officer?

A Captain Neumeier.

Q Of what organization was he?

A From the Headquarters Company, 1st Panzer Battalion.

Q How many medical men did he have with him?

A Five men, approximately.

Q And when was the next time you saw Ochmann in the hotel?

A At a quarter to seven.

Q And do you know what happened then?

(Walla - Direct)

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A Then he remained there until about nine o'clock. At about nine o'clock an air raid station was established and then a man came in, or possibly a woman -- I can't say for sure, and said there were still prisoners of war.

Q Did Ochmann leave then?

A Ochmann then left with about three men.

Q When did you see him again?

A Half an hour later he then arrived with eight prisoners of war, among them two wounded. That is to say, among the eight two of them were wounded.

Q Where were these prisoners kept?

A In Englesdorf.

Q In the hotel where were they kept?

A They were put in the same room where the other eight were so there was a total of 16.

Q What happened to the wounded Americans?

A The wounded Americans were taken care of by our medics, that is, they were bandaged.

Q Did you spend the night at the hotel?

A Yes I spent the night in the hotel.

Q Was Ochmann with you the rest of the night?

A Yes, he was there too.

Q What happened the next morning?

A Early in the morning at about five or six o'clock the rest of the motorcycle reconnaissance arrived and also the 1st Sergeant of the Headquarters Company.

Q Did you remain at Englesdorf or did you depart in the morning?

A I departed from Englesdorf at about 8:30 A.M.

Q Did Ochmann go along?

A Ochmann and one other man came along.

(Walla - Direct)

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Q How did you leave Englesdorf?

A We unloaded the American supplies from three captured American vehicles, loaded them up with gas, and proceeded towards Stavelot.

Q What happened to the American prisoners in the hotel?

A As we left they remained behind. They were still in the hotel, in other words.

Q Did Ochmann entrust them in anyone's care?

A The ranking person present was the 1st Sergeant. He, of course, had the responsibility. Nobody else was there.

CAPT NARVID: You may examine.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q What time did you say Ochmann turned this group of eight prisoners over to you on the 17th of December at Englesdorf?

A Between five and five-thirty.

Q There was a captain of that group who was a prisoner, wasn't he?

A I don't know that.

Q Do you know the rank of any of the prisoners?

A No, part of them had coats on and you couldn't tell so well.

Q This group of prisoners was turned over to Ochmann by Kramm.

A I don't know that.

Q And you took these prisoners to the hotel and you didn't see Ochmann again until about 7 o'clock, is that true?

A No, from five-thirty to a quarter of 7 he was gone.

Q You didn't see him at all?

A No, he stayed up there and sent me down.

PROSECUTION: No further cross-examination.

DEFENSE COUNSEL: (Capt. Narvid) No redirect.

(Walla - Direct)

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PRESIDENT: Questions by the Court? Apparently none.
The witness is excused.

DEFENSE COUNSEL: The defense calls as its next witness,
Rolf Ehrhardt. Dr. Wieland, on behalf of the defense, will
conduct the direct examination.

PRESIDENT: He's recalled, isn't he?

DEFENSE COUNSEL: Recalled.

PROSECUTION: This witness is being recalled, isn't he?

LAW MEMBER: Yes.

PROSECUTION: The witness is reminded he is still under
oath.

(Whereupon Rolf Ehrhardt, a witness for the defense,
was recalled and testified further through an interpreter as
follows:)

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. WIELAND):

- Q State your name to the court?
A Rolf Ehrhardt.
Q Are you the same Rolf Ehrhardt who previously testified
in this case?
A Yes.
Q What unit did you belong to during the Eifel Offensive?
A The 7th Co. Panzer Regiment Leibstandarte.
Q What were your duties during the Offensive?
A I was a tank driver for the Company Commander.
Q What was the name of the Company Commander?
A Hauptsturmfuehrer Klingelhoefer.
Q Did you get to the Cross Roads near Englesdorf?
A Yes.
Q When was that; can you give us the time of day and
date?

(Ehrhardt - Redirect)

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A That was on the 17th of December 1944, at about 1300 hours.

Q What did you see there?

A I saw several vehicles, American vehicles, there which had been attacked and fired at by us and about 30 or 35 American prisoners of war standing under guard at the left side of the road or somewhat away from the left side of the road guarded by some infantry men.

Q Did you see Klingelhoefler at the Cross Roads?

A Captain Klingelhoefler was in my vehicle.

Q Did you stop at the Cross Roads?

A We stopped immediately prior to the Cross Roads and about 150 to 200 meters on the other side of the Cross Roads,

Q Why did you stop?

A We stopped at the Cross Roads in order to fight an armored reconnaissance car about 800 meters away from the Cross Roads.

Q And why did you stop on the other side of the Cross Roads?

A We stopped on the other side of the Cross Roads because we were halted by Major Poetschke.

Q Why did Poetschke stop you?

A Major Poetschke stopped us because he needed the report about the company from Captain Klingelhoefler and he drove on.

Q Did you then drive on?

A Yes, we did drive on.

Q Where to?

A To Englesdorf.

Q Did you see Poetschke in Englesdorf and when?

A I saw Poetschke in Englesdorf when he arrived there.

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Q When did he arrive there, approximately?

A I can't say for sure but it must have been at least one hour after our arrival in Englesdorf.

Q When did you first hear about the shooting of prisoners of war?

A On December 17, too.

Q Can you give us the time and the place as precisely as possible, I mean time of day?

A It was at the place where we entered Englesdorf. I cannot give the time of day exactly but it must have been between three and four o'clock.

Q Did Klingelhofer find out about it too?

A Captain Klingelhofer found out at the same time.

Q How did he find out?

A I recall being an unwilling witness while sitting in my driver's seat in the vehicle to Captain Klingelhofer's receiving a message or being told about the prisoners.

Q Do you know who made this report to Klingelhofer?

A I can't say for sure. It would probably have been one of the Platoon Leaders. Otherwise it could have only been one of the other Company Commanders.

Q Is it possible that it could have been the Platoon Leader Rehagel?

PROSECUTION (CAPTSHUMACKER): If the court please, we object to that question. The witness can't testify about possibilities.

DEFENSE COUNSEL (DR. WIELAND): I'll withdraw the question.

Q Did you recognize Rehagel's voice?

A I cannot claim to have recognized Rehagel's voice.

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(Erhardt - Redirect)

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Q Did Klingelhofer make any comments to you later?

A A while later I asked Klingelhofer who did not know that I had listened to his conversation, what had happened to the prisoners of war whom I had previously seen at the Cross Roads .

PROSECUTION (Capt. Shumacker): If the court please, the prosecution is going to object to any self-serving declaration made by Klingelhofer after this incident took place before this witness or anyone else in this witness' presence. I know the answer to such a question has not been made yet but it looks as if the preceding question is a question in preparation for such testimony.

DEFENSE COUNSEL (Dr. Wieland): I'd like to comment too.

LAW MEMBER: Please read the last question and answer.

(Whereupon the reporter did as requested.)

LAW MEMBER: You may.

DEFENSE COUNSEL: (Dr. Wieland) The accused Klingelhofer is accused of having given the order to shoot prisoners of war. It is, therefore, important to know what his reaction was to that report. The court will be able to decide what the provative value of the witness' testimony is but the court should at least hear an answer.

PROSECUTION (Capt. Shumacker) If the court please, there are two issues in this case in so far as Klingelhofer is concerned; whether or not he gave orders not to take prisoners of war or to shoot them, and whether or not any men under his command did shoot prisoners of war for which he might be responsible. Now, after the shooting of prisoners of war at Englesdorf, Klingelhofer could have made a statement proclaiming or manifesting his innocence to a thousand different people. Such statements are clearly self-serving declarations and are not competent evidence for the simple reason that that
(Farhardt - Redirect)

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is the habit of people who have committed crimes to proclaim their innocence after the alleged commission.

RESIDENT: Objection is overruled.

QUESTIONS BY DEFENSE COUNSEL (Dr. Wieland, continuing):

Q Do I have to repeat the question or do you remember it?

A Ask it again please.

Q I asked you what Klingelhoefter said when he received this report?

A Shortly after I had listened to his conversation I asked Captain Klingelhoefter who did not know that I had listened to the conversation what had happened to the prisoners of war whom I had seen.

Q And what did Klingelhoefter answer to that?

A Captain Klingelhoefter told me in answer to that that they had been shot.

Q Did he say anything else to you?

A Yes, he said that the order for this had been given by Major Poetschke and that one idiot from our company had fired too.

Q Did he make any statement to the effect that this was only according to an order which had arrived from above prior to the Offensive?

PROSECUTION (Capt. Shumacker): If the court please, we object to that question as being leading.

LAW MEMBER: It is a leading question.

Q Did he say anything else?

A He said this matter was a mess and something would happen after that too.

Q What did he mean by saying that something would happen after it?

PROSECUTION (Capt. Shumacker): If the court please,

(Erhardt-Redirect)

we object to that. I don't think this witness can testify as to what Klingelhoefler might have meant.

DEFENSE COUNSEL (Dr. Wieland): I withdraw the question.

Q Did he make any further statement in that connection?

A I wouldn't know about hearing anything else about the incident from Captain Klingelhoefler.

Q Do you know about any action that he took on that report?

A That I don't know. I only know that a report was made against Koch in connection with this.

Q What came of that?

A I can't say that. The company was broken up because of the end of the Eifel Offensive and only was rejoined in Hungary.

DEFENSE COUNSEL (Dr. Wieland): That is all.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q What was the name of the idiot, as you described him, who was a member of your company and who fired at the prisoners at the Cross Roads?

A I only found out about this later while in captivity and was told that that was Tech Sergeant Koch.

Q Now you were in the tank of Klingelhoefler all the time from the Cross Roads to Englesdorf where this conversation you have related took place, is that right?

A Yes, that's correct. I was Captain Klingelhoefler's driver.

Q Where did Klingelhoefler sit in your tank with relation to where you sat?

A I was sitting in the driver's seat which is towards the left front and Captain Klingelhoefler was in the Commanding Officer's position which is on top in the Commanding Officer's turret.

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Q You heard this conversation between Klingelhoefter and this unknown person with respect to what happened to the prisoners at the Cross Roads?

A Yes, I heard it.

Q You're sure you heard it?

A Yes, the motor was not running and in that way I can understand some of the things in the tank.

Q Well, there was no other noise if your motor was cut off was there?

A There is no further noise in the vehicle when the motor isn't running.

Q And you heard Klingelhoefter and the man he was engaged in conversation with but you could not see the other man, is that right?

A No, I couldn't see the other man.

Q What name did the messenger or the person with whom Klingelhoefter was talking mentioned as having been a member of your company who shot?

A I did not hear about the one man firing from our company from this conversation which I overheard. That I only heard from Captain Klingelhoefter a while later.

Q Did Klingelhoefter talk to anyone else about what happened at the Cross Roads, other than this man who was talking to him near Engelsdorf?

A I was not a witness to any other such conversation.

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Q And Klingelhoefter knew there at Engelsdorf that some member of his company had shot at these prisoners?

A Well, as I have already said, he told me that one man of the company had shot.

Q You are sure he was not present and saw some member of a company shoot at the prisoners?

A I am sure of that because if he had I would have had to be present too.

Q Do you know anything about the report that your Company Commander Klingelhoefter made to the Regimental Commander Feiper about men in his company having shot at the prisoners of war at the crossroads on 17 December 1944?

A No, I don't know of any report being made to Colonel Feiper.

Q Anyway, Klingelhoefter knew on 17 December 1944 that somebody in his company had shot at the prisoners at the crossroads south of Malmedy, is that correct?

A Yes, that's correct.

CAPTAIN SHUMACKER: Nothing further.

PRESIDENT: Questions by the Defense?

DEFENSE COUNSEL: Nothing further by the Defense.

PRESIDENT: Any questions by the Court? Apparently not. The witness is excused.

DEFENSE COUNSEL: Defense recalls as its next witness Karl Mannitz. Colonel Dwinell, on behalf of the Defense will conduct the redirect examination.

KARL MANNITZ, a witness recalled by the Defense, having been previously duly sworn, resumed the stand

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and testified further through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

PROSECUTION: The witness is reminded he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (LT. COL. DWINELL):

Q What is your name?

A Mannitz, Karl August.

Q Are you the same Karl August Mannitz that previously testified in this case?

A Yes.

Q During the Eifel Offensive, to what unit did you belong?

A To the 10th Company, 3rd Armored Battalion.

Q Who was your company commander?

A 1st Lieutenant Preuss.

Q Were you in Buellingen on the morning of 17 December 1944?

A Yes.

Q Was the 10th Company in Buellingen on that day?

A Yes.

Q How long was the 10th Company in Buellingen on that day?

A Most of the company was probably there for 10 or 15 minutes, but it is possible that part of the

(Mannitz-Redirect)

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company remained for a longer period of time.

Q Did they pass through the town?

A Yes.

Q How long did it take the company to pass through the town of Buellingen?

A About 10 or 15 minutes.

Q What was your assignment of duty?

A I was platoon messenger.

Q Whose vehicle were you in?

A I was in the vehicle of the platoon leader in the platoon headquarters.

Q Did you see any prisoners of war in Buellingen at that time?

A No.

Q Do you know in what vehicle the accused Preuss was riding?

A Yes.

Q What vehicle?

A It was a radio tank.

Q Did you see him in Buellingen on that day?

A Yes.

Q Where?

A There was a road fork in Buellingen and the point I was with drove towards the right, which was the wrong way. However, we stopped promptly and the vehicles following us took the right road to the left and I recognized 1st Lieutenant Preuss in one of the vehicles passing us by.

Q That road fork that you mentioned, is it on

(Mannitz-Redirect)

the west or the east of the town of Buellingen?

A To my recollection, it was pretty well in the middle of town.

Q What was the accused Preuss doing at the time you saw him?

A He was standing in the half-track.

Q For how long a period of time did you see him?

A Only a few seconds.

Q What were you doing on the 21st of December 1944?

A Until noon of the 21st of December we were in position at the height of the castle of La Gleize. In the afternoon we pulled out and prepared for an attack on the road block located on the road between La Gleize and Stoumont.

Q Was there any combat that day?

A Yes, there was only the attack on the road block.

Q Was there any artillery or mortar fired?

A Yes.

Q How far were you from Stoumont?

A About one and one-half kilometers.

Q Was there any fighting going on in Stoumont at that time?

A I cannot say for sure but I think there was some combat going on because there was still some troops in Stoumont.

(Mannitz-Redirect)

000097

Tk #309-SR-7/2-5

Q Do you know where the 11th Company was at that time?

A I can't say for sure but I think the 11th Company was in Cheneux.

Q Do you know the accused Stock?

A No.

Q Do you know the accused Theo Rauh?

A No.

Q Do you know the accused Siegmund?

A No.

Q Do you know whether they were members of the 10th Company?

A They were not members of the 10th Company.

Q What was the 10th Company doing at noon on the 21st of December 1944?

A About noon the 10th Company was pulled out of its position and prepared for the attack on the road block.

Q What were you doing at noon on that day?

A I, together with the other men returned from the forest and prepared for action.

Q Where was the command post of the Company Commander at that time?

A It was in a house on the road from Stoumont to La Gleize near the castle.

Q At any time during the day of the 21st of December, were you in the vicinity of the company command post?

A Yes.

(Mannitz-Redirect)

2621

000098

Tx #309-SR-7/2-6

Q How near did you come to the Command Post?

A About 100 meters.

Q Did you see your company commander in the vicinity of the Company Command Post at any time that day at that time?

A Yes.

Q When did you see him?

A It was about four P.M., when we had taken the road block.

Q On the 21st of December 1944 was your company engaged in any combat or firing?

A Well, there was only the attack on the road block.

Q From the 19th to the 21st of December, except for the attack on the road block, was your company engaged in any fighting?

A We did not participate in any other fighting.

Q I believe you testified that you were a runner -- I believe you said that your duties in the company was runner or messenger, is that correct?

A Yes, that's correct.

Q Explain to the Court what your duties were.

A The strength of the company at that time amounted to only about 30 men and I was the runner between the rest of the company and the company headquarters.

Q On the 19th, 20th or 21st of December 1944, did your company take any prisoners of war?

(Mannitz-Redirect)

Tk #309-SR-7/2-7

A I don't know of any prisoners of war taken by the 10th Company at that time.

Q On the dates that I have mentioned, did you see any prisoners of war?

A I saw no prisoners of war during that time.

Q You say that the strength of the company at that time was about 30 men. Do you know what the original strength of the company was during the offensive?

A About 130 men.

Q Do you speak English?

A Yes.

Q How long have you been speaking English?

A I learned English in school for three years and worked as an interpreter for several months.

Q What is the English equivalent of the word "Obersharfuehrer"?

A Tech Sergeant.

Q Who was the Tech Sergeant in the 10th Company on the 21st of December 1944?

A There was no Tech Sergeant left in the 10th Company on the 21st of December.

Q Did you see any Tech Sergeant of the 10th Company bring American prisoners of war to the Company Command Post at any time on any date?

A No, we didn't have any Tech Sergeant left in the company. Furthermore, I didn't see any prisoners of war brought in by the 10th company at all.

Q Were you in La Gleize on the 22nd of December 1944?

(Mannitz-Redirect)

Tk #309-S-7/2-8

- A Yes.
- Q All day?
- A From about nine A.M. until darkness fell.
- Q Did you see any prisoners of war shot?
- A No.
- Q Did you see any dead American soldiers?
- A No.
- LT. COL. DWINELL: No further questions.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN SHUMACKER):

Q After you saw your Company Commander Preuss in Bellinggen, how long was it before you saw him again?

A It might have been half an hour.

Q And then were you with him all the way to Stavelot?

A No, until only a short ways the other side of Bellinggen.

Q And then he got lost and you did not see him until the next day, the 18th of December 1944, is that correct?

A Yes, that is correct.

Q And the next day you saw him he was wearing these flyer's trousers, was he not?

A I do not know whether he was wearing any flyer's trousers. Usually, Lieutenant Preuss wore a motorcyclist's coat.

Q I am not asking you what he usually wore. I am asking you what he was wearing on the 18th of

December 1944, when you next saw him?

A I only know that he had a motorcyclist's coat on and I didn't see what else he wore because the coat was rather long.

Q You did not notice that his trousers were different from those that he usually wore?

A I didn't pay any attention to the trousers.

Q Did you see or did you notice these new flyer's gloves that he was wearing?

A No, I didn't pay any attention to his gloves.

Q Where was Preuss' CP in La Gleize on the 22nd of December 1944?

A On the 22nd of December 1944, the Company C.P. of Preuss was in the center of town in a little house.

Q Not far from the church?

A About 200 meters possibly.

Q And would there be any doubt in your mind as to who was being talked about if someone mentioned "Masche, Masche" in your company?

A No.

Q That was sort of a nickname, or atleast, an expression that Preuss frequently used, is that not true?

A Yes.

Q Do you recall that Preuss took over command of the 11th Company on the night of the 20th of December 1944?

A I only know that from a tactical standpoint, 1st Lieutenant Preuss was in charge of the 11th Company

(Mannitz-Recross)

Tk #309-SR-7/2-10

for some periods, but I don't know when.

Q And did you know that he took over the 11th Company because Tomhardt, the commander of the 11th Company had been wounded and subsequently Kindermann had likewise been wounded?

A Yes, I think that is why he took over the tactical guidance of the company.

CAPTAIN SHUMACKER: No further cross.

LT. COL. DWINELL: No redirect.

PRESIDENT: Any questions by the Court? Apparently not. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: Defense calls as its next witness, Willy Richter. Mr. Walters, on behalf of the Defense, will conduct the direct examination.

WILLY RICHTER, a witness called by the Defense, after being first duly sworn, testified through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (MR. WALTERS):

MR. WALTERS: May it please the Court, members of the Prosecution.

Q State your full name.

A Richter, Willy.

(Richter-Direct)

Tk #309-SR-7/2-11

Q How old are you?

A 21 years.

Q Were you in the Eifel Offensive?

A Yes.

Q What was your rank?

A PFC.

Q In which platoon and company?

A 3rd Platoon, 7th Company.

Q Who was your platoon leader?

A Tech Sergeant Siptrott.

Q Prior to the commencement of the offensive, did Siptrott make a speech to his platoon?

A Yes, Siptrott made a speech in the Blankenheim Forest.

Q What were the contents of that speech?

A Siptrott mentioned that the offensive was to proceed rapidly to the left and right, and that different divisions, the Hitler Youth Division and the Division Reich would be attacking.

Q Did he speak about supplies for the offensive?

A No, I don't know about that.

Q Did he speak about tactics during the offensive?

A I don't remember that.

Q Did he say anything about prisoners of war?

A I don't remember that either.

Q Did Siptrott ever mention that prisoners of war were to be shot?

PROSECUTION: If the Court please, I believe that is leading this witness. He asked him what he said about prisoners of war.

(Richter-Direct)

LAW MEMBER: It is a leading question, Mr.

Walters.

MR. WALTERS: I will rephrase the question.

QUESTIONS BY DEFENSE COUNSEL (MR. WALTERS):

Q Did Siptrott at any time during the offensive say anything about the treatment of prisoners of war?

A No, I don't know.

MR. WALTERS: You may examine.

PROSECUTION: No cross examination.

PRESIDENT: Questions by the Court? Apparently none. The witness is excused.

DEFENSE COUNSEL: Defense recalls as its next witness, Karl Heinz Lieber. Mr. Strong, on behalf of the Defense, will conduct the direct examination.

KARL HEINZ LIEBER, a witness recalled by the Defense, having been previously duly sworn, resumed the stand and testified further through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the accused and the German counsel)

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

PROSECUTION: The witness is reminded he is still under oath.

THE WITNESS: Yes.

Q Are you the same Karl Heinz Lieber who testified in this court this morning?

A Yes.

Q Do you remember where you were on the 18th

(Lieber-Redirect)

of December 1944, in the morning?

A Yes, I was in Stavelot.

Q What time approximately did you enter Stavelot?

A Between 7:30 and 8:00 o'clock.

Q Will you tell us about the conditions in Stavelot which you found at the time of your entry?

A Severe fighting was taking place as we entered.

Q Did your tanks receive fire?

A Yes.

Q From what kind of weapons?

A From anti-tank weapons and infantry.

Q Did you receive fire from machine guns?

A Yes.

Q Did you receive rifle fire?

CAPTAIN SHUMACKER: If the Court please, we object. I think counsel knows he is leading the witness. I would suggest that he just ask him about the type of fire that he received and let the witness testify instead of counsel.

Q From what kind of infantry weapons did you receive fire?

CAPTAIN SHUMACKER: If the Court please, that is also leading. The witness has not testified that he received infantry fire, using those words.

MR. STRONG: If I understood correctly, he testified so.

PRESIDENT: Objection is overruled.

MR. STRONG: Will you read the question, please?

(Whereupon the question was read by the reporter as follows:

"From what kind of infantry weapons did you receive fire?")

THE WITNESS: Machine guns and rifles.

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

Q From where did you receive fire?

A From the right, from the front of town.

Q Did you receive any orders from your tank commander in connection with the fire which you received?

A Yes, we were fired at by machine gun and the tank commander directed fire to that target so that we would knock it out.

Q Who was your tank commander?

A Sergeant Richards.

Q Where was that machine gun located which you just mentioned?

A About the center of town in a house.

Q Did you see any civilians between or in front of the houses while the fighting which you described was going on?

A Yes, when we were knocked out and had to jump out from our burning tank, a civilian was standing about eight yards away from us. I noticed that at that moment.

Q Why did you notice that?

A I didn't see why any civilian would stand around the street just to get a close look at the wall, and everybody who was standing in the street was in imminent danger.

Take 310
7/2/48
11:30

Q Did you see any other civilians?

A Yes, when I tried to get my gunner who was wounded into a house. A girl about 19 or 20 years and an elderly gentleman were standing in front of this house.

Q Did you see any other civilians?

A That is possible, but I didn't pay any more attention.

Q When were you wounded?

A Between 8:00 and 8:30 approximately.

Q What did you do after you were wounded?

A I went to a civilian house with my gunner in the town limits.

Q How long did you remain there?

A Until about 11:00 o'clock.

Q What was your reason for remaining so long in that house?

A Because there was heavy firing going on in the streets. I had taken my gunner into the house, and we couldn't get back to the wounded because my gunner was wounded on his leg and could move only slowly. For that reason, I wanted to wait for a quiet moment to get him down there.

Q What platoon did you belong to?

A The 1st Platoon.

Q Do you happen to know the position of the 3rd Platoon of your Company in relation to the tank of your Company Commander at the time you went to Stavelot?

A The 3rd Platoon must have been in front of 1st Lt. Kremser.

Q Why do you believe that?

A Because Pfc. Zitzelsberger told me that he was the first to go through Stavelot because he belonged to the 3rd Platoon.

DEFENSE (MR. STRONG): You may cross examine.

PROSECUTION (CAPT. SHUMACKER): No cross examination.

PRESIDENT: Any questions by the Court? Apparently none,

(Lieber - Redirect)

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sh-2

the witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The Defense recalls as its next witness, Herbert Fischer. Mr. Strong, on behalf of the Defense, will conduct the direct examination.

HERBERT FISCHER, a witness for the Defense, resumed the stand and testified further, as follows:

PROSECUTION: The witness is reminded that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (MR. STRONG):

Q Are you the same Herbert Fischer who testified before in this court?

A Yes.

Q To which Company do you belong?

A 11th Company.

Q Do you remember where you were on the 18th of December 1944?

A Yes, in Stavelot.

Q What time approximately did you enter Stavelot?

A About 5:00 a.m.

Q What conditions did you find at the time of your entry?

A We met severe resistance just before hitting the bridge.

Q What kind of fire did you encounter?

A Automatic weapons - automatic and small arms fire.

Q When were you wounded?

A About 6:00 a.m.

Q What did you do then?

A I moved into a cellar and stayed down there.

Q How long did you remain in the cellar?

A About 9:00 o'clock.

Q What is the reason you remained in that cellar so long?

(Fischer - Redirect)

A I couldn't get out of the cellar while fighting was still going on outside, and there was a lot of firing going on.

Q Did you hear the tanks going through Stavelot?

A Yes.

Q What time was it, approximately?

A Between 9:00 and 10:00 o'clock.

Q About 10:00 o'clock there was at that time the firing still going on?

A Yes.

DEFENSE (MR. STRONG): Your witness.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court? Apparently none, the witness is excused.

DEFENSE: The Defense calls as its next witness Hans Zimmer. Capt. Narvid, on behalf of the Defense, will conduct the direct examination.

HANS ZIMMER, a witness for the Defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q State your full name.

A Hans Zimmer.

Q What organization were you with during the Eifel Offensive?

A 6th Company, Panzer Regiment No. 1, IAH.

Q What were your duties?

A Assistant gunner.

Q Of what type vehicle?

A A Mark IV tank of 1st Lt. Sternebeck.

Q Do you recall when you arrived in Stavelot?

A Yes.

(Zimmer - Direct)

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sh-4

- Q What date?
- A The 18th.
- Q Did you enter Stavelot or did you stop on the outskirts?
- A We stopped on the outskirts.
- Q How far in the outskirts from the city?
- A Two or three kilometers outside of Stavelot.
- Q And do you recall on the 18th of December 1944, some time in the evening, receiving an order from Obersturnfuhrer Sternebeck?
- A Yes.
- Q What time was that?
- A Late in the evening.
- Q Was it dark?
- A Yes.
- Q Could you say approximately what time?
- A It must have been 8:00 or 9:00 o'clock.
- Q And what was the order?
- A To go to Stavelot in order to find a fuel dump allegedly located there.
- Q Who was supposed to go along with you?
- A Master Sergeant Tonk and two others whom I don't remember.
- Q M/Sgt. Tonk is the same person who is accused here?
- A Yes.
- Q Could you identify him?
- A Yes.
- Q Look - take a look and tell the Court what number he wears.
- A Number sixty-eight (68).
- Q Did Tonk go with you to look for gasoline?
- A Yes.
- Q And you say two other men went along, is that correct?
- A Yes.

(Ris Zimmer - Direct)

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sh-5

Q You know their ranks?

A If I remember properly it was one T/Sgt. and one M/Sgt.

Q Did you go to Stavelot?

A No, we didn't get into Stavelot.

Q Why not?

A Because American artillery was covering it.

Q Was there much fighting going on there?

A Not at the time we were there.

Q Did you say the reason you didn't go was because of artillery, is that correct?

A Yes.

Q Now, what did you do after you couldn't enter Stavelot? Where did you go?

A We went back about three hundred meters and went into a house.

DEFENSE (CAPT. NARVID): I now show the reporter a photograph and ask it to be marked Defense Exhibit No. 8 for identification.

(Whereupon the document referred to was marked Defense Exhibit No. 8 for identification by the reporter.)

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q I show you a photograph marked Defense Exhibit No. 8 for identification, and ask you if that represents a house that you went to?

A That might be the house.

DEFENSE (CAPT. NARVID): I offer Defense Exhibit No. 8 marked for identification into evidence and ask that it be made part of the record.

PROSECUTION (MR. BLOWITZ): Prosecution objects to the offer of evidence on the grounds that no foundation, proper foundation was laid for its admission. One question was asked of the witness and his answer was, "It might be the house" about which he testified.

(Zimmer - Direct)

LAW MEMBER: Can't you lay a better foundation for that?

DEFENSE (CAPT. NARVID): If the Court so desires, I will try.

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q Can you tell with any certainty whether this is the house that you went to on that night?

A If I could see the house in the street, I might be able to tell.

DEFENSE (CAPT. NARVID): I withdraw the offer.

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q Zimmer, the reason you couldn't identify this house was because it was pitch dark, wasn't it?

A Yes.

PROSECUTION (MR. ELOWITZ): May it please the Court, the answer was given before the objection was made. The question was clearly leading. The answer was put in the mouth of the witness and he hardly had much choice in answering any other way than in which he did. Prosecution moves that the Court disregard the answer and question, and that they be stricken from the record.

LAW MEMBER: The question was obviously leading, and the Court will disregard the question and the answer, and it should be stricken from the record.

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q Zimmer, you testified that you received the order about 8:00 or 9:00 o'clock?

A Yes.

Q About what time or how much later did you arrive at the house?

A About one hour later.

Q And this was in the wintertime? Is that right?

A Yes.

(Zimmer - Direct)

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sh-7

Q Was there any electricity in the house?

A I don't know that. I didn't see any lights in the house.

Q Were there any street lights nearby?

A I didn't see any, no.

Q Did all four of you go to the same house?

A I can't say for sure. I think M/Sgt. Tonk went into the house, but I don't know whether anybody else went in.

Q Do you recall where M/Sgt. Tonk was when you came close to the house?

A Yes.

Q Where was he?

A He stopped several half tracks, and he was standing near the house and vehicles driving into Stavelot. He informed them that there was still small arms fire in town.

Q Did you hear the small arms fire in town?

A Yes, I did hear firing several times.

Q What did you do when you came to the house?

A I remained sitting outside the house.

Q Where did you sit?

A I was sitting outside the front of the house.

Q Was your back to the door?

A No, against the wall.

Q Did Tonk sit with you?

A Yes.

Q What did you do while you were sitting together?

A We smoked a cigarette.

Q Was the door closed or open.

A As far as I know it was closed.

Q Did you at any time see the door open?

A I didn't see that, no.

Q Zimmer, you say you did not see the door open, is that

(Zimmer - Direct)

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sh-8

correct?

A No.

Q Did you see Tonk enter the house through the door?

A I didn't see that.

Q Did Tonk at any time leave from the place where he was sitting with you?

A Yes.

Q For how long?

A About five minutes.

Q And where were the other two men who were with you?

A They were sitting next to me.

Q Did they at any time leave you during the entire time?

A I can't say for sure.

Q When was the next time you saw Tonk?

A Tonk returned with some fruit.

Q Do you know where he got the fruit?

A As far as I know, he must have gotten it from the house.

Q You don't know whether he got it himself or whether somebody gave it to him, is that true?

PROSECUTION (MR. ELOWITZ): May it please the Court, Prosecution objects to the question on the grounds that it is clearly leading.

DEFENSE (CAPT. NARVID): I withdraw the question.

PROSECUTION: Withdraw the answer too?

DEFENSE (CAPT. NARVID): And the answer.

LAW MEMBER: The question and answer will be stricken from the record.

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q Zimmer, do you know which of the three other men entered the house, if any at all?

A I don't know.

(Zimmer - Direct)

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sh-9

Q Now, while you were sitting in front of this house, did you hear anything?

A Yes, I heard two shots.

Q Do you know from where they came?

A They were pistol shots - must have been.

Q Could you tell from what direction they came?

A Yes, from the house.

Q How could you tell?

A I heard the shots come from the house.

Q Did you hear any noise in the house?

A No.

Q Did you hear any screams coming from the house?

A No.

Q Do you know who made those shots?

A I can't say.

Q Now, after you saw Tonk with the jar of fruit, what did you do?

A We ate the fruit.

Q And what did you do then?

A We went back to the C.P.

Q When you say "we", who do you mean?

A Well the two others who were with us.

Q Did you enter the C.P. yourself?

A Yes, I stopped outside the C.P. - in the outside room in front of the C.P.

Q Did Tonk enter the C.P.?

A Yes.

Q Where was he?

A He was in the room next to it.

Q Now, you said you were in the front room, is that correct?

A Yes.

(Zimmer - Direct)

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sh-10

Q Was the door between the front room and the rear room closed?

A Yes.

Q How many other men were in the front room at that time?

A There were several more infantrymen there.

Q About how many?

A Ten or fifteen.

Q What were they doing?

A Some of them were sleeping there.

Q Was there anyone engaged in a conversation?

A Yes. Some of the infantrymen were talking.

Q Now, while you were in this front room, did you hear anything from the rear room?

A I heard the words "fruit" and "civilians".

Q Are those the only words you heard?

A Yes.

Q Did you ever make a statement to the Prosecution?

A Yes.

Q Where?

PROSECUTION: If the Court please, we object to that as being irrelevant and immaterial.

DEFENSE (CAPT. NARVID): Please the Court, I do not intend in this question to go into anything that transpired in Schwabisch Hall except one question connecting previous testimony with the testimony in a statement given.

PROSECUTION: That doesn't make any difference, it is still irrelevant and immaterial.

PRESIDENT: Objection sustained.

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q Zimmer, do you recall previously testifying at this trial?

A Yes.

(Zimmer - Direct)

DEFENSE (CAPT. NARVID): I read from page 1111 of the record...

PROSECUTION (MR. ELOWITZ): May it please the Court, before you begin to read that, I presume that the purpose of the reading of this testimony is to impeach your own witness, is that correct?

DEFENSE (CAPT. NARVID): Please the Court, not to impeach the witness, to explain an apparent inconsistency and the reason therefor.

PROSECUTION (MR. ELOWITZ): May it please the Court, it is very hard to distinguish between an inconsistency as testified to by Defense's own witness and an impeachment of the witness.

DEFENSE (CAPT. NARVID): This is done for the benefit of the Court, as well as the benefit of the Defense. If there is an inconsistency between the present testimony and testimony given under oath in the trial, and it is in the record, I think the Court would like to know why the inconsistency, and I submit the question to the Court.

PROSECUTION (MR. ELOWITZ): May it please the Court, the law is definitely clear as to the right of the Defense to impeach its own witness. There is certain procedure, there is certain predicate which may be laid whereby the Defense can inform the Court and the Court may inform itself of any inconsistency. It is improper for the Defense to impeach the witness in the manner in which it is attempting to do it.

LAW MEMBER: In the meantime we are wasting a lot of time. I think we will continue with the question.

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q I read you from page 1111 in the record, and ask you if you made that statement in answer to a question, which I shall also read:

"Q What happened at the C.P.

A M/Sgt Tonk reported back in, reported also that he had executed the order, but did not find any gas. Then I heard Tonk say that he had brought some fruit along, and that two civilians had to kick the bucket".

A Yes.

(Zimmer - Direct)

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sh-12

Q Is that the truth?

A No.

Q Could you explain how you came to making the statement that, "two civilians had to kick the bucket"?

A Well, I made the statement for the reason that I was very excited in Schwaebisch Hall.

Q What made you excited?

A One day before, or possibly several days before, I don't know for sure, the Polish guard unit came to my cell and wanted to beat me up or hang me, or something.

Q Were you ever threatened to be hung by anybody else?

A No.

Q Now, the words: "two civilians had to kick the bucket", were those words that you used in Schwaebisch Hall?

A Yes, that is about the way I put it.

Q Did anybody ask you to put it that way?

A No, I wasn't asked.

Q If you state that it wasn't true, why did you so state?

A Well, I was very excited and I was interrogated, and that's how I said it.

Q Zimmer, do you understand the sanctity of an oath?

PROSECUTION: If the Court please, we object to that as being improper on direct examination.

PRESIDENT: Objection sustained. Is that a convenient place to stop?

DEFENSE (CAPT. MARVID): Yes, sir.

PRESIDENT: The Court will recess until 1330.

(Whereupon at 1200 hours the Court recessed.)

(Zimmer - Direct)

CAMP DACHAU, GERMANY

2 July 1946.

AFTERNOON SESSION

(Whereupon the Court reconvened at 1330 hours.)

PRESIDENT: Take seats. The Court will come to order.

PROSECUTION: Let the record show all members of the Court, all members of the Prosecution, all members of the Defense except Lt. Col. Dwinnel who is absent on business of the Defense, all of the defendants and the Reporter are present.

DEFENSE COUNSEL: The Defense recalls Hans Zimmer.

HANS ZIMMER recalled as a witness for the Defense, having been previously sworn, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded that he is still under oath.

INDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Capt. Narvid):

Q On direct examination you testified that you only heard the word "civilians" and that you did not hear the phrase "two civilians had to kick the bucket", is that true?

A Yes.

Q You also testified that the words "two civilians had to kick the bucket" that you made at Schwabisch Hall under pressure; is that correct?

A I couldn't say under pressure. The reason for that was that the Polish guard units threatened me with penalty.

DEFENSE COUNSEL (Capt. Narvid): I respectfully admit to the Court that with respect to this answer I plead surprise, and only for the purpose of impeaching this particular answer I ask leave of the Court to quote from a sworn statement, after laying the proper foundation. A sworn statement given to Defense by this witness which is inconsistent with this answer.

(Zimmer-indirect.)

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PRESIDENT: The reporter will read that and get it interpreted.

PROSECUTION (Mr. Elowitz) The prosecution has no objection to the motion.

PRESIDENT: Proceed.

LAW MEMBER: Having pleaded surprise, the Defense may proceed to question this witness with regard to an inconsistent statement.

DEFENSE COUNSEL (Capt. Narvid): Zimmer, do you recall being examined by the Defense on the 12th of June, 1946?

A Yes.

Q And was the examination conducted under oath?

A Yes.

Q I show you this document and ask you whether this is your signature?

A Yes.

Q And are these your initials all over the page?

A Yes.

Q Showing corrections?

A Yes.

Q Did you sign the second page?

A Yes.

Q And listed all the changes?

A Yes.

Q Did you sign the third page?

A Yes.

DEFENSE COUNSEL (Capt. Narvid): I will quote and let you read the German yourself, so you can see I am reading accurately. This paragraph only. I ask you whether the following paragraph which I am going to read from your statement is the truth?

"In Schwabish Hall I was interrogated five or six times. On one occasion I made a written statement which was dis-

(Zimmer indirect)

tated to me by Mr. Kirschbaum."

A Yes.

"I told Mr. Kirschbaum that I only heard the word "civilians" mentioned in the back room, and that very faintly."

A Yes.

"However, he insisted on me writing that I heard "two civilians had to pay for it". I had never suggested that phrase; that was coined by Mr. Kirschbaum. I want to state also that I could not recall most of the things that happened that night. Mr. Kirschbaum suggested to me many things I could not remember and told me that he knew more about the incident than I did."

A Yes, that is correct, except the date. The date was suggested to me by the Prosecution.

Q What date are you talking about?

A I was talking about the 17th and this was supposed to have happened on the 18th.

DEFENSE COUNSEL (Capt. Narvid): No further questions.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Mr. Elowitz):

Q Zimmer, other than the discrepancy in the date, nothing else was suggested to you by Mr. Kirschbaum? Is that correct?

A No.

Q Is that right?

A Yes.

Q Zimmer, since you appeared as a witness for the Prosecution were you interrogated by a member of the Defense in the presence of the accused, Tonk, Sternebeck and Junker?

A Yes.

PROSECUTION (Mr. Elowitz): That is all.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Capt. Narvid): With leave of the Court, I would like to ask one more paragraph in the same statement, to clear up that one.

PROSECUTION (Mr. Elowitz): If the Court please, he is trying to impeach this witness again, on some other particular question.

LAW MEMBER: I don't know.

PROSECUTION: Well, we would like to know, because we do not see any inconsistency to clear up so far.

LAW MEMBER: Neither does the Court know.

PRESIDENT: Let's get this translated.

DEFENSE COUNSEL (Capt. Narvid): I withdraw that, if the Court please. I will question on that.

QUESTIONS BY DEFENSE COUNSEL (Capt. Narvid):

Q When I interrogated you, Zimmer, do you recall me telling you to tell the absolute truth?

A Yes.

PROSECUTION: If the Court please, we object; he is leading the witness. Certainly suggesting the answer.

PRESIDENT: The objection is sustained.

PROSECUTION: We move that the question and answer be stricken and the court instructed to disregard it.

PRESIDENT: The question and answer will be stricken from the record and disregarded by the Court.

Q When I interrogated you, Zimmer, did Tonk tell you what to testify?

A No.

DEFENSE COUNSEL (Capt. Narvid): That is all.

PRESIDENT: Any questions by the Prosecution?

PROSECUTION (Mr. Elowitz): Nothing further.

PRESIDENT: Any questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

(Zimmer - redirect).

DEFENSE COUNSEL: The Defense calls as its next witness Heinz Buchner. Dr. Leiling, on behalf of the defense, will conduct the direct examination.

HEINZ BUCHNER, called as a witness for the Defense, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Dr. Leiling):

Q What is your name?

A Buchner.

Q Keep up your voice. Were you ever a member of the German armed forces?

A Yes.

Q Which unit did you belong to in December 1944?

A I was a member of the 1st company of the Tiger Battalion 501.

Q What was your last rank?

A I was 2nd Lt.

Q Are you presently a prisoner of war?

A Yes.

Q Where are you being held in custody?

A Here in Dachau.

Q On the 18th of December 1944 where were you on that particular day at about noon?

A On the 18th of December, towards 12 o'clock I was about 400 meters in front of the entrance of Stavelot.

Q Which entrance to Stavelot do you mean?

A I mean the entrance of Stavelot when you are coming on the road from Lodomez to Stavelot.

Q What happened there?

A During the offensive I ran out of fuel and I had to stop there because I couldn't keep on traveling any more.

(Buchner - direct)

Q When you got to Stavelot, was there any combat?

A Yes. When we arrived at Stavelot there was some combat activity. After the fire had stopped the column drove on but I remained standing there.

Q The combat unit drove into Stavelot? Did they go into any actions?

A Yes, some combat was going on for about half an hour.

Q Can you give us the main point of the combat?

PROSECUTION: If the court please, we object to this question because the witness testified he stopped outside of Stavelot and was not in there nor able to know what took place.

LAW MEMBER: He might have been able to observe it. We will allow the answer.

PRESIDENT: Objection over ruled.

A The main point of combat activity was in Stavelot proper. I could observe this from the road on which I was standing which was leading directly into Stavelot.

Q Did you receive any fire on the particular spot you were standing?

A I received some anti-aircraft fire from the right bank of the Ambleve.

PROSECUTION: (Capt. Shumacker): If the court please, I believe there was a mistake in the translation. I believe the word was anti-tank, instead of anti-aircraft.

INTERPRETER: Yes, it was anti-tank. I am sorry.

Q Anything unusual happen on the 18th of December?

A My company commander returned from Stavelot on a motorcycle and warned me that there were some partisans in Stavelot proper. Thereupon drove off again.

Q What do you mean by partisans?

A He expressed himself in the following say: They are

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firing out of all the houses and you must be very careful and no member of the group is supposed to be outside of the tank.

Q What happened then?

A In the course of the afternoon the artillery directed the fire.

Q Did the fire increase or did it decrease?

A The fire increased towards the evening and lasted all night long.

Q Could you observe the aim, the aims, of the artillery fire.

A The fire was mainly directed to the entrance of the town of Stavelot, the fire was mainly directed to the entrance of the town of Stavelot and to the other end of Stavelot in the direction of Trois Ponts.

Q How long did this fire last?

A This fire lasted up to the 21st of December when I left my position and the intensity of the fire was changed.

Q What happened on the 19th of December?

A On the 19th of December I heard some--towards 1300 or 1400 hours I heard some combat noises coming from the other side of Stavelot.

Q Did anything else happen on the 19th?

A Towards the evening of the 19th Tiger and several Mark IV attacked the bridge and the entrance of the town of Stavelot. The attack was broken and the tanks retired in the direction of Wanne.

Q What happened then on this particular evening?

A About one hour later the bridge was blown off.

Q Who blew it off.

A I don't know, by whom the bridge was blown off.

(Buchner - direct)

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Q As far as you could observe, were any American troops in the vicinity of the Ambleve bridge at that particular time?

A I did not see an American soldier in the vicinity of this bridgeand, in my opinion--

PROSECUTION (Capt. Shumacker): If the court please, we object to the opinions being expressed by this witness.

A And, in my opinion, there could not be any American soldiers in the vicinity of this bridge since artillery fire was constantly directed to this particular spot.

Q May it please the court, this is only a conclusion which he draws from his own observation.

PROSECUTION: He is still expressing an opinion.

LAW MEMBER: Well, I don't think there is very much objection to it; we will take it for what it is worth and give it whatever value we deem necessary.

Q At that time was there any American artillery fire directed to the vicinity of the bridge?

A Not during the time when the bridge was blown off.

Q Directing your attention to the 20th of December, what happened on this particular date?

A On the 20th of December at dawn two infantry companies attacked thebridge.

Q Did you observe this attack?

A I could observe this attack very well from my position since the whole valley and the entrance of the town were under me.

Q What did you see?

A I could observe the fire coming out of the houses and directed to the attacking infantry men. Particularly out of a big school building which was located near the bridge and was distinctly marked with a red cross.

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Q Where was this school building located?

A This school building was on the right side of the river, very close to the bridge.

Q At the same time when there was some shooting out of the houses, was there any American artillery fire on the bridge?

A During the attack there was intensive fire of mortar pieces and artillery on this particular part of the town.

Q Which direction did this fire come from?

A The fire came from the north and northeast.

DEFENSE COUNSEL (Dr. Leiling): No further questions.

PROSECUTION: No cross examination.

PRESIDENT: Any questions by the Court? Apparently none; the witness is excused .

(Whereupon the witness was excused and withdrew from the courtroom.)

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DEFENSE COUNSEL: The defense recalls its next witness Miles W. Rulien. Dr. Leiling, on behalf of the defense, will conduct the direct examination.

PROSECUTION: The witness is reminded that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. LEILING):

Q What is your name?

A Miles W. Rulien.

Q Are you the same Miles W. Rulien who previously testified in this trial?

A I am.

DR. LEILING: I hand you two documents and ask you to mark them for identification, Exhibits D-9 and D-10 respectively.

(Whereupon the documents referred to above were marked Defense Exhibits D-9 for Identification and D-10 for Identification.)

Q Mr. Rulien, I hand you Exhibit No. D-9 and Exhibit No. D-10 and ask you whether or not you can identify those pictures?

PROSECUTION: If the court please, I don't think they have been admitted yet.

A In answer to the question, yes, I can.

DR. LEILING: The defense offers in evidence two sets of pictures and asks that they may be accepted as Exhibit 9 and Exhibit 10 for the defense.

LAW MEMBER: Dr. Leiling, will you identify those?

Q Mr. Rulien, what are those picture representing?

A May I see the pictures?

LAW MEMBER: In other words, Dr. Leiling, qualify the exhibits.

DR. LEILING: Yes, sir.

A This upper one I think, D-9, is the area around the

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Cafe of Colonel. The lower one is what is left of the cafe itself. This upper picture was taken from the wall of the house of the Priest of Stavelot across the street, showing the buildings on the other side of the street. This lower picture was taken mid-way up the hill in front of the Priest's house, looking down past the Cafe of Colonel and showing the temporary wooden bridge across the river.

Q Those last two pictures, were they referring to Exhibit D-10, for identification?

A Yes, they were.

Q At what time were those pictures taken?

A Those pictures were taken about 11 o'clock in the morning of June 25.

Q Do those pictures represent the situation as it was in December 1944?

PROSECUTION (CAPT BYRNE): I object unless the witness is qualified as having been present.

LAW MEMBER: That's what I want to hear. It's objectionable, of course, unless he was there.

Q Who took those pictures?

A Those pictures were taken by Pfc. Jacques De Long of the 3264th Signal.

Q Were you, yourself, present when those pictures were taken?

A Yes I was.

Q Then you know the surroundings where the pictures were taken?

A At the time they were taken, yes.

LAW MEMBER: In what year were they taken?

THE WITNESS: They were taken in June of this year, 1946.

DR. LEILING: The defense offers in evidence these two

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(Rulien - Redirect)

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sets of pictures and asks the court that they may be received in evidence marked Exhibit D-9 and D-10.

LAW MEMBER: Any objection?

PROSECUTION: (Capt. Byrne) No objection.

PRESIDENT: Being no objection two exhibits offered by the defense will be admitted in evidence and marked Exhibits D-9 and D-10 respectively.

(Whereupon the documents referred to above having been previously marked and identified were received in evidence as Defendants' Exhibits D-9 and D-10 respectively, and the same are attached hereto and made a part of this record.)

QUESTIONS BY DEFENSE COUNSEL (Dr. Lelling)(Continuing):

Q Mr. Rulien, do you know the part of town exactly which is represented on this particular picture?

A I don't understand the question.

Q Whether you know the town of Stavelot exactly?

A I don't.

Q In so far as it is representative of those pictures?

A Yes I do.

Q Does the town of Stavelot look today -- look as it is represented in those pictures?

A Yes it does.

Q Do you know whether or not the town of Stavelot had the same appearance as is represented on those pictures -- on December ¹⁹1944 as is represented on those pictures?

A I have some hearsay information.

Q Will you tell it to the court?

A I was informed by people of that neighborhood that that section of Stavelot is now substantially the same condition as it was on December 19, 1944, qualified by the fact there has been some rubble cleared away and a temporary wooden bridge has been built across the river.

(Rulien - Redirect)

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DR. LEBLING: I have no further questions.

PROSECUTION: No cross-examination.

PRESIDENT: Any questions by the court? Apparently not.

The witness is excused.

DEFENSE COUNSEL: The defense recalls as its next witness Lt. Heinz Goltz. Dr. Pfister on behalf of the defense will conduct the direct examination.

PROSECUTION: The witness is reminded that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. PFISTER):

Q Are you the same witness Heinz Goltz who previously testified before this court?

A Yes I am.

Q What were your rank and your duties?

A I was 1st Lt. and Company Commander of the Headquarters Company of the Reconnaissance Battalion.

Q When did you reach the town of Stavelot during the Eifel Offensive?

A It was early in the afternoon of the 18th of December, 1944.

Q Can you give us the exact time?

A 12 o'clock, or 1200 hours.

Q From which direction did you get to the entrance of the town of Stavelot?

A You mean the direction?

Q Yes.

A It was from the east.

Q Can you tell us something about the march order?

A When our battalion fell out it marched off in the following march order: The second company had to lead, then the third company followed, then my company, that is the Headquarters

Company, the 4th Company, and the Pioneer Company, which had been attached to us, and the battery was marching in the point, I can't tell you exactly on which place.

Q Who was the Company Commander of the 2nd Company?

A 1st Lt. Coblenz.

Q Did the company of Coblenz pass the entrance of the town of Stavelot?

A It could have. Coblenz was in the lead and, as I already said before, the lead reached the town of Stavelot between noon and 1300 hours.

Q At this particular time when the company reached the town of Stavelot was there any unusual incident, any enemy activity?

A At first I did not notice anything of enemy activity, the unusual incident, as you call it, I can state the halt of the battalion in front of Stavelot.

Q At that time was the 2nd Battalion Company of Coblenz still with you?

A Coblenz was leading the point of the march column and I was in it about $2\frac{1}{2}$ to 3 kilometers behind Coblenz with my company.

Q Was there any air attack?

A The air attack took place a little later between 1400 and 1600 hours and lasted for nearly one and a half hours.

Q Where were you at that particular time?

A I was about $2\frac{1}{2}$ kilometers in front of the entrance of the town of Stavelot on the road.

Q Is it true that you reached the western edge of Stavelot during the night after you had traveled through Stavelot?

A Yes, we reached Stavelot and then continued our advance in a western direction in the direction of La Gleize.

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Q When did you reach La Gleize?

A We arrived at La Gleize at about midnight.

Q And what happened then?

A We made a turn in La Gleize and drove on in the direction of Cheneux. On the way the battalion was stopped and we received orders to go back to La Gleize since we could not continue our advance because of a bridge that was blown out in front of us.

Q When was that?

A That might have been between one and two o'clock in the morning of the 19th of December.

Q What happened then?

A The battalion returned to La Gleize and spent the night there, and toward noon of the 19th of December the battalion fell out in order to go to Stavelot, to clean Stavelot, in the first place to keep Stavelot clean as a road for supplies.

Q At that time were there any enemy fire?

A Where do you mean?

Q When you fell out in order to attack Stavelot from a western direction?

A We drove from La Gleize to Trois Points on motor vehicles. On that way we did not receive any fire. The battalion dismounted the vehicles near Trois Points and then fell out for the attack on Stavelot.

Q What did the unit consist of?

A When we reached La Gleize one group or one platoon on motorcycles, I can no longer tell exactly, marched in the point as a reconnaissance group. Then the 2nd Company followed and after the 2nd Company part of the heavy company, and then the Headquarters Company, and the rest of the 4th Company formed the end of the column. I forgot that the Pioneer Company was also present on this march but I don't know in which particular spot they were marching. At any rate, behind my company.

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Q Was there any enemy activity in the town of Stavelot at that time?

A When I reached the hills northwest of Stavelot together with my two platoons I heard enemy fires directed into the town of Stavelot.

Q At that time were there any Americans in Stavelot?

A I can't say that, I was not in Stavelot.

Q What did you observe when you were marching to Stavelot from the east with reference to Americans?

A When the battalion stopped I could observe from my position on the road how American soldiers escaped up on the hill northeast of Stavelot.

Q Could you establish an approximate number?

A They were in little groups and, according to my estimate, were about a hundred men altogether.

Q If I understand you correctly, you observed all that when you were standing in front of Stavelot?

A Yes, that was during this whole attack;--prior to the attack of fighter bombers.

Q Where was Coblenz and his company at that particular time?

A Coblenz in the lead of the battalion was already in the town of Stavelot proper. About two and one-half kilometers ahead of me, as I already stated.

Q Why was it the train stopped outside of Stavelot, as far as you and the following units were concerned?

A The lead of the battalion, particularly the third company, received fire in Stavelot and therefore they had to stop and they had to retire, and that was the reason why the units following had to stop too.

Q I ask you to go back a little in your recollection with reference to the attack on Stavelot from the west. Did I understand you correctly when you said that you were going up the hills in a northwest direction from Stavelot?

A No, not from Stavelot, by Trois Ponts. From Trois Ponts it is in a northwest direction to the hills.

Q Where was the second company with Coblenz at that particular time and at what hour?

A The company of Coblenz was marching on the road from Stavelot to Trois Ponts--from Trois Ponts to Stavelot, in infantry order. It might have been about 1400 hours; and since Coblenz received artillery fire with his company, I and my company were assigned to find out where the positions of the batteries were located.

DEFENSE COUNSEL (Dr. Pfister): No further questions.

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Lt. Goltz, did the whole battalion stop before Stavelot on the 18th?

A Yes, the entire battalion stopped. The lead--that is the (Goltz-Recross).

second and third company, in the town proper and the rest of the units outside of Stavelot.

Q Step over here to Prosecution's Exhibit No. 3. As I understand your testimony, you testified that you approached Stavelot from the east on the 18th. Now before approaching stavelot, did the reconnaissance battalion stop?

A Yes, we stopped but that was further in front of Stavelot. I am not sure whether it was Colinet or Lodomez. We stopped there for about one quarter of an hour and then continued our advance. Otherwise there was no other halt, only afterwards the stop prior to the attack of fighter bombers. After the lead had received some fire in the town of Stavelot proper.

Q Referring to this intersection about half a kilometer before Stavelot, did you stop there?

DEFENSE COUNSEL:(Dr. Pfister): I object.

A I don't know what intersections you are talking about. I did not mention any intersections ^{and I} object on the ground and for the reason that I did not mention an intersection of Stavelot on direct examination, but only a stop immediately before Stavelot.

PROSECUTION:(If the court please, I believe that is immediately before Stavelot, and he testified they stopped before Stavelot. I am trying to fix the place they stopped.

PRESIDENT: Objection over ruled.

Q Now let me ask. Did you stop at this road intersection just before you reached Stavelot about one-half kilometer before Stavelot.

A I personally know that the battalion drove on towards Stavelot and stopped together with the lead in Stavelot proper. I, myself, was at some place on this road.

Q Did you stop on that road before you entered Stavelot?

A Yes, we stopped.

Q What time of day was it you stopped there?

A That might have been at one o'clock or 1:30.

Q Now where was the 2nd Company when you stopped?

A The 2nd Company was in Stavelot proper. The marching column was about six kilometers long and I, myself, was at the beginning, or at the middle, of the second tank.

Q What time did the 2nd Company clear Stavelot in going out?

A In my opinion the 2nd Company had some vehicles and at once made the clearance of the town.

Q Did you leave Stavelot on the 18th?

A Late in the late evening of the 18th of December the rest of the battalion went through Stavelot and proceeded in the direction of Trois Fonts.

Q I am asking you about the 2nd Company. Did the 2nd Company leave Stavelot?

A Yes, the 2nd Company also left Stavelot on the 18th.

Q What time did you leave Stavelot?

A I can't give you the exact hour since I myself was not in the lead but only caught up with the column in the late midnight hours.

Q Where did you catch up with the column?

A The battalion assembled at about this point on the road.

Q Let the record show that the witness indicated a point east of Trois Fonts about one kilometer. Now what time was it that you caught up with the column there?

A That was on the 18th of December, towards 23 hours.

Q Was the 2nd Company there?

A Yes; Coblenz was already waiting for us. I remember this incident exactly since the Company Commander had to see the Commanding Officer and the Commander reprimanded me and Dugener very severely, because Coblenz had traveled through Stavelot (Goltz - Cross)

already in the afternoon and we caught up with them only in the evening. On the road between Stavelot and Trois Ponts there was a big bombing crater and we could not proceed on the road. When I got to the bombing hole several men of the 2d Company were occupied with filling up the hole. The hole was filled up to such an extent that you could travel over the hole in one direction.

Q What time was it you reached the bomb crater on that highway?

A It might have been towards 2200 hours before we reached Trois Ponts. The advance on this highway was very slow, since only single vehicles could drive over this bomb crater and that very slowly.

Q Did you see Coblenz at the bomb crater?

A I did not see Coblenz on the bomb crater but later on through the commandant.

Q Did you see Knittel at the bomb crater?

DEFENSE COUNSEL (Dr. Pfister): I object to that. This was not brought out in direct examination. I didn't even mention the bomb crater in direct examination.

PROSECUTION: I don't believe I am limited on cross, if the Court please, to every word the Defense might bring up. He testified they were in that area.

DEFENSE COUNSEL:(Dr. Pfister): I am not of the opinion that you can ask with reference to the whole area, but the single, individual incident should be brought up especially, and this is necessary particularly because the Defense limits itself on certain incidents on certain points.

PROSECUTION: If the court please, I am sure that the law is I can test the credibility of this witness; on direct examination he testified about the movements of this battalion, where they were, and the date, and hours, and where they were, and their advance movements. I am sure I am not restricted.

DEFENSE COUNSEL (Dr. Pfister): My objection was a fundamental objection, an elementary objection, and I wanted to thus cover anything in the objection.

PRESIDENT: Objection over ruled.

PROSECUTION: Read the last question?

(Whereupon the last question was read by the reporter.)

A No, did not see Knittel at the bomb crater.

Q Now, can you locate on the road where this bomb crater was?

A The bomb crater was at about, approximately at this point.

PROSECUTION: Let the record show that the witness indicates a point on the road about one kilometer east of Trois Fonts.

Q Did the reconnaissance battalion belong to the 1st SS Panzer Division?

A Yes, the Reconnaissance belonged to the 1st SS Panzer Division.

Q Did you return to the attack on Stavelot from the west on the 19th of December?

A Yes, I already said that we filed out for an attack to Stavelot from LaGleize by way of Trois Fonts.

Q Did all of your company participate in that attack under your command?

A With the exception of the 2nd Platoon and the platoon of motorcycles. I led the other two platoons up to the hills northwest of Stavelot.

Q What about the Pioneer Platoon? Did they attack with you?

DEFENSE COUNSEL (Dr. Pfister): I object. I only mentioned the situation of the attack with reference to the Reconnaissance battalion of the 2nd Company and the Headquarters Com-

pany, and for this reason I ask not to allow other questions.

PROSECUTION: If the Court please, when this witness was on the witness stand once before he said that the Pioneer Platoon was under his command. Was part of the Headquarters Company. And I am asking him now about the part the Pioneer Platoon played in this Command, asking him if it was under Coblenz or under his command in the attack. If the Court please, I don't want you to confuse the Pioneer Company and the Pioneer Platoon, in reference to the Reconnaissance Battalion; they are two different organizations.

DEFENSE COUNSEL (Mr. Strong): May I request the Prosecution to state whether it refers to any testimony given by the witness today, or any previous testimony given in the court at some other date?

PROSECUTION: I will ask him now, if the Court wants me to. Is the Pioneer Platoon part of your command or of the Headquarters Company?

DEFENSE COUNSEL (Mr. Strong): If the Court please, we believe that the witness had not testified today in direct examination on anything the Prosecution now asks, and we believe that he, being cross examined today, should not be compelled to answer any questions in reference to previous either direct examination or cross examination at some other date.

PROSECUTION: If the court please, this witness testified about leading his company in the attack. I believe he did that today, unless my memory fails me.

LAW MEMBER: Cross examine with respect to anything in connection with his company to which he testified today; don't go back of that time.

PROSECUTION: Is the Pioneer Platoon part of the Headquarters Company?

A Yes, the Pioneer Platoon was part of the Headquarters Company.

Q Now, during the attack on Stavelot from the west on the 19th of December, was the Pioneer Platoon under your command?

A During the first part of the attack, yes.

Q In the last part of the attack, whose command was it under?

A I last led the Pioneer Platoon while proceeding up to the hills on the west of Stavelot and they were detached from us by artillery fire.

Q They reached Stavelot, didn't they?

A Yes. I found out later the Pioneer Platoon reached Stavelot on the same evening.

Q Are you referring now to the 19th?

A Yes, it was on the 19th.

Q Now who was in command of the Pioneer Platoon?

A 2nd Lt. Droege was in charge of the Pioneer Platoon.

Q Isn't it a fact that while they were at Stavelot and cut off from you, they were under the command, tactically, at least, of Coblenz?

DEFENSE COUNSEL (Dr. Pfister): I think that was a mixtake in interpretation. Will you repeat it, please.

(Whereupon the question was read by the reporter.)

A Whom did you mean by "they"?

Q The Pioneer Platoon.

A When the Pioneer Platoon was cut off from me he probably was under the command of Coblenz.

Q Is the Coblenz you are referring to the accused, who is wearing No. 9?

A Yes.

PROSECUTION: NO FURTHER CROSS examination.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Dr. Pfister):

Q Do you have any further knowledge about this matter
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of the command?

A I don't know anything about that. I was not in Stavelot.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the court? Apparently none, the witness is excused.

PRESIDENT: The court will recess until 1530 hours.

(Whereupon the court at 1500 hours took a recess).

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(Whereupon court reconvened at 1530 hours.)

PRESIDENT: Take seats. Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court, all the members of the Prosecution, all the members of the Defense, with the exception of Dr. Wieland and Dr. Leiling, who are absent on business of the Defense, all the defendants and the reporter are present.

DEFENSE COUNSEL: Defense calls as its next witness Ernst Mahl. Dr. Pfister, on behalf of the Defense will conduct the direct examination. He was a Prosecution witness.

ERNST MAHL, a witness called by the Defense, having been first duly sworn, testified through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (DR. PFISTER):

Q Are you the same witness, Ernst Mahl, who has already testified in this case?

A Yes.

Q Are you a prisoner of war?

A Yes.

Q What battalion did you belong to in the action before Stavelot?

A Reconnaissance Battalion, Headquarters Company, Pioneer Platoon.

(Mahl-Direct)

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Q What was your rank?

A SS man, Private.

Q Where were you on the 18th of December 1944?

A Outside Stavelot.

Q What time of day was that?

A December 18th.

Q You did not answer my question. What time of day was it?

A In the afternoon between 1500 and 1600 hours.

Q Where was the company led by 1st Lieutenant Coblenz at that time?

A The 2nd Company had already pushed through Stavelot.

Q Did you at that time see Coblenz outside of Stavelot?

A No.

Q Is this testimony contradictory to your former statements before the Court?

A Yes.

Q How did that happen?

A When I first came to Dachau things happened so fast I couldn't follow it and I couldn't think it through.

Q Where were you on the 19th of December 1944? Describe the movement of the Pioneer Platoon to the Court.

A We spent the night in La Gleize and drove back to Stavelot from there. Just outside of Stavelot there was a little town. I don't know the name of it

(Mahl-Direct)

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any more. We then received the order from 2nd Lieutenant Droege to clean up all the houses and to shoot in case resistance is offered.

Q While your platoon attacked Stavelot, were you ever at the railroad embankment?

A Yes, I was at the railroad embankment. We received mortar fire at the railroad embankment and ran away from the fire quickly, going towards the road where several houses were standing and I saw Coblenz together with thirty men of his company. Droege talked to 1st Lieutenant Coblenz and in doing that turned 10 civilians over to the Pioneer Platoon.

Q What did the Pioneer Platoon then do?

A It continued to march towards the north.

Q Did you as a witness in this court testify about your personal observations next to the barn?

A I don't know any more for sure.

Q Did you see 1st Lieutenant Coblenz near that barn?

A No.

Q When did you again see 1st Lieutenant Coblenz?

A Half an hour earlier.

DR. PFISTER: The witness did not understand my question.

Q Did you see 1st Lieutenant Coblenz afterwards again?

A Yes, he marched to an empty field in the direction of Stavelot.

Q When were you captured?

A On December 22nd.

Q Where were you then?

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Tk #314-SR-7/2-4

A In a cellar.

Q Was Coblenz in this cellar too?

A Yes.

DR. PFISTER: No further questions.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q What day did you come to Dachau?

A May 2nd.

Q What day did you testify in this court?

A I don't know, one or two days later, I don't know for sure.

Q Reading from the Record dated 31 May 1946, page 1037, I will ask you if this question was asked and this was the answer given: (Reading)

"Question Will you state your name?"

"Answer Ernst Mahl"

Did you answer that way to that question?

A Yes.

Q Is that on the 31st day of May? Is that the first time you testified in this court?

A That is not possible. I arrived here on May 2nd and I was put before the court right after that. It might have been three or four days but certainly not three or four weeks.

PROSECUTION: No further questions.

DEFENSE COUNSEL: Nothing further by the Defense.

PRESIDENT: Any questions by the Court?

(Mahl-Cross)

Apparently not. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: Defense recalls as its next witness Hans Zimmer. Mr. Strong, on behalf of the Defense, will conduct the direct examination.

HANS ZIMMER, a witness recalled by the Defense, having been previously duly sworn, resumed the stand and testified further through an interpreter as follows:

(Whereupon the questions, answers and other proceedings were interpreted to the German counsel and the accused.)

PROSECUTION: The witness is reminded he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL: (MR. STRONG)

Q Are you the same Hans Zimmer who testified in this court this afternoon and morning?

A Yes.

Q Will you tell us whether, during the so-called Eifel Offensive, you were in Wanne?

A Yes.

Q Will you tell us when, approximately, you entered Wanne?

A On December 20th.

Q At approximately what hour?

A Afternoon, three o'clock.

Q In whose tank were you?

A 1st Lieutenant Sternebeck.

Q Is that the same Sternebeck whom you see in
(Zimmer-Redirect) . 201

Tr #314-SR-7/2-6

the dock to your left, an accused?

A Yes.

Q Do you remember during your stay in Wanne to have overheard the conversation between Sternebeck and another member of the tank crew, one Herentrey?

A Yes.

Q Will you tell us what this conversation was about?

A The subject of the conversation was that in case any resistance would be showing up on the part of civilians that we should show no consideration.

Q Do you remember subsequent to this conversation to have received an order from Sternebeck?

A Yes.

Q What did this order consist of?

A That we were to go to the church, that there was supposed to be a radio station in the church.

Q Did you go to the church?

A Yes.

Q Who was with you?

A The 1st gunner, Flass.

Q Do you remember, Zimmer, to have testified in this court on 3 June 1946 in connection with the same incident about which I am right now interrogating you?

A Yes.

Q I read to you from page 1154, the following questions and answer:

"Question About the 20th of December 1944,
where was your unit located?
"Answer In Wanne."

(Zimmer-Redirect)

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Did you give this answer?

A Yes.

Q I read to you another question from page 1155:

"Question Did you hear any conversation between Sternebeck and the other members of your tank about the 20th of December?

"Answer Yes."

Did you give this answer?

A Yes.

Q I will read to you another question:

"To whom was Sternebeck talking at that time?

"Answer: I think it was with Corporal Herentrey."

Did you give that answer?

A Yes.

Q Now, I am asking you, referring in particular to the date of December 20th, 1944, whether you actually overheard this conversation as of December 20th, 1944, or whether there might be a mistake as to date?

A There might be an error as to date.

Q When would you say now this conversation took place?

A On the 21st.

Q I read to you further from the Record, page 1155, the following questions and answer:

"Question: Did anything unusual occur in Wanne that afternoon?

"Answer: I don't know."

Did you give this answer?

(Zimmer-Redirect)

Tr #314-S^A-7/2-8

A Yes.

Q I will read you the following question:

"Did you ever hear anything that happened to civilians at the town that afternoon?"

"Answer: I couldn't say anything further. I only saw four civilians lie in the church dead that afternoon."

Did you give that answer?

A Yes.

Q I will read you the last question:

"Question: About what time of the day did you see them there?"

"Answer: In the afternoon of the 21st."

A Yes.

Q Now, referring to this last mentioned date, I am asking you now whether you think the date of the 21st which you gave this Court is correct or whether you might be mistaken.

A I might have made a mistake.

Q I would ask you now what date you would give me as the date you went to the church and saw these four dead civilians?

A It might be the 21st or 22nd.

Q Will you tell me why you now believe it to be the 22nd?

MR. ELOWITZ: May it please the Court, I do not believe the witness answered the 22nd. He said, "It might be the 21st or 22nd."

MR. STRONG: My mistake. I will rephrase this question.

(Zimmer-Pedirect)

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Q Why are you now uncertain about the date of the 21st to which you testified in court, and why do you now believe it might be either the 21st or 22nd?

A On the 21st I still saw one infantryman with one civilian walk out of town.

Q And would you say that the order to go to the church was given you on the same day or on the following day?

A On the day after.

Q Do you remember that your unit received a visit from a superior officer while you were staying in Wanne?

MR. ELOWITZ: May it please the Court, we object. The question is leading.

PRESIDENT: Objection sustained.

MR. STRONG: I will rephrase the question.

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

Q Do you remember any visitors to your unit while you were in Wanne?

A Yes.

Q Who was it?

A The Divisional Commander Mohnke.

Q On what date did he visit you?

A On the morning of the 22nd.

Q This order of Sternebeck and Flass to go to the church, was this order given you before or after Mohnke visited you?

A After.

Q At the time, Zimmer, this order was given

(Zimmer-Redirect)

to you, how many German soldiers would you say, approximately, were in Wanne?

A About two to three hundred men.

Q And how many tanks approximately would you say were in Wanne?

A About ten.

MR. STRONG: Your witness.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (MR. ELWITZ):

Q Zimmer, when you received the order go to the church to see if you could find a radio station, were you told anything else?

A No.

Q Were you told also to search for suspicious civilians and shoot them if you found them?

A No.

Q The order that you heard Herentrey receive, was that in connection with the hidden radio station also?

A No.

Q Do you know, or do you state no?

A No, that was the day before.

Q As to the bodies of the civilians that you saw in the church, did you see that after or before you received the order from Sternebeck to search out a suspicious radio station?

MR. S TRONG: Objection. That question has already been answered on direct examination by the witness, who testified that he received the order and upon receiving the order, went to the church and saw the bodies. In addition, the witness

Ex #3114-SR-7/2-11

answered this question on page 1155 of the Record.

MR. ELOWITZ: The witness is obviously confused by the dates. I think we can get in certain order what events occurred, just when he saw one thing in relation to the orders he received.

MR. STRONG: I do not think the witness is confused at the present time.

PRESIDENT: The objection is overruled. Repeat the question so he will be sure to get the question.

(Whereupon the question was read by the reporter as follows:

"As to the bodies of the civilians that you saw in the church, did you see that after or before you received the order from Sternebeck to search out a suspicious radio station.")

THE WITNESS: I saw that later when I went down to look for the radio station I also saw those four dead civilians.

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q And you saw the dead civilians after the order was received by Herentrey from Sternebeck previously?

A Yes.

MR. ELOWITZ: That is all.

MR. STRONG: No further questions.

DEFENSE COUNSEL: Nothing further on redirect.

PRESIDENT: Any questions by the Court? Apparently not.

MR. ELOWITZ: One more question, if the Court please.

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q Zimmer, have you ever been interrogated since you

(Zimmer-Recross)

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Tk #314-SR-7/2-12

were a Prosecution witness, by the Defense in the presence of Sternebeck?

A Yes.

MR. ELOWITZ: That is all.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (MR. STRONG):

Q Zimmer, you testified in court this afternoon, you remember?

A Yes.

Q Did anybody from Prosecution talk to you afterwards?

A Yes.

Q Who?

A The Prosecutor, -- I don't know what his name is.

Q What did he tell you?

A They wanted to get my papers.

Q Did he tell you anything else?

A No.

Q Will you point out the gentleman, the member of the Prosecution who talked to you?

A Yes.

Q Do you see him here in court?

A Yes.

Q Will you point him out?

A (Indicating)

MR. STRONG: Let the record show that the witness pointed to Mr. Kirschbaum.

Q Did Mr. Kirschbaum ask you whether you had suddenly become crazy?

A Yes.

(Zimmer-Redirect)

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Tk #314-S R-7/2-13

PRESIDENT: Any questions by the Court?

LAW MEMBER: By the Court: Did you find the radio station at the church?

THE WITNESS: No.

LAW MEMBER: Did you find a radio station?

THE WITNESS: No.

PRESIDENT: Any other questions? The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

(Zimmer-Court)

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sh-1
4:30

DEFENSE: The Defense calls as its next witness, Rudolf Woch. Capt. Narvid, on behalf of the Defense, will conduct the direct examination.

RUDOLF WOCH, called as a witness for the Defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (CAPT. NARVID):

Q State your full name?

A Rudolf Woch.

Q Were you a member of the LSSAH?

A Yes.

Q What organization, what platoon?

A 1st Company, 2nd Platoon.

Q Did you participate in the Eifel Offensive?

A Yes.

Q And what type of vehicle did you drive?

A In a tank, No. 22.

Q What were your duties in this tank?

A I was a driver in that tank.

Q Who was the commanding officer of this tank?

A Sgt. Bersin was the commanding officer of the tank.

Q Is this the same Bersin who is an accused in this case?

A Yes.

Q State his number to the Court?

A Number one (1).

Q Do you recall the date you reached the outskirts of Stavelot?

A That was in the evening of the 19th.

Q Did you ascertain at that time from anyone what the situation at Stavelot was?

A We were lying in our quarters outside of Stavelot, and we were told by members of the Reconnaissance Battalion - who had been
(Woch - Direct)

repulsed - that civilians had retaken Stavelot.

Q Did you proceed to Stavelot?

A We did not proceed into Stavelot.

Q Where did you go from there?

A We made a left turn outside of Stavelot and got to Wanne.

Q Was Bersin with you all the time?

A Yes.

Q How long did you remain in Wanne?

A From the 20th until the second Christmas holiday, the 26th.

Q You say you were in the same tank with Bersin. Were you also in the same quarters with him?

A Yes.

Q Did you at any time in Wanne or anywhere else during the Eifel Offensive hear Bersin give any orders with respect to civilians?

A I did not hear any orders from Bersin.

Q Did you ever hear Bersin give any orders about shooting prisoners of war?

A In my presence Bersin never gave any orders to shoot prisoners of war.

DEFENSE (CAPT. NARVID): Your witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (MR. ELOWITZ):

Q Woch, through the time you spent in Wanne, were you with Bersin all the time?

A Well, I couldn't have been with him all the time, because it is usual if you quarrel with somebody that you separate once in awhile.

Q In other words, you have no idea what Bersin did all the time, or at all, when he was not in your presence, is that right?

A I don't know that.

(Woch - Cross)

PROSECUTION (MR. ELOWITZ): That is all.

DEFENSE: Nothing further on redirect.

PRESIDENT: Any questions by the Court? Apparently none,
the witness is excused.

(Whereupon the excused witness withdrew.)

DEFENSE: The Defense calls as its next witness Heinz
Siessmuth. Lt. Wahler, on behalf of the Defense, will conduct the
direct examination.

HEINZ SIESSMUTH, called as a witness for the Defense, being
first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE (LT. WAHLER):

Q What is your name, please?

A Heinz Siessmuth.

Q During the period of December 17 to January 16, 1944 and
1946 respectively, were you a participant in the Eifel Offensive?

A Yes.

Q What was your Company and what was your Regiment at that
time?

A 9th Company, 2nd Regiment, 3rd Battalion.

Q At the time of this Offensive, were you a member of the
Feiper Regiment?

A Yes.

Q Were you a member of the Grenadier or 9th Pioneer Company?

A 9th Grenadier Company, Battalion Diefenthal.

Q On or about the 19th of December, were you in or near the
vicinity of Stoumont?

A Yes.

Q About what time of the day was this?

A We might have arrived in Stoumont early in the morning,
about 5:00 a.m., and attacked Stoumont 8:00 or 8:30.

(Siessmuth - Direct)

Q At this time, what was your military occupation in your Company?

A I was a non-Commissioned technician in the Company, and had the job of repairing vehicles which might get knocked out in combat.

Q What type of vehicle did you use at this time?

A We had half tracks - SPW's.

Q And what was your job on this half track?

A I was just driving along, simply driving along in the last vehicle in the column, in order to help repair any vehicles which were needed.

Q From what direction had you come prior to entering the vicinity of Stoumont?

A We came by way of Buellingen, Engelsdorf, and entered Stoumont.

Q Did you participate in the attack on the village of Stoumont?

A No, I did not participate in the attack.

Q Did you remain there?

A We promptly turned to the left, and I remained in my vehicle, and later - after things had cleared up - we mounted our vehicles again and pushed through until the Stoumont railroad station.

Q Do you know what companies participated in the attack on Stoumont?

A I don't know that. A Panzer Company was in front of us, and then our Company must have been the first one in the Battalion.

Q Do you know what time the attack commenced on the village of Stoumont?

A PROSECUTION (MR. ELOWITZ): May it please the Court, the witness has already testified to that in the beginning of his testimony. He made it clear that the attack began at 8:00 o'clock.

DEFENSE (LT. WAHLER): If he did, I overlooked it.

(Siessmuth - Direct)

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LAW MEMBER: Between 8:00 and 8:30.

DEFENSE (LT. WAHLER): We will strike the question.

QUESTIONS BY DEFENSE (LT. WAHLER):

Q How long did the attack last?

A It might have taken about two hours, and after that we pushed through, through Stoumont, all the way to the railroad station.

Q When you entered Stoumont, do you recall the particular road that you used to go through the village?

A Well, there is a road fork, as you enter Stoumont, there was a tank standing in the street - the road going to the right - and that tank was knocked out. And the road to the left led past the church to the railroad of Stoumont.

DEFENSE (LT. WAHLER): (To reporter) Will you mark this Defense Exhibit No. 11 - D-11, for identification?

(Whereupon the document referred to was marked Defense Exhibit No. 11 for identification by the reporter.)

QUESTIONS BY DEFENSE (LT. WAHLER):

Q I show you Defense Exhibit No. 11 for identification. Does this sketch accurately show the position of the road, the side road, the church and buildings in the entrance to Stoumont?

PROSECUTION (MR. ELOWITZ): One moment please. If it please the Court, I would like to know who drew this sketch, and what knowledge - based on experience - the person had?

DEFENSE (LT. WAHLER): If the Court please, all that is necessary in this instance is that the witness will identify the sketch as being reasonably accurate. If he does such, it is admissible in evidence.

PROSECUTION (MR. ELOWITZ): I have no objection to continuing the interrogation of the witness, and ask to reserve an opportunity to make an objection later, if we have such, to the sketch.

(Siessmuth - Direct)

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QUESTIONS BY DEFENSE (LT. WAHLER):

Q Does the "Y" here indicate a reasonable condition of the roads as they existed on the 19th day of December 1944?

A Yes.

Q Does this symbol, marked with a cross, - indicating a church - is that a reasonable location of the church with reference to the "Y" on the 19th day of December 1944?

A Yes, it should be about there.

Q Does the symbol represented by a block - the first one, which represents a house - does that reasonably represent the position of that house relative to this road intersecting the main road on the 19th day of December 1944?

A Yes, that is about it.

Q Does the position of this symbol reasonably represent the position of a house located at the intersection of the "Y", on the 19th day of December 1944?

A Yes, there is a house standing there, a big house standing here, but I think there were a few small ones around here too.

Q Do these houses, represented by block symbols, reasonably represent the position of those houses on the 19th day of December 1944?

A Yes.

Q Do these symbols shown in the road upgrade-upgrade, down-grade-downgrade, reasonably indicate the inclinations of the road on the 19th day of December 1944? They do or do not?

A Yes.

DEFENSE (LT. WAHLER): If the Court please, we offer in evidence Defense Exhibit No. 11.

PRESIDENT: Any objection?

PROSECUTION (MR. BLOWITZ): There has been no foundation laid for the offer of this exhibit, please the Court, and we would like to reserve the right to compare it with Prosecution's Exhibit No. 3, which is an accurate map of the area in question. In order

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to expedite the interrogation of this witness, however, we have no objection to Defense proceeding with his questioning, and we ask that reservation be made for us to have an opportunity to object to it later.

LAW MEMBER: The Court sees no reason to reserve the objection, because the witness has said it is an accurate representation. It has been the Court's policy, in admitting exhibits so far, to admit them on that ground, for whatever value it may have.

DEFENSE (LT. WAHLER): If the Court please, I offer it in evidence.

PRESIDENT: The exhibit offered by the Defense is accepted in evidence and will be marked Exhibit D-11.

(Whereupon the sketch referred to, having been previously marked and identified, was received in evidence as Defense Exhibit No. 11, and is attached hereto and made a part of the record.)

DEFENSE (LT. WAHLER): And if the Court please, we request that it be attached to the record and made a part thereof.

(To reporter) Will you mark these D-12, 13, 14, 15, 16 and 17 respectively?

(Whereupon the photographs referred to were marked Defense's Exhibit No. 12, 13, 15, 14, 16 and 17 for identification by the reporter.)

DEFENSE (LT. WAHLER): I want to go back to D-11.

QUESTIONS BY DEFENSE (LT. WAHLER):

Q Showing you Defense Exhibit No. 11, will you indicate on the sketch where the town of Stoutmont is located?

A We drove past this tank, and the houses started here (indicating), and the church was over here (indicating). And then we drove in here (indicating), and there must have been a fork here with a children's home or something (indicating), and then we went (Stessmuth - Direct)

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on down to the Stoumont railroad station.

Q On what portion of the sketch does the village Stoumont lie? Does it lie over here, on that side (indicating)?

A It must be over here on this side (indicating), but there are houses standing on this side of the road too.

DEFENSE (LT. WAHLER): Let the record indicate that the witness has pointed out a place above the symbol "F" I had lying on the sketch.

PROSECUTION (MR. ELOWITZ): Just one moment. The witness has indicated that he doesn't exactly know where the town starts or where it lies.

QUESTIONS BY DEFENSE (LT. WAHLER):

Q Do you know where the town is?

A We drove down here (indicating). All I remember is that the church was down here, and going down this road there were houses all over the place. Where the center of town was there, that I can't say now. All we did was drive along the road and then go down to the station.

Q I am showing you Defense Exhibit No. 12 for identification. Does that picture reasonably portray the main road in the village of Stoumont on the 19th day of December 1944?

A Yes.

Q Showing you Defense Exhibit No. 13 for identification. Does this picture reasonably indicate the condition of the church as it appeared on the 19th day of December 1944?

PROSECUTION (MR. ELOWITZ): One moment. May it please the Court, we object to the question; it is leading the witness. The witness should identify what he sees on that picture, if he can.

A Well, that is the church in Stoumont.

Q Well, what does the picture indicate?

(Slessmuth - Direct)

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A The picture indicates that beyond this fork road here (indicating), and beyond that to the left I drove past the fork on the left, and the church is lying on the right.

Q Does the picture of the church show the condition of the church as it existed on the 19th day of December 1944?

A Yes.

Q Showing you Defense Exhibit No. 14 for identification, what does that picture describe?

A That is the road we came along to Stoumont in, and I think this little road should go to the left over here (indicating).

Q Showing you Defense Exhibit No. 15 for identification, what if anything does that picture portray?

A That is the road towards Stoumont, also.

Q Do the conditions, as they appear thereon, the condition of the road and the house reasonably portray the conditions as they existed on the 19th day of December 1944?

A Yes.

Q Showing you Defense Exhibit No. 16 for identification, what if anything does that portray? What, if anything, does that picture portray?

A That is the entrance to Stoumont.

Q Does the position and the contour of the road, as well as the position of the houses pictured thereon, reasonably indicate the positions of the road and the houses on the 19th day of December 1944?

A Yes.

Q Showing you Defense Exhibit No. 17 for identification, what, if anything, does this picture portray?

A That is the Cross-Roads, and behind the Cross-Roads is where the church is located.

(Siessmuth - Direct)

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Q Does that picture reasonably portray the position of the two roads as they intersect, as well as the position of the two houses as they existed on the 19th day of December 1944?

A Yes.

DEFENSE (LT. WAHLER): If the Court please, the Defense requests that Defense Exhibits for identification from 12 through 17 inclusive, respectively be admitted in evidence and that it be made a part of the record.

PRESIDENT: Any objection?

PROSECUTION (MR. ELOWITZ): No objection.

PRESIDENT: There being no objection, the exhibits offered by the Defense is accepted in evidence and will be marked D-12 to 17 inclusive, respectively.

(Whereupon the documents referred to, having been previously marked and identified as Defense Exhibits 12, 13, 14, 15, 16 and 17, are attached hereto and made a part of the record.)

(Slesamuth - Direct)

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LAW MEMBER: Will the witness indicate the direction north on this map?

THE WITNESS: I can't say exactly what direction is where, we just pushed through and I didn't pay any attention to directions but as far as I know Stoumont was in approximately a northerly direction. I didn't have a map handy at the time and I didn't know which towns we were going through so naturally I wasn't oriented as to the direction.

PROSECUTION: If the court please, this witness has testified that this was Stoumont and now he can't even put an arrow in the direction of it and I move that it be withdrawn from evidence.

LAW MEMBER: The only thing the court wants to know is which direction is north on that map. That is all we want to know.

LT. WAHLER: I was going to say, if the court please, that I have another witness who will testify pertaining to this same exhibit and the pictures and at that time I will connect it up with direction.

QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER, Continuing):

Q Does this show what direction Stoumont is on here?

A Yes.

LT. WAHLER: Will you please mark this Defense Exhibit #18 .

(Whereupon the document referred to above was marked Defense Exhibit D-18 for Identification.)

Q Showing you Defense Exhibit #18 for Identification, what does that picture portray?

A That's a factory which we by-passed on the right side of the road on our way to Stoumont.

Q Does that picture reasonably portray the position of the road and the contour of the land as it existed on the

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(Siessmuth - Direct)

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19th day of December, 1944?

A Yes.

Q Look at that picture again and see what the picture portrays.

A That is the hilly terrain which we passed through.

Q Does that picture reasonably portray the contour of the land as it existed on the 19th day of December, 1944?

A Yes.

Q In your previous testimony you stated that it appeared to be a factory; do you see a factory on that picture?

A There are some trees out here, the house behind it, on this picture there does not appear to be.

Q Whereabouts on the road was that picture taken, approximately?

A It must have been before this Cross Roads, before we hit Stoumont. Then we must have passed the by-road on the left side where there is only one solitary house standing.

PROSECUTION (Mr. Elowitz): If it please the court, in the exhibits that have been offered in evidence heretofore the rules of evidence have not been strictly followed. The picture that this witness is identifying, this exhibit, is too vague. The answers are, it must have been here or it must have been at a certain place. He's not identifying the place with any specific point concerned with the crimes in the charge.

DEFENSE COUNSEL (Lt. Wahler): If the court please, the witness has testified that is a reasonable reproduction of the terrain just before he entered Stoumont. That certainly should be sufficient evidence to admit the exhibit.

LAW MEMBER: If he says so and he says that is it we will admit it but I doubt very much that he knows it is an

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accurate reproduction, I can feel that by the way he shakes his head right now. However, rather than going into harangue about it we will admit it.

DEFENSE COUNSEL (Lt. Wahler): If the court please, I am offering this in evidence and ask that it be attached and made a part of the record.

PRESIDENT: The exhibit offered by the defense is accepted in evidence and will be marked Exhibit D-18.

(Whereupon the document referred to above having previously been marked and identified was received in evidence as Defendants' Exhibit D-18, and the same is attached hereto and made a part of this record.)

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler) (Continuing):

Q After you left the village of Stoumont, where did you proceed?

A We went down the line, down to the railroad where the street takes a sharp right.

Q And then what did you do?

A At that corner our tanks couldn't proceed any further. Our company, all the 14 tanks, went after the other on the right side of the road next to a railroad, towards the right the terrain was going up and we stood there all afternoon until evening some fighting took place there, then our company sent some tanks over the top and opened fire from there. The cruiser half-tracks dismantled and the infantry proceeded along this right turn in order to secure the terrain. We then retired towards the evening, that is, all the vehicles and infantry stayed out front, and drove back along the road, back until some place between Stoumont and La Gleize, and then we pulled in the vehicles in the right side off the road in the forest and that is at that point of the road where there is a little side road going on the left side as you drive from La Gleize to Stoumont. That's where the C.P. of our

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G.O. Peiper was also.

Q How far is the railroad to Stoumont railroad station located -- strike that. How far is the Stoumont railroad station from the village of Stoumont?

A 2 kilometers approximately.

Q Did you proceed past the railroad station of Stoumont?

A No.

LT. WAHLER: Please mark this Defendants Exhibit 19, please.

(Whereupon the document referred to above was marked Defendants' Exhibit D-19 for Identification.)

Q Showing you Defendants' Exhibit #19 for Identification, is that sketch -- what does that sketch portray?

A That is the Stoumont railroad station; we came from this way.

Q In what direction does Stoumont lie?

A Stoumont is lying in this direction.

LT. WAHLER: Let the record show that the witness indicates to the lower left hand corner of the sketch.

Q And about how far from the railroad station did you say Stoumont is?

A From this point here to the railroad it goes down and on the right it went up.

Q How many kilometers from the railroad station is the town of Stoumont?

A 1 kilometer or a kilometer and a half -- no, that's too much -- I don't remember exactly.

Q Does this sketch reasonably portray the curve in the road just to the front and to the side of the railroad station?

A I remember we came down here, the station building was on the left, an American gun was located behind there. There was

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a truck standing there too but it didn't have any wheels on it any more. I guess it was under repair there, and over here on the right side of the road next to the station we lined up our divisions and then our half-track drove over up this way and opened fire.

Q Does the condition of this road, as portrayed on this sketch, reasonably represent the condition of the road on the 19th day of December, 1944?

A Well, over here beyond this church I don't know, next to the station over there.

Q How long did you remain down at the railroad station at Stoumont?

A It was later in the afternoon, night fell and then we came back.

Q Do you know how far the spearhead of your march column penetrated at the railroad station in Stoumont?

A No.

Q Do you know or can you describe the combat condition that existed while you were parked at the railroad station in Stoumont?

A No, I only know that the point received fire from the left front, that the two vehicles from my company went up to the hill on the right, they opened fire from there in the direction behind where we couldn't see but they received some more fire because two or three vehicles were knocked out over there.

Q During this period of time what position, if any, did you take up?

A I was sitting in a half-track on the right side of the station.

LT. WAHLER: That is all with this witness, if the court please.

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LAW MEMBER: Is that all by the defense? You're not going to offer that?

LT. WAHLER: No, I'm going to hold that in reserve and we'll attempt it with another witness.

CROSS-EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Byrne):

Q What did you say your name was?

A Heinz Siessmuth.

Q When were you last in the village of Stoumont?

A We attacked about eight or eight-thirty and about eleven o'clock we got into Stoumont.

Q What day were you last in Stoumont?

A The evening of the 19th we were in Stoumont last.

Q Was that the same day you got to Stoumont?

A Yes.

Q And what year was that?

A 1944 in December.

Q How long ago was that?

A That was about a year and a half from now.

Q Was there snow on the ground at the time you were in Stoumont?

A There was very little snow there.

Q Were the trees green?

A No, they didn't have any leaves on them, that was winter.

Q Referring to your Defense Exhibit 14 that has been admitted in evidence, what time of the year was that picture taken?

A It must have been taken somewhat later because the trees appear to be budding and getting leaves so it must have been taken in spring.

Q What have you identified the place as referred to in Exhibit D-14?

A What this picture represents?

Q Yes.

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(Siessmuth - Cross)

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A That is the road going to Stoumont and in this place there should be a road going to the left and next to that road a house was standing.

Q Was there snow on the ground when you first saw that place?

A No.

Q But there was snow on the ground in Stoumont when you were first in Stoumont, is that right?

A There was very little snow.

Q What approach to Stoumont does this represent?

A If I drive along this street on the right that's the way to get to Stoumont.

Q Can you identify any of the buildings or figures that appear in the photograph?

A It has been so long that I can't remember the exact details, but as we approached Stoumont from this direction there was a little road going to the left and next to that road a little house. We drove past there and if you expect me to remember details so well --

Q Then, as a matter of fact, you don't know whether that represents the house approaching Stoumont or a house someplace else in Germany or Belgium?

A It might have been another house too.

Q And it just looks similar to one that you saw someplace in Belgium before you got to Stoumont?

A Yes.

Q When you entered the village of Stoumont, I believe you testified that there is a road fork, is that correct?

A Yes, there is a road fork there and as we drove into town on the right side a tank was standing there burning.

Q And it was standing on the right fork of the road so that you could not pass that way, is that correct?

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(Siesswath - Cross)

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A You could have gotten past there because the tank was to the right side of the road some but we took the left anyway.

Q As a matter of fact, you took the left road?

A Yes.

Q And as you took the left road do you remember seeing a church?

A Yes, the church could be seen on our right.

Q What was the village from which you had just come, if any, before you arrived in Stoumont?

A It was La Gleize.

Q So that you were proceeding from La Gleize toward Stoumont at the time you approached this road fork, is that correct?

A Yes.

Q When you took this road to the left did you approach the rear or the front of the church first?

LT. WAHLER: If the court please, I believe that counsel should ask the witness whether he knows what was the front or rear part of the church because I myself in many instances don't know what the front or the rear end of a church is.

PROSECUTION (Capt. Byrne): If the court please, I am assuming that.

PRESIDENT: Ask the witness and see if he is better informed about churches.

Q Do you know the difference between the front and the rear of a church?

A No, but a church has either got a steeple with a bell in it and that's usually out front.

Q With reference to the church you have described in Stoumont, did you approach the rear or the front of the church first?

A That must have been the rear end, the steeple was

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on the other side coming from the road fork, on the regular building were the roof and then the steeple.

Q Calling your attention to Defendants' Exhibit 17, I believe you have described that as the way in which you approached the church, is that correct?

A Yes, that's the road fork here, here over to the right the tank was standing and we then drove on to the left.

Q And calling your attention to Defendants' Exhibit D-13, I believe you testified that that is the church as you passed it on your right?

A Yes.

CAPT. BYRNE: I hand both Prosecution's Exhibits D-13 and 17 to the court and move that they be stricken from the record.

LT. WAHLER: On what grounds, if the court please?

CAPT. BYRNE: On the ground that the testimony of the witness has obviously, in the course of the last few questions, erroneously identified both exhibits.

LT. WAHLER: I can't see where the testimony of the witness has been erroneous. There's been no misidentification in any instance.

LAW MEMBER: The objection is overruled, rather the motion is denied.

PRESIDENT: The court will adjourn until 0830 tomorrow morning.

(Whereupon the court adjourned at 1700 hours.)

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CAMP DACHAU, GERMANY

3 July 1946.

MORNING SESSION

(Whereupon the Court reconvened at 1830 hours.)

PRESIDENT: Take seats. The Court will come to order.

PROSECUTION: Let the record show that all members of the Court, all members of the Prosecution, all members of the Defense, with the exception of Lt. Col. Dwinell, Dr. Leer and Dr. Rau, who are absent on business of the Defense, all of the Defendants, and the Reporter are present.

DEFENSE COUNSEL: The Defense recalls Heinz SIESSMUTH.

HEINZ SIESSMUTH, recalled as a witness for the Defense, having been previously sworn, testified through an interpreter as follows:

PROSECUTION: The witness is reminded he is still under oath.

DEFENSE COUNSEL (Lt. Wahler): If the Court please, yesterday Defense Exhibit No. D-11 for Identification was admitted by the Court, I believe, but it was not marked as such by the Reporter. May we have it marked now?

PRESIDENT: Yes.

(Whereupon Defense Exhibit, marked D-11 for Identification, was marked D-11 in Evidence by the Reporter, having been previously received in evidence as Defense Exhibit D-11 for Identification, and the same is attached hereto and made a part of the record.)

RE-CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Byrne):

Q Yesterday, on direct examination, I believe that

(Siessmuth - recross)

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you testified that you saw Standartenfuhrer Peiper's command post in Stoumont. Is that correct?

A No, it wasn't in Stoumont, but I said we had retired somewhere between Stoumont and LaGleize.

Q And you never saw a building that was used by Peiper in Stoumont itself as a C.P.?

A No; I saw Peiper only on the street where he was standing next to some tanks. I didn't see the C.P.

Q You have testified that as you approached Stoumont there was road fork, and you went down the left fork; is that correct?

A Yes.

Q Showing you Defense Exhibit D-12, which you have identified as a street in Stoumont, will you tell the Court whether this is the right hand street which you did not go down, or the left hand street which you did follow?

A Well, I took the left part of the fork and I went past the church on our right and then the road turned to the right and I went to the left and straight ahead from there; then I remembered on the right side the town was located, but there was still some houses on the left side, and then in a little curve that went down to the station.

Q That is not my question. My question is: Which of the two streets is this picture of, the right hand fork or the left hand fork?

A That might be the left one.

Q Are you sure that is the left one?

A No, I wouldn't want to say an untruth to you.

Q Showing you Defense Exhibit D-15, what part of the village of Stoumont is that?

A That must be outside of Stoumont.

Q Was that picture taken from the direction as you were

coming from LaGleize or as you were coming from the railroad station towards Stoumont?

A From LaGleize.

Q What is the building that is shown in the picture.

A A shop or something. It isn't a house to live in.

Q How far from the village of Stoumont would you say that picture was taken?

A I can't say.

Q Do you know whether that building that is shown is the first building in Stoumont, or whether it may be several kilometers before you arrive at Stoumont?

A Well, about this house, I feel like if we went into Stoumont at first was a house, a big house, on the left side of the road and then there were several more little houses around.

Q The big house you describe, would you describe that as a castle?

A No.

Q How far away from the road was it?

A It was pretty close to the road.

Q And that was right across the road from where you see this building in the picture?

A There was another house standing on the other side.

Q Is that the big house you are describing?

A No.

Q How far is it from the big house to this building that shows in the picture?

A The big house was standing on the left side as you entered Stoumont, as I described it, and half right from that the church was standing. And on the right fork on the right side of the road the tank was standing, but I don't know where to place this house.

Q In this picture is the village of Stoumont in the (Siessmuth - recross)

foreground or in the background?

A It would be in the foreground.

Q Then the picture was taken away from the village of Stoumont; is that correct? In the direction of LaGleize?

A Yes. Because the road turns to the right, while here in the picture it turns to the left.

Q Then on this picture you should be able to see the big house you have described, should you not?

A Well we came from the other side and I didn't see the locality from the other side.

Q You have described this building in the picture as on the right hand side of the street, shortly after you had passed the big house on the left hand side of the street; is that correct?

A Yes.

Q Do you see that big house in the picture?

A It might be the house.

Q Is this building that you are showing, which is on the left hand side of the street as you face towards LaGleize, the big house you are describing?

A On that road fork? No, it isn't that.

Q Then can you see the big house in the picture?

A I can't see it here.

Q Showing you Defense Exhibit No. D-11, which has been described as a sketch of the entrance to Stoumont, you have pointed out the church on the picture, have you not? On the sketch?

A Yes.

Q Which direction is LaGleize?

A LaGleize is in this direction and we came from this direction.

Q Let the record show that the witness indicated the left hand side of the sketch. Now you have just pointed out to me on Defense Exhibit D-15 the corner of a shed. Can you show me where that shed would be on this sketch?

A Here is the big house, here is the church, the Panzer standing here; so it might have been this house, perhaps.

Q Will you mark the letter "X" on the sketch in the position of the small shed you have described?

A Well I don't want to get myself pinned down that way. In the first place, it has been very long and I just don't trust myself to put the location of every one of these pictures on this sketch.

Q As a matter of fact, you don't know whether this sketch is in Stoumont or not, is that correct?

A I do know that.

Q You know that it is in Stoumont?

A I know that this is the street I came along on; I remember these cross roads very well, and I do remember this church too. And I remember this tank well. I know we passed it by going to the left and I also know which house was standing here, but I am not supposed to remember just exactly how every house is supposed to have looked. I remember when we passed by.

Q My question is not exactly how every house looked. You have identified this shed as being ^{at} the entrance to Stoumont. I want you to show me where it is at the entrance to Stoumont. Can you indicate where it is located?

A Well, on the left side there was this big house and all the little houses here, so this could only have been on the other side.

Q Will you make the letter "X" where this building is located? Or, if you can't do so, say so.

A I can't.

Q The two buildings that appear at the road junction just to the left of the center of the sketch, are they in the village of Stoumont or outside the village of Stoumont?

(Siessmuth - recross)

DEFENSE COUNSEL (Lt. Wahler): If the Court please, I believe the Prosecution should ask the witness whether or not he knows where the village limits of Stoumont are before he answers that question.

PROSECUTION (Capt. Byrne): If the Court please, this sketch was introduced through this witness as a reasonable representation of the entrance to the village of Stoumont. I am assuming from that that he knew where the village of Stoumont had its entrance. I believe my question is proper.

LAW MEMBER: Let's find out if he knows. I still say the Court will be immeasurably helped if someone will put a direction on that sketon, which is not on there yet.

DEFENSE COUNSEL (Lt. Wahler): That will come with the next witness.

LAW MEMBER: This testimony is meaningless until we do find out.

PROSECUTION (Capt. Byrne): Will you please read back the last question?

(Whereupon the last question was read by the Reporter).

LAW MEMBER: In order to assist the witness and to assist the Court, I think the Court will permit that map to be marked right now, so that the witness don't have to say "right" and "left", instead of "north" and "south".

DEFENSE COUNSEL (Lt. Wahler): If the Court please, we will call a witness right now to put the directions on.

PROSECUTION: We will stipulated that the bottom of the map is north. If the Court please, do you desire to excuse this witness that is on the stand now?

LAW MEMBER: If you will stipulate, it will not be necessary.

PROSECUTION: If the Court please, have the record (Siessmutn - recross)

show that the Prosecution and the Defense have stipulated the direction north on Defense Exhibit D-11 as indicated on the sketch.

QUESTIONS BY PROSECUTION (Capt. Byrne):

Q The two buildings which appear just north of the road junction on the south side of the main highway, are they located in the village of Stoumont or out of the village of Stoumont?

A North of the road?

Q Yes.

A There must be an open field after these houses.

Q About how far is it from these buildings which are shown at the cross roads to the first building in the village of Stoumont?

A It can't be very far.

Q About how far? A kilometer? Five hundred meters?

A Not a kilometer. Perhaps 500 meters.

PROSECUTION: (Capt. Byrne): No further questions.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler):

Q The curvature of this road, is that true and accurate as of the 19th day of December, 1944?

A Yes.

Q And the intersection of the "Y" here, is that correct as of the 19th day of December?

A Yes.

DEFENSE COUNSEL (Lt. Wahler): No further redirect.

PROSECUTION: No further recross.

PRESIDENT: Any questions by the Prosecution?

PROSECUTION: No questions.

PRESIDENT: Any questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the court room.)

(Siessmuth - redirect).

DEFENSE COUNSEL: The Defense recalls as its next witness Horst Vollsprecht. Lt. Wahler, on behalf of the Defense, will conduct the direct examination.

HORST VOLLSPRECHT, recalled as a witness for the Defense, having been previously sworn, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler):

Q What is your name, please?

A Vollsprecht, Horst.

Q You are the same Horst Vollsprecht that has testified previously before this Court?

A Yes.

Q On or about the 19th day of December 1944 were you in the vicinity of the railroad station outside of Stoumont?

A Yes.

Q About what time of the day was it?

A We arrived at the station about twelve o'clock.

Q Did you pass beyond the railroad station ^{to} the west?

A Yes; and I drove on around the curve to the right.

Q How far beyond the curve did you travel?

A 150 to 200 meters beyond the curve.

Q How long did you remain in the vicinity of the railroad station commonly known as Stoumont?

A Until shortly before dark. About half an hour. About half an hour before dark.

Q I show you Exhibit No. D-19, which is marked for identification. Does that sketch portray the physical conditions, community known as Stoumont?

PROSECUTION (Capt. Byrne): I object to that.

Q On the 19th of December.

(Vollsprecht - redirect)

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PROSECUTION (Capt. Byrne): The question is obviously leading.

LAW MEMBER: Yes.

DEFENSE COUNSEL (Lt. Wahler): If the Court please, the witness is merely asked whether or not it represents physical conditions on a certain day.

PROSECUTION (Capt. Byrne): I believe he could have just as well have asked him if he knew what that picture was.

LAW MEMBER: He obviously knows what is wanted of him by now.

PRESIDENT: Objection over ruled.

PROSECUTION: If the Court please, the Defense is continually asking leading questions on the sketch and on these pictures. Can't we have the Court instruct him as to how to introduce the pictures?

DEFENSE COUNSEL (Lt. Wahler): If leading questions have been propounded I think counsel should raise the question at the time, and not now.

PRESIDENT: Translate those remarks. If you can.

PROSECUTION: If the Court please, we have raised this objection. Yesterday afternoon after, I think, on the third time they introduced here a sketch or a picture, we raised the objection and it was sustained. Now this morning the Defense is starting all over again. Obviously, they know it is improper. I am confident that Lt. Wahler knows how to properly introduce a picture or a sketch, and I ask you to instruct him to do so.

PRESIDENT: The remarks of Prosecution are well taken. In this particular instance, proceed with the questions.

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Q What does Defense Exhibit 19 indicate?

A It indicates the Stoumont railroad station as I remember it on the 19th of December.

Q What else does the sketch indicate?

A It indicates the road which we drove along for 150 or 200 meters.

Q What else does the sketch indicate?

A It shows the railroad tracks and the river. At this place on the lower left, an American infantry attack occurred in the afternoon.

Q What else does the sketch indicate as to physical conditions?

A It shows that there was an upgrade on the right side and on the left side it went somewhat downhill next to the station.

Q Do the physical features to which you have just testified reasonably indicate the physical conditions as they existed on the 19th day of December 1944?

A Yes.

LT. WAHLER: If the Court please, we will ask that Defense' Exhibit Number 19 for identification be admitted in evidence.

CAPTAIN BYRNE: No objection.

PRESIDENT: There being no objection, the exhibit offered by the Defense is accepted in evidence and will be marked Defense Exhibit D-19.

(Whereupon the document referred to, having previously been marked Defense Exhibit D-19, was received in evidence as Defense Exhibit D-19, is attached hereto, and made a part hereof.)

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QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER):

Q Showing you Defense Exhibit D-20 for identification, what, if anything, does that photograph portray?

A This shows the road after you went around the curve on the left side of the railroad tracks and a forest on the right.

Q Does the picture indicate a road in any place?

A Yes, that's the road that we stood on. (Indicating).

Q Does the condition of the railroad and the condition of the street truly represent the conditions as they existed on the 19th day of December 1944?

A Yes, the picture is somewhat changed because there were leaves in the trees at the time and it gives a slightly different impression, but that was the way it was.

LT. WAHLER: If the Court please, we ask that Defense Exhibit Number 20 be admitted in evidence.

CAPTAIN BYRNE: If the Court please, the Prosecution cannot consent to the admission of this, but raise a technical objection that it is so vague that it is not believed to be within the ability of this witness to recognize the place described. If the Court please, we will not consent to it.

PRESIDENT: The exhibit offered by the Defense will be admitted in evidence and will be marked Defense Exhibit D-20.

(Whereupon the document referred to, having previously been marked Defense Exhibit D-20, was received in evidence as Defense Exhibit D-20, is attached hereto and made a part hereof.)

(Voßsprecht-Redirect)

QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER):

Q Showing you Defense Exhibit D-21 for identification, what, if anything, does that picture portray?

A That represents the same road, only the picture is taken from the other side. In other words, from the enemy side.

Q Does the picture represent anything else?

A This road again where we were standing.

Q Does the picture indicate the position of the road and the adjacent roads as they existed on the 19th day of December 1944?

A Yes.

LT. WAHLER: If the Court please, we will ask that Defense Exhibit Number 21 for identification be admitted in evidence.

CAPTAIN BYRNE: Same objection.

PRESIDENT: The exhibit offered by the Defense is admitted in evidence and will be marked Defense Exhibit D-21.

(Whereupon the document referred to, having previously been marked Defense Exhibit D-21, was received in evidence as Defense Exhibit D-21, is attached hereto and made a part hereof.)

QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER):

Q Showing you Defense Exhibit Number 22 for identification, what, if anything, does that picture portray?

A This picture represents the Stoumont Station on the 19th, as I found it while attacking. It again shows the road, the railroad.

Q Does the picture reasonably represent the physical condition of the buildings and the adjacent roads and
(Vollsprecht-Redirect)

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railroad as they existed on the 19th of December 1944?

A Yes.

LT. WAHLER: If the Court please, we will ask that Defense Exhibit Number D-22 for identification be admitted in evidence.

CAPTAIN BYRNE: No objection.

PRESIDENT: There being no objection, the exhibit offered by the Defense is admitted in evidence and will be marked Defense Exhibit D-22.

(Whereupon the document referred to, having previously been marked Defense Exhibit D-22, was received in evidence as Defense Exhibit D-22, is attached hereto and made a part hereof.)

QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER):

Q Showing you Defense Exhibit 23 for identification, what, if anything, does that picture portray?

A This again represents the Stoumont railroad station and this right turn which we passed. On the left side are the railroad tracks and on the right side the high terrain with low trees.

Q Does the picture represent a reasonable facsimile of the conditions as they existed on the 19th day of December 1944?

A Yes.

LT. WAHLER: If the Court please, we will ask that Defense Exhibit Number D-23 for identification be admitted in evidence.

CAPTAIN BYRNE: No objection.

PRESIDENT: There being no objection, the exhibit

(Vollsprecht-Redirect)

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offered by the Defense is admitted in evidence and will be marked Defense Exhibit D-23.

(Whereupon the document referred to, having previously been marked Defense Exhibit D-22 for identification, was received in evidence as Defense Exhibit D-23, is attached hereto and made a part hereof.)

LT. WAHLER: If the Court please, we request the Court's permission to recall this witness as part of our proof after our exhibits have been completely admitted and described by one other witness. With the permission of this Court, we would like to recall him at a later date.

PRESIDENT: Granted.

LT. WAHLER: You may cross examine the witness, Captain.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN BYRNE):

Q Showing you Defense Exhibit Number D-19, did you prepare that sketch?

A No.

Q When is the last time that you were in the vicinity of the railroad station at Stoumont?

A On the 13th of December 1944.

Q Was there a battle going on at the time you were there?

A Yes, at that time fighting went on.

Q I believe that you have testified that you proceeded down the road a way from the railroad station at Stoumont to a place which has been marked "clearing" on the righthand side of the sketch. Is that correct?

A No, that is not correct.

Q How far down the road did you go?

A We went a little bit beyond the little house next to the railroad.

CAPTAIN BYRNE: Let the record show that the witness indicated a cross in a square approximately in the center of the road.

QUESTIONS BY PROSECUTION (CAPTAIN BYRNE):

Q The road on the sketch takes a pronounced curve to the right, is that right?

A Yes.

Q And the railroad follows the same curve?

A Yes.

Q At the top and running parallel to the railroad at the top of the sketch is indicated a river, is that right?

A Yes.

Q Calling your attention to the arrow on the sketch, the river runs approximately north and south, does it not?

A Yes, that is right.

Q Does the river parallel the highway and the railroad at the railroad station in Stoumont?

A It is at the railroad station in Stoumont.

Q And after you passed the railroad station in Stoumont, which is indicated in the lower lefthand corner of the sketch, does the river follow the highway?

A Yes, after you get around the right curve.

Q Calling your attention to Prosecution Exhibit 3 on the wall, can you indicate the position of the railroad station Stoumont on that map?

A Stoumont is over here (indicating) and we went along this road (indicating).

000190

Tk #318-SR-7/3-7

CAPTAIN BYRNE: Let the record show that the witness indicated the road between Stoumont and Targnon.

THE WITNESS: We got about this far (indicating), about four kilometers outside Stoumont.

QUESTIONS BY PROSECUTION (CAPTAIN BYRNE):

Q Will you point out the railroad station that you described on the map? Is it before or after you reached the village of Targnon?

A No, it is before this village. It must be about here (indicating).

Q After you passed through the village of Stoumont, you did not pass through any other villages before you arrived at the railroad station, is that right?

A No, we only went past a few houses.

CAPTAIN BYRNE: No further questions.

LT. WAHLER: No further questions.

PRESIDENT: Any questions by the Court?

LAW MEMBER: By the Court: At the Stoumont railroad station, are there railroad tracks on each side of the river?

INTERPRETER ROSENSTOCK: I did not hear the question.

(Whereupon the last question was read by the reporter.)

PRESIDENT: Any other questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

(Vollsprecht-Recross)

Tk #318-SR-7/3-8

DEFENSE COUNSEL: Defense recalls as its next witness, Miles W. Rulien. Lieutenant Wahler, on behalf of the Defense, will conduct the direct examination.

MILES W. RULIEN, a witness recalled by the Defense, having been previously duly sworn, testified further through an interpreter as follows:

(Whereupon the questions, answers, and other proceedings were interpreted to the German counsel and the accused.)

PROSECUTION: The witness is reminded he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER):

Q Are you the same Miles Rulien who has heretofore testified before this Court?

A Yes.

Q Did you have occasion to visit the village of Stoumont?

A Yes, I did.

Q When did you last visit the village of Stoumont?

A June 26th, 1946.

Q How many times have you been in the village of Stoumont?

A Counting return trips, five times.

Q And these trips covered what period of time?

A They were all in the month of June 1946.

Q Did you at the same time have occasion to visit the vicinity of the railroad station commonly known as Stoumont?

A Yes, I did.

(Rulien-Redirect)

Tk #318-S^H-7/3-9

Q When was the last time you visited the railroad station commonly known as Stoumont?

A About the 12th of June 1946.

Q How many times have you been in the vicinity of the railroad station Stoumont?

A Twice.

Q How far is the railroad station Stoumont from the village of Stoumont?

A About four kilometers.

Q In what direction does the railroad station lie from the village of Stoumont?

A From the north end of the village, roughly, west. The road from the north side of the village to the railroad station is very curved, sort of following the crest of the hill.

Q Where does the railroad station Stoumont lie with reference to the village known as Targnon?

A I don't know the village of Targnon by name. Going from the village of Stoumont to the station, the road passes past a village, but with regard to the road, it is deep in a valley.

Q And where does the railroad station lie with relation to this village that you have just described?

A West and north.

Q Could you identify the village that you are talking about on Prosecution Exhibit Number 3?

A I would have to see the map.

Q Would you come over here, please?

(Whereupon the witness left the stand and did as
(Fallen-Redirect)

0001192

Tk #318-SR-7/3-10

directed.)

A I have never been in this village of Targnon but from passing on that road on a map of this type it would show just about like that.

Q Did you trace your course of travel from Stoumont to the railroad station on that map?

A I followed the highway marked "Pink" here (indicating) -- here at a point, about here, (indicating) there is a village almost at the perpendicular foot of a high cliff. Further on, the road turns. I don't believe the railroad station shows on this map. I think it would be a little bit on the left, a continuation on that highway marked "pink".

Q And by left, do you mean to the east or west?

A West.

End Tk #318

#319

3-T-1

Q Showing you Defendant's exhibit 11, have you ever seen that sketch before?

A Yes, I have.

Q Did you have anything to do with the preparation of that sketch?

A Yes, I made a rough first draft.

Q Was that sketch prepared under your direction?

A Yes, it was.

Q Did you see the sketch after it had been prepared?

A I did.

Q Do the physical features as set forth on that map reasonably portray the physical contour of the road and buildings as they existed at the time that you prepared your initial sketch?

A Yes, they do.

Q Does the building with a cross in it, what does that indicate?

A A church.

Q And what does this first building to the north of the road and south of the village indicate?

A A building that is partly rebuilt. It is the first building on the right in the village.

Q What does this (indicating) to the south of the wye indicate?

A The house of Dr. Robinson.

Q With relation to that sketch, in what direction does the main portion of the village of Stoumont lie?

A The wye at the road turns sharply toward the north in the main street of the village.

Q Have you ever seen Defendant's exhibit 19?

A Yes, I have.

Q Was that sketch prepared under your direction?

000195

#819

3-T-2

A Yes, it was.

Q From what was it prepared?

A From a sketch that I made.

Q When did you make that sketch?

A The latter part of June 1946.

Q Can you describe the various symbols that have been used on this map?

A Yes, I can.

Q What does the front most symbol represent on the sketch?

A That is the railroad on the other side of the river.

Q What does this symbol represent below the river?

A That is the railroad that is servicing the Stoumont station.

Q Is the position of the railroad station accurately portrayed on the sketch?

A Yes, it is.

Q Showing you Defendant's exhibit 16, was that a picture taken in your presence?

A Yes, it was.

Q By whom was that picture taken?

A That was taken by Pfc. Jean Delongre.

Q Was the picture taken under your direction?

A Yes, it was.

Q Can you describe on Defendant's exhibit 11 for Identification the approximate place on the sketch that that picture illustrates?

A That was taken before the entrance to Stoumont showing this point (indicating), the left lane that leads off to the left just before you come to the wye.

Q Would you take the exhibit up to the court and show them the position, the place on the picture on the sketch and the respective place it illustrates?

000196

#319

3-T-3

A This was taken looking into the approach to Stoumont show--
CAPTAIN BYRNE: Let the record show that the witness indicated a place in the road junction on the south side of the sketch.

LT WAHLER: May we request that the initial "D-16" be placed on the map?

LAW MEMBER: It is placed on there now.

QUESTIONS BY DEFENSE (Lt Wahler) (Cont'd):

Q Showing you Defendant's exhibit 15, was this picture taken under your direction?

A Yes, it was.

Q By whom was it taken?

A This was taken by Pfc. Jacques Delongre. May I correct that? That was taken by Pfc. Jean Delongre.

Q Can you identify the position on the sketch as corresponding with the place illustrated?

A Yes, I can.

Q Will you do so and place the picture upon the sketch?

A This is taken on the Stoumont side of the road looking toward the approach from La Gleize showing the cottage previously indicated by me.

Q Showing you Defendant's exhibit 12, what does that picture indicate?

A That picture indicates the main road at Stoumont.

Q And by whom was that picture taken?

A That picture was taken by Pfc. Jean Delongre.

Q Can you identify the position on the sketch that this picture illustrates?

A Yes, I can. Just a minutes--this does not show. This is taken a little beyond the sketch.

Q Showing you Defendant's exhibit 13, what does that picture portray?

000197

#319

3-T-4

A This picture shows the church, the road in front of the church, looking down the main highway toward La Gleize.

Q By whom was that picture taken?

A This picture was taken by Pfc. Jean Delongre.

Q Were you present at the time that picture was taken?

A Yes, I was.

Q Would you place that picture upon the sketch and illustrate to the court what portion of the sketch that portrays?

A This was taken at a point beyond the sketch, but part of what it indicates shows on the sketch. Thus the church shows in the sketch and part of the road, but the road in front of the church does not show on the sketch.

Q Showing you Defendant's exhibit 17, what, if anything, does that picture portray?

A That is a picture of the wye on the approach to Stoumont.

Q By whom was that picture taken?

A That was taken by Pfc. Jacques Delongre.

Q Can you illustrate upon the sketch the portion of the terrain that that picture illustrates?

A Yes, I can.

Q Would you do so, please?

A Yes.

Q Showing you Defendant's exhibit 14, can you describe what that illustrates?

A Yes, I can.

Q By whom was that picture taken--pardon, strike that question. What does the picture illustrate?

A A view across the road and field showing a part of an out-building of the first house at Stoumont.

Q By whom was that picture taken?

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3-I-5

A That was taken by Pfc. Jean Delongre.

Q Was that picture taken in your presence?

A Yes, it was.

Q Can you identify the section of the land that that picture illustrates on the sketch?

A Yes, I can.

Q Would you do so?

A This is the field between these first two houses and then across further fields.

Q Looking at that picture once again would you identify this symbol on the lefthand side of the picture?

A That is a small masonry out-building that when I was there was being built as an adjunct to this house (pointing).

Q Does that out-building appear on your sketch?

A No, it does not.

Q Approximately how far and in what direction is that little out-house relative to the building indicated on the sketch?

A About 20 feet.

Q Showing you Defendant's exhibit 18 for Identification, what, if anything, does that picture portray?

A That is looking down the main road toward La Gleize.

Q By whom was that picture taken?

A That was taken by Pfc. Jacques Delongre.

Q Was the picture taken under your direction?

A Yes, it was.

LT WAHLER: If the court please, we will ask that Defendant's exhibit 18 for Identification be admitted in evidence at this time.

PRESIDENT: There being no objection, the exhibit offered by the Defense is admitted in evidence and will be marked Exhibit D-18.

2722

(Rulien - Redirect)

000196

#319

3-T-6

(Whereupon the photograph referred to having been previously marked and identified was received in evidence and marked Defendants' exhibit D-18, and same is attached hereto as a part of this record.)

QUESTIONS BY DEFENSE (Lt Wahler):

Q Can you portray on that sketch the portion of the land that is illustrated in that photograph?

A Yes, I can.

Q Would you do so?

A The trees are on this side of the road (indicating) and in the field.

Q Showing you Defendants' exhibit 20, what, if anything, does that photograph portray?

A Looking down the road away from Stoumont and the Stoumont railroad station.

Q Under whose direction was that picture taken?

A That was taken under my direction.

Q And by whom was that picture taken?

A Pfc. Jacques Delongre.

Q Would you indicate the section of land that that picture portrays on the sketch Defendants' exhibit 19?

A Yes (witness indicates on sketch).

Q Showing you Defendants' exhibit 21, what, if anything, does that photograph portray?

A Looking down the road toward Stoumont station past the large clearing.

Q By whom was that picture taken?

A That was taken by Pfc. Jacques Delongre.

Q Was that picture taken under your direction?

A Yes, it was.

Q Can you identify the portion of the land that is illustrated in that picture upon the sketch Defendants' exhibit 19?

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A Yes, I can.

Q Would you do so?

A Yes. (Witness indicates on sketch.)

Q Showing you Defendants' exhibit 22, what, if anything, does that picture portray?

A That is the railroad station at Stoumont.

Q By whom was that picture taken?

A Pfc. Jacques Delongre.

Q Under whose direction was that picture taken?

A My own.

Q Can you identify the portion of the land and buildings that are shown in that picture upon Defendants' exhibit 19?

A Yes, I can.

Q Would you do so?

A That is the railroad station and the road (pointing).

Q Showing you Defendants' exhibit 23, what, if anything, does that picture portray?

A Looking down the road toward the station, showing the road and the railroad and in the distance the station. This picture is looking in this general direction.

Q By whom was that picture taken?

A That was taken by Pfc. Jacques Delongre.

Q Under whose direction was that taken?

A My own.

Q Will you place that picture upon the sketch and identify the section of land it illustrates?

A Yes.

LT WAHLER: That is all, if the Court please. He is your witness.

000201

#319

3-1-7

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Byrne):

Q Mr. Rulien, showing you Defendants' exhibit D-19, has that sketch been drawn to scale?

A No, it hasn't.

Q During the time that you were present at the Stoumont railroad station, I believe you said, in June of this year did you have occasion to observe any destroyed or semi-destroyed German armor?

A There was a very great deal in the area. I don't remember any in the immediate area of the station.

Q You have indicated about the center of the map a small clearing. Do you recall seeing any German armor along the road immediately adjacent to the road at approximately that point?

LT WAHLER: If the Court please, I would like to request counsel to indicate on the map or the sketch the clearing that he has reference to.

CAPTAIN BYRNE: I specified the small clearing.

LT WAHLER: Oh, pardon me.

A I have no recollection of such.

QUESTIONS BY PROSECUTION (Capt. Byrne) (Cont'd):

Q Can you tell me whether the approximate distance from the station as shown in the lower lefthand corner of your sketch and the apex of the curve is accurate in comparison with the distance from the apex of the curve to the large clearing shown in the extreme right of the sketch?

A No, it isn't. For one thing at this point here (pointing) I tried to indicate a break.

CAPTAIN BYRNE: May it please the Court, let the record show that the witness indicated two parallel lines running perpendicular to the railroad track and the river as indicating a break

000202

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3-T-9

in the map?

QUESTIONS BY PROSECUTION (Capt. Byrne):

Q Calling your attention to Defendants' exhibit 23, which you have indicated was taken from the position about at the apex of the curve, I point out to you in the lower lefthand corner of that photograph a road which does not appear to be a main road but more of a secondary road or wagon track. In the vicinity of that curve did you observe any German armor?

A I think I have already said I didn't recollect any armor near the station, but there was a great deal in the area. I probably wouldn't even have noticed it.

Q Do you remember approximately what date in June you were in that vicinity?

A These photographs were taken about June 11 or 12.

Q Just one last question. In relation to the sketch does the railroad station approach the curve in the road anywhere near as close as is indicated by the relative size of the railroad station and the size of the highway?

A No, it doesn't.

Q As a matter of fact the station is a considerable distance from that curve; is that correct?

A Yes, it is.

CAPTAIN BYRNE: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (Lt Wahler):

Q About how far would you say the railroad station is from the curve?

A Perhaps 300 yards.

LT WAHLER: That is all, if the Court please.

PRESIDENT: Any questions by the prosecution?

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#319

3-T-10

CAPTAIN BYRNE: No further questions.

PRESIDENT: Are there any questions by the Court? Apparently none, the witness is excused.

The court will recess until 1030 hours.

(Whereupon the Court took a recess at 0955 hours.)

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7/3/46
sh-1
10:30

(Whereupon at 1030 hours the Court reconvened.)

PRESIDENT: Take seats. The court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court, all the members of the Prosecution with the exception of Capt. Byrne who is absent on business of the Prosecution, all the members of the Defense with the exception of Lt. Col. Dwinell, Dr. Rau, Dr. Lelling and Dr. Wieland are absent on business of the Defense, all of the defendants and the reporter are present.

DEFENSE: The Defense recalls Horst Vollsprecht. Lt. Wahler, on behalf of the Defense, will conduct the direct examination.

HORST VOLLSPRECHT, recalled as a witness for the Defense, testified further through an interpreter as follows:

PROSECUTION: The witness is reminded that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE (LT. WAHLER):

- Q What is your name, please?
- A Vollsprecht, Horst.
- Q Are you the same Horst Vollsprecht who heretofore testified before this court?
- A Yes.
- Q On the 19th day of December 1944, were you in the vicinity of Stoumont?
- A Yes.
- Q About what time of the day was that?
- A We arrived outside of Stoumont about 5:00 a.m.
- Q From what direction did you come?
- A From LaGleize.

(Horst Vollsprecht - Redirect)

000205

Ta-320
7/3/46
sh-2

Q Who was present besides yourself at this time?

A The 2nd Company.

Q What type of vehicle does the 2nd Company have?

A We had eleven tanks at that time.

Q Where did you stop in the vicinity of Stoumont?

A About three hundred meters outside on the road to Stoumont.

Q Can you describe on Prosecution's Exhibit No. 3, the approximate position that you stopped at before or in the vicinity of Stoumont?

A Yes.

Q Would you do that?

(Whereupon the witness left the stand and went up to the map on the wall, Prosecution's Exhibit No. 3.)

A We stopped outside of Stoumont, about here (indicating).

DEFENSE (LT. WAHLER): Let the record show that the witness indicated a point to the East of Stoumont, approximately three-quarters or one kilometer.

(To the witness) Will you take the stand again?

(Whereupon the witness did as directed.)

QUESTIONS BY DEFENSE (LT. WAHLER):

Q How long did you remain in this position?

A We stayed there for several hours.

Q About when did you commence to leave that position - about what time?

A It was about 8:00 or 8:30 when our attack began.

Q What was the condition of the weather at that time?

A It was clouded, rather foggy.

Q Was it light or dark out at that time?

A Dark.

Q What was the approximate visibility at 8:00 o'clock that

(Vollsprecht - Redirect)

000206

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sh-3

morning?

A It was just about getting light. It might have been possible to have a visibility of two to three hundred yards.

Q After you left this position, in what direction did you proceed?

A After Brahm's Panzer tank was knocked out, the Company moved to the field on the right of the road. From there we attacked them.

Q Before that happened, can you tell me in what direction you proceeded as you left your position in the road?

A To the right.

Q Is this in the direction of Stoumont or in the direction north of Stoumont?

A North.

Q Which was the lead tank in your Company at this time?

A At first the tank of Sgt. Friedrichs drove off, but its gun was damaged and it remained behind, and then the tank of Brahm's was ahead.

Q Which was the second tank, the tank of Brahm's?

A Then Brauschke was up there.

Q And behind Brauschke?

A Knappich.

Q And the tank behind Knappich?

A The 1st and 2nd platoon followed then; I don't know the exact order.

Q Where was your tank with reference to the lead tank?

A The 1st and 2nd Platoon were ahead of us.

Q How many tanks to the rear would you say that your tank was?

A Seven or eight tanks.

Q As the lead tank took off, how large an interval was maintained between the first and second tanks?

(Vollsprecht - Redirect)

000207

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sh-4

A We were closed up pretty well, about ten meters, but the distance increased later on.

Q Did all tanks start at the same time that Brahms did or immediately thereafter?

A No, Brahms took off at first.

Q How far did Brahms proceed?

A He drove until he got to the first right turn, behind Stoumont. He was knocked out there.

Q Did you see Brahms' tank get knocked out?

A Yes.

Q Describe what you saw?

A Well, I...

Q If the Court please, before we ask that question -- I show you Defense Exhibit, D-11. Show me the position that Brahms' tank was in just prior to when Brahms' tank was knocked out?

A Brahms' tank was standing on the right side of the road. He was knocked out on the next to the first house.

DEFENSE (LT. WAHLER): Let the record show that the witness indicates a point in the road just prior to the "Y" intersection, in the location of the church in Stoumont.

QUESTIONS BY DEFENSE (LT. WAHLER):

Q Did you see Brahms' tank get knocked out?

A Yes, I observed that.

Q Will you tell the Court what you saw?

A We were still standing there. The whole Company was supposed to drive through town one after the other, but since Brahms' tank was knocked out the Company deployed to the field. Brahms got to about the church. He must have received some hits, because I saw the whole crew get out. And shortly thereafter he must have received another hit, because then the tank started burning.

(Vollsprecht - Redirect)

000208

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sh-5

Q What was the condition of the weather at this time?

A Fog - you couldn't see very far.

Q Do you know from what direction the fire came that knocked out Brahm's tank?

A The first fire must have come from the road from the direction of the church.

Q And where did the later fire come from?

A In my estimate it must have come from the left, because after he received the hit the tank started burning - bursting into flame immediately - so I have to assume that he received a hit in the gas tank.

Q At the time that Brahm's tank was knocked out, did you receive any orders?

A Yes.

Q From whom did you receive these orders?

A That radio order came from 1st Lt. Christ.

Q What was the order?

A The order was to the effect that the 3rd and 2nd Platoon were to deploy on the field, on the right side of the road.

Q Did the vehicles or the tanks deploy to the right of the road?

A Yes.

Q At that time were your tanks under fire from American troops?

A Yes.

Q From what direction did this fire come from?

A In the first place fire came from the town in Stoumont, from anti-tank guns, machine guns, heavy machine guns, and furthermore from the right side Sherman tanks attacked. There was also severe artillery activity. We called this thing which was going on, "rabatz" at the time.

Q Were the American artillery forces laying down any smoke?

A Only when the Americans proceeded to retire to the forest (Vollsprecht - Redirect)

000206

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sh-6

on the hill, the Americans put a smoke screen around them.

Q How long did this attack last?

A It took about two hours.

Q From what time to what time?

A From about 8:30 until 10:30.

Q About what time of the attack was Brahm's tank knocked out?

A If the attack started about 8:30, then about fifteen minutes
fore then.

Q Could you come over here and indicate for the Court on
Exhibit D-11, the direction from which your company received fire?

A Yes. The Company received fire from here (indicating)
first of all.

Q What type of fire did you receive from that direction?

A Anti-gun fire. We were also fired at from here (indicating).

Q What type of fire did you receive from that direction?

A Also anti-tank fire, and furthermore heavy machine guns
were all over the place. Then from this forest here (indicating) a
one Sherman attack was made, and furthermore, all the time artillery
was playing a barrage on this field (indicating) here.

Q From what direction was that barrage of artillery coming
from?

A I assume that it came from somewhere here (indicating),
about the railroad station. It might also have been just behind
Stoumont.

DEFENSE (LT. WAHLER): That is all on that, take the
stand.

(Whereupon the witness returned to the stand.)

QUESTIONS BY DEFENSE (LT. WAHLER):

Q After your Company deployed into the fields, what position
did your tank take in the adjacent field?

(Vollsprecht - Redirect)

A We were pretty far to the right flank. There was about one more tank on our right.

Q What position did your tank occupy in the field, relative to the road?

A On the right side of the road and parallel to the road.

Q And about how far to the right, on the road?

A About a hundred and fifty meters.

Q How long did you remain in this position?

A We remained there for about one hour, if not longer.

Q Where was the tank of Lt. Christ at this time?

A The tank of 1st Lt. Christ must have been to our left.

Q Where was the tank of Knappich at this time?

A The tank of M/Sgt. Knappich was also to our left.

Q What position did he occupy in the field?

A He was also to the right of the road and parallel to the road.

Q Where was the tank of Brauschke at this time?

A Brauschke's tank must also have been near the road.

Q During the period of the attack, was your tank buttoned up?

A All the portholes were closed, with the exception of the Commanding Officer's slit which was open.

Q Did you receive any orders from Christ relative to the tanks being buttoned up?

A No, there was no need of giving any such order.

Q What position did you assume after you commenced to move from the position that you just described?

A We proceeded ahead a piece, and then turned to the right some.

Q How far did you proceed forward?

A About 50 meters. We kept moving back and forth in order to avoid the artillery fire to some extent.

(Vollsprecht - Redirect)

Q After the attack, what was your position?

A After the attack we went to our left - towards the road - in our tank, passed Brahms' tank, and to the right past the church.

Q Will you come over here and describe before the Court the position that you have just testified to?

(Whereupon the witness left the stand and came forward, towards the Court.)

A 2nd Lt. Koch's tank was located about here during the attack. We went ahead here (indicating), then passed - had to turn to our left, went to the road and together with Koch's Panzer we went along this road here (indicating).

Q Will you identify on this sketch the position that Brahms' tank assumed or was in at the time that you passed it?

A Yes. Brahms' tank was here (indicating).

DEFENSE (LT. WAHLER): Take the witness stand.

(Whereupon the witness resumed the stand.)

QUESTIONS BY DEFENSE (LT. WAHLER):

Q How far did you then proceed after you passed Brahms' tank?

A We went past the church. A half track was in front of us, and we stopped again behind the tank of 1st Lt. Christ.

Q As you passed Brahms' tank, did you happen to have occasion to look in the direction to the left of you?

A Yes.

Q What, if anything, did you see when you looked to the left of you?

A This first house there.

Q Did you at that time see any bodies of American soldiers lying around in the vicinity of that house?

A No.

Q As you proceeded through the town, in what direction did (Vollsprecht - Redirect)

you then travel?

A To the station of Stoumont.

Q About what time of the day did you arrive at the railroad station?

A We arrived at the station at about 11:30.

Q What position did your tank occupy relative to the march column?

A We were driving behind the tank of 1st Lt. Christ, and passed by Sgt. Knappich's tank while leaving town.

Q Where was Brauschke's tank at this time?

A Brauschke's tank must have been ahead of us at that time.

Q Do you know what position Brauschke's tank occupied relative to the march column?

A His was first or second tank.

Q Whereabouts did your tank stop relative to the railroad station of Stoumont?

A The whole column?

Q Yes.

A We came to a stop about three hundred meters before the railroad station, because the tank of Sgt. Rohpeter was knocked out by anti-tank fire coming from the station.

Q Did you receive fire from any other direction?

A At that time only from the anti-aircraft located at this station.

Q What happened to this anti-tank gun in the station?

A After the Sgt. Rohpeter had been knocked out, Lt. Koch told me that infantry would try to knock out this gun.

Q Was this gun knocked out?

A Yes, it was eliminated.

Q About what time was this gun knocked out?

A Twelve -- it was about 12:00 o'clock - a quarter to twelve to twelve.

Ta-320
sh-10

Q After this gun was knocked out, what if anything did your Company do?

A The Company remained there for quite awhile. The Platoon leaders went to the Company Commander, and I then got out and then went to the tank of M/Sgt. Knappich - who was behind us - and I there looked at the hits which the tank of Knappich had sustained. I also saw Col. Peiper, together with Diefenthal, there. They were standing at the road with a map.

Q And what, if anything, happened after that?

A After that the Company proceeded along, that is, they went along the right turn behind the station.

Q How far did your Company proceed?

A We went about one hundred to a hundred and fifty meters past the church, about at the level of the little signal house next to the railroad station.

Q What position did your tank occupy at that time?

A We were the fifth tank.

Q Relative to this signal house that you have just testified to, where was your tank?

A We proceeded about two hundred meters ahead and was standing at about the level of the signal house.

Q Was the signal house to the - directly to the left of you, or was it ahead of you, or to the rear of you?

A It was a little bit to my half left, to my left front.

Q About how far from where your tank was?

A It might have been ten meters ahead of me yet.

Q Where was Brauschke's tank at this time, if you know?

A Brauschke's tank was ahead of us on the right side of the road.

Q How far ahead of you?

A About eighty meters.

(Vollsprecht - Redirect)

Q At this time were you under attack from the American forces?

A At this time we received heavy tank and "V" fire. At that time also the first heavy machine gun started firing.

Q Were your tanks buttoned up at this time?

A Yes.

Q What was the condition of the weather at this time?

A It was still rather cloudy, but the fog had lifted some.

Q Were you under artillery fire?

A At the time I was standing next to that signal house, not yet. We received artillery fire later on.

Q Can you describe the conditions that you saw ahead of you?

A Yes.

Q Would you do so?

A There were four tanks in front of us. To our left front, the tank of Sgt. Krieger, Brauschke's tank was on the right side of the road, behind Brauschke's tank was one of the tanks in the ditch - where the tank of Untersturmfuehrer Kaufmann was standing - and by Kaufmann's tank the tank of Sgt. Hertzig was standing also on the right side of the road.

(Vollsprecht - Redirect)

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Q Did you notice any combat ahead of you?

A After we had received the anti-tank fire we pulled back some. Then it was quiet for awhile and then the American artillery started firing again. That kept up for about one hour -- the artillery fire did.

Q Where was your position at this time?

A The four tanks were still ahead of us. It was the same situation. After the artillery was over the Americans fired some smoke shells and when the smoke had cleared there was some slight fog on the road and I could observe about 200 meters ahead of our first tank some American Infantry or anti-tank troops attacking from the railroad tracks towards the road, but these bodies were to be seen only for a very brief time, you might be able to see the upper part of these bodies for an instant and then they'd be down taking cover again. We fired one or two rounds of tank fragmentation at these infantry or anti-tank troops. After that it remained quiet; from there either the Americans withdrew or they remained under cover.

Q And what happened with your tanks?

A Our tanks kept receiving artillery fire, then the artillery stopped for quite a while and then another American Infantry attack started through the bushes on the right side of the road. The American Infantry got quite close to us. We fired our tank grenades and fragmentation grenades into their fires.

Q Could you identify the uniforms that these soldiers were wearing?

A I couldn't tell from their steel helmets, they didn't show themselves, they just got up for a short time and were under cover very quickly.

Q About how many would you say that you saw?

A It's hard to judge because I saw only a few persons

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3-D-2

who were pretty close to the road. There might have been a lot around the road.

Q How long did you stay in this position that you have just described?

A The company remained there until about half an hour before dark.

Q About what time of the day was this?

A About 4 or 4:30.

Q Were there any German troops ahead of your company?

A I, myself, saw no German troops ahead of our company -- our tanks, but after one tank, after Hertzig's tank took the point over at one time and it had been hit by a tank destroyer tank, 2nd Lt. Koch told me through the inter-com that an infantry outfit or assault outfit had tried to knock out these anti-tank weapons. However, I myself did not see these infantry men.

Q What did you do after you left this position?

A I went back to Stoumont.

Q Did the whole company return to Stoumont?

A Yes, the whole company went back with the exception of the tanks which remained there in an immobile condition.

Q Who gave the order to return to Stoumont?

A 1st Lt. Christ.

LT. WAHLER: That is all, if the court please. Your witness.

PROSECUTION (Mr. Elowitz): No cross-examination.

DEFENSE COUNSEL: May it please the court, at this time there is another incident in Stoumont that Captain Narvid would like to conduct a direct examination of this witness.

LT. WAHLER: If the court please, may we understand that whatever is developed on this direct examination the prosecution will be restricted to that phase of it and not the phase that

(Vollesprecht - Redirect)

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has been gone into at this time?

CAPT. NARVID: We're doing this not to waste the time of the court by sending the witness out and calling back again.

PROSECUTION (CAPT. SHUMACKER): He's still the defense's witness, if the court please, and we reserve our right to cross-examine in any proper fashion after their direct examination has been completed.

DEFENSE COUNSEL: If the prosecution insists on this we will recall the witness at a later stage.

PRESIDENT: Are there any questions by the court? Apparently not. The witness is excused.

(Whereupon the witness was excused and withdrew from the court room.)

DEFENSE COUNSEL: The defense recalls as its next witness, Oskar Maurer. Lt. Wahler, on behalf of the defense, will conduct the direct examination.

PROSECUTION: The witness is advised that he is still under oath.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (LT. WAHLER):

Q Your name please?

A Oskar Maurer.

Q Are you the same witness that has heretofore testified before this court?

A Yes.

Q What company were you a member of on the 19th of December, 1944?

A 2nd Panzer Company, 1st Regiment.

(Maurer - Redirect)

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3-D-4

- Q Whose platoon were you a member of?
- A 3rd Platoon, Platoon Leader 2nd Lt. Koch.
- Q What kind of vehicles was your company equipped with?
- A Panther Tanks, Type 5.
- Q What was your job at this time?
- A I was 1st Gunner.
- Q What position did you occupy in this tank?
- A Could you express yourself a little bit more clearly?
- Q Yes -- In what portion of the tank were you stationed?
- A In the turret.
- Q In whose tank were you?
- A In the Platoon Leader's tank of 2nd Lt. Koch.
- Q Directing your attention to the 19th day of December, 1944, were you in the vicinity of Stoumont?
- A We were in the area of Stoumont on the 19th of December, 1944, outside of Stoumont and in Stoumont.
- Q At about what time of the day or night were you in the vicinity of Stoumont?
- A It might have been in the evening at seven o'clock.
- Q When did you first arrive in the vicinity of Stoumont?
- A That might have been at five o'clock already.
- Q Five o'clock at night or five o'clock in the morning?
- A Five o'clock in the morning.
- Q Whereabouts did you stop in the vicinity of Stoumont?
- A We were about 500 meters outside of Stoumont.
- Q Can you describe the position that you took on Prosecution's Exhibit #3 -- come over here please.
- A About here where the slope is indicated.
- LT. WAHLER: The witness indicates a point on the map, Prosecution's Exhibit #3, approximately 3/4 kilometers from the village of Stoumont, lying on a highway which is illustrated in colored ink. Take the stand again please.

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3-D-5

Q Who else was present besides your tank at this time?

A Ten vehicles of our company were there.

Q How long did you remain in this position?

A We remained there until we began the attack on Stoumont.

Q About what time of the day did you commence your attack?

A About eight-thirty.

Q About what time did you leave this position?

A A short time before that.

Q At this time what tank had the lead or which was the lead tank?

A At first Sergeant Friedrich was the first tank, this one had his gun damaged, and then Sergeant -- Corporal Brahns took over the point.

Q How far did Brahns' tank proceed in the direction of Stoumont?

A Brahns' tank got all the way to the entrance of Stoumont where the road turns to the right.

Q What, if anything, happened at that time?

A Brahns' tank was knocked out there.

Q Did you see Brahns' tank knocked out?

A Not at the moment he was knocked out.

Q How soon thereafter did you see Brahns' tank?

A About 15 minutes later.

Q At that time did you notice anything unusual about Brahns' tank?

A No.

Q Would you come over to this exhibit, Defense Exhibit 11, and illustrate to the court where you saw Brahns' tank?

A (Indicating) Here at this house.

Q Are you sure about that location?

A Oh, that's a shed here, excuse me -- here.

Q Can you fix the position of that tank relative to

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any physical objects in the near vicinity of the tank?

A There was a grey or white house in the vicinity about square.

Q Were there any other physical objects that you can at this time testify to that will fix the position of that tank?

A Just before Brahns' tank a road forks off to the left.

Q Were there any other physical objects that you can identify to fix the position of that tank?

A No.

Q At the time that Brahns' tank was knocked out what, if anything, happened with your tank?

A We had driven out to the right and later went on further to the banof to our Company Commander.

Q What position did you occupy at this time?

A We were about 200 meters outside of town.

Q Were you still standing on the road at this time?

A No, we were standing outside on the right in the field.

Q How far from the road?

A 2300 meters it might have been.

Q At this time where was Brauschke's tank, if you know.

A I couldn't recognize Brauschke's tank.

Q Could you recognize Knappich's tank?

A Knappich's tank was to our left.

Q About how far from you?

A It must have been standing right next to the road, it might have been 150 meters.

Q How long did your tank remain in this position that you've just previously testified to?

A We remained there for about two hours.

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Q Were you under a heavy attack at this time?

A We were under heavy anti-tank fire at first, from the tower of the church we received small arms fire too.

Q From what other direction did you receive fire?

A We also received fire from further on to the right.

Q What type of fire did you receive from the right?

A It must have been anti-tank fire too.

Q What time was the attack over?

A We entered Stoumont about ten-thirty.

Q At that time can you trace your course of travel on Defendants' Exhibit 11?

LAW MEMBER: At this time the court would like to inquire into the nature of this entire line of examination and the purpose of it.

LT. WAHLER: In other words, to show that as far as several defendants are concerned, there was a typical combat situation present here and that there were no prisoners of war shot, if there were any individuals shot, they were combat soldiers.

PROSECUTION (CAPT SHUMACKER): If the court please, the prosecution if it will save any time will stipulate that there was an attack on the town of Stoumont and that the 2nd Panzer Company of the 1st Panzer Regiment moved throughout the town of Stoumont.

LT. WAHLER: If the court please, we will not stipulate to that condition.

LAW MEMBER: Now, continue with your examination. The court just wanted to know the reason.

Q Will you describe the position that your tank or the direction of travel with your tank after the attack?

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3-D-8

A He drove around here (indicating). We were about here, and we drove right up to Brahns' tank.

Q Where was Brahns' tank located?

A It must have been about here and we then turned into the road right in front of Brahns' tank and then went along the main road past the church.

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Q Where was Brahm's tank located?

A It must have been about here. And we then turned into the road right in front of Brahm's tank and then went along the main road past the church.

DEFENSE COUNSEL (Lt. Wahler): That is all.

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler): (Continuing)

Q At the time that you passed Brahm's tank did you happen to have occasion to look to the left of you?

A Yes, we were driving right at it.

Q At the "Y" to the left of the intersection is a house, is that correct?

A Yes.

Q Did you happen to have occasion to notice if you saw any American bodies lying around that house or in the vicinity of the house?

A I saw no American dead.

Q After you went through the town of Stoumont where did you proceed to?

A We turned to the left in the direction of Stoumont railroad station.

Q Did you arrive at the railroad station?

A Yes.

Q About what time of the day was it?

A About one or later. 11:30.

Q What did you do at that time?

A The company stood there for a while for that is where Rohpeter's tank was knocked out.

Q How long did you remain in that position?

A About forty-five minutes.

Q And then what did you do?

A The Company then moved out--moved on. About 150 meters beyond the curve behind the Stoumont station.

Q Were you under attack at the time?

(Maurer-redirect).

2747

A Yes.

Q From what direction was that attack coming from?

A At that time we received anti-tank fire directly along the road.

Q Did you at that time or any time thereafter see any American soldiers?

A Yes.

Q Where did you see them?

A At the left the road went down some towards the railroad station and that is where they came from.

Q What time of the day, about, did this occur?

A About three o'clock.

Q Will you describe to the court what you saw?

A We received pretty severe artillery fire and attack fire and mortar fire. This fire was concluded by some smoke grenade; at that time we were exactly in this curve towards the right. 2nd Lt. Koch drew my attention to the fact that the Americans would come through the fork on the left side, across the tracks. I turned my turret to the left some and there saw shadows coming through the fog. It looks like an assault troops or something was coming in. Fire had ceased at the moment. Upon that we fired a fragmentation grenade down there. Nothing else moved and later on the American fire started again too.

Q How long did you remain in this position?

A Until about 4:30.

Q And then what did you do?

A We retired until the station at Stoumont. Then Lt. Koch received the order to move back to Stoumont, which we did, and then we took a position--later we took a position northeast of Stoumont.

Q What was your occupation at this time in this tank of Koch?

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A I was gunner. First gunner.

Q Did you at any time during the morning, between the hours of 0500 and 1200 receive any messages or orders from Christ?

A Not from Christ directly.

Q From whom did you receive orders?

A I received my orders from the commandant.

Q Who was the radio operator in your tank?

A Sgt. Aber.

Q Do you know whether he received any orders from Christ during this period of time?

A Yes.

Q Do you know what the contents of those orders were?

A I can remember the gist of some of them.

Q What was the gist of the order that you remember Christ giving?

A At first we received the order by radio that the company was to go into position to the right in Stoumont.

Q What was the next order you recall Christ having given?

A I remember the order arrived that the company was to be collected in Stoumont.

Q Do you recall any other orders?

A At the station there were several conversations with the company commander concerning the lack of fuel.

Q Do you recall while you were in the vicinity of Stoumont Christ ever giving an order to fire upon American soldiers?

A No.

DEFENSE COUNSEL (Lt. Wahler): That is all.

PROSECUTION (Capt. Shumacker): Will the Court indulge us just one moment, please?

(Conference among members of the Prosecution.)

PROSECUTION (Capt. Shumacker): No cross examination.

(Maurer - redirect).

PRESIDENT: Any questions by the Court?

LAW MEMBER: Who was your commander?

A Lt. Commander was Major Foetschke.

Q Your company commander?

A Untersturmfuehrer Christ.

Q And your platoon commander?

A Second Lt. Koch.

PRESIDENT: Any other questions by the court?

Apparently none, the witness is excused.

(Whereupon the witness was excused and withdrew from the courtroom.)

DEFENSE COUNSEL: The Defense calls as its next witness Fritz Willecke. Lt. Wahler, on behalf of the Defense, will conduct the direct examination.

FRITZ WILLECKE, called as a witness for the Defense, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler):

Q What is your name, please?

A Willecke. Fritz.

Q On the 19th day of December, 1944, were you a member of the Feiper regiment?

A Yes.

Q What company--what platoon were you a member of?

A I was a medic of the medical Captain Dr. Neusermeyer.

Q On the 19th day of December were you at or in the vicinity of Stoumont?

A Yes.

Q About what time of the day or night were you present?

A When it got light.

Q And where were you at that time?

(Willecke - direct)

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A In the castle of Stoumont.

Q How long did you remain in the castle at Stoumont?

A Until we returned to LaCjeize.

Q Were you in the town of Stoumont at any time on the 19th day of December?

A Not in the town of Stoumont proper.

Q Were you in the close vicinity of Stoumont on the 19th?

A Yes, at the first house.

Q And where was this first house located?

A On the left side. The first house with a Belgian doctor in it.

Q Can you identify the house that you have pointed out on this sketon? Sketch D-11? Come up here, please.

(Whereupon witness, interpreter and counsel congregate before the court.)

Q Will you identify this house to the court?

A (Witness indicates on sketch).

Q At about what time of the day were you in the vicinity of that house?

A About eleven o'clock.

Q Was the town of Stoumont under attack at that time?

A No, sir; it was already liberated.

Q Will you tell the court what you did at the time?

A Yes. We drove up there with our tank, our medical tank, and they instructed us to pick up the wounded from Stoumont.

Q Did you see wounded?

A Yes. We picked up some wounded already outside.

Q Now, relative to the house that you have just identified, will you describe where you found wounded in the vicinity of that house?

A Not in the house proper.

(Willecke - direct)

2751

Q Well, around the house?

A No, outside of town. 200 yards outside of town we picked out the first one from the field.

Q How many did you find?

A Three or four of them.

Q Were these American or German soldiers?

A German.

Q Did you find any American soldiers?

A No.

Q Did you go into this house that you have heretofore described on Sketch D-11?

A Yes.

Q Will you tell us what you found? If anything.

A We went into the house, leaving our tank parked outside, and there was an American medic lying there. He was dead.

Q Where was he lying?

A Down there in the room. As you go through and then in the room to the right.

Q What else did you find?

A We went upstairs to look for food for the wounded and suddenly we heard some shouting outside. We looked down.

Q And what did you see?

A And we went down and saw sergeant on the regiment took about thirty armed Americans out from the cellar.

Q What happened to these Americans, if you know?

A There was an American medic among them and he said they had one wounded man with them yet, so we had him taken out of the cellar by two American soldiers and had him--transported him on our ambulance.

Q Do you know what happened to the other 30 Americans; or 29?

A No. Col. Peiper ordered them to be sent back to the castle of Stoumont.

(Willecke - direct)

Q Where was Col. Feiper at this time; if you know?

A He was with us for about ten minutes.

Q And what order, if any, did you hear Col. Feiper give?

A He told us not to drive back yet but to stay and wait for more wounded, because we were surrounded and had no more fuel.

Q In whose charge were the 30 or 29 Americans placed?

A I can't say for sure. There were two or three or four parachutists. They went down with them.

Q What time of day did this all occur?

A It was just before noon.

Q And how many hours after the attack on Stoumont had been concluded?

A I don't know when this attack started?

Q Do you know what time the attack was concluded?

A Well, it might have been over at 11 o'clock and we went in right away after that.

Q Did you see what disposition was made of these American soldiers?

A No.

Q Do you know of your own knowledge what disposition was made of them?

A No. I only know that they were taken down to the castle of Stoumont.

Q You previously testified that two or three parachutists took charge of these prisoners.

A Yes. Didn't see anything else.

Q Do you know in what direction they marched the prisoners?

A Towards the castle of Stoumont.

(Willecke - direct)

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7-3*MDH -8

Q Do you know if these prisoners arrived in the castle
of Stoumont?

A I can't say for sure.

Q How many medics were with this group of prisoners? I mean
American medics?

A One medic^{who} was not in the house. He drove with us.

Q And where was he taken?

Q He remained with us until the end.

Q Did you see any other officers present besides Col.
Peiper?

A No.

DEFENSE COUNSEL (Lt. Wahler): That is all. Your
witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Byrne):

Q On what day did this all happen?

A On the 19th, at 11:00 o'clock.

Q You mean you arrived at 11:00 o'clock?

A Yes.

Q How long did you stay at this house you have des-
cribed?

A About fifteen minutes.

Q Calling your attention to Defense Exhibit D-11, you
said that you approached the first house in Stoumont, is that right?

A I didn't get any further.

Q Which house do you indicate as the first house in
Stoumont?

A First one.

Q Calling your attention--

DEFENSE COUNSEL (Lt. Wahler): If the court please,
I think we should have the record indicate what house he has pointed
out.

)Willecke - direct)
" cross).

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PROSECUTION (Capt. Byrne): Let the record show that the witness pointed to the rectangle square representing a house approximately south of the "Y". Calling your attention to three houses which are--three squares which appear to represent houses at the cross roads approaching Stoumont, are those houses in the village or outside of the village?

A Well I can't say that for sure any more.

Q Will you describe to the court the house that you approached?

A Describe?

Q Of what construction was the house?

A Rectangular and gray.

Q Was it a one or two story house?

A Two stories. Ground floor and one story on top.

Q Do you remember whether it was constructed of wood or stone?

A Was of stone.

Q Was it all stone?

A Yes. To my recollection; yes.

Q Calling your attention to Defense Exhibit D-16, I ask you if the house you have described is represented in the picture?

A Yes, this is it.

Q You arrived at that house at about eleven o'clock in the morning; is that correct?

A Yes.

Q When you first entered the house, did you enter from the front or the rear?

A From the front. Right from the road.

Q Where is the entry way to the house?

A From the road.

Q With reference to the front of the house, is it (Willioke - cross).

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7-3-MDH-10

located in the center or to one side or the other?

A The entrance?

Q Yes.

A It was about center. I don't know for sure.

Q Did you ever go to the rear of the house?

A No.

Q You have testified, I believe, that you went through the house and in one of the rear rooms found a dead American. Is that correct?

A Yes.

Q Is that the only dead American you ever saw in Stoumont?

A Yes. The only one I have.

Q And to your knowledge, that was the only American that was killed in the battle of Stoumont?

A Yes.

Q Now these 30 prisoners that you have testified were brought out of the cellar. Were there any civilians present with them?

A Yes, they were in a cellar and they were supposed to keep it secret.

Q Supposed to keep what secret?

A The Americans were in there.

Q Did any of the soldiers or the civilians talk to you?

A Not with me.

Q Did you see any of them talking with any of the other Germans present?

A I can't say.

Q With reference to this one dead American that you found in the rear room of the house, what position was he lying in?

A He was lying like this (indicating); he had wounds all over from shell fragments.

(Willicke - cross)

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7-3-1DH-11.

Q Let the record indicate that the witness indicated the position of a body lying on its back with arms outstretched.

DEFENSE COUNSEL (Lt. Wahler): He has indicated that, he had wounds all over his legs and body.

A Yes.

Q How long did you remain in Stoumont?

A Until late in the afternoon of the 21st.

Q How long did you stay at the house you have described? About fifteen minutes, isn't it?

A About fifteen minutes; yes.

PROSECUTION (Capt. Byrne): That is all.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL (Lt. Wahler):

Q From the wounds that you saw on the American Soldier, can you describe the type of fire that caused those wounds?

A Explosives; either shell fragments from tanks or GDs. This American medic who had been down in the cellar wounded, also told us that there was another American up there dead.

DEFENSE COUNSEL (Lt. Wahler): No further redirect.

PROSECUTION (Capt. Byrne): No further cross examination.

PRESIDENT: Any questions by the Court? Apparently none; the witness is excused.

(Whereupon the witness was excused and withdrew from the Courtroom.)

PRESIDENT: Due to the fact that tomorrow is a Theatre holiday, the Court will adjourn until 0830 hours Friday morning.

(Whereupon the Court, at 1200 hours, adjourned.)

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Province de LIEGE

Arrondissement de VERVIERS

Bullange, le 26.6. 194 6

COMMUNE

de

BULLANGE

No

Bescheinigung.

Objet:

Ich Unterzeichneter, Bürgermeister und Standesbeamter der Gemeinde Bullingen bescheinige hiermit, dass Erna Collas aus Honsfeld am 28.5.1945 in unserer Gemeinde "Luchenborn " ohne Leben gefunden worden ist.

Annexe:

Ebenfalls wird bescheinigt, dass Frau Anton Jousten, geborenen Katharina Thies am 18.12.1944 in Bullingen gestorben ist.

Ein anderer ähnlicher Sterbefall, wo die Todesursache unbekannt ist, ist nicht in die Standesamtsregister unserer Gemeinde eingetragen.

Der Standesbeamte:

Schultzen



Subscribed and sworn to before me this 26th day of June 1946.

Miles W. Rulien
Miles W. Rulien, P-5,

I, Pfc JACQUES Y. DELANGRE, ASN 10610024, being first duly sworn, state: that I truly translated the oath administered by Miles W. Rulien, P-5, to SCHULTZEN, and that thereupon he made and subscribed the foregoing statement in his own handwriting in my presence.

Delangre

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7/1 SR

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Translation. THOT

Translation.

Province of Liege
District of Verviers

Bullange, June 26, 1946.

Community of
Bullange

Certificate.

I, the undersigned, burgomaster and registrar of the community of Büllingen certify herewith that Erna COLLAS from Honsfeld was found without showing signs of life in our community "Luchenborn" on May 28, 1945.

There is likewise certified that Mrs. Anton JOUSTEN, née Katharina THIES, died in Büllingen on Dec 18, 1944.

No other similar case of death with an unknown cause of death is entered in the lists of the registrar's office of our community.

(seal)

The registrar:

/s/ Schulzen

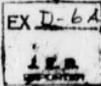
Subscribed and sworn to before me this 26th day of June 1946.

/s/ Miles W. Rulien

/t/ Miles W. Rulien, P-5,

I, Pfc JACQUES Y. DELANGRE, ASN 10610024, being first duly sworn, state: that I truly translated the oath administered by Miles W. Rulien, P-5, to SCHULTZEN, and that thereupon he made and subscribed the foregoing statement in his own handwriting in my presence.

/s/ Delangre



000725

D-7 Id
7/1 SR

Amery at 16
in June 1946

BULLINGEN
BULLANGE BELGIUM
JUNE 26, 1946

I, ~~KENEKEXX~~ ANTON JONSTEN, BEING FIRST DULY SWORN, ON MY 6TH AVER:
That I am a resident of Bullingen or Bullange, Belgium, that my wife,
KATHARINJA JONSTEN was killed by fire from ^{Amery at 16 in Bullingen B. G.} German tanks on the 16th
or 17th of December 1944, that my aforesaid wife was outside the house
when so slain, that she was killed while in the line of fire of the
^{Amery at 16 in Bullingen B. G.} German tanks as aforesaid, that she was outside the house while on
the road while fleeing from the combat,; that around the body were
marks and signs that showed that she was killed by the explosion of
a grenade.

FURTHER AFIAANT SAYETH NOT.

Anton Jonsten

Subscribed and sworn to before me this 26th day of June 1946.

Miles W Rulien
Miles W. Rulien, P-5

I, Pfc JACQUES Y. DELANGE, ASN 10610024, being first duly sworn,
state: that I truly translated the oath administered by Miles W.
Rulien, P-5, to ANTON JONSTEN and that thereupon he made and subscrib-
ed the foregoing statement in his own handwriting in my presence.

J. Delange
PFC JACQUES Y. DELANGRE,
10610024

I, Pfc JACQUES Y. DELANGRE, ASN 10610024, being first duly sworn,
state that the foregoing is a true and correct translation of the
sworn tetimony of ANTON JONSTEN at BULLINGEN or BULLANGE on the 26th
day of June 1946, to the best of my ability.

J. Delangre
PFC JACQUES Y. DELONGRE
10610024

D
EX
7

EX D-7
128
JUN 27 1946

000723



EX 29
J.E.B.
1907

for Evidence

cont

000724



J
E
16

EX 5/10
J.E.B.
7.2.26

for
Evidences

000725



000726



000727



D
EX
29 16

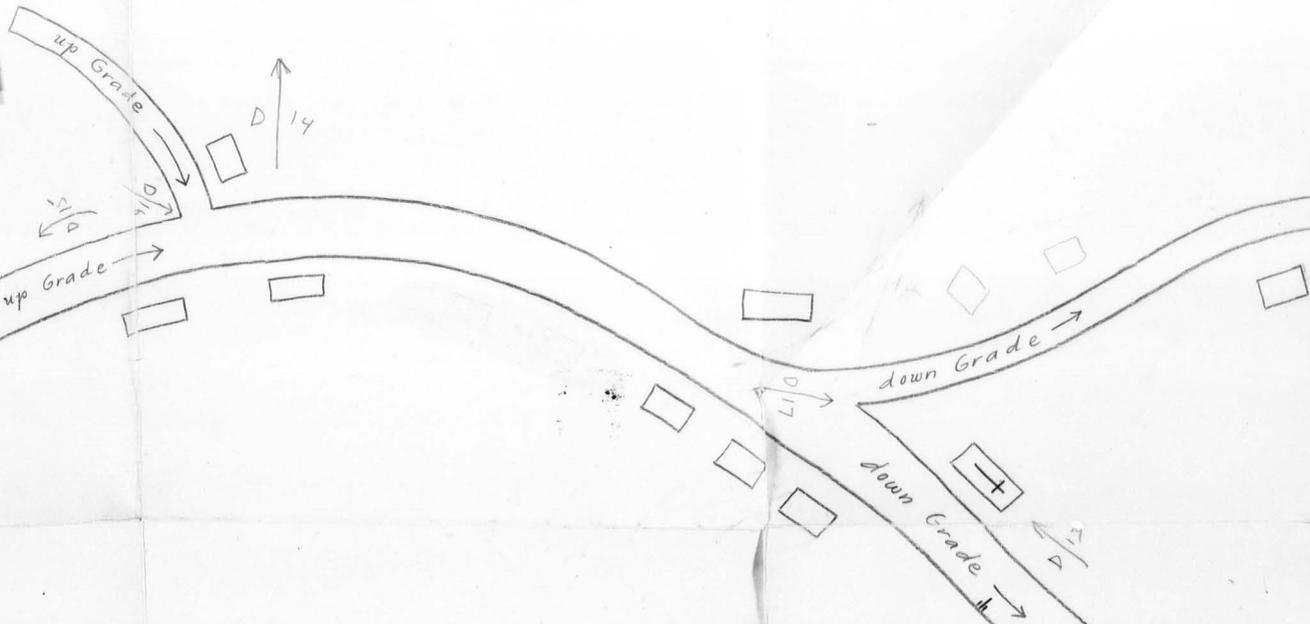


D
EX
30 17

Entrance to Stoumont



31
18



24

North

PK 311
18
18

000726

Railroad Station Stoutmont

River

Rail Road

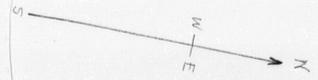
Road

Small clearing

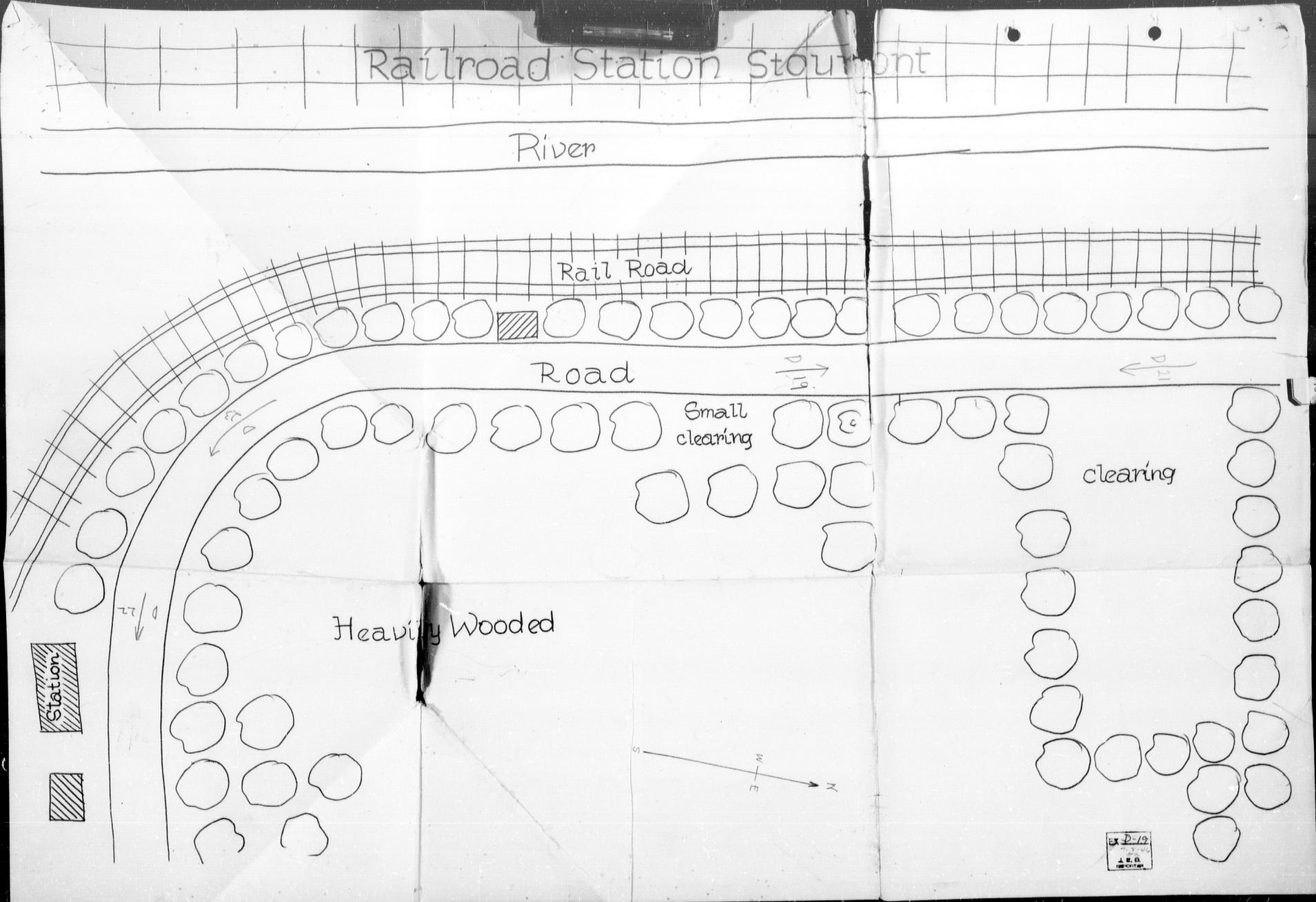
clearing

Heavily Wooded

Station



EX D-19
J. E. B.
RECTOR



000730



D
EX
33
20



D
EX
34
21



35 D
EA
22



36 D
EA
23