

RECORD OF TESTIMONY

in trial of

THE UNITED STATES versus VALENTIN BERSIN, ET AL.

by

GENERAL MILITARY GOVERNMENT COURT

tried at

CAMP DACHAU, GERMANY BEGINNING 16 MAY 1946

VOLUME I - Pages 1 - 254 incl.

16 MAY 1946, 1000 hours to 18 MAY 1946 - 1200 hours.

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TESTIMONY

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A General Military Court appointed by so much of paragraph 24, Special Orders No. 90, Headquarters Third United States Army dated 9 April 1946, as amended by corrected copy, Special Orders No. 117, Headquarters Third United States Army dated 10 May 1946, APO 403, met at Dachau, Germany, on the 16th day of May 1946, 1000 hours, as directed by the President thereof.

The Court proceeded in open Court to the trial of Valentin Bersin, Friedel Bode, Marcel Boltz, Willi Braup, Kurt Briesemeister, Willi Von Chamier, Friedrich Christ, Roman Clotten, Manfred Coblenz, Josef Diefenthal, Josef (Sepp) Dietrich, Fritz Eckmann, Arndt Fischer, Georg Fieps, Heinz Friedrichs, Fritz Gebauer, Heinz Gerhard Goedicke, Ernst Goldschmidt, Hans Gruhle, Helmut Haas, Max Hammerer, Armin Hecht, Willi Heinz Hendel, Hans Hennecke, Emil Hergeth, Hans Hillig, Heinz Hofmann, Joachim Hofmann, Hubert Huber, Siegfried Jaekel, Benoni Junker, Friedel Kies, Gustav Knittel, Georg Kotzur, Fritz Kraemer, Werner Kuehn, Oskar Klingelhofer, Herbert Losenski, Erich Maute, Arnold Mikolaschek, Anton Motzheim, Erich Muenkemer, Gustav Nava, Paul Hermann Ochmann, Werner Pedersen, Joachim Peiper, Hans Pletz, Georg Preuss, Hermann Priess, Fritz Rauh, Theo Rauh, Heinz Rehagel, Rolf Roland Reiser, Wolfgang Richter, Max Rieder, Rolf Ritzer, Axel Rodenburg, Erich Rumpf, Willi Schaefer, Rudolf Schwambach, Kurt Sickel, Oswald Siegmund, Franz Sieyers, Hans Siptrott, Gustav Adolf Spranger, Werner Sternebeck, Heinz Stickel, Herbert Stock, Erwin Szyperski, Edmund Tomczak, Heinz Tomhardt, August Tonk, Hans Trettin, Johann Wasenberger, Erich Werner, Gunther Weiss, Otto Wichmann, and Paul Zwigart, accused, who, with the exception of Helmut Haas, Herbert Losenski, Werner Pedersen and Emil Hergeth, were present.

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Colonel A. H. Rosenfeld, a member of the Court,  
is an officer with legal training.

The Court appointed Major Luba Schirman, Administrator  
4th Class, Legal Department, French Military Government;  
Corporal Werner Wolf, Corporal Theodore Mischel, Pfc. Peter  
Ackermann, United States Army; Mr. Harry Thon, Mr. George  
Miller, United States Civilians; and Miss Maria Wetzel, a  
German civilian, as interpreters for the case, and they were  
duly sworn.

The Court appointed Mr. James E. Barton, Mr. Irving  
J. Hayett, Miss Sally Rose, Miss Violet McCullough, Miss  
Evelyn Cohen, Miss Pauline Bemis, Miss Sylvia Prager, Mr.  
Roy K. Welch and Mrs. Mabel Holt, United States Civilians,  
as reporters for the case, and they were duly sworn.

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

**PROSECUTION:** Prosecution is ready to proceed in the case of Valentin Bersin, et al. The accused are all present with the exception of Helmut Haas, Herbert Losenski, Werner Pedersen, and Emil Hergeth, together with the regularly appointed defense counsel.

If the Court please, there are seven interpreters to be sworn. Will the interpreters please step forward?

(Whereupon Major Luba Schirman, Administrator 4th Class, Legal Department, French Military Government; Corporal Werner Wolf, Corporal Theodore Mischel, Pfc. Peter Ackermann, United States Army; Mr. Harry Thon, Mr. George Miller, United States Civilians; and Miss Maria Wetzel, a German civilian, were duly sworn as interpreters.)

**PROSECUTION:** If the Court please, there are nine reporters to be sworn. Will they please step forward?

(Whereupon Mr. James E. Barton, Mr. Irving J. Hayett, Miss Sally Rose, Miss Violet McCullough, Miss Evelyn Cohen, Miss Pauline Bemis, Miss Sylvia Prager, Mr. Roy K. Welch and Mrs. Mabel Holt, United States Civilians, were duly sworn as reporters.)

**PRESIDENT:** Whom does the accused desire to introduce as counsel?

**DEFENSE COUNSEL:** May it please the Court, at this time the accused desire the United States officers and civilians heretofore appointed by the Third Army as their defense counsel. The accused further desire to introduce the following named German counsel, who are practicing attorneys and qualified to practice before this court: Dr. Max Rau,

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Dr. Heinrich M. Wieland, Dr. Otto Leiling, Dr. Franz J. Pfister, Dr. Eugene Leer, and Dr. Hans Hertkorn.

PROSECUTION: If the Court please, the following members of the Court, appointed by paragraph 24, Special Orders No. 90, Headquarters Third United States Army dated 9 April 1946, as amended by corrected copy, Special Orders No. 117, Headquarters Third United States Army dated 10 May 1946, are present:

Brigadier General Josiah T. Dalbey, Colonel Paul H. Weiland, Colonel Lucien S. Berry, Colonel James G. Watkins, Colonel Wilfred H. Steward, Colonel Raymond C. Conder, and Colonel A. H. Rosenfeld. If the Court please, Colonel Robert R. Raymond has been excused by verbal orders of the Commanding General and will not be referred to again in any announcement by the Trial Judge Advocate;

Lieutenant Colonel Burton F. Ellis, Trial Judge Advocate, Lieutenant Colonel Homer B. Crawford, Assistant Trial Judge Advocate, Captain Raphael Shumacker, Assistant Trial Judge Advocate, 1st Lieutenant Robert E. Byrne, Assistant Trial Judge Advocate, Mr. Morris Elowitz, Assistant Trial Judge Advocate;

Colonel Willis M. Everett Jr., Defense Counsel, Lieutenant Colonel John S. Dwinell, Assistant Defense Counsel, Lieutenant Colonel Granger G. Sutton, Assistant Defense Counsel, Captain B. N. Narvid, Assistant Defense Counsel, 2nd Lieutenant Wilbert J. Wahler, Assistant Defense Counsel, Mr. Herbert J. Strong, Assistant Defense Counsel, and Mr. Frank Walters, Assistant Defense Counsel.

1st Lieutenant William R. Perl has been designated as special assistant to the Prosecution.

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The only absent member, as previously stated, is Colonel Robert R. Raymond, Jr., who has been excused on the verbal order of the Commanding General, and will not be referred to again by the Prosecution.

The general nature of charges in this case is the violation of the laws and usages of war in that the above named accused, charged as being parties concerned, did wilfully, deliberately and wrongfully permit, encourage, aid, abet and participate in the killing, shooting, ill-treatment, abuse and torture of members of the Armed Forces of the United States of America, and of unarmed allied civilians.

The Prosecution will not call any member of the Court as a witness, nor will the accused.

DEFENSE COUNSEL: May it please the Court, the Defense Counsel does not anticipate calling any member of the Court as a witness.

PROSECUTION: Has any member of the Court a personal interest in the case?

PRESIDENT: There appear to be none.

DEFENSE COUNSEL: May it please the Court, at this particular time it is the desire, on behalf of the Defense Counsel, to have each member of the Court interrogated specifically as to these questions:

We respectfully request the President to determine if any member of this Court has any prior knowledge of the facts in this case by virtue of his participation in the Ardennes Offensive, commonly referred to as the "Battle of the Bulge" which would prejudice him in his judgment. If so, we respectfully request that he be excused for cause.

PRESIDENT: Will you please say yes or no?

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**DEFENSE COUNSEL:** May the record show that the members of the Court have answered that they have no interest.

We respectfully request the President to determine if any member of this Court has any prior knowledge of the facts in this case from any other source which would prejudice him in his judgment. If so, we respectfully request that he be excused for cause.

**PRESIDENT:** Will you please answer that question yes or no?

**DEFENSE COUNSEL:** Let the record show that all the members of the Court have answered in the negative.

We respectfully request the President to determine if any member of this Court has formed any opinion as to the guilt or innocence of any of the accused in this case. If so, we respectfully request that he be excused for cause.

**PRESIDENT:** Will you please answer yes or no?

**DEFENSE COUNSEL:** May the record show that the members of the Court have answered in the negative.

We respectfully request the President to determine if any member of this Court has any personal interest in this case. If so, we request that he be excused for cause.

**PRESIDENT:** Please answer yes or no.

**DEFENSE COUNSEL:** May the record show that the members of the Court answered in the negative.

We respectfully request the President to determine if any member of the Court is prejudiced by reason of the fact that the accused in this case are alleged to be members of the SS. If so, we respectfully request that he be excused

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for cause.

PRESIDENT: Please answer yes or no.

DEFENSE COUNSEL: May the record show that the Court answered in the negative to the fifth question.

At this time, may it please the Court, we have prepared motions covering jurisdiction and I am informed that this is the appropriate time for the interposing of this motion and I would like at this time to introduce Lieutenant Wahler, who will present this motion in written form and read it to the Court in order to save the Court's time and make it as short as possible. The Prosecution has been served with copies of this motion in order to give them the benefit of time in which to prepare any arguments they may wish to present to the Court.

PROSECUTION: Before the presenting of the motion, if the Court please, may I make the statement that Colonel Rosenfeld is an officer of legal training.

LT. WAHLER: May it please the Court, this motion has been prepared on mimeographed forms and I have a copy for each member of the Court, for the convenience of the Court. The motion is in the nature of a motion to strike as to certain named defendants in the Charge Sheets. (Reading):

"Now come the Defendants, Valentin Bersin, Georg Kotsur, Werner Kuehn, Hans Frettin, August Tonk, Werner Sternebeck, by their duly appointed Defense Counsel and move the Court to quash so much of the Particulars of the First Charge of the Charge Sheet dated 11 April 1946 and so much of the Particulars of the First Charge of the Supplemental Charge Sheet dated 17 April 1946 which charges these Defendants of wilfully, deliberately, and wrongfully permitting, encouraging, aiding and abetting or participating in the shooting, ill-treatment and abuse and torture "OF UNARMED ALLIED CIVILIANS, THE EXACT NAMES AND NUMBERS OF SUCH PERSONS BEING UNKNOWN."

Objection is further made to the following charge set forth in the separate Bill of Particulars dated 8 April 1946 pertaining to the above named defendants which are as follows:

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Valentin BERSIN, Unterscharfuehrer (Sgt)  
Tank Commander  
2nd Fl., 1st Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

The prosecution expects to prove that this accused:

1. Was responsible for the killing of allied civilians on or about 21 December 1944 at Wanne, Belgium.

Georg KOTZUR, Sturmann (Pfc.)  
Radioman  
2nd Fl., 1st Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

The prosecution expects to prove that this accused:

1. On or about 20 December 1944 at Wanne, Belgium, assisted in the shooting of allied civilians.

Werner KUEHN, Untersturmfuehrer (2nd Lt.)  
Platoon Leader  
3rd Fl., 9th Pz. Pi. Co., 1st SS Pz. Regt., LSSAH

The prosecution expects to prove that this accused:

1. On or about 31 December 1944 at Lutre Bois, Belgium caused allied civilians to be shot.

Hans TRETTIN, Sturmann (Pfc.)  
Leader  
2nd Fl., 1st Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

The prosecution expects to prove that this accused:

1. On or about 20 December 1944 at Wanne, Belgium fired on allied civilians.

August TONK, Hauptscharfuehrer (M/Sgt)  
Tank Commander  
2nd Fl. 6th Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

The prosecution expects to prove that this accused:

1. On or about 18 December 1944 near Stavelot, Belgium fired on allied civilians.

Werner STERNEBECK, Obersturmfuehrer (1st Lt.)  
Company Officer  
6th Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

The prosecution expect to prove that this accused:

1. On or about 20 December 1944 at Wanne, Belgium, permitted and assisted in the shooting of allied civilians.

The above named defendants move the court to quash the charges and that they be dismissed as party defendants for the following reasons:

1. Under the Particulars of the First Charge of Charge Sheet dated 11 April 1946, the Particulars of the First Charge of the supplemental Charge dated 17 April 1946, and the separate Bill of Particulars dated 8 April 1945, the above named defendants have been accused of willfully, deliberately, and wrongfully permitting, encouraging, aiding and abetting or participating in the shooting, ill-treatment, abuse, and torture of unarmed Allied nationals at or near Wanne, Lutre Bois, and Stavelot, Belgium, et al. The Charge Sheets and separate Bill of Particulars however are silent as to the specific nationality of these allied civilians. They were merely mentioned in the particulars of the First Charge and separate Bill of Particulars as unarmed Allied Civilian Nationals. The situs of the crime for which the above named defendants are called to answer is within the territorial jurisdiction of another sovereign Allied Nation, namely Belgium. It cannot be said that jurisdiction may be assumed because the victims in this particular case were "ALLIED CIVILIANS". A military government court cannot assume jurisdiction over these defendants for war crimes committed where the situs of the crime is within the territorial jurisdiction of another Allied Nation, and especially so, where the Allied civilians are subjects of this Allied Nation.

2. The evidence will show that the charges for which the above named defendants are compelled to answer involves a violation of the rights of Belgium nationals. Belgium is a sovereign state duly recognized as such by our country as well as all other Allied Nations.

3. On 1 November 1943, three great powers, the United States, Russia, and Great Britain enunciated a policy concerning the trial of war criminals. The conference at which this policy was formulated is now commonly referred to as the "MOSCOW CONFERENCE". The declaration on atrocities which became a part of that conference is as follows:

"At the time of the granting of any Armistice to any Government which may be set up in Germany, those German officers and men, members of the Nazi Party, who have been responsible for or who have taken a part in the above atrocities, massacres and executions, will be sent back to the country in which these abominable deeds were done, in order that they may be judged and punished according to the laws of these liberated countries and of the free Governments which will be erected therein."

4. According to the policy enunciated at the Moscow Conference, and which subsequently became part of the Potsdam Declaration, these prisoners should be turned over to the proper government for trial, which in this case would be Belgium. Belgium, as a sovereign allied nation, has exclusive jurisdiction to try individuals accused of war crimes committed against its Nationals within its own territorial jurisdiction. The defendants in this case, if held subject to trial by an American tribunal, could, at a later date, also be held for trial by a Belgium tribunal since Belgium, as a sovereign and independent nation,

would also have the right to hold these defendants for trial.

5. It cannot be said in this particular case that we may assume jurisdiction because of the fact that these Belgian civilians were gainfully or actively involved in aiding our military operations in Belgium at the time of the offense. No allegation is contained in the pleading that American military operations or military intelligence were impeded. The offense for which the above defendants are charged in no way involved American nationals. Accordingly, the proper situs of this trial should be Belgium.

6. In all war crimes cases heretofore tried by the United States one or both of the following jurisdictional facts were present in order to give jurisdiction to the American Military Government Courts over the subject matter as well as the person:

a. The victims involved in the crime were either American Citizen or American Nationals.

b. The situs of the crime was within the Zone of Occupation of the American authorities.

If either or both of the above elements are present the United States has assumed jurisdiction, but where neither of these elements were present, the United States has not assumed jurisdiction, but properly has referred such cases to those nations whose nationals and/or territories or territorial zones of occupations were involved.

7. It may be concluded that the sole controlling reason the Moscow Declaration enunciated this principle was that individuals guilty of war crimes should be tried by those governments within whose territorial jurisdiction the crime was committed.

Therefore, it is submitted that under the authorities heretofore given that this General Military Government Court is without jurisdiction to try the above named defendants and that they should be extradited to the Belgium authorities for trial."

PROSECUTION: If the Court please, it is requested that if the Defense has a similar motion, that it be made at this time.

LIEUTENANT WAHNER: If the Court please, we have another motion, a companion motion, involving the same elements, but I think for the purpose of the record we need not read the exact motion but incorporate

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the first paragraph here. This motion merely goes to the certain particulars of the specific Bill of Particulars that we are attacking. We claim that any paragraph or charge relating to the shooting of allied civilians should be stricken from the Bill of Particulars and from the Charges. For the convenience of the Court, I will submit the motion and ask that it be incorporated in the record.

PRESIDENT: The motion may be incorporated in the record.

"MOTION TO STRIKE CERTAIN PORTIONS  
OF THE PARTICULARS.

"Now come the defendants Hans Hennecke, Benoni Junker, Joachim Piener, Erich Rumpf, Heinz Tomhardt, Hermann Friess, Hans Gruehle, Willi Hendel, Max Rieder, Josef (Sepp) Dietrich, Gustav Knittel, Arndt Fischer, Kurt Eriesmeister, Manfred Coblentz, and Fritz Kraemer, by their duly appointed Defense Counsel and move the Court to quash so much of the particulars of the First Charge of Charge Sheet dated 11 April 1946 and so much of the Particulars of the First Charge of the supplemental Charge Sheet dated 17 April 1946 and so much of the Charges set forth in the separate Bill of Particulars dated 8 April 1946, which accuse the above named defendants of willfully, deliberately, and wrongfully permitting, encouraging, aiding and abetting, or participating in the shooting, ill treatment, abuse, and torture of "UNARMED ALLIED CIVILIAN NATIONALS, THE EXACT NAMES AND NUMBERS OF SUBJECT PERSONS BEING UNKNOWN," for the following reasons:

1. Under the Particulars of the First Charge Sheet dated 11 April 1946, the Particulars of the First Charge of the supplemental Charge dated 17 April 1946, and the separate Bill of Particulars dated 8 April 1946, the above named defendants have been accused of willfully, deliberately, and wrongfully permitting, encouraging, aiding and abetting or participating in the shooting, ill-treatment, abuse, and torture of unarmed Allied nationals at or near Wanne, Lutre Bois, and Stavelot, Belgium, et al. The Charge Sheets and separate Bill of Particulars however are silent as to the specific nationality of these allied civilians. They were merely mentioned in the particulars of the First Charge and separate Bill of Particulars as unarmed Allied Civilian Nationals. The situs of the crime

for which the above named defendants are called to answer is within the territorial jurisdiction of another sovereign Allied Nation, namely Belgium. It cannot be said that jurisdiction may be assumed because the victims in this particular case were "ALLIED CIVILIANS". A military government court cannot assume jurisdiction over these defendants for war crimes committed where the situs of the crime is within the territorial jurisdiction of another Allied Nation, and especially so, where the Allied civilians are subjects of this Allied Nation.

2. The evidence will show that the charges for which the above named defendants are compelled to answer involves a violation of the rights of Belgium nationals. Belgium is a sovereign state duly recognized as such by our country as well as all other Allied Nations.

3. On 1 November 1943, three great powers, the United States, Russia, and Great Britain enunciated a policy concerning the trial of war criminals. The conference at which this policy was formulated is now commonly referred to as the "MOSCOW CONFERENCE". The declaration on atrocities which became a part of that conference is as follows:

'At the time of the granting of any Armistice to any Government which may be set up in Germany, those German officers and men, members of the Nazi Party, who have been responsible for or who have taken a part in the above atrocities, massacres and executions, will be sent back to the country in which these abominable deeds were done, in order that they may be judged and punished according to the laws of these liberated countries and of the free Governments which will be erected therein.'

4. According to the policy enunciated at the Moscow Conference, and which subsequently became part of the Potsdam Declaration, these prisoners should be turned over to the proper government for trial, which in this case would be Belgium. Belgium, as a sovereign allied nation, has exclusive jurisdiction to try individuals accused of war crimes committed against its Nationals within its own territorial jurisdiction. The defendants in this case, if held subject to trial by an American tribunal, could, at a later date, also be held for trial by a Belgium tribunal since Belgium, as a sovereign and independent nation, would also have the right to hold these defendants for trial.

5. It cannot be said in this particular case that we may assume jurisdiction because of the fact that these Belgian civilians were gainfully or actively involved in aiding our military operations in Belgium at the time of the offense. No allegation is

contained in the pleadings that American military operations or military intelligence were impeded. The offense for which the above defendants are charged in no way involved American nationals. Accordingly the proper situs of this trial should be Belgium.

6. In all war crimes cases heretofore tried by the United States one or both of the following jurisdictional facts were present in order to give jurisdiction to the American Military Government Courts over the subject matter as well as the person:

a. The victims involved in the crime were either American Citizen or American Nationals.

b. The situs of the crime was within the Zone of Occupation of the American authorities.

If either or both of the above elements are present the United States has assumed jurisdiction, but where neither of these elements were present the United States has not assumed jurisdiction, but properly has referred such cases to those nations whose nationals and/or territories or territorial zones of occupations were involved.

7. It may be concluded that the sole controlling reason the Moscow Declaration enunciated this principle was that individuals guilty of war crimes should be tried by those governments within those territorial jurisdiction the crime was committed.

Therefore, it is submitted that under the authorities heretofore given that this General Military Government Court is without jurisdiction to try the above named defendants on the following charges as set forth in the separate Bill of Particulars dated 6 April 1946:

Hans HENNECKE, Untersturmfuehrer (2nd Lt.)  
Platoon Leader  
1st Pl., 1st Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

3. On or about 18 December 1944 near Stavelot, Belgium, permitted his tank to fire on allied civilians.

6. Was responsible for the shootings of prisoners of war and allied civilians by men of his platoon between 16 December 1944 and 13 January 1945.

Benoni JUNKER, Obersturmfuehrer (1st Lt.)  
Company Commander  
6th Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

1. On or about 15 December 1944 in a talk to the men of his Company ordered that no prisoners of war were to be taken and to slaughter civilians.

2. Was responsible for the shootings of prisoners of war and allied civilians by men of his

company between 16 December 1944 and 13 January 1945.

Joachim PEIPER, Standartenfuehrer (Colonel)  
Regimental Commander  
1st SS Pz. Regt., (Battle Group Peiper) LSSAH

7. Was responsible for the shootings of prisoners of war and allied civilians by men of his regiment and battle group between 16 December 1944 and 13 January 1945.

Erich RUMPF, Obersturmfuehrer (1st Lt.)  
Company Commander  
9th Pz. Pi. Co., 1st SS Pz. Regt., LSSAH

6. Was responsible for the shootings of prisoners of war and allied civilians by men of his company between 16 December 1944 and 13 January 1945.

Heinz TOMHARDT, Obersturmfuehrer (1st Lt.)  
Company Commander  
11th Pz. Gr. Co., 3rd Bn., 2nd Pz. Gr. Regt., LSSAH

1. On or about 15 December 1944 in a talk to his Company ordered that no prisoners of war would be taken and civilians who showed themselves would be bumped off.

2. Was responsible for the shootings of prisoners of war and allied civilians by men of his company between 16 December 1944 and 13 January 1945.

Herman PRIESS, Gruppenfuehrer (Lt. Gen.)  
Commanding General  
1st SS Pz. Corps, 6th SS Pz. Army

2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of Combat Group Peiper between 16 December 1944 and 13 January 1945.

Hans GRUHLE, Hauptsturmfuehrer (Capt.)  
Adjutant  
1st SS Pz. Regt., LSSAH

4. Was responsible for the shootings of prisoners of war and allied civilians by men of the 1st SS Pz. Regt. between 16 December 1944 and 13 January 1945.

Heinz HENDEL, Hauptscharfuehrer (M/Sgt)  
Platoon Leader  
2nd Pl., 11th Pz. Gr. Co., 3rd Bn., 2nd Pz. Gr. Regt., LSSAH

1. On or about 15 December 1944 in a talk to his platoon ordered that no prisoners of war were to be taken and that civilians who showed themselves should be shot.

2. Was responsible for the shootings of

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prisoners of war and allied civilians by men of his platoon between 16 December 1944 and 13 January 1945.

Max RIEDER, Sturmman (Pfc.)  
Rifleman  
Penal Group, 9th Pz. Fl. Co., 1st SS Pz. Regt., LSSAH

1. On or about 17 December 1944 at Buelingen, Belgium fired on allied civilians.

Josef (Sepp) DIETRICH, Generaloberst (General)  
Army Commander  
6th SS Pz. Army

1. On or about 14 December 1944 ordered his army to conduct the offensive ruthlessly against civilians and to shoot prisoners of war.

2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of Combat Group Peiper between 16 December 1944 and 13 January 1945.

Gustav KNITTEL, Sturmbannfuehrer (Major)  
Bn. Commander  
1st Recon. Bn., LSSAH

1. On or about 15 December 1944 in a talk to his company commanders ordered the shooting of prisoners of war and allied civilians.

2. On or about 18 December 1944 at and in the vicinity of Stevelot, Belgium ordered allied civilians shot.

4. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of his battalion between 16 December 1944 and 13 January 1945.

Arndt FISCHER, Untersturmfuehrer (2nd Lt.)  
Adjutant  
1st Bn., 1st SS Pz. Regt., LSSAH

1. On or about 15 December 1944 aided in the transmission of the order to company commanders of the 1st Bn. to shoot prisoners of war and allied civilians.

2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of the 1st Bn. between 16 December 1944 and 13 January 1945.

Kurt BRITSEMEISTER, Unterscharfuehrer (Sgt.)  
Tank Commander  
1st Pl., 1st Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

2. On or about 17 December 1944 at the

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crossroads south of Malmédy, Belgium permitted men of his tank crew to fire on prisoners of war and allied civilians.

4. Was responsible for the shootings of prisoners of war and allied civilians by men of his tank crew between 16 December 1944 and 13 January 1945.

Manfred COBLENTZ, Obersturmfuehrer (1st Lt.)  
Company Commander  
2nd Co., 1st Recon. Bn., LSSAH

1. On or about 15 December 1944 in a talk to his company ordered prisoners of war and allied civilians were to be shot.

2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of his company between 16 December 1944 and 13 January 1945.

Fritz KRAEMER, Brigadefuehrer (Brigadier General)  
Chief of Staff  
6th SS Pz. Army

1. On or about 14 December 1944 aided and abetted in the transmission of the 6th SS Pz. Army orders to conduct the offensive ruthlessly against civilians and to shoot prisoners of war.

2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of Combat Group Peiper between 16 December 1944 and 13 January 1945."

PROSECUTION: Has the Defense completed its motion?

LIEUTENANT WAHLER: Just one minute, if you don't mind. If the Court please, the question has arisen relative to our co-counsel concerning the translation of the motion. If the Court please, could the motion be translated?

PRESIDENT: To avoid delay in the trial, would it be agreeable to the Defense to translate that motion later?

LIEUTENANT WAHLER: I believe it will, sir.

DEFENSE COUNSEL: That is all right, sir.

PROSECUTION: If the Court please, the Prosecution has prepared an answer and we will give the Court copies of the written answer so that the Court may look at it. (Reading):

"A motion to strike and quash so much of the Charge and Particulars has been filed on behalf of two groups of accused. This motion is directed to that part of the Charge wherein it is alleged that the defendants wilfully, deliberately, and wrongfully permitted, encouraged, aided, abetted or participated in the shooting, ill-treatment, abuse and torture" **OF UNARMED ALLIED CIVILIANS, THE EXACT NAMES AND NUMBER OF SUCH PERSONS BEING UNKNOWN.**"

The argument advanced in support of this motion is that this Court does not have jurisdiction because:

- (1) The situs of the crime is not within the territorial jurisdiction of this Court and is not within the American zone of occupation --"

COLONEL ROSENFELD: I believe you furnished the wrong copy for the remaining members of the Court. May we have three more copies, please?

PROSECUTION: I gave you all we had, sir. We do not have other copies than just those.

(Continuing reading):

"--(2) The victims were Belgian nations and therefore, Belgium, being a sovereign state, has exclusive jurisdiction to try a case involving crimes against its nationals.

- (3) The "MOSCOW CONFERENCE" announced a policy of returning war criminals to those states for trial by the Governments where the atrocities and crimes were committed.

It is true, of course, that under the common law offenses are to be tried by a court having jurisdiction of the area or place where the offense was committed. This rule stems from the sound proposition that an offender should be brought to justice in the county, state or country whose laws he has violated, and heard by a Court empowered by the laws of that county, state, or country to determine whether or not alleged offender has violated its laws. Normally it is the society of that political entity which is most interested in seeing that violators of its laws are brought to justice and punished if guilty.

In the instant case the offense charged is not a violation of the laws of Belgium but of international law. More specifically the evidence will show violation of Article 2 of the Geneva Convention and Article 46 of the Hague Convention, which relate to the treatment of prisoners of war and of civilians of a hostile state,

respectively. If the Charge be true, the civilized people of the world, not just of Belgium, have a direct and vital interest in seeing that the offenders against world society be punished.

In the case of the United States vs Alfons Klein, et al, commonly referred to as the 'Hadamar Case', the right of one nation to try and punish for offenses committed against nationals of an allied state is fully discussed in the Review of the case by the Deputy Theater Judge Advocate. In the 'Hadamar Case' none of the victims was American. We quote from the Review:

\*\*\*\*\*There is authority for this contention in a recent opinion of the Judge Advocate General (SPJGW 1943/17671 13 Dec. 1943,) where the question was considered whether German soldiers who had executed without trial, in violation of the laws of war, certain Italian civilians accused of transmitting information to United States forces in combat with the Germans, could be, upon capture tried by a military tribunal of the United States. At the time of the offense the Italian government was a co-belligerent of the United States. The Judge Advocate General, in holding that either a tribunal of the United States would have jurisdiction to try and punish the offenders, employed the following language: 'The right to punish for such an offense against an ally proceeds upon the well-established principle that allies or co-belligerents constitute but a single side of an armed struggle.' The opinion pointed out that the right of the United States to take jurisdiction was especially strong in the case under discussion because it had the physical custody of the accused and because 'the offenses appear to be directly related to our military operations.' Such language is a clear enunciation of the theory that jurisdiction may be based the 'interest' of the punishing state. The opinion, however, then proceeds to state a much broader theory of jurisdiction. After quoting an earlier opinion of the Judge Advocate General (SPJGW 1943/14218, 30 Oct 1943) to the effect that jurisdiction in cases of offenses against the law of war is personal rather than territorial and is largely determined by physical custody of the accused, or lack of it. The opinion uses the following broad language: 'Where co-belligerency exists, jurisdiction to punish offenses against the laws of war may thus be concurrent. The fundamental and all important fact is that the persons involved are suspected of having committed crimes of an international character in violation of the international laws of war. An offense against the laws of war is a violation of the laws of nations, and a matter of general interest and concern. Whether committed by their own forces or those of the enemy, all civilized belligerents have an interest in the punishment of offenses against the laws of war. War Crimes are now being especially recognized as of general concern to the United Nations, which states in a real sense represent the civilized world. In the

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present situation the United States has jurisdiction because it has the physical custody of the accused and as its military courts have jurisdiction over such offenses.' It is concluded that in the instant case, although the offense alleged is not as directly connected with the military operations of the punishing power as was the offense in the cited case, the United States has a direct interest in punishing offenses against nationals of its allies committed, as here, subsequently to our entry into the war, and on the broader theory that the punishment of war criminals is a matter of general interest and concern to all nations."

We insist that the above cited authority is a full and complete answer to the motion of the defendants, and their arguments in support thereof.

In addition to the above, however, we should like to make this further observation. The declaration of the "Moscow Conference" is no more than an announcement of policy or an agreement entered into between three powers as to which powers should try which war criminals. Such an agreement, if the question were raised by Belgium, would be determinative. But the agreement gives the accused no rights. If jurisdiction in such cases were not basically concurrent, why should such an agreement have been made? If jurisdiction were fixed as a matter of law in the power in whose territory the crime was committed, why should the powers agree as to who would act as the trying power?

We respectfully urge that the agreeing powers, not the accused, might invoke, if they choose, the privilege afforded by the declaration. We urge further that the agreement did not change the fundamental rule that jurisdiction is personal and not territorial where the offense is an alleged violation of international law."

I would like to further add that when this case was in the process of development early in March of this year permission in writing was received from the Belgian Government to try at that time four or five incidents. Later on there were further developments in the case and additional offenses against Belgian civilians were disclosed. Although written permission was not received from the Belgian Government, the Belgian Government was fully notified of what happened and they cooperated and loaned to us Germans who were prisoners of war in our custody to prove the cases which we have charged against the defendants covered by these motions. They have also cooperated by assisting us in giving us witnesses who will be

used to testify against the defendants covered by these motions.

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(Continuing Reading):

"For the reasons stated the Prosecution respectfully insists that the motion to strike as to certain defendants that portion of the Charge as to shootings and killing allied civilian nationals should be overruled."

DEFENSE COUNSEL: May it please the Court, was it the understanding as to the translation that it would be at a later date? Our German counsel are not able to properly evaluate these motions and I thought maybe the interpreter could read in German, not an absolute translation ---

PROSECUTION: I am sorry, I cannot hear the Defense Counsel.

DEFENSE COUNSEL: I was asking further instructions from the Court as to the interpretation of this particular answer and rebuttal that you have given, in order to aid our German counsel. They represent certain of the defendants, and are without the benefit of hearing both sides of this. They have had our side of it, that is, the written copy that we submitted, but on the other hand, if we could get the translation of the arguments to this point it would be very helpful to these German counsel.

DR. RAU: Mr. President, my judges, may I with the permission of Colonel Everett, throw your attention to the fact that the accused, as well as the German civilian lawyers who do not speak English, it is not possible to follow the procedure and unless everything that has been represented in court up to now is translated

into German, the Defense feels itself limited in the execution of its job. I therefore request that everything at once be translated into German.

PROSECUTION: If the Court please, I will give my answer to the court interpreter, who will now read it in German.

(Whereupon Interpreter George Miller began translating the document into the German language and during the translation the following occurred):

PROSECUTION: Mischel, will you continue with the translation for the Court?

(Whereupon Interpreter Mischel completed the translation.)

PROSECUTION: If the Court please, do you desire to have that part which I did not have typewritten, the interpolation, translated?

DEFENSE COUNSEL: It is not necessary.

PRESIDENT: No.

PROSECUTION: If the Court please, I would like to suggest that we delay further argument until our answer has been translated. I believe it would speed the trial up considerably.

LT. WAHLER: Is that relative to any further motions?

PROSECUTION: Yes.

LT. WAHLER: We will continue arguing this motion to completion, is that right?

PROSECUTION: It is all right with me.

PRESIDENT: Yes.

LT. WAHLER: If the Court please, counsel for

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the Prosecution has cited the Geneva Convention and the Hague Regulations. Of course, in neither instance do the Regulations prescribe the methods of trial for violations and because of that fact we are now questioning the proper method governments the perpetrators should be tried. Counsel for the Prosecution has -- If the Court please, I have forgotten the element of translation.

PRESIDENT: Translate from now on. I think you had better start all over again.

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16 S. 1.

DEFENSE COUNSEL:(Lt. WAHLER). The Counsel for the Prosecution has cited the Geneva Convention and the Hague Regulations; in neither instance do the regulations prescribe methods of trial for violations and because of that fact we are now questioning the proper method and by what governments the perpetrators should be tried.

(Whereupon the interpreter Mr. Miller translated this statement into the German language until the Asst. Defense Counsel Dr. LEILING interrupted and stated that the translation was absolutely insufficient, whereupon T/5 Mischel was substituted as interpreter).

DEFENSE COUNSEL:(Lt. WAHLER). The purpose of our motion is simply to question what nations should try the defendants for the particular offenses with which they are charged. The question of jurisdiction is a novel question and is one being developed continually. One of the former Judge Advocate Generals in the Army Colonel Winthrop in his book "Military Law and Precedents" sets forth the following as to jurisdiction: "Page 836 paragraph 1 - "A Military Commission (except where otherwise authorized by statute) can legally assume jurisdiction only of offenses committed within the field of the command of the convening commander, thus the commission ordered by the commander exercising Military Government, by virtue of his occupation, by his army, of territory of the enemy, cannot take cognizance of an offense committed without such territory." Of course there have been some changes - that the Defense realizes since the above passages have been quoted. In order to announce a clear policy I would like to quote from a report written by Professor Sheldon Glick, Professor of Harvard University. He quotes as follows: "As to arrest and detention of the accused"

"At the time of the granting of any Armistice to any Government which may be set up in Germany, those German Officers and men, members of the Nazi party, who have

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16 S.2.

been responsible for or who have taken a part in the above atrocities, massacres and executions, will be sent back to the countries where these abominable deeds were done, in order that they may be judged and punished according to the laws of these liberated countries and of the free governments which will be erected therein."

He also quotes the following as to the tribunals: "The Moscow Conference wisely recommended for the offenders at the scene of their crimes; Counsel also quoted the Hadamar case. In this particular case I believe that "Hadamar" is within the American zone of occupation. In the record of review that was written by the Theater Judge Advocate, the following quotation which was read "SPJGW, 1943 13 December 1943" was quoted.

I would like to call the court's attention to the fact that in that particular case, the Italian civilians were accused by the Germans of transmitting information to the United States Forces in combat with the Germans. That differs from our case at hand due to the fact that there are no allegations that these allied nationals were aiding our military operations in Belgium. Of course the opinion does set forth as follows: to take jurisdiction - was especially strong in the case under discussion because it had physical custody of the accused and because the offense appears directly concerned with our military operations. In the case at hand there is absolutely no allegation that these Belgian civilians were involved in aiding our military operations. The Counsel also brought up the fact that the Belgian government had consented to the trial of these accused. Because I believe it is a proposition of law that one party cannot convey jurisdiction to another, the thing we are interested in is whether the court has jurisdiction over this particular case - these particular offenses. Jurisdiction cannot be

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conveyed by one authority to another. In addition, to that, the Belgian authorities would be in a position at any time at liberty to withdraw their consent. We therefore submit at this time that this Court is without jurisdiction to try the particular charges that we have hereinbefore enunciated.

PROSECUTION: If the Court please, I suggest that if any other members of the German counsel have anything to say concerning my argument, that they say it now.

ASST: DEFENSE ( Dr.RAU) Mr President and Judges I believe that the Defense can only support the excellent opinions here represented. Insofar as the accused are charged with killing Belgian civilians - this happened in Belgian territory and only Belgian laws were violated. I believe this shows exclusive jurisdiction of a Belgian court.

PROSECUTION: If it please the court, the Prosecution does not feel that the Defense have raised any additional questions which were not raised before and I ask that the Court rule on both motions.

PRESIDENT: There being no objection by the Court, the Law Member will render the decision:

LAW MEMBER: " One of the policies of the Military Government for Germany as set forth in the General Policy, Section 1, Technical Manual for Legal and Prison Officers, is to safeguard the persons, property and interests of the Allied forces and of the United Nations, and their nationals, including prisoners of war and displaced persons. To carry out such policy, Military Government courts were set up to punish those who violated the rights and privileges of those persons enumerated above.

The United States has as much interest in punishing offenses against nationals of its Allies as it does in the punishing of offenses against its own nationals. The punishment of War Criminals as set forth in the Hadamar case, is a matter of particular interest and concern to all nations.

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16 S.4.

This Court, therefore, has jurisdiction of the matters involved and the motion will be denied.

PROSECUTION: Does that apply to both motions ?

LAW MEMBER: Yes.

( Whereupon the decision rendered by the Law Member was translated and read in the German language to the court by the interpreter T/S Mischel).

DEFENSE COUNSEL: May it please the Court, at this time Dr Leiling would like to present a motion pertinent to jurisdiction on behalf of his German counsel.

DR. LEILING: "Considering that there is not only the act of individuals at stake but fundamental questions of International Law. I think the defense must duly draw the attention of the Court to another question of jurisdiction involved.

The alleged crimes would, if proved, constitute a violation of the "Geneva Convention" of 1929 and of the "Hague Convention" of 1907. Both these conventions are International treaties. Partners to those treaties and subjects of International Law are only the Sovereign States concerned. The question, therefore, whether an International treaty was violated can only be settled according to the rules of International Law and between the States involved, but not between the victorious State and individuals of the defeated one.

Fully aware of the fact that the U.S. have pledged themselves to lay the foundation for new International Law, the Defense maintains that a new procedure ought to be introduced as to the trying and punishment of War criminals. It is a fundamental rule of Law that no one should be judge in his own case. This would, however, be the fact if an American court representing the U.S. against which the treaty violations were directed, had jurisdiction over individuals of the former enemy State to

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16.S. 5.

decide whether an International treaty was violated to the detriment of the U.S.

The Defense therefore considers this kind of trial premature and moves that the Court may deny its jurisdiction and leave these matters to be treated according to the rules of International Law within the frame of a future multilateral peace settlement.

(Whereupon the above statement was translated and read in the German language to the Court by T/5 Mischel).

PROSECUTION:(Captain SHUMACKER). If it please the Court, as I understand the motion and argument advanced by the Defense Counsel who has just spoken; it is on the proposition that this court has no jurisdiction to try any War Crimes case. As I understand the argument, the reasons advanced were: (1) That the United States is not interested in the violation of International Law unless some of its own citizens and nationals were involved: (2) that this Court is not the proper type of Court to hear such a case. The Prosecution does not believe these arguments advance any new legal propositions that have not heretofore been raised by the Defense Counsel. That a General Military Government Court does not have jurisdiction and is not the proper type of tribunal to hear such a case might be a political philosophy to the Counsel who advanced this argument, but is not the Law. The Supreme Court of the United States in the 'Yamashita' case held that a Military Commission, or other appropriate tribunal does have jurisdiction to hear and decide such a case. The General Military Government Court has been specifically given the jurisdiction to hear such cases in the "Technical Guide for Legal and Prison Officers" referred to by the Law Member of this Court. The assertion that the United States is not interested in the violations of International Law unless its own nationals are involved is not supported by the numerous cases that have been prosecuted here by Military Government

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16.S. 6.

Courts involving nationals of other Allied nations such as in the 'Madamar' case for instance. In conclusion we submit that the Court has jurisdiction of the offenses and of the accused and the motion should be over-ruled.

DEFENSE COUNSEL(Dr. LEILING) . I don't want to enlarge upon this motion but would like to mention one or two points. It is a complete misunderstanding on the side of the Prosecution, that I maintained that the United States were not interested in the violation of International Law except when their own citizens were concerned. On the contrary, I think that the United States at the present moment are the champions of International Law, and that is why I draw the attention of the Court to the rules of International Law and International Law as the law binding States only, and any alteration to International Law can only be made by multilateral agreement, and this is the essence of my argument. If the Court be pleased to deny my motion then I would ask the Court for an exception to this ruling.

PRESIDENT: There being no objection by the Court, the Law Member will render the ruling.

LAW MEMBER: The issues raised by the Counsel for the Defense have already been covered in the finding of the Court in the two previous motions. So far as jurisdiction of the Court is concerned, the accused here are being tried as War Criminals and this is a General Military Government Court set up for that very purpose. The Court will rule as it did in similar motions in the Dachau and Mauthausen cases - The Motion will be denied.

PROSECUTION: If the Court please - it is my understanding that the Defense has two more motions which will be deferred until later in the proceedings. The Prosecution has one motion and that is to strike the defendants - drop the charges against the defendants without prejudice, Helmut Haas, Herbert Losenski, Werner

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Peterson, and Emil Hergeth by reason that they are not present before this Court at this time.

DEFENSE COUNSEL : No objection.

DEFENSE COUNSEL:(Dr RAU). If it please the Court, as Defense Counsel for the accused Dietrich and Kraemer, might I draw your attention to the following legal matters. The accused are prisoners of war, therefore they are subject to the rules of the Geneva Convention as far as treatment of Prisoners of War is concerned, dated 27 July 1929. Up to now they were not informed that they no longer had the status of Prisoners of War, This Geneva agreement was ratified by the United States according to Article 6, paragraph 2 of the year 1787 - such International Agreement is the highest Law of the land - that is the highest Law of the United States which is binding to an American judge in making his decision .Now what does the Geneva Agreement say - might I draw your attention to Article # 82 which states " the agreement of this article must be adhered to by the contracting parties under all circumstances. As a result of that, Article #63 in particular must be marked. Article #63 states, if I may quote:" The verdict against a prisoner of war must be made only by the same Court and through the same procedures as the verdict against persons belonging to the Armed Forces of the State of which they are prisoners." The accused Dietrich is a Colonel-General: his Chief of Staff is, according to his rank a Lieutenant-General; with the agreement of my colleague Wieland, I might point out that the accused Fries is also a Lieutenant-General. I would like for the Court to find out now whether, according to the regulations for the composition of an American Court, whether it is made up in that manner and whether the proceedings will be conducted in the manner of American Legal procedure. In conclusion I would like to say that the composition of this Court must be such and the procedure must be such as if an

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16.S.8.

American Colonel-General or a General Officer was being tried. Furthermore, I would like the Court to find out whether according to regulations of the Geneva Agreement, the protective power has been invoked in this procedure. As far as I know, the protective power in this case is Switzerland. It should be found out whether this protective power wishes to acknowledge the procedure here. I must keep back further explanations on this same point.

PROSECUTION: If the Court please, in answer to the honorable Counsel's motion, I would like to point out that this question has been raised in several other cases brought before Courts of the type which is now hearing this present case - on the argument raised in the Borkum Island case, the Dachau case and the Mauthausen case, in which instances the Court held that it had jurisdiction over the accused even though they were prisoners of war and had not been discharged; also the same point was raised in the Yamashita case, and I quote therefrom: "but we think that explanation of Article #63 referring to the Geneva Convention of 1929 in its setting in the Convention, plainly shows it refers to sentence pronounced against a Prisoner of War for an offense committed while a prisoner of war and not for a violation of the Law of War committed while a 'combatant'. I also point out to the court, that the three defendants Dietrich, Kraemer and Priess were discharged from the Waffen SS on 9 May 1946. I might also add that that also applies to the rest of the 74 defendants in this case. Any way the Court is aligned to look at this question whether the defendants are prisoners of war or civilians. The prosecution believes that the motion may be properly over-ruled.

PRESIDENT: There being no objection by the Court, the Law Member will make a ruling.

DEFENSE COUNSEL(Dr RAU)--(interrupting) I would like to make a short reply.

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16.S. 8.

LAW MEMBER: If it is short.

DEFENSE COUNSEL (Dr RAU) - According to legal usage in English speaking countries and internationally, the Geneva Agreement applies not only to deeds committed during the period when some one was a prisoner of war, but also which were committed before that during the course of the war while soldiers. Dismissal of prisoners of war at the beginning of the trial, assuming it is true, cannot in any opinion rob them of the protection which the Geneva Convention intends them to have.

LAW MEMBER: The Court will repeat that the issues raised by the Counsel for the Defense were covered in the Court's ruling on the previous motions: so far as the jurisdiction of this Court is concerned, this is a duly constituted General Military Government Court of the United States for the trial of War Criminals and as such the Court has the jurisdiction - the motion will be denied.

PRESIDENT: The Court has satisfied itself that it is properly constituted under the laws and rules governing General Military Government Courts, and had jurisdiction over persons and offenses of the accused.

If either the Prosecution or the Defense has any ground for challenge of any member of the Court, it is requested that it be disclosed now.

PROSECUTION: No grounds for challenge.

DEFENSE: No grounds for challenge.

PRESIDENT: There being no grounds for challenge, the Court is declared to be properly constituted and the trial will be conducted in open Court.

President: The accused will now be interrogated as to name, age, residence, nationality and status: As I call the name of each accused, he will stand up and be interrogated as to

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S.16. 9.

name, age, residence, nationality and status: I will ask the questions in English and the interpreter will translate same in German, and the answers into English.

PRESIDENT: Q. State your full name ?

A. Valentin Bersin.

Q. How old are you ?

A. 25

Q. What is your residence ?

A. St Barbara.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the Armed forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. I was a member of the SS from 5 March 1940 until the end of the War.

PRESIDENT: I assign the accused Number 1.

Q. State your full name ?

A. Friedel Bode.

Q. How old are you ?

A. 23

Q. What is your residence ?

A. Loehne, Westphalia.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the Armed forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

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A. I was a member of the Waffen SS from 30 April 1940 up to the end of the war.

PRESIDENT: I assign the accused Number 2.

Q. State your full name ?

A. Marcel Boltz.

Q. How old are you ?

A. 19 years.

Q. What is your residence ?

A. Renneck, Alsace.

Q. What is your nationality ?

A. French.

Q. Were you ever a member of the Armed Forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. Of the Waffen SS from 10 October 1943 up to the end of the War.

PRESIDENT: I assign the accused number 3.

Q. State your full name ?

A. Willi Braun.

Q. How old are you ?

A. 20

Q. What is your residence ?

A. Grojau, Danzig.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

A. Yes.

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Q. Of what component were you a member and during what period of time ?

A. I was in the Waffen SS from 20 February 1944 until 21 December 1944.

PRESIDENT: I assign the accused Number 4.

Q. State your full name ?

A. Kurt Briesemeister.

Q. How old are you ?

A. 24

Q. What is your residence ?

A. Marinhou, Schoenhausen.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. I was in the Waffen SS from 29 September 1940 until the end of the war.

PRESIDENT: I assign the accused Number 5

Q. State your full name ?

A. Willi Von Chamier.

Q. How old are you ?

A. 30

Q. What is your residence ?

A. Bad-Duerenburg, saxony.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

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A. Yes.

Q. Of what component were you a member and during that period of time ?

A. I was in the Waffen SS from April 1943 until 20 December 1944.

PRESIDENT: I assign the accused Number 6.

Q. State your full name ?

A. Friedrich Christ.

Q. How old are you ?

A. 26 years.

Q. What is your residence ?

A. Friesing Near Munich.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. I was a member of the Waffen SS from April 1938 until the end of the war.

PRESIDENT: I assign the accused Number 7.

Q. State your full name ?

A. Roman Clotten.

Q. How old are you ?

A. 25

Q. What is your residence ?

A. Bad-Teilenfeld on the Maine.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

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16.S.13.

A. Yes

Q. Of what component were you a member and during what period of time ?

A. From the 1st day of the 10th month 1939 up to the capitulation I was a member of the Waffen SS.

PRESIDENT: I assign the accused Number 8.

Q. State your full name ?

A. Manfred Coblentz.

Q. How old are you ?

A. 25

Q. What is your residence ?

A. Sargenhausen in the Harz.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. From the 1st October 1939 until the 22nd December 1944 I was a member of the Waffen SS.

PRESIDENT: I assign the accused Number 9.

Q. State your full name ?

A. Josef Diefenthal.

Q. How old are you ?

A. 30

Q. What is your residence ?

A. Auskirchen near Köln.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

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16 S 11.

A. Yes

Q. Of what component were you a member and during what period of time ?

A. I was a member of the Waffen SS from 15 October 1935 up to the 8th May 1945.

PRESIDENT: I assign the accused Number 10.

Q. State your full name ?

A. Josef Dietrich.

Q. How old are you ?

A. 54

Q. What is your residence ?

A. Munich.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. In the Waffen SS February 1933 up to the capitulation.

PRESIDENT: I assign the accused Number 11.

Q. State your full name ?

A. Fritz Eckmann.

Q. How old are you ?

A. 21.

Q. What is your residence ?

A. Danube-Eschienging.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

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16.S.15.

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. I was in the Waffen SS from March 1943 up to the end of the war.

PRESIDENT: I assign the accused Number 12.

Q. State your full name ?

A. Arndt Alfons Fischer.

Q. How old are you ?

A. 23

Q. What is your residence ?

A. Wald-Astorf.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

A. Yes

Q. Of what component were you a member and during what period of time ?

A. I was in the Waffen SS from 20 February 1939 up to the end of the war.

PRESIDENT: I assign the accused number 13.

Q. State your full name?

A. Georg Fleps.

Q. How old are you ?

A. 23

Q. What is your residence ?

A. Michaelsberg, Roumania.

Q. What is your nationality ?

A. Roumanian.

Q. Were you ever a member of the armed forces of the German Reich ?

#2

16.S.16.

A. Yes

Q. Of what component were you a member and during what period of time ?

A. From 1 July 1943 up to the end of the war I was in the Waffen SS.

PRESIDENT: I assign the accused Number 14.

Q. State your full name ?

A. Heinz Friedrichs.

Q. How old are you ?

A. 19

Q. What is your residence ?

A. Hanover.

Q. What is your nationality ?

A. German

Q. Were you ever a member of the armed forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. I was in the Waffen SS from April 1944 until the 24th December 1944.

PRESIDENT: I assign the accused Number 15.

Q. State your full name ?

A. Fritz Gebauer.

Q. How old are you ?

A. 18

Q. What is your residence ?

A. Ullasdorf.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

#2

16.S.17

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. From 15 August 1944 until 24 December 1944 I was in the Waffen SS.

PRESIDENT: I assign the accused Number 16.

Q. State your full name ?

A. Heinz Gerhard Goedicke .

Q. How old are you ?

A. 18

Q. What is your residence ?

A. Fuehlstein.

Q. What is your nationality ?

A. German

Q. Were you ever a member of the armed forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. I was in the Waffen SS from 15 August 1944 until the end of the war.

PRESIDENT: I assign the accused Number 17.

Q. State your full name ?

A. Ernst Goldschmidt.

Q. How old are you ?

A. 26

Q. What is your residence ?

A. Boested Sleswich-Holstein.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

#2

16 S. 18.

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. I was in the Waffen SS from 10th April 1940 up to the end of the war.

PRESIDENT: I assign the accused Number 18.

Q. State your full name ?

A. Hans Gruhle

Q. How old are you ?

A. 26

Q. What is your residence ?

A. Ellemang - Nr Nurnberg.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. I was in the Waffen SS from 2 October 1939 up to the end of the war.

PRESIDENT: I assign the accused Number 19.

Q. State your full name ?

A. Max Hammerer

Q. How old are you ?

A. 21

Q. What is your residence ?

A. Munich.

Q. What is your nationality ?

A. German.

Q. Were you ever a member of the armed forces of the German Reich ?

#2

16.S.19.

A. Yes.

Q. Of what component were you a member and during what period of time ?

A. From 20 October 1942 until April 1943 I was in the Air Corps and from April 1943 until 21 December 1944 I was in the Waffen SS.

PRESIDENT: I assign the accused Number 20.

The Court will recess until 1400 hours.

(Whereupon the court recessed at 1200 hours)

3/5/16,lsp

CAMP DACHAU, GERMANY

MAY 16, 1946

AFTERNOON SESSION

(Whereupon the Court reconvened at 1400 hours,  
16 May 1946.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the  
record show that all members of the Court, all members  
of the defense, all members of the prosecution and all  
the accused and reporter are present.

PRESIDENT: We will resume the interroga-  
tion of the accused.

EXAMINATION BY THE COURT (CONTINUED)

QUESTIONS BY THE PRESIDENT:

Q Armin Hecht, state your full name.

A Armin Hecht.

Q How old are you?

A 21.

Q What is your residence?

A Miltitz.

Q Nationality?

A German.

Q Were you ever a member of the Armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A Waffen SS from 30 October 1944 until the  
end of the war.

PRESIDENT: I assign the accused number 21.

III,2sp

Q Willi Heinz Hendel, state your full name.

A Willi Heinz Hendel.

Q How old are you?

A 30.

Q What is your residence?

A Friedenthal near Berlin.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A I was in the Waffen SS from 12 May 1934 until the end of the war.

PRESIDENT: I assign the accused No. 22.

Q Hans Hennecke, state your full name.

A Hans Hennecke.

Q How old are you?

A 23 years old.

Q What is your residence?

A Warenmekglenburg.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A From the 14th November 1939 until the end of the war.

PRESIDENT: I assign the accused number 23.

III 3

Q Hans Hillig, state your full name.

A Hans Hillig.

Q How old are you?

A 24 years old.

Q What is your residence?

A Doebeln Saxony.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A Waffen SS from 1 February 1940 until 15th of  
April 1945.

PRESIDENT: I assign the accused No. 24.

Q Heinz Hofmann, state your full name.

A Heinz Hofmann.

Q How old are you?

A 21.

Q What is your residence?

A Bonnbaeen, Hussia.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A March '43 until the end of the war in the  
Waffen SS.

PRESIDENT: I assign the accused no. 25.

III4

Q Joachim Hofmann, state your full name.

A Joachim Hofmann.

Q How old are you?

A 19 years.

Q What is your residence?

A Ostrau.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A Waffen SS from 11 October 1943 until the  
end of the war.

PRESIDENT: I assign the accused No. 26.

Q Hubert Huber, state your full name.

A Hubert Huber.

Q How old are you?

A 37.

Q What is your residence?

A Kabrun near Sell.

Q Nationality?

A Austrian.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A Waffen SS 1938 April until 22nd of December  
1944.

PRESIDENT: I assign the accused no. 27.

IIIk5

Q Siegfried Jakel, state your full name.

A Siegfried Jakel.

Q How old are you?

A 19 years.

Q What is your residence?

A Neudorf.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 20 December 1943 until the end of the war.

PRESIDENT: I assign the accused no. 28.

Q Benoni Junker, state your full name.

A Benoni Junker.

Q How old are you?

A 25 years.

Q What is your residence?

A Berlin.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A I was in the Waffen SS from 7th January 1940 until 24 December 1944.

PRESIDENT: I assign the accused no. 29.

III6

Q Friedel Kies, state your full name.

A Friedel Kies.

Q How old are you?

A 19.

Q What is your residence?

A Radereichstaedt.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and during  
what period of time?

A Waffen SS from the 11th day of the 11th month  
1943 until the 24th of December 1944.

PRESIDENT: I assign the accused no. 30.

Q Gustav Knittel, state your full name.

A Gustav Knittel.

Q How old are you?

A 31 years.

Q What is your residence?

A Neu Ulm.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A Waffen SS from 2nd of August 1934 until the  
end of the war.

PRESIDENT: I assign the accused no. 31.

III7

Q Georg Kotzur, state your full name.

A Georg Kotzur.

Q How old are you?

A 20 years.

Q What is your residence?

A Raeibor.

Q Nationality?

A German.

Q Were you ever a member of the Armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from the 20th day of the 9th month 1943 until the end of the war.

PRESIDENT: I assign the accused no. 32.

Q Fritz Kraemer, state your full name.

A Fritz Ludwig Karl Kraemer.

Q How old are you?

A 45 years.

Q What is your residence?

A Matdebut.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A From 1 May 1933 until 1/8 1944 I was a member of the Wehrmacht. From 1/8 1944 I was a

member of the Waffen SS until the end of the war.

IIIS

PRESIDENT: I assign the accused no. 33.

Q Werner Kuhn, state your full name.

A Werner Kuhn.

Q How old are you?

A 26 years.

Q What is your residence?

A Saalfeld in Turania.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A Waffen SS from September 5, 1939 until the  
end of the war.

PRESIDENT: I assign the accused no. 34.

Q Oskar Klingelhofer, state your full name.

A Oskar Karl Jehn Klingelhofer.

Q How old are you?

A 28.

Q What is your residence?

A Braunschweit.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

III9

A Waffen SS from November 1, 1937 until the end of the war.

PRESIDENT: I assign the accused no. 35.

Q Erich Maute, state your full name.

A Erich Otto Maute.

Q How old are you?

A 24 years.

Q What is your residence?

A Gross Terau.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A I was in the Waffen SS from May 8, 1940 until the end of the war.

PRESIDENT: I assign the accused no. 36.

Q Arnold Mikolaschek, state your full name please.

A Arnold Mikolaschek.

Q How old are you?

A 20.

Q What is your residence?

A Haerten Langen Bochum, West Phalia.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

IIIIIO

A Waffen SS from the 21 day of the 6th month  
1943 until the end of the war.

PRESIDENT: I assign the accused no. 37.

Q Anton Motzheim, state your full name.

A Anton Motzheim.

Q How old are you?

A 22 years.

Q What is your residence?

A Rachen.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A I was in the Waffen SS from the 16th of  
April 1942 until the end.

PRESIDENT: I assign the accused no. 38.

Q Erich Munkemer, state your full name.

A Kurt Erich Munkemer.

Q How old are you?

A 25 years.

Q What is your residence?

A Ascheberg in Holstein.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

III11

A Waffen SS from 18 June 1940 until the end.

PRESIDENT: I assign the accused no. 39.

Q Gustav Neve, state your full name.

A Gustav Heinrich Neve.

Q How old are you?

A 20.

Q What is your residence?

A Ascheberg in Holstein.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A From 29 January 1943 until the end in the  
Waffen SS.

PRESIDENT: I assign the accused no. 40.

Q Paul Hermann Ochmann, state your full name.

A Paul Hermann Ochmann.

Q How old are you?

A 32.

Q What is your residence?

A Louisdorf in Silesia.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

11118

A 1st of April 1936 until the end in the  
Waffen SS.

PRESIDENT: I assign the accused no. 41.

Q Joachim Peiper, state your full name.

A Joachim Peiper.

Q How old are you?

A 31.

Q What is your residence?

A Arottach on the Tegensee.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A I was in the Waffen SS from October 1934  
until the end of the war.

PRESIDENT: I assign the accused no. 42.

Q Hans Pletz, state your full name.

A Hans Pletz.

Q How old are you?

A 21 years.

Q What is your residence?

A Schongau on the Lech.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

IIII3

A From May 31, 1943 until the end of the war Waffen SS.

PRESIDENT: I assign the accused no. 43.

Q Georg Preuss, state your full name.

A Georg Preuss.

Q How old are you?

A 26.

Q What is your residence?

A Danzig.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 1 April 1939 until the end of the war.

PRESIDENT: I assign the accused no. 44.

Q Hermann Priess, state your full name.

A Hermann August Friedrich Priess.

Q How old are you?

A 44 Years.

Q What is your residence?

A Eberspach.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and

IIII4

during what period of time?

A In the old 100,000 men army, the German Army from January 1919 to January 1930. In the Waffen SS from 1934 until the end of the war.

PRESIDENT: I assign the accused no. 45.

Q Fritz Rau, state your full name.

A Fritz Rau.

Q How old are you?

A 18 years.

Q What is your residence?

A Gross Gerau.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 15th August 1944 until 23rd December 1944.

PRESIDENT: I assign the accused no. 46.

Q Theo Rauh, state your full name please.

A Joachim Theo Rauh.

Q How old are you?

A 27 years.

Q What is your residence?

A Pockseorf.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

III15

A Yes.

Q Of what component were you a member and during what period of time?

A October 2, 1939 until 1st April '43 a member of the Luftwaffe Airforce. 1st April 1943 until 24 December 1944 Waffen SS.

PRESIDENT: I assign the accused no. 47.

Q Heinz Rehagel, state your full name.

A Heinz Rehagel.

Q How old are you?

A 25.

Q What is your residence?

A Wurtzburg.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A January 7, 1940 until May 31, 1943 Luftwaffe, 1st April 1943 until the end of the war Waffen SS.

PRESIDENT: I assign the accused no. 48.

Q Rolf Roland Reiser, state your full name?

A Rolf Roland Reiser.

Q How old are you?

A 25.

Q What is your residence?

A Hermannstadt, Rumania.

Q Nationality?

A Rumanian

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS, 15th July 1942 until the end of the war.

PRESIDENT: I assign you no. 49.

Q Wolfgang Richter, state your full name.

A Wolfgang Richter.

Q How old are you?

A 20 years.

Q What is your residence?

A Jena in Turania.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 15th August 1944 until 24th December 1944.

PRESIDENT: I assign the accused no. 50.

Q Max Rieder, state your full name.

A Max Rieder.

Q How old are you?

A 21 years.

Q What is your residence?

A Rott on the Inn near Rosenheim.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from October 1942 until the end of the war.

PRESIDENT: I assign the accused No. 51.

Q Rolf Ritzer, state your full name.

A Rolf Ritzer.

Q How old are you?

A 22.

Q What is your residence?

A Nuernberg.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 1 March 1942 until the end of the war.

PRESIDENT: I assign the accused no. 52

Q Axel Rodenburg, state your full name.

A Axel Walter Paul Theodore Rodenburg.

Q How old are you?

A 21 years.

Q What is your residence?

A Hamburg Altona.

Q Nationality?

A German Reich.

III18

Q . Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A I was in the Waffen SS from 1 April 1942 until the end of the war.

PRESIDENT: I assign the accused no. 53.

Q Erich Rumpf, state your full name.

A Karl Willi Erich Rumpf.

Q How old are you?

A 24 years.

Q What is your residence?

A Radeboll near Dresden.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 22nd September 1939 until the end.

PRESIDENT: I assign the accused no. 54.

Q Willi Schaefer, state your full name.

A Willi Schaefer.

Q How old are you?

A 25.

Q What is your residence?

A Wiesbaden.

Q Nationality?

III19

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A I was in the Waffen SS from April 1940 until the end.

PRESIDENT: I assign the accused no. 55.

Q Rudolf Schwambach, state your full name.

A Rudolf Schwambach.

Q How old are you?

A 25 years.

Q What is your residence?

A Deinberg.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A 27 March 1940 until 24 December 1944  
I was a member of the Waffen SS.

PRESIDENT: I assign the accused no. 56.

Q Kurt Sickel, state your full name.

A Kurt Sickel.

Q How old are you?

A 39 years.

Q What is your residence?

A Stendal.

Q Nationality?

III20

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from the 19th day of the 9th month 1939 until 20 April 1945.

PRESIDENT: I assign the accused no. 57.

Q Oswald Siegmund, state your full name.

A Oswald Siegmund.

Q How old are you?

A 23 years.

Q What is your residence?

A Reichenberg in Sudetenland.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A 15th September 1940 until the end of the war Waffen SS.

PRESIDENT: I assign the accused no. 58.

Q Franz Sievers, state your full name.

A Franz August Sievers.

Q How old are you?

A 31 years.

Q What is your residence?

A Oldenburg in Holstein.

Q Nationality?

III21

A German Reich.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 15 April 1936 until the end of the war.

PRESIDENT: I assign the accused no. 59.

Q Hans Siptrett, state your full name.

A Hans Walter Siptrett.

Q How old are you?

A 26 years.

Q What is your residence?

A Martin Rodan in Turania.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A From 1 November 1938 until the end of the war I was a member of the Waffen SS.

PRESIDENT: I assign the accused no. 60.

Q Gustav Adolf Sprenger, state your full name.

A Gustav Adolf Sprenger.

Q How old are you?

A 20 years.

Q What is your residence?

A Trossen near Frankfurt Oder.

Q Nationality?

III22

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A May 1, 1943 until the end of the war in the Waffen SS.

PRESIDENT: I assign the accused no. 61.

Q Werner Sternebeck, state your full name.

A Werner Willi Philip Sternebeck.

Q How old are you?

A 25 years.

Q What is your residence?

A Dommich Elbe.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 12 April 1937 until the end of the war.

PRESIDENT: I assign the accused no. 62.

Q Heinz Stickel, state your full name.

A Heinz Stickel.

Q How old are you?

A 20 years.

Q What is your residence?

A Markkroelitz.

Q Nationality?

III23

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 20 December 1943 until 24 December 1944.

PRESIDENT: I assign the accused no. 63.

Q Herbert Stock, state your full name.

A Herbert Stock.

Q How old are you?

A 20 years.

Q What is your residence?

A Detmarn.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 11 October 1943 until 7 March 1945.

PRESIDENT: I assign the accused no. 64.

Q Erwin Szyperski, state your full name.

A Erwin Szyperski.

Q How old are you?

A 21 years.

Q What is your residence?

A Benndorf Hammeln.

Q Nationality?

III24

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A From 1 March 1934 until the end of the war in the Waffen SS.

PRESIDENT: I assign the accused no. 65.

Q Edmund Tomczak, state your full name.

A Edmund Anton Tomczak.

Q How old are you?

A 23 years.

Q What is your residence?

A Duisburg - Hamborn.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A From 1/9 1941 until July 1944 with the Luftwaffe Air Force and from July 1944 until 15 August 1944 with the regular army. From 18 August 1944 until the end of the war with the Waffen SS.

PRESIDENT: I assign the accused no. 66.

Q Heinz Tomhardt, state your full name.

A Heinz Tomhardt.

Q How old are you?

A 24 years.

Q What is your residence?

III25

A Witten on the Ruhr.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from 27 March 1940 until the end of the war.

PRESIDENT: I assign the accused no. 67.

Q August Tonk, state your full name.

A August Tonk.

Q How old are you?

A 35 years.

Q What is your residence?

A Berlin.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A Waffen SS from August 1933 until March 1937. From March 1940 until the end.

PRESIDENT: I assign the accused no. 68.

Q Hans Trettin, state your full name.

A Hans Trettin.

Q How old are you?

A 19 years.

Q What is your residence?

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A Bresco in Pomerania.

Q Nationality?

A German Reich.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A I was a member of the Waffen SS from 5/7/43 until the end of the war.

PRESIDENT: I assign the accused no. 69.

Q Johann Wasenberger, state your full name.

A Johann Wasenberger.

Q How old are you?

A 19 years.

Q What is your residence?

A Kronberg near Vienna.

Q Nationality?

A Austrian.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A 15 February 1944 until 24 December 1944.

PRESIDENT: I assign the accused no. 70.

Q Gunther Weiss, state your full name.

A Gunther Martin Weiss.

Q How old are you?

A 21 years.

Q What is your residence?

III 27

A Lausch Gruen in the Voigtland.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A Waffen SS from 1 March 1943 until 24 December  
1944.

PRESIDENT: I assign the accused no. 71.

Q Erich Werner, state your full name.

A Erich Werner. . . . .

Q How old are you?

A 21.

Q What is your residence?

A Memmlieben in Turania.

Q Nationality?

A German.

Q Were you ever a member of the armed forces  
of the German Reich?

A Yes.

Q Of what component were you a member and  
during what period of time?

A I was in the Waffen SS from 20/8/42 until  
the end of the war.

PRESIDENT: I assign the accused no. 72.

Q Otto Wichmann, state your full name.

A Otto Wichmann.

Q How old are you?

A 26 years.

Q What is your residence?

A Insterburg in Eastern Prussia.

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Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A I was in the Waffen SS from 1 October 1938 until the end of the war.

PRESIDENT: I assign the accused no. 73.

Q Paul Zwigart, state your full name.

A Paul Josef Zwigart.

Q How old are you?

A 24 years.

Q What is your residence?

A Freiburg in Barden.

Q Nationality?

A German.

Q Were you ever a member of the armed forces of the German Reich?

A Yes.

Q Of what component were you a member and during what period of time?

A I was a member of the Waffen SS from 20 November 1939 until the end of the war.

PRESIDENT: I assign the accused no. 74.

You are advised under the law of Military Government you are entitled to the following:

(To interpreter) Will you translate that please?

To have in advance of the trial a copy of the Charge upon which you will be tried, to be present at your trial, to give evidence, and to examine, or

cross-examine any witness, to consult a lawyer before trial, and to conduct your own defense, or to be represented at the trial by a lawyer of your own choice, subject to the right of this court to debar any person from appearing before it. In any case in which a sentence of death may be imposed, to be represented by an officer of the United States forces. To bring with you to your trial such material witnesses in your defense as you may wish, or to have them summoned by the court, at your request, if practicable. To apply to the court for an adjournment, where necessary, to enable you to prepare your defense. To have the proceedings translated when you are otherwise unable to understand the language in which they are conducted. In the event of conviction to file a petition setting forth the grounds why the findings and sentence should be set aside, or modified.

Do you understand?

DEFENSE COUNSEL: May it please the Court, on behalf of the accused, they desire to answer in the affirmative.

PRESIDENT: Are you now ready for trial in this case?

DEFENSE COUNSEL: May it please the Court, on behalf of the accused they desire to answer in the affirmative except at the proper time a motion for severance will be made.

PRESIDENT: Has a copy of the Charge sheet been served upon you prior to the trial?

DEFENSE COUNSEL: May it please the Court

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on behalf of the accused they desire to answer in the affirmative.

PRESIDENT: I will now read to you the Charges and Particulars.

(Whereupon the Charges and Particulars were read to the accused.)

PRESIDENT: Court will be recessed for 30 minutes.

(Whereupon the Court at 1515 hours recessed.)

(Whereupon the Court reconvened at 1545 hours 16 May 1946.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court, Defense counsel, Prosecution, the defendants, and the reporter are present.

(Whereupon the interpreter read the charge and particulars, in German, to the accused.)

PRESIDENT: The above charges are referred for trial to the General Military Court appointed by paragraph 24, Special Order No. 90, Headquarters Third United States Army, dated 9 April 1946, to be held at Dachau, Germany, on or about 2 May 1946, by command of Lt. Gen. Keyes, W. G. Caldwell, Col., Adjutant General's Department, Acting Adjutant General.

(To accused) Do you understand the charge?

DEFENSE: May it please the Court, on behalf of the accused, they desire to answer in the affirmative.

May it further please the Court, it is the desire of the Defense at this time that a motion which has been prepared will be delivered by Capt. Narvid, covering the subject of severance.

CAPT. NARVID: If it please the Court, counsel for the Defense, on behalf of all the accused, respectfully moves this Court that this case be divided into two separate trials and severed into two distinct groups of defendants. All of the accused are Waffen SS soldiers accused of offenses alleged to have been committed while operating together as members of a certain military force and while engaged in a definite military operation. The members of this military force included all of the various grades of soldiers' ranks and represent all echelons of command.

The reasons for two separate trials and a severance into two groups are as follows:

1. The defense of certain of the offenders will necessarily be antagonistic to that of others.

2. There will be an unavoidable conflict of interests among the accused.

3. There will be a shifting of culpability and a casting of burdens from one accused to the other. That is inevitable, and the Defense should be permitted to develop varying degrees of participation in the incidents wherein it has been alleged that the accused violated the laws and usages of war. It cannot be said at the very outset that the accused were operating in a common design and that they were co-conspirators. Conceivably, the actors played separate roles and had major or minor parts giving them different degrees of responsibility. None of those things can be ascertained if all the accused are required to sit in a trial together, risking the accusation of one group against another.

4. A trial of 74 accused at the same time, all being on widely different levels of military authority, will lead to confusion. Further, it will be difficult for the Court to determine exactly what is proved against each, or what is offered by way of defense or mitigation by each accused.

The Defense suggests that a practical and fair basis of grouping would be to divide the accused into the following groups:

Group 1: All those accused charged with the giving or publishing of orders to shoot prisoners of war or Allied civilians and/or aiding and abetting in the giving of such orders or being responsible therefor.

Group 2: All those accused who are charged with actual participation in the shooting or killing of prisoners of war or Allied civilians.

May it please the Court, I would like to add to what I have read:

The Defense respectfully requests that, in considering this motion, the Court should not pass on the principle of superior command

as a defense or as mitigation. The motion should be considered solely on grounds of fairness and expediency. The trial of the accused as presently constituted would be most unfair and prejudicial to their rights, since not only would they have to defend themselves against the accusations of the Prosecution, but, also, one accused would have to defend himself against another. Not only would they have to cross-examine the Prosecution's witnesses, but they would have to engage in extensive cross-examination amongst themselves. Furthermore, and even more important, is where one defendant accuses another and then chooses not to take the stand, the defendant accused will be deprived of his most paramount right, to-wit, the right to cross-examine the accuser.

It is apparent how a trial of the accused as presently constituted, with one accused involving another and cross-examination amongst themselves, would only confuse the issues and complicate the trial. By this motion, the Defense desires nothing more than to expedite the trial, and not delay it; to have a clear, smooth trial without depriving the accused of any of their most essential rights.

The ideal situation, from recognized criminal procedure, in a case where no conspiracy is alleged, is to sever the case into 74 distinct trials. The Defense concedes that this is not practical and recommends the next best practical solution: two separate trials composed of 60 accused charged with actual killing and 14 accused charged merely with being responsible therefor.

I might add, let us first determine if the alleged killings took place and who committed them before even considering the question of responsibility therefor.

The Defense is now prepared to go to trial with respect to the 60 accused charged with actual participation in the alleged killings.

Thank you.

PROSECUTION: If the Court please, do any other Defense counsel wish to argue this question before we answer?

DEFENSE: Not as far as the Defense is concerned.

PROSECUTION: If not, Capt. Shumacker will answer for the Prosecution.

CAPT. SHUMACKER: The Defense has moved the Court for a severance of the accused as the defendants in this case. We should like to point out again, if the Court please, that we have charged that the accused acted together as parties concerned. They are thus charged as joint perpetrators.

It is conceivable, of course, that some of the accused might urge as their defense that they acted on superior orders of some of the co-accused. These accused might deny having given such orders. Such defenses are not common or sympathetic, but, we submit, are not so antagonistic as to prejudice the substantial rights of any accused.

Furthermore, if it be true, as alleged in the charge, that the named accused acted together in this shooting and killing of prisoners of war, each accused became a cog-wheel in a monstrous slaughter machine. Now each such cog-wheel or group of such cog-wheels comes into court and demands a severance as a matter of right because their teeth mesh less smoothly when they drip with blood than when oiled with prospects of victory. If the charge that this multi-pronged violation of the laws of war, jointly engaged in by all the accused, is supported by the evidence -- if, in other words, our charge be true -- the Defense is, in effect, insisting that each individual, or at least certain groups, should be tried separately because the roles they played in the bloody tragedy varied or stemmed from unsympathetic, if not antagonistic, sources. They demand, we submit, a retailing of justice for wholesale slaughter.

Beyond recent war crimes trials, precedent for joint trials of such large numbers is probably rare. It is good that it is so, for when in the history of civilized warfare has there been such a reversion to sadistic barbarism as is implied in the charge? Precedent is a valuable aid in the administration of justice, but not a shackle by which the ends of justice are to be thwarted.

On this point the case is closely analogous to the riot and mob violence cases that have come before our own state and federal courts. The Supreme Court has consistently upheld the discretion of the trial courts in denying the motions for severance in such cases. It is very well settled that the question of granting a severance as between defendants jointly indicted is a matter that rests entirely within the discretion of the court.

The Prosecution submits that a joint trial of all accused will deprive no accused of his substantial rights, and that no injustice will be done thereby, but that, on the other hand, separate trials for each accused or for several groups of them would not only entail unnecessary expenditure of scarce professional effort, great repetition in the calling of witnesses and the presentation of evidence, and interminable delay, but such trials would make a mockery of our supposed straight-jacketed Anglo-American system of jurisprudence.

We respectfully insist, therefore, that a wise and just exercise of discretion by the Court demands a single trial of all the accused, and that the motion for severance should be overruled.

CAPT. NARVID: If it please the Court, with respect to precedent, may I state that there is no precedent that can be quoted for this case. This case is without precedent. It cannot be said there is any similarity between a concentration camp case -- a case involving brutality and killings during a long period of time under normal conditions, prior to the war and during the war. In those cases, not only was international law violated, but the laws of humanity, by civilians or military authority, were violated.

The incidents in this case occurred during the most desperate combat situation in the history of this war. There is no basis for asserting that there was any common design in it. Killings occurred in Stavelot and Petit Thier which had no relationship with each other. Numerous incidents alleged had no relationship with the others with respect to personnel involved, commanding officers or men.

This is not a case where government officials or general staff is charged with planning a war which shows or indicates a common design, and then the crimes are alleged as a result of that design. This is a case involving a series of isolated, unrelated incidents.

As I have stated previously, I respectfully ask this Court to grant this motion for severance. Severance is a matter of discretion with the Court. This will not delay the trial, but, in the opinion of the Defense, expedite it, since it will avoid extensive, unnecessary cross-examination among accused and will preclude a denial of the most essential right of all accused, to-wit, the right to cross-examine the accuser.

Thank you.

CAPT. SHUMACKER: Nothing further, if it please the Court.

If the Court please, I would like to make this one further observation:

It is asserted, in argument by counsel, that the practical way to try this case is to divide the defendants into two groups. He suggests, as I understand it, that these groups be composed, first, of those who gave orders, and secondly, those who perpetrated or committed the actual overt acts. Such a suggestion solves absolutely nothing. In the first place, in one group you might have a battalion commander who gave orders, and his platoon leader who passed them on. So the platoon leader is going to insist that his participation, his aiding and abetting, in this crime was done on the orders of his battalion commander.

In the second place, we charge members of this first group that has been suggested as aiding and abetting in the crime. We expect the proof to show that their aiding and abetting consisted in the giving of orders. They, therefore, become accessories before the fact.

It is elementary, now, that an accessory before the fact is equally guilty as a principal. And how are we going to show that a man who gave an order was responsible as an accessory before the fact,

tried as a principal for the killing of prisoners of war, if we don't try the case at one time and show that prisoners of war were killed?

One further observation, if it please the Court: It is asserted by the Defense that these are unconnected events that took place. That does not go to the pleading, but goes to the proof. The Prosecution expects to show that they were quite connected, and were not disconnected, isolated events.

Nothing further for the Prosecution.

COL. ROSENFELD: There being no objection by the Court, the Law Member will render the decision in behalf of the President.

The granting of a motion for severance is within the discretion of the Court. The Court, in the instant case, is guided by the decision in the Dachau case, which has been upheld on review, where over 40 accused were tried at one time, and the decision in the recently completed Mauthausen case, in which 61 accused were tried. The Court is further guided by Section 2 of the Technical Manual for Legal and Prison Officers, page 20, paragraph 205, wherein it is stated that these courts are designed to establish a system of justice which, in the interest of military security, is speedy, effective, and unhampered by unnecessary technicalities, and which, at the same time, manifestly conforms to the high standards of Anglo-American justice.

Bearing in mind the above rule, and further bearing in mind the previously-mentioned Dachau and Mauthausen cases, the motion for severance is denied.

DEFENSE: May it please the Court, at this time it is the desire of the Defense counsel to present to this Court a motion to make the bill of particulars more certain. Lt. Wahler will read this motion to the Court.

LT. WAHLER: In our pleadings there is set forth what we term a specific bill of particulars, dated 8 April 1946. Now, I believe you will find that the charges are attached to your dossier -- that is, if you will refer to Valentin Bersin, he is charged with one or two indi-

vidual offenses. Now, our bill of particulars which was served on us has listed the name and enumerated the charge against each individual. Now, that is what we are referring to as the specific bill of particulars.

The defendants, by their duly appointed Defense counsels, move the Court to quash certain portions of the bill of particulars dated 8 April 1946, heretofore filed against them as a part of the particulars of the first charge of the charge sheet dated 11 April 1946, and as part of the particulars of the first charge of the supplemental charge sheet dated 17 April 1946, or, in the alternative, for a rule on the Prosecution to file a more particularized bill of particulars, for the following reasons:

The particulars of the first charge of the charge sheet and supplemental charge sheet dated 11 April and 17 April 1946 are identical. They fail to disclose the specific incidents and dates of offenses with which the defendants have been charged. The particulars allege a blanket indictment against all of the defendants for a series of unconnected events which occurred between a specified period of time -- namely, 16 December 1944 to and including 13 January 1945.

The Prosecution, anticipating a motion of this type, served the defendants' duly appointed counsel with a separate bill of particulars bearing the date of 8 April 1946. This separate bill of particulars has been made a part of the dossiers and the pleadings in this case.

The separate bill of particulars bears the following introductory paragraph:

"The Prosecution submits, without being limited thereby, the following list of offenses which it expects to prove against the accused named herein:"

Such a limitation is without precedent in proper pleading. The separate bill of particulars has become part of the particulars of the first charge of the charge sheet dated 11 April 1946 and the particulars of the first charge of the charge sheet dated 17 April 1946.

The Prosecution should be bound and limited as to proof by the particulars as set forth in this separate bill of particulars.

It is, therefore, requested and submitted that this phrase "without being limited thereby" be stricken from the separate bill of particulars dated 8 April 1946, and that the Prosecution will be limited in its scope of proof to the charges therein set forth. Should the Prosecution desire to go beyond the charges therein contained, their proper remedy would be to submit a request to the Court and, with the Court's permission, amend their separate bill of particulars dated 8 April 1946. By this method of procedure, the Defense will not be subjected to the element of surprise or having to anticipate evidence which may go beyond the scope of the separate bill of particulars.

The Defense further specifically objects to the following charges listed in the separate bill of particulars, dated 8 April 1946, against the following-named defendants:

Friedrich Christ, Obersturmfuehrer (1st Lt.), Company Commander  
2nd Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

Para. 5. Was responsible for the shootings of prisoners of war by men of his company between 16 December 1944 and 13 January 1945.

Josef Diefenthal, Sturmbannfuehrer (Major), Battalion Commander  
3rd Bn., Pz. Gr. Regt., LSSAH

Para. 4. Was responsible for the shootings of prisoners of war by men of his battalion between 16 December 1944 and 13 January 1945.

Hans Hennecke, Untersturmfuehrer (2nd Lt.), Platoon Leader  
1st Pl., 1st Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

Para. 6. Was responsible for the shootings of prisoners of war and allied civilians by men of his platoon between 16 December 1944 and 13 January 1945.

Benoni Junker, Obersturmfuehrer (1st Lt.), Company Commander  
6th Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

Para. 2. Was responsible for the shootings of prisoners of war and allied civilians by men of his company between 16 December 1944 and 13 January 1945.

Erich Muenkemer, Untersturmfuehrer (2nd Lt.), Platoon Leader  
3rd Pl., 7th Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

Para. 2. Was responsible for the shootings of prisoners of war by men of his platoon between 16 December 1944 and 13 January 1945.

Joachim Peiper, Standartenfuehrer (Col.), Regimental Commander  
1st SS Pz. Regt., (Battle Group Peiper) LSSAH

Para. 7. Was responsible for the shootings of prisoners of war and allied civilians by men of his regiment and battle group between 16 December 1944 and 13 January 1945.

Georg Preuss, Hauptsturmfuehrer (Capt.), Company Commander  
10th Pz. Gr. Co., 3rd Bn., 2nd Pz. Gr. Regt., LSSAH

Para. 3. Was responsible for the shootings of prisoners of war by men of his company between 16 December 1944 and 13 January 1945.

Heinz Rehagel, Untersturmfuehrer (2nd Lt.), Platoon Leader  
1st Pl., 7th Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

Para. 3. Was responsible for the shootings of prisoners of war by men of his platoon between 16 December 1944 and 13 January 1945.

Erich Rumpf, Obersturmfuehrer (1st Lt.), Company Commander  
9th Pz. Pl. Co., 1st SS Pz. Regt., LSSAH

Para. 6. Was responsible for the shootings of prisoners of war and allied civilians by men of his company between 16 December 1944 and 13 January 1945.

Franz Sievers, Obersturmfuehrer (1st Lt.), Company Commander  
3rd Pz. Pl. Co., 1st Pl. Bn., LSSAH

Para. 4. Was responsible for the shootings of prisoners of war by men of his company between 16 December 1944 and 13 January 1945.

Hans Siptrett, Hauptscharfuehrer (M/Sgt.), Platoon Leader  
3rd Pl., 7th Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

Para. 3. Was responsible for the shootings of prisoners of war by men of his platoon between 16 December 1944 and 13 January 1945.

Heinz Tomhardt, Obersturmfuehrer (1st Lt.), Company Commander  
11th Pz. Gr. Co., 3rd Bn., 2nd Pz. Gr. Regt., LSSAH

Para. 2. Was responsible for the shootings of prisoners of war and allied civilians by men of his company between 16 December 1944 and 13 January 1945.

Hermann Friess, Gruppenfuehrer (Lt. Gen.), Commanding General  
1st SS Pz. Corps, 6th SS Pz. Army

Para. 2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of Combat Group Peiper between 16 December 1944 and 13 January 1945.

Hans Gruhle, Hauptsturmfuehrer (Capt.), Adjutant  
1st SS Pz. Regt., LSSAH

Para. 4. Was responsible for the shootings of prisoners of war and allied civilians by men of the 1st SS Pz. Regt. between 16 December 1944 and 13 January 1945.

Oskar Klingelhofer, Hauptsturmfuehrer (Capt.), Company Commander  
7th Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

Para. 2. Was responsible for the shootings of prisoners of war by men of his company between 16 December 1944 and 13 January 1945.

Heinz Hendel, Hauptscharfuehrer (M/Sgt.), Platoon Leader  
2nd Pl., 11th Pz. Gr. Co., 3rd Bn., 2nd Pz. Gr. Regt., LSSAH

Para. 2. Was responsible for the shootings of prisoners of war and allied civilians by men of his platoon between 16 December 1944 and 13 January 1945.

Josef (Sepp) Dietrich, Generaloberst (Gen.), Army Commander  
6th SS Pz. Army

Para. 2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of Combat Group Peiper between 16 December 1944 and 13 January 1945.

Friedel Bode, Unterscharfuhrer (Sgt.), Group Leader  
2nd Pl., 3rd Pz. Pi. Co., 1st Pi. Bn., LSSAH

Para. 3. Was responsible for the shootings of prisoners of war by men of his group between 16 December 1944 and 13 January 1945.

Gustav Knittel, Sturmabfuhrer (Maj.), Bn. Commander  
1st Recon. Bn., LSSAH

Para. 4. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of his battalion between 16 December 1944 and 13 January 1945.

Arndt Fischer, Untersturmfuhrer (2nd Lt.), Adjutant  
1st Bn., 1st SS Pz. Regt., LSSAH

Para. 2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of the 1st Battalion between 16 December 1944 and 13 January 1945.

Kurt Briesemeister, Unterscharfuhrer (Sgt.), Tank Commander  
1st Pl., 1st Pz. Co., 1st Bn., 1st SS Pz. Regt., LSSAH

Para. 4. Was responsible for the shootings of prisoners of war and allied civilians by men of his tank crew between 16 December 1944 and 13 January 1945.

Manfred Coblentz, Obersturmfuhrer (1st Lt.), Company Commander  
2nd Co., 1st Recon. Bn., LSSAH

Para. 2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of his company between 16 December 1944 and 13 January 1945.

Fritz Kraemer, Brigadefuhrer (Brig. Gen.), Chief of Staff  
6th SS Pz. Army

Para. 2. Was responsible for the shootings of prisoners of war and allied civilians by officers and men of Combat Group Peiper between 16 December 1944 and 13 January 1945.

The above charges follow a general pattern of a blanket indictment against the above-named defendants, alleging responsibility for the shooting of prisoners of war and allied civilians by men of their respective units during the period from 16 December 1944 to 13 January 1945.

The Defense contends that these charges are too indefinite and vague and, therefore, preclude the accused from preparing an adequate defense.

The following controlling guide for this Court is found in Section 6, subparagraph (2), Subject: Rules of Procedure in Military

Government Courts, page 34, Technical Manual for Legal and Prison Officers, Second Edition, subject: Military Government, Germany, as follows:

"Each charge shall discuss one offense only and shall be particularized sufficiently to identify place, time and the subject matter of the alleged offense, and shall specify the provisions under which the offense is charged."

The place or incident, as well as the date of the offense, with which the accused are charged, as hereinabove set forth, is not sufficiently particularized as required by the above section.

For this reason, it is respectfully requested that the charges referring to the above-named defendants be stricken on the grounds that they are too indefinite and vague to apprise the respective defendants of the crimes for which they are being charged, and that the phrase "without being limited thereby" be stricken.

With the Court's permission, the Defense has no objection to the amendment of the supplemental bill of particulars by the Prosecution to meet these objections, but, at the same time, allowing the Defense to prepare an adequate defense to the amended charges, if they are made.

PROSECUTION: If the Court please, do any other Defense counsel wish to argue this motion?

DEFENSE: No.

PROSECUTION: If not, Capt. Shumacker will again answer for the Prosecution.

CAPT. SHUMACKER: If it please the Court, a motion has been filed by the defendants to quash the charge or, in the alternative, for a rule to require the Prosecution to file a bill of particulars. The numerous reasons for the motion may be fairly summarized, we believe, as follows:

1. The charge and particulars fail to disclose the specific incidents and date of offenses for which the defendants have been charged.
2. The particulars allege a blanket indictment against all of the defendants for a series of unconnected events.
3. The charges are too indefinite and vague and, therefore, preclude the accused from preparing an adequate defense.

In reply, the Prosecution submits that it is a fundamental rule of pleading that the offense alleged need not be stated with any more definiteness than the nature of the offense permits. It is believed, and the Prosecution insists, that this rule has been complied with. The period of time alleged is comparatively short -- 29 days, to be exact. The places named, though twelve in number, form a comparatively small area, of which fact the Court may and will, we assume, take judicial knowledge -- many of them being small villages a few kilometers apart.

The nature of the offense is certainly clear: the ill-treatment, shooting and killing of members of the armed forces of the United States of America and of Allied civilians.

The Supreme Court of the United States, in *In re Yamashita*, said:

"Obviously charges of violations of the law of war triable before a military tribunal need not be stated with the precision of a common law indictment. Cf. *Collins v. McDonald*, supra, 420. But we conclude that the allegations of the charge, tested by any reasonable standard, adequately alleges a violation of the law of war and that the commission had authority to try and decide the issue which it raised. Cf. *Dealy v. United States*, 152 U. S. 539; *Williamson v. United States*, 207 U. S. 425, 447; *Glasser v. United States*, 315 U. S. 60, 66, and cases cited."

What is the real purpose of a charge or an indictment? Its prime purpose, of course, is to inform the accused or the defendant of the crime with which he is charged with sufficient definiteness so that he can prepare his defense. Can it be seriously contended that any accused before this Court, when the charge was served upon him and a copy thereof with a German translation was handed to him, did not know or understand the offense with which he was charged? Certainly each accused knows whether or not he was at or in the vicinity of the places alleged between 16 December 1944 and 13 January 1945. Certainly each accused knows whether or not he ill-treated, abused, tortured, shot, or killed American prisoners of war or Allied civilians at such places during the period alleged, and he knows whether or not he permitted, encouraged, aided, abetted, or participated therein.

It is true that the charge is a blanket or mass indictment. The offense alleged is likewise mass shooting and killing. It is clear from the charge that the operation of the accused was a continuing one as to both time and place; that the shooting and killing of American prisoners of war and Allied civilians was a continuing criminal act. The fact that the victims were numerous or occurred from the time they first met the Americans until their retreat does not, we submit, make the operation and the criminal act a series of unconnected events requiring a separate charge for each accused as to each victim.

Suppose one of the accused was a company commander and, as such, gave an order to his men prior to an offensive to take no prisoners of war, or that they and Allied civilians should be shot. Suppose that, pursuant to said order, men in his company did shoot prisoners of war -- not one prisoner, but several -- not at one place on one date, but at several places on different dates. Is it not true that the instigation of murder by the issuance of such an order was singular insofar as a criminal offense is concerned?

The act is analogous to a situation where A, the leader of an arson gang, issues instructions to B, C, D, E and F, members of his gang, to set fire to a hotel, or to every hotel in the county. Orders are carried out and a thousand people burn to death. Is the death of each victim a separate offense for which each member of the gang must be indicted and tried separately? We are confident the question answers itself.

As stated above, we charge that the accused acted together in the shooting and killing of prisoners of war and Allied civilians. That this offense was, in fact and in effect, a single, continuing criminal operation is a matter of proof, and the Prosecution is prepared to prove the charge by ample and competent evidence.

There is reference in defendants' motion to a bill of particulars that was served upon Chief Counsel for the Defense at the time

the charges were served, and it is stated that same is a part of the pleadings. The so-called bill of particulars was simply a statement of what we expected to prove was the part each accused played in the perpetration of the offense as charged. It gave the unit, rank, etc., as to each accused. With this material, the Defense was likewise handed a narrative statement containing information as to the route of march of the German column, the component elements of the column, etc. Defense counsel was likewise furnished with a copy of the I. G. report and the Shaef Report covering the massacre of American prisoners at the crossroads south of Malmedy. At a later date, Defense counsel was given copies of almost all of the confessions in the hands of the Prosecution. Obviously, none of this material forms a part of the pleadings in the case. The information was furnished to assist the Defense in a more expeditious preparation of their case.

A similar motion was raised in the trial of the Mauthausen Concentration Camp case, where 61 defendants were charged with subjecting Allied nationals to abuses, tortures, beatings and killings within a network of camps or side-camps over a period of about three and a half years. In that case the Court held that the charge was proper, overruling the motion to quash.

We respectfully insist, therefore, that the charge and particulars are sufficiently definite to apprise the accused of the offense with which they are charged, and that the motion should be overruled.

LT. WAHLER: If the Court please, I would like to make a short answer to the argument of the Prosecution's counsel.

The first thing that I would like to discuss is the one clause that we request be stricken from the bill of particulars: "without being limited thereby."

Counsel has raised the question that the bill of particulars was served upon us as a mere gratuity, and that they shouldn't be bound by what they gave us. Well, if this Court had been appointed possibly a week or ten days ago, we would have approached the Court at that time,

requesting that the Prosecution be compelled to give us a bill of particulars by which they would be bound. They did, however, give us what they term a bill of particulars in their own words, and we contend that they should be bound -- that that bill of particulars has become a part of their pleadings and they should, therefore, be bound.

Counsel further cited the Yamashita case. If we consider the actual facts in the Yamashita case, we will note that there was one charge against Gen. Yamashita, which was as follows:

"While commander of armed forces of Japan at war with the United States of America and its Allies, he unlawfully disregarded and failed to discharge his duty as commander to control the operations of the members of his command, permitting them to commit brutal atrocities and other high crimes against people of the United States and its Allies and dependencies, particularly the Philippines, and he thereby violated the laws of war."

Prior to trial in the Yamashita case, counsel for the defendant appeared before the Military Commission, and the following is quoted by the Court:

"Bills of particulars filed by the prosecution by order of the Commission allege a series of acts, 123 in number, committed by members of the forces under petitioner's command during the period mentioned."

The Court goes on further to specify one particular item which was contained in the bill of particulars, and there they say that a deliberate plan and purpose to massacre 25,000 men and women in the province of Batangas by the Japanese had been ordered. The Court there realized the necessity of setting forth with particularity the particular crimes for which the defendant was forced to answer.

We are asking the same thing in this particular case. We are merely requesting that the Prosecution be limited in its method of proof to the allegations set forth in their bill of particulars. If the term can be excused, we don't care to have the Prosecution going on a fishing expedition at the expense of our defendants.

The question was raised as to military courts not requiring the particularity of an indictment. We agree. We are not asking that the pleadings conform with a common law indictment. All that we are

asking is that the defendants be apprised with what they are charged, and that is merely in compliance with the rules of the Manual.

Now, concerning the second part, wherein various defendants are charged with a blanket indictment of shootings between the period of time of December 16, 1944, to the 13th of January, 1945, we raise the same problem. The defendants are entitled to know in what village their men have committed crimes, the date those crimes were committed, and what men of his unit committed the crimes. In no way are those problems met in this blanket charge.

That is all, if the Court please.

CAPT. SHUMACKER: Nothing further, if the Court please.

COL. ROSENFELD: There being no objection by the Court, the Law Member will make the ruling on behalf of the President.

An offense must be stated in as definite a nature as circumstances permit. In the instant case, an allegation of the violation of the laws and usages of war is charged by the Prosecution. Violations of the laws and usages of war are rather broad, but they must necessarily be so because of the offenses committed.

The bill of particulars -- or the charge, I should say -- as presented to the Defense by the Prosecution, lists a variety of crimes committed over a period of 29 days. The burden of proving those crimes is upon the Prosecution. The Prosecution has submitted to the Defense what the Defense called a bill of particulars, which, in effect, is additional information which was available in the hands of the Defense. The submission of this additional information does not, at this stage, limit the Prosecution under the charge as filed.

The Court is mindful of the Yamashita case, where the Supreme Court of the United States held that charges of violations of laws of war triable before a military tribunal need not be stated with the precision of a common law indictment. The Court is further guided by the decision on a similar motion in the Mauthausen case, where the same issues were argued and the motion denied.

If the proof is not produced on the part of the Prosecution which is covered by the charge and allegations, the Defense then has as its privilege a motion to strike.

The motion to make the bill of particulars more certain is denied.

DEFENSE: May it please the Court, there are no further motions at this time on the part of the Defense.

PRESIDENT: The Court is adjourned, to meet at 0830 tomorrow morning.

(Whereupon the Court, at 1720 hours, adjourned until the following day, to be reconvened at 0830 hours on 17 May 1946.)

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May 1946.)

(Whereupon the court reconvened at 0830, 17

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

PROSECUTION: If the court please, let the record show that all of the members of the court, all of the members of the prosecution and of the defense are present, and the reporter is present. If the court pleases, there are two additional interpreters to be sworn this morning.

(Whereupon Lieutenant Werner Conn and Mr. Herbert Rosenstock, War Crimes Division, Headquarters Third United States Army, were sworn as interpreters.)

PRESIDENT: If there are any witnesses in the courtroom who intend to appear for either the prosecution or the defense, they should now leave the courtroom.

TJA: If the court pleases, a large number of the prosecution staff will be witnesses in this case, at one time or another, during the proceedings.

PRESIDENT: It is not essential, in their case. The accused will now plead --

DC: May it please the court, if it is the desire of the court to interrogate each witness individually as to his plea, we would like to say at this time that each of the accused has been interrogated individually and they all desire to plead "not guilty".

PRESIDENT: Very well, that is acceptable to the court and would expedite the proceedings.

DC: All of the accused plead not guilty as charged.

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PRESIDENT: The court reserves the right to interrogate the court at a later time, if this is necessary. Does the prosecution desire to make an opening statement?

PROSECUTION: If the court pleases, the prosecution does desire to make an opening statement. In order that the court may better understand the presentation of the evidence in this case, we will briefly outline the evidence that we expect to show.

The offensive which is referred to in this trial was known to the Germans as the Eifel Offensive. To the Americans, it is more commonly referred to as the Battle of the Bulge, the Rundstedt Offensive or the Ardennes Offensive. We expect to show that for this offensive there existed a general policy to spread terror and panic, to avenge the so-called terror bombings, and to break all resistance by murdering prisoners of war and unarmed civilians.

In preparation for this offensive, which started on the 16th of December, 1944, Hitler held a meeting of his Army Commanders at Bad Nauheim on the 11th or 12th of December, 1944, where he spoke for some three hours. In this speech Hitler stated that the decisive hour for the German people had arrived; that the Army would have to act with brutality and show no humane inhibitions; that a wave of fright and terror should precede the Army and that the enemy's resistance was to be broken with terror.

We expect the evidence to show that the 6th Panzer Army, commanded by the accused Dietrich, passed on the tenor of Hitler's speech in an order to its subordinate commands in words and substance to the effect that "considering

the desperate situation of the German people, a wave of terror and fright should precede the troops; that the German soldier should in this offensive recall the innumerable German victims of the bombing terror; that the enemy's resistance had to be broken by terror, that prisoners of war must be shot when the local conditions of combat should so require it." This order was passed on down through Corps, Division, and Regiment.

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The 1st SS Panzer Regiment, commanded by the accused Peiper, passed on this order to subordinate commands in words and substance to the effect that "this fight will be conducted stubbornly, with no regard for Allied prisoners of war who will have to be shot, if the situation makes it necessary and compels it." This order was read to subordinate commanders who in turn passed it on down to Company Commanders who likewise passed it to lower echelons and to the troops.

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8

We expect the evidence to show that on the afternoon of the 15th and during the night of the 15th-16th of December, at the assembly area in the vicinity of Blankenheim, Germany, troop meetings were held of the companies, platoons, and tank groups, where these orders were given to the troops in varying degrees of boldness and callousness, depending upon the individual speaking. Some troops were told to excel in the killing of prisoners of war, as well as in the fighting, others that they would fight again in the old traditional SS manner. Still others were told to make plenty of "Rabatz", which, in the SS parlance, means to have plenty of fun by killing everything that comes in sight. And again others were told to "Bump off everything that came before their guns." All troops were warned that in the event of capture the existence of these orders must not be made known to the enemy. That night the troops gathered around their camp fires, awaiting zero hour, singing "The Song of Blood and the Long Knives".

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It was the first time this song had been sung in the West. From these speeches and activities, the troops believed that they could disregard the rules of the Geneva Convention with impunity and that they could fight as they had previously done on the Russian front.

The evidence will show that the 6th Panzer Army, which was commanded by the accused Dietrich, was composed, among others, of the 1st SS Panzer Corps, commanded by the accused Priess; that the 1st SS Panzer Corps was composed, among others, of the 1st SS Panzer Division LSSAH and the 12th SS Panzer Division "Hitler Jugend". The 1st SS Panzer Regiment was commanded by the accused Peiper and was one of the elements of the 1st SS Panzer Division commanded by Mohnke. This command of Peiper's was also known as "Combat Group Peiper". This combat group was composed of two battalions of four companies each and a reconnaissance battalion composed of eight companies. In addition, there were two companies of pioneer troops and other miscellaneous troops consisting of headquarters companies, heavy tank battalion, divisional artillery and anti-aircraft organizations. We expect the evidence to show that it is this Combat Group Peiper which has committed the alleged atrocities in this case.

The evidence will show that "D" Day for the 1st SS Panzer Regiment in the Eifel Offensive was 16 December 1944 and that their route of march was as follows: From the woods near BLANKENHEIM to DAHLEM to STADTKYLL to KRONENBURG to HALLSCHLAG to SCHEID to LOSHEIM, all in Germany, thence into Belgium to LANZERATH to HONSFELD to BUELLINGEN to SCHOPPEN to ONDENVAL to THIRIMONT to a crossroads south of MALMEDY at BAUGNEZ to LIGNEUVILLE (known to the Germans as ENGELSDORF) to

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STAVELOT to LA GLEIZE to STOUMONT. The high water mark of the offensive was reached on the 19th of December, where by that time the Regiment was at the railroad station beyond Stoumont. From here they were forced to withdraw to LA GLEIZE, where they were surrounded by American troops until the night of the 23-24 December, when they broke out of the pocket by retreating on foot to the south, after destroying their vehicles and other supplies. It must be pointed out that when the 1st SS Panzer Regiment passed through Stavelot during the advance they failed to clean out all of the American troops. Subsequently, the Americans were reinforced and cut Peiper's supply lines. In order to open up a supply route, Peiper ordered Knittel, the commander of the Reconnaissance Battalion, to go back and open up Stavelot. Knittel's Battalion passed through Stavelot on the evening of the 18th. It returned and attacked from the West on the 19th, but failed to open up the supply lines. It was during the preparation for this attack and during the attack that a large number of Belgian civilians were killed by members of the Reconnaissance Battalion.

During the fighting in the STAVELOT-LA GLEIZE-STOUMONT sector, elements of the regiment appeared at Cheneuz, at TROIS PONTS, at WANNE, at LUTRE BOIS and at PETIT THIER. After the retreat to the south, the line was stabilized for a period in front of PETIT THIER, which included the date of 13 January 1945.

We expect the evidence to show that throughout this offensive the troops of the 1st SS Panzer Regiment proceeded to execute their orders to kill unarmed and defenseless prisoners of war and unarmed Allied civilians with zeal and enthusiasm. We expect the evidence to show that they murdered them not only at the crossroads south of MALMEDY, where

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the bodies of 71 American prisoners of war were found, and where 43 other Americans whom they attempted to kill escaped -- but this latter in addition.

In six separate incidents at HONSFELD, they murdered 28 to 40 American prisoners of war.

In thirteen separate incidents at BUELLINGEN, they murdered 62 to 90 American prisoners of war and at least 9 Belgian civilians.

In two separate incidents at LIGNEUVILLE, they murdered 48 to 58 American prisoners of war.

In twenty-one separate incidents at STAVELOT and vicinity they murdered 8 American prisoners of war and at least 73 Belgian civilians.

In three separate incidents at WANNE, they murdered at least 6 civilians.

In one incident at LUTRE BOIS, they murdered at least 1 civilian.

In two incidents at CHENEUX, they murdered 41 to 51 American prisoners of war.

In two incidents at TROIS PONTS, they murdered at least 4 civilians.

In twenty-four separate incidents at STOUMONT they murdered 104 to 109 American prisoners of war and at least 1 Belgian civilian.

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In eighteen separate incidents at LA GLEIZE, they murdered 175 to 311 American prisoners of war and at least 3 Belgian civilians.

And finally, on the 13th of January, long after the failure of the offensive, on the order of the Regimental Commander and the Regimental Surgeon, they murdered a starving and frozen American prisoner of war who had come out of the woods to surrender after hiding for two weeks.

In summarizing the above, we expect the evidence to show that in the short space of time covered by the Charge, the 1st SS Panzer Regiment murdered in at least 94 known incidents 538 to 749 Americans who had surrendered and were prisoners of war, and over 90 Belgian civilians. It must be pointed out that these figures do not represent the historical truth as to the total number of victims murdered by the 1st SS Panzer Regiment during this offensive, but only the number the prosecution expects the evidence to show.

It is practically an impossibility to present to the Court the evidence on this mass of murders in a chronological sequence and in an understandable manner, for the reason that a great portion of the evidence to be submitted by the Prosecution will be confessions and statements of the accused and that, in most instances, the accused have knowledge of more than one phase of this case. In addition, they will involve not only themselves but other accused, as well as many that are not named as defendants. The same is true of witnesses that will be called by the Prosecution. The Prosecution will endeavor to present the evidence in a chronological order as far as possible and we request the Court to bear with us.

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The Court's attention is also directed to the fact that many of the witnesses that the Prosecution will call are former comrades-in-arms of the defendants and members of the 1st SS Panzer Regiment that perpetrated these alleged crimes. It must be anticipated that many of the defendants are their close friends. Basically and fundamentally, these witnesses, who are prisoners of war, must be considered as unfriendly and unwilling witnesses, who are testifying against their former comrades with the greatest reluctance. It will come as a surprise to the Prosecution if at least in some instances, the testimony of these witnesses is not inconsistent with the story given by them at the investigation. This may cause the Prosecution some embarrassment and make it necessary to impeach some of its own witnesses. Unfortunately, due to the very nature of the alleged crimes, willing witnesses in most instances are unavailable because they are dead. Therefore, the Prosecution, to prove its case, must rely upon the testimony of prisoners of war with a known lack of enthusiasm for the position in which they find themselves.

It should be borne in mind that when this case was referred for investigation the names of the alleged perpetrators were unknown. Not a single murderer was available to confront another suspect. All that was known was that the 1st SS Panzer Regiment was in the area at the time the offenses were committed. In order to properly investigate these crimes, all the members of the Regiment whose whereabouts were assembled in the War Crimes Enclosure, Internment Camp #78, at Zuffenhausen. Here approximately 993 prisoners were brought together in one large barracks. Due to the publicity that this case had received, it did not take long before these

war criminal suspects knew what they were there for. Security was impossible under these conditions, as each man interrogated, when he returned to the barracks, told his comrades everything that he had learned through the interrogation. Poetschke, the commander of the 1st Battalion, was known to be dead, and soon the responsibility for all their misdeeds was being laid at his feet. Poetschke became the stock answer to all questions.

To correct this leak in security and make it possible to break the case, the group was screened and approximately 500 individuals of probable interest were moved to IPW #2, Schwabische Hall. This was a former German penitentiary. Here the suspects were placed in individual cells and the greatest security was maintained to keep them from communicating with one another and from knowing who among their former comrades was present. It was exceedingly important that they not see one another, and, to prevent this, they were moved blindfolded from their cells to the interrogation rooms. This was accomplished by means of a hood over their heads.

From the 1st of December, until they were moved to Dachau, in late April, an additional 200 to 300 suspects were interrogated along with the original 500. Despite the youth of these suspects, it took months of continuous interrogation in which all the legitimate tricks,<sup>?)</sup> ruses and stratagems known to the investigators were employed. Among other artifices used were stool-pigeons, witnesses who were not bona fide and ceremonies. Some tricks that were the most simple were the most effective. It must be remembered that in the beginning all living witnesses amongst the Regiment who could identify perpetrators were themselves suspects and no one volunteered to bear witness against his former comrades-in-arms.

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The fact must not be lost sight of that these war criminal suspects were all SS men, still knowing that they must obey the order given way back in BLANKENHEIM that is captured they should not give any information about the killing of prisoners of war and civilians. This conspiracy of silence was like a solid wall that separated the investigators from the truth they had to know. To pull down this wall was most difficult, as the genuinely friendly and willing witnesses were dead. /

We now expect to be able to prove that the 74 defendants now on trial before this court being concerned as parties, did, in conjunction with other persons, wilfully, deliberately and wrongfully permit, encourage, aid, abet and participate in the killing, shooting, illtreatment, abuse and torture of members of the Armed Forces of the United who were prisoners of war of the German Reich and of unarmed Allied civilian nationals.

(Opening Statement -- Prosecution)

DEFENSE COUNSEL: May it please the Court, there may be some objection to this on the part of the Prosecution but in view of the opening —

PROSECUTION: (Interrupting) Do I understand that you are now going to make an opening statement for the Defense?

DEFENSE COUNSEL: It is not an opening statement for the Defense. It is simply a guide or perhaps a suggestion to the Court in view of the statements made in the opening statement. It will only take two minutes.

PROSECUTION: May it please the Court, I will object to any statement by the Defense, at this time. There is a proper place for them to make an opening statement and that is at the opening of the case for the Defense and not now. I am ready to proceed with my case, at this time.

PRESIDENT: The objection of the Prosecution is overruled. The Defense may proceed.

DEFENSE COUNSEL: May it please the Court, the Defense Counsels in this case were duly appointed by the Third Army and are a part of our American jurisprudence system. Our Government has said, each defendant or accused shall be represented and assured of a fair trial. We, as Defense counsels, will serve these 74 defendants in a dignified manner and with our utmost zeal. We will attempt to interpose no objections or conduct useless interrogation for the sake of delay. We must of necessity seek out and call the Court's attention to any evidence which tends to be unreliable or which shows prejudice or malice. Also the Defense counsels are charged under our American system of trials to cast aside any personal feelings that we may have, and guarantee the immutable rights of the individual under our Constitution to these defendants by throwing around each the cloak of "America's fair trial." May the proceedings of this trial rise above any spirit of victor or vanquished as well as any popular passion or frenzy to

retaliate for our fallen comrades. Let it be said at the conclusion of this trial that the mighty Army of the United States, even in the afterglow of victory and during our enemy occupation, have not destroyed the right of the fair trial which further demonstrates our spirit of Democracy. The Defense counsels recognize that the Court, itself, is in a similar position to ourselves, but we have full confidence that each of you will abandon during this trial any spirit motivated by prejudice, hatred or vengeance and will assume a dispassionate attitude.

At this point, may we respectfully call the Court's attention to the variance between this trial before you and previous trials held in this theater. The defendants are all German officers or enlisted men. The War Crimes as charged by the Prosecution are generally against American soldiers and a few Belgium civilians. There is no "common design" as in concentration camp cases nor is there any premeditated murderous extermination plan over a long period of years. This is entirely a heat of battle case, a desperate counter-offensive by our beaten enemy, a "lost battalion" without the benefit of supplies and communications.

PROSECUTION: At this time, I must interpose another objection. This is not the proper place to make this statement.

PRESIDENT: The objection is overruled.

DEFENSE COUNSEL: (Continuing) Therefore, Defense respectfully requests, regardless of the severity of the charges presented by the Prosecution or the gruesomeness of the evidence introduced, that each of you, mentally reserve your opinions as to the destiny of these accused until the Defense has had an opportunity to submit its witnesses and evidence. Defense counsel desires the privilege of making a further statement at the opening of the Defense for the accused. Thank you. " " " " " "

(Whereupon the statement of the Defense was translated into the German language.)

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PRESIDENT: The Prosecution will proceed.

PROSECUTION: May it please the Court, the Prosecution, at this time will offer in evidence a copy of the letter from the Deputy Theater Judge Advocate addressed to the Commanding General, Third US Army, APO 403, US Army, referring this case to trial by the Third Army. Will you mark it please as Prosecution Exhibit No. 1 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 1 for identification by the reporter.)

DEFENSE COUNSEL: Do you state that this is a true copy of the original?

PROSECUTION: It is. The original of this letter is unobtainable at this time.

DEFENSE COUNSEL: The Defense has no objection.

PROSECUTION: I will offer Prosecution Exhibit No. 1 in evidence and ask that it may be made a part and attached to this record. May I read it to the Court?

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-1.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-1 and is attached hereto and made a part of the record.)

PROSECUTION: (Reading) " TO: Commanding General, Third US Army, APO 403, US Army, Attn: Staff Judge Advocate.

1. Reference paragraph 2b, letter, Headquarters, United States Forces, European Theater (OO:5-2 GAP), 16 July 1945, subject: Trial of War Crimes and Related Cases, it is requested that the above case be referred to trial before a General Military Government Court on charges and particulars heretofore approved by this office as a result of conference between this office and your office.

- "2. No other nations have an interest in this case sufficient to require attendance of their observers at the trial.
3. In view of the large number of accused and in the interest of expedition and avoidance of confusion at the trial, it is recommended that in addition to military defense counsel not more than four (4) of the civilian defense counsel be allowed to make objections, arguments before the court and interrogate witnesses. These are to be selected by all of the civilian defense counsel, and act as their spokesmen, should their number exceed four. In the event it is asserted that anticipated conflicts of interest among the accused will require, in the interest of fairness, the active participation of an additional number of such civilian defense counsel, it is suggested that this office be consulted in the matter.

C. B. MICKELWAIT,  
Colonel JAGD,  
Deputy Theater Judge Advocate"

PROSECUTION: Does the Defense desire this translated?

DEFENSE COUNSEL: Yes, for the benefit of the counsel here.

(Whereupon Prosecution Exhibit No. P-1 was translated into the German language by the interpreter.)

PROSECUTION: The Prosecution offers a stipulation between Defense counsel and the Prosecution, dated 8 May 1946. Will you please mark this as Prosecution Exhibit No. P-2 for identification?

(Whereupon the document referred to was marked Prosecution Exhibit No. P-2 for identification by the reporter.)

DEFENSE COUNSEL: The Defense has no objection.

PRESIDENT: There being no objection the exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-2.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-2 and is attached hereto and made a part of the record.)

PROSECUTION: Permission is requested to read the stipulation.

PRESIDENT: You may read it.

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PROSECUTION: (Reading) "It is hereby stipulated and agreed by and between the accused, their counsel and the Prosecution, that, the map marked "Prosecution's Exhibit No. 3" for identification - - -

Will the reporter please mark the map on  
on the wall as Prosecution Exhibit No. P-3 for identification?

(Whereupon the document referred to was marked Prosecution  
Exhibit No. P-3 for identification by the reporter.)

PROSECUTION: (Continuing reading) "- - is a map of a section of land in Germany and Belgium, in the vicinity of the towns of Bahlem, Germany and Malmedy, Stoumont, St. Vith, and Bastogne, Belgium; that it is a fair, and reasonably accurate representation on paper of that section of land, with the roads, terrain features and other data shown thereon together with all entries and notations appearing thereon; that it is drawn to scale to make a reasonable reproduction, with added features, of portions of map of Central Europe 1:100,000, G.S., G.S., No. 4416, Bonn, Sheet S-1, published by the War Office 1944 and map of Belgium and N.E. France, 1:100,000, G.S., G.S., No. 4436 MARCHE, Sheet 13, published by the War Office 1943.

(Signed) Burton F. Ellis  
Lt. Colonel, JAGD  
Trial Judge Advocate

Willis M. Everett, Jr.  
Colonel MT.  
Chief Defense Counsel"

(Whereupon the document, Prosecution Exhibit No. P-2 was translated into the German language.)

PROSECUTION: Prosecution moves that the map, marked Prosecution Exhibit No. P-3 for identification be admitted in evidence and made a part of this record.)

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DEFENSE COUNSEL: Defense has no objection.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-3.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-3 and is attached hereto and made a part of the record.)

PROSECUTION: May it please the Court, the Prosecution moves that the Exhibit marked Prosecution Exhibit P-3 be withdrawn from the record at the conclusion of this trial and substituted therefore maps of Central Europe 1:100,000, G.S., G.S., No. 4416, Bonn, Sheet S1, published by the War Office 1944 and map of Belgium and N. E. France, 1:100,000, G.S., G.S., No. 4436 MARCHE, Sheet 13, published by the War Office 1943.

DEFENSE COUNSEL: Defense has no objection.

PRESIDENT: There being no objection by the Defense, it will be done.

PROSECUTION: The Prosecution call 1st. Lt. Perl as the first witness.

PROSECUTION: The Prosecution calls its first witness,  
Lieutenant Perl.

1st Lieutenant WILLIAM R. PERL, a witness for the Prosecution  
was sworn and testified as follows:

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your name, rank, organization and station.

A William R. Perl, First Lieutenant with War Crimes Branch,  
USFET, at present on temporary duty with Third Army.

Q When were you assigned to War Crimes Branch?

A In July 1945.

Q What was your assignment with War Crimes Branch during  
the past six months?

A I have been chief interrogator in the Malmedy case.

Q Do you speak and understand German?

A Yes.

Q During the course of your assignment as an investigator  
of Malmedy, did you ever have occasion to take a statement from  
Joseph Sepp Dietrich?

A Yes.

Q Is he an accused in the case now hearing before this  
court?

A Yes.

Q Could you identify him if you were to see him again?

A Yes.

Q Take a look at the defendants seated on your left and  
tell the court if he is among those present.

A Yes, he is.

Q What number is he wearing?

A Number 11.

PROSECUTION: Will Number 11 stand up?

(Whereupon the accused stood up.)

PROSECUTION: Prosecution hands the reporter a statement to be marked Prosecution's Exhibit Number 4 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit Number 4 for identification by the reporter.)

LT. COLONEL DWINELL: At this time the counsel for the accused will very vigorously press an objection to the introduction of a sworn confession of the accused, Dietrich.

PROSECUTION: May it please the Court, I am not offering it.

PRESIDENT: It is marked and identified only.

LT. COLONEL DWINELL: I misunderstood. I thought you were offering it at this time.

PROSECUTION: I will, but not at this time.

LT. COLONEL DWINELL: I will continue my argument at that time.

DEFENSE: No objection to the identification.

QUESTIONS BY PROSECUTION:

Q I hand you this statement marked Prosecution's Exhibit Number 4 for identification and ask you if you can identify it?

A Yes, I can.

Q Do you know whose handwriting this statement is in and who has signed it?

A Yes.

Q Whose is it?

A Sepp Dietrich.

Q Is this the same Joseph Sepp Dietrich you have just identified as wearing Number 11?

A Yes.

Q Was this statement signed in your presence?

A Yes.

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Q Was anyone else present when it was signed?

A Yes.

Q Who was it?

A Mr. Morris Elowitz.

Q Was this statement sworn to?

A Yes.

Q Who administered the oath?

A I did.

Q Was the statement made voluntarily?

A Yes.

Q Was duress used to obtain the statement?

A No.

Q Did you make any threats or promises to obtain the statement?

A No.

Q Was any harsh, cruel or inhuman treatment used to obtain the statement?

A No.

Q Where was this statement made?

A In one of the interrogation cells at I.P. 2 at Schwaebisch Hall.

Q What was this place?

A It was used -- it was an old German penitentiary.

Q Were you stationed there?

A Yes.

Q For how long?

A From the first day of December 1945 up to approximately the middle of April 1946.

Q What was it primarily used for?

A For the interrogation and screening of suspects in the Malmody case.

Q Was this its primary purpose during the entire period you were stationed there?

A Yes.

Q Was Dietrich interrogated more than once?

A Yes.

Q Did he make a statement?

A Yes.

Q Was it oral or written?

A He made first oral statements and then written statements.

Q How was this statement you have in your hand, marked Prosecution's Exhibit Number 4 for identification taken?

A Dietrich was first interrogated as to the subject this statement covers. During this interrogation he made oral statements. When the information was obtained he was asked to write it down. I told him I would dictate the statement because we had the experience that statements written by the defendants themselves become outstandingly long. I stressed, however, that it is his statement and that if I say or dictate something with which he does not agree, he should object right away. Then I started dictating the statement and many of the sentences I had discussions with him whether one or the other quotation should not be put in.

Q With respect to Dietrich, were any special security measures employed during his interrogation?

A Yes.

Q What were they?

A He was brought into the interrogation room blindfolded and was brought back to his own cell blindfolded again.

PROSECUTION: Prosecution hands the reporter an article to be marked Prosecution's Exhibit Number 5 for identification.

DEFENSE: No objection.

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(Whereupon the article referred to was marked  
Prosecution's Exhibit Number 5 for identification by the reporter.)

Q I hand you Prosecution's Exhibit marked Number 5 for  
identification and ask you if you know what it is?

A Yes, I do.

Q Tell the court what it is.

A It is a hood similar to those which were used for bringing  
suspects to the interrogation rooms and bringing them back again to  
their cells.

PROSECUTION: Prosecution offers in evidence Prosecution's  
Exhibit marked Number 5 for identification, to be marked Prosecution's  
Exhibit Number 5 and attached to the record.

DEFENSE: May it please the Court, there is no objection to the  
introduction of this hood as a similar hood, not as one of the hoods  
that was used at Schwaebisch Hall.

PRESIDENT: Is that agreeable to the Prosecution?

PROSECUTION: I offer in evidence one of the hoods used at  
Schwaebisch Hall.

DEFENSE: If that is one of the hoods, that is all right. As  
I understood it, the chief prosecutor stated that that was similar.

PROSECUTION: The witness said it was.

DEFENSE: No objection.

PRESIDENT: There being no objection, the exhibit offered by  
the Prosecution will be admitted in evidence and marked "P-5".

(Whereupon the article referred to, having been  
previously marked and identified was received in evidence at  
Prosecution's Exhibit Number 5 and is attached hereto and made  
a part of the record.)

PROSECUTION: Prosecution moves that Prosecution's Exhibit  
"P-5" be removed from evidence and a typewritten statement be  
substituted therefor.

PRESIDENT: That is all right.

QUESTIONS BY PROSECUTION:

Q Was General Dietrich treated in any different manner from other prisoners because of his former rank?

A No.

Q Do you know who the guards were at I.P. Number 2, Schwaebisch Hall?

A I don't know personally. I know they were Poles at the end.

Q Who were they at the beginning?

A At the beginning members of some tank destroyer unit; later on members of some field artillery unit and later on, Poles.

Q Who were the guards while Dietrich was there at Schwaebisch Hall?

A Poles.

Q Were the guards under the command of War Crimes Branch?

A No.

Q Did you ever order any of them to mistreat Dietrich?

A No.

Q Do you know of any mistreatment by the Polish guards of Dietrich?

A Yes.

Q How did this come to your knowledge?

A Dietrich once mentioned to me that when being brought into the interrogation room he was kicked by someone he could not identify into his behind. At the same time he told me that he would not like me to do anything about it and I shouldn't even tell Colonel Ellis about it because it was not worthwhile.

PROSECUTION: Prosecution offers in evidence Prosecution's Exhibit Marked Number 4 for identification, to be marked "P-4" and attached to the record.

LT. COLONEL DWINELL: We object first because we have not had an opportunity to read the English translation of the confession

and secondly we press our objection on legal grounds in general. We are going to press this objection at the introduction of each succeeding confession that is offered in sworn evidence form, but at this time we would like to give the court very definitely and at length our reasons for the objection.

DEFENSE: Does the Court desire this speech to be translated?

PRESIDENT: They do, yes.

LT. COLONEL DWINELL: The introduction of sworn testimony, we contend, is in contravention of Rule 10, found also under sub-heading, section (5). . .

PRESIDENT: Wait a minute, let the interpreter keep up.

LT. COLONEL DWINELL: . . . of the rules of procedure in military government courts, which is set forth on page 36 of the Technical Manual for Legal and Prison Officers, 2d Edition. That rule contains a mandatory provision that the accused shall not be sworn. Now, we contend that if a sworn confession is received in evidence by the court in disregard of the provisions of Rule 10, the Prosecution will accomplish the introduction of evidence indirectly which the accused have been forbidden to introduce directly. Further, the accused having been forbidden to offer sworn testimony in his own behalf, the Prosecution should not be permitted to introduce the accused's testimony in any form. That would have higher probative value than evidence in rebuttal available to the accused. In any event, we maintain that a confession of an accused in a joint trial cannot be received in evidence to involve any other accused and should be limited as evidence against the person making the confession. We have made a study of this particular point that has been mentioned about involving other accused and we find that that is the rule in our military courts and we find that that is the accepted rule in our civil courts in America. . . .

Referring to military courts, the Courts-Martial Manual provides on page 76 -- correction, on page 61, paragraph 76, and  
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I quote:

"If the statement made by an accused himself includes admissions or confessions that may be considered as evidence in the case, but in a joint trial the statement by one accused is not evidence against his co-accused."

Now, reading many reported cases in our civil courts, we summarize the law as follows: The voluntary confession of a co-defendant or co-conspirator made after the commission of a crime or after the termination of a conspiracy cannot be admitted against the other defendants when such confession was not made in their presence and assented to by them, even though the several defendants are being tried together. This does not, however, necessarily preclude the use of the confession as evidence against the one who made it. According to the general rule, if the several defendants are tried together, the confession of one such defendant can be admitted against that defendant with instructions by the court that it is only admitted against that one defendant and is not to be considered as evidence against the co-defendants. May it please the Court, I have reference to several cited cases. Does the Court desire to have me read them?

PRESIDENT: Yes.

LT. COLONEL DWINELL: *People v. Young*, 316, Ill. 508, 147 N.E. 425, citing R.C.L.; *People v. Buckminster*, 274 Ill. 435, 113 N.E. 713, citing R.C.L.; *Marcum v. Com.* 227 Ky. 356, 13 S.W. (2d) 243, citing R.C.L.; *State v. Allison*, 175 Minn. 218, 220 N.W. 563, 61 A.L.R. 970; *State v. Smith* 201 Wis. 8, 229 N.W. 51, citing R.C.L. There are other cases, but we cited a few representative cases from various state courts in the United States as argument in support of this proposition.

PROSECUTION: If the Court please, I do not believe the Defense has raised any new points that have not been ruled on previously in other general military courts where they have tried war criminals. As for rules of evidence, this court is only bound by the rules as set forth in Military Government Germany Technical Manual for  
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Legal and Prison Officers, Second Edition. I am sure the Court is perfectly familiar with all these rules that apply to the admission of confessions of co-accused. It is purely at the discretion of the Court whether they believe it is admissible evidence.

LT. COLONEL DWINELL: May it please the Court, we have very carefully examined the rules set forth in the Technical Manual and we are unable to find any specific reference to the introduction of sworn confessions. On page 36, under sub-paragraph (5), there is the statement that "Any statements then made may be received as evidence," but we are contending that sworn statements may not be received unless the defendant is given the same opportunity. We, the Defense have no cited cases of decisions by other military government courts on this subject and we would like to have counsel for the prosecution make reference thereto so that we might make an examination of those cases and be at liberty to argue therefrom.

PROSECUTION: It is my understanding that this question was raised in the Borkum Island case and I believe it was also raised in the Mauthausen case, although I am not certain about the Mauthausen case. But, I would like to point out to the Court that the paragraph (5) cited by Defense Counsel says:

"The court may interrogate the accused at the time of pleading or at the trial, but shall not apply any compulsion to require him to answer. Any statements then made may be received as evidence. If the accused chooses to testify at a later stage of the trial, he may do so, but he may not be required to do so and shall not be sworn."

This refers to an entirely different proceeding than the taking of a sworn statement and does not govern the taking of a sworn statement.

LT. COLONEL DWINELL: We contend that it does cover the taking of a sworn statement. We contend that this rule was set forth in order to give to the court a set of rules in variance with the normal practice before the courts. Normally it is a

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privilege of the accused to take the stand in his own behalf and be sworn. In view of this normal situation, the rules were set up especially to say that these particular accused may not have that privilege and therefore we contend that we are not able to rebut sworn evidence on the part of the Prosecution except by a very low form of evidence, namely an unsworn statement.

PRESIDENT: Court will take a thirty minute recess.

(Whereupon the Court recessed at 1000 hours.)

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(Whereupon the Court reconvened at 1030 hours.)

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 Captain Shumacker who is absent on business of the prosecution, all the members of the defense, all of the accused and the reporter are present.

LT COL DWINELL: May it please the court, the defense has two additional points that we would like to raise at this time. We would like to call to the Court's attention that the defense is at a distinct disadvantage when the prosecution offers German script of confessions without having given us a translation in advance. And we respectfully request the court to rule that in the future where such confessions are offered that we be given the translations in sufficient time to be apprised of the contents thereof.

Secondly we would like to call the Court's attention to the fact that the defense intends to make similar objections to the sworn nature of the translations as each one is subsequently introduced.

DEFENSE COUNSEL: May it please the Court, Dr. Leiling representing German counsel would like to make further remarks, in connection with this objection.

PROSECUTION: If the Court please, I would like to dispose of the two matters raised by the other defense counsel on the submission of the translations of these statements. We propose to submit a translation, but not until we offer it in evidence.

LT COL DWINELL: We intend to make an attack on some of these confessions, raising the question of duress. Conceivably the confession may not contain any damaging evidence and

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that objection would not be appropriate.

LAW MEMBER: There being no objection, the Law Member rules that under no consideration should the prosecution be forced to submit to defense in advance of introduction of a statement, which has erroneously been called a confession, because the Court doesn't know whether it is a confession or not, and under no condition should prosecution be forced to submit such statement or translation before its production in evidence. The defense will be given ample opportunity to attack the statement after its introduction in evidence. In the future the prosecution upon offering a document will have such translation at the same time.

DEFENSE COUNSEL: Dr. Leiling.

DR. LEILING: The regulations concerning the procedure before Military Government Courts makes certain concessions as to the continental practice and I should like to draw the attention of the Court to the fact that the continental practice is important as to these sworn statements too. Here it would not be understood if a person or a defendant were pinned down by a sworn statement made before trial because the Investigator in Germany even has not the right of attestation, I mean to swear somebody in. This right lies exclusively with persons holding the status of a Judge.

That is all I want to say.

LAW MEMBER: Is there anything further on the argument?

DEFENSE COUNSEL: Not at this time.

LAW MEMBER: There being no objection by the Court, the Law Member will make a ruling on behalf of the President in so far as admission of evidence before this tribunal is concerned. The Court will follow Section 18, paragraph 1 of the trial procedure as contained in the Technical Manual for Legal and Prison Officers, 2nd Edition, wherein it is stated that a Military

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Government Court shall in general admit oral, written and physical evidence having a bearing on anything before it and may exclude any evidence which in its opinion is of no value as proof; the court will place such probative value on all evidence, particularly on this type placed before it, as it deems fit.

The objection is therefore overruled.

(Whereupon the above ruling and argument of counsel was interpreted to the German counsel and the accused as same took place.)

PROSECUTION: Prosecution has offered Prosecution's Exhibit 4, so marked for identification, to be admitted in evidence and marked Prosecution's Exhibit 4. Will the Court please rule?

DEFENSE COUNSEL: No objection.

PRESIDENT: There being no objection, the exhibit offered by the prosecution is admitted in evidence and will be marked Exhibit P-4.

(Whereupon the document having previously been marked "Prosecution's Exhibit No. 4 for Identification," was received in evidence and marked "Exhibit P-4" and same is attached hereto and made a part of this record.)

PROSECUTION: Prosecution offers in evidence a true and correct English translation of Prosecution's Exhibit 4 to be attached to the record and marked Prosecution's Exhibit 4-A.

DEFENSE COUNSEL: No objection on the part of the defense.

PRESIDENT: There being no objection, the exhibit offered by the prosecution is admitted in evidence and will be marked Exhibit P-4A.

(Whereupon the document referred to above was received in evidence and marked Exhibit P-4A.)

PROSECUTION: Permission is requested to read the translation of Prosecution's Exhibit P-4A. Attached to the translation is Translator's Affidavit. Does the Court desire to have that read?

DEFENSE COUNSEL: May it please the Court, for the benefit of the record we can read the first one and thereafter skip it, avoid the reading thereof.

PRESIDENT: Yes.

(Whereupon Exhibit P-4A was read in the English language as follows:

"TRANSLATOR'S AFFIDAVIT

"I, GEORGE MILLER assigned to War Crimes Branch, United States Army, APO 635, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Josef Dietrich  
taken on 28 March 1946 at Schwabisch Hall, Germany, before WILLIAM R. PERL, 1st Lt., M. I. consisting of 2 pages, into English.

II, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

/s/ George Miller  
George Miller

Sworn and subscribed to before me, this 3rd day of April 1946 at Schwabisch Hall, Germany.

/s/ Raphael Shumacker  
War Crimes Branch, USFET  
Capt. C M P

"I, Generaloberst and Oberstgruppenfuehrer, Josef DIETRICH, after first duly sworn, state the following:

"Since October 1944, until the capitulation on 9 May 1945, I was Supreme Commander of the 6th Panzer Army.

" In March 1945, this Army was officially renamed to 6th Panzer Army. It was, however, always the same Army, only the name was changed. Among others the 1st SS Panzer Korps which was commanded by General Lieutenant PRIES belonged to my Army.

"The Leibstandarte Adolf Hitler, was a Division which just like the Division Hitler Jugend belonged to the 1st SS Panzer Korps.

"The 1st SS Panzer Regiment as well as the combat group mentioned which was commanded by Standartenfuehrer Joachim FEIPER during the EIFEL offensive 1944 to 1945 belonged to the Leibstandarte Adolf Hitler and therewith to the 1st SS Panzer Korps.

"I have made this statement voluntarily and out of my own free will, uninfluenced by duress, threats, or harsh treatment.

"I swear before God that the facts in this statement are true and I am prepared to repeat them before any court.

Josef DIETRICH  
Generaloberst and Oberstgruppenfuehrer  
Supreme Commander  
of the 6th SS Panzer Army  
SCHWABISCH HALL, 28 March 1946.

"Witnessed in the presence of:  
MORRIS ELWITZ  
Civ Investigator  
WCB USFET

Sworn to and subscribed before me this  
28th day of March 1946 at SCHWABISCH HALL, Germany.

WILLIAM R PERL  
1st Lt. M.I. C-55E149  
Investigator-Examiner  
WCB"

(Whereupon Exhibit P-4 was read in the  
German language to the accused and German counsel.)

PROSECUTION: Prosecution offers in evidence to be  
marked Prosecution's Exhibit 4-B and 4-C two affidavits ex-

ecuted by Josef Dietrich identifying Joachim Peiper and Hermann Friess.

PRESIDENT: Any objection?

DEFENSE COUNSEL: There is no objection.

PRESIDENT: There being no objection, the exhibits offered by the prosecution are admitted in evidence and will be marked Exhibits P-4B and P-4C.

(Whereupon the documents referred to above were received in evidence and marked Exhibits P-4B and P-4C, respectively, and are attached hereto and made a part of this record.)

PROSECUTION: Permission is requested to read the affidavits to the Court.

PRESIDENT: Yes.

(Whereupon Exhibits P-4B and P-4C were read in both the English and German languages as follows:

Exhibit P-4B

"I, Josef Dietrich, being first duly sworn, make the following statement under oath:

"The above two photographs are photographs of the same Standartenfuehrer Joachim Peiper mentioned by me in my affidavit, dated 28 MAR 1946.

/s/ Josef Dietrich  
First Name Last Name

Generaloberst-Oberstgruppenfuehrer  
Rank

6 Panzer Army  
Organization during Eifel Offensive

"Sworn to and subscribed before me this 14th day of April, 1946

/s/ Robert M Byrne  
Officer administering oath

1st Lt JAGD  
Rank Arm or Service"

Exhibit P-4C

"I, Josef Dietrich, being first duly sworn, make the following statement under oath:

"The above two photographs are photographs of the same General-Leutenant Fries mentioned by me in my affidavit, dated 28 MAR 1946

/s/ Josef Dietrich  
First Name Last Name

Generaloberst-Oberstgruppenfuehrer  
Rank

6 Panzer Army  
Organization during Bifel Offensive

"Sworn to and subscribed before me this 14th day of April, 1946.

/s/ Robert E Byrne  
Officer administering oath

1st Lt JAGD  
Rank Arm or Service"

PROSECUTION: Prosecution hands the reporter a statement to be marked Prosecution's Exhibit 6 for Identification.

(Whereupon the document referred to above was marked "Prosecution's Exhibit 6 for Identification".)

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QUESTIONS BY PROSECUTION:

Q I hand you Prosecution's exhibit marked Number 6 for identification and ask you if you can identify it?

A Yes.

Q Do you know whose handwriting it is in and who has signed it?

A Yes.

Q Who is it?

A Sepp Dietrich.

Q Is the Sepp Dietrich that signed this statement marked Prosecution's Exhibit Number 6 for identification the same Josef Dietrich that you have identified as wearing number 11?

A Yes.

Q Did he sign it in your presence?

A Yes.

Q Was this statement sworn to?

A Yes.

Q Was this statement taken in the same manner as the one you previously testified to?

A In a similar manner.

Q Will you describe how this statement was taken?

A Sepp Dietrich was first interrogated and gave an oral statement and then a written statement was taken from him in the same way as the first statement mentioned before. This first written statement showed many corrections and the next day it was rewritten. This is the rewritten and final copy.

Q Was anyone else present during the interrogation?

A Yes.

Q Who was it?

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A Colonel Ellis.

Q Was the statement obtained voluntarily?

A Yes.

Q Were any threats or promises made to obtain this statement?

A No.

Q Was any harsh, cruel or inhumane treatment used to obtain this statement?

A No.

PROSECUTION: Prosecution offers in evidence a statement marked Prosecution Exhibit Number 6 for identification, to be attached to the record and marked Prosecution's Exhibit Number 6.

LT. COL. DWINELL: On behalf of the Defense, we make the same objection as has been made in the previous exhibit on the ground that Prosecution is offering a sworn statement that can only be rebutted by unsworn evidence.

PRESIDENT: Objection overruled. The exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-6.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-6 and is attached hereto and made a part of the record.)

PROSECUTION: Will you mark this Prosecution Exhibit P-6-A, please?

(Whereupon the document referred to was marked Prosecution Exhibit No. P-6-A for identification by the reporter.)

PROSECUTION: Prosecution offers in evidence a true and correct English translation of Prosecution's Exhibit 6, to be attached to the record and marked Prosecution's Exhibit Number P-6-A.

DEFENSE COUNSEL: No objection.

PRESIDENT: There being no objection, the exhibit

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offered by the Prosecution is admitted into evidence and will be marked Exhibit P-6-A.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-6-A and is attached hereto and made a part of the record.)

PROSECUTION: Permission is requested to read Exhibit P-6-A.

PRESIDENT: Permission is granted.

PROSECUTION: (Reading) "I, Oberstgruppenfuehrer and Generaloberst, Sepp DIETRICH, having been first duly sworn, make the following statement:

During the EIFEL Offensive in December 1944 and January 1945, I was Supreme Commander of the 6th Panzer Army.

On 12 December 1944 a conference with the Fuehrer took place in BAD NAUHEIM. All officers up from Divisional Commander belonging to those units which were to be committed in the impending ARDENNES Offensive participated in this conference. The Fuehrer gave a three-hour address at this conference. In this, he said among other things, that the impending battle must be won by all means. The decisive hour of the German people had arrived and it was to be or not to be. We would have to fight hard and recklessly. (The Fuehrer said furthermore that we would have to act with brutality and show no humane inhibitions. The Fuehrer also said that a wave of fright and terror should precede us and that the enemy's resistance is to be broken by terror.

In the order which I issued for the 6th Panzer Army for the EIFEL Offensive, due to the talk of the Fuehrer, I ordered that our troops have to be preceded by a wave of terror and fright and that no humane inhibitions should be shown.

I can no longer remember the exact wording but this was the sense of the order.

I ordered further that every resistance is to be broken by terror.

However, I certainly did not order that the prisoners of war should be shot. I didn't mention prisoners of war at all. Whoever claims anything of the sort is speaking the untruth!

I have made this statement voluntarily and of my own free will, not having been influenced by threats, force or duress, or promises of any kind.

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I swear to God that the facts which I have set forth in this statement are true and I am prepared to repeat same before any court of justice.

(signed) Sepp DIETRICH  
Generaloberst Oberstgruppenfuehrer  
22 March 1946 6th Panzer Army

Witnessed:

(signed) RAPHAEL SHUMACKER  
Capt. CMP  
Sworn to and subscribed before me this  
twenty-second day of March 1946 at  
SCHWABISCH HALL, GERMANY  
WILLIAM R. PERL  
1st Lt. M.I. C-555149  
Investigator-Examiner, USFET

(Whereupon Prosecution's Exhibit P-6-A was read in the German language to the Court and the accused by the interpreter.)

PROSECUTION: Prosecution hands the reporter a statement to be marked Prosecution's Exhibit P-7 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-7 for identification by the reporter.)

QUESTIONS BY PROSECUTION (Contd.)

Q During the course of your assignment as an investigator in the Malmedy case, did you ever have occasion to interrogate Joachim Peiper?

A Yes.

Q Is he an accused in this case now in hearing before this Court?

A Yes.

Q Can you identify him?

A Yes.

Q Take a look at the defendants on your left and see if he is among those present.

A Yes.

Q What number is he wearing?

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A 42.

PROSECUTION: Joachim Peiper, stand up.

(Whereupon the accused stood up as directed.)

LT. COL. DWINEIL: May I object to this and ask for a ruling from the Court? Counsel for the Prosecution has introduced two exhibits pertaining to the accused Dietrich. Counsel for the Prosecution is now offering in evidence exhibits of the same nature with respect to the accused Peiper. For the convenience of the Court, we would like to have a ruling at this time as to whether or not we may not be permitted at this moment to begin the cross examination of the witness with respect to the taking of Dietrich's statement and then when that matter has been decided, to proceed with the next accused.

PRECIDENT: Objection overruled.

QUESTIONS BY PROSECUTION (Contd.)

Q During the course of your interrogation of Peiper, did he make a statement?

A Yes.

Q Was it oral or written?

A First oral and then written.

Q I hand you a statement marked Prosecution Exhibit P-7 for identification and ask you if you can identify it?

A Yes, I can.

Q Do you know whose handwriting this statement is in and who signed it?

A Yes.

Q Whose is it?

A Joachim Peiper's.

Q Is this the same Joachim Peiper you have just identified as wearing number 42?

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A Yes.

Q Was the statement signed in your presence?

A Yes.

Q Was the statement taken under oath?

A Yes.

Q Who administered the oath?

A I did.

Q Was this statement given voluntarily?

A Yes.

Q Was any duress used to obtain the statement?

A No.

Q Did you make any threats or promises to obtain the statement?

A No.

Q Did you use any harsh, cruel or inhumane treatment to obtain this statement?

A No.

Q Was this statement taken in the same manner as those you took from Dietrich which you have previously testified to?

A In the same manner as Dietrich's statement and the one which has been first introduced here.

Q I hand you Prosecution's Exhibit Number 5 and ask you if this was used on the accused Peiper when he was moved inside the prison?

A The same kind of hood was used on Peiper too.

Q Was it for the same purpose as when it was used on Dietrich?

A Yes.

PROSECUTION: Prosecution offers in evidence Prosecution's exhibit marked number P-7 for identification, to be

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attached to the record and marked Prosecution Exhibit Number P-7.

DEFENSE COUNSEL: May it please the Court, there is no objection except that as previously interposed and if we could at this time have a ruling from the Court as to the character of each one of these sworn statements pertaining to the accused, we will not make a similar objection in the future. As I understand, the Court has ruled that these will be admitted in evidence for whatever probative value the Court decides they have. If we could at this time have a ruling we will not interject any more objections. If the Court could rule on each one of these, not individually, but as a blanket ruling, that all future confessions of the accused that have been sworn to, that the Defense makes the same objections that were previously denied.

LAW MEMBER: There being no objection by the Court, the Law Member will make the ruling on behalf of the President.

*Law*  
The request of Counsel for Defense must necessarily be denied in view of the fact that it is impossible for the Court to determine in advance the contents or the nature of any statement or the conditions under which it was obtained. It is suggested that if the Defense wish to object to each statement as it is offered, the Defense may note its objection on record, giving the same reasons as given heretofore.

PRESIDENT: Objection overruled. The document will be received.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution's Exhibit P-7, is attached hereto and made a part of this record.)

PROSECUTION: Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit P-7, to

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be attached to the record and marked Prosecution Exhibit P-7-A.

DEFENSE COUNSEL: No objection.

PRESIDENT: There being no objection to the exhibit offered by the Prosecution is admitted in evidence and will be marked Exhibit P-7-A.

(Whereupon the document referred to was marked Prosecution Exhibit P-7-A and was received in evidence as Prosecution Exhibit P-7-A, is attached hereto and made a part of this record.)

PROSECUTION: Permission is requested to read Prosecution Exhibit P-7-A to the Court.

PRESIDENT: Permission is granted.

PROSECUTION: (Reading):

"I, SS Standartenfuhrer Joachim PEIPER, after being duly sworn state:

"During the EIFEL offensive in December 1944 and January 1945, I was commander of the 1st SS Panzer Regiment L.SS.A.H. as well as leader of the Armored group which was under my command.

At that time my Armored Group belonged to the Leibstandarte Adolf Hitler. The official name of the L.SS.A.H. was the 1st SS Panzer Division L.SS.A.H. The commander of the 1st SS Panzer Division L.SS.A.H. was at that time SS Oberfuhrer Willibald MOHNKE.

The 1st SS Panzer Division L.SS.A.H. belonged at that time to the 1st SS Panzer Korps, which at that time was under the command of SS Gruppenfuhrer General Lieutenant PRIESS.

The 1st SS Panzer Korps belonged at that time to the 6th Panzer Army which was under the command of SS Oberstgruppenfuhrer and Generaloberst Sepp (Josef) DIETRICH.

The 6th Army was generally called by us 6th SS Panzer Army. However, I believe that the name 6th SS Panzer Army was only later adopted officially.

I have made this statement voluntarily and of my own will, uninfluenced by duress, threats, or harsh treatment, and uninfluenced by promises of any kind.

I swear before God that the facts stated in this

9-5/17-SR-9  
Sally fls  
Barton

statement are true and I am prepared to repeat them, under oath at any time before any court.

(signed) Joachim Peiper  
SS Standartenfuhrer  
28.III.1946.

Sworn to and subscribed before me this  
twenty eighth day of March 1946 at  
SCHWABISCH HALL, Germany

WILLIAM R. PERL  
1st Lt. M.I. C-555149  
Investigator-Examiner  
War Crimes Branch  
USFET "

(Whereupon Prosecution Exhibit P-7-A was read in the German language to the Court and the accused by the interpreter.)

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PROSECUTION: Permission is requested to read Prosecution's Exhibit P-7-A to the Court.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-7-A was read to the Court in the English language.)

" I, SS Standartenfuehrer Joachim Peiper, after being duly sworn state:

During the EIFEL offensive in December 1944 and Jan 1945, I was commander of the 1st SS Panzer Regiment L.S.S.A.H. as well as leader of the Armored group which was under my command.

At that time my armored Group belonged to the Leibstandarte Adolf Hitler. The official name of the L.S.S.A.H. was the 1st Panzer Division L.S.S.A.H. The commander of the 1st SS Panzer Division L.S.S.A.H. was at that time SS Oberfuehrer Willibald Mohrke.

The 1st SS Panzer Division L.S.S.A.H. belonged at that time to the 1st SS Panzer Korps, which at that time was under the command of SS Gruppenfuehrer General Lieutenant Priess.

The 1st SS Panzer Korps belonged at that time to the 6th Panzer Army which was under the command of SS Oberstgruppenfuehrer and Generaloberst Sepp (Josef) Dietrich.

The 6th Army was generally called by us 6th SS Panzer Army, however I believe that the name 6th SS Panzer Army was only later adopted officially.

I have made this statement voluntarily and of my own will, uninfluenced by duress, threats, or harsh treatment, and uninfluenced by promises of any kind.

I swear before God that the facts stated in this statement are true and I am prepared to repeat them, under oath, at any time before any court.

(signed) Joachim PEIPER  
SS Standartenfuehrer  
28.III. 1946.

Sworn to and subscribed before me this twenty eight day of March 1946 at SCHWABISCH HALL, Germany.

WILLIAM R PERL  
1st Lt. M.I.O-555149  
Investigator-Examiner  
War Crimes Branch.  
USFET

(Whereupon the German translation of above statement was then read to the Court by the Interpreter.)

PROSECUTION: The Prosecution offers in evidence two (Perl-direct)

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Picture Affidavits executed by the accused Joachim Peiper, to be marked Prosecution's Exhibits P-7-B and P-7-C and attached to the record.

DEFENSE: There is no objection on the part of the defense.

PRESIDENT: There being no objection, the Exhibits offered by the Prosecution are admitted into evidence and will be marked Exhibits P-7-B and P-7-C.

(Whereupon the documents referred to, having been previously marked and identified were received in evidence as Prosecution's Exhibits P-7-B and P-7-C - are attached hereto and made a part of the record.)

PROSECUTION: I will now read Prosecution's Exhibit P-7-B:

(Whereupon Exhibit P-7-B was read to the Court in English language as follows:)

" I, Joachim Peiper, being first duly sworn make the following statement under oath:

The above two photographs are photographs of the same Gruppenfuehrer General-Lieutenant Pries mentioned by me in my affidavit dated 28 March 1946.

Joachim Peiper  
SS Standartenfuehrer  
I.SS Pz Rgt. L.SS.A.H.

Sworn to and subscribed before me this  
15th day of April 1946.

ROBERT E BYRNE  
1st Lt. JAGD. "

(Whereupon the German translation of Exhibit P-7-B was read to the Court by the interpreter :)

PROSECUTION: I will now read to the Court Prosecution's Exhibit P-7-C:

(Whereupon Exhibit P-7-C was read to the Court in English language as follows:)

" I, Joachim Peiper, being first duly sworn, make the following statement under oath:

The above two photographs are photographs of the same Generaloberst Sepp (Josef) Dietrich mentioned

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17.S.3.

by me in my affidavit dated 28 Mar 1946.

Joachim Peiper  
SS Standartenfuhrer  
1 SS Pz Rgt. L.SS.A.H.

Sworn to and subscribed before me this  
15th day of April 1946.

ROBERT E BYRNE  
1st Lt. JAGD

(Whereupon the German translation of Exhibit P-7-C was read to the Court by the Interpreter.)

PROSECUTION: The prosecution hands to the Reporter statement to be marked Prosecution's Exhibit 8 for identification (Whereupon the document referred to was marked Prosecution's Exhibit P-8 for identification by the Reporter).

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q During the course of your assignment as investigator in the Malmedy case, did you ever have occasion to interview Fritz Kraemer ?

A Yes

Q Is he one of the accused in the case now in hearing before this Court ?

A Yes.

Q Can you identify him ?

A Yes.

Q Take a look at the defendants on your left and see if he is among those present ?

A Yes.

Q What number is he wearing ?

A Thirty-three

PROSECUTION :Will the accused Kraemer please stand up?  
(Whereupon the accused Fritz Kraemer stood up for identification by witness).

Q During an interrogation did Kraemer make a statement ?  
(perl-direct)

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17. S. 4.

A Yes

Q Was it oral or written ?

A First oral then written.

Q I now hand you this statement marked Prosecution's Exhibit P-8 for identification and ask you if you can identify it ?

A Yes

Q Do you know whose handwriting it is in and who signed it?

A Yes

Q Is this the same Fritz Kraemer you have identified as wearing number 33 ?

A Yes

Q Was this statement signed in your presence ?

A Yes

Q Is the statement taken under oath ?

A Yes

Q Who administered the oath ?

A I did

Q Was any duress used to obtain this statement ?

A No.

Q Did you make any threats or promises to obtain this statement ?

A No

Q Did you use any harsh, cruel, or inhuman treatment to obtain this statement ?

A No

Q Was this statement taken in the same manner as those you took from Dietrich and Peiper which you have previously testified to ?

A No.

Q How did it differ ?

A I took his oral statement first and then I asked Kraemer if he would object if I would call a stenographer and then I called one of the German Officers there - a stenographer - and in Kraemer's presence I dictated the contents of his oral statement to this German

(Perl-direct)

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Officer. Then I left and while I was absent the German stenographer dictated from his shorthand notes the statement of Kraemer. Then I asked Kraemer whether this is his statement and then he answered in the affirmative. I had him sign it and took his oath.

Q Who was the German Officer who acted as stenographer?

A He was the adjutant of the 1st battalion and his name is Kramm.

Q Adjutant of the 1st battalion of what regiment ?

A Of the 1st SS Panzer Regiment.

Q Was Kramm a prisoner of war at the time he acted as stenographer ?

A Yes he was.

Q Was a hood, similar to Prosecution's Exhibit P-5 used on Kramm when he was moved inside the prison ?

A Yes.

Q Was it used for the same purposes as it was used on Dietrich and Peiper ?

A Yes.

PROSECUTION: The Prosecution now offers in evidence as Prosecution's Exhibit P-8, for identification to be attached to the record and marked Prosecution's Exhibit P -8.

DEFENSE: The Defense makes an objection - the same objection as previously made to the Exhibits in connection with Dietrich and Peiper.

PRESIDENT: Objection over-ruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-8.

PROSECUTION:-The Prosecution offers in evidence a true and correct English translation of Exhibit P-8 to be attached to the record and marked Prosecution's Exhibit P-8-A.

DEFENSE: No objection

PRESIDENT: There being no objection, the Exhibit

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offered by the Prosecution is admitted into evidence and will be marked Exhibit P-8-A.

PROSECUTION: The Prosecution requests permission to read Exhibit P-8-A to the court.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-8-A was read to the court in the English language.)

" I, Fritz Ludwig Karl Kraemer, being first duly sworn, state as follows:

Since the 16th November 1944 I was Chief of Staff of the 6th Pz Army which was generally called 6th SS Pz Army. This function I exercised therefore, during the preparation of the Ardennes Offensive, and during the Ardennes offensive, which started on the 16th December 1944 and lasted until approximately the 20th January 1945. I held this function as Chief of Staff of the 6th Pz Army until the capitulation in May 1945. In November and December 1944, and January 1945 my rank was SS Brigadefuehrer and Generalmajor of the Waffen SS. SS Brigadefuehrer as well as Generalmajor are the lowest General ranks. In April 1945, I was promoted by one rank and became SS Gruppenfuehrer and General-Lieutenant of the Waffen SS. Throughout this entire period the SS Oberstgruppenfuehrer and Generaloberst of the Waffen SS, Oberbefehlshaber (Commander in Chief: trans note) of the 6th Pz Army, Sepp Dietrich was my immediate superior.

In my capacity as Chief of Staff of the 6th Pz Army, it was among other things, my task to draft orders of the 6th Pz Army, which went to its subordinate units, and have them prepared and subsequently presented for signature to the Oberbefehlshaber Oberstgruppenfuehrer Dietrich.

All orders which originated from the 6th Pz Army had to go through my hands.

Prior to the Eifel offensive 1944, a large Army order went to the corps under me, among them also the 1st SS Pz Corps, which was under the command of SS Gruppenfuehrer and General-Lieutenant of the Waffen SS Priess. Also a number of smaller orders went to the Corps, naturally, also to the 1st SS Pz Corps.

The large order of attack which contained all tactical and technical details and in my estimation comprised about 30 typed pages went to the Corps between the 6th and 10th of December 1944. Apart from other smaller orders also an order of the day went to the Corps, immediately prior to the offensive -- I believe it was on the 14.12.1944 -- which was to be read and made known to the troops only immediately prior to the offensive.

The most important orders were signed personally by Oberstgruppenfuehrer Sepp Dietrich. In any case, the large attack order and the order of the day mentioned previously to be made known to the troops only immediately prior to the offensive, were signed by him.

This order of the day which was to be made known to

(Perl -direct)

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the troops prior to the offensive went from us to the corps, from the corps to the divisions and from there further on down. This was either done by us, that is the 6th Pz Army - reproducing the order and delivering the copies to the corps or else that the corps reproduced the original order.

In case we ourselves did not send copies to the corps, the corps too might simply have read the order to the commanders under it, whereby the commanders could have taken notes in order to be able to pass it on to the troops.

However, it is also possible that the army itself prepared copies and sent them to the corps.

In all tactical orders, also in the large attack order, as well as in the order of the day, it was also stated among other things that the Maas had to be reached as quickly as possible. I stated at first in my oral interrogation that it also read in this order that one should not be concerned about prisoners of war. In an oral interrogation afterwards, I then stated that it read in this order that the leading units must not delay themselves with the evacuation of prisoners of war because this was the task left to the units following up.

The combat group under the command of Oberstf. J. Peiper was such a forward unit. For the commitment of this combat unit Peiper the Army is not responsible.

This happened by order of the 1st SS Pz Corps, or the 1st SS Pz Div IBSAH. Furthermore, it was said that the enemy who was east of the Maas must be destroyed. In an order I no longer recall which one it was, it also read that the expected terror of the civilian population was to be broken by force. I no longer know whether it said here that the terror of the civilian population was to be broken by terror. Anyhow violent measures were recommended for this. I know for certain that in the order of the day, it stated among other things that every man must commit himself ruthlessly with his whole self. It is possible that it read in the order of the day made known to the troops that it should be fought in the old SS spirit.

I know that Oberstgruppenfuehrer Sepp Dietrich upon his return from the conference with the Fuehrer, left our Headquarters for a short time to look up General Priess of the 1st SS Pz Corps, to give instructions.

It is unknown to me what sort of instruction it was Oberstgruppenfuehrer Dietrich gave General Priess orally.

I made this statement voluntarily and of my own will, uninfluenced by duress, threats or harsh treatment and uninfluenced by promises of any kind.

I swear before God that the statements which I made in this deposition are true and am prepared to repeat same under oath before any court.

Fritz Ludwig Karl Kraemer  
SS Gruppenfuehrer and General-Lieutenant  
of the Waffen SS.  
10 April 1946.

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Witness;  
Homer B Crawford  
Lt Col. Air Corps.

Sworn to and subscribed to before me this  
10th day of April 1946, at Schwabisch Hall,  
Germany.

WILLIAM R PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner.  
WCB.USFET.

(Whereupon the German translation of Exhibit P-8 was read to  
the Court by the Interpreter)

PROSECUTION: The Prosecution offers in evidence  
two picture affidavits of Fritz Ludwig Karl Kraemer, to be marked  
as Prosecution's Exhibits P-8-B and P-8-C.

DEFENSE: There is no objection on the part of the  
Defense.

PRESIDENT: There being no objection, the Exhibits  
offered by the Prosecution are admitted into evidence and will  
be marked P-8-b and P-8-C.

PROSECUTION: The prosecution requests permission to  
read to the court, Prosecution's Exhibit P-8-b.

PRESIDENT: Granted.  
("hereupon Exhibit P-8-B was read to the Court in the English Lang-  
uage as follows):

" I Fritz Ludwig Karl Kraemer, being first duly  
sworn, make the following statement under oath:

The above two photographs are photographs of  
the same Sepp Dietrich mentioned by me in my affidavit  
dated 10 April 1946.

Fritz Ludwig Karl Kraemer  
Generalleutnant der Waffen SS  
Stab 6 Panzer Armee.

Sworn to and subscribed before me this  
15th day of April 1946.

RAPHAEL SHUMACKER  
Capt. CMP. "

(Whereupon the German translation of Exhibit P-8-b was read to the  
Court by the interpreter.)

PROSECUTION: The Prosecution also requests permission  
to read Exhibit P-8-C to the Court.

PRESIDENT: Granted.

(Perl-direct)

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17.S.9.

(Whereupon Prosecution's Exhibit P-8-c was read to the Court in the English language as follows:)

" I Fritz Ludwig Karl Kraemer, being first duly sworn make the following statement under oath:

The above two photographs are photographs of the same Gruppenfuehrer and General Lieutenant Priess mentioned by me in my affidavit dated 10 April 1946."

Fritz Ludwig Karl Kraemer  
Generalleutnant Waffen SS  
Stab 6 Panzer Armee.

Sworn to and subscribed before me this  
15th day of April 1946  
RAPHAEL SHUMACKER  
Capt.CMP.

(Whereupon the German translation of Exhibit P-8-C was read to the Court by the interpreter).

PROSECUTION: The Prosecution hands the Reporter a statement to be marked Prosecution's Exhibit P-9 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit P-9 for identification by the Reporter.)

Q During the course of your interrogations did you take more than two statements which Dietrich signed?

A Yes

Q I now hand you prosecution's Exhibit P-9 for identification and ask you if you can identify it ?

A Yes I can.

Q Do you know in whose handwriting this statement is and who signed it ?

A Yes

Q Who was it ?

A Sepp Dietrich

Q The same Dietrich you have previously identified as wearing Number 11 ?

A Yes

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1 Y S 10

Q Was that statement signed in your presence ?

A Yes

Q Was that statement taken under oath ?

A Yes

Q Who administered the Oath ?

A I.

Q Was this statement given voluntarily ?

A Yes

Q Was any duress used to obtain that statement ?

A No.

Q Did you make any threats or promises to obtain that statement ?

A No.

Q Did you use any harsh, cruel or inhuman treatment to obtain this statement ?

A No.

Q Was this statement taken in the same manner as that which you took from Dietrich which you have previously testified to?

A In a similar manner.

PROSECUTION: The Prosecution offers in evidence Exhibit marked P-9 for identification to be attached to the record and marked Prosecution's Exhibit P-9.

DEFENSE: We object for the reasons previously stated.

PRESIDENT: Objection over-ruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P -9.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution's Exhibit P-9 and is attached hereto and made a part of the record.)

PROSECUTION: The Prosecution offers in evidence a  
(Perl-direct)

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true and correct English translation of Prosecution's Exhibit P-9  
to be attached to the record and marked Prosecution's Exhibit P-9-A.

DEFENSE: There is no objection on the part of the

• Defense:

PRESIDENT: There being no objection, the Exhibit offered  
by the Prosecution is admitted into evidence and will be marked  
Exhibit P-9-A.

(Whereupon the document referred to, having been received in evidence  
as Prosecution's Exhibit P-9-A is attached hereto and made a part of  
the record.)

PROSECUTION: The Prosecution requests permission to  
read Exhibit P-9-A to the Court.

PRESIDENT: Permission granted. --- At this time the  
court will recess until 1315 hours.

(Whereupon the court then recessed at 1200 hours)

MAY 17, 1946

AFTERNOON SESSION

(Whereupon the Court reconvened at 1315 hours,  
17 May 1946.)

PRESIDENT: 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  
Captain Shumacker who is absent on business of the  
prosecution, all members of the defense with the  
exception of Mr. Strong and Dr. Pfister who are  
absent on business of the defense, all of the  
accused and reporter are present.

WILLIAM R. PERL, a witness for the Prosecution,  
resumed the stand and testified further through an  
interpreter as follows:

DIRECT EXAMINATION (CONTINUED)

PROSECUTION: I will now read Prosecution's  
Exhibit Number P-9-A.

"I, Oberstgruppenfuehrer and Generaloberst  
Sepp DIETRICH, being duly sworn state the following:

"The present Gruppenfuehrer and General-  
Lieutenant of the Waffen SS Fritz Ludwig Karl  
KRAEMER, was from November 1944 until 10 May 1945  
Chief of Staff of the 6th Panzer Army. Before and  
during the ARDENNES offensive his rank was  
Brigadefuehrer and Generalmajor of the Waffen SS.

"All orders which were issued by the 6th Panzer  
Army either originated from him or were prepared  
on his orders. All orders which were submitted to  
me for signature went through the hands of my  
Chief of Staff Brigadefuehrer KRAEMER.

"When before the beginning of the ARDENNES  
offensive I came back from the conference with the  
Fuehrer I briefly informed Brigadefuehrer KRAEMER

(William Perl - Direct)

XI,2sp

of the speech and intentions of the Fuehrer.

"I believe that the order which was to be read to the troops immediately before the beginning of the offensive was drawn up and signed by me immediately after my above described short meeting with Brigadefuehrer KRAEMER, therefore probably on the 13th December 1944.

"On the early morning of the 15th or 16th December 1944 I do not recall the exact date any more, it was a short time before the beginning of the offensive, I visited the Commanding General of the 1st SS Panzer Korps, General Leutnant PRIESS at his command post. There I discussed with him the method of the commitment.

"I have made this statement voluntarily and of my own will uninfluenced by force, threats or duress, and uninfluenced by promises of any kind.

"I swear before God that the statements in this deposition are true and I am prepared to repeat same before any court under oath.

(signed) Sepp DIETRICH  
Generaloberst-Oberstgruppen-  
fuehrer  
11 April 1946.

Witnessed in the presence of:  
MORRIS ELOWITZ  
Civilian Examiner  
WCB USFET

Sworn to and subscribed to before me this  
11th day of April 1946, at Schwabisch Hall,  
Germany.

WILLIAM R. PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner  
War Crimes Branch USFET."

(Whereupon the statement was read in German by  
interpreter.)

PROSECUTION: Prosecution offers in evidence  
picture affidavit signed by Sepp Dietrich to be  
attached to the record and marked Prosecution's  
Exhibit P9-B.

DEFENSE COUNSEL: No objection.

(William Perl --Direct)

XI,3sp

PRESIDENT: There being no objection the exhibit will be received in evidence and marked Prosecution's Exhibit No. P-9-B.

(Whereupon the document referred to above was received in evidence as Prosecution's Exhibit No. P-9-B and is attached hereto and made a part of the record.)

PROSECUTION: Prosecution requires permission to read P-9-B.

PRESIDENT: Granted.

"I, Sepp Dietrich, being first duly sworn, make the following statement under oath:

"The above two photographs are photographs of the same General Leutnant PRIESS mentioned by me in my affidavit, dated 11 April 1946.

(signed) Josef Sepp Dietrich  
Oberstgruppenfuehrer  
6th SS Pz. Army

Sworn to and subscribed before me this 15th day of April, 1946.

Raphael Shumacker  
Capt. CMP"

(Whereupon the statement was read in German by interpreter.)

PROSECUTION: In order to present the case in as near a chronological order as possible, the prosecution would now like to excuse the witness, Lt. Perl and call another witness. We will have to recall Lt. Perl on many occasions however.

#### CROSS EXAMINATION

#### QUESTIONS BY DEFENSE (LT. COL. DWINELL)

Q How long was Dietrich at Schwabisch Hall?

A Approximately three weeks.

Q During that period of time he was

(William Perl - Cross)

XI,4sp

interrogated many times, was he not?

A Yes.

Q Were all the interrogations conducted by you?

A I don't know that.

Q Now you said on direct examination that the interrogations were conducted in a so-called interrogation cell, is that correct?

A Right.

Q You had an office for the transaction of business in the prison at Schwabisch Hall, did you not?

A Yes.

Q Why was it necessary to conduct the examination in a cell?

A There were only two rooms available for offices and both rooms were used for offices and overcrowded.

Q Will you describe this particular interrogation cell? Tell us how large or how small it was and what furniture it contained and was it well lighted or not?

PROSECUTION: If the Court please, the prosecution objects to this line of questioning because it doesn't have anything to do as we see of the volunteering of these statements or whether they were obtained under duress, or type of cell has nothing to do with it.

LT. COL. DWINELL: We submit that the showing of the conditions surrounding the accused at the time he was interrogated have some effect on his state of mind and therefore is relevant on the question of duress.

XI, 5sp

PRESIDENT: Objection overruled.

LT. COL. DWINELL: Read the question please.

(Whereupon the question was read by the reporter as follows:

"Q Will you describe this particular interrogation cell? Tell us how large or how small it was and what furniture it contained and was it well lighted or not?")

A There were no special cells chosen as interrogation cells. There were regular cells which were nearest to the offices except for three cells. They were the nearest to the offices -- a whole flight of cells.

Q Will you give us a description of the particular cell wherein Dietrich was interrogated?

A Two of those cells which I just described were a little larger than the other ones. All of them were well lighted. When prisoners of major importance were interrogated, we tried to interrogate them in one of the two larger cells if one of them was available. I remember for certain that Dietrich's first interrogation which dealt with the second statement introduced at this Court today was purposely taken in one of the larger cells. The second statement taken from him which is the first one introduced in Court today was taken in one of the regular cells which, however, was well lighted too.

Q Now, both of these statements were dictated, were they not?

A Yes, the way I described it before.

Q Now, referring to Dietrich's statement of (William Perl - Cross)

XI,6sp

the 22nd of March, isn't it a fact that during the process of dictation, Dietrich vigorously protested that there were incorrect statements dictated to him?

A No.

Q Isn't it a fact referring again to the statement of the 22nd of March that you gave Dietrich no opportunity to reread his statement after he had written it?

A It is wrong. He reread it and he rewrote it.

Q Isn't it a fact, referring to the statement of the 22nd of March, that Dietrich was required to stand for a long period of time with his face to the wall prior to making his statement in writing?

A No. As he was the highest ranking man, I still remember when he was brought in and all our staff in fact looked at him, or most of them when he was brought to the interrogation and certainly not more than a minute after he had passed the office being brought to the interrogation cell, Colonel Ellis and I went into the interrogation cell and he was brought in into the cell still with his hood on.

Q Referring to the statement of the 28th of March, isn't it a fact that during the dictation by you, the accused Dietrich protested that you were dictating incorrect statements?

A I do not know by heart which one is the statement of the 28th of March. Dietrich never protested that something not according to the truth (William Perl - Cross)

XI,7sp

is being said, but he often corrected words which I wanted to use in the statements and of course, they were put down as he wanted them to be formulated.

Q On either of these occasions, did you see Dietrich mistreated physically in any way?

A No.

Q On each of these occasions was the accused brought into the cell with the black hood over his head?

A I believe at every occasion.

Q Prior to being brought into the cell with the black hood on his head, Dietrich, Peiper and Kraemer had been led from their cells where they lived, is that correct?

A Correct.

Q At any time were you able to know by observation what happened to either of those three accused on the times when they were led from their cell of habitation to the cell of interrogation?

A Normally not, but in one case about which I already spoke Dietrich mentioned to me that he had been kicked once into his behind by somebody on his way.

LT. COL. DWINELL: No further questions.

PROSECUTION: If the Court please, is it going to be the rule that many of the counsel will interrogate every witness or will we limit it to one of the defense counsel on the cross examination?

DEFENSE COUNSEL: May it please the Court, we do not contemplate having if possible but one American counsel cross examining every witness, but (William Perl - Cross)

XI-8sp

it may occur however, that it will be necessary for three American counsel to interrogate the same witness because the witness may accuse a private, a non commissioned officer, and an officer. At the same time, one of the German counsel may interrogate or cross examine the witness pertaining to his own client.

COLONEL ROSENFELD: Will defense counsel supply the Court with a copy of the names of German counsel and their clients for the use of the Court, not necessarily immediately but sometime in the near future. For the present the Court will request that counsel confine their cross questioning to those questions which directly affect their own clients.

PROSECUTION: If the Court please, prosecution does object to American counsel, more than one cross examining any one of our witnesses for the very reason they have been appointed to defend all of the defendants. They should be able to designate one of their people. They should be able to designate one of their counsel to conduct the cross examination of any one particular witness. To do otherwise would permit one, two, three or four of the counsel depending upon the desire of the individual counsel to cross examine him almost interminably and badger him for a great length of time. Each counsel could ask the same questions over, but they would say they were representing another group of defendants and it would certainly not be according to the principles of our jurisprudence. \*\*

COLONEL ROSENFELD: For the time being, the defense counsel will be permitted to examine witnesses

XI 9sp

in the manner set forth by the chief defense counsel. If it becomes apparent in the future that questions are repeated or the cross examination becomes too long and protracted, the Court will then rule.

DEFENSE: May it please the Court, Dr. Leer, representing the accused Peiper, would like to further interrogate the witness.

QUESTIONS BY DEFENSE (Dr. Leer):

Q Could you tell the Court what you said after the first interrogation to Col. Peiper -- before the start of the first interrogation, what you told Col. Peiper?

A Yes. When he came in I told him: "I saw you once before, in November or December, and I told you then it would be the best to tell me the full truth right now. You then told me that you don't know anything about these incidents. Due to this, we continued our investigation and found out about many killings in whole detail. You are in now for the second interrogation, after we interrogated almost all the others. Don't you want to tell the full truth now? You see, the more we go into the case, the more we find out the full truth, and we know almost, maybe, everything already." I then presented him with some of the statements, which showed that we had already quite some detailed knowledge of the happenings, and I told him that, as an officer, he must know that, in his condition, it is the best thing to surrender unconditionally; that he should not repeat the mistake Germany made when she did not surrender one year before; that there was no sense to continue a hopeless fight. He then admitted the orders -- everything pertaining to the orders, as read in the statement here. Of course, what I said are not exact words of the conversation, but it is the exact meaning.

Q Is it correct that you said that he had a life behind him which is now broken after defeat of Germany? that his life from now on would be senseless because in a few days the SS organizations would be condemned in Muerenberg, and that now he had the opportunity to save the lives of his soldiers?

PROSECUTION: If the Court please, the statement that they are talking about has not yet been introduced in evidence, and I object to

continuing cross examination on this first statement to which they are referring -- I believe it is a statement dated the 21st of March. However, it will be offered in evidence sometime later on this afternoon, and if the Defense is not allowed to cross-examine then on that statement, we have no objection to him cross-examining now.

COL. ROSENFELD: The Court will handle that situation when it arises. Objection overruled.

DR. LEER: May he answer the question?

COL. ROSENFELD: Yes.

A I remember that I once talked to Peiper about his future life having not much sense and not much hope under the present conditions. I believe it was in December, but it might have been in April. At this occasion I told him: "You don't have much to expect from life any more -- not more new events and developments. What remains for you is your honor as an officer and, therefore, you should speak the truth." I mentioned his past, his glorious past, in order to make him speak the truth. I never told him that, by speaking the untruth or something similar, he could save any lives. Just the contrary. I insisted during all my interrogations, and at Peiper's interrogation, too, that we don't want anything but the truth.

Q When were the statements of the other witnesses handed to Peiper, which you are referring to?

A In the course of the interrogation.

Q At the first interrogation at Zuffenhausen, or at Schwabisch Hall?

A At his first interrogation, at Schwabisch Hall.

Q Can the witness remember when that took place?

A Not exactly, but it must have been at the beginning of April.

DR. LEER: Thank you.

PROSECUTION: Any more questions by the Defense?

DEFENSE: No.

PRESIDENT: The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: The Prosecution calls Mr. Morris Elowitz as its next witness.

MORRIS ELOWITZ, called as a witness for the Prosecution, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

PROSECUTION: The Prosecution hands the reporter a statement to be marked Prosecution Exhibit No. P-10 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-10 for Identification by the reporter.)

QUESTIONS BY PROSECUTION:

Q State your name, occupation and station.

A Morris Elowitz, investigator for War Crimes Branch, USFET.

Q Are you a civilian employee of War Crimes Branch, USFET?

A I am.

Q What has your assignment been with War Crimes Branch?

A I have been assigned as an investigator on the so-called Malmedy case.

Q In your work as an investigator, have you ever had occasion to interrogate Hermann Pries?

A I did.

Q Is he an accused in the case now at hearing before this Court?

A He is.

Q Can you identify him?

A Yes.

Q Take a look at the defendants on your left and see if he is among those present.

A He is.

Q What number is he wearing?

A 45.

PROSECUTION: Will Hermann Pries stand up.

(Whereupon the defendant Hermann Pries stood up.)

Q During the course of the interrogation, did Pries make a statement?

A Yes. He made an oral and a written statement.

Q Did you use an interpreter at the interrogation?

A Yes.

Q Who was it?

A Mr. Joseph Kirschbaum.

Q I hand you a statement marked Prosecution Exhibit No. P-10 for Identification and ask you if you can identify it.

A Yes.

Q Do you know whose handwriting this statement is in, and who signed it?

A It is in the handwriting of Hermann Pries and signed by him.

Q Is this the same Hermann Pries you have just identified as wearing No. 45?

A Yes.

Q Was the statement signed in your presence?

A Yes.

Q Was anyone else present?

A Mr. Kirschbaum.

Q Was this statement sworn to?

A Yes.

Q Who administered the oath?

A 1st Lt. Robert E. Byrne.

Q Was the statement given voluntarily?

A It was.

Q Was duress used to obtain this statement?

A No.

Q Did you make any threats or promises to obtain this statement?

A No.

Q Did you use any harsh, cruel, or inhuman treatment to obtain this statement?

A No.

Q How was this statement taken?

A The statement was taken in this manner: Hermann Priess was seated on one side of the table, and I was seated on the opposite side. We discussed generally certain subjects which I suggested. Principally, it concerned the orders that came down from the First Corps, from the German Regimental Commander to his subordinate commanders, during the Eifel or the Ardennes offensive. After we had discussed the subject for some time, I suggested a sentence which would be written, and Priess made his corrections or deletions or additions as he saw fit. Then that sentence was written down and we went on to the next sentence, and the final draft of that sentence was handled in the same way.

Q Was a hood similar to Prosecution Exhibit No. P-5 used on Peiper when he was in prison?

A I believe it was. At the times I saw Priess he was already seated in the interrogation room, and I did not see him either brought or led away from the room.

PROSECUTION: The Prosecution offers in evidence Prosecution Exhibit No. P-10 for Identification, to be attached to the record and marked Prosecution Exhibit No. P-10.

COL. DWINELL: The Defense objects on the grounds previously stated.

PRESIDENT: Objection overruled. The exhibit offered by the Prosecution is admitted into evidence and marked Prosecution Exhibit No. P-10.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-10 and is attached hereto and made a part of the record.)

PROSECUTION: The Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit No. P-10, to be attached to the record and marked Prosecution Exhibit No. P-10-A.

DEFENSE: No objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted into evidence and will be marked P-10-A.

(Whereupon the document referred to, having been previously identified, was received in evidence as Prosecution Exhibit No. P-10-A and is attached hereto and made a part of the record.)

PROSECUTION: The Prosecution requests permission to read Exhibit P-10-A.

(Whereupon Prosecution Exhibit No. P-10-A was read to the Court, as follows:)

"I, Hermann Priess, Generalleutenant of the Waffen SS, having been duly sworn upon oath make the following statement:

"In December 1944 I was the commanding general of the I SS Panzer Korps. Under my command were two SS Panzer Divisions, 2 Volksgrenadier Divisions, and 1 Paratroop Division. The two SS Divisions were: 1st SS Panzer Division 'Leibstandarte Adolf Hitler' under the command of SS Oberfuehrer Mohnke, and 12th SS Panzer Division 'Hitler Jugend' under the command of SS Standartenfuehrer Kraas. My Korps was attached to the 6th Panzer Army. The commanding general was SS Oberstgruppenfuehrer and Generaloberst of the Waffen SS Dietrich, Josef. On the 11th or 12th December 1944, I was ordered to Bad-Naheim, and there a speech of the Fuehrer took place. I remember with certainty that at this speech SS Oberstgruppenfuehrer Sepp Dietrich and SS Oberfuehrer Mohnke were present. The Fuehrer spoke for about two hours. The Fuehrer said to us that in the coming offensive the fate of Germany would be decided. I am not now able to remember any longer all the details of the speech of the Fuehrer, but I do know that it concerned itself exclusively about the coming offensive in the west which later on was known as the 'Eifel Offensive.' The part of the speech of the Fuehrer in which he occupied himself with terror methods, as far as I remember now, was when he said to us, 'Terror is to be met with terror. Any resistance is to be broken ruthlessly.' The Fuehrer did not explain what he meant by 'terror.' I interpreted the phrase of the Fuehrer referring to terror as meaning that the enemy air attacks on the German civilian population should finally be avenged. I considered the speech of the Fuehrer as propaganda which preceded the offensive and did not conclude from it that the fighting methods on the western front should be changed. Several days before the start of the 'Eifel Offensive' I received the Field Order and shortly before the start of the attack the Order of the Day from the headquarters of the 6th Panzer Army. I transmitted the part of the Field Order which concerned the divisions to the respective divisions, and the Order of the Day to all division commanders under my command to be read to all troops. I remember that these two orders said that we had to push through ruthlessly to the Meas; that every man had to give his best and that terror had to be met by terror. I do not remember at this time anything in the two orders of the 6th Panzer Army stating that a wave of fear and terror should precede our troops. However, it is pos-

sible that the orders contained such a remark, but at this time I do not remember it. I interpreted those remarks concerning ruthlessness, use of terror, etc. as propaganda in the same manner as I did the speech of the Fuehrer in Bad Nauheim and I did not believe that through that there would be any irregularity in fighting methods. I also assumed that my division commanders understood and interpreted those remarks as I did.

"On the afternoon of 15th December 1944, I spoke at my C.P. in Schmidheim to the commanding officers of the advance elements and, I believe, to the division commanders. Due to the fact that several commanders arrived late and I immediately thereupon had to go to another meeting, my speech was very short. I published the Order of the Day of SS Oberstgruppenfuehrer Dietrick and reminded each commander briefly on his mission and on his duty.

"I make this statement consisting of 4 pages voluntarily, without coercion, threats, or promises of reward.

(Signed) Hermann PRIESS  
Generalltn. of the Waffen SS  
16 April 1946

Subscribed and sworn to  
before me this 16th day  
of April 1946

(Signed) Robert E. BYRNE  
1st Lt. JAGD

Witnessed in the presence of

(Signed) Morris ELOWITZ  
Civilian Examiner  
WCE, USFET"

(Whereupon the statement was read in German to the accused by the interpreter.)

DC: No cross-examination.

PRESIDENT: Are there any questions by the Court?

(There being no further questions, the witness was excused and resumed his seat.)

PROSECUTION: The prosecution recalls Lieutenant Perl.

(Whereupon Lieutenant Perl resumed the stand.)

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

Lt. Perl: Yes, sir.

RE-DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q. Now, during your interrogation of Joachim Peiper, whom you have previously identified as wearing "No. 42", did you take more than one written statement?

A. Yes.

Q. I hand you a document marked "Prosecution Exhibit No. 11, for identification, and ask you if you can identify it?

A. Yes.

Q. Do you know whose handwriting this statement is in and who signed it?

A. Yes.

Q. Who's is it?

R-13-2

A. Joachim Peiper.

Q. Is that the same Joachim Peiper that you have previously identified as wearing "No. 42"?

A. Yes.

Q. Was the statement taken under oath?

A. Yes.

Q. Who administered the oath?

A. I did.

Q. Was this statement given voluntarily?

A. Yes.

Q. Was duress used to obtain this statement?

A. No.

Q. Did you make any threats or promises to obtain this statement?

A. No.

Q. Did you use any harsh, cruel, or inhuman treatment to obtain that statement?

A. No.

Q. Will you describe how that statement was taken?

A. This is the statement referred to in my previous interrogation by this lawyer, who's name, unfortunately, I've forgotten at the moment; this is the statement referred to in my previous interrogation.

PROSECUTION: The Prosecution offers into evidence the document marked "Prosecution Exhibit No. 11, for identification", and asks that it be attached to the record and marked "Prosecution Exhibit No. 11".

DC: The defense objects to this confession, on the grounds previously stated.

(Perl -- Re-Direct)

R-13-3

PRESIDENT: The objection is overruled.

The Exhibit offered into evidence by the prosecution will be admitted into evidence and marked Prosecution Exhibit P-11.

PROSECUTION: The prosecution now offers into evidence a true and correct translation, to be attached to the record and marked "Prosecution Exhibit P-11-A".

PRESIDENT: The translation offered into evidence by the prosecution will be accepted into evidence by the court and attached to the record, marked "Prosecution Exhibit P-11-A".

PROSECUTION: The prosecution requests permission to read Prosecution Exhibit P-11-A into the record at this time.

PRESIDENT: Granted.

EWA: "I, SS Standartenfuehrer Joachim Peiper, make the following statement under oath, after first being duly sworn.

"During the Eifel Offensive, in December 1944, I was SS Obersturmfuehrer and Commander in charge of the Armored Group.

"I, myself, was notified only very late about the particulars of the coming campaign, and I could not influence the preparation of this offensive.

"About the 12th of December, 1944, in the vicinity of KOLLN, a meeting with the Fuehrer took place, at which all commanders, down to Division Commanders participated. I did not participate at this meeting. I do not know what orders were issued there. I only know that the Fuehrer made a three-hour address. Until the 10th of December, I had

(Statement of Peiper)

not the slightest idea in which direction our offensive would take place. On the 14th December, 1944, I was ordered to the Division Command Post, which was located in BLANKENHEIM, where I had but a short conversation with the Division Commander, Oberfuhrer MOENKE. The field order and the other material, such as maps, disposition of the enemy, and so forth, I received from the "Ia" of the Division, SS Obersturmfuehrer ZIEMSEN. I did not read the material given to me at the Divisional Command Post, because I was in a hurry, and was also in a bad mood, because I disagreed with the entire preparation for the undertaking which looked highly defective to me.

"I then returned on the same day to my Command Post, which was located in a Forester's house in the BLANKENHEIM woods. First, I ordered my Adjutant, Hauptsturmfuehrer Hans GRUHL, to call a commanders' meeting for the same day, at about 1600 hours. This left me about two hours, which I used to study the material handed to me at the Division. The very first impression of the terrain which I got, with the aid of the maps, reassured my opinion that it was a desperate undertaking. I can remember that in this material, among other things, was an order of the 6th SS Panzer Army, with the contents that considering the desperate situation of the German people, a wave of terror and fright should precede our troops. Also, this order pointed out that the German soldier should in this offensive recall the innumerable German victims of the bombing terror. Furthermore, it was stated in this order that the enemy resistance had to be broken by terror. Also, I am nearly certain that in this order it was expressly stated that prisoners of war must be shot, where the local conditions of combat should so require it.

(Statement of Peiper)

R-13-5

"This order was incorporated into the Regimental order, which was drawn up on my command by Hauptsturmfuehrer GRUHLE, based on the material handed to us.

"Close to 1600 hours, the Commanders' meeting took place, at which the following persons participated: myself, Sturmbannfuehrer Werner POETSCHKE, Sturmbannfuehrer (then Hauptsturmfuehrer), Josef DIEFENTHAL, Sturmbannfuehrer Gustav KNITTEL (although he arrived a little late), Obersturmfuehrer HARDIECK, Sturmbannfuehrer Dr. STICKEL, Hauptsturmfuehrer OTTO, and I believe also the Major who commanded the Anti-aircraft Battalion attached to me. In addition, Hauptsturmfuehrer GRUHLE was at least temporarily present. At this meeting, I did not mention anything that prisoners of war should be shot when the local conditions of combat should so require it, because those present were all experienced officers to whom this was obvious.

"In the meantime, the Regimental orders were written and were picked up by the battalions, either during the night or on the following day.

"It is possible, although I don't know for sure, that the paragraph of the Regimental orders which dealt with the prisoners of war, and was taken from the Army order without receiving any additions, was not sent to the battalions in writing, but for reasons of security was only looked at in the Regiment, and remained there to avoid this order falling into enemy hands.

"The above Army order, about which I have just talked, was signed by SS Oberstgruppenfuehrer and Generaloberst Sepp DIETRICH.

"I know, however, that the order to use brutality

(Statement of Peiper)

R-13-6

was not given by Sepp Dietrich out of his own initiative, but that he only acted along the lines which the Fuehrer had expressly laid down.

"When I was received on 14 December 1944 by Division Commander, Oberfeuhrer MOHNKE, he told me that he was present at the meeting with the Fuehrer and that, on orders of the Fuehrer, it had to be fought with special brutality. Whether on this occasion Oberfeuhrer MOHNKE used the word 'brutality', or something similar, I don't know any longer, at least that was the sense of it. Oberfeuhrer MOHNKE also said that the Fuehrer stated: '...It has to be fought without humane inhibitions, and one should remember the victims of the bombing terror...'. Oberfeuhrer MOHNKE also said on this occasion that the Fuehrer spoke excellently -- for three full hours -- and that he had expressed the fullest confidence for victory. After the Fuehrer's address, as Oberfeuhrer MOHNKE told me, only Field Marshall MODEL gave a 'Sieg Heil' to the Fuehrer -- nobody else spoke. On the morning of 15 December 1944, I was at the Command Post of the 1st SS Panzer Corps, where the Commanding General SS Gruppenfeuhrer General Lieutenant PRIESS spoke in front of all Regimental Commanders and commanders of independent units under him. Independent units have at least the size of a battalion, but they are not under a regiment, but directly under a Division.

"At this meeting about thirty commanders and leaders of independent units participated. Among others, I saw SKORZENY there for the first time. From my Panzer Group only Sturmabannfeuhrer Gustav KNITTEL was present, with the exception of myself. General Lieutenant PRIESS spoke about the meeting with the Fuehrer and he also said that, on orders of the Fuehrer,

(Statement of Peiper)

R-13-7

to fight with reckless brutality. Here also, I don't know the exact wording, but I am nearly certain that General Lieutenant PRIESS used the words as they were in the Army order, when he talked about the manner in which to treat the enemy and fight him. Anyhow, out of his words emerged that we had to fight with brutality and that this was expressly desired by the Fuehrer.

"I make these statements voluntarily and out of my own free will, uninfluenced by pressure, threats, harsh treatment or promises of any kind. I swear before God that these statements which I made are true and I am prepared to repeat them under oath before any court. Signed: Joachim Peiper, SS Standartenfuhrer, 21 March 1946. Witnessed: Raphael Schumacher, Captain, CMP. Sworn to and subscribed before me this 21st day of March, 1946, at SCHWARBISCH HALL, Germany, signed: William R. Perl, First Lieutenant, M.I., Investigator-Examiner, War Crimes Branch, USFET."

PROSECUTION: The prosecution offers into evidence at this time, picture affidavits executed by Joachim Peiper, to be attached to the record and to be marked Prosecution Exhibits P-11-B, P-11-C, P-11-D, P-11-E, P-11-F, and P-11-G.

DC: The defense has no objection.

PRESIDENT: The picture affidavits offered into evidence by the prosecution will be accepted into evidence by the court, attached to the record and marked Prosecution Exhibits P-11-B through G.

PROSECUTION: The prosecution requests permission to read these picture affidavits to the court.

(Statement of Peiper)

PRESIDENT: Granted.

R-13-8

(Whereupon the trial judge advocate read to the court the identification data pertaining to the accused appearing on the picture affidavits admitted into evidence by the court as Prosecution Exhibits P-11-A through P-11-F, which are attached hereto.)

PROSECUTION: The prosecution hands the reporter a statement to be marked "Prosecution Exhibit 12, for identification".

Q. While you were an investigator of the Malmady case, did you ever have occasion to interrogate one, Franz Sievers?

A. Yes.

Q. Is he an accused now, in this case?

A. Yes.

Q. Will you take a look at those present, and see if he is among them?

A. Yes.

Q. What number is he wearing?

A. Fifty-nine.

Q. During the course of the interrogation of the accused Sievers, did he make a statement?

A. Yes.

Q. Was it oral or written?

A. Oral first, then written.

Q. I hand you a paper, marked "Prosecution Exhibit 12, for identification", and I ask you if you can identify it?

A. Yes.

Q. Was that statement signed in your presence?

(Qualification of Sievers' Statement)

R-13-9

A. Yes.

Q. Do you know whose handwriting this statement is in and who signed it?

A. Yes.

Q. Who?

A. Franz Sievers.

Q. Is that the same Franz Sievers that you have just identified as wearing No. 59?

A. Yes.

Q. When he signed this statement, was there anyone else present?

A. Yes.

Q. Who was it?

A. Captain Schumacher.

Q. Was this statement sworn to?

A. Yes.

Q. Who administered the oath?

A. Captain Schumacher.

Q. Was this statement given voluntarily?

A. Yes.

Q. Was duress used to obtain this statement?

A. No.

Q. Did you make any threats or promises to obtain this statement?

A. No.

Q. Did you use any harsh, cruel or inhuman treatment to obtain that statement?

A. No.

Q. How was that statement taken?

(Qualification of Sievers' Statement)

R-13-10

A. Sievers first was interrogated about the subject of these orders and he then made an oral statement and then he wrote it down according to -- in his own words. This statement was dictated by me.

Q. I hand you Prosecution Exhibit No. 5 and ask you if a hood of this type was ever worn by Sievers, when he was in prison?

A. Yes, it was.

PROSECUTION: The prosecution offers into evidence at this time the statement marked "Prosecution Exhibit 12, for identification", to be attached to the record and to be marked "Prosecution Exhibit 12".

DEFENSE: The defense objects, on the grounds previously stated.

PRESIDENT: The objection is overruled.

DEFENSE: The defense has no further objection.

PRESIDENT: The statement marked "Prosecution Exhibit 12, for identification" and offered into evidence by the prosecution as "Prosecution Exhibit 12" will be accepted into evidence by the court and marked Prosecution Exhibit 12, for attachment to the record.

PROSECUTION: The prosecution offers into evidence a true and correct English translation of Prosecution Exhibit 12, to be attached to the record and marked Prosecution Exhibit 12-A.

DEFENSE: The defense has no objection.

(Qualification of Sievers' Statement)

R-13-11

PRESIDENT: There being no objection, the Exhibit offered into evidence by the prosecution is accepted into evidence by the court and will be marked Prosecution Exhibit 12-A.

PROSECUTION: The prosecution requests permission at this time to read Prosecution Exhibit No. 12-A to the court.

PRESIDENT: Granted.

PROSECUTION: This is the statement of Sievers: "On December 15 1944, I received in a forester's house or hunting castle, in the woods near BLANKHEIM, at a Company Commander's meeting, the order: '...if it is necessary and the situation necessitates it, take no prisoners of war...'. The Company Commanders of the First Battalion were present at this meeting, furthermore, a Hauptsturmfuehrer of the Second Company of the 501st Section Koenigstiger. Only I was present from my Company. Signed: Franz Sievers, 25 February 1946. Sworn to and subscribed before me, this 25th day of February 1946 at SCHWABISCH HALL, Germany, signed, Raphael Schumacher, Captain, CMP."

(Whereupon the statement was translated into German and read to the court by the interpreter.)

(Statement of Sievers)

(Whereupon the Court reconvened at 1930 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, all the members of the Court are present, all the members of the Prosecution are present with the exception of Captain Shumacker, who is absent on business of the Prosecution and all the members of the Defense Counsel are present with the exception of Dr. Pfister and Dr. Rau who are absent on business of the Defense Counsel, all the defendants and the reporter are present. Prosecution hands the reporter a statement to be marked Prosecution's Exhibit Number 13 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit Number 13 for identification by the reporter.)

First Lieutenant WILLIAM R. PERL, a witness for the Prosecution resumed the stand and testified as follows:

REDIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION:

Q In your investigation of the Malmedy case, did you ever have occasion to interrogate one Arndt Fischer?

A Yes.

Q Is he an accused in the case now hearing before this court?

A Yes.

Q Can you identify him?

A Yes.

Q Take a look at the defendants on your left and see if he is among those present.

A Yes, he is.

Q What number is he wearing?

A Number 13.

Q During the course of interrogation, did Fischer make a statement?

A Yes.

Ta 14  
C-17-2

Q Did you use interpreters in the interrogation?

A No.

Q I hand you statement marked Prosecution's Exhibit Number 13 for identification and ask you if you can identify it.

A Yes.

Q Do you know whose handwriting this statement is in and who signed it?

A Yes.

Q Whose was it?

A Arndt Fischer.

Q Is this the same Arndt Fischer you just identified as wearing Number 13?

A Yes.

Q Was the statement signed in your presence?

A Yes.

Q Was anyone else there?

A Yes.

Q Who was it?

A Captain Shumacker.

Q Was this statement sworn to?

A Yes.

Q Who administered the oath?

A I did.

Q Was the statement made voluntarily?

A Yes.

Q Was duress used to obtain this statement?

A No.

Q Did you make any threats or promises to obtain this statement?

A No.

Ta 14  
C-17-3

Q Did you use any harsh, cruel or inhuman treatment to obtain this statement?

A No.

Q How was this statement taken?

A Fischer was interrogated very late on the 31st of March 1946. At this time already most of the defendants had given statements and had made confessions. I called Fischer in and told him that we know everything. I then called in several of his co-officers and asked them whether they believed that we know everything and they told him yes, they know everything, there is no sense in denying anything and Fischer made an oral statement and from his oral statement I dictated the written statement in the same way as I had dictated the statements mentioned here before.

Q I hand you Prosecution's Exhibit Number 5 and ask you if a hood similar to this one was ever used on Fischer inside the prison?

A Yes.

PROSECUTION: Prosecution offers in evidence Prosecution's Exhibit marked Number 13 for identification to be attached to the record and marked Prosecution's Exhibit Number 13.

LT. COLONEL DWINELL: Defense objects to the confession on grounds as previously stated.

DEFENSE: No further objection.

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted in evidence, marked "P-13."

PROSECUTION: Prosecution offers in evidence a true and correct English translation of Prosecution's Exhibit Number 13 to be attached to the record and marked Prosecution's Exhibit 13-A. Will the reporter please mark it?

(Whereupon the document referred to was marked Prosecution's Exhibit 13-A by the reporter.)

Ta 14  
C-17-4

DEFENSE: No objection on behalf of the Defense.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted in evidence and will be marked "P-13A".

PROSECUTION: Attached to this Prosecution Exhibit Number 13 is a sketch which we will give the Court a photostatic copy of with a translation of the legend. Prosecution requests permission to read Prosecution's Exhibit Number 13-A.

PRESIDENT: Granted.

(Whereupon Exhibits P-13 and P-13A were read in both the English and German language as follows:

Exhibit P-13A

"I, SS Untersturmfuehrer Arndt FISCHER, being duly sworn state the following:

"On the 20th February 1939 I volunteered for the SS Totenkopfverbände. From February 1939, until February 1940 I was in the concentration camp BUCHENWALD with an interruption of about 8 weeks during which I was assigned to the concentration camp ORANJENBURG near BERLIN. At the end of February 1940 I was then transferred with Totenkopfverbände to the east.

"Although at that time, there was no war with RUSSIA yet, we were of need in the east, that is, in POLAND, as the population was not always friendly minded. From November 1940 until February 1943 I was continually in schools in the hinterland where I was first a pupil. From February 1941 on, I was teacher in several SS schools. I lectured tactical subjects and Weltanschauung. Since June 1943, I belonged to the SS Panzer Regiment I, "ISSAH". During the EIFEL offensive from December 1944 until January 1945, I was Adjutant of the 1st Battalion of the SS Panzer Regiment I, "ISSAH".

"On December 15, 1944 in a forester's house in BLANKENHEIM a written regimental order was handed to me by Hstuf. Hans GRUHLE Adjutant of the SS Panzer Regiment I, "ISSAH".

"In this regimental order handed to me by Hstuf Hans GRUHLE amongst other things it read that a wave of fear and terror was to precede our troops and that the resistance of the enemy was to be broken by terror.

"Furthermore it said in this regimental order that where the military situation should absolutely

necessitate it, to shoot prisoners of war. After receiving the regimental order, without adding anything I had this order copied anew, and changed the heading hereby from:

SS Pz Rgt. I. "ISSAH"

to I./(mixed) SS Pz Rgt I, "ISSAH".

"On the same day also, on the 15th of December 1944, a conference took place in the same forester's house at which Stubaf POETSCHKE Commander of the I./(mixed) SS Pz Rgt I, "ISSAH", also issued the same order to the company commanders. I also took part at this conference but I was not continuously in the room. However, at the time Stubaf POETSCHKE spoke about that we should not take any prisoners where the military situation absolutely required it, POETSCHKE also declared hereby that this order was a secret order.

"In my capacity as Adjutant of the I./(mixed) SS Pz Rgt I, "ISSAH" immediately after this conference, I had requested the officers who belonged to our battalion to sign the order which was retyped from regimental order to battalion order described above.

"As far as I recall this signature was rendered on the reverse side of this described regimental order. The paragraph which I had written with the typewriter read approximately thus:

"Acknowledge order on reverse side."

"Anyhow, this was the exact meaning of the first sentence of the paragraph added by me. These words quoted here with quotation marks were then followed by a pledge that the contents of this order were being kept secret. However, I don't recall any longer the exact wording of this second sentence.

"I had a line written with the typewriter for the signatures of the individual officers, after the pledge of keeping it a secret. This line read:

"Commander 1st Comp ....."  
"Commander 2nd Comp ....."  
etc;

"After the described conference I sat at a little table and called the officers to me for their signature before they left. I am pretty sure about it that I didn't also give the written orders along to the individual companies, which would bear the danger manifold that this order fell into the hands of the enemy and therewith would cause reprisals against German prisoners of war. More so a written forwarding of this order to every individual company would have cost more time and we were at that time in a hurry.

Ta 11.  
C-17-6

"For better understanding of this statement I have prepared a sketch which I mark "A" attached hereto. The symbols of this sketch represent;

1. Room of the Regimental and Battalion Commander.
2. Room in which I had the order signed.
3. Regiment and Battalion C.P.
4. Entrance
5. Easy Chairs or Chairs.
6. Table on which I had the order signed.
7. Bench.
8. Fireplace.
9. Table.

"In room 3 stood several objects which I don't recall any longer. Already in the afternoon on the 17th December 1944 at the entrance of ENGEISDORF, I was wounded and withdrew from action.

"I put down this statement voluntarily and out of my own will, uninfluenced by force, threats, or harsh treatment, and uninfluenced by promises of reward of any kind.

"I swear before God that the statements which I made in this matter are true and I am prepared to repeat these under oath before any court.

(Signed) Arndt FISCHER  
SS Untersturmfuehrer  
31 March 1946.

"Sworn to and subscribed before me this 31st day of March 1946 at Schwabisch Hall, Germany.

WILLIAM R PERL  
1st Lt. M.I. C-555149  
Investigator-Examiner.WCB.USFET"

ta 15  
5/17 IJH 1

PROSECUTION: Prosecution offers in evidence a picture affidavit executed by Arndt Fischer, to be attached to the record and marked Prosecution Exhibit No. P-13-B.

DEFENSE COUNSEL: There is no objection on the part of the Defense to the introduction of this exhibit.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted into evidence and will be marked Exhibit P-13-B.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-13-B and is attached hereto and made a part of the record.)

PROSECUTION: Prosecution requests permission to read Prosecution Exhibit P-13-B.

DEFENSE COUNSEL: May it please the Court, Defense counsel see no advantage in having all of these photograph affidavits translated and suggests that the Prosecution go ahead and read them in English only.

PROSECUTION: (Reading) "I Arndt Fischer, being first duly sworn make the following statement under oath: The above two photographs are photographs of the same Hauptsturmfuhrer Hans Gruhle mentioned by me in my affidavit dated March 31, 1946.

(Signed) Arndt Fischer  
Untersturmfuehrer"

PROSECUTION: You may cross examine.

DEFENSE COUNSEL: May it please the Court, at this time the American Defense counsel do not desire to interrogate the witness. However, Dr. Leer, representing the accused Colonel Peiper does desire to ask some questions in connection with the confession.

LAW MEMBER: Bearing in mind that they will not be a repetition of the questions asked with respect to the same accused previously.

PROSECUTION: Yes.

DR. LEER: That is correct.

ta 15  
5/17/ ijh 2

RE-CROSS EXAMINATION

QUESTIONS BY DEFENSE: (DR. LEER)

Q Lieutenant, when did you talk over this statement of Colonel Peiper, with Colonel Peiper, the statement of 21 March 1946?

PROSECUTION: May it please the Court, the Prosecution objects to further cross examination on the statement of March 21, 1946 of Colonel Peiper, on the ground that he was previously cross examined on this statement by the same counsel.

DR. LEER: Might I say something to that? I was not able to say anything about that statement which was introduced by the Prosecution after the witness was recalled. The point of my question is merely for the sake of formal clarity with which I will later not be forced to delay the Court anymore. They are brief.

PRESIDENT: The objection of the Prosecution is overruled.

THE WITNESS: May I see the statement of the 21st of March? There were several statements taken on that day and I don't know which of the statements that is by heart.

PROSECUTION: May it please the Court, I would suggest that hereafter counsel refer to the statements by Exhibit number and not by the date of the statement.

DR. LEER: Evidence 11.

PRESIDENT: Without leaving the courtroom there will be a recess of approximately five minutes. (1605)  
(1610)

PRESIDENT: The Court will come to order.

PROSECUTION: Let the record show that all the members of the Court, all the members of the Prosecution with the exception of Captain Shumacker who is absent on business of the Prosecution, all the members of the Defense counsel with the exception of Dr. Pfister and Dr. Rau who are absent on business of the accused - - -

LAW MEMBER: Dr. Rau is present.

PROSECUTION: Yes, Dr. Rau is here. With the exception

(Perl-re-cross)

ta 15  
5/17 1jh 3

of Dr. Pfister, all the defendants and the reporter is present.

THE WITNESS: I discussed this statement with Feiper during the course of the interrogation, of course, and thus the other also shows several corrections. Maybe a week after the statement was taken, Feiper asked me whether he could have a copy of it or whether he could see the statement again. It was then in Wiesbaden for photocopying. As soon as I could get hold of the original again, I showed it to him, the original or a copy of it, but I didn't discuss it.

QUESTIONS BY DEFENSE (DR. LEHR)

Q My question asked for a briefer answer than that. When, Lieutenant, was this statement which you have in your hand discussed with Feiper?

A Never after it was taken.

Q Was it discussed and written down, all at the same time?

A Yes.

Q Without interruptions?

A Certainly with interruptions of a few minutes.

Q Another question, the records of which of the interrogations which you had taken down previously did you put before Feiper before the proceedings in this interrogation?

A I cannot remember it exactly anymore.

Q Do you, witness, remember whether the accused Sepp Dietrich was interrogated by you prior to or after this interrogation of Feiper?

A I believe Dietrich was interrogated afterwards.

Q Is it possible that oral interrogations of the accused Dietrich happened prior to that time without these being reduced to writing?

A When Dietrich was interrogated the first time he made his first statement right then.

(Perl-recross)

ta 15  
5/17 1jh 4

Q Do you remember, Mr. Witness, whether you put the record of the interrogation of Sepp Dietrich before the accused Peiper, either prior to, during or after the interrogation of Peiper?

PROSECUTION: May it please the Court, I would like to have the Defense counsel instructed to refer to the interrogation of Dietrich by Exhibit numbers, so that the witness will be more able to answer the questions.

DR. LEER: The witness will be able to understand me easily since the fact is that I am saying that the interrogation of Dietrich concerned is the first one. Is it number 7? Excuse me I don't know. That is the first interrogation. I was not asking about an Exhibit, I was asking about the first interrogation of the accused Dietrich and this in relation to the first interrogation of the accused Peiper. The question is clear and should be understandable to the witness, if he can remember.

PRESIDENT: The objection of the Prosecution is overruled.

THE WITNESS: I understand the question but it was almost on the same day and I cannot recall whom I interrogated first, Peiper or Dietrich or whether I showed Peiper Dietrich's statement. I believe that is what you mean.

DR. LEER: If the Court will permit one more question? Did you, Mr. Witness, see the hoods which were passed around, from the inside?

THE WITNESS: No.

DR. LEER: I have no more questions.

PROSECUTION: I have no further questions.

PRESIDENT: Any questions by the Court?

LAW MEMBER: There is a question. In Defense counsel's

last question he said, "See the hoods which were passed around from the inside", what did counsel mean by the word "inside" and by the question?

ta 15  
5/17 1jh 5

DR. LEER: What I mean by the word or by the question?

LAW MEMBER: By the question.

DR. LEER: It is claimed by some of the accused that the inside of the hood was dyed red. Now, since all of us don't know these hoods, there might be several possibilities, which, as a lawyer, I am compelled to clarify to the extent to which it is permitted by the Court. That might be blood - - -

PROSECUTION: If the Court please, I will object to that statement.

PRESIDENT: The objection is sustained.

DR. LEER: Am I to continue?

LAW MEMBER: The objection has been sustained on the ground that the matter now being discussed by counsel is argument.

PROSECUTION: Due to the argument, I will have to ask a question.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q I hand you Prosecution Exhibit P-5 and ask you whether you saw the inside of any of the hoods in any color other than the one that you have in your hand?

A Now, looking at the inside, I remember that this is the color that the inside of the hoods had (indicating).

Q What color is that?

A Yellow and white.

Q How many of the hoods that were used at Schwäbisch Hall did you ever see?

A Maybe ten, I don't think we had any more.

PROSECUTION: That is all.

PRESIDENT: There being no further questions, the witness is excused.

(Perl-redirect)

ta 15  
5/17 IJH 6

(Whereupon the witness was excused and returned to the Prosecution table in the courtroom.)

PROSECUTION: The Prosecution call as its next witness, prisoner of war, Hans Assenmacher.

HANS ASSENMACHER, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

- Q State your name?
- A Hans Assenmacher.
- Q Grade?
- A Rottenfuehrer, corporal.
- Q Your organization?
- A Supply Company, 2nd Battalion, 2nd Armored Grenadier Regiment, Leibstandarte SS Adolph Hitler.
- Q Was your organization a part of the Waffen SS?
- A Yes.
- Q Are you a prisoner of war of the United States Army?
- A Yes.
- Q Where are you now being held prisoner?
- A Camp III, Dachau.
- Q Did you take part in the Eifel Offensive of the German Army during the months of December 1944 and January 1945?
- A Yes.
- Q What was your assignment?
- A I was radio operator and assistant driver.
- Q In whose vehicle were you riding?
- A I was driving in the SPW of the battalion commander Diefenthal.

ta 15  
5/17 IJH 7

Q Could you identify Diefenthal if you were to see him again?

A Yes.

Q Take a look at the defendants in the dock on your left and see if Diefenthal is among those present?

A Yes.

Q What number is he wearing?

A Number 10.

PROSECUTION: Diefenthal, will you stand up?

=(Whereupon the accused did as directed.)

QUESTIONS BY PROSECUTION:

Q Did Diefenthal have a command during the Eifel offensive?

A Yes. He commanded the 3rd Armored Grenadier Battalion.

Q Do you know his adjutant?

A Yes.

Q What was his name?

A 2nd Lt. Flake. F-l-a-c-k-e.

Q Do you recall what happened on the morning of 16 December 1944?

A Yes.

Q Where were you?

A We were on the alert in the tank position on the left side of the road near Blankenheim.

Q Do you recall who was present?

A Yes.

Q Who was present?

A The radio leader squad, the reporters and the adjutant, 2nd Lt. Flake.

Q On the morning of 16 December 1944, did Flake make a speech to the group on the highway?

ta 15  
5/17 IJH 8

A Yes.

Q What was the substance of Flacke's speech?

A Shortly before we were committed into action we were all called together and Lt. Flacke read the order of the day of the Supreme Command of the Armed Forces. Then he announced what the general situation was and subsequently stated that there was no need taking prisoners of war and when we came to Bree, we could take care of the civilians down there and he himself had some business there too.

Q Do you know who the enemy was that you were facing during the Eifel offensive?

A Yes.

Q Who was the enemy?

A Those were Americans.

PROSECUTION: You may cross examine. May it please the Court, there is an objection to the translation to the answer about the civilians in Bree. Will you repeat what you said about civilians in Bree?

THE WITNESS: I don't know.

PROSECUTION: May it please the Court, all I am asking is that the witness repeat what he previously stated about the civilians in Bree and what Flacke said about the civilians in Bree.

THE WITNESS: Flacke said that we could take care of the civilians there, that he himself had a bone to pick there.

PROSECUTION: You may cross examine.

DEFENSE COUNSEL: Colonel Dwinell would like to ask one or two questions on behalf of the Defense.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (COL. DWINELL)

Q You spoke of orders issued by Lt. Flacke?

ta 15  
5/17 JKH 9

A Yes.

Q I believe you referred to it as an order of the day, is that correct?

A That there was no need to take prisoners, that was not on the order of the day.

Q Did Lt. Flacke specifically say that prisoners would be shot? Did he say that specifically?

A No.

Q What was your business in civilian life before entering the Army?

PROSECUTION: Prosecution objects to that question, if it please the Court.

PRESIDENT: Objection sustained.

LT. COL. DWINELL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What did Lt. Flacke specifically say about prisoners of war?

A 2nd Lt. Flacke said that there was no need taking prisoners of war because we didn't have time to take care of them.

PROSECUTION: That is all.

DEFENSE COUNSEL: No further questions.

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

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

T 11: IJH

#16

17-1

PROSECUTION: If the Court please, we will have to recall this witness at a later time about another phase of the case.

PRESIDENT: Yes.

PROSECUTION: A great many of these witnesses will have to be recalled on another phase of the case. Do you want us to announce each time if they will have to be recalled? What is your pleasure?

PRESIDENT: That is not necessary.

DEFENSE COUNSEL: May it please the court, if they could give us that information prior to cross examination, it might save the interrogation on the part of the defense.

PROSECUTION: Call the witness Kurt Kramm.

(Whereupon a discussion was had between the Court, prosecution and defense counsel outside the hearing of the reporter.)

PRESIDENT: Interpreter, repeat my remarks.

INTERPRETER ROSENSTOCK: Yes, sir.

PRESIDENT: I want the accused in the dock to make no display whatsoever and no demonstration of any sort, and to stop such conversation. I want no action of any kind when the witnesses come in the room.

(Whereupon the above remarks were interpreted in the German language.)

KURT KRAMM, called as a witness for the prosecution, was sworn and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your name.

A Kurt Kramm.

T f l s h

#16

17-2

Q Rank?

A SS 2nd Lieutenant.

Q Your organization?

A Staff of the 1st Section of the 1st SS Armored  
Regiment LSSAH.

Q Was your organization a part of the Waffen SS?

A Yes.

Q Are you a prisoner of war of the American Army?

A Yes, sir.

Q Where are you now being held a prisoner?

A In the American POW at Dachau.

Q Do you speak and understand English?

A Yes, I do.

Q Did you take part in the Elifel Offensive of the  
German Army during the month of December 1944 and January 1945?

A Yes, sir, I did participate in it.

Q What was your assignment?

A I was the Adjutant in the Headquarters Company of  
the 1st Section of the 1st SS Armored Regiment of the LSSAH.

Q Who commanded the 1st Battalion?

A SS Sturmbannfuhrer, Major Werner Postchke.

Q Are you familiar with any of the preparations made  
by the German Army for this offensive?

A Yes, I am.

Q What were these preparations that you are familiar  
with?

A Stiff and thorough training, and lectures following  
that.

Q What were the lectures on?

A About the conducting of the war during the offensive  
to come.

Q Was there anything said in these lectures about the treatment to be accorded prisoners of war?

A Yes, there was.

Q What was said?

A The first statement I heard was in about the following words:

"It is to be hoped that everybody will know what to do in the action which will be performed. This humanity foolishness has stopped."

Q Who made these statements?

A SS Sturmbannfuhrer Werner Foetschke.

Q Did you attend any sand table exercises prior to the commencement of the offensive?

A Yes, I did.

Q Who was present?

A All the officers of this 1st Section of the 1st Battalion and usually also all the non-commissioned officers of the rank of Technical Sergeant and above.

Q Did anyone speak at these sand table exercises?

A Yes.

Q Who was it?

A Major Werner Foetschke.

Q Did anyone else?

A Yes, the SS Lt Col Joachim Peiper.

Q What did Peiper say?

A "We will fight in the same manner as we did in Russia in the action which will follow. The certain rules which have applied in the West until now will be omitted."

Q Did he say anything else?

A "Speeches along the same general line." "I don't remember the exact words."

Q Did he say anything about the treatment to be accorded prisoners of war?

A The term "prisoner of war" was not actually used, but the statements undoubtedly concerned them.

Q What did Feiper say?

A One remark I remember was the following, "That the end justified the means".

Q Did he say anything else?

A Yes, I remember one remark concerning terror measures.

Q What was that?

A It concerned the severe means of combat.

Q Can you describe or restate that any more specifically?

A I do not remember the exact character any more, but it undoubtedly concerned these air raids of the Americans which we in Germany at that time called terror raids.

Q Could you identify Feiper if you were to see him again?

A Yes, I can do that.

Q Take a look at the defendants sitting over there on your left and see if Feiper is among them.

A Yes, he is.

Q What number is he wearing?

A 42.

PROSECUTION: Feiper will stand up.

(Whereupon the accused Feiper stood up in the prisoners' dock.)

PRESIDENT: Sit down.

Q What command did Feiper hold at that time?

A He was the commanding officer of the 1st SS Armored Regiment LSSAH.

#16

17-5

Q From the statements you heard made by Foetschke and Feiper what did you understand the policy would be towards prisoners of war?

A That in any future action there was no need taking prisoners of war.

Q On the 15th of December were you in the command post of the 1st SS Regiment in the woods near Blankenheim?

A Yes, sir, I was.

Q While there did you see any regimental orders?

A Yes, I saw one regimental order.

Q Who had signed this order?

A Lt Col Joachim Peiper.

Q Do you know if these orders were conveyed to the Battalion?

A Yes.

Q Do you know who did this?

A Yes, the Regimental Executive Captain Hans Gruhle.

Q Can you identify Gruhle?

A Yes.

Q Take a look at the defendants and see if he is among them.

A Yes.

Q What number is he wearing? You can get up and leave the stand.

A 19.

Q Did you see the contents of this order you are referring to?

A Yes, I had a chance to skim over the contents.

Q What did it say?

A It was a detailed order of attack concerning the march route, the march formation and several other technical details.

Q Did it say anything about how prisoners of war were to be treated?

A I remember one sentence concerning the conducting of the war and that is: "The attack will be performed without regard for losses of our own and without mildness towards the enemy."

Q Do you know whether any meeting took place at the Regimental Command Post? Do you know whether or not any meetings took place at the Regimental Command Post on 15 December?

A Yes, I know of one meeting.

Q What meeting was this?

A That was a meeting of the company commanders of the 1st Section of the 1st Armored Battalion LSSAH.

Q Do you know who was present at this meeting?

A Yes, I do.

Q Who was there?

A 1st Lt Karl Kremser for the 1st Company, 1st Lt Fritz Christ for the 2nd Company, 2nd Lt Hans Steiniger, the 1st Platoon Leader for the 6th Company, Captain Oskar Klingelhoef for the 7th Company, for the Battalion Headquarters Company 2nd Lt Hans Buchheim, for the Forward Platoon 1st Lt Werner Sternebeck and for the Headquarters Company the Executive Officer, Untersturmfuehrer Fischer.

Q Who did you say was present from the 6th Company?

A At first when the meeting started the leader of the 1st Platoon, 2nd Lt Hans Steiniger.

Q Did anyone else from the 6th Company attend?

A Yes, towards later on the 6th Company Commander Beoni Junker arrived.

Q Could you identify Christ if you would see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if Christ is among those present?

A Yes.

Q What number is he wearing?

A 7.

PROSECUTION: Christ will stand up.

(Whereupon the accused Christ stood up in the prisoners' dock.)

PROSECUTION: Sit down.

Q Could you identify Junker if you were to see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if <sup>is</sup> he among those present.

A Yes, he is present.

Q What number is he wearing?

A 29.

PROSECUTION: Junker, will you stand up?

(Whereupon the accused Benoni Junker stood up in the prisoners' dock.)

PROSECUTION: Sit down.

Q Could you identify Klingelhoefer if you were to see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if he is among those present.

A Yes, he is present.

Q What number is he wearing?

A 35.

PROSECUTION: Klingelhoefer will stand up.

(Whereupon the accused Klingelhoefer stood up in the prisoners' dock.)

PROSECUTION: Sit down.

Q Could you identify Sternebeck if you were to see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if he is among those present.

A Yes.

Q What number is he wearing?

A 62.

PROSECUTION: Sternebeck, will you stand up?

(Whereupon the accused Sternebeck stood up in the prisoners' dock.)

Q Could you identify Fischer if you were to see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if he is among those present.

A Yes.

Q What number is he wearing?

A 13.

PROSECUTION: Fischer, will you stand up?

(Whereupon the accused Fischer stood up in the prisoners' dock.)

PROSECUTION: Sit down.

Q Where in the Command Post did the meeting take place that you have referred to?

A In the room which was usually used by the commanding officer Lt Col Peiper and Major Poetschke.

Q You have testified that Fischer was present at this meeting. Did you have any conversation with him?

A Yes, I did.

Q Did he hand you anything during this conversation?

A Yes, he did.

Q What was it?

A A certifying document upon which the signing officers had to certify to remain completely silent about this document and to notify of the contents of this statement only those persons who had to know it in order to perform their duties.

Q Do you know the contents of this statement?

A I just stated it.

Q Did you sign it?

A Yes.

Q After the meeting did you hear any conversation among the officers that had attended the meeting?

A Only of a general nature.

Q Who were these officers?

A All the company commanders who had been present at the meeting.

Q Can you name them?

A Yes.

Q Will you do so?

A Lt Col Kramm, 1st Lt Fritz Christ, 1st Lt Benoni Junker and Captain Oskar Klingelhofer.

Q Do you recall generally what they said?

A They called their runners in order to have the companies notified.

Q Do you know what they were going to have their companies notified of?

A That the companies were to be formed for a company meeting.

Q Do you know whether or not these company meetings were held?

A I, myself, only saw the meeting of one of these companies.

Q Which company was that?

A Headquarters Company of the 1st Section.

Q Did anyone speak at this meeting?

A When I arrived towards the end of this meeting the 2nd Lt Hans Buchheim was talking.

PROSECUTION: There is a correction, I believe in the translation. He is translating "abteilung" as section, and I believe it is Battalion.

LAW MEMBER: The interpreter on the bench says it cannot definitely be called "Battalion. Ask him over. Ask him what it consisted of and we will get it straightened out.

QUESTIONS BY PROSECUTION:

Q Do you speak English?

A Yes, sir, I do.

Q What do you mean by "abteilung"?

A Abteilung means 1st SS Panzer Battalion--I beg your pardon, the battalions of the 10 regiments are called abteilung.

Q How many companies were in this battalion?

A There were four companies in the battalion, four companies, one Headquarters Company and one Service Company.

Q Is this company meeting that you referred to of the Stabs Company of the 1st Battalion?

A The company meeting which I attended was a meeting of the Headquarters Company of the 1st Battalion.

Q Did you hear what Buchheim said at this meeting?

A I only heard the end and that concerned the execution of the offensive in general.

Q On what day did the offensive begin?

A For the 6th SS Armored Army in general the offensive

started on the 16 December 1944. The 1st SS Armored Regiment, however, didn't come into direct contact with the enemy until on the morning of 17 December.

Q Do you know the elements of the 1st SS Panzer Regiment, primarily referred to as Combat Group Peiper, that participated in this offensive?

A Yes, I do.

Q What were they?

A The 1st SS Armored Regiment with the Headquarters Company, the 1st SS Armored Battalion under the command of SS Major Werner Poetschke, the 9th Armored Engineers Company under the command of the 1st Lt Erich Rumpf, the Anti-Aircraft Company of the 1st Armored Regiment under the command of 1st Lt Vogel, the 3rd Battalion of the 2nd Armored Regiment of the LSSAH under the command of Captain Josef Diefenthal, the 3rd SS Armored Engineers Company of the 1st SS Armored Engineers Battalion LSSAH commanded by 1st Lt Franz Sievers, the 3rd Armored Infantry Company of the 2nd SS Grenadier Regiment, the Independent Heavy Armored Detachment 501, Royal Tigers, and one Anti-Aircraft Detachment of the Air Corps and one of the companies of the Parachute Battalion ZEV. These are all of the units of the Armored Command.

Q Do you recall whether or not there was any reconnaissance units of the Combat Group Peiper?

A Only such reconnaissance units as were found within the units themselves. These were equipped only with light vehicles without armor.

Q Do you know whether there is any connection between the Recon. Bn commanded by Knittel and the Combat Group commanded by Peiper?

A There was undoubtedly some connection but just what

the points of contact were I don't know.

Q Do you know the commanders of the companies of the 1st Bn.?

A Yes, I do.

Q Will you state those?

A For the 1st Company 1st Lt Karl Kremser, for the 2nd Company 1st Lt Fritz Christ, for the 6th Company 1st Lt Benni Junker and for the 7th Company the Captain Oskar Klingelhofer.

Q Do you know the commanders of the companies of the 3rd Bn. commanded by Diefenthal?

A Yes, with the exception of the 9th Company.

Q Will you state the names of the commanders of the other companies?

A For the 10th Company 1st Lt Georg Preuss, for the 11th Company 1st Lt Heinz Tomhardt and for the 12th Company Master Sergeant Thiele.

Q Could you identify the commander of the 9th Panzer Pioneer Company if you were to see him again, Rumpf?

A Yes.

Q Will you take a look at the defendants and see if he is among those present? You can get up and leave the stand.

PROSECUTION: Will you turn the lights on again so he can see the back row?

A Yes, he is there.

Q What number is he wearing?

A 54.

PROSECUTION: Stand up Rumpf!

(Whereupon a defendant stood up in the prisoners' dock.)

PROSECUTION: Sit down.

Q Could you identify the commander of the 3rd Panzer Pioneer, Sievers, if you were to see him again?

A Yes, sir.

Q Take a look at the defendants among those present, who are sitting on your left, and see if you can see him.

A Yes.

Q What number is he wearing?

A 59.

PROSECUTION: Stand up Sievers.

(Whereupon one of the defendants stood up.)

PROSECUTION: Sit down.

Q Could you identify the commanding officer of the 10th Panzer Grenadier Company, if you were to see him again?

A Yes.

Q What is his name?

A 1st Lt Georg Freuss.

Q Will you take a look at the defendants and see if he is present?

A Yes.

Q What number is he wearing?

A 44.

PROSECUTION: Stand up, Freuss.

(Whereupon one of the defendants stood up.)

PROSECUTION: Sit down.

Q Could you identify the commanding officer of the 11th Panzer Pioneer Company, Tomhardt, if you were to see him again?

A Yes, sir.

Q Take a look at the defendants and see if he is among those present?

A Yes, he is present.

Q What number is he wearing?

A 67

PROSECUTION: Tomhardt, stand up.

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(Whereupon one of the defendants stood up.)

PROSECUTION: Sit down.

PRESIDENT: Colonel Ellis, can you take a break  
here now?

PROSECUTION: That is a good place to break, sir.

PRESIDENT: The court will adjourn until 0830  
tomorrow morning.

(Whereupon the Court adjourned at 1705 hours.)

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CAMP DACHAU, GERMANY

18 MAY 1946.

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: The Court will come to order.

PROSECUTION: May it please the Court, let the record show that all the members of the Court, all the members of the Prosecution, with the exception of Captain Shumacker, who is absent on business of the Prosecution, all the members of the Defense counsel with the exception of Mr. Walters, Dr. Rau, Dr. Pfister, who are absent on business of the accused, and all the defendants and the reporter are present.

Will the witness Kramm take the witness stand.

KURT KRAMM, a witness called by the Prosecution, having been previously sworn, resumed the stand and testified further through an interpreter as follows:

DIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION:

Q You are reminded that you are still under oath. With reference to your testimony at the conclusion of yesterday's session, you were testifying about the orders that you saw in the regimental command post. Did those orders say anything about the treatment to be accorded the enemy?

A One sentence in the regimental order which I saw and there I saw no mercy should be shown to the enemy.

Q Again, with reference to your testimony at the close of yesterday's session when you were speaking about the meetings that were held by the various company commanders, do you know what subjects were discussed and what types of speeches were made?

A No. I was not present when the company commanders had their conference.

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Q Do you know what subjects were covered at the meetings?

A Yes.

Q What were the subjects?

A The coming offensive with the tactical consequences and all matters which concerned the warfare and also the treatment of prisoners. That was the decisive conference before the attack.

Q Are you speaking about the meetings held at the regimental command post or the company meetings held by the individual company commanders?

A No. I am talking about the conferences which took place in the position of the first SS Armored Regiment which took place in the forest of Blankenheim, in which the company commanders of the 1st SS Armored Battalions were informed.

Q I am referring to the meetings held by the company commanders, what kind of speeches did they make at these meetings?

A At this conference a speech was made by the commandant of the 1st SS Armored Battalion.

Q Lt. Kramm, will you answer these questions in English please?

A Yes.

PROSECUTION: WILL you please read the last question again?  
(Whereupon the last question was read by the reporter.)

MR. STRONG: I will object to the question, the witness just testified that he was not present at that conference. How can he testify to any speech held there?

PROSECUTION: According to the rules of evidence in this Court the witness can testify to hearsay evidence.

PRESIDENT: The objection is overruled. The witness may answer.

PROSECUTION: Will you read the question again please?

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

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5/18 IJH 3

THE WITNESS: I can only tell that I know that in this Company meeting we had delivered speeches about the coming offensive and about all the things which concerned this offensive.

PROSECUTION: I believe that there was a mistake in the translation again. I am referring not to the regimental meeting but to the various Company meetings that were held. Is that wrong again?

LT. PERL: Yes, he said - - - I'm sorry.

PROSECUTION: Just one minute. Tell me what the story is. Let's try it again. I am speaking about the Company meetings and not the Regimental meetings, do you understand that?

THE WITNESS: Yes. I understand it quite well.

QUESTIONS BY PROSECUTION:

Q Will you translate it in English and we will see what you understand?

A The Company meetings were held after the meetings of the Company commanders in the CP in Hlaakenheim campaigns.

Q Do you know what kind of speeches the Company commanders made at those meetings?

A I knew that the Company commanders did deliver the news which they got in the meeting of the company commanders in the CP to the companies.

Q Do you know whether or not these speeches were inciting?

A No. I don't know.

Q Do you know the regimental surgeon of the 1st SS Panzer Regiment?

A Yes. I know him.

Q Could you identify him if you were to see him again?

A Yes, I can.

Q Will you take a look at the defendants seated in the dock on your left and see if Kurt Sickel is among those present?

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A Yes.

Q What number is he wearing?

A 57.

PROSECUTION: Sichel, will you stand up?

(Whereupon the accused arose as directed.)

QUESTIONS BY PROSECUTION:

Q Was Sichel the regimental surgeon of the First SS Panzer Regiment?

A Yes, sir.

Q Do you know the route of march of the combat group Peiper during the Eifel offensive?

(Whereupon all the answers by the witness were in the English language.)

A Yes, I know the route of march of the combat group Peiper.

Q Do you know the approximate time of day that the point reached the various villages and also the time when the main body reached the same villages?

A Yes. I know the time too.

Q With reference to Prosecution Exhibit 2, which is the large map on the wall, at your right, will you please step up and go over to the map and by the use of the pointer trace the route of march of the combat group Peiper during the Eifel offensive?

A Yes.

Q Will you state the approximate time of day, after the column crossed into Belgium, that the point reached the villages and when the main body reached the villages? Correction, it is Prosecution Exhibit No. P-3.

A We started early in the morning about two o'clock A.M. to the route north of Blankenheim.

(Kramm-direct)

Q What day was that?

A That was December 16.

Q What year?

A 1944.

Q Go on.

A Then the armored group were driving on highway of Elankenheim to Dahlem - - we were driving on the highway from Elankenheim to Dahlem and reached a point between Elankenheim and Dahlem, it is called, Forsthaus Schmidtheim, about 8 o'clock A.M. on December 16, 1944. Here we longer stopped. In the noon of December 16, 1944 the armored troop were driving from Forsthaus Schmidtheim over Dahlem, over Stadkyll, over Kronenburg, over Hallschlag to Losheim. Losheim was reached by the point about 7 o'clock P.M. We need the night to drive from Losheim to Lanserath. In the morning of December 17, 1945, we attacked for the First SS Panzer Regiment started ---

Q Did you mean 1944?

A 1944, yes. Losheim were reached by the point - - - Honsfeld were reached by the point about 7 o'clock A.M. on December 17, 1944. The center of the column reached it about 9 A.M. From Honsfeld we attacked to Buellingen. Buellingen were reached by the point about 11 A.M. and by the center about 12 A.M. From Buellingen the armored group left the highway and were driving on narrow roads over Schoppen to Thirimont. Thirimont were reached by the point about noon, the midst of the column reached it about 12:30. From Thirimont the armored group marched north direction to the highway from Waines and Ligneuville - -

Q Will you trace now on the map, the road that was followed by the combat group Paiper from Thirimont to Ligneuville?

A Yes. I shall do it.

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Q Will you describe the route by directions?

A From Thiriment north direction to the highway on this road (indicating) to the highway from Waines to the cross roads south of Malmedy.

Q When you reached the highway from Waines to the cross roads south of Malmedy, which direction did you turn?

A We turned to the left and were driving to the south.

Q What is the name of the village at the cross roads?

A Beugnes.

Q At what time did the point and the main part of the body reach Beugnes?

A Beugnes were reached by the point about 2 P.M. and by the midst of the column about two thirty.

Q From Beugnes what direction did the point and column move?

A From Beugnes we were driving in a south direction to Ligneuville.

Q What time was Ligneuville reached?

A Ligneuville were reached by the point shortly after 1 P.M. and the midst of the column about 3 P.M.

Q In what direction did the column proceed after leaving Ligneuville?

A We were driving in west direction.

(Kramm-direct)

S Fls Irv

Q • Will you continue now with the route of march ?

# 18

A From Ligneuville the armored group preceded - we were

18 S 1

driving now already in the night. It was from Ligneuville at about 4 or 4.30 to about this highway to Lednitz and thence to Stavelot.

Q What time was Stavelot reached and on what day ?

A The point reached Stavelot at December 17 1944 at about 2200 a.m. and the midst of the column reached it about midnight.

Q Do you mean reached the center of the village or the outskirts ?

A Nowir, I mean the outskirts .

Q Where did the column spend the night ?

A The Column spent the night at the head of of Stavelot.

Q Will you continue now with the route of march ?

A Yes sir. In the morning of 18 December Stavelot was attacked and then we passed Stavelot in the morning of December 18 at about 10 a.m. The point reached the next village of Trois Ponts about 11 a.m. The midst of the column reached it at about noon. From Trois Ponts we were driving again in a north direction to La Gleize. The point of the column reached it about noon and the midst of the column reached it about 1. 30 a.m.

Q Do you mean a.m. or p.m. ?

A 1. 30 p.m.

Q Continue

A From La Gleize we were driving in direction Cheneux.

Q In what direction is Cheneux from La Gleize ?

A Cheneux is in a westerly direction from La Gleize.

Cheneux was reached by the point about 2.30 and by the midst of the column about 3.30 a.m. - I beg your pardon - 2.30.

Q Do you mean a.m. or p.m. ?

A a.m.

Q 2.30 in the morning or a fternoon ?

(Kramm -direct)

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18.S.2

A I mean 2.30 in the afternoon and 3.30 in the afternoon  
by the midst of the column.

Q Do you know whether or not any of Combat Group 'Peiper'  
reached Stoumont ?

A Yes, I do know it.

Q When did they reach Stoumont ?

A They reached Stoumont December 19. The exact time I  
don't know because I was wounded already on December 18.

Q Where were you wounded ?

A I were wounded at the Bridge between La Gleize and  
Cheneux.

Q What time of day was that ?

A It was in the afternoon of December 18, 1944 about  
3 p.m.

Q Going back to the place on the map marked Crossroads  
at the village of Beugnez , as I recall you said when the column  
proceeded north out of Thirimont, they made the Wiems/Crossroads  
highway and turned to the left and proceeded south-- now do you mean  
south or south-west ?

A I mean south.

Q I mean the highway that hits Wiems/Beugnez on which  
you turned to the left - in what direction did you proceed ?

A From this point we were driving in a south-west  
direction.

PROSECUTION: Will you take your seat again please.

Q What time of day was it when you were wounded ?

A About 3 p.m. December 18, 1944.

Q Do you know the order of the elements of combat group  
'Peiper' as they lined up to take off on the morning of 16th December  
at Blankenheim ?

A The order of march ?

Q I mean the numerical sequence - I don't mean the orders  
of march - I mean the numerical sequence in which the elements lined  
(Kramm-direct)

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18 S 3.

up on the road ?

A I can tell you the order of march to Beugnez from Lanzerath.

Q I mean the order in which the elements of Combat Group 'Peiper' lined up to take off - was it the 1st Company that took the lead or the 2nd Company that took the lead - I just want you to tell the court how these different components of the combat group 'Peiper' lined up to take off on 16th December at Blankenheim?

A On the morning of December 16th, combat group 'Peiper' took off in the following order: First the point platoon commanded by Obersturmfuehrer Werner Sternebeck; then the 10th Panzer Grenadier Company commanded by Obersturmfuehrer Georg Preuss, and elements of the 12th Panzer Grenadier Company with cannon SPW's; then the 1st SS Tank Company; then the 11th Panzer Grenadier Company; then the 6th Panzer Company; then the main part of the 9th Tank Engineer Company; then the 7th Tank Company commanded by Hauptsturmfuehrer Oskar Klingelhoefner.

Q Lt Kramm, who commanded the 9th Panzer Pioneer Company?

A The 9th Tank Pioneer Company was commanded by Obersturmfuehrer Erich Rumpf.

Q Continue then with the order of march will you ?

A Yes sir. The main part of the Anti-Aircraft Company of the 1st SS Tank Regiment; then the 3rd tank Engineer Company of the 1st SS Tank Engineer Battalion.

Q Who commanded the 3rd Tank Engineer Company ?

A The 3rd Tank Engineer Company was commanded by Obersturmfuehrer Franz Sievers; then the 2nd Tank Company commanded by Obersturmfuehrer Franz Christ; then the 13th Armored Infantry Company of the 2nd SS Panzer Grenadier Regiment; then the armored tank battalion '501' with Royal Tigers and then the Anti-Aircraft Battalion from the Luftwaffe.

(Kramm- direct)

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18.S. 4

Q That is all of the elements that lined up to take off on the morning of the 16th ?

A Yes.

Q Do you know the order in which the elements of combat group 'Peiper' lined up to take off at Lanzerath, Belgium ?

A Yes.

Q Will you tell the court the order in which they took off ?

A When the attack started in Lanzerath there were various changes that took place in the Company of the old order of march. At first the point platoon commanded by Obersturmfuehrer Werner Sternebeck consisting of two tanks type Mark IV; then the tanks of the 10th Panzer Grenadier Company commanded by Obersturmfuehrer Georg Preuss with part of the 12th Panzer Grenadier Company with armed SPW's; then the commanding officer of the 3rd Armored Battalion, with the Commanding Officer of the 1st Tank Regiment Obersturmbannfuehrer Peiper and the Commanding Officer of the 3rd Armored Battalion Obersturmbannfuehrer Josef Diefenthal; then the 6th Tank Company commanded by the 1st platoon leader Untersturmfuehrer Steininger because the Company Commander Obersturmfuehrer Benoni Junker was sick; then the 11th Panzer Grenadier Company commanded by Obersturmfuehrer Heinz Tomhardt; then the 7th Tank Company commanded by Hauptsturmfuehrer Oskar Klingelhoef; then the main part of the 9th Tank Engineer Company; behind them the 13th Infantry Howitzer Company of the 2nd Panzer Grenadier Regiment; then the Anti-Aircraft Company of the 1st SS Tank Regiment; then the 1st Tank Company commanded by Obersturmfuehrer Karl Kremser; behind the 1st, the 2nd Tank Company commanded by Obersturmfuehrer Fritz Christ; behind the 2nd Tank Company part of the 12th Panzer Grenadier Company with armed SPW's; then the Armored Battalion '501' with Royal Tigers and behind them the Anti-Aircraft Battalion of the Luftwaffe.

(Krauss-direct)

# 18

18.S.5

Q During the advance were there any other changes made in the march order - in the order of march ?

A Yes.

Q Do you remember any of the principal changes ?

A Yes sir.

Q Will you name the place and date and the order of March after these changes had taken place ?

A Yes: In the forenoon of December 17, 1944, the 1st Tank company bypassed the Companies who were in front of them and reached the point with the whole Armored Column in Ligneuville/Engelsdorf.

(Kramm -direct)

A (Continuing) In the morning of December 18, 1944, the 6th Tank Company and the 7th Tank Company and the 3rd Tank Engineer Company got a special mission to go in south direction to seek another bridge over the River Salm. They returned late in the night, when the Armored Group were already in La Gleize. From the 7th Company, only the tank of the company commander, Hauptsturmfuehrer Klingelhoef, returned back to the Armored Group. The other tanks of the 7th Company stayed ahead of Stavelot.

Q Do you know who the enemy was you were facing during this offensive?

A Yes, sir.

Q Who were they?

A During the first part of the offensive we were facing the 80th American Infantry Division, and later the 30th American Infantry Division.

Q Were you captured during the offensive?

A Yes, sir, I were captured.

Q When and where?

A I was captured in the forenoon of Christmas Day, 1944, in La Gleize.

Q Shortly after your capture, were you interrogated about the events of this offensive?

A Yes, sir, I were interrogated.

Q Whereabouts was this?

A It was in the American field hospital in Velviers, Belgium.

Q Do you remember the approximate date?

A Yes, sir. In the night of December 25, 1944.

Q Were you sworn before you were interrogated?

A No, sir, I were not sworn.

Q Were you a prisoner of war at the time?

A Yes, sir, I were a prisoner of war.

Q Were hostilities still going on between the German Reich and the United States?

A Yes, sir.

Q Was everything you said during this interrogation the truth?

A No, sir.

Q Lt. Kramm, does the reference to a Panzer Company in German mean the same thing as Tank Company in English?

A Yes, sir.

Q Does Panzer Grenadier Company in German mean the same as Armored Infantry Company in English?

A Yes, sir.

Q Does Panzer Pioneer mean in German the same as Armored Engineer in English?

A Yes sir. The same mission and the same equipment.

PROSECUTION: I would like at this time to point out to the Court that there have been discrepancies in translation by various interpreters. We would like to request that all interpreters translate hereafter, using the term Panzer where the German term is used as Panzer, and it will be understood that it is meant tank, and when the term Panzer Pioneer is used it will be understood it is meant Armored Engineer; likewise, with Panzer Grenadier, that it means Armored Infantry.

DEFENSE: May it please the Court, there is no objection.

COL. ROSENFELD: I should think the easiest way would be to write it down on a piece of paper and put it up here. The Court evidently knows what the witness is talking about.

PROSECUTION: All right, sir. We will do that.

Q Now, what kind of tanks did the 1st and 2nd Tank Company of the 1st Tank Regiment have?

A The 1st and 2nd Company of the 1st SS Tank Regiment had tanks of the type of 5.

Q And what type tanks did the 6th and 7th Tank Companies have?

A The 6th and 7th Companies of the 1st SS Tank Regiment had tanks of the type marked 4.

Q What is an SPW?

A The SPW is the same like the American half truck.

Q What is meant by the abbreviation MPI with reference to small arms?

A That means machine pistol.

Q With reference to my question on SPW, did you say half track or half truck?

A Half track.

Q Now, with reference to the 3rd Panzer Pioneer Company and the 9th Panzer Pioneer Company, did they use SPW's?

A Yes, sir. The 3rd and the 9th Tank Engineer Company were equipped with SPW's.

Q And did the Panzer Grenadier Company of the 3rd Panzer Grenadier Battalion of the 2nd Panzer Grenadier Regiment use SPW's?

A Yes, sir. They had the same SPW's like the Tank Engineer Company.

Q Did they have any tanks in their equipment?

A No, sir, there were no tanks.

Q Now, you were referring to the Panzer Grenadier Companies?

A Yes, sir.

Q I believe you have testified that you were an adjutant in your battalion?

A Yes, sir, I was.

Q What are the duties of the adjutant in the German army?

DR. LEBLING: I object to this translation. An ordnance officer is not an adjutant. He is an orderly officer.

PROSECUTION: If the Court please, I understand that ordnance officer means an administrative officer -- that the duties are similar to an adjutant, at least.

Q Well, will you describe your duties as an ordnance officer, with reference to the German army?

A My duties as the ordonanz-offizier were to be the right hand of the adjutant.

PROSECUTION: I believe there is a correction -- that it should be to the executive officer -- right hand to the executive officer.

MR. STRONG: If it please the Court, I object. The witness stated clearly "right hand to the adjutant" in German.

PROSECUTION: I don't know what the correct word is.

WITNESS: May I explain it in English?

PROSECUTION: Go ahead.

A The duties of the German adjutant means like the same in English, executive officer. I beg your pardon. Not exactly the same, but about the same. And the German ordnance officer is not a liaison officer, but about the same in English as adjutant.

PROSECUTION: You may cross examine.

DEFENSE: May it please the Court, as I understand, the witness will be recalled, but at this time Mr. Strong, on behalf of the American counsel, would like to ask a few questions, and Dr. Lelling, on behalf of German counsel, will try to consolidate the questions for the German counsel. All of the German counsels are involved, but we are trying to reduce it as much as possible.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Mr. Strong):

Q Lt. Kramm, when did you join the regiment of Col. Peiper?

A In the first weeks of the month October, 1944.

Q So you were with Col. Peiper for approximately two months when the offensive started. Is that correct?

A Yes, sir, that is correct.

Q Now, Kramm, you seem to have an admirable memory and remember the names and formations in quite an admirable way. Did you, by any chance, keep a diary during the offensive?

A Yes, sir. At first I write a diary, then, at second, it was the last war action which I have made, and after this time I were captured and I have not seen any more action of this.

Q I see. And during the offensive you kept a diary from hour to hour?

A No, sir.

Q When did you make your entries?

A I only made the entries when important matters occurred and I had to make entries into the combat daily journal of the battalion.

Q Where is this diary now?

A I burned it before I was captured.

Q When were you captured?

A Christmas Day, 1944.

Q And the entries which you made in your diary, referring to the events between December 16 and December 24, remain so vividly in your memory, despite the fact that you burned this diary in December, 1944?

A Yes, sir.

Q Now, you undoubtedly took part in several other campaigns, Kramm, didn't you, prior to the Bifel offensive?

A Yes, sir, but not as officer.

Q In what campaigns did you take part?

A In campaigns in Russia.

Q And you kept a diary about your Russian campaigns, too?

A No, sir. I were not an officer there and I had no duty to write it.

Q In what period of time did you take part in that Russian campaign which you first mentioned?

PROSECUTION: I object.

COL. ROSENFELD: Objection sustained. Not cross examination.

Q Now, Kramm, you made your first statement to any American

authorities in this case on December 25, 1944, right after your capture. Is that correct?

A Yes, sir, that is correct.

Q And you made subsequent statements to American authorities subsequent thereto, didn't you?

A Yes, sir.

Q Now, how often would you say you were approximately interrogated at Schwabisch Hall?

PROSECUTION: I object.

COL. ROSENFELD: Objection sustained.

MR. STRONG: May I very respectfully point out to the Court, with due deference, that this is cross examination --

COL. ROSENFELD: It is not cross examination, because it is without the scope of the direct examination. The Court has ruled. The objection is sustained.

Q Kramm, isn't it a fact that you, during the time you were in Schwabisch Hall, signed a statement for Prosecution, in question and answer form, consisting of approximately twenty pages?

PROSECUTION: I object again.

COL. ROSENFELD: That is not cross examination. It is the last time the Court will notify you.

Q Is it a fact, Kramm, that during --

MR. STRONG: I don't know -- I want to ask a question --

COL. ROSENFELD: You will not refer to anything except the matters on which he was examined in his direct examination.

MR. STRONG: No further questions.

QUESTIONS BY DR. LEILING:

Q Lt. Kramm, when, for the first time, did you receive knowledge of the order before the campaign?

A December 15.

Q Where?

A The regimental CP in the forest of Blankenheim.

Q At what time of day?

A About noon.

Q Who put that order into your hand?

A No one handed it to me. I saw it on the table, and I took it.

Q On whose table?

A On the table of the executive officer.

Q Did you read that order?

A I hastened through it because I didn't have much time.

Q However, you could remember all the elements of the offensive?

A The units and the order of combat that were sent -- those I saw later on myself, after the order.

Q Was this a similar order?

A Yes.

Q Was it the first order concerning this offensive?

A The first regimental order which I saw concerning this offensive, yes.

Q So all the matters about which you talk concerning the sand table had nothing to do with this offensive?

A Before the offensive extensive preparations were made which transferred our division into the Eifel area.

Q That doesn't answer my question. We determined before that this was the first order of the offensive. Isn't that right?

A Yes, in the sense that this order for the first time gave the exact point of the offensive.

Q Wasn't the entire offensive a secret order?

A Yes.

Q So nothing about the offensive could be known beforehand?

A Nothing about this offensive, but about offensive in general.

Q So the practice in the sand table had nothing to do with this offensive?

A Not with this offensive.

Q What did you do with the order, yourself?

A I read it.

Q And then?

A I left it lying there.

Q Do you know what then happened with the order?

A The order? No.

Q Didn't you say yesterday that you knew the order was transmitted to the lower echelons?

A Yes, I said that. I mean to say that I didn't see how this order was picked up by the executive officer of the regiment and given to the commanders of the battalions, but if one is within the business of the staff for a short length of time, one would know that the written orders are transmitted by the higher echelons to the lower echelons.

Q However, you didn't do anything to prevent the transmission of the order about which you knew?

PROSECUTION: I object as being irrelevant and immaterial. This witness is not one of the defendants.

PRESIDENT: Objection overruled.

Q Please answer.

A No, because one never heard that in my area or my range of business something like that could happen.

Q If you want to get to the truth of the matter, wouldn't it have been better for you to demand to sit among the accused?

PROSECUTION: I object.

PRESIDENT: Objection sustained.

Q What was your personal activity during the offensive?

A I had the order to drive behind my commandant with the motorcycle unit.

Q Was that at the beginning, in the middle, or at the end of the entire column?

A The first part of it in the middle, and later on at the point.

Q How long, would you estimate, was this entire column about which you are speaking?

A Do you mean the time, considering the speed of the column, or in kilometers?

Q I mean in kilometers.

A In kilometers, about ten kilometers.

Q All those units which you mentioned today extended to ten kilometers?

A Because of the threat from the air, we drove in large intervals.

Q And you are saying that because of your military knowledge?

A No. I say that because I saw it, and every officer had the task to point it out continuously.

Q You couldn't oversee ten kilometers?

A No, but if all officers who were distributed along the entire road point toward that continuously, then these orders were carried out.

Q At any rate, that is your assumption.

A No. I saw it. That is a fact.

Q You just said that you couldn't oversee the whole thing.

A Because of the fact that I changed my position continuously -- I was in the middle, I was at the point, and also between the middle and the point -- I saw it.

Q When did you yourself pass the Crossroads south of Malmedy?

A About 2:30 in the afternoon.

Q Who, at this spot, was in front of you?

A At this spot, parts of the 7th Company were in front of us.

PRESIDENT: Court will recess until 10:30.

(Whereupon the Court recessed at 1000 hours.)

XX1sp

(Whereupon the Court reconvened at 1030 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court, all members of the prosecution, all members of the defense counsel with the exception of Dr. Rau and Dr. Pfister who are absent on business of the defense, all of the defendants and reporter are present.

Will you call the witness Kramm?

You are reminded you are still under oath.

KURT KRAMM, called as a witness for the prosecution, resumed the stand and testified further through an interpreter as follows:

DR. LELLING: I have no further questions.

DEFENSE COUNSEL: May it please the Court, on behalf of the defense and in view of the fact that the witness will return to the witness stand at a later time during this trial, no further questions will be asked of the witness at this time, but we as defense counsel would like at this time an amplification of the Court's ruling on the objection by the prosecution to our line of questions on cross examination. Do we understand that in the future we will be limited to the line of questioning on direct examination of the witness, or will we be permitted to ask of the witness questions designed primarily to attack the credibility and veracity and bias of the witness?

COLONEL ROSENFELD: Both the prosecution and the defense will be permitted to cross examine

XX2sp

witnesses other than the accused according to the rules and regulations of cross examination. Where the credibility of the witness is to be attacked, the credibility will be attacked in the prescribed manner and the Court will permit such attack.

If the accused or any of the accused take the stand, cross examination will be permitted in accordance with the rules of evidence whereby the accused may be cross examined on any matter in connection with the case.

PROSECUTION: If the Court please, I have a couple of questions on redirect.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION

Q Lt. Kramm, on cross examination you testified that you kept a diary. Did you mean a personal diary or a battalion journal?

A By that I mean personal data which I took down for the purpose of later using them in the combat journal.

Q On direct examination you referred to the times of day that the point reached certain villages and also the main body. Were those times approximate or exact?

A All times which I stated were approximate.

Q In your capacity as ordinance officer, was it your duty to pass on orders?

A Yes.

PROSECUTION: That is all the questions I have.

PRESIDENT: Questions by the defense?

(Kramm - Redirect)

XX3sp

DEFENSE COUNSEL: No further questions.

PRESIDENT: Any questions by the Court?  
There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: Call the witness Jaeger.

HORST JAEGER, a witness for the prosecution,  
being first duly sworn, testified through an  
interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION

Q State your name.

A Horst Jaeger.

Q Your grade?

A Sturmann, (Pfc).

Q And your organization?

A First Panzer Regiment, L.A.H.

Q Were you a member of any company?

A First Company.

Q Was your organization a part of the

Waffen SS?

A Yes.

Q Are you a prisoner of war of the American  
Army?

A Yes.

Q Where are you now being held prisoner?

A In Dachau.

Q Did you take part in the Eifel offensive  
of the German Army during the months of December  
1944 and January 1945?

A Yes.

(Jaeger - Direct)

XX4sp

Q What was your assignment?

A I was in the I group.

Q What do you mean by I group?

A As a tank guard.

Q Who was your company commander?

A Obersturmfuehrer (1st Lt.) Kremser.

Q What group were you?

A I was in the I group.

Q Who commanded your group?

A Hauptscharfuehrer (Master Sergeant)

Wivanz.

Q Do you know any of the platoon commanders of the first company?

A Yes, Second Lieutenant Hennecke.

Q Which group did he command?

A I don't know that for sure.

Q Could you identify Hennecke if you were to see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if Hennecke is among those present.

A Yes.

Q What number?

A Number 23.

PROSECUTION: Hennecke, stand up. Sit down.

Q On what day did the offensive start?

A On the 16th.

Q Of what month?

A December.

Q And the year?

A 1944.

(Jaeger - Direct)

XX5sp

Q Shortly prior to the beginning of the offensive, was there a meeting of the first company?

A Yes.

Q Were you present?

A Yes.

Q Do you know who spoke?

A Yes.

Q Who was it?

A First Lieutenant Kremser.

Q What was the substance of his speech?

A He talked about the combat.

Q Did he say anything else?

A He said that no prisoners were to be taken.

Q Was Kremser in command of the first company throughout the offensive?

A I can't say that.

Q Was Kremser wounded during the offensive?

A Yes, he was wounded.

Q Do you know what date?

A I don't know that.

Q Do you know where he was wounded?

A No.

Q Do you know whether or not Hennecke was in command of the first company at any time during the offensive?

A Yes, he probably was a commander of the company during the first period.

Q Was he commander during the latter part of the offensive?

A No. He wasn't there any more.

(Jaeger - Direct)

XX6sp

Q Are you referring to Hennecke or Kremser?

A First Lieutenant Kremser.

Q Was Hennecke present during the latter part of the offensive?

A I don't know that.

Q Do you know whether or not Hennecke was present at the time Kremser made his speech to the company?

A No.

PROSECUTION: That is all.

DEFENSE COUNSEL: May it please the Court, on behalf of the defense, may I inquire as to whether this witness will be returned to the stand at a later time?

PROSECUTION: No, he will not be recalled.

DEFENSE COUNSEL: May it please the Court, the defense does not desire to cross question the witness further.

PRESIDENT: Any questions by the Court? There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: Call the witness Koehler.

ERNST KOEHLER, called as a witness for the prosecution, being first duly sworn testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION

Q State your name.

A Koehler, Ernst.

Q Your grade?

(Koehler - Direct)

XX7sp

A Rottenfuehrer (Corporal).

Q And your organization?

A First Company, First Panzer Regiment L.S.S.A.H.

Q Is your organization a part of the Waffen  
SS?

A Yes.

Q Are you a prisoner of war of the American  
Army?

A Yes.

Q Where are you now being held prisoner?

A In Dachau.

Q Did you take part in the Eifel offensive  
in the German Army during the months of December  
1944 and January 1945?

A Yes.

Q What was your assignment?

A I was a gunner in a tank.

Q Who was your company commander?

A First Lieutenant Kremser.

Q What was your platoon?

A I was in the company troops of the first  
company.

Q Is this a headquarters section?

A That you might say is a point of the  
fighting unit.

DR. LELLING: It's a master sergeant.

PROSECUTION: Will you repeat the answer?

A The man who is the first sergeant of the  
whole company. He is out with the company troops  
with the unit.

Q Is that the same as the administrative  
(Koehler - Direct)

XX8sp

section of the company?

A No, it's not the administration.

Q Do you know any of the platoon commanders of the first company?

A Yes.

Q Who commanded the first platoon?

A Second Lieutenant Hennecke.

Q Could you identify Hennecke if you were to see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if Hennecke is among those present.

A Yes.

Q What number is he wearing?

A 23.

PROSECUTION: Hennecke, stand up. Sit down.

Q Prior to the beginning of the offensive was there a meeting of the first company?

A Yes.

Q Were you present?

A Yes.

Q Do you know who spoke?

A Yes.

Q Who was it?

A First Lieutenant Kremser.

Q Do you know the substance of his speech?

A I don't remember the exact wording.

Q Well, approximately what did he say?

A He stated in his speech that tomorrow we would participate in an offensive which would decide  
(Koehler - Direct)

XX9sp

the fate of Germany and that in that offensive we would have a chance to avenge the lives of many women and children who had been killed during the terror raids. There wouldn't be any prisoners of war in that attack and there wouldn't be any mercy shown to Belgian civilians either. Anything which might happen to come in front of our sights would be mowed down and anybody who would have hunger tomorrow, it would be his own fault.

Q Was Kremser in command of the first company throughout the offensive?

A No.

Q Who took command after Kremser?

A Second Lieutenant Hennecke.

Q On what day was it and where did Hennecke command?

A That was early in the morning of the 16th of December in Stavelot. 18<sup>th</sup> ?

Q Did Hennecke continue in command for the balance of the offensive?

A Yes.

PROSECUTION: You may cross examine.

#### CROSS EXAMINATION

#### QUESTIONS BY DEFENSE (LT. COL. DWINELL)

Q Did Hennecke at any time specifically say that prisoners of war would be shot?

A No, I wouldn't know about that.

Q Did Kremser ever give such an order?

A No. He only said in his speech that there wouldn't be any prisoners of war in this attack.

XX10sp

DEFENSE COUNSEL: May it please the Court,  
there are no further cross questions for the defense.

PROSECUTION: No questions on redirect.

PRESIDENT: Any questions by the Court?  
There appear to be none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: Call the witness Klaus Schneider.

KLAUS SCHNEIDER, called as a witness for the  
prosecution, being first duly sworn, testified  
through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION

Q State your name.

A Schneider, Klaus.

Q And your grade?

A SS Sturmman (pfc).

Q And your organization?

A First Company, First Panzer Regiment,  
First Panzer Division, Leibstandarte Adolf Hitler.

Q Was your organization a part of the Waffen  
SS?

A Yes.

Q Are you a prisoner of war of the American  
Army?

A Yes.

Q Where are you now being held prisoner?

A In Dachau.

Q Did you take part in the Eifel offensive  
of the German Army during the months of December  
1944 and January 1945?

(Schneider - Direct)

X11sp

A Yes.

Q What was your assignment?

A I was a tank radio operator.

Q Who was your commanding officer?

A First Lieutenant Kremser and towards the  
end Second Lieutenant Hennecke.

Q In what platoon were you?

A In the first platoon of the first company.

Q Who commanded your platoon?

A Second Lieutenant Hennecke.

Q Could you identify Hennecke if you were  
to see him again?

A Yes.

Q Take a look at the defendants sitting on  
your left and see if you recognize Hennecke among  
them.

A Yes.

Q What number is he wearing?

A Number 23.

PROSECUTION: Hennecke, stand up. Sit down.

Q On what day did the offensive start?

A December 16.

Q Shortly prior to the beginning of the  
offensive, was there a meeting of the first company?

A Yes.

Q Were you present?

A No.

Q Do you know who spoke?

A First Lieutenant Kremser.

Q Do you know what he said?

(Schneider - Direct)

12wp

A I wasn't present at the speech, therefore, I don't know what he said. However, two or three weeks before that, Lt. Kremser also made a speech.

Q What did he say at that speech that you are referring to?

A That in any combat in which we might get into, we were not to take any more prisoners but rather we were to remember our relatives and dependents in the bombed out cities.

Q Was Kremser in command of the first company throughout the Eifel offensive?

A No.

Q Who took command after Kremser?

A Second Lieutenant Hennecke.

Q On what day was it and where did Hennecke take command?

A I can't remember the date any more. It was in Stavelot.

PROSECUTION: You may cross examine.

(Schneider - Direct)

B-21-1

Q On what day was it and where did Hennecke take command?

A I can't remember the date any more, but it was at Stavelot.

PROSECUTION: You may cross-examine.

CROSS EXAMINATION

QUESTIONS BY THE DEFENSE:

Q When he spoke about not taking prisoners, isn't it a fact that he said that the prisoners would be left to the infantry, in the rear?

A Kremser didn't say anything about that.

DEFENSE: The defense has no further questions.

PROSECUTION: No redirect.

PRESIDENT: Are there any questions by any member of the court? (There were none.)

(Whereupon the witness was excused and withdrew.)

PROSECUTION: The prosecution calls Kurt Plohmann as its next witness.

KURT PLOHMANN, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q What is your name?

A Kurt Plohmann.

(Plohmann - Direct)

B-21-2

Q Your grade?

A Sergeant.

Q And your organization?

A First Company, First Panzer Regiment, ISSAH.

Q Was your organization a part of the Waffen SS?

A Yes.

Q Are you a prisoner of war of the American Army?

A Yes.

Q Where are you now being held prisoner?

A In Dachau.

Q Did you take part in the Eifel Offensive, during the months of December 1944, and January, 1945?

A I participated in the Offensive Eifel, until I was wounded on the 25th of December.

Q What was your assignment?

A I was a gunner.

Q Who was your Company Commander?

A My Company Commander was first Lieutenant Kremser.

Q In what Platoon were you?

A The First Platoon.

Q Who commanded your Platoon?

A My Platoon Commander was Second Lieutenant Hennecke.

Q Could you identify Hennecke, if you saw him again?

A Yes.

Q Take a look at the defendants sitting there on your left and see if you recognize Hennecke among them?

A Yes.

Q What number is he wearing?

A Twenty-three.

PROSECUTION: Hennecke, stand up.

(Pichmann - Direct)

(Whereupon the accused Hennecke arose.)

PROSECUTION: Sit down.

(Whereupon the accused Hennecke resumed his seat.)

Q. On what day did this offensive start?

A. On the 16th of December, 1944.

Q. Shortly before the beginning of the offensive, was there a meeting of your Company?

A. Yes.

Q. Were you present?

A. Yes.

Q. Who spoke?

A. First, Lieutenant Kremser.

Q. What did he say?

A. Lieutenant Kremser stated, among other things, that we would see combat now, that we were to fight bravely, and that we were not to pay any attention to prisoners and that we were to think of our wives and children at home who had had suffered the damage by the bombing terror.

Q. Will you repeat what Kremser said about prisoners?

A. I don't remember the exact wording, I can only give you the gist of it.

Q. What was that?

A. That we were not to take any prisoners in combat.

Q. Was Kremser in command of the First Company, throughout the Eifel Offensive?

A. No, he commanded the Company only until the 18th.

Q. Who took command after Kremser?

A. Second Lieutenant Hennecke took over the Company on the 18th.

(Kurt Flohmann, Direct.)

R-21-4

Q. Do you know what time of the day that was?

A. It was in the morning.

PROSECUTION: You may cross-examine.

CROSS-EXAMINATION

QUESTIONS BY THE DEFENSE:

Q. Did Hennecke ever give you any orders to shoot prisoners of war?

A. No.

Q. You said that Lieutenant Kremser made a speech to the Company about prisoners of war; did Hennecke make a similar speech?

A. I don't know about that, not that I remember.

DEFENSE: The defense has nothing further.

PROSECUTION: The prosecution has no further questions.

PRESIDENT: Are there any questions by any member of the court of this witness? (There were none.)

(Whereupon the witness was excused and resumed his seat.)

PROSECUTION: The prosecution recalls Mr. Ellowitz, as its next witness.

(Whereupon Mr. Ellowitz was recalled and reminded that he was still under oath before the court.)

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

(Kurt Flochmann, Examination completed; Ellowitz recalled.)

R-21-5

Q. During the course of your investigation of the Malmedy case, did you ever have occasion to take a statement from Hans Hennecke?

A. Yes.

Q. Could you identify him, if you saw him again?

A. Yes.

Q. Take a look at the defendants on your left, and see if he is among those present?

A. Yes.

Q. What number is he wearing?

A. Number forty-three.

PROSECUTION: Stand up Hennecke.

(Whereupon the accused Hennecke arose.)

PROSECUTION: Sit down.

(Whereupon the accused Hennecke resumed his seat.)

Q. During the course of this interrogation, did Hennecke make a statement?

A. Yes, both oral and written.

PROSECUTION: The prosecution hands the reporter a statement to be marked as "Prosecution Exhibit 11, for identification".

(Whereupon the reporter marked the Exhibit as requested.)

Q. Did you use an interpreter for the interrogation of Hennecke?

A. Yes.

(Re-examination of Ellowitz.)

R-21-6

Q. Who was it?

A. Mr. Steiner.

Q. I hand you a statement, marked "Prosecution Exhibit No. 11, for identification", and ask you if you can identify it.

A. Yes.

Q. Do you know whose handwriting this statement is in and who signed it?

A. Yes, it is written and signed by Hans Hennecke.

Q. And is this the same Hans Hennecke that you have just identified as wearing number forty-three?

A. Yes.

Q. Was this statement signed in your presence?

A. Yes.

Q. Was anyone else present?

A. Yes, the interpreter.

Q. Was this statement sworn to?

A. Yes.

Q. Who administered the oath?

A. Major Fenton.

Q. Was the statement given voluntarily?

A. Yes.

Q. Was duress used to obtain this statement?

A. No.

Q. Did you make any threats or promises to obtain that statement?

A. No.

Q. Did you use any harsh, cruel, or inhuman treatment to obtain this statement?

A. No.

(Elowitz -- Direct)

Q How was this statement taken?

A Well, Hennecke was first interviewed and spoke orally about the subject of orders and then, later, I asked him to put it on paper and then I dictated it to him.

Q You dictated it, is that right?

A Yes.

Q I hand you Prosecution Exhibit No. 5 and ask you if a hood similar to this was ever used on Hennecke, when he was moved from the prison?

A Yes.

PROSECUTION: The prosecution offers into evidence at this time the statement marked "Prosecution Exhibit 14, for identification", to be attached to the record and to be marked "Prosecution Exhibit 14".

DEFENSE: The defense objects to this statement on the grounds previously stated.

PRESIDENT: The objection is overruled and the statement "Prosecution Exhibit No. 14, for identification" offered into evidence by the prosecution will be accepted into evidence by the court and marked "Prosecution Exhibit No. 14", for attachment to the record.

(Whereupon the reporter marked the Exhibit in issue accordingly.)

PROSECUTION: The prosecution offers into evidence a true and correct English translation of Prosecution Exhibit No. 14, to be marked "Prosecution Exhibit No. 14-A" and to be attached to the record.

(Ellowitz - Direct)

DEFENSE: The defense has no objection.

PRESIDENT: There being no objection, the translation offered into evidence by the prosecution is accepted into evidence by the court and will be marked Prosecution Exhibit 14-A, for attachment to the record.

PROSECUTION: The prosecution requests permission at this time to read Prosecution Exhibit No. 14-A to the court.

PRESIDENT: Granted.

PROSECUTION: The statement is as follows:

"I, Hans Hennecke, Untersturmfuehrer, make the following statement under oath: I am twenty-three years old. I live in WAVEN in MICKLEBURG. In December, 1944, I was Untersturmfuehrer of the 1st Company, SS Panzer Regiment 1, LSSAH. On December 16, 1944, we left the forest in BLANKENHEIM and went to SCHMIDTHEIM. This was the complete (PEIPER) combat team.

"About 8:00 A.M., the Company Commanders were called to a conference in the Regimental CP, in the forester's house at SCHMIDTHEIM. I accompanied Obersturmfuehrer KREMSER, Commander of the First Company, to the Regimental CP, for I had to fetch a map for myself. We entered the CP together and sat down in the ante-room, of which I made a sketch which I attach hereto. Sitting in this room were Obersturmfuehrer RUMPF, Untersturmfuehrer KRAMM, Obersturmfuehrer KREMSER, Obersturmfuehrer VOBELER, Hauptsturmfuehrer KLINGELHOEPER and many others whose names I no longer recall. An officer whom I no longer remember read to us the plan of march, and we all made entries on our maps. After I had been in the room a half hour, the

(Statement of Hennecke)

R-21-9

door from Room "A" opened (as indicated on the attached sketch), and Hauptsturmfuehrer GRUHLE, Regimental Adjutant, came into the room, from Room "A" to Room "B" (as indicated on my sketch), when I heard the door open, I turned around and saw Standartenfuehrer PEIPER sitting behind a table with his face turned towards the door (as indicated on my sketch), and GRUHLE went through our room, went out, returned after a few minutes and went into Room "A", where I had seen Standartenfuehrer PEIPER. Five to ten minutes later, the Company Commanders were called to Room "A" for a conference by somebody I cannot recall today. Standartenfuehrer PEIPER was the only person that I saw in the room. I did not see him go out. Before Obersturmfuehrer KREMSER entered the room for the Company Commander's meeting, he told me to go back to the Company, to assemble the Platoon Leaders and the Tank Commanders there, and to wait for him there. I did this. Thirty to forty-five minutes later, KREMSER returned to where our tanks were standing, where I had assembled the Platoon Leaders and Tank Commanders, as he had ordered me to do. Obersturmfuehrer KREMSER said: "I have just come from a conference with the Regimental Commander, and have instructions to refer you again to his order to drive on recklessly, to give no quarter and to take no prisoners. When you go back now, repeat this to your men." We then returned to the tanks.

"This was the second time that Obersturmfuehrer KREMSER gave us this order. On the 15th of December, 1944, as our Company was lying in the BLANKENHEIM forest, Obersturmfuehrer KREMSER spoke before the whole Company, about 3:00 o'clock, about the order to drive on recklessly, to give no quarter, and to take no prisoners. Early in the morning of the same day, Obersturm-

(Statement of Heanecke)

fuehrer KREMSER said to me that he had to go to a conference. He returned from this conference around noon.

"I was present when Obersturmfuehrer KREMSER spoke to the Company in the afternoon. He said: '...We must succeed in breaking through in this offensive. Think of the bombing attacks. Think of your parents, of your brothers and sisters. It will be one reckless drive. We must give no quarter. No prisoners are to be taken...'. Later the same day, Obersturmfuehrer KREMSER summoned the Tank Commanders, and with the Platoon Leaders we sat around the camp fire. Obersturmfuehrer KREMSER said: '...When you go back to your tanks, repeat Peiper's order to your men. The men must know that exactly...'. The order which is mentioned here is the order concerning the handling of prisoners of war in this offensive.

"In our Regiment, among all the officers, non-coms and men, the order which Obersturmfuehrer KREMSER gave us was not known as anything else but "The order" of Standartenfuehrer PEIPER. It was always called "PEIPER'S order", and this was well-known in the 1st SS Panzer Division LSSAH. Everybody knew that by that it was meant to shoot prisoners of war.

"After KREMSER gave us this order, we returned to our crews. I went to the camp fire where the crew of Oberscharfuehrer SKOTZ and another crew were, and repeated the order given to us by Obersturmfuehrer KREMSER, which was the order about the shooting of prisoners of war.

"I make this statement of my own free will. I was not forced and no promises were made to me. Signed: Hans Hennecke 11 January 1946. Sworn to and subscribed before me this 11th day

(Statement of Hennecke)

R-21-11

of January, 1946, at SCHWABISCH HALL, Germany. Signed: Dwight  
F. Fenton, QMC, Investigator-Examiner, War Crimes Branch, USFET."

(Whereupon this statement, Prosecution Exhibit No. 11-A,  
was translated into German by the interpreter and read to the  
court.)

Ta 22  
5/18-0-1

**PROSECUTION:** Prosecution offers in evidence picture affidavits of Hans Hennecke to be attached to the record and marked Prosecution Exhibits "14B," "C," "D," and "E".

**DEFENSE:** There is no objection on the part of the Defense.

**PRESIDENT:** There being no objection, the exhibits offered by the Prosecution are admitted in evidence and will be marked Exhibits "P-14B," "C," and "E" respectively.

(Whereupon the documents referred to, having been previously marked and identified were received in evidence as Prosecution Exhibits "P-14B," "C," "D," and "E" and are attached hereto and made a part of the record.)

**PROSECUTION:** Permission is requested to read Prosecution Exhibits "P-14B," "C," "D," and "E".

**PRESIDENT:** Granted.

**PROSECUTION (Reading):**

"P-14B. I, HANS HENNECKE, being first duly sworn make the following statement under oath:

"The above two photographs are photographs of the same Standartenfuhrer PEIPER mentioned by me in my affidavit, dated 11 January 1946.

"/s/ Hans Hennecke  
First Name-Last Name

SS Untersturmfuhrer  
Rank

1.Komp.1. SS. Panzer Regiment LSSAH  
Organisation during Hitler  
Offensive

"Sworn to and subscribed before me this  
15th day of April 1946.

Robert E. Byrne  
Officer Administering Oath

1st Lt. JAGD  
Rank Arm or Service

Ta 22  
5/17-C-2

"P-14C." I, HANS HENNECKE, being first duly sworn, make the following statement under oath:

"The above two photographs are photographs of the same Hauptsturmfuehrer GRUEBE mentioned by me in my affidavit, dated 11 January 1946.

"/s/ HANS HENNECKE  
First Name-Last Name

SS Untersturmfuehrer  
Rank

1. Komp. 1. Panzer Regiment ISSAH  
Organisation during Rifel  
Offensive

"Sworn to and subscribed before me this  
15th day of April 1946.

"Robert E. Byrne  
Officer administering oath

"1st Lt JAGD  
Rank Arm or Service

"P-14G". I, HANS HENNECKE, being first duly sworn, make the following statement under oath:

"The above two photographs are photographs of the same Obersturmfuehrer JUNKER mentioned by me in my affidavit, dated 11 January 1946.

"/s/ HANS HENNECKE  
First Name-Last Name

SS Untersturmfuehrer  
Rank

1. Komp. 1. SS Panzer Regiment ISSAH  
Organisation during Rifel Offensive

"Sworn to and subscribed before me this  
15th day of April 1946.

"Robert E. Byrne  
Officer administering oath

"1st Lt JAGD  
Rank Arm or Service

"P-14G". I, HANS HENNECKE, being first duly sworn, make the following statement under oath:

"The above two photographs are photographs of the same Hauptsturmfuehrer KLINGELHOEFER mentioned by me in my affidavit, dated 11 January 1946.

"/s/ HANS HENNECKE  
First Name-Last Name

SS Untersturmfuehrer  
Rank

24 1. Komp. 1. SS Panzer Regiment ISSAH  
Organisation during Rifel Offensive

"Sworn to and subscribed before me this  
15th day of April 1946.

"Robert E. Byrne  
Officer Administering oath

"1st Lt JAGD  
Rank Arm or Service

PROSECUTION: You may cross examine.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Colonel Dwinell):

Q With respect to Exhibit "P-14" were you present at any interrogations of the accused Hennecke prior to his signing that statement?

A I was.

Q Was there more than one interrogation?

A Yes, there was.

Q Do you remember about how many interrogations Hennecke was required to submit to?

A I would say about three or four.

Q Do you remember an interrogation of Hennecke about three days before this statement was signed, Prosecution's Exhibit "P-14"?

A I don't know which interrogation you have reference to.

Q Prosecution's Exhibit "P-14" was signed on the 11th of January. Do you recall Hennecke being interrogated on the 8th?

A Yes. I don't remember as to the date. I remember he was interrogated prior to signing that statement several days.

Q Where were these interrogations conducted?

A In the interrogation room.

Q Were any of these interrogations conducted at a very late hour at night?

A No.

Q At any of these interrogations, was more than one person present?

A Yes, the interpreter.

Q Were any of these interrogations conducted in the presence of several people?

A Not while I was there.

LT. COLONEL SWINELL: No further cross examination.

PROSECUTION: No redirect.

PRESIDENT: Witness excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: The Prosecution calls the witness Lichtwerk.

HANS ERICH LICHTWERK, called as a witness for the Prosecution, being first duly sworn testified through an interpreter as follows:

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

**DIRECT EXAMINATION**

**QUESTIONS BY PROSECUTION:**

Q State your name.

A Lichtwerk, Hans Erich.

Q What is your grade?

A Sturmann, Pfc.

Q And your organization?

A Second company, First Panzer Regiment Leibstandarte

Adolf Hitler.

Q Was your organization a part of the Waffen SS?

A Yes.

Q Are you a prisoner of war of the American Army?

A Yes.

Q Where are you now held prisoner?

A In Dachau.

Q Did you take part in the Eifel offensive during the months of December 1944 and January 1945?

A Yes, as assistant clerk.

Q Who was your company commander?

A First Lieutenant Christ.

Q Would you recognize Christ if you were to see him again?

A Yes, Number 7.

PROSECUTION: Christ, will you stand up? Sit down.  
Let the record show that the witness identified Christ as wearing Number 7.

Q What day did the offensive begin?

A December 16, 1944.

Q Preceding the attack, did Christ give any orders to the company?

A Yes.

Q Do you recall what those orders were?

A Those were combat orders.

Q Did he say anything about the treatment to be accorded prisoners of war?

A No.

Q Will you state the substance of Christ's speech?

A Yes, that no prisoners would be taken in this combat.

CAPTAIN SHUMACKER: If the Court please, I believe there is a mistake in the translation. (To Interpreter Rosenstock): Is it not a commitment instead of combat?

INTERPRETER ROSENSTOCK: Either way.

CAPTAIN SHUMACKER: Don't you think commitment is a more accurate translation than combat?

INTERPRETER ROSENSTOCK: No, sir.

Q Where did this meeting -- where were these orders given you referred to?

A In the forest near Blankenheim.

Q What time of day was it?

A It was in the evening.

Q At the conclusion, what did the troops do?

A They sang.

Q Do you know the name of the song?

A Yes.

Q What was it?

A "Sharpen the Long Knives."

Q Do you know the words of the song?

A Yes.

Q What are they?

LT. COLONEL DWINELL: I object to that as being not relevant to the issues trying to be proven.

PROSECUTION: It is very relevant to the issue to show the mood and spirit in which these troops were.

DEFENSE: The accused that are being referred to are being charged with the issuance of orders.

PRESIDENT: Just a minute, let's get the interpreter's translation.

LT. COLONEL DWINELL: I object to it as being irrelevant to the issue. The accused is referring -- the witness is referring to an accused who is charged with the issuance of orders and anything outside of testimony concerning the issuance of those orders would be irrelevant.

PROSECUTION: If the Court please, by this we intend to show that these troops were incited to murder by the company commander.

LT. COLONEL DWINELL: If the Court please, the accused is not charged with inciting to murder.

PROSECUTION: If the Court please, the accused is charged with aiding and abetting and encouraging murder.

PRESIDENT: Objection overruled.

Q Will you repeat the words of the song?

A Sharpen the long knives, sharpen the long knives; at the lampost blood should flow. The eudgels should fall thickly. We don't care for freedom of the Soviet Republic.

PROSECUTION: You may cross examine.

DEFENSE: May it please the Court, the American counsel do not wish to interrogate the witness at this point, but

Dr. Northman representing Christ does desire to interrogate the witness.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Dr. Northman):

Q Dr. Witness, at the beginning of this testimony you stated that the accused, Christ, had said nothing about the treatment of prisoners of war, is that correct that you stated that?

A I consider the words "treatment of prisoners of war" to mean something else.

Q What do you mean by treatment of prisoners of war, or did you understand by treatment of prisoners of war?

A The way they would be quartered, etc.

Q Don't you think it is part of the treatment of a prisoner of war if, shall we say, a prisoner of war shall be mistreated in any way?

A That is a method of treatment.

Q I didn't understand that.

A That is a method of treatment.

Q If that is a method of treatment, then you contradicted yourself because at first you said he said nothing about treatment of prisoners of war and you later stated that he said no prisoners of war would be taken. How can you explain that?

PROSECUTION: I object. It is argumentative.

PRESIDENT: Objection sustained.

Q You have stated that First Lieutenant Christ said that no prisoners were to be taken. Did he say that that was an order which he had heard just then.

A He did not say that.

Q Did he add to this order, "to the extent to which conditions made it inevitable or necessary?"

A I do not recall that.

Q Is it possible?

A I can't say for sure.

DEFENSE: No further cross examination. Just a minute.

QUESTIONS BY DEFENSE (Dr. Leiling):

Q Where had this song of the long knives been sung before?

A I don't know.

Q Didn't that song come from Russia?

PROSECUTION: I object. It is immaterial.

DEFENSE: It is just as material as before.

PRESIDENT: Objection overruled.

Q Will you answer the question please?

A I never was in Russia .

Q Did you have the impression that this song particularly incited you to fight?

A This song did not concern me at all because I was not with the fighting troops.

Q Do you think that the troops were particularly incited by this song?

PROSECUTION: I object on the grounds that it calls for a conclusion on the part of the witness.

PRESIDENT: The objection is overruled.

A I can't imagine that.

Q What do you mean, you can't imagine that?

A Because that kind of thing didn't happen when you went into action and I don't think it could have influenced you later.

Q Are you trying to say that that kind of song does not have any influence?

A They might have some influence.

Q It might even influence old soldiers, men who were soldiers for years?

A I can't say because I am not an old soldier.

DR. LEILING: No further questions on cross examination.

PRESIDENT: There appear to be no questions by the Court.

Witness excused.

Lichtwark - Cross

(Whereupon the witness was excused and withdrew.)

PROSECUTION: We call the witness, Hubler.

HANS HUBLER, called as a witness for the Prosecution, being first duly sworn testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q State your name.

A Hubler, Hans.

Q Spell it.

A H-u-b-l-e-r.

Q What is your grade?

A Sturmann, Pfc.

Q And your organization?

A Second company, First Battalion, First Regiment, First Division.

Q Was your organization a part of the Waffen-SS?

A Yes.

Q Are you a prisoner of war with the American Army?

A Yes.

Q Where are you now held a prisoner?

A In Dachau.

Q Did you take part in the Elfal offensive during the months December 1944 and January 1945?

A Yes.

Q What was your assignment?

A Gunner.

Q Who was your company commander?

A First Lieutenant Christ.

Q Could you identify Christ if you were to see him again?

A Yes.

Q Take a look at the defendants sitting on your left and see if you recognize Christ among them.

A Number 7.

PROSECUTION: Christ will you stand up? Let the record show that the witness identified Christ as wearing Number 7.

Q On what day did the offensive begin?

A December 16, 1944.

Q Was there a company meeting held prior to the start of the offensive?

A Yes.

Q Where was it held?

A In the forest near Blankenheim.

Q Were you present?

A Yes.

Q Who spoke?

A First Lieutenant Christ.

Q What did Christ say?

A That it was Germany's last chance. We were to think of our homes and of the bomb attacks and not to pay any attention to prisoners of war.

Q Did he say anything about how you were to fight?

A No.

Q Did he refer to anything about the SS tradition of fighting?

A We were to fight according to the old usages of the SS.

Q Do you remember anyone else who was present at that meeting?

A Yes.

Q Who was it?

A Sturmman, Pfc Mikolaschek.

Q Did Mikolaschek say anything at the meeting?

A Mikolaschek needed a pair of new shoes.

Q Did he say anything about the need of new shoes at the meeting?

A He said he needed a pair of new shoes and Lieutenant Christ answered to that to pick that up in the course of action.

Q Could you identify Mikolaschek if you were to see him again?

A Yes.

Q Take a look at the defendants and see if you can see him among them.

A Number 37.

PROSECUTION: Mikolaschek will you stand up? Let the record show that Mikolaschek was identified by the witness as wearing Number 37. Sit down.

Q After the meeting -- I will withdraw that. Will you repeat again what you said about prisoners of war?

DEFENSE: May it please the Court, the record speaks for itself on that.

PROSECUTION: There was an inaccurate translation. That is why this question is being asked over again.

DEFENSE: I am sorry. If you had mentioned that, there would be no objection.

PRESIDENT: Please, let's have one at a time.

PROSECUTION: It was not brought to my attention at the time. I should have brought it out when the mistake was made.

PRESIDENT: I think in the future, if there is reference with respect to a translation, you should preface your remarks. You may ask the question.

Q Will you repeat again what you said about prisoners of war?

A Not to place any value on prisoners of war.

Ta 22  
C-18-12

PROSECUTION: We object to that translation as being inaccurate. Withdraw the objection.

DR. KILLING: May I ask for a translation of this?

PRESIDENT: Read it out of the records.

PROSECUTION: You may cross examine.

DEFENSE: May it please the Court, the American counsel do not wish to interrogate the witness further at this time, but Dr. Herthorn representing Christ does desire to ask the questions.

#### CROSS EXAMINATION

QUESTIONS BY DEFENSE (Dr. Herthorn):

Q Mr. Witness, you have stated that Lieutenant Christ said to fight according to the old usages of the SS. In my opinion you should have said spirit. Would you say usages or spirit?

A Usages.

Q The SS usages to fight hard — and in this particular case no value was to be placed on prisoners of war. What do you understand the words that no value was to be placed on prisoners of war to mean?

A That was a very broad hint.

DEFENSE: No further cross examination.

PROSECUTION: No redirect.

PRESIDENT: There appear to be no questions by the court. Witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: If the Court please, we have one more witness to call from this company. Do you want to hear him now?

PRESIDENT: Not now. Court will adjourn to meet at 0830 Monday, 20 May.

(Whereupon the Court at 1200 hours adjourned until 0830 20 May 1946.)

**CHARGE SHEET  
ANKLAGESCHRIFT**

Place .....  
Ort .....

Date .....  
Datum .....

Name of accused .....  
Name des Angeklagten .....

is hereby charged with the following offences:  
wird hiermit wegen der folgenden strafbaren Handlungen angeklagt:

First Charge: ..... Erste Anklage: .....

Particulars: ..... Einzelheiten: .....

Second Charge: ..... Zweite Anklage: .....

Particulars: ..... Einzelheiten .....

The above charges are referred for trial to the .....  
Die Verhandlung wird vor dem .....  
\*Summary  
\*Intermediate Military Court to be held  
\*General

\*Einfachen  
\*Mittleren Militärgerichte  
\*Oberen

at ..... on ..... 194  
in ..... am  
(Address of Court)  
(Anschrift des Gerichtes)

at ..... By Order  
um ..... Uhr stattfinden. Im Auftrage von

\*Strike out words not applicable. (Signature of person preferring charges)  
\*Nichtzutreffendes ist durchzustreichen. (Unterschrift des Vertreters der Anklagebehörde)

Copy of above served on accused ..... 194  
Abschrift dem Angeklagten zugestellt am .....

(Signature of person making service)  
(Unterschrift des Zustellers)

000001

1.

CLASSIFICATION CANCELLED  
By authority of JAG ltr  
dtd 4 Aug 1950.

UNITED STATES VS. VALENTIN BERSIN ET AL  
(THE MALMEDY CASE)  
PROSECUTION EXHIBITS P. 1 thru P. 12-A

10



11

WALMEDY

MILITARY GOVERNMENT COURT  
CASE RECORD.

Legal Form No. 8

Procs Exs. Nos  
1 thru 12-A

Case No. 6-24

Prosecutor LT COL BURTON F ELLIS

~~Summary~~  
~~Interrogation~~ Military Court.  
\*General

Defence Counsel COL WILLIS M EVERETTE JR

Place DACHAU, GERMANY

Interpreter

Date 194

Reporter

Members of Court:

BRIG GENERAL JOSIAN T DALBEY COL RAYMOND C CONDER  
COL PAUL H WEILAND  
COL JAMES G WATKINS  
COL WILFRED H STEWARD

Accused VALENTIN BERSIN, ET AL

Address Sex Age

	First Charge	Second Charge
Pleas VALENTIN BERSIN, ET AL	Not guilty	
Findings		
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.

756 OMCB Printshop

1 of 100 Ex 1-12A

000003

EXHIBITS P-1 thru P-12-A

MALMEDY CASE

000004

HFB/maw

ProEx - P-1

5/17/46

1946

WGT  
GC

8 April, 1946

SUBJECT: MALMEDY Case. No. 6-24 (Log No. 184)

TO : Commanding General,  
Third US Army,  
APO 403, US Army.  
Attn: Staff Judge Advocate.

1. Reference paragraph 2b, letter, Headquarters, United States Forces, European Theater (000.5-2 GAP), 16 July 1945, subject: Trial of War Crimes and Related Cases, it is requested that the above case be referred to trial before a General Military Government Court on charges and particulars heretofore approved by this office as a result of conferences between this office and your office.

2. No other nations have an interest in this case sufficient to require attendance of their observers at the trial.

3. In view of the large number of accused and in the interest of expedition and avoidance of confusion at the trial, it is recommended that in addition to military defense counsel not more than four (4) of the civilian defense counsel be allowed to make objections, arguments before the court and interrogate witnesses. These are to be selected by all of the civilian defense counsel, and act as their spokesmen, should their number exceed four. In the event it is asserted that anticipated conflicts of interest among the accused will require, in the interest of fairness, the active participation of an additional number of such civilian defense counsel, it is suggested that this office be consulted in the matter.

C. B. MICKELWAIT,  
Colonel JAGC,  
Deputy Theater Judge Advocate

Telephone: WIESBADEN 8707



Cy for Col. Corbin, War Crimes Detachment, Dachau.

000005

Pros Ex 2

5/17/46

W. H. H. H.

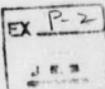
Dachau, Germany,  
8 May 1946.

STIPULATION

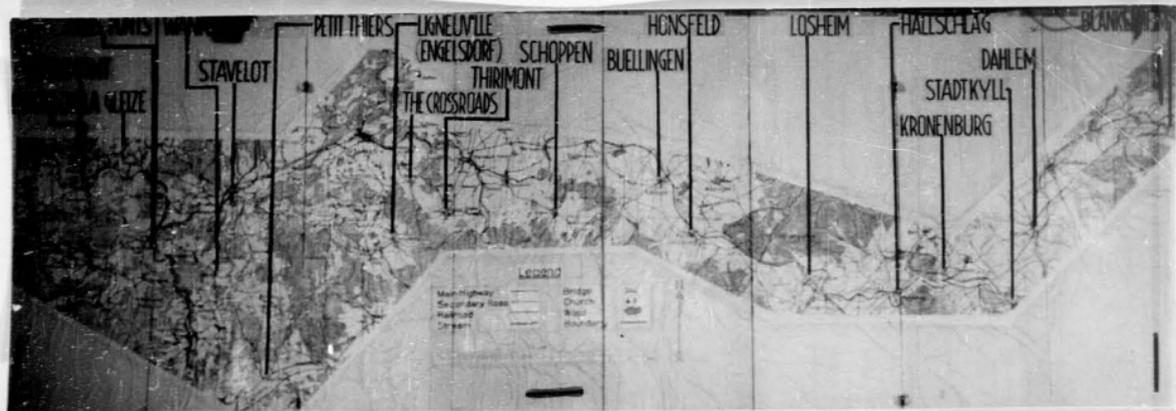
It is hereby stipulated and agreed by and between the accused, their counsel and the prosecution, that, the map marked "Prosecution's Exhibit No. 3" for identification, is a map of a section of land in Germany and Belgium, in the vicinity of the towns of Dahlem, Germany, and Malmedy, Stoumont, St. Vith, and Bastogne, Belgium; that it is a fair, and reasonably accurate representation on paper of that section of land, with the roads, terrain features and other data shown thereon together with all entries and notations appearing thereon; that it is drawn to scale to make a reasonable reproduction, with added features, of portions of map of Central Europe 1:100,000, G.S., G.S., No. 4416, Bonn, Sheet S 1, published by the War Office 1944 and map of Belgium and N. E. France, 1:100,000, G.S., G.S., No. 4436 MARCHE, Sheet 13, published by the War Office 1943.

Burton T. Ellis, Lt. Col. J.A.C.D.  
Trial Judge Advocate

Walter H. Everett, Jr., Col. M.I.  
Chief Defense Counsel



K



Proes Ed #4  
Hof Praesident met overgave van  
Trouw. Josef Tilmak geb. Trossen Trossen  
Koningrijke volgers aan!

EXP. 4 - 21

P-4

Sint oktober 1944 bis hier Kapitein  
Aan 9. Mai 1945 was ik Oberleutnant  
van 6. Pausen Pausen.

Van May 1945 was ik in Pausen  
Offizier van 6. 44 Pausen Pausen  
In May 1945 was ik in Pausen  
in de Pausen van de Pausen

Van de Pausen van de Pausen  
44 Pausen Pausen, van de Pausen  
van Pausen Pausen van de Pausen

s. 5.

Van de Pausen van de Pausen  
van de Pausen van de Pausen  
Koningrijke van de Pausen

Pausen van de Pausen  
van de Pausen van de Pausen  
van de Pausen van de Pausen

Hij heb ik Pausen Pausen  
van de Pausen van de Pausen

11.

von Wang Archivingen oder Karten.  
 Ich wurde bei Gold <sup>100</sup> bei Kanada in einer  
 Passage war, wie mit bin bei mit sich  
 vor einem, Einreise Ministeroffice

Josef Hillisch

Er wurde bei mir Oberranggefahr  
 Oberkapitän, No 677 Haupt Bureau

Station Klee No 28. März 1946.

Witnessed in the presence of:

Morris Elowitz

Civ. Investigator

WCB

USFET

Sworn to and subscribed to before  
 me this 28<sup>th</sup> day of March 1946  
 at Schenck Book Hall, Germany.

William R. Paul

1946 Mi 0356149

Investigat. - Examinier

W. C. B.

000006

## TRANSLATOR'S AFFIDAVIT

I, GEORGE MILLER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Josef DIETRICH

taken on 28 March 1946 at Schwäbisch Hall, Germany,

before WILLIAM R. PERL, 1st Lt., M. I.

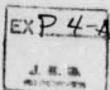
consisting of 2 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

*George Miller*  
George Miller

Sworn and subscribed to before me this 3<sup>rd</sup> day of April 1946  
at Schwäbisch Hall, Germany.



*Asphalt Thumackler*  
War Crimes Branch, USFET  
Capt. CMP

I, Generaloberst and Oberstgruppenfuehrer, Josef DIETRICH, after first duly sworn, state the following:

Since October 1944, until the capitulation on 9 May 1945, I was Supreme Commander of the 6th Panzer Army.

In March 1945, this Army was officially renamed to 6th SS Panzer Army. It was, however, always the same Army, only the name was changed. Among others the 1st SS Panzer Korps which was commanded by General Lieutenant PRIES belonged to my Army.

The Leibstandarte Adolf Hitler, was a Division which just like the Division Hitler Jugend belonged to the 1st SS Panzer Korps.

The 1st SS Panzer Regiment as well as the combat group mentioned which was commanded by Standartenfuehrer Joachim PEIPER during the EIFEL offensive 1944 to 1945 belonged to the Leibstandarte Adolf Hitler and therewith to the 1st SS Panzer Korps.

I have made this statement voluntarily and out of my own free will, uninfluenced by duress, threats, or harsh treatment.

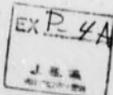
I swear before God that the facts in this statement are true and I am prepared to repeat them before any court.

Josef DIETRICH  
Generaloberst and Oberstgruppenfuehrer  
Supreme Commander  
of the 6th SS Panzer Army  
SCHWABISCH HALL, 28 March 1946.

Witnessed in the presence of:  
MORRIS ELOWITZ  
Civ Investigator  
WCB USFET

Sworn to and subscribed before me this 28th day of March 1946 at SCHWABISCH HALL, Germany.

WILLIAM R PERL  
1st Lt. M.I. 0-555149  
Investigator-Examiner  
WCB.





I, Josef Dietrich, being first duly sworn, make the following statement under oath:  
 Ich Josef Dietrich, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Standartenführer Joachim Peiper mentioned by me in my affidavit, dated 28 MAR, 1946.

49. Die obigen zwei Photographien sind Photographien desselbigen Standartenführer Joachim Peiper von mir in meiner eidesstattlichen Aussage genannt, datiert 28. März 1946.

Josef Dietrich  
 First Name (Vorname) Last Name (Zuname)

Generalleutnant-Generalfürer  
 Rank (Dienstgrad)

6 Panzer Division  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 17th day of April, 1946.

Robert Byrne  
 Officer administering oath  
1st Lt USAF  
 Rank Arm or Service

EX P. 4 B  
 J. E. S.

000012



I, Joseph Dietrich, being first duty  
sworn, make the following statement under oath:  
Ich Joseph Dietrich, nachdem ich erst recht-  
mäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same General-Leutnant  
Pries mentioned by me in my affidavit, dated 28 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen General-Leutnant  
Pries von mir in meiner eidesstattlichen Aussage genannt,  
datiert 28 März 1946.

Joseph Dietrich

First Name (Vorname) Last Name (Zuname)

General-Leutnant - Wehrmacht  
Rank (Dienstgrad)

6 Panzer Division

Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
1st day of April, 1946.

Robert Byrne  
Officer administering oath

1st Lt 1st AGD  
Rank Arm or Service



Idem

DESCRIPTION OF PROSECUTION'S EXHIBIT NO. 5.

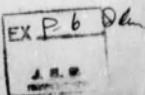
Prosecution's Exhibit No. 5, is a hood made of cotton cloth, black on the outside and gray and yellow on the inside. One and one-half inches from the top it is nine inches wide. The bottom is twenty-one inches wide and thirteen and one-half inches long. It is sewed at the top and down at the sides with the opening at the bottom.

Hell Oberstgruppenführer mit Generalleutnant  
App. Titul. Er ist durch Vorüberwindung  
Präsident vollen Grades an  
Während des Eisernen Jahres August 1944  
im Januar 1945, war ich Oberbefehlshaber  
des 6. Panzer Armees.

Am 12. September 1944 fand in der  
Nähe eines Besprechung mit dem  
Führer statt. In dieser Rede, vom Fiskus,  
kommandierte ausdrücklich alle Offiziere der  
einigen Einheiten, die in der besetz-  
ten Antikommunisten eingereicht werden  
sollten

Bei dieser Besprechung hat der Führer eine  
3 stündige Ansprache gehalten. In dieser Rede  
er ist er erschienen, dass die Frontkämpfer  
Kampf mit allen Mitteln gewinnen werden  
müssen. Es sei die Schlüsselworte des deutschen  
Volkes gekommen nur auf dem Sieg oder nicht  
sein. Wir müssen hart sein Rücksichtslos

App. Titul.



000016

II.

Kämpfer. Der Jünger sage immer das mit  
 mit Frömmlichkeit vorzugsweise nur keine  
 Menschlichen Ermüdungen zeigen sollen.  
 Der Jünger sage auch das nur eine Wille der  
 Gottes sein & davon vorzugsweise solle mit der  
 Winterzeit der Jünger mit Tränen übersehen etc.

In dem von mir für die Eifeloffensive  
 für die 6. Bayerische Armee ausgeführten Preuss  
 Truppen habe ich auf, während der Zeit der Jünger  
 angestrichelt das ungewisse Jünger eine Wille  
 der Truppen nur starkem vorzugsweise solle mit  
 dem Wohlwollen Ermüdungen zeigen werden  
 sollen. In dem genaue Wortlaut war es  
 nicht nicht wisse mitotieren von aber hier  
 was der Sinn unserer Meinung.  
 Truppen hat ich angestrichelt das jeder Winter-  
 stant nicht Tränen übersehen etc.

Ich habe jetzt bestimmt nicht angestrichelt,  
 das die Kriegsgeschichten der Jünger werden  
 sollen. Ich habe Kriegsgeschichten nicht besäpft  
 nicht vorüber. War so etwas besäpft Spiel  
 die Unwahrscheinlichkeit!

Sp. Jünger.

EX 26  
 J. E. E.

000016

III.

Ich habe diese Aussage freiwillig und  
aus eigenem Willen abgelegt und be-  
stehe von drohenden Strafen oder Härten  
oder Verwicklungen in gutem Glauben.

Ich schwöre bei Gott, das ich Tatsachen  
die ich in dieser Aussage angegeben  
habe Wahr sind, nur ich bin bereit  
jeder Zeit vor jedem Gericht zu-  
traten können.

Wm. J. Davis

Sumner Brown Oberstpfarrer  
von 6 Rang in Prussia.

WITNESSED:

22. März 1946.

Raphael Thumacher  
Capt. USAF

Sworn to and subscribed before me  
this twenty second day of March 1946  
at Schwabish Hall, Germany.

William R. Pearl

1st Lt. MI D-555149

Investigator-Examiner

War Airmen Branch  
Nafet.

EXP-6 B den  
J. B. B.

000017

## TRANSLATOR'S AFFIDAVIT

I, PAUL REITZER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Sepp DIETRICH

taken on 22 March 1946 at Schwäbisch Hall, Germany,

before WILLIAM R. PERL, 1st Lt., M. I.

consisting of 3 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I have spoken English for seven years.
3. I studied English for four years at school in VIENNA, Austria.
4. I lived in England from 1939-1940.
5. I lived in the United States from 1940 until I left the United States with the American Army in May 1944.
6. Since the 4th of February 1946, I served as interpreter with the War Crimes Branch in Wiesbaden, Germany.

*Paul Reitzer*  
Paul Reitzer

Sworn and subscribed to before me this 3<sup>rd</sup> day of April 1946  
at Schwäbisch Hall, Germany.

*Sepphardt Thumacher*  
War Crimes Branch, USFET  
*Capt CMP*

I, Oberstgruppenfuehrer and Generaloberst, Sepp  
DIETRICH, having been first duly sworn, make the  
following statement:

During the EIFEL Offensive in December 1944 and  
January 1945, I was Supreme Commander of the 6th Panzer  
Army.

On 12 December 1944 a conference with the Fuehrer  
took place in BAD NAUHEIM. All officers up from Divi-  
sional Commander belonging to those units which were to  
be committed in the impending ARDENNES Offensive parti-  
cipated in this conference. The Fuehrer gave a three-  
hour address at this conference. In this, he said among  
other things, that the impending battle must be won by  
all means. The decisive hour of the German people had  
arrived and it was to be or not to be. We would have to  
fight hard and recklessly. The Fuehrer said furthermore  
that we would have to act with brutality and show no  
humane inhibitions. The Fuehrer also said that a wave of  
fright and terror should precede us and that the enemy's  
resistance is to be broken by terror.

In the order which I issued for the 6th Panzer Army  
for the EIFEL Offensive, due to the talk of the Fuehrer,  
I ordered that our troops have to be preceded by a wave  
of terror and fright and that no humane inhibitions should  
be shown.

I can no longer remember the exact wording but this  
was the sense of the order.

I ordered further that every resistance is to be  
broken by terror.

However, I certainly did not order that the prisoners  
of war should be shot. I didn't mention prisoners of war  
at all. Whoever claims anything of the sort is speaking  
the untruth!

I have made this statement voluntarily and of my own  
free will, not having been influenced by threats, force or  
duress, or promises of any kind.

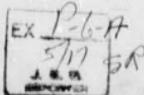
I swear to God that the facts which I have set forth  
in this statement are true and I am prepared to repeat same  
before any court of justice.

(signed) Sepp DIETRICH  
Generaloberst Oberstgruppenfuehrer  
22 March 1946 6th Panzer Army

Witnessed:

(signed) RAPHAEL SHUMACKER  
Capt CMP

Sworn to and subscribed before me this  
twenty-second day of March 1946 at  
SCHWABISCH HALL, GERMANY  
WILLIAM H. PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner  
War Crimes Branch USFET





5/17

1

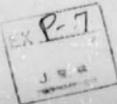
Ich SS-Standartenführer Josef Fragner  
 gebe nach vorchriftsmäßiger Durchsicht  
 folgenden an:

Während des Aufenthaltes im Aug. 1944  
 und Jan. 1945 war ich Kommandeur  
 des 1. SS-Panzer-Regiments L. SS-A.H.  
 sowie Führer der in der ersten  
 Division aufgeführten Panzerabteilung Fragner.

Meinem exp. Fragner gehörte zu dieser  
 Zeit der Leihstandort Wolf-Hellen  
 an. Der offizielle Name der L. SS-A.H.  
 war 1. SS-Panzer-Div. L. SS-A.H. -

Der Kommandeur der 1. SS Pz. Div.  
 L. SS-A.H. war zu dieser Zeit SS-Oberführer  
 Willibald Mofenke.

Die 1. SS-Pz. Div. L. SS-A.H. gehörte zu dieser  
 Zeit zum I. SS-Pz. Korps, weshalb  
 zu dieser Zeit in der Division Befehl



Das 55-jährige Mitglied der  
 Insp. Kant. 8. P.

Das 1. 55-jährige Mitglied der  
 Insp. Kant. 8. P. ist der b. jüngerer  
 an, welche unter dem Befehl  
 Das 55-jährige Mitglied der  
 Insp. Kant. 8. P. ist der b. jüngerer  
 an, welche unter dem Befehl

Die b. Armeen werden von uns  
 allgemein b. 55-jährige Armeen genannt.  
 Das glaube ich, das der Name  
 b. 55-jährige Armeen nicht später  
 offiziell angenommen werden.

Ich habe diese Ausdrücke freiwillig  
 und aus reinem Willen gemacht,  
 unter dem Namen von Zwang, Zwängen  
 oder tadeln und unter dem Namen von  
 Zwängen irgendwelcher Art.



3

Ich pflege in dem Fall, daß die  
Tatfragen, welche ich in diesem  
Antrag angebracht habe, wahr  
sind und ich kein Mittel, dieselben  
jederzeit vor jedem Gericht zu  
sich zu vindizieren.

Joseph J. J. J.  
SS-Standardführer

28. III. 1946

Sworn to and subscribed before me this  
twenty eight day of March 1946 at Schwabmünchen,  
Germany.

William R. Paul

1st Lt Mi 0-555149

Investigator-Examiner  
War Crimes Branch  
Hofet.



000022

## TRANSLATOR'S AFFIDAVIT

I, GEORGE MILLER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Joachim PEIPER

taken on 28 March 1946 at Schwäbisch Hall, Germany,

before WILLIAM R. PERL, 1st Lt., M.I.

consisting of 3 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I've been married for the past six years to a British subject and speak English continually at home. My wife does not speak GERMAN.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

*George Miller*

GEORGE MILLER

Sworn and subscribed to before me this 2nd day of April 1946 at Schwäbisch Hall, Germany.

*Raphael Thumadler*  
War Crimes Branch, USFET  
Capt C111P

000023

I, SS Standartenfuhrer Joachim HEIPER, after being duly sworn state:

During the EIFEL offensive in December 1944 and Jan 1945, I was commander of the 1st SS Panzer Regiment L.SS.A.H. as well as leader of the Armored group which was under my command.

At that time my Armored Group belonged to the Leibstandarte Adolf Hitler. The official name of the L.SS.A.H. was the 1st SS Panzer Division L.SS.A.H. The commander of the 1st SS Panzer Division L.SS.A.H. was at that time SS Oberfuhrer Willibald MOHNE.

The 1st SS Panzer Division L.SS.A.H. belonged at that time to the 1st SS Panzer Korps, which at that time was under the command of SS Gruppenfuhrer General Lieutenant BRIESS.

The 1st SS Panzer Korps belonged at that time to the 6th Panzer Army which was under the command of SS Oberstgruppenfuhrer and Generaloberst Sepp(Josef) DIETRICH.

The 6th Army was generally called by us 6th SS Panzer Army, however I believe that the name 6th SS Panzer Army was only later adopted officially.

I have made this statement voluntarily and of my own will, uninfluenced by duress, threats, or harsh treatment, and uninfluenced by promises of any kind.

I swear before God that the facts stated in this statement are true and I am prepared to repeat them, under oath, at any time before any court.

(signed) Joachim HEIPER  
SS Standartenfuhrer  
28.III.1946.

Sworn to and subscribed before me this  
twenty eight day of March 1946 at  
SCHWABISCH HALL, Germany.

WILLIAM R PERL  
1st Lt. M.I. O-555149  
Investigator- Examiner  
War Crimes Branch.  
USFPT



000021

PK 47b  
J.E.P.  
REPRODUCTION

76



I, Joachim Peiper, being first duly sworn, make the following statement under oath:

Ich Joachim Peiper, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Gruppenführer GENERAL-Lieutenant Priess mentioned by me in my affidavit, dated 28 MARCH 1946.

Die obigen zwei Photographien sind Photographien desselbigen Gruppenführer General-Lt. Priess von mir in meiner eidesstattlichen Aussage genannt, datiert 28. März 1946.

Joachim Peiper  
First Name (Vorname) Last Name (Zuname)

44-Standartenführer  
Rank (Dienstgrad)

1. SS-Pz. Bgt. 2. SS-ADP

Organization during Elbef Offensive  
Einheit während des Elbef-Einsatzes

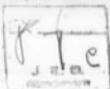
Sworn and subscribed before me this 16th day of April, 1946.

Robert E. Amine  
Officer administering oath

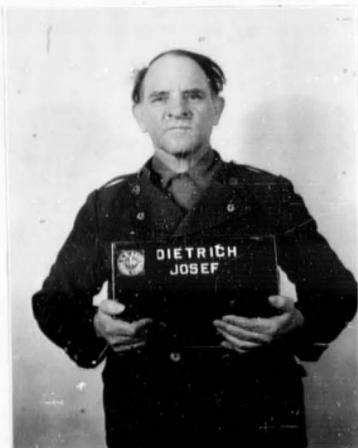
1st Lt. JRGD  
Rank Arm or Service

7B

000025



10



I, Joachim Peiper, being first duly sworn, make the following statement under oath: Ich Joachim Peiper, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Generaloberst Sepp (Josef) Dietrich mentioned by me in my affidavit, dated 28 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen Generaloberst Sepp (Josef) Dietrich von mir in meiner eidesstattlichen Aussage genannt, datiert 28. März 1946.

Joachim Peiper  
First Name (Vorname) Last Name (Zuname)

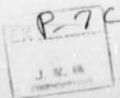
SS-Standartenführer  
Rank (Dienstgrad)

1. SS-Pz. Regt. 2. SS-A.H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15th day of April, 1946.

Robert B. Byrnes  
Officer administering oath

1st Lt. JRGD  
Rank Arm or Service



EX-8  
J.E.B.  
NOV 1944

Identification  
Ordene

EX P-8  
J.E.B.  
NOV 1944

Hof, Friedrich Ludwig, Karl Krause,  
geb. 1871, wohnt, vorläufiglich in  
folgendem Ort:

Mit dem 16. September 1944  
war ich Chef des Stabes der 6. Pz. Division,  
welche alljährlich als 6. Pz. Division  
bezeichnet wurde. Diese Funktion  
führte ich während der Ver-  
antwortung der Ordnungsaufgaben  
und während der Ordnungsaufgaben  
im Jahr bis am 16. September 1944  
beginnen und bis ca. 20. Januar  
1945 dauerte. Ich befülle diese  
Funktion während der Stabes-  
der 6. Pz. Division bis zum  
Rückzug in den März 1945 bis  
zum November u. Dezember 1944  
und Januar 1945 war mein  
Dienstgrad 98 Leutnant  
u. Gruppenführer der Waffen 97.  
Vorab 99 Leutnant als auf  
Gruppenführer für die Waffen 97  
Gruppenführer. Im April 1945

Hof, Friedrich Ludwig, Karl Krause

EX P-8  
J.E.B.  
NOV 1944

würde ich nun einen Dienstvertrag  
 besprochen und würde er zugunsten  
 in. Gewerkschaften der Arbeiter.  
 Außerdem dieser eigenen Zeit aber  
 nicht unmittelbarer Angehöriger  
 der 44 Oberstufenmilitärs und  
 Generalstab der Arbeiter 44. Letzte  
 Dienst, Oberstabschef ist der  
 C. P. B. B. B.

Zu einem Dienstvertrag  
 als Chef der Arbeiter der C. P. B. B. B.  
 war es in. a. meine Aufgabe,  
 Chef der C. P. B. B. B. B. B. B.  
 zu sein ich nicht alle die  
 eigenen, mitzuführen und werden.  
 nicht zu lassen und dem dem  
 Oberstabschef, Oberstufenmilitärs  
 Dienst, zur Oberstabschef werden.  
 B. B. B.

Alle Chef, welche von der  
 C. 44 P. B. B. B. B. B. B. B. B. B.  
 Dienst meine Arbeit geben.

Der dem Befehl, nach 1944  
 ging mich, gegen Oberstabschef

20. July, Ludwig Karl B. B. B.

EX P-8  
 J. B. B.  
 1944

an die uns unterstellten Körper,  
 darunter auch am 1. 4. 44. B. K. K.  
 zuletzt unter dem Befehl des 44  
 Grenzregiments in Generalleutnant  
 des 44. Infanterie-Regiments. Ferner  
 wurden diese Befehle im Besonderen  
 Befehlen an die Körper, darunter  
 auch natürlich am 1. 4. 44. B. K. K.  
 der großen Angriffs Befehle,  
 der alle Vorbereitungen und Auf-  
 rufen der Regimenter und Bata-  
 lionen in der Richtung nach oben  
 zu vollenden und in der Richtung  
 nach unten durch den 6. u. 10. September  
 an die Körper, darunter von  
 unten, darunter Befehlen  
 ging auf immer stiller als der  
 Angriff begann - in gleicher Zeit  
 war am 14. 12. 1944 - ein Tagesbefehl  
 an die Körper, zuletzt nach unmittel-  
 bar vor dem Angriff und in  
 mit dem einzigen bekannten  
 dem werden sollte.

Die wichtigsten Befehle waren  
 von Oberstregimentschef Reg. Dietrich

27. Fritz, Ludwig, Karl, Hermann

gerichtlich unterworfenen. Auf  
 jenen Fall war die große An-  
 griff befehl und der vorerwähnte,  
 immer thätig vor Angriff bezeugen  
 der Dringlich bekanntzugeben  
 Tage befehl war ihre unterworfenen  
 werden.

Es ist vor Beginn der  
 Angriff der Dringlich bekannt-  
 gegebene Tage befehl ging von  
 uns zu dem Körper. Der dem Körper  
 zu dem die Personen und von da  
 weiter fortgesetzt. Dies ist mit  
 uns zu geschehen, dass wir, d. h. nicht  
 die G. P. Personen, dem befehl unter-  
 fälthigen und die Abzüge an die  
 Körper befehlen aber aber das die  
 Körper dem Originalbefehl unvollständig  
 sind. Falls wir nicht selbst dem Körper-  
 die Abzüge fortsetzen, könnte das  
 Körper auf die ihre unterworfenen  
 Kommandanten dem befehl nicht  
 vorzuziehen haben, wobei die Komman-  
 danten sich dem Willen zuweilen  
 haben könnten, um so dem  
 Hing. Ludwig Karl Braun

EX. P-8



Sieß & Co. hat zu ersichtlicher  
 Besorgnis der Gesellschaft  
 mit Gewalt zu kaufen ist. Als  
 ob sie den Kaufpreis hat, daß die  
 Besorgnis der Gesellschaft  
 durch Gewalt zu kaufen ist,  
 weiß ich nicht mehr. Jedemfalls  
 waren gewisse Maßnahmen  
 zu ergreifen. Ich weiß nicht, daß ob  
 im Depot keine u. a. Sieß, daß  
 Sieß nicht allein mit einem jungen  
 Mann verknüpft ist, sondern  
 müssen. Es ist möglich, daß in  
 in dem den einzigen Lehnrecht  
 nicht bekannt, daß Sieß, daß  
 ich allein 44 Briefe gekaufte  
 werden sollen.

Ich weiß, daß Olenstein  
 Sieß & Co. Sieß, nach dem  
 es von einem Lehnrecht keine  
 Sieß & Co. Sieß & Co. Sieß & Co.  
 Sieß & Co. Sieß & Co. Sieß & Co.  
 Sieß & Co. Sieß & Co. Sieß & Co.  
 Sieß & Co. Sieß & Co. Sieß & Co.

Sieß, Ludwig, Karl Sieß.

EX P- 8  
J. E. S.

Es ist mir nicht bekannt,  
welcher Sie in Diskussion war  
im Clemmingtons'schen Diebstahl,  
dem General Prior mündlich  
gab.

Sie haben diese Antisage  
freiwillig mit der eigenen  
Willen gemacht, im Sinne  
fließt von jeder Verfügung  
der Parteien und im Einflusse  
von Verfassungen inwendigen  
Ant.

Sie können bei Gott das Sie  
angeben, Sie ist in dieser  
Antisage machen, was sind  
und kein Bestand, diese was jedem  
glaubt unter sich zu widersprechen.

EX-P-8

Fritz Ludwig Karl Holm  
44 Göttingerstr. u. Generalstab  
10. April 1946  
No. 44/1000 44.

Witness:  
Homer B. Landford  
Lt. Col. in Regt.

Sworn to and subscribed to before me this 10th day  
of April 1946 at Schwabach - Hall Germany.  
William A. Paul W. Lt. Col. 555149 Inspector  
General Staff W. C. R. Hoff

000032

P. 8a

### TRANSLATOR'S AFFIDAVIT

I, George Miller assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Fritz Ludwig Karl KRAMER

taken on 10 April 1946 at Schwäbisch Hall, Germany,

before William R. Perl, 1st Lt., M.I.

consisting of \_\_\_\_\_ pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

*George Miller*

Sworn and subscribed to before me this 23<sup>rd</sup> day of April 1946.  
at Schwäbisch Hall, Germany.

EX P-8a  
J. R. H.  
FBI

*Saphael Thumackel*  
War Crimes Branch, USFET  
Capt. CMP

000034

I, Fritz Ludwig Karl KRAEMER, being first duly sworn, state as follows:

Since the 16th November 1944 I was Chief of Staff of the 6th Pz Army which was generally called 6th SS Pz Army. This function I exercised therefore, during the preparation of the ARDENNES offensive, and during the ARDENNES offensive, which started on the 16th December 1944 and lasted until approximately the 20th January 1945. I held this function as Chief of Staff of the 6th Pz Army until the capitulation in May 1945. In November and December 1944, and January 1945 my rank was SS Brigadefuehrer and Generalmajor of the Waffen SS. SS Brigadefuehrer as well as Generalmajor are the lowest General ranks. In April 1945 I was promoted by one rank and became SS Gruppenfuehrer and General-lieutenant of the Waffen SS. Throughout this entire period the SS Oberstgruppenfuehrer and Generaloberst of the Waffen SS, Oberbefehlshaber (Commander in Chief; Trans note) of the 6th Pz Army, Sepp DIETRICH, was my immediate superior.

In my capacity as Chief of Staff of the 6th Pz Army, it was among other things, my task to draft orders of the 6th Pz Army, which went to its subordinate units, and have them prepared and subsequently presented for signature to the Oberbefehlshaber Oberstgruppenfuehrer DIETRICH.

All orders which originated from the 6th SS Pz Army had to go through my hands.

Prior to the EIFEL offensive 1944, a large Army order went to the corps under me, among them also to the 1st SS Pz Corps, which was under the command of SS Gruppenfuehrer and General-lieutenant of the Waffen SS PRIESS. Also a number of smaller orders went to the Corps, naturally, also to the 1st SS Pz Corps.

The large order of attack which contained all tactical and technical details and in my estimation comprised about 30 typed pages went to the Corps between the 6th and 10th of December 1944. Apart from other smaller orders also an order of the day went to the Corps immediately prior to the offensive -- I believe it was on the 14.12.1944-- which was to be read and made known to the troops only immediately prior to the offensive.

The most important orders were signed personally by Oberstgruppenfuehrer Sepp DIETRICH. In any case, the large attack order and the order of the day mentioned previously to be made known to the troops only immediately prior to the offensive, were signed by him.

This order of the day which was to be made known to the troops prior to the offensive went from us to the Corps, from the Corps to the Divisions and from there further on down. This was either done by us, that is the 6th Pz Army - reproducing the order and delivering the copies to the Corps or else that the Corps reproduced the original order.

In case we ourselves did not send copies to the Corps, the Corps too might simply have read the order to the commanders under it, whereby the commanders could have taken notes in order to be able to pass it on to the troops.

However, it is also possible that the army itself prepared the copies and sent them to the Corps.

P-8A  
JCS  
POST OFFICE

000035

In all tactical orders, also in the large attack order, as well as in the order of the day, it was also stated among other things that the MAAS had to be reached as quickly as possible. I stated at first in my oral interrogation that it also read in this order that one should not be concerned about prisoners of war. In an oral interrogation afterwards, I then stated that it read in this order that the leading elements should not bring in any prisoners of war. However, I state hereto in writing that it was the meaning of this paragraph of this order that the leading units must not delay themselves with the evacuation of prisoners of war because this was the task left to the units following up.

The combat group under the command of Oberstf. J. PEIPER, was such a forward unit. For the commitment of this combat unit PEIPER, the Army is not responsible.

This happened by order of the 1st SS Pz Corps, or the 1st SS Pz Div. ISSAH. Furthermore, it was said that the enemy who was east of the MAAS must be destroyed. In an order I no longer recall which one, it was, it also read that the expected terror of the civilian population was to be broken by force. I no longer know whether it said here that the terror of the civilian population was to be broken by terror. Anyhow, violent measures were recommended for this. I know for certain that in the order of the day, it stated among other things that every man must commit himself ruthlessly with his whole self. It is possible that it read in the order of the day made known to the troops that it should be fought in the old SS spirit.

I know that Oberstgruppenfuhrer Sepp DIETRICH upon his return from the conference with the Fuehrer, left our Headquarters for a short time to look up General FRIESS of the 1st SS Pz Corps, to give instructions.

It is unknown to me what sort of instruction it was Oberstgruppenfuhrer DIETRICH gave General FRIESS orally.

I made this statement voluntarily and of my own will, uninfluenced by duress, threats or harsh treatment and uninfluenced by promises of any kind.

I swear before God that the statements which I made in this deposition are true and am prepared to repeat same under oath before any court.

Fritz Ludwig Karl KRAEMER  
SS-Gruppenfuhrer and General-Lieutenant  
of the Waffen SS.  
10 April 1946.

Witness:  
HOMER B CRAWFORD  
Lt Col. Air Corps.

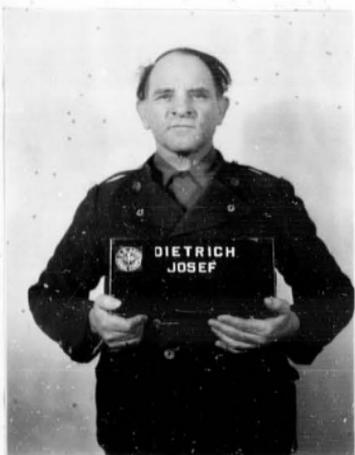
Sworn to and subscribed to before me this  
10th day of April 1946, at Schwabisch Hall,  
Germany.

WILLIAM R PERL,  
1st Lt. M. I. O-555149  
Investigator-Examiner  
WCB, USFET.

EX P-8A

000037

81



FRITZ LUDWIG

I, KARL KRAEMER, being first duty sworn, make the following statement under oath: FRITZ LUDWIG KARL KRAEMER nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same SEPP DIETRICH mentioned by me in my affidavit, dated 10 APRIL 1946.

Die obigen zwei Photographen sind Photographien desselbigen SEPP Dietrich von mir in meiner eidesstattlichen Aussage genannt, datiert 10. April 1946.

Fritz Ludwig Karl Kraemer  
First Name (Vorname) Last Name (Zuname)

Generalleutnant der Waffen SS.  
Rank (Dienstgrad)

SEAB 6. Panzer-Armee.  
Organization during Eifel Offensive  
Einhell während des Eifel-Einsatzes

Sworn to and subscribed before me this 15<sup>th</sup> day of April, 1946.

Rudolf Thumacher  
Officer administering oath

Capt. C.M.P.  
Rank Arm or Service

EXP-8B  
J.P.

000037

Be  
EXE



FRITZ LUDWIG

I, KARL KRAEMER, being first duty sworn, make the following statement under oath:

Ich Fritz Karl Kraemer, nachdem ich erst rechtmäßig eingeschrieben wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same TRUPPENFUEHRER AND GENERAL LEUTENANT PRIESS mentioned by me in my affidavit, dated 10 APRIL 1946.

Die obigen zwei Photographien sind Photographien desselbigen Truppenführers u. Generalleutnant Priess von mir in meiner eidesstattlichen Aussage genannt, datiert 10. April 1946

Fritz Ludwig, Karl Kraemer  
Fritz Ludwig, Karl Kraemer

First Name (Vorname) Last Name (Zuname)

Generalleutnant der Waffen SS.  
Rank (Dienstgrad)

Stab 6. Panzer-Armee

Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15th day of April, 1946.

Joseph Thumacher  
Officer administering oath

Capt. CMP  
Rank Arm or Service

EX P-88  
JUN 1946



ii.

Als ich von Beginn der Verdammung  
offensiv von der Besprechung mit dem  
Jäger bei nicht kam, informierte ich  
Brigadeführer Krämer König über die  
Werte über die Stellen des Jägers. Ich glaube  
es war am 13. Februar 1944, dem Tage  
nach der Besprechung mit dem Jäger.

<sup>S.A.</sup>  
Ich glaube das der ~~...~~ Brief  
verloren von Tübingen unmittelbar vor Be-  
ginn der Angriffe vor Karlsruhe war, gleich  
mit <sup>S.A.</sup> ~~...~~ <sup>S.A.</sup> ~~...~~ <sup>S.A.</sup> ~~...~~  
König Besprechung mit Brigadeführer  
Krämer somit wahrscheinlich am 13. Feb-  
ruar 1944 von ihm verfasst über von  
mit unterschrieben wurde.

Am frühen Morgen des 15- oder 16. Februar  
1944, ich weiß das genaue Datum nicht mehr  
es war König <sup>Zeit</sup> ~~...~~ <sup>S.A.</sup> ~~...~~  
König Besprechung mit Brigadeführer  
Krämer <sup>S.A.</sup> ~~...~~  
König Besprechung mit Brigadeführer  
Krämer <sup>S.A.</sup> ~~...~~  
König Besprechung mit Brigadeführer  
Krämer <sup>S.A.</sup> ~~...~~

EX P-7  
J 8 0  
K 10 0

III.

Keeps auf seinem Erbschaftsamt  
auf. Hierbei besprach ich mich offen  
mit ihm über Wünsche.

Ich habe diese Aussage freiwillig  
und aus reinem Willen abgegeben.  
Ich bestätige von Anfang, Änderungen  
von Inhalten und Inhaltspflichten von  
Gesprächen irgend welcher Art.  
Ich schreibe bei Voll der die Angaben  
in dieser Aussage, was nicht mit mir  
beinhaltet von jenen Personen unter  
der Aufsicht des Hofes.

Wolfgang Klumpp

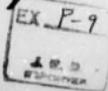
Erklärung über - Aussagepflichten

11. April 1946.

Witnessed in the presence of:  
Morris Elowitz  
Civilian Expert  
WCB, USFET

Snow to and subscribed  
to before me this 11th day of  
April 1946 at Schwabach  
Hall, Germany.

William R. Paul  
WCB No. 0556149  
Justice - Examiner  
War Area Branch  
Hof.



000041

P 9 a

# TRANSLATOR'S AFFIDAVIT

I, Walter A. Hart assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Sapp DIETRICH

taken on 11 April 1946 at Schwäbisch Hall, Germany,

before WILLIAM R PERL, 1st Lt. M.I.

consisting of 3 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I studied English for seven years in school in Berlin, Germany.
3. I lived in England from 1935 to 1937 and in the United States from 1937 to 1944.
4. From March 1944 to November 1945, I served as an interpreter with the office of Military Government.
5. Since 3 December 1945 I have been assigned to the War Crimes Branch, U.S.F.E.T. as a civilian German-English interpreter.

9A  
EX P-9A  
JES

Walter A Hart  
WALTER A. HART

Sworn and subscribed to before me this 28<sup>th</sup> day of April 1946  
at Schwäbisch Hall, Germany.

Raphael Thumader  
War Crimes Branch, USFET  
Capt. CMIP

I, Oberstgruppenfuhrer and Generaloberst Sepp DIETRICH, being duly sworn state the following:

The present Gruppenfuhrer and General-Lieutenant of the Waffen SS Fritz Ludwig Karl KRAEMER, was from November 1944 until 10 May 1945 Chief of Staff of the 6th Panzer Army. Before and during the ARDENNES offensive his rank was Brigadefuhrer and Generalmajor of the Waffen SS.

All orders which were issued by the 6th Panzer Army either originated from him or were prepared on his orders. All orders which were submitted to me for signature went through the hands of my Chief of Staff Brigadefuhrer KRAEMER.

When before the beginning of the ARDENNES offensive I came back from the conference with the Fuhrer I briefly informed Brigadefuhrer KRAEMER of the speech and intentions of the Fuhrer.

I believe that the order which was to be read to the troops immediately before the beginning of the offensive was drawn up and signed by me immediately after my above described short meeting with Brigadefuhrer KRAEMER, therefore probably on the 13th December 1944.

On the early morning of the 15th or 16th December 1944 I do not recall the exact date any more, it was a short time before the beginning of the offensive, I visited the Commanding General of the 1st SS Panzer Korps, General Lieutenant PRIESS at his command post. There I discussed with him the method of the commitment.

I have made this statement voluntarily and of my own will uninfluenced by force, threats or duress, and uninfluenced by promises of any kind.

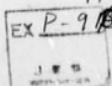
I swear before God that the statements in this deposition are true and I am prepared to repeat same before any court under oath.

(signed) Sepp DIETRICH  
Generaloberst -Oberstgruppenfuhrer  
11 April 1946.

Witnessed in the presence of:  
MORRIS ELOWITZ  
Civilian Examiner  
WCB USFET

Sworn to and subscribed to before me this  
11th day of April 1946, at Schwabisch Hall,  
Germany.

WILLIAM R PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner  
War Crimes Branch USFET.



000046



I, SEPP DIETRICH, being first duly sworn, make the following statement under oath: Ich SEPP DIETRICH, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same GENERAL LEUTNANT PRIESS mentioned by me in my affidavit, dated 11 APRIL 1946.

Die obigen zwei Photographien sind Photographien desselbigen GENERALLEUTNANT PRIESS von mir in meiner eidesstattlichen Aussage genannt, datiert 11 APRIL 1946.

Sepp Dietrich  
First Name (Vorname) Last Name (Zuname)

GENERALOBERST-OBERGRUPPENFÜHRER  
Rank (Dienstgrad)

6<sup>th</sup> SS Pz Army  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

EX 99B  
J. E. H.  
OFFICIAL USE ONLY

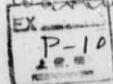
Sworn to and subscribed before me this 15<sup>th</sup> day of April, 1946.

Daphael J. Hummel  
Officer administering oath  
Capt. C.M.P.  
Rank Arm or Service

EX P-913  
J. E. H.  
OFFICIAL USE ONLY

74, Hermann Prinz, Grenallführer  
 der Waffen-SS, nachdem in Zürich ordnungsgemäß  
 eingekerkert wurde, macht folgende  
 Mitteilung über sich:

Im Dezember 1944 war in der Kom-  
 mandantur Generalstab I. SS-Panzer-Korps,  
 unter meinem Befehl waren zwei  
 SS-Panzer-Divisionen, zwei Volksgren-  
 adier-Divisionen und eine Fallschirmjäger-  
 Division. Die beiden SS-Divisionen waren:  
 1. SS-Panzer-Division, kriegsbereit abgestellt  
 unter Befehl von SS-Oberführer Meibner  
 und 12. SS-Panzer-Division „Hitlerjugend“  
 unter Befehl von SS-Sturmbannführer  
 Kraas. Meine Korps unterstand dem  
 6. Panzer-Armee, der Oberbefehl über  
 war SS-Obergruppenführer und Generaloberst  
 der Waffen-SS Dietrich, Josef. Am  
 11. oder 12. Dezember 1944 wurde in  
 Nord. Mainz besetzt und dort fand eine  
 Aufsperrung der SS statt. Ich erinnere  
 mich mit Sicherheit, daß bei dieser Aufsperrung  
 SS-Obergruppenführer Ley, Dietrich und  
 SS-Oberführer Meibner anwesend waren.



Per Ex. 10  
 Falls.

Der Führer sprach diese 2 Stunden.  
 Der Führer sagte uns, dass in der Kom-  
 munisten Affaire das Tajikpal Buchland  
 auffindbar würde. Ich kann mich jetzt  
 nicht mehr an alle Einzelheiten der  
 Aussage des Führers erinnern, ich weiß  
 aber, dass es sich ausschließlich um die  
 Affaire in Bezug, die später als  
 "fiskal. Affaire" bekannt wurde, handelt.  
 Der Teil in der Rede des Führers wo er  
 sich mit dieser ~~Art~~ Methode befasste  
 war, somit ich mich jetzt erinnern, als  
 er uns sagte: "Davor ist die Davor zu  
 bekämpfen. Jeder Widerstand ist nicht  
 das zu bewegen." Der Führer erläuterte  
 nicht, was er mit Davor meinte. Ich  
 habe diese Frage des Führers aufgestellt,  
 dass die feindlichen Kräfte auf die  
 deutsche Zivilbevölkerung <sup>und</sup> der goldenen werden  
 fallen. Ich betrachtete die Aufgabe des  
 Führers als Prozedura, die der Affaire  
 vorant ging und schloß mich daran, dass  
 die Kommissare an der Westfront geändert  
 werden sollten. Einige Tage vor Beginn  
 der "fiskal. Affaire" erhielt ich den Auftrag  
 selbst und kurz vor Beginn des Auftritts der  
 Hauptkräfte der Hauptkräfte der 6. Panzerarmee



am Montag den 15. Dez. 1944 sprach ich  
mit meinem Gefolgshand in Friedrichsheim  
zu den Führern der Vorausabteilungen  
und ich erklärte zu den Dispositionskommandanten  
auf Grund der Tatsache, dass einige Kom-  
mandanten verpflichtet ankommen und  
ich gleich darauf zu einem anderen befohlen  
würde, was meine Rede sehr kurz, Ich  
gab den Truppbefehl des 6. Kompanies -  
fürstlich Betrieb bekannt und wünschte  
jedem Kommandanten Glück an seiner  
Auftrag und an seiner Pflicht.

Ich mache diese Briefpage bezeugend  
mit 4 Zeilen förmlich, ohne Zusätze,  
Freiwilligen von Aufhängungen auf  
bezeugend.

Karlmann Pfeiffer  
Generalld. der Waffen - 47  
16. April 1946

Subscribed and Sworn  
to before me this  
16th day of April 1946  
Robert E. Byrnes  
1st Lt USAF

Witnessed in the presence of  
Morris Elowitz  
Cecil Gardner  
WCB, USFET

EXP-10  
JCS  
1 APR 1946

000046

### TRANSLATOR'S AFFIDAVIT

I, Joseph Kirschbaum assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Hermann FRIESS

taken on 16 April 1946 at Schwäbisch Hall, Germany,

before Robert E. Byrne, 1st Lt., JAGD

consisting of 4 pages, into English.

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I learned English through study of the language for 2 hours in High School, one year in college, and eight months of evening classes, all in Vienna.
3. I have spoken English continuously since September 1939, when I came to the United States. In September of 1941 I joined the United States Army.
4. From February until the latter part of April 1943, I attended the IAW course at Camp Ritchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IAW interrogator, in which capacity I was constantly required to translate German into English, and vice versa.
6. Since January 1946, I have been assigned to the War Crimes Branch, U.S.A.F., as a civilian German-English interpreter.

*Joseph Kirschbaum*

Sworn and subscribed to before me this 23<sup>rd</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Raphael Thumacher*  
War Crimes Branch, USFET

EX-10-A

*Capt. CMP*

J. E. B.  
APR 1946

*W. Ex. 10-A*

47

00004c

I, Hermann FRIESS, Generalleutenant of the Waffen SS, having been duly sworn upon oath make the following statement:

In December 1944 I was the commanding general of the I SS Panzer Korps. Under my command were two SS Panzer Divisions, 2 Volksgrenadier Divisions, and 1 Paratroop Division. The two SS Divisions were: 1st SS Panzer Division "Leibstandarte Adolt Hitler" under the command of SS Oberfuehrer MOHNKE and 12th SS Panzer Division "Hitler Jugend" under the command of SS Standartenfuehrer KRASS. My Korps was attached to the 6th Panzer Army. The commanding general was SS Oberstgruppenfuehrer and Generaloberst of the Waffen SS DIETRICH, Josef. On the 11th or 12th December 1944 I was ordered to BAD-NAUHEIM, and there a speech of the fuehrer took place. I remember with certainty that at this speech SS Oberstgruppenfuehrer Sepp DIETRICH and SS Oberfuehrer MOHNKE were present. The Fuehrer spoke for about two hours. The Fuehrer said to us that in the coming offensive the fate of Germany would be decided. I am not now able to remember any longer all the details of the speech of the Fuehrer, but I do know that it concerned itself exclusively about the coming offensive in the west which later on was known as the "EIFEL offensive". The part of the speech of the Fuehrer in which he occupied himself with terror methods, as far as I remember now was when he said to us, "Terror is to be met with terror. Any resistance is to be broken ruthlessly." The Fuehrer did not explain what he meant by "terror." I interpreted the phrase of the Fuehrer, referring to terror as meaning that the enemy air attacks on the German civilian population should finally be avenged. I considered the speech of the Fuehrer as propaganda which preceded the offensive and did not conclude from it that the fighting methods on the western front should be changed. Several days before the start of the "EIFEL Offensive" I received the Field Order and shortly before the start of the attack the Order of the Day from the headquarters of the 6th Panzer Army. I transmitted the part of the field order which concerned the divisions to the respective divisions, and the Order of the Day, to all division commanders under my command to be read to all troops. I remember that these two orders said that we had to push through ruthlessly to the MAAS; that every man had to give his best and that terror had to be met by terror. I do not remember at this time anything in the two orders of the 6th Panzer Army stating that a wave of fear and terror should precede our troops. However, it is possible that the orders contained such a remark, but at this time I do not remember it. I interpreted those remarks concerning ruthlessness, use of terror, etc. as propaganda in the same manner as I did the speech of the Fuehrer in BAD NAUHEIM and I did not believe that through that there would be any irregularity in fighting methods. I also assumed that my division commanders understood and interpreted those remarks as I did.

On the afternoon of 15th December 1944, I spoke at my C.P. in SCHMIDTBEIM to the commanding officers of the advance elements and, I believe, to the division commanders. Due to the fact that several commanders arrived late and I immediately thereupon had to go to another meeting, my speech was very short. I published the

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Order of the Day of SS Oberstgruppenfuhrer DIETRICH and reminded each commander briefly on his mission and on his duty.

I make this statement consisting of 4 pages voluntarily, without coercion, threats, or promises of reward.

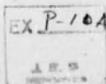
(signed) Hermann PRIESS  
Generalltn. of the Waffen SS  
16 April 1946

Subscribed and sworn to  
before me this 16th day  
of April 1946

(signed) Robert E. BURNE  
1st Lt. JAGD

Witnessed in the presence of

(signed) Morris ELOWITZ  
Civilian Examiner  
WCB, USFER









Überdies, war auch H. Hof. Gültigkeit zu-  
 mündlich zu bezeugen.   
 Die diesem Sachverhalte haben ich nicht  
 davon versäufte. Das Dinge gut angehen,  
 wenn es die ordentliche Ursache ist.  
 Die Verantwortung insbesondere soll  
 nachgefragt werden in dem Sinne, dass  
 die Dienstleistungen waren alles mit  
 gewissen Offizieren, für welche dies  
 unklar ist.

Die Regimentsbefehle sind in der  
 Zwischenzeit erschienen worden und  
 mit dem in dem Tage der am  
 darauf folgenden Tage von dem Ab-  
 teilungen abgefordert worden.

Es ist möglich, dass wenn ich nicht  
 sicher, dass die Befehle des Regiments-  
 befehls, welche sich mit dem Kriegs-  
 geschehen befassten und aus dem  
 Armeebefehl kam, ohne dass es das ein-  
 zugeht worden wäre, nicht möglich  
 aus den Abteilungen sind, sondern  
 aus anderen der Befehl beim Regl.

EX P-11  
 J. B. B.  
 1891-1892

mir in irgend einer Hinsicht werden und das  
gibt mir, ich bin zu versichert das  
dieser Befehl in Frankreich land find.

Der Anweisungsbefehl, was dem in der  
Spezial, was von der - Oberbefehlshaber  
und Generalstab. Sings Dinstag  
ist in Ordnung.

Es ist jedoch, das der Befehl zur  
Ausweisung von Deutschland nicht von  
Sings Dinstag aus kommen, sondern  
gegeben werden, sondern das, was  
mir in der Linie Landwehr, welche  
von Freitag aus dem Reich ausgeht  
werden war.

Als ich am 14.12.1944 vom Div. Kom.  
Oberbefehlshaber - Abteilungsangelegenheiten  
habe ich mir mit, das, was bei  
der Befehlshaber mit dem Freitag  
aus dem Reich ausgeht, was mit dem  
auf Befehl des Reichs mit bei -  
sondern Deutschland zu hängen werden

EX P-11

müssen. - Ob ferner Ob. Mofenke  
 Das <sup>17</sup> 3. Wod. Bredaliläl adne min  
 äfndigeb konntje, nief. i f niff  
 miff, ge nief, war lino der  
 Sime. - Ob. Mofenke pagli auf,  
 Die Fünfere faler eufagel. Je nief  
 ofen. tuff. fli fli tuff. nief. nief.  
 kampf. nief. nief. nief. nief. nief.  
 Daleri an die. Oeffen. Die 3. Bredaliläl  
 luvord nief. nief. Ob. Mofenke  
 pagli ferner auf, Die 3. Bredaliläl  
 anbezug. fli fli eufagel. faler,  
 vollen Die 3. Bredaliläl - nief.  
 Daleri vollen. Singe. Singe. Singe.  
 Anbezug. eufagel. faler. - Die 3.  
 Die 3. Bredaliläl. Die 3. Bredaliläl  
 faler, nief. nief. Ob. Mofenke pagli,  
 lufdig. Faldmarfall. Modul  
 nief - Singe. Singe - auf. Die 3. Bredaliläl  
 anbezug. fli fli faler nief. nief.  
 fgral.

EX P-11



me sagen, daß auf Befehl der  
 Führer mit Rücksicht auf die  
 nicht tadeln würdigen menschen  
 auf ihre weise ist nicht die gewöhnliche  
 Wollart, aber es kein Dingen  
 sagen, daß auch sein die Wollart  
 benutzt sein für im Anwesen-  
 derfall flandern, als es in den  
 Art, den Freund zu bekämpfen  
 und zu bekämpfen gewollt

Jedenfalls ging aus diesen Worten  
 hervor, daß wir mit Rücksicht  
 kämpfen müssen und daß diese  
 der aus demselben Wille der

Führer für  
 Ich habe diese Art von Feindschaft  
 aus eigenen Willen gemacht, und ich  
 von Zwang, Drogen zu stark oder  
 kampfungen irgendwelcher Art.

Ich werde bei dir, daß die Teil-  
 nehmen die ich für angeben kann  
 nicht sind und es kein

EX P-11

9.

Fullige nintaw find vor gudesanden  
finghe zu nindufolgen.

Witnessed:

Joseph Thumacker  
enph. CMP

Joseph Thumacker  
44 - Standard Oil Co.

Sworn to and subscribed  
to before me this 21<sup>st</sup>  
day of March 1946  
at Schuylkill Hall,  
Tex.

21. III. 19. 46

William R. Carl

(\* Lt. M. I. 0555149

Investigator - Examiner

War Time Grand Juror

EX P-11  
J. E. O.  
APR 1946

P. Carl (alt.)

000060

# TRANSLATOR'S AFFIDAVIT

I, PAUL RITZER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

JOACHIM PEIPER

taken on 21 March 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M.I.

consisting of 9 pages, into English.

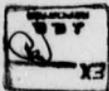
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is GERMAN.
2. I have spoken ENGLISH for 7 years.
3. I studied HUNGARIAN for 4 years at school in VIENNA, Austria.
4. I lived in HUNGARY from 1939-1940.
5. I lived in the UNITED STATES from 1940 until I left the UNITED STATES with the American Army in May 1944.
6. Since the 15th of February 1946, I served as interpreter with the War Crimes Branch in WÜRTHENBERG, Germany.

*Paul Ritzer*

Sworn and subscribed to before me this 26<sup>th</sup> day of March 1946 at Schwäbisch Hall, Germany.

*Asphalt Thumacher*  
War Crimes Branch, USFET  
*Capt. C.M.P.*



P-11-H

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I, SS Standartenfuhrer Joachim HEIPER, make the following statement under oath, after being first duly sworn.

During the EIFEL offensive, in December 1944, I was SS Obersturmbannfuhrer and Commander in charge of the Armored Group.

I, myself, was notified only very late about the particulars of the coming campaign, and I could not influence the preparation of this offensive.

About the 12th of December (1944) in the vicinity of KOLLN, a meeting with the fuhrer took place at which all commanders down to Division commanders participated. I did not participate at this meeting. I do not know what orders were issued there. I only know that the fuhrer made a three-hour address. Until the 10th December, I had not the slightest idea in which direction our offensive would take place. On the 14th December 1944 I was ordered to the Division Command Post which was located in BLANKENHEIM, where I had but a short conversation with the Division Commander - Oberfuhrer MOENKE. The field order and the other material such as maps, disposition of the enemy etc., I received from the Ia of the Division, SS Obersturmbannfuhrer ZIEMSEN. I did not read the material given me at the Divisional Command post because I was in a hurry, and was also in a bad mood because I disagreed with the entire preparation for the undertaking which looked highly defective to me.

I then returned on the same day to my command post which was located in a forester's house in the BLANKENHEIMER woods. First I ordered my Adjutant Hauptsturmfuhrer Hans GRUHLE, to call a commanders' meeting for the same day, for about 1600 hours. This left me about two hours which I used to study the material handed to me at the Division. The very first impression of the terrain which I got, with the aid of the maps, reassured my opinion that it was a desperate undertaking. I can remember that in this material, among other things, was an order of the 6th SS Panzer Army, with the contents that considering the desperate situation of the German people, a wave of terror and fright should precede our troops. Also this order pointed out that the German soldier should in this offensive recall the innumerable German victims of the bombing terror. Furthermore, it was stated in this order that the enemy resistance had to be broken by terror. Also, I am nearly certain that in this order it was expressly stated that prisoners of war must be shot where the local conditions of combat should so require it.

This order was incorporated into the regimental order which was drawn up on my command by Hauptsturmfuhrer GRUHLE, based on the material handed to us.

Close to 1600 hours, the Commanders' meeting took place at which the following persons participated; Myself, Sturmbannfuhrer Werner POETSCHKE, Sturmbannfuhrer (then Hauptsturmfuhrer) Josef DIEFENTHAL, Sturmbannfuhrer Gustav KNITTEL, (although he arrived a little late), Obersturmbannfuhrer HARDIECK, Sturmbannfuhrer Dr SIEGEL, Hauptsturmfuhrer OTTO, and I believe also the Major who commanded the Anti-aircraft Battalion attached to me. In addition Hauptsturmfuhrer GRUHLE was at least temporarily present. At this meeting I did not mention anything that prisoners of war should be shot when local conditions of combat should so require it because those present were all experienced officers to whom this was obvious.

In the meantime the Regimental orders were written and were picked up by the battalions either during the night, or on the following day.

It is possible although I don't know for sure, that the paragraph of the regimental orders which dealt with the prisoners of war, and was taken from the Army order without receiving any additions, was not sent to the battalions in writing, but for reasons of security was only looked at at the regiment, and remained there to avoid this order falling into enemy hands.

The above Army order about which I have just talked, was signed by SS Oberstgruppenfuhrer and Generaloberst Sepp DIETRICH.

I know however, that the order to use brutality was not given by Sepp DIETRICH out of his own initiative but that he only acted along the lines which the fuhrer expressly laid down.

When I was received on 14 December 1944 by Division Commander, Oberfuhrer MOHNKE, he told me that he was present at the meeting with the fuhrer and that on orders of the fuhrer, it had to be fought with special brutality. Whether at this occasion Oberfuhrer MOHNKE used the word "brutality" or something similar I don't know any longer, at least this was the sense of it. Oberfuhrer MOHNKE also said that the fuhrer stated: "It has to be fought without humane inhibitions, and one should remember the victims of the bombing terror!". Oberfuhrer MOHNKE also said at this occasion that the fuhrer spoke excellently - three full hours - and that he had expressed the fullest confidence for victory. After the fuhrer's address as Oberfuhrer MOHNKE told me, only Field Marshal MODEL gave a "Sieg Heil" to the Fuhrer - nobody else spoke. On the morning of 15 December 1944, I was at the command post of the 1st SS Panzer Corps, where the Commanding General SS Gruppenfuhrer General Lieutenant FRIESS spoke in front of all Regimental commanders and commanders of independent units under him. Independent units have at least the size of a battalion but they are not under a regiment but directly under division.

At this meeting about 30 commanders and leaders of independent units participated. Among others I saw SKORZENY there for the first time. From my Panzer Group only Sturmabfuhrer Gustav KNITTEL was present, with the exception of myself. General Lieutenant FRIESS, in his speech stated substantially the same as Oberfuhrer MOHNKE had conveyed to me on the previous day. General Lieutenant FRIESS spoke about the meeting with the fuhrer and he also said that on orders of the fuhrer, to fight with reckless brutality and hardness. Here also I don't know the exact wording, but I am nearly certain that General Lieutenant FRIESS used the words as they were in the Army order when he talked about the manner in which to treat the enemy and fight him. Anyway, out of his words emerged that we had to fight with brutality and that this was the expressed wish of the fuhrer.

I make these statements voluntarily and out of my own free will, uninfluenced by pressure, threats, harsh treatment or promises of any kind. I swear before God that these statements which I made are true and I am prepared to repeat them under oath before any court.

(signed) Joachim HEIFER  
SS Standartenfuhrer  
21. 3. 1946.

witnessed:  
RAFAEL SHUMACKER  
Capt. C.M.P.

Sworn to and subscribed before me this  
21st day of March 1946, at SCHWABISCH HALL, Ger.

WILLIAM R HERL  
1st Lt. M.I. O-555149  
Investigator-Examiner, War Crimes Branch, USFPT

P-11A

61

000062



I, Joachim Peiper, being first duly sworn, make the following statement under oath:  
Ich Joachim Peiper, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Sturmabteilführer Dr. Sickel mentioned by me in my affidavit, dated 21 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen Sturmabteilführer Dr. Sickel von mir in meiner eidesstattlichen Aussage genannt, datiert 21. März 1946.

Joachim Peiper  
First Name (Vorname) Last Name (Zuname)

47-Standarden Führer  
Rank (Dienstgrad)

1. SS-Pz. Rgt. 2. SSAB  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 25th day of April, 1946.

Robert Payne  
Officer administering oath  
1st Lt JABD  
Rank Arm or Service

EX-11-11  
PS

B  
P-11-X

000064



I, Joachim Peiper, being first duly sworn, make the following statement under oath:  
 Ich Joachim Peiper, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same GENERAL LIEUTENANT PRIESS mentioned by me in my affidavit, dated 21 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen General Leutnant Priess von mir in meiner eidesstattlichen Aussage genannt, datiert 21. März 1946.

Joachim Peiper  
 First Name (Vorname) Last Name (Zuname)

SS-Standartenführer  
 Rank (Dienstgrad)

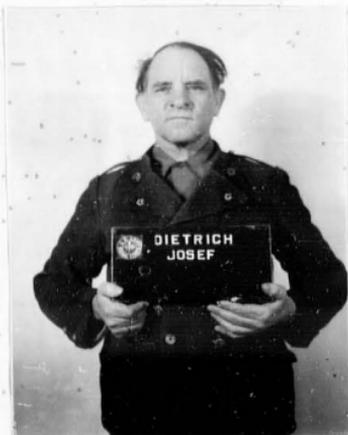
1. SS-Pz. Regt. & SS-At.  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 12th day of April, 1946.

Robert Payne  
 Officer administering oath  
1st Lt - 106D  
 Rank Arm or Service

911-10  
 P-4-BC

000065



I, Joachim Peiper, being first duly sworn, make the following statement under oath:  
Ich Joachim Peiper, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Sepp Dietrich mentioned by me in my affidavit, dated 21 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen Sepp Dietrich von mir in meiner eidesstattlichen Aussage genannt, datiert 21. März 1946.

Joachim Peiper  
First Name (Vorname) Last Name (Nachname)

SS-Standartenführer  
Rank (Dienstgrad)

1. SS-Pz Bgt. SS-AH.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 13th day of April, 1946.

Robert B. Byrne  
Officer administering oath

1st Lt JAGD  
Rank Arm or Service



P-11-D

000066



I, Joachim Peiper, being first duly sworn, make the following statement under oath:  
 Ich Joachim Peiper, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Sturmbannführer  
Gustav Knittel mentioned by me in my affidavit, dated 21 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen Sturmbannführers  
Gustav Knittel von mir in meiner eidesstattlichen Aussage genannt,  
 datiert 21. März 1946.

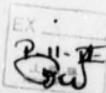
Joachim Peiper  
 First Name (Vorname) Last Name (Zuname)

SS-Standartenführer  
 Rank (Dienstgrad)

1. SS-Pz.-Rgt. 2. SS-AB.  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
5th day of April, 1946.

Robert Payne  
 Officer administering oath  
1st Lt. GARD  
 Rank Arm or Service



P-11-5

000067



I, Joachim Peiper, being first duly sworn, make the following statement under oath: Ich Joachim Peiper nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Sturmabannführer Josef Diefenthal mentioned by me in my affidavit, dated 21 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen Sturmabannführer Josef Diefenthal von mir in meiner eidesstattlichen Aussage genannt, datiert 21. März 1946.

Joachim Peiper  
First Name (Vorname) Last Name (Zuname)

SS-Standartenführer  
Rank (Dienstgrad)

1. SS-Pz.-Regt. P. 44-A.H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15th day of April, 1946.

Robert E. Byrne  
Officer administering oath

W. H. J. R. O. D.

EX P-11-R F  
P-11-F

000066



I, Joachim Peiper, being first duly sworn, make the following statement under oath:  
 Ich Joachim Peiper, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Hauptsturmführer  
Gruhle mentioned by me in my affidavit, dated 21 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführer  
Gruhle von mir in meiner eidesstattlichen Aussage genannt, datiert 21. März 1946.

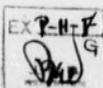
Joachim Peiper  
 First Name (Vorname) Last Name (Zuname)

SS-Standartenführer  
 Rank (Dienstgrad)

1. SS-Pz. Regiment 2. SS. A.H.  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
15th day of April, 1946.

Robert Payne  
 Officer administering oath  
1st Lt JAGD  
 Rank Arm or Service



P-111

000066

I

Ich habe am 15. Dezember 1944 in einem Vorstauise oder Jagdschlösschen bei einer Kompanieführerbesprechung im Blaunheimerwalde den Befehl erhalten: "Wenn es tödlich ist und die Sachlage es erfordert keine Kriegsgefangene gemacht werden."

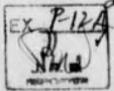
Bei dieser Besprechung waren die Kompanieführer der I Abteilung anwesend, ferner ein Hauptstuf. der 2. Kompanie der 501 (Abt. Königs. Tiger)

Von meiner Kompanie war ich mir allein anwesend.

Franz Heuer

25. Februar 1946

Swann to and  
 subscribed before me  
 this 25<sup>th</sup> day of February 1946  
 at Schmöbisch Hall, Ger.



Joseph P. Schmalzer  
 R-12 (West.) Capt C.M.P.

000070

### TRANSLATOR'S AFFIDAVIT

I, George MILLER assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

FRANZ SIEVERS

taken on 25 February 1945 at Schwäbisch Hall, Germany,

before Captain RAPHAEL SHUMACKER

consisting of One pages, into English.

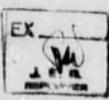
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continuously at home. My wife does not speak German.
6. I have been in the U. S. Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

*George Miller*  
GEORGE MILLER

Sworn and subscribed to before me this 12 day of March 1946 at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
War Crimes Branch, USFET  
*Raph CMP*



P-12-1

000071

On December 15 1944, I received in a forester's house or hunting castle, in the woods near BLANKENHAIM, at a Company Commander's meeting, the order "If it is necessary and the situation necessitates it, take no prisoners of war."

The Company Commanders of the first battalion were present at this meeting, furthermore, a Hauptsturmfuehrer of the Second Company of the 501 (Section Koenigtiger). Only I was present from my company.

Franz SIEVERS  
25 February 1946

Sworn to and subscribed before me, this  
25th day of February 1946 at SCHWABISCH  
HALL, GER.

(signed) RAPHAEL SHUMACKER  
Capt CMP

3 of 14. Aus der für die für den Anrede fipffes,  
 jede vorange vor fipffes für die fipffes & fipffes  
 folgendes an:

Am 20. februar 1939 meldete ich  
 mich freiwillig für die 14-Jahre Krieg-  
 Verbände. Von februar 1939 bis februar  
 1940 war ich im Rekrutierungslager  
 bei Garmisch, mit einer Aus-  
 bildung von ca. 8 Wochen, während  
 welcher ich dem Rekrutierungslager  
 Besondere, in der Nähe von Berlin,  
 zugehört wurde. Ende februar 1940  
 wurde ich dann mit dem 14-Jahre Krieg-  
 Verbänden nach dem Osten beauftragt.  
 Obwohl damals noch kein Krieg

Anrede fipffes

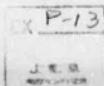
Pros 4/13  
 300 St.

EX 13  
 J. 13  
 13-20 A

mit Rückland war, während wir im  
 Open, insbesondere in Polen, benötigt,  
 da die Lösbarkeit nicht immer  
 freundlich gefunden war.

Vom November 1940 bis Februar 1943  
 war ich ständig im festsitzenden auf-  
 gefahren, an dem ich zunächst als  
 Agent war. Vom Februar 1941 an war  
 ich dafür an verschiedenen Stellen der  
 H. J. in verschiedenen Subjekten tätig  
 und Weltausstellung. Am Juni 43  
 wurde ich zum H.-B. Regt. 1 "L. H.-B. f."  
 an. Während des Aufenthaltes von  
 Dezember 1944 bis Januar 1945 war ich  
 Assistent der I. Abteilung des H.-B.  
 Regt. 1 "L. H.-B. f.". Am 15. Dezember  
 1944 wurde mir in einem Gespräch

Amteffern



in den letzten Jahren, von Herrmann von Griesen,  
 Adjutant des H. H. Regt. 1, L. M.-G. J.;  
 ein Herrmann von Griesen überreicht.

In diesem Brief von Herrmann von Griesen  
 überreicht Herrmann von Griesen sich u. a.,  
 daß er im Jahre 1877 eine Welle des  
 Befehls und des Befehls vorzugeben  
 solle, und das der Widerspruch des  
 Befehls mit dem Befehl zu machen ist.

Es ist ferner in diesem Brief. Befehl,  
 daß die Befehlsbefugnisse, wo es die mili-  
 tärische Lage in der Sache erfordert, nicht  
 aufgehoben werden. Ich habe sofort nach  
 Befehl des Regt. Befehl's gegen etwas  
 dazu zu geben diesem Befehl nicht abge-  
 ben lassen, und

Am Ende dieses

fiarbis den Ruff von

11. Bz. Regt. 1 "L. M. G." in

I. / (gen.) 11. Bz. Regt. 1 "L. M. G."

abgeleitet. Am gleichen Tage, gleich-  
falls am 15. Dezember 1945 fand im  
gleichen Dorf eine Lagerung  
statt, bei welcher Militär. Posten,  
Rtr. der I. / (gen.) 11. Bz. Regt. 1 "L. M. G."  
den gleichen Befehl den Reg.-Stabs auf  
gleichfalls bekannt gab. In dieser La-  
gerung habe ich auf die Augenmerkmale,  
die mir nicht persönlich im Rahmen.  
Es war jedoch zu der Zeit in der La-  
gerung anwesend, als Militär.  
Posten zu der Lagerung, die wir, wie  
die militärischen Lager auch sind u.

Amde fffff

fordert, keine Änderungen machen  
 sollen. Ich bin sehr dankbar, dass  
 das diese Sache ein gemeinsames  
 ist.

Unmittelbar nach dieser Besprechung  
 habe ich mich in meine Wohnung  
 als Mitglied der I. (gen.) 44. B. Regt. 1  
 "L. 44. B. f." die zu meiner Abreise  
 zu gehen den Offz. voran, <sup>auf</sup> den  
 von Kapitanen, von Regt. Besatzung  
 Abt. Besatzung in der Besatzung, zu  
 unterstützen. Diese Unterstützung  
 würde, fordert ich mich zu wissen, was  
 auf der Rückseite dieser Kapitanen  
 Abteilungs Besatzung gelte. Die Ab-  
 satz der ich habe mit der Kapitanen  
 Besatzung lassen könnte & so:

Arndt Fischer

P-13

1 1 1 1  
 REPRODUKTION

"Anpreisungen" der "Kommunisten" ge-  
 nommen". In dem Fall war dies der ge-  
 nauere Sinn der selben Textes der von  
 mir fünfzigförmig abgelesen. Auf die fünf  
 in der Aufpreisung gezeigten gezeigten Worte  
 folgte dann eine Verflechtung der Befehl-  
 des, dass diese Befehl gefasst gefasst  
 wurde, dass wie ich mich an die gezeigten  
 Wortlaut nicht mehr zu erinnern.  
siehe 2. Teil d. G.

Mag der gefasste Befehl Verflechtung  
 sein ich für die Autorität der ein-  
 zelnen Off. eine Zeile mit der Schrift-  
 maschine geschrieben haben. Diese Zeile  
 lautet:

"Auf 1. Rg. .... "

"Auf 2. Rg. .... "

Mag der Befehlman Befehlman ist

Amde Fipfer

P-13

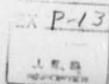
JER  
 RESEARCH

-7-

ich am neuen kleinen Zifferapparat und  
 auf die Offiz. welche zu unterzeichnen  
 hätten, zu mir für den Zifferapparat  
 hin weg gingen. Ich bin mir so sehr  
 ziemlich sicher, daß ich die für diese  
 neue Abhandlung nicht schriftlich an die  
 einzelnen Kommandanten mitgab,  
 daß hätte ja die Gefahr, daß diese  
 Briefe in die Hände des Feindes fiel  
 und damit die für polizeiliche Zwecke  
 dieses Rings zu erzeugen verpfändet  
 würden, vorzuziehen. Ich habe  
 eine schriftliche Widerrückgabe dieses Be-  
 trags an jede einzelne Kommandant  
 nach fort zu kopieren und wie waren da-  
 mals in Gela.

Ich habe zum besseren Verständnis

Am Ende Ziffer



diapir hidspega nina zisquing vorfotigt,  
walgia if mit 27. bazispea und diapir  
hidspega bis laga. dia zispea auf dia pe  
zisquing hidspega:

1. zimmer des Ryt.- und des Akt. Rdt.
2. zimmer in walgene if den base  
in kaffrischen lisp.
3. Ryt. und Akt. Jafafsthand.
4. zispea
5. kaffrische Rdt
6. zisp an walgene if den base in kaff-  
rischen lisp.
7. bank
8. die wisse
9. zisp

Im zimmer 3 punden in schwarz kaffris-  
punde, auf dia if mit wisse wisse  
zu wisse wisse.

Is wisse wisse an kaffrische des

und zisp

EXP-13  
188  
NEW YORK

-9-

17. September 1944 bei der Einweisung nach  
Kriegsgefängnis Mauthausen und Pfand aus  
dem Lager aus.

Ich habe diese Ausweisung freiwillig und  
aus eigenem Willen abgelegt, unter  
Einfluss von Zwang, Drohungen oder  
Furchen und unter Einfluss von Ver-  
sprachungen irgendwelcher Art.

Ich schwöre bei Gott, dass die Aussagen  
die ich in dieser Angelegenheit machen  
wahr sind und ich die bereit diese  
vor jedem Gericht <sup>in und für d. f.</sup> zu widerlegen.

WITNESSED:

Raphael Thumacher  
Capt CMP

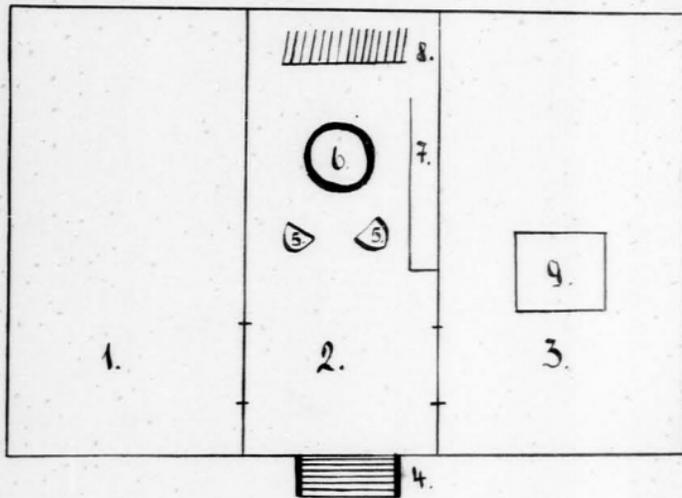
Armed forces  
44-12407-1000  
31. März 1946

Sworn to and  
Subscribed before me this  
31<sup>st</sup> day of March 1946 at  
Schneeberg Hall, Germany.

William R. Post  
1946 MI 0-555149  
Investigator - Examiner W.C.B. USFET



H.



Zeichenerklärung:

1. Gehäuse des Rgt.- und des lkt. Rör.
2. Gehäuse in welchem die Lampe untergebracht liegt.
3. Rgt. und lkt. Gefäßstand
4. Führung
5. Röhre von Lampe
6. Ziff am Gehäuse in dem Lampe untergebracht liegt.
7. Schutz
8. Röhre
9. Ziff.

Umsatz Ziffer  
31. März 1946

000085

### TRANSLATOR'S AFFIDAVIT

I, George Miller assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

Arndt FISCHER

taken on 31 March 1946 at Schwäbisch Hall, Germany,

before WILLIAM R. PERL, 1st Lt., M. I.

consisting of 9 pages, into English.  
and 1 sketch

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. German is my native tongue.
2. I spent the first twenty years of my life in Germany and went to elementary and secondary school there.
3. I came to the United States in 1928.
4. I had two years of English in secondary school in Germany. My other knowledge of English has been derived from study by myself.
5. I have been married for the past six years to a British subject and speak English continually at home. My wife does not speak German.
6. I have been in the United States Army for the past 2-1/2 years, having been discharged in November 1945 and have been employed by the War Department as a German-English interpreter since January 1946.

*George Miller*

George Miller

Sworn and subscribed to before me this 4<sup>th</sup> day of April 1946  
at Schwäbisch Hall, Germany.

*April 1946*

*Daghaill Shumacher*

War Crimes Branch, USEFET

*Capt CMP*

EX P-13A

JUN 2 1946

*Proc. 4-13-a*

11

000086

I, SS Untersturmfuehrer Arndt FISCHER, being duly sworn state the following:

" On the 20th February 1939 I volunteered for the SS Totenkopf-verbände. From February 1939, until February 1940 I was in the concentration camp BUCHENWALD with an interruption of about 8 weeks during which I was assigned to the concentration camp GRANITENBURG near BERLIN. At the end of February 1940 I was then transferred with Totenkopfverbände to the east.

Although at that time, there was no war with RUSSIA yet, we were of need in the east, that is, in POLAND, as the population was not always friendly minded. From November 1940 until February 1943 I was continually in schools in the hinterland where I was first a pupil. From February 1941 on, I was teacher in several SS schools. I lectured tactical subjects and Weltanschauung. Since June 1943, I belonged to the SS Panzer Regiment I, "ISSAH". During the EIFEL offensive from December 1944 until January 1945, I was Adjutant of the 1st Battalion of the SS Panzer Regiment I, "ISSAH".

On December 15, 1944 in a forester's house in BLANKENHEIM a written regimental order was handed to me by Hstuf. Hans GRUHLE Adjutant of the SS Panzer Regiment I, "ISSAH".

In this regimental order handed to me by Hstuf Hans GRUHLE amongst other things it read that a wave of fear and terror was to precede our troops and that the resistance of the enemy was to be broken by terror.

Furthermore it said in this regimental order that where the military situation should absolutely necessitate it, to shoot prisoners of war. After receiving the regimental order, without adding anything I had this order copied anew, and changed the heading hereby from:

SS Pz Rgt. I. "ISSAH"

to I./ (mixed) SS Pz Rgt I, "ISSAH".

On the same day also, on the 15th of December 1944, a conference took place in the same forester's house at which Stubaf FOETSCHKE Commander of the I./ (mixed) SS Pz Rgt I, "ISSAH", also issued the same order to the company commanders. I also took part at this conference but I was not continuously in the room. However at the time Stubaf FOETSCHKE spoke about that we should not take any prisoners where the military situation absolutely required it, FOETSCHKE also declared hereby that this order was a secret order.

In my capacity as Adjutant of the I./ (mixed) SS Pz Rgt I, "ISSAH" immediately after this conference, I had requested the officers who belonged to our battalion to sign the order which was retyped from regimental order to battalion order described above.

As far as I recall this signature was rendered on the reverse side of this described regimental order. The paragraph which I had written with the typewriter read approximately thus:

"Acknowledge order on reverse side."

Anyhow, this was the exact meaning of the first sentence of the paragraph added by me. These words quoted here with quotation marks were then followed by a pledge that the contents of this order were being kept

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secret. However, I don't recall any longer the exact wording of this second sentence.

I had a line written with the typewriter for the signatures of the individual officers, after the pledge of keeping it a secret. This line read:

"Commander 1st Comp ....."  
"Commander 2nd Comp ....."  
etc;

After the described conference I sat at a little table and called the officers to me for their signature before they left. I am pretty sure about it that I didn't also give the written orders along to the individual companies, which would bear the danger manifold that this order fell into the hands of the enemy and therewith would cause reprisals against German prisoners of war. More so a written forwarding of this order to every individual company would have cost more time and we were at that time in a hurry.

For better understanding of this statement I have prepared a sketch which I mark "A" attached heretc. The symbols on this sketch represent:

1. Room of the Regimental and Battalion Commander.
2. Room in which I had the order signed.
3. Regiment and Battalion C.P.
4. Entrance
5. Easy Chairs or Chairs.
6. Table on which I had the order signed.
7. Bench.
8. Fireplace.
9. Table.

In room 3 stood several objects which I don't recall any longer. Already in the afternoon on the 17th December 1944 at the entrance of ENGELSDORF, I was wounded and withdrew from action.

I put down this statement voluntarily and out of my own will, uninfluenced by force, threats, or harsh treatment, and uninfluenced by promises of reward of any kind.

I swear before God that the statements which I made in this matter are true and I am prepared to repeat these under oath before any court.

(signed) Arndt FISCHER  
SS Untersturmfuehrer  
31 March 1946.

Sworn to and subscribed before  
me this 31st day of March 1946  
at Schwabisch Hall, Germany.  
WILLIAM R PERL  
1st Lt. M.I. C-555149  
Investigator-Examiner, WCB, USFET.

EX P-13A  
J E H  
RECORDED

000086

EXTRACT OF LEGEND FROM STATEMENT OF

Arndt FISCHER

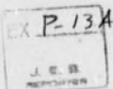
Dated 31 March 1946

(3rd paragraph page 2)

\* \* \* \* \*

For better understanding of this statement I have prepared a sketch which I mark "A" attached hereto. The symbols on this sketch represent:

1. Room of the Regimental and Battalion Commander.
  2. Room in which I had the order signed.
  3. Regiment and Battalion C.P.
  4. Entrance.
  5. Easy Chairs or Chairs.
  6. Table on which I had the order signed.
  7. Bench.
  8. Fireplace.
  9. Table.
- \* \* \* \* \*



000086

PROS EX 13-B

5/17/46

1/4



I, Arndt Fischer, being first duly sworn, make the following statement under oath:  
Ich Hvndt Fischer, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Haupt. Hans Gruhle mentioned by me in my affidavit, dated 31 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Haupt. Hans Gruhle von mir in meiner eidesstattlichen Aussage genannt, datiert 31. März 1946.

Arndt Fischer  
First Name (Vorname) Last Name (Zuname)

Untersturmführer  
Rank (Dienstgrad)

I./Flbt. 1./Lv. Pz. Btl. L. 417. H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 16th day of April, 1946.

Robert Payne  
Officer administering oath  
1st Lt. AGD  
Rank Arm or Service

EX P-13-B  
5/17/46  
1/4  
RECORDED

000090

Ich Heins Herrsche Unterstürmer für her  
wache die folgenden Aussagen unter Eid

Ich bin 23 Jahre alt. Ich wohne in Witten  
in Mecklenburg. Im Dezember 1944 war  
im Unterstürmer für her der 1. Kompanie  
44 Pt. Rgt. 1. L. 44 A. H. Am 16. Dezember 1944  
verließen wir den Wald in Blumhagen  
nach Schmitt haus. Dies war die gleiche  
Kampfgruppe Perper.

Handwritten initials

Im Gefolge 8 Ulanen, wurden die Kopf-  
Chiefs zu einer Besprechung in dem Rgt.  
Jefachtsband, Forsthaus Schmitt haus,  
geführt. Ich begleitete Oberstürmer für her  
Kreuzer, Chef 1. Kompanie, dem Rgt-  
Jefachtsband, denn es war wichtig für  
mich, mir eine Karte zu holen. Wir  
betreten den Jefachtsband zusammen  
und nahmen unseren Platz in einem  
Vorzimmer ein, wo von ich eine Platte  
gemacht habe, die ich hier beilege.  
Es saßen zu diesem Zeitpunkt  
Oberstürmer für her Purysf  
Unterstürmer für her Kreuzer  
Oberstürmer für her Kreuzer  
" Jünker  
" Vögler

Hauptstürmer für her Klingelbüfer und viele andere  
an denen Namen ich nicht mehr erinnern.

EX P-14  
J. F. S.

P-14 (D. 100)

Ein Offizier, an den ich mich nicht weiter genau  
 erinnern, hat mir die Marschroute vor-  
 gelesen, und wir alle haben in unser  
 Karten für Anweisungen gemacht. Nachdem  
 ich ungefähr eine halbe Stunde in dem  
 Raum war, öffnete sich die Tür zum Raum  
 "A" (wo befindet sich unsere Schlüsselle-  
 he liegt), und Hauptleutnant Führer für die  
 Kp-Regiment, dann vom Zimmer "A"  
 ins Zimmer "B" (wo befindet sich unsere  
 beiliegenden Schlüsselle.) Als ich hörte wie  
 sich die Tür öffnete, drückte ich mich hinein,  
 und sah Hauptleutnant Führer Papier hinter  
 einem Tisch sitzen, das Gesicht der Tür  
 zugewandt, wie bezeichnet in unserer  
 Skizze. Führer ging durch unser Zimmer  
 ging hinein, lebte nach einigen Minuten  
 zurück und ging in das Zimmer "A", wo  
 ich Hauptleutnant Führer Papier gesehen  
 habe. 5 bis 10 Minuten später wurden die  
 Kp-Clubs in dem Raum "A" zu einer  
 Besprechung gerufen, durch jemanden,  
 dessen Person mir heute nicht mehr in  
 Erinnerung ist. Hauptleutnant Führer  
 war die einzige Person die ich im Zimmer  
 sah. Ich sah ihn nicht hinein gehen.

EX P-14  
 1 2 3  
 REPORTER

Bewor<sup>Ortiz</sup> Kweiser den Raum für Kp. Chief-  
 Besprechung betrat, sagte er mir für Kom-  
 pание zurück zu gehen, und dort die  
 Leitung und Kommandanten  
 zusammen zu rufen und auf ihn zu  
 warten. Dies habe ich gemacht. 30-45 Min.  
 später, behob Kweiser zurück, wo un-  
 sere Panzer standen, wo ich die Leitung  
 und Kommandanten zusammenge-  
 rufen hatte, wie dies mir befohlen hatte.  
 Oberstweinführer Kweiser sagte:

"Ich habe mich gerade von einer Besprechung  
 vom Regt. Kommandanten und habe  
 Pflichten, weshalb auf seinen Befehl hin  
 zu kommen, nichts, es zu sagen, kein  
 Problem zu geben und keine Befehle zu  
 machen. Wenn Sie jetzt zurück kommen  
 sagt das für den Moment noch mal:"  
 Wir belagerten daraufhin die russischen Panzer  
 zurück.

Dieses war das zweite Mal das Oberstweinführer  
 Kweiser uns diesen Befehl gab. Am  
 15. Dezember 1944, als unsere Kampfwe-  
 ren in Blamben kamen. Wald lag, sprach  
 Oberstweinführer Kweiser zum 3. Mal

Vor der japanischen Kampagne wurde dem Befehl nichts drittes bei Japan, keine Parolen gegeben, und keine Gefangenen gemacht. Fröhlich am selben Morgen am selben Tag sagte Oberstimmführer Komura zu mir, dass er mit einem Besichtigungsgesamt meine für einen von dieser Besichtigung eingeschätzten gegen den Tag zurück.

Ich war am nächsten als Oberstimmführer Komura am Nachmittag zu Komura sprach. Er sagte: <sup>##</sup> In diesem Hinsicht muss es uns gelingen durchzukommen. Punkt um die Parolen anzugehen, durch den beim <sup>##</sup> festschreiben. Es gibt mir einen nicht drittelbaren Hinsicht. Wir dürfen kein Parolen geben, es werden keine Gefangenen gemacht. Später am selben Tag sagte Oberstimmführer <sup>##</sup> und wir die festschreiben und einige Kommandos am Morgen. Oberstimmführer Komura sagte. Wenn der zurück geht zu einem Parolen, sagte dem Männern auch nach dem Befehl von <sup>##</sup> Japan. Die Männer müssen das genau wissen. Der Befehl der hier erwähnt wird, ist der Befehl über die Beherrschung von Kriegsgefangenen in diesem Hinsicht.

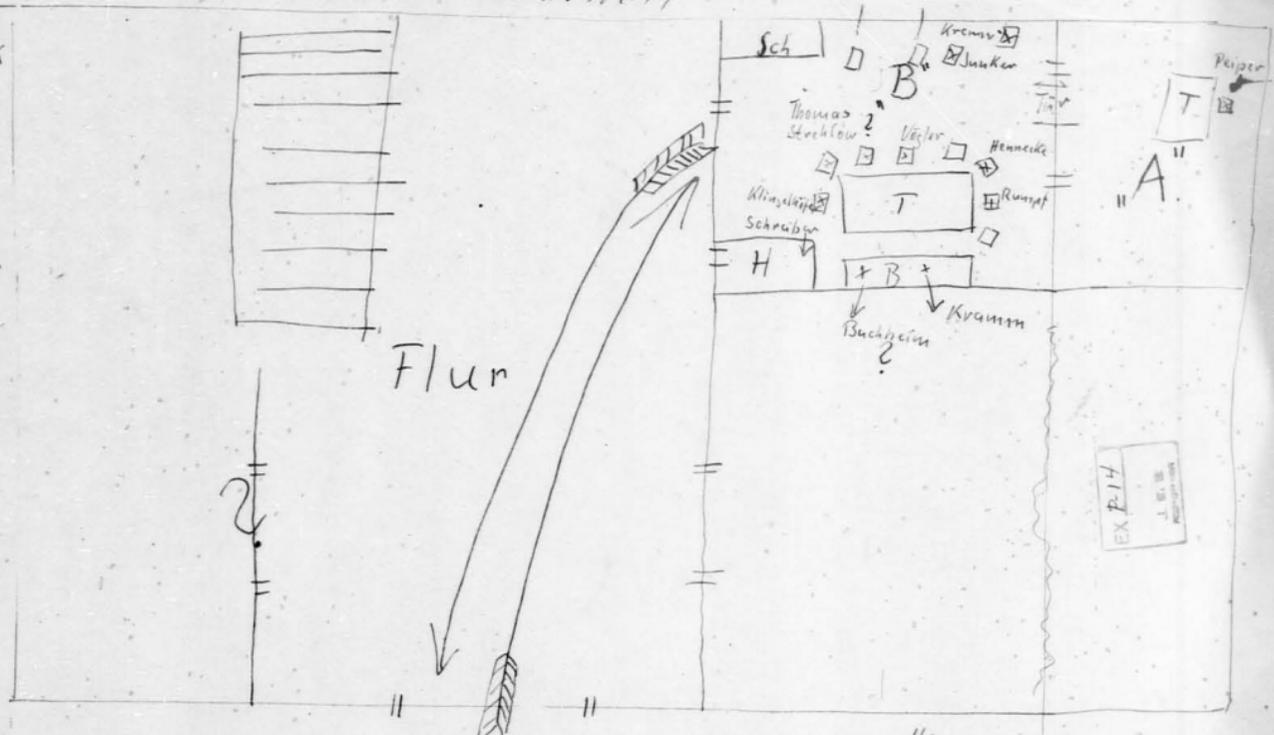
<sup>##</sup> Stand. für Japan

EX P-14



Skizze des Gefechtsstandes von Stand. Flw. Peiper im Schmittlager  
am 16. Dezember 1944

- Sch - Schrank
- T - Tisch
- B - Bank
- H - Hovel
- - Stuhl
- - Tür
- ⌋ - Fenster
- ≡≡≡ Treppe



Hans Henrich  
M. T. 46.



000096

### TRANSLATOR'S AFFIDAVIT

1. ROBERT E. HECHT, Jr. assigned to War Crimes Branch, United States Army, APO 633, as an interpreter, having been duly sworn, depose and state that the attached English translation is a true and accurate rendering of the German original of the statement of

HANS HENNECKE

taken on 11 January 1946 at Schwäbisch Hall, Germany.

before DWIGHT F. FANTON, MAJOR QMC

consisting of 5 pages, into English.  
and 1 sketch

I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. Native tongue: English.
2. Was born 3 June 1919 and learned German from a German governess from 1924 to 1929.
3. Studied in German speaking school INSTITUT SCHMIDT at ST. GALLEN, SWITZERLAND from 1932-1933.
4. Continued the use and study of German with a seminar conducted by Professor FEISE of JOHNS HOPKINS UNIVERSITY in BALTIMORE, Maryland from 1933 to 1937.
5. Took seven semesters of German language and literature in HAVERFORD COLLEGE, at HAVERFORD, Pa., from 1937 to 1941.
6. Lived in Munich, Germany, May-September 1939. Studied German language and literature at University of Munich from June to September.
7. Since December 1945 I have served with War Crimes Branch, USFET, as a German-English interpreter.

Robert E. Hecht, Jr.

Sworn and subscribed to before me this 9<sup>th</sup> day of February 1946 at Schwäbisch Hall, Germany.

Richard Stumacher  
War Crimes Branch, USFET  
Capt CMP

EX-114A  
J. E. S.  
REPRODUCTION

EX 14A

22

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I, Hans HENNECKE, Untersturmfuehrer, make the following statement under oath:

I am 23 years old. I live in WAVEN in MICKLENBURG. In December 1944, I was Untersturmfuehrer of the 1st Company SS Panzer Regiment 1, LSSAH. On December 16 1944, we left the forest in BLANKENHEIM and went to SCHMIDTHEIM. This was the complete (PEIPER) combat team.

About 8:00 A. M., the Company Commanders were called to a conference in the Regimental CP, in the forester's house at SCHMIDTHEIM. I accompanied Obersturmfuehrer KREMSER, Commander of the 1st Company, to the Regimental CP, for I had to fetch a map for myself. We entered the CP together and sat down in an ante-room, of which I made a sketch which I attach hereto. Sitting in this room were Obersturmfuehrer RUMPF, Untersturmfuehrer KRAMM, Obersturmfuehrer KREMSER, Obersturmfuehrer JUNKER, Obersturmfuehrer VOEGLER, Hauptsturmfuehrer KLINGELHOEFER and many others whose names I no longer recall. An officer whom I no longer remember read to us the plan of march, and we all made entries on our maps. After I had been in the room a half an hour, the door from Room "A" opened (as indicated on attached sketch), and Hauptsturmfuehrer GRUEHLE, Regimental Adjutant, came from Room "A" into Room "B" (as indicated on my sketch). When I heard the door open, I turned around and saw Standartenfuehrer PEIPER sitting behind a table with his face turned towards the door (as indicated on my sketch), and GRUEHLE went through our room, went out, returned after a few minutes and went into Room "A" where I had seen Standartenfuehrer PEIPER. Five to ten minutes later, the Company Commanders were called to Room "A" for a conference by somebody whom I cannot recall today. Standartenfuehrer PEIPER was the only person whom I saw in the room. I did not see him go out. Before Obersturmfuehrer KREMSER entered the room for the Company Commanders' conference, he told me to go back to the Company, to assemble the Platoon leaders and Tank Commanders there, and to wait for him there. I did this. 30 to 45 minutes later, KREMSER returned to where our tanks were standing, where I had assembled the Platoon leaders and Tank Commanders, as he had ordered me to. Obersturmfuehrer KREMSER said: "I have just come from a conference with the Regimental Commander, and have instructions to refer you again to his order to drive on recklessly, to give no quarter and to take no prisoners. When you go back now, repeat this to your men." We then returned to our tanks.

This was the second time that Obersturmfuehrer KREMSER gave us this order. On the 15 December 1944, as our Company was lying in the BLANKENHEIM forest, Obersturmfuehrer KREMSER spoke before the whole company, about 3:00 O'clock, about the order to drive on recklessly, to give no quarter and to take no prisoners. Early in the morning of the same day, Obersturmfuehrer KREMSER said to me that he had to go to a conference. He returned from this conference around Noon.

I was present when Obersturmfuehrer KREMSER spoke to the Company in the afternoon. He said; "We must succeed in breaking through in this offensive. Think of the bombing attacks. Think of your parents, of your brothers and sisters. It will be one reckless drive. We must give no quarter. No prisoners are to be taken." Later the same day, Obersturmfuehrer KREMSER summoned the Tank Commanders, and with the Platoon leaders we sat around the camp fire. Obersturmfuehrer KREMSER said, "When you go back to your tanks, repeat PEIPER'S order to your men. The men must know that exactly." The order which is mentioned here is the order concerning the handling of prisoners of war in this offensive.

23 P-14-A  
JW

EX P-14A  
JES

000096

In our regiment, among all the officers, non-coms and men, the order which Obersturmfuehrer KREMSER gave was not known as anything else but "The order" of Standartenfuehrer PEIPER. It was always called "Peiper's order", and this was well known in the 1st SS Panzer Division LSSAH. Everybody knew that by that it was meant to shoot prisoners of war.

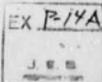
After KREMSER gave us this order, we returned to our crews. I went to the camp fire where the crew of Oberscharfuehrer SKOTZ and another crew were, and repeated the order given to us by Obersturmfuehrer KREMSER, which was the order about the shooting of prisoners of war.

I make this statement of my own free will. I was not forced and no promises were made to me.

(Signed) Hans Hennecke.

11 - 1 - 1946.

Sworn to and subscribed before me :  
this 11th Day of January 1946, :  
at SCHWABISCH HALL, Germany. :  
(Signed) DWIGHT F. FANTON, Major GMC., :  
Investigator-Examiner, :  
War Crimes Branch USFET. :



000096



7  
EN  
143

I, HANS HENNECKE, being first duly sworn, make the following statement under oath:  
Ich Hans Hennecke, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Standartenführer PEIPER mentioned by me in my affidavit, dated 11 JANUARY 1946.

Die obigen zwei Photographien sind Photographien desselbigen Standartenführer Peiper von mir in meiner eidestattlichen Aussage genannt, datiert 11. Jan. 1946.

Hans Hennecke

First Name (Vorname) Last Name (Zuname)

41 Untersturmführer

Rank (Dienstgrad)

1. Komp. 1. SS Panzer Regiment LSS

Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15th day of April, 1946.

Robert W. Byrum  
Officer administering oath

1st Lt VADGD  
Rank Arm or Service

8-14-B





I, HANS HENNECKE, being first duly sworn, make the following statement under oath:  
 Ich Hans Hennecke, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Hauptsturmführer  
Gruble mentioned by me in my affidavit, dated 11 Jan. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführer  
Gruble von mir in meiner eidesstattlichen Aussage genannt, datiert 11. Jan. 1946.

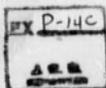
Hans Hennecke  
 First Name (Vorname) Last Name (Zuname)

44 Untersturmführer  
 Rank (Dienstgrad)

1. Komp. 1. 44 Panzer Regiment Lbttr.  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
15th day of April, 1946.

Robert E. Byrne  
 Officer administering oath  
1st Lt ADGP  
 Rank Arm or Service





I, HANS HENNECKE, being first duly sworn, make the following statement under oath:  
 Ich Hans Hennecke nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Obersturmführer Junker mentioned by me in my affidavit, dated 11-Jan-1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Junker von mir in meiner eidesstattlichen Aussage genannt, datiert 11-Jan-1946.

Hans Hennecke  
 First Name (Vorname) Last Name (Zuname)

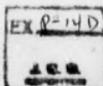
44 Untersturmführer  
 Rank (Dienstgrad)

1. Komp. 1. 44 Panzer Regiment 2. 44. Pz.  
 Organization during Elze Offensive  
 Einheit während des Elze-Einsatzes

Sworn to and subscribed before me this day of April, 1946.

W. B. Payne  
 Officer administering oath

W. B. Payne  
 Rank Arm or Service



P-14-D



I, HANS HENNECKE, being first duly sworn, make the following statement under oath:  
 Ich Hans Hennecke, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Hauptsturmführer Klingelhofer mentioned by me in my affidavit, dated 11 JAN. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführer Klingelhofer von mir in meiner eidesstattlichen Aussage genannt, datiert: 11. Jan. 1946.

Hans Hennecke  
 First Name (Vorname) Last Name (Zuname)

44 Untersturmführer  
 Rank (Dienstgrad)

1. Comp. 1. 44. Panzer Regiment L. 44. Pz.  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15th day of April, 1946.

[Signature]  
 Officer administering oath

[Signature] SA GP  
 Rank Arm or Service

