

# MILITARY GOVERNMENT COURT

Legal Form No. 8

## CASE RECORD.

VOLUME VI - Pages 1124 - 1413 Incl.

Case No. 6-24

Prosecutor...LT. COL. BURTON F. ELLIS

~~██████████~~ Military Court.

Defence Counsel ...COL. WILLIS M. EVERETT JR.

\*General  
Place DACHAU, GERMANY

Interpreter .....

Date 0830 hours 3 JUNE  
TO 1700 hours 5 JUNE

1946  
1946 Incl.

Reporter .....

Members of Court:

- BRIG GENERAL JOSIAH T DALBY
- COL PAUL H WELAND
- COL LUCIEN S BERRY
- COL JAMES G WATKINS
- COL WILFRED H STEWARD
- COL RAYMOND C CONDER
- COL A H ROSENFELD (LAW MEMBER)

Accused VALENTIN BERSIN, ET AL

Address ..... Sex ..... Age .....

	First Charge	Second Charge
Pleas <u>VALENTIN BERSIN, ET AL</u>	Not Guilty	
Findings <u>Val b</u>		
Previous Convictions		

**CLASSIFICATION CANCELLED**  
By authority of JAG It  
31st Aug 1950.

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.

MB

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.



THE UNITED STATES

versus

VALENTIN BERSIN, ET AL

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EXHIBITS (Cont'd)

<u>Number</u>	<u>Description</u>	<u>Marked</u>	<u>Offered</u>
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Camp Dachau  
3 June 1946.

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MORNING SESSION

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(Whereupon the Court reconvened at 0830 hours).

PRESIDENT: The 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, and all members of the Defense are present with the exception of Mr Strong, Dr Pfister, Dr Wieland and Dr Hertkorn who are absent on business for the Defense. All the Defendants and the Reporter are present.

PROSECUTION: The Prosecution recalls Mr Elowitz.

Mr MORRIS ELOWITZ, an American civilian was reminded that he was still under oath and testified further for the Prosecution through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION(Lt Col CRAWFORD)

Q Are you the same Mr Elowitz who has heretofore testified in the case now before this court ?

A Yes.

Q During the course of your assignment in the investigation of the Malmedy case at IP # 2 Schwabisch Hall, Germany, did you have occasion to interrogate one Werner Sternebeck ?

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 seated to your left and see if he is among those present ?

A He is - he is wearing number 62.

Q During the course of the investigation did Werner Sternebeck (Elowitz - redirect)

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make a statement ?

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A Yes

Q Was this statement oral or written ?

A It was first made orally and then reduced to writing.

PROSECUTION: (Lt Col CRAWFORD). I hand the reporter a document and ask that it be marked Prosecution's Exhibit P-84 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit P- 84 for identification by the reporter.)

Q I now hand you document which has been marked Prosecution's Exhibit P-84 for identification and ask you to state if you know what that is ?

A That is the statement of Werner Sternebeck.

Q Do you know in whose handwriting that statement is ?

A It is in Sternebeck's handwriting.

Q Do you know whosigned that statement ?

A Werner Sternebeck.

Q Was that statement signed in your presence ?

A Yes

Q Was the statement taken under oath ?

A Yes.

Q Who administered the oath ?

A Captain Shumacker.

Q Was that statement made voluntarily ?

A Yes

Q Was any force 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

(Elowitz- redirect)

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PROSECUTION:(Lt Col CRAWFORD). The Prosecution offers in evidence statement which has been identified by the witness and which has been marked Prosecution's Exhibit P-84 for identification, and request that it be attached to the record and made a part thereof.

DEFENSE:(Lt Col DWINELL). The Defense objects to the evidence on the ground previously stated.

PRESIDENT. The objection is over-ruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-84.

PROSECUTION(Lt Col CRAWFORD).The Prosecution offers in evidence as Prosecution's Exhibit P-84-A a true and correct English translation of its Exhibit P-84.

DEFENSE: May it please the Court, the Defense desires to interpose an objection at a later date if there is any inaccuracy in the translation. Otherwise, there is no objection.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-84-A, with leave for the Defense to enter their objection at a later date.  
(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution's Exhibit P-84-A: is attached hereto and made part of the record.)

PROSECUTION:(Lt Col CRAWFORD). May it please the Court, the prosecution requests permission to read its Exhibit P-84-A to the Court.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-84-A was read to the Court in the English language as follows:)

" I, Werner Sternebeck, Obersturmfuehrer, having been duly sworn, make the following statement supplementary to my statement of 26 March 1946:

On 16 December 1944, between 5 o'clock and 6 o'clock in the evening, I arrived in a village which I believe was called Lodomez, which is situated 2 to 3 kilometers east of Stavelot. At that time in the CP with me in this village were Hauptsturmfuehrer Oskar Klingelhofer, CO of the 7th Company and Obersturmfuehrer Benoni Junker, CO of the 6th Company. Obersturmfuehrer Junker told me to give the order to Hauptscharfuehrer August Tonk of the 6th Company to go with four or five other soldiers to Stavelot to look for American gasoline. I stepped outside and found Hauptscharfuehrer Tonk.

(Elowitz -<sup>rs</sup>direct )

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I gave him the order and added that he should take my assistant gunner Sturmman Hans Zimmer along. Hauptscharfuhrer Tonk reported back to the CP between 9 o'clock and 10 o'clock of the same evening. It is possible, although I am not sure, that Hauptsturmfuhrer Klingelhofer and Obersturmfuhrer Junker were present at the CP when Hauptscharfuhrer Tonk reported back. Before I became an officer I was always friendly with Hauptscharfuhrer Tonk and when he returned to the room at this time I greeted him in a friendly manner. Hauptscharfuhrer Tonk reported that he couldn't find any gasoline but he found a jar of fruit in a house. Then he remarked "zwei zivilisten mussten daran glauben". (Two civilians had to pay with their lives for it.) He held the jar of fruit in his hand and offered me some of it and I recall now that I was very happy about it because I suffered from yellow jaundice and needed fruit. I know that the "Zwei zivilisten mussten daran glauben" used by Hauptscharfuhrer Tonk means that two civilians were killed. No other interpretation is possible if this expression is used in the German language.

I have prepared a sketch attached hereto which shows the CP in this village where the incident described here occurred.

I make this statement consisting of two pages and a sketch voluntarily out of my own free will without force, threats or promises of reward. "

Werner Sternebeck  
SS Obersturmfuhrer  
27 March 1946.

Sworn to and subscribed before  
me this 27th day of March 1946  
at Schwabisch Hall, Ger.

Raphael Shumacker  
Capt. CMP

(Whereupon the German Translation was then read to the Court in the German language by an interpreter.)

PROSECUTION(Lt Col CRAWFORD). The Prosecution offers in evidence a Photo Affidavit executed by Werner Sternebeck of August Tonk, as Prosecution's Exhibit P-84-B.

DEFENSE: On behalf of the Defense there is no objection to the Picture Affidavit, or the necessity for the reading of same, and it is admitted that the Photograph is that of the accused August Tonk.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked as Prosecution's Exhibit P-84-B.  
(Whereupon the document referred to, having been previously marked and identified was received into evidence as Prosecution's Exhibit P-84-B: is attached hereto and made part of the record).

(Elowitz-redirect)

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PROSECUTION(Lt Col. CRAWFORD). You may cross-examine.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE: (Captain NARVID).

Q Mr Elowitz, is it a fact that prior to Sternebeck making this statement, he was confronted by Heinz Zimmer ?

A That is true.

Q Is it also true that Sternebeck prior to being confronted by Zimmer denied, or stated that he did not recall Tonk making that statement ?

A That is right.

Q In other words, Sternebeck finally admitted only after Zimmer told him what he heard ?

A Well, the way Sternebeck put it was like this - "If Zimmer states it, I may as well admit it".

Q Is it not a fact that Sternebeck stated "If Zimmer states it - it may have happened" - did he not say that ?

A I really don't remember.

DEFENSE: No further questions

PROSECUTION: No redirect examination.

PRESIDENT: There appear to be no further questions, the witness is excused.

(Whereupon the witness was excused and withdrew).

PROSECUTION: The Prosecution calls as its next witness Francois Close.

FRANCOIS CLOSE, a Belgian civilian was duly sworn and testified through an interpreter as follows:

DIRECT EXAMINATION:

QUESTIONS BY PROSECUTION(Lt Col CRAWFORD).

Q State your name ?

A Francois Close.

Q Where do you live ?

A At Stavelot.

(Close- direct)

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Q In what country is Stavelot located ?

A Belgium

Q Are you a Belgian citizen ?

A Yes

Q What was your occupation in December 1944 ?

A I was a field policeman.

Q How long have you been a field policeman ?

A Fourteen years.

Q What towns did your district cover ?

A Stavelot.

Q Did you have any jurisdiction over Steyr, Parfondreu, and Renardemont ?

A Yes.

Q Are they in the community ?

A Yes

Q Are they part of the village of Stavelot ?

A They are hamlets on the outskirts of Stavelot.

Q Where were you on the morning of 18 December 1944 ?

A At my house

Q Where is your house ?

A At Stavelot itself.

Q What did you see that morning ?

A I saw German troops arriving.

Q What kind of vehicles were they riding in ?

A Tanks.

Q At what time of day did they arrive ?

A Between 0800 and 0900 hours.

Q From what direction did they come ?

A They came from the direction of Germany - from Lodomez, Venchanz, and Stavelot.

Q At what point did they enter Stavelot ?

A They entered by the bridge of Lodomez on the South side.

(Close- direct)

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Q What did you do when the tanks entered Stavelot?

A I was at home.

Q What did you do later that day?

A I went to the auspice (hospital) to help the people who were there.

Q How many people were there?

A There were approximately 450 people at the hospital.

Q And what did you do after you went to the hospital?

A I proceeded to get food for these people.

Q Did you remain in Stavelot for the next few days?

A Yes.

Q During the next few days what were your activities?

A I fed, helped feed the people in the hospital and the people who were in the cellars. I helped the Red Cross in finding and helping the wounded, and in bringing back the bodies of dead from the places in which it was possible to go.

Q What were done with these bodies?

A They were buried in temporary graves in the park of the hospital.

Q How many bodies were buried there?

LT. COL. DWINELL: I object to that question as irrelevant to the issues.

LAW MEMBER: It is possible that it is going to be connected to some other issue. If not, you can take your objection at some other time, Colonel.

A To my knowledge, 93 bodies.

Q Mr. Close, after the 18th of December, did you make any visits to the various homes in the community of Stavelot?

A I was in town and I went to all the places to which it

(Francois Close - Direct)

was possible to go, because of course it was not possible to go everywhere because of bombardment.

Q After the bombardment was over, did you visit the ones you had not been able to reach?

A After the 14th of January, when this was over, we were able to go further.

Q Did you visit the homes you had not been able to reach at that time?

A Yes, to a certain extent.

Q Who did you talk to?

A I spoke to many members of the population.

Q In doing so, did you determine from those people the cause of death?

LT. COL. DWINELL: Just a minute, please. I object to that question; it is leading the witness.

LAW MEMBER: Objection sustained.

LT. COL. CRAWFORD: I withdraw the question.

QUESTIONS BY PROSECUTION (Lt. Col. Crawford):

Q What did you find out when you talked to these people?

A I learned that civilians had been shot at Parfondriu, Renardmont, Steyr, on the road to Trois Ponts, on the road to Goo, on the Stokeu, in the town of Stavelot itself, and on the road to the old castle.

PRESIDENT: That has not been translated in German as yet.

(Whereupon the interpreter translated the last answer of the witness into German.)

Q What did you learn as to who had shot these people?

A I was told that the people who had shot these persons were German troops, SS.

(Francois Close - Direct)

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Q Had you seen any German troops in Stavelot in that vicinity between the 18th of December 1944 and the 14th of January 1945?

A At Stavelot?

Q Did you see any of the bodies of these people?

A Yes, I buried them.

Q Did you observe any wounds on any of the bodies?

A Yes.

Q What type of wounds were they?

A Open and blood-covered wounds.

Q Do you know Jean and Camille Tombeux?

A Yes, I know them very well.

Q During your visits, did you see them?

A I saw them. Yes, I found them in the place where they had been shot, both Jean and Camille Tombeux, by the house of Louis LeCoeur, on the road to Vielle Chateau by Stavelot.

Q Were they alive or dead?

A Dead.

Q Did you observe any wounds on these bodies?

A Yes.

Q Where were the wounds?

A In the back of the neck.

Q What type of wounds were these?

A I couldn't see very well because the bodies were frozen.

Q Do you know what caused the wounds on the bodies of the 93 people you buried?

LT. COL. DWINELL: I object to that question, please, as leading the witness.

PRESIDENT: Objection is overruled.

(Francois Close - Direct)

A Yes.

Q With what?

A Bullets -- they had been shot.

Q These 93 people you buried, what was the nationality of the 93 people you buried?

A They were Belgians.

LT. COL. CRAWFORD: I hand the reporter a document to be marked Prosecution Exhibit No. 85 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 85 for identification by the reporter.)

QUESTIONS BY PROSECUTION (Lt. Col. Crawford):

Q I hand you a document that has been marked Prosecution Exhibit No. 85, and ask you to state what that is?

A It is a list of the victims.

Q In whose handwriting does this list appear?

A It is in my handwriting.

Q Whose signature appears on each page of this list?

A My signature.

Q How was this list prepared?

A The list was prepared on my own initiative and is based on my own memory.

Q Does this list contain the names of the 93 people you stated you buried?

A Yes.

Q Does it contain more names than the 93?

A Yes.

Q Who are the additional names?

A Those are the names of residents of Troix Ponts who were buried in Troix Ponts itself.

Q Was this list compiled from information you gathered during your visits around the vicinity of Stavelot, after the (Francois Close- Direct)

18th of December 1944?

A Yes.

Q Is that the list of the family names and the number of persons of the family who died after the 18th of December 1944, and the manner in which you have been testifying today?

A Yes.

LT. COL. CRAWFORD: At this time Prosecution offers in evidence a document which has been marked for identification Prosecution Exhibit No. 85, asks that it be attached to the record and made a part thereof, and marked Prosecution Exhibit No. 85.

LT. COL. DWINELL: The Defense objects to this evidence on the grounds that it is irrelevant, hasn't been connected with the accused or any issues in the case. The instrument is not dated and is not connected as to time.

RAW MEMBER: There is some testimony to the effect that this list of names was compiled after the 18th of December. There is also some testimony to the effect that these people, some or all of them were shot as a result or died as a result of bullet wounds, and there is also some testimony to the effect that SS troops were in Stavelot at the time. The instrument will, therefore, be admitted for whatever it is worth, and the Court will place such probative value as it deems fit. The objection is overruled.

PRESIDENT: The exhibit offered by the Prosecution is therefore admitted in evidence and will be marked P-85.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. 85 and is attached hereto and made a part of the record.)  
(Francois Close - Direct)

LT. COL. CRAWFORD: Will you mark this Prosecution Exhibit No. 85-A, please?

(Whereupon the document referred to was marked Prosecution Exhibit No. 85-A for identification.)

LT. COL. CRAWFORD: Prosecution offers in evidence Prosecution Exhibit No. 85-A, being a true and correct English translation of Prosecution Exhibit P-85.

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-85-A.

(Whereupon the document referred to, having been previously marked, was received in evidence as Prosecution Exhibit No. P-85-A and is attached hereto and made a part of the record.)

QUESTIONS BY PROSECUTION (Lt. Col. Crawford):

Q Mr. Close, of the 93 people that you buried, what was the sex and the age of those persons?

A The age varies. There were children there between eight months and eighteen years, there were elderly people and others.

Q What was the sex of these people?

A There were both sexes.

Q How many women were there?

A I do not have the figures in my head. I cannot say exactly, but there is quite a number.

LT. COL. CRAWFORD: Prosecution does not desire at this time to read Prosecution Exhibit No. 85-A.

Q Mr. Close, will you describe the house where you found the bodies of Jean and Camille Tambeux?

A It is a house built Chalet-style, that is located on the Scheminduvieux chateau, and is built partly of masonry and partly (Francois Close - Direct)

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reenforced with wood.

Q What color is the house?

A The color is white-yellow.

Q Would you recognize the house if you saw it again?

A Yes.

Q I hand you a photograph that has been marked Prosecution Exhibit No. 83, and ask you to state what is shown on that house?

A The house belonged to Louis LeCoeur.

Q Is that photograph representative of a reasonable portrayal of that house as it was on the 11th of January 1945?

A Yes.

Q Is the house shown on Prosecution Exhibit No. 83 the same house where you found the bodies of Jean and Camille Tombeux?

A Yes.

Q Referring to Prosecution Exhibit 83, will you indicate on the photograph where the bodies were found?

A It is on the other side, on the opposite side of the house.

Q Is that side of the house shown in this photograph?

A No.

Q How close to the house were these bodies?

A Between three and four meters.

Q Was there an opening into the house near the bodies?

A Yes, the cellar door.

Q After the 18th of December 1944, did you have occasion to bury any Belgian civilians who were victims of battle?

A Yes.

Q Are there any of those persons included in the list, Prosecution Exhibit No. 85?

(Francis Close - Direct)

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A Yes.

Q They are or are not included in that list?

A They are in that list.

Q Were any of the people included in that list engaged  
in combat themselves?

A No, sir.

PROSECUTION: (Lt. Col. Crawford) No further questions.

DEFENSE: Dr. Leiling.

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CROSS-EXAMINATION

QUESTIONS BY THE DEFENSE: (Dr. Leiling)

Q Can you tell me what the population of Stavelot is?

A The community of Stavelot has about five thousand inhabitants.

Q Are the suburbs of Stavelot included in that figure?

A Yes.

Q The activity in which you engaged from the 18th to the 24th, was that part of your duties as a Field Policeman?

A Yes.

Q So, were you a member of an auxiliary organization, or was that part of your duties as a Field Policeman?

A It was in my capacity as a Field Policeman.

Q When did the Germans leave Stavelot?

A They left on the 14th of January, on the day on which the American troops resumed the offensive.

Q When did the Americans, before the Germans ever came, leave Stavelot?

A They didn't all leave at any time -- some remained behind.

Q For how long?

A On the 19th of December, the Americans retook the town, as far as the bridge of L'Enbleve.

Q Did you also see German wounded and dead at Stavelot?

A I did not see wounded, but I did see dead.

Q Would it be possible to state that there was heavy fighting in and around Stavelot?

A Yes.

Q You mentioned, sometime ago, open wounds -- did you mean those wounds which had been caused by artillery splinters?

(Close -- Cross)

R-2

A No.

Q Well, in your opinion, how did these gaping wounds originate?

A From firearms.

DEFENSE (Dr. Leiling): No further questions.

DEFENSE (Colonel Everett): Dr. Leer.

QUESTIONS BY THE DEFENSE (Dr. Leer):

Q How often did you go to the hospital?

A Every day.

Q Before the occupation of Stavelot, or only after the occupation of Stavelot?

A After the occupation.

Q After the Germans had already left Stavelot, or was it still during combat?

A During the occupation.

Q When did you see these men in the hospital?

A On the 18th of December.

Q And who told you about this?

A The first dead person that I received was Madame Colinet --

Q But no dead person could make the statement that ninety-three dead persons are lying in the hospital -- my question is: who told you?

A It was my investigation that showed that; as the dead came in I counted them and the total was ninety-three.

Q I again ask you from whom or how did you find out that ninety-three dead persons were lying in the hospital?

PROSECUTION (Lt Col Crawford): The prosecution objects to this line of questioning. The witness did not testify that there were ninety-three dead in the hospital; he testified that they were buried at the hospital.

(Close -- Cross)

R-3

PRESIDENT: The objection is sustained.

Q When did you, during the fighting in Stavelot, for the first time hear anything about dead civilians?

A On the 18th of December,

Q And from where did you derive that information?

A From the parents of the victims.

Q Did you see the personal identification cards and papers of ninety-three corpses?

A Yes, together with the Red Cross.

Q Who made the certificates of death for these corpses?

A Doctors Moss and Rouvenet, of Stavelot.

Q What did these physicians state were the causes of death?

A Death following shooting.

Q On what day did all these people die?

A Some were shot on the 18th, some on the 19th, and some on the 20th -- and also between the 18th of December and the 14th of January.

Q Again I ask the witness: from where did you derive that information?

A From the families of the victims and from those who managed to escape.

Q Do you know who were the participants in the fights?

A I don't understand what the counsel wishes me to state?

DEFENSE (Dr. Leer): I withdraw the question.

DEFENSE (Colonel Everett): Dr. Rau.

QUESTIONS BY THE DEFENSE (Dr. Rau):

(Close - Cross)

R-4

Q Was Stavelot occupied from the 18th of December until the 14th of January?

A The only part of Stavelot that was occupied was the part south of the L'Enbleve.

Q Who occupied the northern part?

A It was by the American troops.

Q Have houses been damaged or destroyed in the southern part of Stavelot?

A Yes.

Q How many houses?

A Many houses.

Q Could you give a percentage, approximately, of the number of houses destroyed?

A Approximately twenty-five percent destruction.

PROSECUTION: If the court please, I would like to inquire the purpose of this line of questioning; it seems to me that it is rather immaterial.

PRESIDENT: The objection is overruled.

Q Where then was the civilian population belonging to this twenty-five percent?

A They were in their cellars.

Q Was the basement destroyed as well?

A Yes.

Q Some time ago you designated the house in which the brothers Trom both were shot, as the correct one?

A Yes.

Q Was that house damaged as well?

A Yes, partially.

Q It was damaged on that side which was not photographed -- right?

(Close - Cross)

A Yes, on the roof.

R-5

LAW MEMBER: There is entirely too much noise in the court room -- the murmuring in the court room will have to stop immediately.

(Whereupon the Law Member's remarks were interpreted to the court and the accused.)

DEFENSE: (Dr. Rau) No further questions.

PRESIDENT: Are there any further questions by the defense?

DEFENSE (Colonel Everett): The defense has nothing further on cross.

PRESIDENT: Are there any further questions by the prosecution:

PROSECUTION (Lt Col Crawford): There is one more question, sir.

RE-DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Lt Col Crawford):

Q Were the bodies whose names appear on the list of Prosecution Exhibit 85 killed by fire from the Germans to the Americans, or by fire from the Americans to the Germans --

DEFENSE (Captain Narvid): The defense objects to the form of that question.

PRESIDENT: The objection is sustained.

PROSECUTION (Lt Col Crawford): I will rephrase the question.

(Close -- Re-Direct)

R-6

Q With reference to that part of Stavelot that was occupied by the Germans, where were the bodies whose names appear on the list in Prosecution Exhibit 85 found?

A They were found in the west, north and east of Stavelot?

Q What troops occupied the west, north and east of Stavelot?

DEFENSE (Captain Narvid): If it please the court, the defense objects to that -- it doesn't show the time.

PROSECUTION (Lt Col Crawford): Will the reporter read the answer to the first question?

(Whereupon the reporter read as requested.)

PROSECUTION (Lt Col Crawford): I will withdraw that question.

Q Between the 18th of December, 1944, and the 14th of January, 1945, what troops occupied the north, west and east of Stavelot?

A The Germans occupied the west and then they passed on and occupied the north and part of the east.

Q What did the parents, relatives and persons who had escaped, about whom you have testified, tell you about who had killed the victims?

A They said that they were shot.

Q By whom?

A By the SS.

PROSECUTION (Lt Col Crawford): No further questions.

DEFENSE: Dr. Leer.

QUESTIONS BY THE DEFENSE (Dr. Leer):

RECROSS EXAMINATION

(Close - Re-Direct)

R-7

Q In what part were you, at the time that the Germans occupied Stavelot?

A I was in the northwestern part.

Q Were you there all the time, or did you also go into other parts of the town?

A I remained in the town the entire time.

Q In other words, if I understand you correctly, you were in the northern and western parts, is that right?

A Yes, that is, on the part on the right hand side of the L'Enbleve. That is in the part that was then occupied by American troops.

Q Why did you go there?

A I happened to be there.

Q Wasn't there some rather heavy fighting around that spot?

A Yes.

Q Isn't it customary to keep out of the danger zone -- isn't it customary for civilians to keep out of these danger zones?

A The population took refuge in the cellars.

Q I'm not talking about the population, I'm talking about you yourself.

A Myself? Well, I circulated in the town the entire time.

Q What was your reason for walking about the town, when there was shooting on?

A In order to help the inhabitants and to bring food to the population.

Q Did you know that the population participated in combat?

PROSECUTION (Lt Col Crawford): If it please the court, that question is assuming a state of facts that is not in evidence in this case.

(Close - Re-Cross)

R-8

DEFENSE (Dr. Rau): The point in question seems to be that allegedly civilians were shot. If it is necessary to examine the reason for this, the question as to whether or not the population participated in the combat must be examined.

PROSECUTION (Lt Col Crawford): If it please the court, if the witness says "yes" or "no", he is getting into a different question.

LAW MEMBER: The objection is overruled.

Q Do you know that there was a resistance movement in Stavelot named the "Maquis"?

PROSECUTION: The prosecution objects to that question.

LAW MEMBER: The objection is sustained.

DEFENSE: Dr. Hertkorn.

PROSECUTION: If the court please, there have been four German counsels questioning this witness, and this is the fifth one. The agreement was that four would be the most that would be permitted.

LAW MEMBER: Regardless of how many have examined the present witness, the court will decide this question. The defense may proceed with its examination.

QUESTIONS BY THE DEFENSE (Dr. Hertkorn):

Q During this entire day, you were actually about the town and yet you never actually observed any of these executions, is that right?

(Close - Re-Cross)

R-9

A The executions took place, but, for the most part, they took place outside the center of the town.

Q In your post as a Field Policeman, did you also take walks in the outer regions of the town?

A No, not in the outskirts.

Q But since you were a Field Policeman, wasn't it your special duty to walk in those districts?

A Yes.

Q Who told you, or from whom did you hear for the first time that executions of that nature took place in the outskirts of the town?

PROSECUTION: If it please the court, that question has been asked several times and has been answered several times -- the witness has answered the question in each case.

DEFENSE (Dr. Hertkorn): May I point out that the only question asked so far has pertained to executions in general, but not to executions in the suburbs of the town of Stavelot, or of other districts.

LAW MEMBER: The objection is overruled.

A I learned it from the Red Cross.

DEFENSE (Dr. Hertkorn): Thank you. No further questions.

DEFENSE: The defense has nothing further -- no further questions.

PRESIDENT: Are there any further questions by the prosecution at this time?

PROSECUTION: The prosecution has no further questions.

(Close -- Re-Cross)

R-10

PRESIDENT: Are there any questions by  
any member of the court of this witness?

(Whereupon, there being no further ques-  
tions, the witness was excused and withdrew.)

PRESIDENT: The court will adjourn until  
1040.

(Whereupon the court adjourned, at the  
direction of the President, to reconvene at 1040 hours.)

(Court Adjournment)

(Whereupon the Court reconvened at 1045)

PRESIDENT: The Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court, all members of the Prosecution, all members of the Defense with the exception of Mr. Strong, Dr. Pfister and Dr. Wisland who are absent on business of the Defense, all of the defendants, the reporter and the interpreter are present. The Prosecution recalls Mr. Elowitz.

LAW MEMBER: Before that there are four reporters to be sworn.

PROSECUTION: I didn't know that.

PRESIDENT: Will the four reporters step up, please.

Reuben A. Duska, Ann Burns, Effie Georgatos, Helen Church, Court Reporters, were appointed reporters for the case and they were duly sworn.

PROSECUTION: Capt. Byrne will handle the next phase of the case.

MORRIS ELOWITZ, recalled as a witness for the Prosecution, having been previously sworn testified further as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q Would you state your name?

A Morris Elowitz.

Q Are you the same Morris Elowitz who has previously testified in this Court?

A Yes.

Q During the course of your duties as interrogator at IP 2, Schwaebisch Hall, Germany, did you ever interrogate one Werner Sternebeck?

A Yes.

Q Could you identify this Werner Sternebeck if you saw him again?

A Yes.

Q Is he present in the prisoners' dock?

A Yes, he is.

Q Correct the record. May the witness be reminded he is still under oath.

A Yes, sir.

Q Would you look at the prisoners' dock at the left and see if he is present there?

A Yes, he is. There he is (indicating), number 62.

PRESIDENT: Number 62 will stand.

(whereupon the accused stood, as directed)

PRESIDENT: Sit down.

CAPT. BYRNE: I hand the reporter an instrument and request that it be marked Prosecution's Exhibit 86 For Identification.

(Whereupon the document referred to was marked  
Prosecution's Exhibit 86 For Identification by the reporter)

Q Mr. Slowitz, I hand you Prosecution's Exhibit 86 For Identification and I ask you if you recognize it.

A It is a statement of Werner Sternebeck.

Q In what manner was the statement taken from Werner Sternebeck?

A After oral interrogation the substance of Sternebeck's statements were dictated back to him and they were written by him.

Q Was that statement in Sternebeck's own handwriting?

A Yes.

Q In the course of the interrogation did Sternebeck make more than one statement?

A Yes, he made two statements.

Q Was any force or threats used to secure the statement which you now have identified?

A No.

Q Was he at any time confronted with witnesses against him?

A Yes, he was.

Q Who? If you remember.

A I remember for certain Hans Zimmer.

Q Were any threats or promises made to Sternebeck to secure this statement?

A No, there was not.

Q Was this statement sworn to?

A Yes, it was.

Q Who took the oath?

A 1st Lt. Ferl.

CAPT. BYRNE: The Prosecution offers in evidence and requests that it be attached to the record and made a part thereof, Prosecution's Exhibit 86 For Identification, and requests that it be admitted as Prosecution's Exhibit 86.

DEFENSE COUNSEL: The Defense objects to the evidence on the ground previously stated.

PRESIDENT: Objection overruled. The exhibit offered by the Prosecution will be received in evidence and marked Prosecution's Exhibit 86.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution's Exhibit 86 and is attached hereto and made a part of the record.)

CAPT. BYRNE: We request the reporter to mark the translation of this statement as Prosecution's Exhibit 86A For Identification.

DEFENSE COUNSEL: May it please the Court, the Defense

does not desire to object to this translation but would like to have the privilege of making a later objection if the translation develops incorrect.

PRESIDENT: The exhibit offered by the Prosecution is received in evidence and will be marked Prosecution's Exhibit 86A, with leave to the Defense to object at a later date.

(Whereupon the document referred to was received in evidence (as Prosecution's Exhibit 86A and is attached hereto and made a part of the record. )

CAPT. BYRNE: The Prosecution requests permission of the Court to read Prosecution's Exhibit 86 and Prosecution's Exhibit 86A.

PRESIDENT: All right.

CAPT. BYRNE: (reading Prosecution's Exhibit 86A)

"I, Werner Sternebeck, Obersturmfuehrer, having been duly sworn, make the following statement:

In December, 1944, at the time of the Eifel offensive, I was Obersturmfuehrer in the 6th Company, 1st Panzer Regiment, LSSAH. My company commander was Obersturmfuehrer Benoni Junker. During the night from 15th to 16th of December, 1944, my tank was ordered to the point of the combat group and at that time I left the 6th Company.

My tank and other tanks of the combat group remained in Wanne, Belgium on the 20th December, 1944, because Stavelot was surrounded and we couldn't get through there any more. At this time Untersturmfuehrer Heubek was in Wanne, and he was the C.O. of the three tanks of the 1st Company, 1st Panzer Regiment, LSSAH, which remained behind.

I lived in Wanne in the same house as Hauptsturmfuehrer Kalischka who was the commander of the 1st Artillery Battalion, Artillery Regiment I, LSSAH.

I have prepared a sketch of Wanne, marked "A" attached hereto showing my C.P., approximate location of Untersturmfuehrer Heubek's C.P. and the position of my tank. In the morning hours of the 21st or 22nd of December, 1944, Standartenfuehrer Mohnke, commander of the LSSAH was in Wanne, and gave orders about the deployment of troops to the different unit leaders. I listened for a while as Standartenfuehrer Mohnke issued the orders, and was under the impression that he was very displeased about the situation in Wanne. At about noon-time of the same or the following day, Hauptsturmfuehrer Kalischko came to me and said that he had received the order from the Division to

" round up all suspicious Belgian male civilians in Wanne, and to shoot them because there was supposed to be an enemy radio transmitter in Wanne. Hauptsturmfuehrer Kalischko decided to execute this order by dividing the village in two parts for the search. He took over one part and the tank troops searched the other part. I transmitted this order to Untersturmfuehrer Luenkemer who was commander of the 7th Company troops in Wanne, and I also believe to Untersturmfuehrer Heubeck, but I am not sure about that. Then I went to my tank which was in the position as indicated on my sketch "A", to pass on this order, which I received from Hauptsturmfuehrer Kalischko, to my crew. This happened between 1 and 2 o'clock in the afternoon. I told the crew that a secret radio transmitter was located in the village and that we had to find it. Then I told Rottenfuehrer Herentrey my tank driver and Sturmman Hillman, my radio-operator to look for suspicious Belgian civilians and in case they found any to shoot them. I said to Rottenfuehrer Herentrey, "You are an 'old hand' in such matters--you take charge." I ordered Sturmman Flaas and Sturmman Zimmer to stay with the tanks as guards, and I returned to the C.P. About half an hour later Rottenfuehrer Herentrey reported to me at the C.P. and told me that he had executed the order, that he had found a suspicious Belgian male civilian in one of the houses and had bumped him off. Whereupon I answered "Alright."

I make this statement consisting of three pages and one sketch marked "A" voluntarily, out of my own free will, without force, threats, or promises of reward.

(signed) Werner Sternebeck  
SS Obersturmfuehrer  
26 March, 1946.

Sworn to and subscribed to before  
me this 26th day of March, 1946,  
at Schwaebisch Hall, Germany.

William R. Perl  
1st Lt. M.I. O-555149  
Investigator-Examiner War Crimes Branch, USFET. "

(Whereupon the foregoing statement in the original German version, Prosecution's Exhibit 86, was read to the court and accused.)

CAPT. BYRNE: The prosecution offers in evidence a photo affidavit executed by Werner Sternebeck, identifying Erich Luenkemer, and requests that it be received in evidence as Prosecution's Exhibit 86B.

DEFENSE COUNSEL: On behalf of the Defense, there is no

objection to the picture affidavit or necessity for reading the same, and it is further admitted that the picture is that of the accused Mumkemer.

PRESIDENT: There being no objection to the introduction into evidence of the exhibit, it will be received in evidence and marked Prosecution's Exhibit 86B.

(Whereupon the document referred to was received in evidence as Prosecution's Exhibit 86B and is attached hereto and made a part of the record.)

DEFENSE COUNSEL: May it please the Court, in connection with the exhibits P-84A and P-86A, the Defense does not desire to make any objection as to the translations. In order to clear the record this statement is being made.

PRESIDENT: Very well.

CAPT. BYRNE: You may enquire.

DEFENSE COUNSEL: The defense does not desire to cross-examine the witness.

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

PROSECUTION: The Prosecution calls as its next witness Hans Zimmer. This witness is recalled.

PRESIDENT: Recalled.

HANS ZIMMER, recalled as a witness for the Prosecution, being duly sworn testified further through the interpreter as follows:

REDIRECT EXAMINATION.

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q Will you state your name?

A Hans Zimmer.

Q To what organization did you belong during the Eifel Offensive of December, 1944 and January, 1945?

A Sixth Company, 1st Panzer Regiment, LSSAH.

( Zimmer-redirect)

Q About the 20th of December, 1944, where was your unit located?

A In Wanne.

Q Do you recall the names of any of the other members of your organization who were there present at the same time?

A Rottenfuehrer Corporal Herentrey, Sturmman Plaas, Rottenfuehrer Hillman and 1st. Lt. Sternebeck. I wouldn't know of any others.

Q Was your entire company present in Wanne at that time?

A No, the entire company was not there.

Q About how much of it was there?

A I think two tanks were there.

Q What tank were you in?

A In 1st. Lt. Sternebeck's.

Q Would you recognize Obersturmfuehrer Sternebeck if you saw him again?

A Yes.

Q Will you look at the prisoners' dock on your left and see if Sternebeck is present there?

A Yes, he is present.

Q Would you state what number he is wearing.

A 62.

CAPT. BYRNE: Will the Court request number 62 to stand?

PRESIDENT: Number 62, stand up.

(Whereupon the accused stood, as directed)

PRESIDENT: Sit down.

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q Is that the same Werner Sternebeck who was with you in Wanne?

A Yes.

Q What were his duties at that time?

A Tank commander.

Q Did you hear any conversation between Sternebeck and the other members of your tank about the 20th of December?

A Yes.

Q Will you state to the Court what that was?

A Lt. Sternebeck said that in case any resistance was offered us we should not show any consideration and break any resistance any way.

Q To whom was he talking at that time?

A I think it was with Corporal Herentrey.

Q Did you hear that conversation?

A Yes.

Q Did anything unusual occur in Wanne that afternoon?

A I wouldn't know.

Q Did Herentrey make any statement to you as to what had happened that afternoon with reference to civilians?

A No.

Q Did you ever hear anything that happened to civilians in the town that afternoon?

A I couldn't say anything further. I only saw four civilians lie in the church dead that afternoon.

Q Are you sure you saw that there were four civilians dead in the church?

A Yes.

Q About what time of the day did you see them there?

A In the afternoon of the 21st.

CAPT. BYRNE: No further questions. You may enquire.

DEFENSE COUNSEL: The Defense does not desire to interrogate the witness.

PRESIDENT: Any questions by the Court? Apparently not.

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The witness is excused.

CAPT. BYRNE: One further question.

REDIRECT EXAMINATION (continued)

QUESTIONS BY THE PROSECUTION: (CAPT. BYRNE)

Q Do you know who was the ranking officer of the Sixth Panzer Company in Wanne on that day?

A 1st. Lt. Sternebeck.

Q That is all.

DEFENSE COUNSEL: Nothing further.

QUESTIONS BY THE PROSECUTION: (CAPT. BYRNE)

Q Who was the commanding officer of the Sixth Panzer Company?

A 1st. Lt. Junker.

Q That is all.

DEFENSE COUNSEL: Still nothing further.

PRESIDENT: The witness is excused.

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

125,6/3,1sp

CAPT. BYRNE: The prosecution recalls Mr. Morris Elowitz.

MORRIS ELOWITZ, called as a witness for the prosecution resumed the stand and testified further through an interpreter as follows:

CAPT. BYRNE: You are reminded you are still under oath.

REDIRECT EXAMINATION (CONTINUED)

QUESTIONS BY PROSECUTION (CAPT. BYRNE)

Q Would you state your name?

A Morris Elowitz.

Q Are you the same Morris Elowitz who has previously testified in this trial?

A Yes.

Q During the course of your duties at IP No.2 at Schwaebisch Hall, did you ever have occasion to interrogate one Georg Kotzur?

A Yes.

Q Would you recognize Georg Kotzur if you were to see him again?

A Yes.

Q Would you look in the prisoner's dock on your left and see if the Georg Kotzur you have described is present?

A Yes, he is.

Q What number is he wearing?

A 32.

PRESIDENT: Number 32 stand up.

Q During the course of your interrogation, did you ever take a statement from Georg Kotzur?

(Elowitz - Redirect)

125,2sp

A I did.

Q In what manner was the statement obtained?

A He was first interrogated orally and subsequently the substance of his remarks were dictated back to him by me and they were written by him.

CAPT. BYRNE: I hand the reporter an instrument and ask that it be marked P-87 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-87 for identification by the reporter.)

QUESTIONS BY PROSECUTION (CAPT BYRNE CONTD)

Q I hand you an instrument that has been marked Prosecution Exhibit P-87 for identification and ask if you can recognize it.

A Yes. It is the statement of Georg Kotzur.

Q Is the statement signed?

A It is signed by Georg Kotzur.

Q Do you know whose handwriting it is prepared in?

A It is in the handwriting of Georg Kotzur.

Q Is the statement sworn to?

A Yes.

Q Who took the oath?

A Captain Shumacker.

Q Were any force or threats used to secure this statement from Georg Kotzur?

A No.

Q Were any promises made to him in securing the statement?

A No.

(Elowitz - Redirect)

125,3sp

Q Was the statement given voluntarily?

A It was.

Q Was he confronted with any witnesses against him previous to making this statement?

A Yes.

Q Do you remember who it was?

A I believe he was confronted with Hans Trettin.

Q Would you be able to identify Hans Trettin if you were to see him again?

A Yes.

Q Would you look in the prisoner's dock on your left and see if he is present there?

A Yes, he is.

Q What number is he wearing?

A 69.

Q Was he confronted with any other witnesses?

A I don't remember. I don't think so.

CAPT. BYRNE: The prosecution offers in evidence Prosecution Exhibit P-87 for identification, requests that it be admitted in evidence, attached to the record and marked Prosecution Exhibit P-87.

LT. COL. DWINELL: Defense objects to the evidence on the grounds previously stated.

\* PRESIDENT: Objection is overruled. The exhibit offered by the prosecution is admitted in evidence and will be marked P-87.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-87 and is attached hereto and made a part of the record.)

(Elowitz - Redirect)

CAPT. BYRNE: Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit P-87, requests that it be attached to the record and marked Prosecution Exhibit P-87-A.

DEFENSE COUNSEL: No objection on behalf of the defense.

PRESIDENT: The exhibit offered by the prosecution will be admitted in evidence and marked P-87-A.

(Whereupon the document referred to, was received in evidence as Prosecution Exhibit No. P-87-A and is attached hereto and made a part of the record.)

CAPT. BYRNE: Prosecution requests permission to read Exhibit P-87-A.

PRESIDENT: Granted.

CAPT. BYRNE: (Reading)

"I, Georg KOTZUR, Sturmman, having been duly sworn, make the following statement under oath:

"In December 1944 during the EIFEL offensive, I was a member of the 1st Company, of the 1st Panzer Regiment, LSSAH. I was radioman in the tank crew of Oberscharfuehrer Valentin BERSIN. On December 15, 1944 our company was assembled in a forest, the exact location of which I do not know. At nightfall of the same day Obersturmfuehrer KREMSER, Company Commander of the 1st Panzer Company, assembled the company to deliver a speech. He read this speech to us from a piece of paper. He told us how important the offensive was for Germany, that we must fight bravely, that we may grant no quarter to the enemy, and that as far as possible no prisoners of war should be taken. Our tank was to ride at the point. We set out with the Panther tank of Untersturmfuehrer BAHRENT until shortly afterwards we met up with 2 other Mark IV tanks. We remained at this place the whole day of December 16. At twilight on December 16 we set out again and had gone a few kilometers along the way, when our tank ran upon a mine. By the evening of December 18, 1944 our tank had been completely repaired, and we set out again. In the early afternoon of December 20 1944 we arrived in WANNE together with the tank of Unterscharfuehrer

PFLUEGER, whom we had met on the way. In WANNE Untersturmfuehrer HEUBECK assumed command of the tanks of the 1st company, since he was the replacement officer of the 1st Panzer Regiment, and had command of those which lagged behind. In WANNE I was quartered together with my whole tank crew in a house. The tank crew consisted of Unterscharfuehrer BERSIN, Sturmmann RAU, Sturmmann FIGURA, Unterscharfuehrer WOCH and myself.

"About midafternoon of December 21 1944, Unterscharfuehrer BERSIN came to our quarters and said to us that every male civilian was to be shot and gave the whole crew the order to go out, find the male civilians, and carry out the order to shoot. He pointed to me and said: "KOTZUR, you come with me." Unterscharfuehrer BERSIN and I went to the house, which is designated by an X on the attached sketch. We entered the house and a man approached us with 2 caps in his hand. He was about 40 or 50 years old. BERSIN asked him what kind of caps he had there. He replied that they were forest warden's caps and BERSIN then hit him. BERSIN ordered him to come out with us in the street. I told BERSIN that the man was too old to be shot. Because of this BERSIN said to me: "Just for saying that you shall shoot him yourself." BERSIN wanted me to shoot the man before his eyes. I did not want to shoot the man right on the street and went with the man down the street towards the church. BERSIN went ahead of me. He turned around and shouted at me, "I expect to hear the shot soon." When we arrived at the entrance to the cemetery, BERSIN went on in the direction of the village and I led the man into the cemetery. I fired two shots from my pistol into his back. The civilian fell down with a cry and I assumed that he was dead.

"I went back in the street. BERSIN was standing down the street and shouted to me, "this man is to be shot too", and then the man he mentioned came up to me. I led this man to a farm approximately across from the entrance to the cemetery, and shot him once in the back. He yelled and fell on his knees and threw his fists around. I shot again but my pistol had a stoppage. At this moment Hans TRETTIN of Unterscharfuehrer PFLUEGER's crew arrived with his pistol in his hand and I said to him, "Finish him off, he is in pain." TRETTIN then finished him off with a shot in the neck. I went back to the street. TRETTIN followed me and said the man was dead. At this time somebody shouted that enemy tanks were approaching, and we all went to our tanks.

"All the shootings which I have described here took place during daylight, and the whole affair did not last longer than 15 to 30 minutes. The civilians whom I shot were unarmed, did not defend themselves, and made no attempt to escape. As I later found out, other civilians were shot by our tank crews on the same day. That was the first

human being I shot myself. I came to the 1st Panzer Regiment in October 1944, and that was the first combat unit that I was assigned to.

"During the time that I was a prisoner of war in the camp at EBENSEE in June 1945, Unterscharfuhrer Daniel MAIER said to me that BERSIN, who was then being confined for interrogation, wanted to speak with me. Unterscharfuhrer Daniel MAIER was the man who brought him his meals every day. He made it possible for me to bring BERSIN's meal to him once. I brought his dish to him, and he said to me on this occasion, "If you are interrogated by the Americans, state that our tank required 8 days for repairs when we ran over the mine, and that we spent 8 days there." I asked him why, as we were only there 3 days. He replied to me, "the WANNE affair is not involved. The Americans only want information about the bumping off of American prisoners of war." I didn't answer and started to leave. BERSIN then added, "have you understood?"

"On the day that the shooting which I have described in this confession took place, Untersturmfuhrer HEUBECK had his noon meal in our quarters. During the meal he sent me out to fetch Unterscharfuhrer PFLUEGER. When I came back from my mission, I saw the old man whom I later shot (as is described in my confession) in the yard of his farmstead. I informed Untersturmfuhrer HEUBECK about that. He ordered me together with RAU or FIGURA (I no longer recall with which one it was) to investigate, and, if he should be suspicious, to shoot him. We investigated, found him in the stable, and noted that he was fairly old. I came back and informed someone, I do not know whom, that the man was an old forest warden, but I am quite certain now that it was Untersturmfuhrer HEUBECK, whom I informed. A moment later BERSIN gave the order to the whole tank crew to hunt up all male civilians and to shoot them. BERSIN then said to me, --"You come with me and show me the old man", meaning the one whom I have described in my confession as the first man to be shot.

"I make this confession, consisting of 9 pages and a sketch, voluntarily, without being threatened or forced or promised a reward.

(signed) Georg KOTZUR  
31 January 1946

Sworn to and subscribed  
before me this 31st day  
of Jan 1946 at SCHWABISCH  
HALL, GERMANY.

(signed) Raphael SHUMACKER  
Capt CMP"

125,7sp

(Whereupon the statement was read in German.)

DEFENSE COUNSEL: No cross examination.

PRESIDENT: Any questions by the Court?

Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

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CAPT. BYRNE: The Prosecution offers in evidence two picture affidavits prepared by Georg Kotsur, identifying Hans Trettin and Valentin Bersin, and requests that they be attached to the record as Prosecution Exhibits P-87-B and P-87-C, respectively.

LT. COL. DWINELL: No objection by the Defense, and it is agreeable to the Defense that the picture affidavits be not read, and the Defense admits that the pictures attached to the affidavits are those of the accused Trettin and Bersin.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution will be admitted in evidence and will be marked Prosecution Exhibits P-87-B and P-87-C.

(Whereupon the documents referred to were marked and received in evidence as Prosecution Exhibits P-87-B and P-87-C, respectively, and are attached hereto and made a part of the record.)

CAPT. BYRNE: As its next witness, the Prosecution recalls Klaus Schneider.

KLAUS SCHNEIDER, recalled as a witness for the Prosecution, was again sworn and testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Capt. Byrne):

Q Will you state your name?

A Schneider, Klaus.

Q To what organization did you belong during the Eifel offensive in December, 1944, and January, 1945?

A First Company, Panzer Regiment No. 1, Leibstandarte Adolf Hitler.

Q Who was your company commander?

A 1st Lt. Kremser.

Q Who was your platoon leader?

A 2nd Lt. Hennecke.

Q Where were you on or about the 21st of December, 1944?

A Near Wanne.

Q Were any other members of your company there present?

A Yes.

Q Can you name them?

A The crew of 2nd Lt. Bahrent and the tank of Sgt. Bersin.

Q Would you recognize Sgt. Bersin if you were to see him again?

A Yes.

Q Will you look at the prisoners' dock on your left and see if he is there present?

A Yes.

Q What number is he wearing?

A No. 1.

PRESIDENT: No. 1, stand up. -- Sit down.

Q Do you know who were the members of Bersin's crew who were there present at that time?

A Yes.

Q Will you name them?

A Unterscharfuehrer Bersin, who was in charge; Pfc. Rau was the first gunner; Pfc. Figura was assistant gunner; Sgt. Woch was the driver; and Pfc. Kotzur was the radio operator.

Q Would you recognize Sturmman Kotzur if you were to see him again?

A Yes.

Q Will you look at the prisoners' dock on your left and see if he is there present?

A Yes.

Q What number is he wearing?

A No. 32.

Q During the time that you were in Wanne, do you recall that Sgt. Bersin ever came to your billets?

A Yes.

Q Did he talk to anyone there?

A Yes.

Q Who was it?

A He came to our place and called Sgt. Pflueger out in the hall.

Q Then what happened?

A Then Pflueger came back in and said, "Trettin, come along. We will have to go out and shoot Belgian civilians between sixteen and sixty years of age."

Q Would you recognize Trettin if you saw him again?

A Yes.

Q Will you look at the prisoners' dock and see if he is there present?

A Yes.

Q What number is he wearing?

A I can't see the number.

Q You may go up in the dock to see the number.

A No. 69.

PRESIDENT: No. 69, stand up. -- Sit down.

Q After the statement that you have just mentioned Pflueger making, did Trettin and Tigges go out of the billet?

A Yes.

Q Do you know where they went?

A They went toward the church.

Q Did either of them return later?

A Yes.

Q About how long were they gone?

A No more than ten minutes.

Q Did you have any conversation with them when they returned?

A Yes.

Q What was it?

A Pflueger told about what had happened in church.

Q What did he say about what happened in church?

A He said that Kotsur had shot at a Belgian civilian and that his pistol had a stoppage afterwards; that he had then ordered the Pfo. to shoot the Belgian civilians.

Q Did he say anything else?

A Yes. He cracked some jokes about Trettin because Trettin hesitated.

Q Did he say what Trettin had hesitated to do?

A Yes. He hesitated to shoot the Belgian civilian who had been wounded.

Q Were you able to hear what Bersin and Pflueger said prior to the time that Trettin and Tigges left your billet?

A No.

Q Did you ever talk to Bersin after this incident?

A Yes.

Q Where was that?

A In Zuffenhausen.

Q What were you doing in Zuffenhausen?

A We had been in Zuffenhausen for four weeks already when Bersin arrived from Dachau, so I asked him what the reason for his confinement in Dachau had been and asked whether he had been there for the matter of the crossroads near Engelsdorf or because of Wanne, and, in the presence of Trettin, he then told me that in case I was interrogated I shouldn't say anything about Wanne because the Americans apparently didn't know anything about that yet.

Q Do you remember when this conversation with Bersin took place?

A It was about a week before I left Zuffenhausen, and I left Zuffenhausen on December 7.

Q December 7 of what year?

A Last year -- 1945.

Q Did you talk to any of the other men you have identified here while you were at Zuffenhausen?

A Yes.

Q Which of them?

A Kotzur.

Q What conversation did you have with Kotzur?

A Kotzur told the same story which I mentioned before -- that there was a stoppage in his pistol, and that thereupon Pflueger had issued the order to Trettin.

Q Did you ever talk to Trettin while you were in Zuffenhausen?

A Yes.

Q Will you describe the conversation that you had with him with relation to this incident.

A We talked the whole matter that had occurred over, and Trettin also said that he shot fatally the Belgian civilian whom Kotzur had shot at.

Q Did he state where this had occurred?

PROSECUTION: If the Court please, have the witness repeat what he said about the shooting again, because there seems to be some discussion about the correctness of the translation.

A Bersin came to our place -- to our quarters -- and he called Pflueger out in the hall --

PROSECUTION: If the Court please, we don't want him to repeat the whole thing, but the matter of the stoppage of the pistol -- the "shooting at," is what the question seems to be. We want him to repeat that particular part there so it can be translated again. The question seems to be whether, in the first place, the individual was shot at, or whether he was shot at and hit, if I get the matter here. May we have permission to reask that question?

PRESIDENT: Yes. Ask the question.

PROSECUTION: When Kotzur said that he shot, did he shoot at and hit, or did he just shoot at the Belgian civilian?

A To my knowledge he hit him.

CAPT. BYRNE: Will the reporter please read the last answer.

(Whereupon the reporter read the last answer.)

Q Did he describe the place where he did this shooting?

A I can't remember that exactly. To my knowledge, it was either in the cemetery or the doorway to the church, or in church.

Q Did you ever see any bodies of civilians who had been killed in Wanne?

A No.

Q You have previously testified that Trettin and Tigges were gone for about ten minutes and then returned to the billets. Is that correct?

A Yes.

Q Did your unit continue to remain in Wanne for any length of time thereafter?

A Yes, until the day after Christmas.

CAPT. BYRNE: You may examine.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Wahler):

Q All that you know about the shooting is what you have heard. Is that correct?

A Yes.

Q You didn't see any actual shootings. Is that right?

A No.

Q You saw no bodies in Wanne?

A No.

LT. WAHLER: That is all.

DEFENSE: No further cross examination.

CAPT. BYRNE: No redirect.

PRESIDENT: Any questions by the Court?

Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

CAPT. BYRNE: The Prosecution recalls Mr. Elowitz.

MORRIS ELOWITZ, recalled as a witness for the Prosecution, testified further through an interpreter as follows:

## REDIRECT EXAMINATION (Continued)

## QUESTIONS BY PROSECUTION (Capt. Byrne):

CAPT. BYRNE: The witness is reminded that he is still under oath.

Q Will you state your name.

A. Morris Elowitz.

Q Are you the same Morris Elowitz who has previously testified in this trial?

A Yes.

Q During the course of your duties as interrogator at IP No. 2 at Schwabisch Hall, Germany, did you ever interrogate one Hans Trettin?

A Yes.

Q During the course of that interrogation, did he ever make a statement to you?

A Yes, he did.

Q Would you recognize that Hans Trettin if you were to see him again?

A Yes.

Q Will you look at the prisoners' dock on your left and see if he is there present?

A He is.

Q What number is he wearing?

A No. 69.

CAPT. BYRNE: The Prosecution hands the reporter an instrument and requests that it be marked Prosecution Exhibit No. P-88 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-88 for Identification by the reporter.)

CAPT. BYRNE: I hand the witness Prosecution Exhibit No. P-88 for Identification and ask if he knows what it is.

A Yes. It is the statement of Hans Trettin.

Q In whose handwriting is the statement?

A It is in the handwriting of Hans Trettin.

Q Who signed it?

A Hans Trettin.

Q Is the statement sworn to?

A It is.

Q Who took the oath?

A Major Fanton.

Q Was that statement given voluntarily?

A Yes.

Q Were any threats or promises made to secure the statement?

A No.

Q Was any cruel or inhuman treatment used to obtain that statement?

A No.

Q Were any threats or promises made?

A No.

CAPT. BYRNE: The Prosecution offers in evidence Prosecution Exhibit No. P-88 for Identification and requests that it be attached to the record and marked Prosecution Exhibit No. P-88.

LT. COL. DWINELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-88.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-88 and is attached hereto and made a part of the record.)

CAPT. BYRNE: The Prosecution offers in evidence a true and correct English translation of Prosecution Exhibit No. P-88, and requests that it be attached to the record and marked Prosecution Exhibit No. P-88-A.

DEFENSE: On behalf of the Defense, there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the

Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-88-A.

(Whereupon the document referred to was marked and received in evidence as Prosecution Exhibit No. P-88-A and is attached hereto and made a part of the record.)

CAPT. BYRNE: The Prosecution requests permission to read Exhibits P-88 and P-88-A.

PRESIDENT: Granted.

(Whereupon Prosecution Exhibit No. P-88-A was read to the Court, as follows:)

"I, HANS TRETTIN, Sturmman, having been sworn in, make the following statement under oath:

"In December 1944 I was a member of company 1, Panzer Regiment 1, LSSAH and was assigned to the tank of Unterscharfuhrer PFLUEGER as loader. My tank did not reach the first company during the EIFEL offensive in December 1944 because we had motor trouble and did not come to the assembly place.

"We drove in the direction of the front in the hope of catching up with the first company, and arrived in the village of WANNE on December 21, 1944, around noon. At this time the crew of the tank and the tank of Unterscharfuhrer BERSIN were also in WANNE. Both crews were placed under Untersturmfuhrer HEUBECK, who, as replacement officer of the first regiment, exercised command over stragglers.

"About one or two hours after our crew had been quartered Unterscharfuhrer VALENTIN BERSIN came to us in our quarters and spoke with Unterscharfuhrer PFLUEGER and said the following, that Untersturmfuhrer HEUBECK had found parts of German uniforms in a closet, and that therefore he had sent him here to get the loader and gunner to take him along to round up all male Belgian civilians of 16 and over, and to shoot them. Unterscharfuhrer BERSIN then left with Unterscharfuhrer TIGGES, who was a member of my tank crew. Unterscharfuhrer TIGGES asked me to fetch the machine pistol from the tank for him. I fetched the machine pistol to bring it to Unterscharfuhrer TIGGES. At a point on the street opposite the entrance to the churchyard I saw Sturmman KOTZUR of BERSIN's crew with a civilian, and Sturmman KOTZUR had a pistol in his hand. Unterscharfuhrer BERSIN and Unterscharfuhrer TIGGES were not far from this point, and I hastened to catch up with them to give the machine pistol to Unterscharfuhrer TIGGES. I then gave the machine pistol to Unterscharfuhrer TIGGES, and wanted to go on with them, but Unterscharfuhrer BERSIN said to me, 'You go up to KOTZUR and shoot the civilian. I shall send other civilians, you shoot them too.' I came back to KOTZUR, who at this time was standing near the bushes with the civilian, at the same place where he had been when I passed him. KOTZUR tried his

pistol, as it was jammed, and said to me, 'Shoot the man, my pistol is jammed.' I came up to within 2 or 3 meters of the man and shot him in the neck. The man fell to the ground and I shot him again in the head. He lay still, and appeared dead.

"I went back into the street and saw Unterscharfuhrer BERSIN going into a house about 50 meters away. A few minutes later I saw a man come out of the same house and come in my direction. I led this civilian to the same place near the bushes and shot him in the neck. Then he fell to the ground and still moved. I then shot him again, in the head. After that he was quiet, and I could have seen it since the bushes were only 2 meters from the street. When the latter civilian came up the street, I said to KOTZUR, 'You shoot the second one. I shot the first one and do not want to do this alone.' KOTZUR then said, 'My pistol is not working yet, you shoot him,' therefore I shot the second civilian.

"At that moment we heard shouting that 'Shermans' were coming and everybody went to their tanks. This was the first engagement that I took part in. I was afraid. I did not want to shoot any civilians but was forced to do that by my superiors.

"I make this confession, consisting of 4 pages and one sketch voluntarily, without being threatened, forced, or promised a reward.

HANS TRETIN  
January 31, 1946.

"Sworn to and subscribed before me this 31st day of January 1946, at SCHWARBISCH HALL, GERMANY.

DWIGHT F. FANTON  
Major AMC  
Investigator-Examiner,  
War Crimes Branch USFET"

(Whereupon Prosecution Exhibit No. P-88 was read in German by the interpreter.)

PRESIDENT: Court will recess until 1330 hours.

(Whereupon the Court recessed at 1200 hours.)

AFTERNOON SESSION

(Whereupon the Court reconvened at 1330 hours 3 June 1946.)

PRESIDENT: The Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court; all members of the Prosecution; all members of the Defense, with the exception of Mr. Walters, Mr. Strong, Dr. Leiling, and Dr. Pfister, who are absent on business for the Defense; all of the defendants, and the Reporter are present.

If the Court please, we have an interpreter to be sworn.

(Whereupon WILLIAM E. VELTE was sworn as interpreter.)

CAPTAIN BERNE: The Prosecution hands the reporter two picture affidavits executed by Hans Trettin, identifying Valentin Bersin and Georg Kotzur, respectively, and requests that they be marked Prosecution's Exhibits P-88-B and P-88-C, respectively, for identification.

(Whereupon the documents referred to were marked Prosecution's Exhibits P-88-B and P-88-C for identification, by the reporter.)

CAPTAIN BERNE: The Prosecution offers in evidence two picture affidavits executed by Hans Trettin, identifying Valentin Bersin and Georg Kotzur, respectively, and requests that they be attached to the record and marked Prosecution's Exhibits P-88-B and P-88-C, respectively.

DEFENSE: On behalf of the Defense there is no objection to the introduction of the picture affidavits, nor necessity for reading the same, and it is further admitted that the photographs are those of the accused, Bersin and Kotzur.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution are admitted into evidence and will be marked Prosecution's Exhibits Nos. P-88-B and P-88-C, respectively.

(Whereupon the documents referred to, having been previously marked and identified, were received in evidence as Prosecution's Exhibits

P-88-B and P-88-C; are attached to the record and made a part hereof.)

MORRIS ELOWITZ, called as a witness for the prosecution, resumed the stand and testified further through an interpreter, as follows:

RE DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (CAPTAIN BYRNE)

Q The witness is reminded that he is still under oath.

A Yes, sir.

Q Mr. Elowitz, during your interrogation of suspects at Schwabisch Hall, Germany, did you have occasion to interrogate one Valentin Bersin?

A Yes.

Q During the course of that interrogation, did Bersin make a statement?

A Yes, he did.

Q Would you recognize the person Bersin if you were to see him again?

A Yes.

Q Will you look at the prisoners' dock on your left and see if that man is there present?

A Yes. He is wearing No. 1.

CAPTAIN BYRNE: The Prosecution hands the reporter an instrument and requests that it be marked Prosecution's Exhibit P-89 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit P-89 for identification, by the reporter.)

Q I hand you Prosecution's Exhibit P-89, and ask you if you recognize it?

A Yes, it is the statement of Bersin.

Q Is it a handwritten statement?

A Yes.

Q Whose handwriting is it in?

A Valentin Bersin.

Q Is the statement signed?

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A Yes.

Q Whose signature is it?

A Bersin.

Q Was the statement sworn to?

A Yes.

Q Who administered the oath?

A Captain Shumacker.

Q Were any threats or promises used in securing this statement?

A No.

Q Was any harsh or unusual treatment used to secure this statement?

A No.

Q How was the statement prepared?

A Bersin and I first talked about the matters orally and then I dictated the substance of his statements to him and he wrote them down.

CAPTAIN BYRNE: The Prosecution offers in evidence Prosecution's Exhibit P-89 for identification, requests that it be attached to the record and marked Prosecution's Exhibit P-89.

LT. COL. DWINNEL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection over ruled. The Exhibit offered by the Prosecution will be admitted in evidence and marked Exhibit P-89.

(Whereupon the document referred to above having previously been marked and identified was received in evidence as Prosecution's Exhibit P-89, and the same is attached hereto and made a part of the record.)

CAPTAIN BYRNE: The Prosecution offers in evidence a true and correct English translation of Prosecution's Exhibit P-89, requests it be admitted in evidence, attached to the record and marked P-89-A.

(Whereupon the document referred to above was marked Prosecution's Exhibit P-89-A for identification.)

DEFENSE: No objection on behalf of the Defense.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted into evidence and marked Prosecution's Exhibit 89-A.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit P-89-A, attached to the record and made a part hereof.)

CAPTAIN BYRNE: The Prosecution requests permission to read Prosecution's Exhibits P-89 and P-89-A.

PRESIDENT: All right.

(Whereupon Prosecution's Exhibit P-89 -A was read as follows:

"I, Valentin BERSIN, Oberscharfuhrer, having been duly sworn, make the following statement under oath:

"In December 1944, during the EIFEL offensive I was Tank Commander in the 2nd Platoon, 1st Company, 1st Panzer Regiment, I.S.S.A.H. At that time my rank was Unterscharfuhrer. My platoon leader was Oberscharfuhrer STEINOW, and my Company Commander was Obersturmfuhrer KREISER.

"On a date which I believe was the 19th or 20th December 1944, I was in WANNE, Belgium, together with two other tanks of my company. The other tank commanders were Ustf HEUBECK and Uscha PFLUEGER. Ustf HEUBECK was the commander of the three tanks of the 1st Company which were in WANNE.

"I can only recall the names of the crews of Uscha PFLUEGER's tank and those of my own tank, which were at that time in WANNE with me. My own crew consisted of myself as Tank Commander, Strm Heinz HAU my gunner, Strm FIGURA my Asst gunner, Uscha Rudolf WUCH my driver, and Schuetze KOEUR, the radio-operator.

"The crew of Uscha PFLUEGER'S tank consisted of he, himself as Tank Commander, Rottf KOCH gunner, Strm TERTIN Asst gunner, Uscha TICKES driver, and Strm SCHNEIDER radio-operator.

"On either the 19th or 20th December 1944, in the afternoon between 3 and 4 o'clock Ustf HEUBECK came to the house where I was quartered. Ustf HEUBECK gave me the order "You take two men from each crew and round up all male civilians of over 16 years of age, who are able to bear arms, and have them shot. After that has been done, you report to me the execution of the order." I replied, "Untersturmfuhrer, I can't take the responsibility for this." Whereupon Ustf HEUBECK said "This is my order and I take the responsibility."

"I turned to my crew and said that only two men were to come along because several wanted to come. Although I didn't specifically give the order to come along to Strm KOEUR, and Strm FIGURA, these two men were the ones who went with me.

We all went together to Uscha PFLUEGER'S quarters and I said to him that on order of Ustf HEUBECK two men of each crew should come along to round up and to have shot, all male civilians over 16 years of age who were able to bear arms. Uscha PFLUEGER appointed two men but I didn't know their names at that time because I was only five or six days in the company. We started off and Strm KOZUR said "Come with me, I know a house where there is a civilian." KOZUR led us to the house, the exact location of which I don't know but I believe it was at an open square in the village. I know there were several houses in the vicinity. We all went into the house and inside there was a Belgian man, who was about 50 years old. Two soldiers who were with me, whose names are unknown to me, took the man and led him out of the house. I didn't give order to shoot the Belgian civilian and I didn't know at that time what the soldiers did with him. Then a few soldiers ran to another house which was about 100 meters away and I went after them to find out what was happening there. By the time I got to the house I saw two soldiers of my group leading a Belgian male civilian by the arms out of the house and taking him away. I don't know the names of these two soldiers and at that time I didn't know what was going to happen to him. I know that I didn't give the order to shoot him. Right after that a messenger came and reported that enemy tanks had broken through and I gave the order to go back to our tanks. Later as we were sitting around our tanks I heard as several soldiers related that two Belgian male civilians had been shot. I don't know the names of the men who spoke about that.

"That same evening I searched for Ustf HEUBECK and found him in one of the streets, the exact location I can't recall any longer. I reported to him "Order executed; the Belgian civilians have been shot." Ustf HEUBECK answered "All right."

"I reported this to Ustf HEUBECK because I had heard the German soldiers talk about the fact that two Belgian male civilians had been shot as I described above.

"I myself didn't know anything about the shootings because I personally had not seen it, nor did I give the order for it.

"I make this statement consisting of six pages voluntarily, without force, threats, or promises of reward.

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

"(signed) Valentin BERSIN  
30 March 1946."

"Sworn to and subscribed before me this  
30th day of March 1946, at Schwabisch Hall,  
Ger.

RAPHAEL SHUMACKER.  
Capt. CMP."

(Whereupon Prosecution's Exhibit P-89-A was read in the German language.)

CAPTAIN BYRNE: The Prosecution offers in evidence two photograph affidavits of Valentin Bersin identified by Hans Kotzur and Georg Trettin respectively, requests that they be attached to the record and marked P89-B and P89-C respectively.

(Whereupon the documents referred to above were marked Prosecution's Exhibits P-89-B and P-89-C respectively.)

DEFENSE: In behalf of the defense there is no objection to the picture affidavits, nor necessity for reading the same; and it is further stipulated that the picture photographs are those of the accused Kotzur and Trettin.

PRESIDENT: There being no objection, Prosecution's Exhibits P-89-B and P-89-C are admitted into evidence, marked P-89-B and P-89-C respectively.

CAPTAIN BYRNE: You may cross examine.

DEFENSE: The Defense does not wish to cross examine the witness at this time.

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

(Whereupon the witness was excused and resumed his seat.)

CAPTAIN BYRNE: The Prosecution calls as a witness Mrs. Zelle HEMROULLE.

ZELLE HEMROULLE, called as a witness for the prosecution, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY CAPTAIN BYRNE

Q Would you state your name?

A Zelle Hemroulle.

Q Would the witness please speak up? What is your occupation?

(Hemroulle - Direct)

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A Housewife.

Q Where do you live?

A At Wanne.

Q In what country is Wanne located?

A Belgium.

Q Did you live at Wanne, Belgium, on the 20th day of December 1944?

A Yes.

Q What troops occupied the village of Wanne on the 20th of December 1944?

A German troops.

Q Do you remember when the German troops first came to Wanne?

INTERPRETOR: The witness does not seem to understand the question.

PRESIDENT: Interpret just what she says.

A The village of Wanne.

Q The village of Wanne?

A Yes.

Q Do you remember when the German troops first came to Wanne?

A On the 18th.

Q On the 20th of December 1944 did any German soldiers come to your home?

A Yes.

Q Did anything unusual happen when they came to your home?

A Yes.

Q Will you tell the court what happened?

A Yes.

Q What happened?

A They shot civilians.

Q Were the civilians shot in your home?

A No.

Q What did happen in your home?

A They came to take my husband.

#127  
3-104H-1

Q About what time of day did this happen?

A Between four and five o'clock.

Q How many German soldiers came to your home?

A Two.

Q Just before the soldiers came to your home had your husband been with you?

A Yes.

Q Where had you been?

A In the cellar.

Q Why were you in the cellar?

A There wasn't any more room in the house. The house was full.

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C-3-1

Q Were you still in the cellar when the two German soldiers came to the house?

A I was in the cellar, but my husband was not.

Q Where was your husband?

A On the top of the stairs.

Q Was he carrying anything with him?

A Yes.

Q What was it?

A Two caps.

Q What kind of caps were they?

A They were caps as worn by foresters.

Q Where had he brought those caps from?

A From the cellar.

Q Do you know why he was bringing them from the cellar?

A To hang them up on the hatrack.

Q Before these two German soldiers you have mentioned came to your home had there been any German soldiers in your home on that same day?

A Yes, there were some in the house.

Q Had any of them been in any of the other homes in your village?

A Yes.

Q Do you know whether or not any of them talked to your husband?

A No.

Q After the two German soldiers met your husband at the top of the stairs, do you know where they went?

A Yes, they left the house.

Q Did you see where they went?

A Yes, they went towards the church.

Q Could you see them after they were outside the house?

#128  
C-3-2

A Yes.

Q How far could you see them go?

A About 50 meters.

Q Have you seen your husband since that time?

A No.

Q Do you know what happened to your husband?

A Yes.

Q What was it?

A He was shot.

Q How do you know he was shot, Mrs. Hemroulle?

A I heard the shots and my husband did not return.

Q Did anyone from Wanne ever tell you they had seen his body?

A Yes.

Q Who was that?

A His secretary.

Q Do you know his name?

A Yes.

Q What is it?

A Edmund Engelbert.

Q Did he tell you where he had seen your husband's body?

A Yes.

Q Where was that?

A In front of the church.

CAPTAIN BYRNE: You may cross examine.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Dr. Hertkorn):

Q Did you see those caps which your husband was carrying in his hand?

A Yes.

#128  
C-3-3

Q Did these caps have a stiff bill?

A Yes.

Q Was there any insignia on those caps?

A Yes.

Q What was the color of those caps?

A Khaki.

Q You have stated that you were in the cellar and that the whole house was full. What was the house full of?

A It was full of German soldiers.

Q You stated that your husband got those caps from the cellar and wanted to hang them up. Where did he want to hang them up?

A On the hat stand.

Q Why was it that your husband wanted to take those caps from the cellar and hang them on the hat stand?

A So that he would not seem to be hiding them.

Q Was there any shooting in the village of Wanne before the soldiers arrived?

A No, not that I remember.

Q Wasn't there any firing over the town of Wanne?

A I couldn't say. I left.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Byrne):

Q Mrs. Hemroulle, how old was your husband at the time this happened?

A He was 59 years old.

CAPTAIN BYRNE: No further questions.

DEFENSE: Nothing further.

PRESIDENT: The witness is excused.

(Whereupon the witness was excused and withdrew)

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CAPTAIN BYRNE: Prosecution calls as its next witness,  
Mrs. Louis Milbers.

Mrs. LOUIS MILBERS, called as a witness for the Prosecution  
was sworn and testified as follows:

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

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Byrne:

Q Will you state your name?

A Marianne Milbers.

Q What is your occupation?

A Tailor.

Q Where do you live?

A At Trois Fonts.

Q In what country is that?

A In Belgium.

Q Have you always resided in Trois Fonts?

A No, sir.

Q Where did you live before you lived in Trois Fonts?

A In Wanne.

Q Is that in Belgium?

A Yes, it is.

Q Did you live in Wanne, Belgium on the 20th of December  
1944?

A Yes.

Q What troops were occupying Wanne on 20 December 1944?

A The Germans.

Q Do you remember when the German troops first came to  
Wanne?

A Where they came from the first time? I do not quite  
understand the question.

#128  
C-3-5

Q The question was: Do you know when they first came to Wanne?

A The 18th of December 1944.

Q What kind of vehicles did they have in Wanne?

A They went in with tanks.

Q Calling your attention to the afternoon of December 20, 1944, were you in your home?

A Yes, I was.

Q Did anything unusual happen on that afternoon?

A Yes.

Q Will you tell the court what it was.

A At 4:00 o'clock in the afternoon my husband told me, 'I think they have shot Emile Hemroulle. I have just seen him go down with a German. I have not seen him again and I have heard the report of a machine pistol.'

Q Did your husband see where Emile had gone with the soldier?

A He had gone into the street of the church.

Q Can you describe the church and its immediate surroundings?

A I can.

Q Will you describe the building.

A The church is located in the middle of the village 18 meters from my house -- away from my house. I could see the entrance of the church very well.

Q Is there a wall around the church?

A Yes, there is.

Q What if anything is located between the wall and the church?

A Between the wall and the church there is the cemetery.

Q You have stated that you could see the entrance into the church from your home, is that right?

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A Yes.

Q Would that also be the entrance to the cemetery?

A Yes.

Q After this conversation with your husband that you have just described, tell the court what happened then.

A I looked out of the window and I saw Leon Hemroulle go down with a German.

Q Did you see where they went?

A Yes, they went into the alee du presbyterie - courtyard of the priest's house.

CAPTAIN BYRNE: I will qualify it with the witness. Is the alee du presbyterie the name of a street?

A No, it is the entrance of the priest's house.

Q After he went into the entrance of the priest's house, then what happened?

A A German came to get my husband.

Q Going back to the entrance to the priest's house, do you mean a door immediately off the street or an entrance to a yard?

A It is the entrance to a garden.

Q Then, when you say that you saw Leon Hemroulle go into this entrance way, you mean he went into the garden, is that correct?

A Yes, in that garden.

Q After the German soldier came for your husband, what happened?

A He took him up the road. He entered the courtyard in the priest's house.

Q Could you see him after he entered the courtyard?

A No, I couldn't. There were trees around the garden.

Q Did you hear anything after they entered the garden?

A I heard the fire of a machine pistol.

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Q Have you seen your husband since he went into the garden in front of the priest's house on 20 December?

A No, I did not.

Q Do you know what happened to him?

A What happened to him? The next day I went to the place. I saw his blood and I took back his cap, therefore it is that he must be dead.

Q Do you know anyone at Wanne who saw his body?

A Yes, Mr. Engelbert.

Q Do you know Mr. Engelbert's occupation?

A Communal secretary.

Q Do you know where your husband is buried?

A Yes.

Q Where is that?

A In a tomb in Wanne.

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CAPT. BYRNE: You may cross-examine.

COLONEL EVERETT: The defense does not desire to cross-examine the witness.

CAPT. BYRNE: May it please the Court, one further question.

Q When you described your husband going into the courtyard of the priest's house, who went with him?

A To transport my husband? I don't quite understand you.

Q After your husband first left the house, who went with him, and did they go with him into the courtyard?

A Yes, he went with him.

Q Who went with him?

A A German.

Q Did you see the German go into the courtyard?

A Yes, I saw him go into the courtyard with my husband.

Q Was that before or after you heard the shots?

A I saw him go in before.

CAPT. BYRNE: That is all.

PRESIDENT: Any questions by the Court? There appear to be none. The witness is excused.

CAPT. BYRNE: I hand the reporter an instrument and request that it be marked Prosecution's Exhibit No. P-90 for identification. The Prosecution offers in evidence the sworn question and answer statement of Reverend Joseph Brecht, a Belgian Pastor of Robertville, Belgium, and requests that it be admitted in evidence and marked Prosecution's Exhibit P-90.

LT. COL. DWINELL: The defense objects to the admission of that statement on the ground that it is a violation of the best evidence rule. The defense is deprived of the right to cross-examine the witness, and it should be shown what efforts were made on the part

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of the Prosecution to obtain the personal appearance of the witness.

CAPT. BYRNE: May it please the Court -- just a moment -- do you want me to take the stand?

LAW MEMBER: Did you take it?

CAPT. BYRNE: Yes, sir.

LT. COL. ELLIS: If the Court please, we would be pleased to put Captain Byrne on the stand, if you so desire.

LT. COL. DWINELL: This statement on the record will be acceptable to the defense.

CAPT. BYRNE: May it please the Court, at the time this trial was originally contemplated this witness was willing to attend the trial and made arrangements to secure a replacement pastor to take care of his parish during his absence. It became necessary to delay the appearance of the Belgian witnesses by a matter of almost a month and he is at present unable to attend the trial and has refused to come.

LAW MEMBER: The Prosecution has no jurisdiction over the Belgian by which he can compel him to appear to testify. The statement will be admitted in evidence for whatever probative value it may have. The Court will take notice of the fact that the witness is not present and there was not ample opportunity to cross-examine him on the matter set forth in the statement. The objection is overruled.

PRESIDENT: The exhibit by the Prosecution admitted in evidence will be marked Exhibit P-90.

CAPT. BYRNE: The Prosecution requests permission to read Exhibit P-90.

PRESIDENT: Granted.

(Whereupon Prosecution Exhibit No. P-90 was read to the Court, as follows:)

"Testimony of Reverend Joseph Brecht, a Belgian Pastor of Robertville, Belgium, taken at his residence on February 13th, 1946, at Robertville, Belgium.

Before me, ROBERT E. BYRNE, 1st Lt., JAGD, 01826233, Investigator-Examiner, War Crimes Branch, U. S. Army, being duly authorized to administer oaths, appeared Rev. Joseph BRECHT, of Robertville, Belgium, who was examined as follows:

RAY D. BISTLINE, Civilian, appeared before me as Reporter and was sworn in the following form:

Q You swear that you will faithfully perform the duties of Reporter in this investigation now being conducted by me, So Help You God?

Reporter: I do.

\*WARNER M. WOLFE, Private First Class, 42083896, appeared before me as an interpreter, and was sworn and questioned by me as follows:

Q You swear that you will truly interpret in this investigation now being conducted by me, and will truly testify as to your qualifications as an interpreter, So Help You God?

Interpreter: I do.

Q State your present status.

Interpreter: I am a Private First Class in the U. S. Army, assigned to War Crimes Branch, United States Army, APO 633.

Q State your qualifications as an interpreter.

Interpreter: I know, speak, understand, translate and interpret German and English, as well as French. This knowledge results from my past experience in life, which is as follows:

I was born in Sobernheim, Germany, 26 March 1921, and continued to live there until 1935. During these fourteen years German was my native tongue and was spoken in my home, by my friends, and in school. I attended high school and studied English for two years. In September, 1935, I went to Switzerland where I studied for two years as a student, majoring in the English and French languages. In January, 1939, I went to France where I remained until July, 1941. In August, 1941, I went to the United States where I took residence at Vineland, New Jersey. I have lived in the United States, or have been in the United States Army, ever since. I graduated from Military Intelligence in April, 1945, and was assigned to War Crimes Branch as an interpreter in July, 1945. I am fully qualified to translate German and French into English, and English into German and French.

THE REVEREND JOSEPH BRECHT, appeared before me as a witness, and his testimony was received by me through said interpreter after said witness had been sworn by me under authority of Article of War 114 (Section 1586, Title 10, United States Code), as follows:

- "Q You swear that the evidence you shall give in this investigation being conducted by me shall be the truth, the whole truth, and nothing but the truth, So Help You God?  
A I do.
- Q What is your full name?  
A BRECHT, Joseph.
- Q What is your occupation?  
A Pastor of the Church of St. Joseph, at Robertville.
- Q How long have you lived at Robertville?  
A Since the 13th of August, 1934, but in December of 1944 I was living in Wanne because I was being pursued by the Gestapo.
- Q Were you at your home in Wanne on the 20th of December, 1944?  
A Yes. I had lived in Wanne, since the 20th of September, 1940.
- Q On the 20th of December, 1944, did you have occasion to see men of your village executed there by the Germans?  
A Yes.
- Q Where were you when you saw this execution?  
A In my office, at the window.
- Q How many men did you see executed there?  
A Three.
- Q Can you give me the names of those men?  
A Yes; they were my neighbors.
- Q What were their names?  
A Emile Hemroulle; Leon Hemroulle and Louis Milbers.
- Q Which one of these men was shot first?  
A Emile Hemroulle.
- Q Where was he shot?  
A At the entrance to the cemetery, between the gate and the church, a little bit to the left of the path.
- Q Who was the second man shot?  
A Louis Milbers was the second.
- Q And where was he shot?  
A In my courtyard.
- Q Do you know whether the same man shot both Emile Hemroulle and Louis Milbers?  
A Yes, the same man.
- Q Was this also the same man who shot Leon Hemroulle?  
A Yes.
- Q Do you know whether there was another German soldier who brought Louis Milbers down the street from his home just before he was shot?  
A That I do not know.

*2080*  
*Emil Hemroulle*  
*by same man*

- "Q Were Louis Milbers and Leon Hemroulle executed at exactly the same time, or was there some time between the shooting of each of them?
- A No; it was at the same time.
- Q You have previously told me that Louis Milbers was shot second and Leon Hemroulle was the last one shot. How do you make that distinction?
- A They were actually shot at the same time, one falling to the right and the other to the left of the passageway from the street to my door.
- Q Were there any German soldiers in your house on that day?
- A Yes.
- Q Were any of them there at the time of the shooting?
- A Yes; they were eating in the kitchen.
- Q Did you have any conversation with them at this time?
- A Two or three words.
- Q Did you ask them any questions about the shooting?
- A No. When the shooting began, my sister went into the kitchen to ask the soldiers who were eating there to stop their comrades from shooting into the hallway, which she thought they were doing. As soon as she told them of the shooting they left hurriedly by the back door, and we never saw them again.
- Q At the time of the shooting do you know about how many tanks there were in the village?
- A Three or four at the most.
- Q Do you know where they were located in the village?
- A There were so many tanks in our village during these days that I would not be able to give the exact location of the tanks at that particular time, but I am sure about the location of the one tank, which was standing in my own courtyard.
- Q Do you remember whether or not there was a tank parked on the right side of the road leading toward Trois Ponts just beyond the house of Emile Hemroulle?
- A Yes, now I remember. When the shooting had stopped I wanted to see what had happened to the men who had been shot at, but I was afraid that if I went on the street they would start firing at me. Therefore, I went up to the gable where I could see through a small window in the direction of the center of the village, and at that precise moment I saw a very large tank slowly moving away past the house of Emile Hemroulle in the direction of Trois Ponts.
- Q Immediately after the shooting did you hear any orders given by the Germans regarding leaving town, or anything similar to that?
- A Yes, there was something like an alarm given.
- Q Could you hear anything that was said at that time?
- A No. They were presumably military orders.

3 or 4 tanks  
→

Immediately after shooting they left for Trois Ponts

Q What did the Germans do immediately after this alarm was given?

A After the alarm, the men immediately hurriedly ran towards the center of the village, and I saw them leaving in the direction of Trois Ponts.

Q Where does the road go that runs north out of Wanne?  
A It leads toward Stavelot.

Q Would you be able to recognize the man who shot these three men you have described, if you were to see them again?  
A It would be very difficult, as there were many of these thin looking youngsters around. Maybe my sister could recognize him. I remember that my sister said she would be able to recognize that dog if she saw him again, but I don't know whether she could or not.

Q About how old did he appear to be?  
A They were dirty and unshaven, but I would judge he would be around in his twenties.

Q Did you ever hear the name Kotzur mentioned around Wanne?  
A No; never.

Q Did you ever hear the name "Bersin?"  
A No; no name.

Q Did you ever hear the name of any of the German soldiers who were there mentioned?  
A No.

Q Do you know the designation of the unit which was present in Wanne that day?  
A They were SS. That is all I know.

Q After these three men you have described were shot, in the cemetery and in your yard, were you able to see the bodies sufficiently well to certify that they were dead?  
A Yes; after I had looked through the window and had seen that no Germans were around any longer, I went down and looked over the bodies at very close range to convince myself that they were dead.

Q Where were these three men buried?  
A In the cemetery of Wanne, at the end of February.

Q After the men were shot whom you saw, were they buried immediately?  
A No.

Q Where were the bodies removed to from your yard?  
A To the vestry of the Church.

Q How long did they remain there?  
A That I don't know, because I left the following day.

Q Did you ever see these bodies again before they were buried?  
A Yes; I saw them again in the middle of February when I returned to Wanne. I saw them in coffins in the Sacristy of the Church.

Q Were you able to recognize these bodies at that time in February?  
A No; I could not recognize the bodies because they were in

*Saw bodies  
immediately  
after shooting  
and at home*

*Saw them  
again middle  
Feb. in church*

" closed coffins.

Q Did anyone tell you whose bodies were in these coffins?  
A Yes; those of the village who put the bodies in the coffins.

Q How many bodies were in the Sacristy in the middle of February when you returned?  
A There were four bodies, those of Emile Hemroulle, Leon Hemroulle, Louis Milbers and Emil Counet.

Q Were you present when the bodies of these four men were found in the woods near Aisomont on the road to Trois Ponts?  
A No. I had not come back to Wanne at the time the corpses were found. I was on the other side of the Meuse, and it was still an active theater, and the Americans would not let anyone return to the vicinity of Wanne.

Q Do you know the name of the Priest who was present when these bodies were found in the woods?  
A Jean BAHIM, a Seminarian.

Q Do you know where he lives now?  
A In the vicarage at Aiwaylle.

Q About how many German soldiers would you estimate were present in Wanne at the time of this killing?  
A We didn't dare to go out to see how many there were in town, but I judge approximately thirty.

Q Did you ever know the names of the two soldiers who were eating in your kitchen at the time this shooting went on?  
A No.

Q What kind of a weapon did the German use when he shot these men?  
A A submachine gun.

Q Did you ever examine the bodies to know where the shots struck these men?  
A The two in the courtyard, in the mouth.

Q Were they shot from the back or from the front, - or could you see?  
A It seems to me it was from the front, but I would not be able to confirm it.

Q Could you see them clearly at the time of the shooting?  
A I saw them falling.

Q About how far away from them were you at this time?  
A Twice the-length of this room.

Q About forty feet. Which way did they fall? Did they fall on their faces, or did they fall on their backs?  
A They fell forward with their faces turned slightly to one side, and with one arm under the head. Emile Hemroulle fell flat on his stomach with both hands stretched above his head. I did not see him fall, but I saw him later. I could see him when he was running in a crouched position, but I could not see him falling, - it was too far away.

Q Did you ever see a second man come into your courtyard, a few minutes after these two men were first shot, and fire additional shots into their bodies to make sure that they

*6 fourth man killed must check*

- " were dead?  
A No; I do not remember that.
- Q Did you remain at the window very long after they were shot?  
A Maybe two or three minutes, and then I went upstairs to look over the village.
- Q Could you see your yard from the upstairs window?  
A Yes, surely.
- Q Where was the soldier who shot the two men in your courtyard standing with reference to the two civilians? Was he in front of them or behind them?  
A As they came towards my window, the German was behind them.
- Q You have said that there was a tank in your courtyard. Were there any German soldiers near the tank, or on the tank at the time these two men were shot?  
A Yes.
- Q How many?  
A Two or three. They were standing on the tank, working on it.
- Q Could they see the execution in your courtyard?  
A Surely, because they were very close on the tank, - about five meters distant.
- Q Do you know what kind of a tank it was?  
A A very large tank. I never saw an American tank that large, and the gun barrel was especially long.
- Q Was there a muzzle-brake on this gun?  
A It was a long thin barrel, but I don't remember if it had a muzzle-brake.

/s/ Joseph Brecht.  
JOSEPH BRECHT.

Subscribed and sworn to before me this 13th day of February 1946 at Robertville, Belgium.

/s/ Robert E. Byrne,  
ROBERT E. BYRNE,  
1st. Lt. JAGD 01826233  
Investigator-Examiner,  
War Crimes Branch, U.S. Army,  
APO 633.

WARNER M. WOLFE, having been first duly sworn, deposes and says that: I acted as Interpreter in the questioning of this witness; that I truly translated all questions into French and all answers into English; that I truly translated the above record of witness' testimony to the witness in French before he signed it; and that the witness thereupon signed said testimony in my presence.

/s/ Warner M. Wolfe  
WARNER M. WOLFE  
Interpreter.

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"Subscribed and sworn to before me this 13th day of February, 1946, at Robertville, Belgium.

/s/ Robert E. Byrne,  
ROBERT E. BYRNE,  
1st. Lt. JAGD 01826233  
Investigator-Examiner,  
War Crimes Branch, U.S. Army,  
APO 633."

\* \* \*

(Whereupon the statement was read in German by the interpreter).

PRESIDENT: Court will recess until 1525 hours.

(Whereupon the Court recessed at 1455 hours.)

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(Whereupon the Court reconvened at 1530 hours.)

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PRESIDENT: The Court will come to order.

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

PROSECUTION: (Capt BYRNE) The Prosecution will call as its next witness, Edmond Englebert.

EDMOND ENGLEBERT, a witness for the Prosecution, was duly sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (Capt BYRNE).

Q Would you state your name?

A Edmond Englebert.

Q Where do you live?

A At Wanne.

Q What country is Wanne in?

A In Belgium.

Q What is your occupation?

A I am the communal secretary.

Q How long have you lived in Wanne?

A Since I was born, that is, for 57 years.

Q Were you living in Wanne on the 20th of December, 1944?

A Yes.

Q Calling your attention to the afternoon of 20 December 1944, did anything unusual happen in the village of Wanne?

A Yes.

Q Will you tell the Court what it was?

A The murder of five Belgian civilians.

(Englebert-direct)

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1944:

Q What troops were occupying Wanne on the 20th of December,

A German troops.

Q Do you know the names of the persons who were killed?

A Yes.

Q Would you state their names?

A Leon Hemoroull, Emile Hemoroull, Louis Milbers, Emile Couat and Theophil Maiachal.

Q Do you know where these people were killed?

A Yes.

Q Where was it?

A Leon Hemoroull and Louis Milbers were killed in the alley that leads to the priest's house, that is, in the courtyard of the priest's house. Emile Hemoroull was killed in the courtyard of the church. Emile Couat in the path near his house. Maiachal in an outhouse which was near his sister's house.

Q Did you see these people killed?

A No.

Q Did you ever see their bodies after they died?

A I saw three bodies.

Q Was that on the 20th of December?

A On the 20th.

Q Do you know what disposition was made of the bodies?

A Three bodies which I picked up I carried them to the church.

Q Which three were those?

A Leon Hemoroull, Emile Hemoroull and Louis Milbers.

Q Did you examine their injuries?

A They were wounded in the face.

Q After you transported these bodies to the church were they buried immediately?

(Englebert-direct)

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A No.

Q Do you know when they were buried?

A On the 10th of February.

Q How long did the bodies remain in the church?

A I do not know.

Q Did you ever see the bodies after you transported them to the church and before they were buried?

A Yes, four.

Q Where did you see those bodies?

A In a small wood between Wanne and Trois Ponts.

Q Calling your attention to Prosecution's Exhibit 3, the map on the wall, can you point out the place where those bodies were found?

A Yes.

Q Will you come to the map and point it out, please?

(Witness complies with request.)

Q Is that the place you saw them?

A Yes.

PROSECUTION (Capt Byrne) Let the record show that the witness indicates a point on the road from Aisemont to Trois Ponts, approximately a half a kilometer from Aisemont. Is that agreeable to the defense?

Q You have indicated that four bodies were found at this point. Do you know the name of the fourth whom you have not previously described?

A Emile Coumet.

Q Were any other persons killed in Wanne on the 20th of December other than these four bodies you have found?

A Theophil Maiachal.

Q Do you know what became of his body?

A Yes.

(Englebert-direct)

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Q What was it?

3-8-4

A His sister had laid him out in her house and a fire consumed both her house and the body.

Q Were any other Belgian citizens killed at about this same time?

A On the following day, on the 21st.

Q And do you know the name of that person?

A Francois Counet.

Q Did you ever see his body?

A Yes.

Q Where was that?

A About 500 meters from the village of Wanné.

Q Was it a longer road?

A In a small path near the road.

Q Where does the main road go?

A From Wanné to Trois Ponts.

Q Do you remember when this body was found?

A Yes.

Q When was that?

A On the 9th of February.

Q Was that the same time the other four bodies you have described were found?

A No.

Q When were the other four found?

A On the 20th of January.

Q Were you able to positively identify these bodies when you found them?

A Yes.

Capt. BYRNE: You may cross examine.

(Englebert-direct)

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CROSS EXAMINATION

3-3-5

(Lt Col DWINELL)

Q I believe you said there were German troops in the village.  
For how long a time had they been there?

A The troops, the German troops?

Q Yes, the German troops.

A Between the 13th of December and the 7th of January.

Q Did you see them often on the roads of the village?

A Yes.

Q Did you ever see them search any civilians?

A No.

Q Did you ever see them interrogate any civilians?

A No.

Q Did you ever see them search any homes of the civilians  
in your village?

A No.

Q Now, you said there were five men murdered in the village.  
How long had you known these men?

A For 57 years.

Q That is, you knew all five of them for 57 years, is that  
right?

A Yes, that is, I have always known them.

Q How old was each one of them?

A Emile Hemoroull was born in 1885. Emile Couat in 1881.  
Louis Milbers in 1897. Leon Hemoroull in 1891. Theophil Maichal  
in 1870.

Q When did you last see them alive?

A On the 20th of December.

Q And how were they dressed?

A Civilian clothes.

(Englebert-cross)

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3-9-6

Q What was the color of the clothing?

A (By Interpreter) The witness interjects -- Emile Hemoroull, I did not see him on the 20th, I saw him on the 18th.

Q What was the color of the clothing he had on on the 18th?

A Emile Hemoroull was wearing the khaki clothing of a forester.

Q Do you know whether the German troops had ever searched their homes?

A Obviously, because there were troops in every house.

Q Did any one of the German soldiers tell you that they were searching for a radio station?

A Not to me.

Q Did you hear about that at all from anyone?

A No.

Q Do you know whether the civilians in the village were operating a radio station?

PROSECUTION: If the Court please, we object to that question as being irrelevant and immaterial and having no bearing on the issues in this case.

PRESIDENT: Objection overruled.

INTERPRETER: May I ask for a repetition of that question?

(Whereupon last question of Defense read by reporter.)

A No.

(Lt Col DWINELL)

Q Referring to the five men that you say were murdered, did you ever at any time see them carry arms?

A No, none of those.

Q Do you know whether any of them had arms in their homes or houses?

A Emile Hemoroull, in his capacity as forester, had the right to have an arm in his house. But I do not know whether he had one.

(Englebert-cross)

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Q What about the other four men?

A They surely didn't have any.

Q Do you know whether any of these five men were members of the resistance movement?

A They —

PROSECUTION: May it please the Court, Prosecution objects to that question as being incompetent and immaterial.

LT. COL. DWINELL: It goes to the question why they were shot.

PRESIDENT: Objection overruled.

THE WITNESS: No.

DEFENSE COUNSEL: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q You have testified that you transported three of the bodies you found to the church, is that right?

A Yes.

Q And that you saw wounds on their bodies?

A In their faces, yes.

Q Could you tell from that examination what had caused those wounds?

A A shot by a sub-machine gun, a machine pistol.

Q Had all of them been wounded in the same manner?

LT. COL. DWINELL: Defense objects to that question because counsel is going far afield from my cross examination. His redirect examination should be limited by what is brought out on cross examination.

LAW MEMBER: In the event that counsel brings out new matters on redirect examination you still have the privilege of cross examining.

PRESIDENT: The objection is overruled.

(Englebert-redirect)

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THE WITNESS: Yes.

QUESTIONS BY PROSECUTION: (CAPT. BYRNE)

Q And the other two that you saw later on, did you examine their wounds when you found them in January and February?

A Those I found in January were those that had been shot on the 20th of December, is it not? The one I found on the 9th of February was the one that had been killed on the 21st of December.

Q Did you examine the wounds at that time?

A In January and February?

Q Yes.

A It was still possible to see it.

Q What had caused their wounds?

A A sub-machine gun, a machine pistol.

Q That is all.

RE-CROSS EXAMINATION

QUESTIONS BY DEFENSE: (LT. COL. DWINELL)

Q How do you know that this man was killed by a sub-machine gun?

A I heard two shots. My attention was drawn to the noise which was that of a sub-machine gun or machine pistol.

CAPT. BYRNE: I think there was an error in the translation. Was that not "bursts" he said instead of "shots"?

THE INTERPRETER: He said it was twice, two intervals.

THE WITNESS: I then saw a soldier that came to the place to get Louis Milbers from his house.

LAW MEMBER: Will you read the latter part of that answer again so that it can be translated.

(Answer read by the reporter.)

LT. COL. DWINELL: No further questions.

(Englebert-recross)

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PROSECUTION: I do not believe that the witness has finished answering the question. Why not let the witness finish his answer?

THE WITNESS: Then the soldier made a signal to Louis Milbers to get him to move forward. A little later I heard the same noise.

LAW MEMBER: I think the record should show that the witness indicated swift sounds.

QUESTIONS BY DEFENSE:(DR. RAU)

Q Witness, if I remember correctly, Leon Hemorouille and Louis Milbers were murdered in the yard of the priest's house?

A Yes.

Q Emile Hemorouille in the churchyard?

A Yes.

Q Francis Counet in the vicinity of his house?

A Yes.

Q Theophil Counet in the vicinity of his sister's house?

A Yes.

Q But you have found four corpses of these murdered people in January quite some distance outside of Wanne?

A Yes.

Q How do you account for that?

A I don't have any explanation for it and thus I don't know why.

Q Did you find at the same place where you discovered the corpses also corpses of German soldiers?

A No.

Q Didn't the Germans leave Wanne already on the 26th of December?

A We had German troops until the 7th of January.

(Englebert-recross)

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Q German tanks as well?

A Yes.

Q Was Wanne and its vicinity subjected to artillery fire?

A Yes. But after the 25th of December.

Q What about air attacks? Did air attacks take place?

A Yes, but not much.

Q Were there any radio amateurs living in Wanne?

A No, nobody.

Q In your capacity as Communal Secretary, you are quite certain as to that?

A Yes.

Q Were American soldiers hidden in Wanne?

A No.

DR. RAU: That is all.

DEFENSE COUNSEL: Nothing further by the Defense.

CAPT. BYRNE: No further redirect.

LAW MEMBER: The Court has a question. When you were indicating the sound of the gun which you heard were you trying to indicate the sound of a machine gun?

THE WITNESS: No. Of a sub-machine gun, a small machine gun.

PRESIDENT: Anything further by the Court? Apparently not.  
The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: If it please the Court, Prosecution requests permission to recall Mr. Morris Elowitz to clear up a matter that was covered on cross examination during the first session this morning.

MORRIS ELOWITZ, recalled as a witness for the Prosecution, having been previously sworn testified further as follows:

(Elowitz-redirect)

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REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Mr. Elowitz, you are reminded you are still under oath. This morning when you were cross examined with respect to Sternebeck's statement, Prosecution Exhibit P-84, in answer to the question which in substance was, "Did Sternebeck say that he did not remember his conversation with Tonk about the fruit Tonk had brought him and Tonk's subsequent admission that he had bumped off two civilians but that if Zimmer had said so it might have happened" to which you replied, "I don't remember", did you mean you did not remember Sternebeck making that statement to you or what did you mean?

A I meant simply this, in the course of interrogations and subsequent writing of a statement, it is impossible to remember every statement that was made by an accused. Now, it is possible that after Sternebeck was confronted with Zimmer he might have hedged on his answer to that extent before he made his written statement. I simply don't remember whether he made it or not, but the only thing I do remember is that after Sternebeck was confronted with Zimmer, the gist of his statement and attitude was, that as long as Zimmer was talking he would be foolish to withhold the facts of the situation, so, he was going to tell everything - going to make a clean breast of it.

Q Did you have a subsequent conversation with Sternebeck during the writing of his statement which is Prosecution Exhibit P-84?

CAPT. NARVID: We object to this. I don't think the interrogation this morning was so confusing to require a new interrogation as to the entire examination we had this morning. I don't think we created so much confusion of the testimony. I think the record speaks for itself and is pretty clear.

PROSECUTION: If the Court please, the witness, I believe, does have a right to explain his answer. All I am trying to do now is give the witness an opportunity to make an explanation.  
(Elowitz-redirect)

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LAW MEMBER: What is the exact basis for the objection?

CAPT. NARVID: The objection is that we think the record is pretty clear. If we can only refer to the record, I don't think that any confusion is created there.

LAW MEMBER: The Court will overrule the objection. We will take the answer.

THE WITNESS: Yes.

QUESTIONS BY PROSECUTION:

Q WHAT was that conversation?

A I told him that now that his memory is completely refreshed to be sure that everything he had told me was accurate, as far as he remembered it. I do remember that he did change a few things around, a few of the facts he had given me, after thinking it over carefully. He said that the statement as finally written was the true situation as he remembered it.

Q Would you have bothered to take a statement from Sternebeck if he maintained his position that is, in as much as Zimmer had said so, it could have happened?

CAPT. NARVID: I object to that.

LAW MEMBER: Will you read the question again, please?

(Whereupon the question was read by the reporter.)

LAW MEMBER: What was the basis of the objection?

CAPT. NARVID: Object to the form. It is an involved question and a hypothetical question. The witness is not testifying as an expert to a hypothetical question.

PROSECUTION: If the Court please, I have the transcript of the record here before me. On cross examination, the exact wording of the question is, "Is it not a fact that Sternebeck stated, 'If Zimmer states it, it might of happened', did he not say that?"

(Elowitz-redirect)

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LAW MEMBER: The objection is overruled.

PROSECUTION: Will you read my question back?

(Whereupon the question was read by the reporter as follows:

" Would you have bothered to take a statement from Sternebeck if he maintained his position that is, in as much as Zimmer had said so, it could have happened?"

THE WITNESS: No, I would not.

PROSECUTION: No further examination.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE:(CAPT. NARVID)

Q In other words, Mr. Elowitz, you seem to remember everything about what happened in the interrogation except that point where Sternebeck stated that he did not recall the conversation with Tonk?

A No, that is not true.

Q Did you not state that you do not remember that phase of the interrogation?

A Well it was not a phase, it was just one statement.

Q But you did not remember that?

A No, I did not remember.

Q You do remember, however, all the other details that you have just testified to?

A Yes. Because that was a phase of the investigation which finally convinced Sternebeck to make the statement he did.

Q Is it not really a fact, though, the reason you called Zimmer to confront Sternebeck was because Sternebeck when confronted stated that he didn't recall the conversation with Tonk.

A That's right, only naturally to bring Zimmer in to refresh Sternebeck's memory.

CAPT. NARVID: That is all.

DEFENSE COUNSEL: Nothing further from the Defense.

(Elowitz-recross)

PROSECUTION: Prosecution has no further questions.

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

(Whereupon the witness was excused and returned to the  
Prosecution table in the courtroom.)

PROSECUTION: The Prosecution calls Mr. Harry Thon to  
the stand again for redirect examination and the next phase of  
the Prosecution's case will be handled by Mr. Elowitz.

HARRY THON, recalled as a witness for the Prosecution, having been  
previously sworn, testified further as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (MR. ELOWITZ)

Q Mr. Thon, you are reminded that you are still under oath.

A Yes.

Q In the course of your assignment at I.P. # 2, Schwaebisch  
Hall, Germany did you ever have occasion to interrogate a person  
by the name of Armin Hecht?

A Yes, I did.

Q Do you know whether Armin Hecht is an accused in this trial?

A Yes, he is.

Q Could you identify him if you saw him again?

A Yes, I can.

Q Will you look at the accused to your left and see if you  
can identify Armin Hecht?

A He is there and wears number 21.

PRESIDENT: Number 21 stand up.

(Whereupon the accused did as directed.)

QUESTIONS BY PROSECUTION: (MR. ELOWITZ)

Q Did Hecht ever make a statement to you in the course of  
your interrogation?

A Yes. He did. He made oral statements first then he wrote  
it down in his own handwriting.

(Thon - redirect)

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MR. ELOWITZ: Prosecution hands the reporter a written instrument to be marked Prosecution Exhibit #91 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit P-91 for identification by the reporter.)

QUESTIONS BY PROSECUTION: (MR. ELOWITZ)

Q Mr. Thon, I had you a written statement marked for identification as P-91 and I ask you to identify it if you can.

A Yes, I can. It is a written statement of Armin Hecht.

Q In whose handwriting is it and whose signature appears at the bottom of it?

A It was written by Armin Hecht and signed by him.

Q Was it written and signed in your presence?

A Yes, it was.

Q Was it signed by the same Armin Hecht whom you have just identified?

A Yes, it is.

Q Was the statement made voluntarily?

A Yes.

(Thon-redirect)

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Q Did you subject Hecht to any cruel or unusual treatment in obtaining that statement ?

A No, I did not sir.

Q Did you make any promises or threats ?

A No I did not

Q Was the statement sworn to ?

A Yes it was.

Q Who took the oath ?

A Captain Raphael Shumacker.

PROSECUTION:(Mr ELOWITZ). The Prosecution offers in evidence as Prosecution's Exhibit P-91, a statement and requests that it be attached to the record and marked Prosecution's Exhibit P-91.

DEFENSE: (Lt Col, DWINELL). The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is over-ruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-91.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit P-91, is attached to the record and made a part hereof.)

PROSECUTION:(Mr ELOWITZ).The Prosecution offers in evidence, a true and correct English translation of its Exhibit P-91 and requests that it be attached to the record and marked Prosecution's Exhibit P-91-A.

DEFENSE: May it please the Court, The Defense has no objection, but it desires the privilege of checking the translation and subsequently making an objection if necessary.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-91-A, subject to later objection by the Defense based on interpretation and translation.  
(Whereupon the document referred to was marked Prosecution's Exhibit P-91-A and admitted into evidence: is attached hereto and made a part of the record.)

PROSECUTION:(Mr ELOWITZ) The Prosecution requests permission  
(Thon-redirect)

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to read Prosecution's Exhibit P-91-A.

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PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-91-A was read to the Court in the English language.)

" I, Armin Hecht, first being duly sworn make the following statement under oath:

During the Eifel offensive in December 1944, I was in the 1st Platoon, 11th Company, 3rd Battalion, 2d Grenadier Regiment ISSAH.

Shortly prior to the offensive, I cannot remember the date, Ostf. Thomard, Heinz, assembled the 11th Company of which he was the commander, for an orientation lecture, when he said the following:

"This offensive will be a difficult offensive. You will have to fight like good soldiers. You will not take any prisoners of war. Civilians who show themselves on the street and also in the windows will be bumped off."

I have made a sketch named Exhibit "A" for clarification of the above scene, and made it a part of my statement.

As much as I can remember, the 11th Company ISSAH entered La Gleize in the afternoon of the 18th of December 1944. I cannot remember the order of march, but it is possible that Rayer was traveling behind me, who had taken the place of the wounded Thomard as Company commander.

The crew of my tank (SPW) was as follows:

Uscha. Heinz Klipp - Platoon Leader.  
Rttf Karl Stellner  
Rttf Armin Hecht  
Grn Heinz-Gerhard Godecke  
Strm Durnberger.  
Grn Ernst Pliester  
Grn Bosel  
Grn Richter

As we were driving through La Gleize, I saw a church to the left of the road of advance for the tanks, around which was a wall. On the right-hand side of the road was a house. We passed the church about twenty meters and stopped in the middle of the road, just about directly in front of the church, at the wall to the left of the road, if one drives in the direction of Stoumont. There stood approximately fifteen American prisoners of war. I know that they were prisoners of war because they were unarmed and had their hands clasped over their heads. I recognized from their uniform that they were Americans. As we were standing there I dismounted from my Panzer and was looking for faults on my vehicle. All of a sudden Klipp who was our platoon leader, came and ordered the whole crew to shoot these fifteen prisoners of war. Immediately afterwards he gave the order "Commence firing". I know that our whole crew including Klipp shot at these prisoners of war. I cannot remember all the single weapons. I used my Belgian pistol with .08 ammunition. I aimed at one of the prisoners and

(statement-Hecht\*)

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fired 5 shots from my pistol at him. I know I hit him as I saw him slump to the ground. Then I had a stoppage and I saw the other prisoners falling to the ground as they were hit by the others. I am certain that these prisoners were all dead for I could not hear moaning and I also did not see any one of these prisoners moving or writhing after the shooting had ended. I then mounted my SPW and we drove on.

For clarification of this scene, I have made a sketch, marked it Exhibit "B" and it is a part of my statement.

This statement consisting of four pages and two sketches was made voluntarily by me and of my own free will, uninfluenced by force, threats, duress or promises of any kind. I swear before God that the facts stated herein are true and I am prepared to repeat same under oath in any court of justice. "

Armin Hecht

Sworn to and subscribed before me  
this 1st day of April 1946 at  
Schwabisch Hall, Ger.

Raphael Shumacker  
Capt. CMP

(Whereupon the German translation was read to the Court by an interpreter)

PROSECUTION:(Mr ELWITZ) The Prosecution offers in evidence two picture affidavits executed by Armin Hecht showing the photographs of Heinz Goedicke and Heinz Tomhardt, and request that they be attached to the record and marked Prosecution's Exhibits P-91-B and C respectively.

DEFENSE: On behalf of the Defense there is no objection to the picture affidavits, Prosecution's Exhibits P-91-B and C, nor is there any necessity for the reading of same. It is further admitted that the photographs are those of the accused Goedicke and Tomhardt.

PRESIDENT: There being no objection, the Exhibits offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P- 91- B and C respectively.

(Whereupon the documents referred to having previously been marked were received in evidence as Prosecution's Exhibits P-91 B & C respectively and are attached hereto and made a part of the record.)

PROSECUTION:(Mr ELWITZ) - you may cross-examine.

ReCROSS EXAMINATION:

QUESTIONS BY THE DEFENSE:(Mr WALTERS):

Q Mr Thon, on the last page of this statement it is dated 1st  
(Thon-Cross

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April, 1946, but it was actually taken 14 March is that not true ?

A I don't remember whether it was the 14th of March or not.

As to the taking of the statement, I took so many statements, it is impossible to remember a date.

Q How many times did you interrogate Hecht ?

A Several times.

Q When was the first time, if you remember?

A As I have stated before, I cannot remember the dates.

Q Who was present at the first interrogation with you ?

A It could be that there was some other members of the 11th Company Present but I cannot say for sure.

Q Was there a 1st Lt. Wolfe with you ?

A I believe that is right.

Q On the first interrogation, did not Hecht deny everything concerning the shooting of prisoners of war or any incident concerning the shooting ?

A It is very possible: They all at first could not remember shooting American prisoners - No sir!

Q Is it not true that Hecht was sworn and signed a statement deny such incidents ?

A That I do not recall.

Q Do you recall Lt Wolfe beating him on that first occasion ?

A Lt Wolfe never beat them in my presence.

Q Was Hecht interrogated several days later after this first time ?

A As I have said before, he was interrogated several times.

Q Was he not accused by you or Lt Wolfe on that second occasion of having shot Prisoners of war ?

A We knew he had shot prisoners of war. We knew from the other fellows, and naturally told him.

Q And when he denied this, is it not true that this Lt Wolfe beat him with his fist in the stomach and choked him with his other hand ?

(Thon-recross)

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A Sir, he never beat him in my presence.

Q And on the third occasion when he was interrogated, was he not told that he would have a trial ?

A I don't remember whether he was told or not, I would not swear to it.

Q And when he denied it Mr Thon, was he not told that he would have a trial ? - in October - - - -

PROSECUTION: (Mr ELWITZ) . If the Court please that question has been asked twice before and the answer was that the witness does not remember.

DEFENSE: (Mr WALTERS). This last question your honor was quite different.

PRESIDENT: Objection over-ruled.

A I don't remember.

Q Was not Lt Perl present on this occasion ?

A I don't recall seeing Lt Perl there.

Q Would you say that Lt Perl was not present at any of the interrogations ?

A I don't believe he was.

Q But you could not swear he was not ?

A I don't remember seeing him.

Q Is it not true, Mr Thon, that on this particular occasion, Hecht was told that if he did not confess, there would be a trial and he would be sentenced to death and would be executed within 24 hours ?

A No he was not told that.

Q On that same occasion he again denied it, after he was threatened and he again said "No", and then he was confronted with Fritz Rau and Herbert Stock ?

A I don't recall the time he was confronted, but I know he was confronted as I have said before.

Q How long was Hecht in solitary confinement in Schwabisch Hall ?  
)Thon- recross)

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A That I don't know because I had nothing to do with the administration of it.

Q Even though you did not have anything to do with the administrative part of it, do you not know, as a matter of fact that he was in solitary confinement for several weeks ?

A No sir I did not for the simple reason I did not go around the cells looking for people. They were brought to us by the special guards.

Q Was it not common knowledge among the prison internees and the investigators that this man was kept in solitary confinement from 8 December until 21 March ?

A No sir.

Q One final question Mr Thon: Did you, or did you not beat this man Hecht just before he made this confession of March 14th ?

A No sir, I did not.

DEFENSE: Nothing further.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (Mr ELWITZ)

Q Mr Thon, will you state whether or not, if you know, whether any of the prisoners at Schwabisch Hall were in solitary confinement at one time or another ?

A I do know that most of them, in fact I would say 99% of them were in solitary confinement, but for how long I cannot say.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE: (Mr WALTERS)

Q Is it not a matter of fact, in a statement made to me, you said you did not know whether Hecht was there or not ?

PROSECUTION: I object to that.

PRESIDENT: Objection sustained.

DEFENSE: Nothing further.

RE EXAMINATION BY THE COURT:

QUESTIONS BY LAW MEMBER:

Q What did you understand by 'solitary confinement' of this (Thon- court)

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accused at Schwabisch Hall ?

A By 'solitary confinement' sir, I understand that it is a single cell, where there is only one cot, one bed, and just one man is kept there sir.

Q When they were in solitary confinement, did they get the same type of food as the other prisoners got, if you know ?

A Yes sir, they had the same type of food; got their clothing changed once a week, they got a razor every other day if I am not mistaken.

Q How about light ?

A There was light in the cell and there was also a window there.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (Mr ELOWITZ).

Q Mr Thon, in the course of your interrogations at IP#2 at Schwabisch Hall, did you ever interrogate one Heinz Goedicke ?

A Yes I did.

Q Did he ever make a statement to you ?

A Yes he did.

Q Was the statement oral or written ?

A It was both.

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

A Yes I could.

Q Will you take a look at the defendants seated at your left and see if you can see him ?

A Yes sir - number 17.

PRESIDENT: Number 17 stand up

(Whereupon the accused arose)

PRESIDENT: Sit down.

PROSECUTION: (Mr ELOWITZ) The Prosecution hands the reporter an instrument and requests that it be marked Prosecution's Exhibit P-92 (Thon - redirect)

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for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit P-92 for identification)(by the reporter).

QUESTIONS BY PROSECUTION(Mr ELOWITZ)

Q I have you written instrument marked Prosecution's Exhibit P-92 for identification and ask you to identify it if you can ?

A Yes this is the written statement of Heinz Goedicke, signed by him.

Q Is that the same Heinz Goedicke that you have just identified ?

A Yes sir.

Q Was it written and signed in your presence ?

A Yes it was.

Q Was the statement made voluntarily ?

A It was.

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

A No I did not.

Q Did you subject him to any cruel treatment before he made this statement ?

A No I did not.

Q Was the statement sworn ?

A Yes.

Q Do you know who took the oath ?

A 1st Lt. Perl.

PROSECUTION: (Mr ELOWITZ). The Prosecution now offers in evidence, Prosecution's Exhibit P-92 for identification and ask that it be attached to the record and marked Prosecution's Exhibit P-92.

DEFENSE: (Lt Col DWINELL). The Objection of the Defense is on the grounds previously stated.

PRESIDENT: Objection over-ruled. The Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's (Thon-redirect)

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Exhibit P-92.

(Whereupon the document referred to having been previously marked and identified was received in evidence as Prosecution's Exhibit P-92 and is attached hereto and made part of the record.)

PROSECUTION:(Mr ELOWITZ). The Prosecution offers in evidence a true and accurate English translation of its Exhibit P-92 and asks that it be attached to the record and marked Prosecution's Exhibit P-92-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 as Prosecution's Exhibit P-92-A.

(Whereupon the document referred to was marked P-92: is attached to the record and made a part hereof.)

PROSECUTION:(Mr ELOWITZ). The Prosecution requests permission to read Prosecution's Exhibit P-92-A to the Court.

PRESIDENT: Granted.

PRESIDENT: The Court will recess until 0830 hours tomorrow.

(Whereupon the Court recessed at 1700 hours.)

(statement-Goedicke)

JUNE 4, 1946

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If it please the Court, let the record show all members of the Court, all members of the prosecution, all members of the defense with the exception of Mr. Strong and Dr. Leiling who are absent on business of the defense, all defendants and reporter are present.

Prosecution recalls Mr. Thon.

HARRY THON, called as a witness for the prosecution, testified further through an interpreter as follows:

REDIRECT EXAMINATION (CONTINUED)

MR. ELOWITZ: Mr. Thon, you are reminded you are still under oath.

(Reading)

"I, HEINZ GOEDICKE, being first duly sworn, make the following statement under oath:

"During the EIFEL Offensive in December 1944, I was with the 1st Platoon, 11th Company, 2d Panzer Grenadier Regiment LSSAH.

"During the night from the 15th to 16th of December 1944, Obersturmfuehrer TOMHARDT (Bubi) assembled the 11th Company for a speech about the offensive, in which he then said the following:

"This offensive is the one. Every one of you has to do everything physically possible. We will have the assistance of the Air Force, the paratroopers and a special unit of SKORZENY. We also will have any amount of weapons at our disposal. There is an order not to take prisoners of war; also civilians who show themselves on the streets or at the windows, will be shot without mercy."

For clarification of this statement I have made a sketch, named it Exhibit "A" and made it a part of this statement.

"On the 18th of December 1944, around three or four O'clock in the afternoon, the 11th Company entered LA GLEIZE. I cannot remember the order of march exactly but I do know definitely that Oberscharfuhrer REIER was riding directly behind us. The crew of our vehicle was as follows:

Unterscharfuhrer Heinz KLIPP (1st Platoon Leader)  
 Rottenfuhrer Armin HECHT - Driver  
 Rottenfuhrer Karl STELLNER  
 Sturmman Hans DIRNBERGER  
 Grenadier Ernst PLIESTER  
 Grenadier Guenther BOESEL  
 Grenadier Wolfgang RICHTER  
 Grenadier Heinz GOEDICKE

"From the crew of the vehicle behind me I only can remember the following people:

Oberscharfuhrer REIER (Company Commander)  
 Rottenfuhrer SABLOKIE (Driver)

"When we were driving through LA GLEIZE, I saw a church which was standing on the lefthand side of the street if you drive towards STOU MONT. On the righthand side of the street across from the church, there stood a house with a low garden wall. We passed this church about forty meters and stopped in the middle of the street. Between the street and the church there was a stone wall, in front of which, directly across from us stood about twenty-five to thirty American prisoners of war. The distance between our Panzer and the prisoners could have been approximately 30 to 35 paces. I saw from their American uniforms that they were American soldiers. I saw that they were prisoners for they had their hands clasped above their heads and did not carry any arms. We were standing at this spot about three minutes. During this time KLIPP was called to REIER. After KLIPP had returned, he gave the whole crew the order to shoot these prisoners of war. RICHTER and I shot with a rifle K98. I fired three shots into the prisoners. However, I don't know how many shots RICHTER fired. KLIPP shot with an M.Pi:44, PLIESTER also; STELLNER with an M. Pi:38, DIRNBERGER shot with an M.G.42. HECHT and BOESEL, as far as I can remember, did not shoot at this spot. I also know that other vehicles fired at those prisoners. However, I don't know who the people were.

"I have made a sketch for clarification of this above mentioned scene, named it Exhibit "B" and make it a part of this statement. In my estimation these people were dead after the shooting had ended for I could not hear any moaning nor could I see that any one of the bodies was moving. Shortly afterwards we received the order

to move along on the road from REIER.

"This statement consisting of four pages and two sketches was made voluntarily by me, uninfluenced by force, threat, duress or promises of any kind.

"I swear before God that the facts stated herein are true and I am prepared to repeat same under oath in any court of justice.

(signed) HEINZ GOEDICKE  
13 March 1946

WITNESSED:

RAPHAEL SHUMACKER  
Capt CMP

Sworn to and subscribed before me  
this 13th day of March 1946 at  
SCHWABISCH HALL, GERMANY.

(signed) WILLIAM R. PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner  
War Crimes Branch"

(Whereupon the statement was read in German.)

MR. ELOWITZ: Prosecution offers in evidence a picture affidavit executed by Hans Goedicke identifying accused Heinz Tomhardt and requests that it be attached to the record and marked Prosecution Exhibit No. P-92-B.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-92-B by the reporter.)

DEFENSE COUNSEL: On behalf of the defense there is no objection to the picture affidavit or necessity for reading the same. It is further stipulated that the photograph is that of the accused Tomhardt.

PRESIDENT: There being no objection the exhibit offered by the prosecution is admitted in evidence and will be marked exhibit P-92-B.

(Whereupon the document referred to, having

been previously marked was received in evidence as Prosecution Exhibit No. P-92-B and is attached hereto and made a part of the record.)

QUESTIONS BY PROSECUTION (MR. ELOWITZ CONTD)

Q Mr. Thon, in the course of your interrogation at IP No. 2 Schwaebisch Hall, did you ever interrogate a person by the name of Wolfgang Richter?

A Yes, I did.

Q Did he make a statement to you?

A Yes, he made first an oral statement and in his own handwriting afterwards.

Q Could you recognize Wolfgang Richter if you saw him again?

A Yes, I could.

Q Will you please look at the accused on the left and identify Wolfgang Richter.

A Yes, he is wearing number 50.

PRESIDENT: Number 50 stand up. Sit down.

MR. ELOWITZ: Prosecution hands to the reporter a written instrument and requests that it be marked Prosecution Exhibit for identification No. 93.

(Whereupon the document referred to was marked Prosecution Exhibit No. 93 for identification by the reporter.)

QUESTIONS BY PROSECUTION (MR. ELOWITZ CONTD)

Q Mr. Thon, I hand you a written instrument and ask you to identify it if you can.

A Yes, this is the statement of Wolfgang Richter number 50 and it's signed by him.

Q In whose handwriting is it?

A This is written by Wolfgang Richter.

Q Was it written and signed in your presence?

A It was signed in my presence but I don't

133,5sp

believe I was present all the time while he wrote it.

Q Was it signed by the same Wolfgang Richter you have just identified?

A Yes, it was.

Q Was the statement made voluntarily?

A Yes, sir.

Q Did you subject Richter to cruel and harsh treatment in order to obtain the statement?

A No, sir.

Q Did you make any threats or promises to Richter before you obtained the statement?

A No, sir.

Q Is the statement sworn to?

A Yes, it is.

Q Who administered the oath?

A Lt. Byrne.

MR. BLOWITZ: Prosecution offers in evidence its exhibit number 93 for identification and requests that it be attached to the record and be marked Prosecution Exhibit No. 93.

LT. COL. DWINELL: The defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the prosecution will be admitted in evidence and will be marked P-93.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-93 and is attached hereto and made a part of the record.)

MR. BLOWITZ: Prosecution offers in evidence (Harry Thon - Redirect)

a true and correct translation of the exhibit No. 93, requests that it be attached to the record and marked Prosecution Exhibit No. P-93-A.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-93-A by the reporter.)

DEFENSE COUNSEL: On behalf of the defense there is no objection.

PRESIDENT: There being no objection the exhibit offered by the prosecution is admitted in evidence and will be marked P-93-A.

(Whereupon the document referred to, having been previously marked was received in evidence as Prosecution Exhibit No. P-93-A and is attached hereto and made a part of the record.)

MR. ELOWITZ: Permission is requested for prosecution to read its exhibit P-93-A.

PRESIDENT: Granted.

MR. ELOWITZ: (Reading)

"I, Wolfgang RICHTER, having been first duly sworn, upon oath make the following statement:

"During the EIFEL campaign in December 1944 I was Grenadier in the 1st platoon, 11th company, III (armored Bn., 2nd Panzer Grenadier Regiment "LSSAH".

"In the night of 15th to 16th December 1944 our company commander Obersturmfuehrer Heinz TOMHARD delivered about the following speech to the assembled 11th company:

"This coming offensive will be of tremendous importance. We will have air superiority. The artillery will support us to the utmost and we will receive support by German troops who will wear American uniforms. When those people wave their steel helmets over their heads you will not shoot at these people."

"Furthermore, he said that you won't take any prisoners of war and you will bump off everything that comes in front of your guns. I know of an instance in which the order of Obersturmfuehrer

TOMHART that no prisoners of war will be taken, which was carried out in the following way: On the afternoon of 18th December 1944 we, that means the 11th Company, entered LA GLEIZE. I myself am not able to remember the order of march exactly. However, I believe it could be correct if I say that Oberscharfuhrer REIHER drove directly behind my SPW. The crew of my SPW at this time was as follows:

Unterscharfuhrer Heinz KLIPP (platoon leader)  
 Rottenfuhrer KARL STELLNER  
 " Armin HECHT (Driver)  
 Grenadier Heinz GOETIKE  
 Sturmmann DORRBERGER  
 Grenadier Ernst PLIESTER  
 Grenadier BLEBSEL and  
 Grenadier Wolfgang RICHTER

"As we drove through LA GLEIZE I saw a church which was surrounded by a wall to the left of the route of advance for tanks. On the righthand side of the road was a house. We passed this church about 20 meters and stopped in the middle of the road. About directly in front of the church, at the wall to the left of the road, if you drive in direction of STOUMONT, there stood about 10 to 15 American prisoners of war. I know that they were American prisoners of war because they wore American uniforms which I know. I was able to see that they were prisoners of war because they carried no weapons and stood there with raised arms, their hands clasped behind their heads. A few minutes after we had stopped our platoon leader Unterscharfuhrer Heinz KLIPP gave the order to bump off these prisoners. With this I want to say that he gave the order to the whole crew. Immediately after he had given the order "Commence firing", these prisoners were shot. The weapons used by the individual persons I am not able to say today any longer. I personally used my carbine .98 and shot about 4 to 5 rounds, which I fired at the height of the chest of one prisoner. I saw him as well as the other prisoners slump to the ground. I am positive that the prisoners were dead because I could not see any of the prisoners moving around or make any noise. Immediately after this shooting was finished Unterscharfuhrer KLIPP gave the order to drive on.

"This statement consisting of 5 pages was made by me voluntarily uninfluenced by any duress, threats, coercion or promises of any kind.

"I swear to God that the facts I have stated in this statement are true and I am prepared to repeat same under oath before any court of justice.

(signed) Wolfgang RICHTER  
 16.4.1946

133, Esp

Subscribed and sworn to before me  
this 16th day of April 1946.

Robert E. BYRNE  
1st Lt. JAGD"

(Whereupon the statement was read in German.)

MR. ELOWITZ: Prosecution offers in evidence a picture affidavit executed by Wolfgang Richter identifying photos of accused Heinz Goedicke and Armin Hecht and request that they be attached to the record and marked P-93-B and P-93-C respectively.

(Whereupon the documents referred to were marked Prosecution Exhibits Nos P-93-B and P-93-C respectively by the reporter.)

DEFENSE COUNSEL: On behalf of the defense there is no objection to the picture affidavits or necessity for reading the same, and it is further stipulated that the photographs are those of the accused, Goedicke and Hecht.

PRESIDENT: There being no objection the exhibits will be admitted in evidence and will be marked P-93-B and P-93-C respectively.

(Whereupon the documents referred to, having been previously marked were received in evidence as Prosecution Exhibits Nos. P-93-B and P-93-C and are attached hereto and made a part of the record.)  
QUESTIONS BY PROSECUTION (MR. ELOWITZ CONTD)

Q Mr. Thon, in the course of your "interrogations at IP No. 2 Schwaebisch Hall did you ever interrogate a person by the name of Fritz Gebauer?

A Yes, I did.

Q Did he make a statement to you?

A Yes, he did.

(Harry Thon - Redirect)

133,9sp

Q Was it an oral or a written statement?

A It was first oral and it was then written by him in his own handwriting.

Q Could you recognize Gebauer if you saw him again?

A Yes, I can.

Q Will you look at the accused to your left and see if you can identify Fritz Gebauer?

A Yes. He is there and he wears number 16.

MR. BLOWITZ: Prosecution hands to the reporter a written instrument and requests that it be marked Prosecution Exhibit No. 94 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 94 for identification by the reporter.)

Q Mr. Thon, I hand you a written instrument marked Prosecution Exhibit No. 94 for identification and ask you to identify it if you can.

A Yes. This is the statement of Fritz Gebauer. It was written by him and signed by him.

Q Was it written and signed in your presence by Fritz Gebauer?

A It was signed in my presence. I was not present all the time while he wrote it.

Q Were you present at intervals while he was writing it?

A Yes, sir, I was.

Q Is that the same Fritz Gebauer you have just identified?

A Yes, he is.

Q Was the statement made voluntarily?

(Harry Thon. - Redirect)

133,10sp

A Yes, it was.

Q Did you subject Fritz Gebauer to cruel and harsh treatment in order to obtain the statement?

A No, I did not.

Q Did you make any threats or promises to Fritz Gebauer?

A No, I did not.

Q Was the statement sworn to?

A Yes, it is.

Q Who administered the oath?

A First Lt. Byrne.

MR. ELOWITZ: Prosecution offers in evidence its exhibit No. 94 for identification, requests that it be attached to the record and marked Prosecution Exhibit No. 94.

LT. COL. DWINELL: Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection is overruled. The exhibit offered by the prosecution is admitted in evidence and will be marked Exhibit P-94.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-94 and is attached hereto and made a part of the record.)

MR. ELOWITZ: Prosecution offers in evidence a true and correct translation of its exhibit P-94, requests that it be attached to the record and marked P-94-A.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-94-A by the reporter.)

DEFENSE COUNSEL: No objection on behalf (Harry Thon - Redirect)

133,11sp

of the defense.

PRESIDENT: There being no objection the exhibit will be admitted in evidence and will be marked P-94-A.

(Whereupon the document referred to, having been previously marked was received in evidence as Prosecution Exhibit No. P-94-A and is attached and made a part of the record.)

MR. ELOWITZ: Permission is requested of the Court for prosecution to read its exhibit P-94-A.

PRESIDENT: Granted.

Take 134  
June 4-B-1

(Whereupon Prosecution Exhibit No. P-94-A was read to the Court, as follows:)

"I, Fritz GEBAUER having been duly sworn upon oath make the following statement:

"During the EIFEL campaign in December 1944 I was Grenadier in the 4th platoon, 11th company, III (Armored) Battalion, 2nd Panzer Grenadier Regiment, LSSAH.

"In the night 15th to 16th December 1944, prior to the start of the EIFEL campaign, Obersturmfuehrer Heinz TOMHART delivered a speech to us in which amongst other things, he gave us the order not to take any prisoners of war, and to bump off civilians who show themselves at doors or windows. Immediately thereupon we took off for the campaign and we drove through numerous villages the names of which I only have a dim recollection. Nevertheless, I know that we entered LA GLEIZE on 18th December 1944. About five o'clock in the afternoon of this day the following took place:

"If one drives from LA GLEIZE in the direction of CHENEUX, on the left hand side of the road a church is situated which is surrounded by a wall. At this time I would like to supplement that 4 SPW's of our 11th company drove together. As far as I can remember the SPW's were led by Rottenfuehrer Max FREIMUTH, Unterscharfuehrer RULAND, Rottenfuehrer SUB-LACKI, and Unterscharfuehrer Walter WIELFER. I, and the following other persons, drove in Unterscharfuehrer WIELFER's SPW: Rottenfuehrer Theo RAUH, Gren. Otto WALTER, Gren. Ekehart SCHMIT, Gren. Hermann GROT, Gren. Walter KRAUSE, Gren. Willi KOECHEL, Gren. Fritz RAU.

"These 4 above mentioned SPW's stopped in front of this mentioned wall which surrounded the church, and indeed as far as I can remember, on the right hand side of the street. Immediately in front of this wall stood about 15 American prisoners of war with arms raised and hands clasped behind their heads. I know that they were Americans because I know the American uniform which was worn by these people. I am not able to remember further details but I know that suddenly Unterscharfuehrer WIELFER gave us the order to shoot these prisoners. Which weapons they used for it I can't say for certain any longer. I personally used a carbine .98 and fired 4 shots. I fired my four shots at one prisoner of war, and I aimed at the neck, and I am certain that the man was dead because I saw him falling and he neither moved nor moaned after he had slumped to the ground.

"Immediately thereupon we received the order to drive on. I would also like to state that before we drove on again I asked Unterscharfuehrer WIELFER whether the prisoners of war were dead. He answered me 'If one of them is still alive it doesn't matter - he'll die alright.'

"About an hour and a half later, it could have been between 7 and 8 o'clock in the evening of the 18th December 1944, we reached a house shortly before CHENEUX which was on the left hand side of the road, and opposite of which were about 4 or 5 tanks parked. Directly in front of this house,

therefore on the left of the road which leads to CHENEUX, stood about 30 to 40 American prisoners of war. These Americans stood quietly, their hands clasped behind their heads and gave no cause that one should shoot them. Nevertheless Unterscharfuhrer WILFER issued orders to us to shoot these prisoners. Again the whole crew of our SPW shot with the exception of Theo RAUH. However, other SPW's shot as well - who was shooting from these other SPW's which were parked here I am not able to say for certain. However, I know that I again fired at this shooting with my Garbine .98 at one prisoner and at this occasion I fired five shots at this man. I aimed at the chest and the head of the American and saw him being hit and slumping to the ground, and he didn't move any more.

"I have prepared a sketch for a better illustration of my statement and this is marked Document 'A' and attached hereto. Document 'A' shows the place of the shooting at the church in LA GLEIZE and the numbers thereon indicate:

- No. 1. Our SPW (Commandant Uscha WILFER)
2. Church of LA GLEIZE
3. Wall surrounding the church
4. American prisoners of war

"Further, I have prepared a second sketch which I have marked Document 'B' and also attached to my statement. Document 'B' shows the place of shooting in the vicinity of CHENEUX and the numbers thereon indicate:

- No. 1. Our SPW (Commandant Uscha WILFER)
2. House in front of which the prisoners stood
3. American prisoners of war
4. German tank

"This statement consisting of 5 pages and two sketches was made by me voluntarily, uninfluenced by duress, coercion, threat, or promise of reward of any nature.

"I swear to God that the facts I have stated in this statement are true and I am ready to repeat same before any court of justice.

Fritz GEBAUER  
16 April 1946

"Subscribed and sworn to  
before me this 16th day of April 1946.

ROBERT E. BYRNE  
1st Lt. JAGD"

(Whereupon the statement was read in German by the interpreter.)

QUESTIONS BY MR. ELOWITZ (Continued):

Q Mr. Thon, in the course of your interrogations at IP No. 2 at Schwaebisch Hall, did you ever interrogate a person by the name of Fritz Rau?

A Yes, I did, sir.

MR. ELOWITZ: May it please the Court, at this time the Prosecution desires to point out there are two accused named Rau, both of whose names are pronounced exactly alike. The spelling is slightly similar. The Prosecution desires the privilege to identify each Rau by his first name wherever his name appears in these proceedings.

Q Mr. Thon, did Fritz Rau ever make a statement to you?

A Yes, sir, he did.

Q Was the statement oral or written?

A It was first oral, and then it was written by him in his own handwriting.

Q Could you recognize the said Fritz Rau if you saw him again?

A Yes, I can.

Q Take a look at the accused on your left and state the number he is wearing.

A He is wearing no. 46.

PRESIDENT: No. 46, stand up. -- Sit down.

MR. ELOWITZ: The Prosecution hands the reporter a written instrument and requests that it be marked Prosecution Exhibit P-95 for Identification.

(Whereupon the document was marked Prosecution Exhibit No. P-95 for Identification by the reporter.)

Q Mr. Thon, I hand you a written instrument marked Prosecution Exhibit No. P-95 for Identification and ask you to identify it if you can.

A Yes. This is the written statement of Fritz Rau. It was written by him and signed by him.

Q Was it written and signed by Fritz Rau in your presence?

A Yes, it was.

Q Was the Fritz Rau who wrote and signed that statement the same Fritz Rau you have just identified?

A Yes, he is.

Q Was the statement made voluntarily?

A Yes.

Q Did you subject Fritz Rau to cruel and harsh treatment to obtain the statement?

A No, I did not.

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

A No, sir.

Q Was the statement sworn to?

A Yes, it was.

Q Do you know who administered the oath?

A Capt. Shumacker.

MR. ELOWITZ: The Prosecution offers in evidence its Exhibit P-95 for Identification, requests that it be attached to the record and marked Prosecution Exhibit No. P-95.

LT. COL. DWINELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection is overruled. The exhibit offered by the Prosecution is admitted in evidence and will be marked Prosecution Exhibit No. P-95.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit No. P-95 and is attached hereto and made a part of the record.)

MR. ELOWITZ: The Prosecution offers in evidence a true and correct English translation of its Exhibit No. P-95, requests that it be attached to the record and marked Prosecution Exhibit No. P-95-A.

DEFENSE: On behalf of the Defense, there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted in evidence and will be marked Prosecution Exhibit No. P-95-A.

(Whereupon the document referred to was marked and received in evi-

dence as Prosecution Exhibit No. P-95-A and is attached hereto and made a part of the record.)

MR. ELWITZ: Permission is requested of the Court for the Prosecution to read Exhibit No. P-95-A.

PRESIDENT: Granted.

(Whereupon Prosecution Exhibit No. P-95-A was read to the Court, as follows:)

"I, Fritz RAU, being first duly sworn, make the following statement under oath:

"During the EIFEL offensive in December 1944 I was in the 4th Platoon of the 11th Company, 3rd Panzer Grenadier Battalion, 2nd Panzer Grenadier Regiment, LSSAH. During the EIFEL offensive my rank was Schuetze. Prior to the EIFEL offensive, it was in the night 15-16 December 1944, the Company Commander, Obersturmfuehrer Heinz THOMHARDT assembled the whole 11th Company for an orientation, on which occasion he said approximately the following:

"This coming offensive is of tremendous importance. The reoccupation of France by us will depend upon it. We will have the aid of the air force and we will do honor unto our division. We will not have time to make prisoners of war and also civilians who show themselves will be bumped off."

"The above speech was held by THOMHARDT in our bivouac area in the woods of BLANKENHEIM. For clarification I have made a sketch which I have marked Exhibit 'A' and which is a part hereof.

"I remember that our part of the column left STAVELOT about 11 o'clock in the morning of 18 December 1944 in the direction of LA GLEIZE. To my recollection, the order of march was as follows:

3rd Platoon 9th Panzer Pioneer Company  
1st Platoon 11th Company)  
3rd Platoon 11th Company) Panzer Grenadiers  
4th Platoon 11th Company)  
10th Company (Panzer-Grenadiers)

"The first shooting I saw was committed by Rottenfuehrer Max FREIMUTH, 2nd Platoon, 11th Company. After riding approximately an hour and a half from STAVELOT in the direction of LA GLEIZE, we passed FREIMUTH's vehicle which was moving slowly along the road. In front of a house about 30 meters to the left of the road, as one drives in the direction of LA GLEIZE, two civilians, who were about 40 to 50 years old, were working. I saw them stop working, turn around and watch our vehicles. Then I saw FREIMUTH, who was sitting in the right front seat of the SPW, arise, turn towards the civilians and shoot at them. In my opinion, he emptied the whole magazine, which contained 32 rounds, into those people. I base my assumption on the length of time which FREIMUTH needed for the shooting. I saw how those people were hit and fell to the ground. This happened while his vehicle was moving along at approximately five kilometers per hour. I know that it was FREIMUTH because I know him by sight

and because he was a member of my company. I did not see that a vehicle stopped in order to ascertain whether or not those civilians were dead.

"I have made a sketch which I have marked Exhibit 'B' for clarification of the above statement and have made it a part hereof.

"The next shooting I saw in LA GLEIZE on December 18 1944 around 5 o'clock in the afternoon. At this time only 4 SPW's were driving together. The crew of the SPW's were approximately as follows:

1. SPW  
Rottenfuehrer Max FREIMUTH  
Grenadier Fritz GRUENEWALD
2. SPW  
Unterscharfuehrer RUEHLAND  
Grenadier Harold WEDEKIND  
Grenadier AGATHE  
Sturmmann BAEHR  
Grenadier FLIESTER  
Grenadier RICHTER
3. SPW  
Rottenfuehrer ZABLCECKY  
Grenadier Henrich BUG  
Grenadier SCHROEDER  
Grenadier ZIETZ  
Unterscharfuehrer Rudi REIHER
4. SPW  
Unterscharfuehrer Walter WILFER  
Rottenfuehrer Theo RAUH  
Grenadier Otto WALTER  
Grenadier Ekehardt SCHMIDT  
Grenadier Hermann GROTH  
Grenadier Walter KRAUSE  
Grenadier Willi RACHEL  
Grenadier Fritz GEEBAUER  
Grenadier Fritz RAU

These are all the first and surnames of the crew as far as I can remember. As we entered LA GLEIZE there was a church on the left-hand side of the road and in front of this church was a wall and in front of the wall stood the 15 American prisoners of war. They were standing there quietly in one row, their hands clasped behind their heads. I know that they were Americans for I had seen pictures of American soldiers in a magazine and furthermore, the older comrades in our company told us. We stopped in front of this church on orders of Oberscharfuehrer REIHER, who at that time was taking Company Commander TOMHARDT's place. We backed up about five meters, stopped and the first prisoner of war was about in line with the motor of our SPW about six meters to our left as one travels in the direction of CHENEUX. There was an officer standing on the righthand side of the street in front of a garden wall. I believe it was Untersturmfuehrer KINDERMANN, to whom REIHER went and held a conversation. What they were talking about I could not understand. He returned after a few minutes and gave the order to the Group Leaders to bump off the

prisoners of war. Our Group Leader, Unterscharfuhrer WILFER, gave the crew of our vehicle the order to fire. The only man in our crew who did not fire at this location was the driver, Theo RAUH. WILFER shot about 32 rounds into the prisoners with the M.P., Grenadier KRAUSE with a rifle K-98, 5 rounds, Grenadier BEHBAUER, and I with the same weapon, also about five rounds, as well as RECHEL. Grenadier GROTH had an 08 pistol and shot approximately 7 rounds into the prisoners. Grenadiers WALTER and SCHMIDT shot with the M.G. into the prisoners of war. I believe I heard 30 to 40 rounds. I also heard firing from the vehicle in which ZABLOECKY rode and also from the SPW of Unterscharfuhrer RUHLAND. I did not see who shot but I heard an M.G. of Unterscharfuhrer RUHLAND's SPW being fired. Aiming directly at the heart, I fired five shots at three or four men. I was not allowed to dismount from the vehicle and to determine whether the people were dead but I am certain that the prisoners of war were dead because I saw them fall over and they no longer moved. Right after the shooting GEHBAUER asked: 'Are they dead?' and Unterscharfuhrer WILFER answered approximately: 'It does not make any difference whether they are dead; they will die allright.'

"About 15 meters in front of me and directly in front of Unterscharfuhrer RUHLAND's SPW, I saw the SPW of FREIMUTH right across from the church in the middle of the street. The church was on the corner. In front of this church stood about 20 to 25 American prisoners of war, their hands clasped behind their heads. Some of them were wearing steel helmets, others were not. About one or two minutes after we had shot those fifteen prisoners of war, I saw and heard how they shot from FREIMUTH's vehicle into these 20 to 25 prisoners of war. I also saw how the first people fell to the ground and since I then sat down on my seat next to the driver, my view was obstructed by the other vehicles and therefore I could not see everything. I heard further shooting while I was sitting there and specifically from rifles, M.G.'s and pistols. I saw one man of this SPW who was standing erect and fired. This was FREIMUTH; the others were resting their weapons on the top edge and were in a kneeling position so I could not recognize their faces. As far as I can remember, FREIMUTH, in the shooting of these prisoners of war, was using a machine pistol. How many shots he fired I don't know. Immediately after the firing had ceased, we drove on.

"I have made two sketches which I have marked Exhibit 'C' and 'D' for clarification of the above statement and are made a part hereof.

"About an hour and a half later, around 6-7 o'clock in the evening of 18 December 1944, I saw shortly before CHENSUX, four to five tanks which were standing on the righthand side of the road in front of a house. The house itself was standing on the lefthand side of the road. Directly in front of the house stood about 30 to 40 American prisoners of war who had clasped their hands behind their heads, some with, some without steel helmets. About 20 meters past the house, a small road forked off to the left. Our four above mentioned SPW's (FREIMUTH, RUHLAND, REIHER and WILFER) stopped directly in front of the house by the tanks on the righthand side of the road and the prisoners of war. Approximately 20 meters away, in a field which is on the righthand side of this road fork, I saw 5 to 6 German officers standing.

It was dark but occasionally when they lit a cigarette, I could see that they were wearing leather jackets. Therefore, I know that they were tank officers but I could not recognize them. After we had stood there about 10 minutes, REIHER went to those officers, talked with them for about 15 minutes, returned to his SPW and called his group leaders to him. He then talked with them for about 20 minutes and then the group leaders returned to their vehicles. When our Group Leader WILFER returned, he said, 'These prisoners of war will have to be bumped off' and he gave us the order to fire. REIHER's SPW started to shoot, not only with rifles and pistols, but also with the 20 mm. A.A. gun.

"As far as I can remember, 3 to 4 magazines, each with 5 rounds, were fired into the prisoners with this last mentioned gun. However, all four SPW's fired. From our vehicle, everybody, with the exception of the driver, Theo RAUH, shot again. RAUH said to me: 'When you shoot, shoot accurately.' By this he meant I should not let the people suffer and I should kill them instantaneously. I aimed at the heart and shot down three. The other two rounds I fired at two Americans who were lying on the ground writhing, so they would not have to suffer any longer, and I am sure that they were dead after I shot them. Grenadier RECHEL, at the beginning, fired only three rounds, but I can remember that he fired two more shots at two prisoners who were lying on the ground and were still turning after the main shooting had ended.

"After approximately 10 minutes we drove on and I am sure that all these prisoners were dead for I did not hear anyone moaning or crying, nor did I see those prisoners still writhing or moving.

"To the best of my knowledge, at all these shootings mentioned by me, I cannot recall any reason that would have given cause to shoot these people. The soldiers were standing there quietly and did not give the impression that they were trying to escape.

"On 20 December 1944, while I was in the aid station in a castle between LA GLEIZE and SPOUMONT, I heard the following story from Grenadier Heinrich BUG, who during the EIFEL Offensive, was riding in ZABLOECKY's SPW: 'In the woods in the vicinity of the castle, approximately 20 meters from the castle, Unterscharfuehrer RUHLAND bumped off 4 American prisoners of war.' BUG told me this and ZABLOECKY in turn had told him. Grenadier BUG himself did not witness the shooting. BUG was taken prisoner together with me but I have not seen him since 24 December 1944. I recall that on 19 December 1944, about 8 or 9 o'clock in the morning, I recall having seen RUHLAND near a house belonging to the castle with 4 or 5 American prisoners of war. I saw this as RECHEL and I were carrying Grenadier Gerhard WEGENER of the 11th Panz. Gren. Komp. into the castle to the aid station, as he was wounded. I assume that these were the prisoners that were bumped off by RUHLAND. I can remember another shooting which occurred near a road crossing before ENGELSDORF. I can remember this road crossing exactly for there I got to smoke the first American cigarettes. I also saw a house standing on the corner and next to this house in a pasture stood approximately 25 American prisoners. Before we entered the curve to the left which leads towards ENGELSDORF,

we stopped and that was just about 25 meters before the curve. We only stopped for a moment and on this occasion I saw an American soldier who was wounded on the thigh on the righthand side of the road lying in a ditch. Apparently he was in pain for he was moaning and groaning. Unterscharfuhrer WILFER then called Grenadier RUDOLF, a chief gunner in the 4th Platoon of the 11th Pz. Gr. Komp. and told him, 'Give him the mercy shot.' We drove on and I did not witness the shooting, but I did hear when Grenadier RUDOLF reported to Unterscharfuhrer WILFER on 18 December 1944 that he had carried out the order and that he had shot the prisoner. Eyewitnesses to this shooting were Grenadier RUDOLF SCHAEDELER and Sturmamm EITZWEILER, who were both riding in the SPW with RUDOLF. For clarification of the above statement, I have made three more sketches, which I have marked Exhibit 'E', 'F', and 'G', and which are a part hereof.

"This statement, consisting of 17 pages and 7 sketches was made by me voluntarily in my own handwriting. I was not influenced by any force, duress or threats, neither was I made any promises whatsoever. I swear that the facts which I have set forth in this statement are the truth and I am prepared to repeat them under oath before any court of justice.

FRITZ RAU  
12 March 1946

"Sworn to and subscribed before  
me this 12th day of March 1946  
at Schwabisch Hall, Ger.

RAPHAEL SHUMACKER  
Capt CMC"

(Whereupon the statement was read in German by the interpreter.)

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PROSECUTION (Mr. Ellowitz): The prosecution offers into evidence a picture affidavit executed by Fritz Rau of the accused Thomhardt and requests that it be attached to the record and marked Prosecution Exhibit No. 95 B.

DEFENSE: On behalf of the defense, there is no objection to the picture affidavit offered at this time by the Prosecution, nor is there any necessity for reading the same, and it is further stipulated that the photograph appearing thereon is that of the accused Thomhardt.

PRESIDENT: There being no objection by the defense, the picture affidavit offered into evidence by the prosecution will be accepted into evidence by the court and noted as Prosecution Exhibit No. 95 B.

PROSECUTION: You may cross-examine.

DEFENSE: The defense has no questions at this time.

PRESIDENT: Are there any questions by any member of the court of this witness?

(There being no further questions, the witness was excused and resumed his position.)

PROSECUTION (Mr. Ellowitz): The Prosecution recalls Captain Schumacher.

CAPTAIN RAPHAEL SCHUMACHER, recalled as a witness by the Prosecution, was reminded that he was still under oath.

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

RE DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Mr. Ellowitz):

Q In the course of your assignment at Schwabisch Hall, did you have occasion to interrogate a person by the name of Herbert Stock?

A I did.

Q Did he make a statement to you?

A He did.

Q Was this statement oral or written?

A First oral and then written; Stock had been first interrogated by one of the other interrogators and I re-interrogated him.

Q Could you identify Herbert Stock, if you were to see him again?

A Yes.

Q Would you look at the accused on your left and point out Herbert Stock, if you can?

A Yes, Stock is wearing number 64.

PRESIDENT: Number 64, Stand up...sit down.

PROSECUTION (Mr. Ellowitz): The prosecution hands the reporter Prosecution Exhibit number 96, for identification and requests that it be so noted by the reporter.

(Whereupon "Prosecution Exhibit number 96, for identification", was marked by the reporter as requested.)

Q Captain Schumacher, I hand you a document noted as "Prosecution Exhibit No. 96, for identification" and ask you to identify it, if you can?

A Yes, this is the written statement made by Herbert Stock.

Q Whose signature appears at the end of the statement?

A The signature of Herbert Stock.

Q Was it written and signed in your presence?

A I was not present all the time during this interrogation, but I was present at the time it was signed.

Q Was the statement made voluntarily?

A It was.

Q Did you subject Herbert Stock to any harsh, cruel, or inhuman treatment to obtain this statement?

A No.

Q Is this the Herbert Stock who signed this statement the same Herbert Stock you have just identified?

A Yes, sir.

PROSECUTION (Mr. Ellowitz): The Prosecution offers into evidence the document previously marked "Prosecution Exhibit 96, for identification" and requests that it be attached to the record and noted as "Prosecution Exhibit 96".

DEFENSE (Lt Col Dwinell): The defense objects to the introduction of this statement, on the grounds previously stated.

PRESIDENT: The objection is overruled, and the document will be accepted into evidence by the court and noted as Prosecution Exhibit 96.

PROSECUTION (Mr. Ellowitz): The Prosecution offers into evidence a true and correct English translation of Prosecution Exhibit 96, to be marked Prosecution Exhibit 96 A, and to be attached to the record.

DEFENSE: The defense has no objection.

PRESIDENT: There being no objection, the

translation offered into evidence by the Prosecution is admitted into evidence by the court and will be marked Prosecution's Exhibit 96-A and attached to the record.

The court will recess until 1030 hours.

(Whereupon the court took a recess at 1000 hours.)

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(Whereupon the Court reconvened at 1030 hours.)

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

MR. ELOWITZ: Prosecution recalls Captain Shumacker.

Captain RAPHAEL SHUMACKER, called as a witness for the Prosecution resumed the stand.

MR. ELOWITZ: Captain Shumacker, you are reminded that you are still under oath. (Reading Prosecution's Exhibit P-96\*.)

"I, Herbert STOCK, being first duly sworn, make the following statement under oath:

"During the EIFEL Offensive in December 1944 I was a Sturmmann in the 2nd Platoon of the 11th Panzer Grenadier Company, 3rd Battalion, 2nd Panzer Grenadier Regiment, IAH. My Company Commander was Obersturmfuehrer Heinz TOMHARDT. I had been a member of this company since September 1944. My platoon leader was Hauptscharfuehrer HENDEL.

"I have been shown a map of Central Europe, 1:100,000 G.S., G.S., 4416 Bonn, Sheet S.1. I have been shown a map of BELGIUM and Northeast FRANCE, 1:100,000 G.S., G.S., No. 4436, Marche, Sheet 13. In this statement all references by coordinates to towns, crossroads, etc. will be taken from these maps.

"On 14 December 1944 our company reached the MUREL Woods. (Bonn, 22-08). These woods are near the town of NETTERSHEIM (Bonn 21.6-11).

"On the night of 15 December 1944 at about 2330 hours, our Company Commander had the company assembled and informed us that we were going into the offensive. Among other things, he also told us that pursuant to an order he had received from above, we would fight recklessly and ruthlessly and that no prisoners of war would be taken. Around midnight of the same night we left the MUREL forest and proceeded in the direction of BLANKENHEIM (Bonn 23-05). In the SPW with me were the following men: Unterscharfuehrer KANNEN, Unterscharfuehrer SIEGMUND, Sturmmann KUMPF, Sturmmann BERTHOID, Grenadier HAEBNEL, Grenadier SONNEBORN and Grenadier SCHUHMANN.

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"Our route of march towards the front was through DAHLEM (Bonn 15.4-99.6), STADTKYLL (Bonn 14.2-95.3), KRONENBURG (Bonn 10.5-97.2), HALLSCHLAG (Bonn 07.8-95.9), LOSHEIM (Bonn 03.3-96.6), HONSFELD (Bonn 96.8-99.2), BUELLINGEN (Bonn 95.2-02), SCHOPPEN (Bonn 89.3-00.2), ONDENVAL (Bonn 85.1-00.1), THIRIMONT (Bonn 83.3-00.2), LIGNEUVILLE (ENGELSDORF) (Bonn 80.5-99.3), STAVELOT (Marche 71.9-01.2), LA GLEIZE (Marche 65.7-03), CHENEUX (Marche 63.7-01.4) back to LA GLEIZE, thence to STOUMONT (Marche 62.9-02.8) thence to LA GLEIZE again. In the LA GLEIZE-CHENEUX-STOUMONT sector we moved back and forth from town to town and I do not mean to say that the order in which we moved between these three villages was exactly as given above, but it is substantially correct.

"We spent the night of 16 December 1944 in a field before LOSHEIM, where we remained until approximately 0430 hours of 17 December 1944. We passed through HONSFELD around 0600 hours and arrived in BUELLINGEN around 0800. I remember that there was an American gasoline depot in BUELLINGEN where we refueled. From BUELLINGEN we proceeded in the direction of SCHOPPEN and from there to ONDENVAL and thence to THIRIMONT. From THIRIMONT we travelled in a northwestwardly direction until we came out on a road leading from MALMEDY to WAIMES. When we reached this WAIMES road we turned to our left and travelled westwardly a few hundred meters until we came to a road intersection which I have located on the Bonn map above referred to at coordinates 81.5-02. From this intersection a road leads northwestwardly to MALMEDY; a road leads northeastwardly to WAIMES; another road leads southwardly to LIGNEUVILLE (ENGELSDORF) and St. Vith.

"After making a left turn at this intersection to proceed in the direction of LIGNEUVILLE (ENGELSDORF) I observed this scene: There was a house located on our righthand side of the road after making a left turn; there was an American truck headed in the direction of MALMEDY parked on the road just north of the intersection; there was a column of about 20 American trucks on our righthand side of the road south of the intersection headed towards LIGNEUVILLE (ENGELSDORF). I observed American soldiers standing near their vehicles and some marching towards the intersection with their hands upraised. I saw and heard no shooting at these prisoners while I was at the crossroads. We were there only about five minutes, some time between 1200 hours and 1400 hours 17 December 1944.

"From the crossroads we travelled southwardly to LIGNEUVILLE (ENGELSDORF). While in LIGNEUVILLE (ENGELSDORF) I was able to knock out an enemy tank from which we were receiving fire with my Panzerfaust.

"From ENGELSDORF we travelled in the direction of STAVELOT and spent the night of 17 December in a very small village just before reaching STAVELOT. On the morning of 18 December 1944 we drove through STAVELOT to LA GLEIZE. We arrived in LA GLEIZE around 1400 hours. Our march column from STAVELOT to LA GLEIZE, as far as I recall, was as follows: 1st Platoon of the 11th Panzer Grenadier Company followed by a platoon of the 10th Panzer Grenadier Company then several Panthers, some other SPWs from the 10th Panzer

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Grenadier Company, then the 2nd Platoon of the 11th Panzer Grenadier Company, then elements of the 9th, 10th, 11th and 12th Panzer Grenadier Company. I am not sure about the march order of the vehicles behind us, except that a platoon of the 10th Panzer Grenadier Company was behind the 2nd Platoon of the 11th Panzer Grenadier Company.

"We entered LA GLEIZE along the road leading from STAVELOT, which road is shown on a sketch I have drawn, which sketch is attached hereto as Exhibit "A" and made a part hereof. At the first intersection we reached in the town of LA GLEIZE we turned to our left along a street which makes a circle around the church. As one travels this street in the direction we were going, the church is on the right side of the street. There is also a wall on the righthand side of the street around the cemetery to the side of the church. The church, the cemetery and the wall are more clearly shown on Exhibit "A" attached hereto. I forgot to mention that in BUELLINGEN I had changed from my SPW to the SPW of the platoon leader. At this time Rottenfuhrer WITTWER was leading the platoon. In this SPW was also Rottenfuhrer FREIMUTH, Sturmman LASSEN, Sturmman NEUBAUER and I. After making this left turn at the intersection above mentioned there are several houses on the righthand side of the street before one reaches the church. As we travelled down this street I observed 10 or 15 American prisoners of war standing unarmed in front of about the fifth house. Just as we were passing the house and the prisoners at a very low rate of speed, Rottenfuhrer WITTWER said, "These prisoners are to be shot." WITTWER immediately shot into the prisoners with his machine pistol. Then he shouted to the rest of us, "Shoot." The rest of us in the SPW were armed with carbines, so when WITTWER shouted "Shoot!" all of us opened fire on this group of American prisoners. We were travelling about five kilometers an hour. I know these prisoners were Americans by the uniforms they wore. At the time we shot them, they were unarmed and they were standing quietly in a group and obviously had been taken prisoner by elements of the column ahead of us. At the time we fired into them they were not attempting to escape and did nothing to provoke the shooting. Some of the group of Americans slumped to the ground, obviously hit, and as we continued on, I noticed that there was more firing into this same group of prisoners from the machine gun on the SPW directly behind us. This SPW was from the 10th Panzer Grenadier Company. I know this because our SPW was the last vehicle in our platoon and I know that the march order from STAVELOT to LA GLEIZE was that a platoon of the 10th Company would follow directly behind our platoon. When I fired into this group I took good aim at the forehead of one American soldier and fired only one shot. He fell to the ground and I am confident that my aim was good and that I killed him. The shooting I have just described took place at about 11:00 hours 18 December 1944. We did not stop in LA GLEIZE at all but continued along the street past the cemetery and turned to our left to proceed in the direction of CHENEUX. We spent the night of 18 December in CHENEUX and the next

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morning returned to LA GLEIZE and travelled on towards STOUMONT. We spent an hour in the woods before STOUMONT and then travelled through the woods until we got to the railroad station. We arrived at this railroad station around noon 19 December 1944. In this vicinity I participated in an attack through the woods with the 11th Panzer Grenadier Company but was unable to get through as we were opposed by three American tanks and a numerically superior infantry force. Then Rottenfuehrer WITTWER reported to Obersturmfuehrer PREUSS who was then commanding not only his 10th Panzer Grenadier Company but our company as well because our Company Commander, Obersturmfuehrer TOMHARDT had been wounded in STAVELOT on 18 December. Obersturmfuehrer PREUSS had his CP in a house next to the railroad station. When Rottenfuehrer WITTWER returned to us he reported that PREUSS had told him "Now the 11th Company is going to be 'burned up' (verheizt)"

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"We held our position in the woods near this railroad station until about 2100 hours 19 December. Then we withdrew and returned to CHENEUX. We stayed in and around CHENEUX until about 1700 hours 21 December when we had to retreat to LA GLEIZE and we spent the night of 21 December in the town of LA GLEIZE. At about 1030 hours on the morning of 22 December I was in a house in LA GLEIZE with Unterscharfuhrer SCHUMACHER and other men of our company. In the house next to us was Obersturmfuhrer PREUSS. At about this time a messenger came from Obersturmfuhrer PREUSS to Unterscharfuhrer SCHUMACHER and told SCHUMACHER that he had to report immediately to Obersturmfuhrer PREUSS. SCHUMACHER replied immediately, "Masche, Masche." This expression was a favorite one of Obersturmfuhrer PREUSS. By this expression PREUSS showed a light-hearted contempt and unconcern for the discomforts and sufferings of others. It was a very common expression of Obersturmfuhrer PREUSS and was used by him frequently and when any of us heard the expression we immediately thought of Obersturmfuhrer PREUSS. Unterscharfuhrer SCHUMACHER left and returned again in about ten minutes, saying, "There are 20 prisoners that have to be shot on orders - - masche, masche." It was obvious to all of us that the order could only have come from Obersturmfuhrer PREUSS. When Unterscharfuhrer SCHUMACHER made this statement we were in the cellar of the house I have referred to. Some of those present in the cellar with me were Unterscharfuhrer WILFER, Grenadier WALTER, Sturmann DIRNBERGER, Sturmann KUMPF, Grenadier SONNEBORN, Grenadier HAEBNEL, Sturmann LASSEN, Sturmann NEUBAUER, Sturmann MAY and others whose names I do not recall. All of these men were from the 11th Panzer Grenadier Company. Then Unterscharfuhrer SCHUMACHER detailed five men to shoot these prisoners. The five who were detailed were Sturmann KUMPF armed with a carbine; Grenadier WALTER, armed with a machine pistol, Grenadier SONNEBORN armed with a carbine, Grenadier HAEBNEL armed with a carbine and myself, also armed with a carbine. We were taken in charge by an Unterscharfuhrer from the 10th Panzer Grenadier Company. I knew this Unterscharfuhrer by sight but not by name and I also knew that he was from the 10th Panzer Grenadier Company. The Unterscharfuhrer led us down the street towards the church and we entered the churchyard and there we saw 20 American prisoners of war lined up in one rank along the inside of the wall. They had their backs to the wall and were facing the church. Guarding them were men from the 10th Panzer Grenadier Company. When we arrived, the Unterscharfuhrer relieved the guard detail of the 10th Panzer Grenadier Company. It seemed customary that Obersturmfuhrer PREUSS, who was commanding both the 10th and 11th Panzer Grenadier Companies at that time, used the men of our 11th Company for the "dirty work." There were about 20 Americans in this group. They wore American uniforms and were unarmed. My recollection is that they had their arms by their sides and not raised but it was obvious that they had surrendered and were prisoners of war. We took a position in front of these prisoners of war about ten meters away, the five of us lining up in one rank facing the Americans. The Unterscharfuhrer in charge of our detail stood on our left. After we were lined up in this position the Unterscharfuhrer told us that these prisoners were to be shot and he gave us the order, "Open fire!" As I have said, the Unterscharfuhrer was on our extreme left. Next to him stood Grenadier WALTER, then Grenadier

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SONNEBORN, then Grenadier HAEHNEL, then I, Sturmamm STOCK and on my right, Sturmamm KUMPF. At the command, I fired two well-aimed shots, one each at the foreheads of the two American prisoners standing directly in front of me. As I fired, both of them slumped to the ground. The Unterscharfuhrer and Grenadier WALTER, both of whom were armed with machine pistols, sprayed the entire line of American prisoners with machine pistol fire. I am positive that I hit the two men that I shot at in their heads. We were not allowed to approach the victims and left when the Unterscharfuhrer told us to "scram", and return to the house from which you come!" The Unterscharfuhrer remained there at the scene.

"Shortly after I had returned to the cellar of the house previously mentioned, I received an order from Unterscharfuhrer SCHUMACHER to attempt to find something to eat. I left and returned about an hour later without any food. Then Unterscharfuhrer SCHUMACHER ordered me to report to Rottenfuhrer WITTWER, who was up in the woods. I went to the woods and there reported to Rottenfuhrer WITTWER that I was to be in his group. Around 1500 hours that same day 22 December 1944, Rottenfuhrer WITTWER called to me, saying, "STOCK, come with me." I left with Rottenfuhrer WITTWER and a few minutes later we met another German soldier, whose name or organization I do not know. With him were two unarmed American prisoners of war. The German soldier approached Rottenfuhrer WITTWER, saying, "Rottenfuhrer, where shall I take these prisoners?" Rottenfuhrer WITTWER told him to "beat it" and we took charge of the two prisoners. At this time I was armed with my carbine and Rottenfuhrer WITTWER had his machine pistol. We marched these two prisoners up the street 70 to 80 meters and then to our right approximately 50 meters to a bomb crater located in a pasture. Rottenfuhrer WITTWER placed me near the bomb crater and had the two prisoners stand on the edge of the bomb crater, with their backs to the crater. I stood facing the two American prisoners about ten meters away. WITTWER was about 10 meters to my right rear, making him about 20 meters from the 2 American prisoners. Then WITTWER said, "STOCK, you are going to shoot these two prisoners or I am going to shoot you." Thereupon I shot the two prisoners with my carbine. The first one fell dead immediately but not the second one. Then I shot the second one again through the heart. This happened about 1500 hours 22 December 1944. WITTWER received wounds that same afternoon from shrapnel and died before the litter bearers reached him.

"On that same afternoon, around 1700 hours, I witnessed the shooting of 6 to 8 prisoners of war with pistols, one shot after another, by drivers of the 10th and 11th Panzer Grenadier Company. I recognized 4 of these men, Rottenfuhrer FREDMUTH, Rottenfuhrer Theo DUTSCHKE, Unterscharfuhrer SIEGMUND and Rottenfuhrer Theo RAU. The other two drivers were from the 10th Company and I do not know their names. This shooting took place in the area where the SPW's of the 10th and 11th Companies were parked and the drivers usually stayed close together and near their vehicles. I recognized three of the men as drivers of the 11th Company and I therefore assumed that the others were drivers from the 10th Company. Also present was the Motor Sergeant of the 11th Company, Unterscharfuhrer SIEGMUND. The other men in the group that fired

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were known to me by sight but I did not know their names. I do know that they were in the 10th Panzer Grenadier Company.

"I spent the night of 22 December in my position in the woods. Around 0700 hours 23 December I happened to pass the foxhole of Unterscharfuhrer KLIPP of the 11th Panzer Grenadier Company and heard him give an order to shoot 10 American prisoners of war. I saw these prisoners of war standing about 20 meters away from KLIPP's foxhole. They were being guarded but I do not remember by whom. I also heard Unterscharfuhrer KLIPP say that these prisoners were to be shot behind a house to which he pointed. Later, around noon, I saw the bodies of 10 American soldiers lying on the ground behind the house to which KLIPP had pointed. I do not know who shot these 10 men but I know that Unterscharfuhrer KLIPP had no men from any other company in his group and the men guarding the prisoners and around him at his foxhole at the time he gave the order were only men from his group of the 11th Panzer Grenadier Company. These 10 American soldiers that I saw lying on the ground behind the house were dead.

"After seeing these 10 dead soldiers, I entered this same house behind which they were lying and in the house I saw two dead civilians, each of whom was still sitting on a chair. Both of these civilians were men about 60 years of age. Later, Unterscharfuhrer KLIPP boasted that he had let someone shoot them.

"We left LA GLEIZE on foot on the night of 23-24 December 1944, going in the direction of WANNE.

"In further explanation of my drawing which is marked Exhibit "A", the following information is given.

"Numeral 1 and the line of arrows marks our route of march through LA GLEIZE on 18 December 1944

- No. 2 - The house in front of which we shot about 10 to 15 American prisoners of war around 1400 18 December 1944
- No. 3 - The house where SCHUMACHER received the order to report to PREUSS and from which the detail left to shoot the 20 American prisoners along the cemetery wall.
- No. 4 - Obersturmfuhrer PREUSS' CP
- No. 5 - The church
- No. 6 - The lineup of the 20 American prisoners shot around 1100 hours 22 December 1944
- No. 7 - The lineup of the Unterscharfuhrer from the 10th Company and the detail from the 11th Company which shot these 20 prisoners.
- No. 8 - Spot where Rottenfuhrer WITTMER and I met the German comrade with the two American prisoners.

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"No. 9 - The route along which WITWER and I marched these two Americans before they were shot.

No. 10- The bomb crater where I shot the two American prisoners of war.

No. 11- Place where I witnessed the shooting of 6 to 8 American prisoners by Rottenfuehrer FREIMUTH, Rottenfuehrer DUTSCHKE, Rottenfuehrer RAU and Unterscharfuehrer SIGMUND.

No. 12- The foxhold of Unterscharfuehrer KLIPP

No. 13- The house behind which the 10 American prisoners were shot on orders of Unterscharfuehrer KLIPP and the house in which I saw the 2 dead civilians.

"I make this statement voluntarily and of my own free will. I have not been subjected to force, threats or duress of any kind. No promises of reward or immunity from prosecution have been made to me.

"I swear before God that the facts in this affidavit are true and I am prepared to repeat them under oath in any court of justice.

"(signed) Herbert STOCK  
15 March 1946

"Sworn to and subscribed before  
me this 15th day of March 1946  
at Schwaebisch Hall, Ger.

(Signed) RAPHAEL SHUMACKER  
Capt. CMP".

(Whereupon the statement was read in German by Mr. Thon.)

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MR. ELOWITZ: Prosecution offers in evidence two picture affidavits executed by the accused, Herbert Stock, identifying photos of accused Georg Preuss and Oswald Siegmund, request that they be attached to the record and marked Prosecution Exhibit Nos. 96-B and 96-C respectively.

DEFENSE: On behalf of the Defense there is no objection to the picture affidavits or necessity for reading the same. It is further stipulated that the photographs are those of the accused Preuss and Siegmund.

PRESIDENT: There being no objection, the exhibits offered by the prosecution will be received in evidence and will be marked 96-B and P-96-C respectively.

(Whereupon the documents referred to were received in evidence as Prosecution Exhibit Nos. 96-B and 96-C, are attached hereto and made a part of the record.)

MR. ELOWITZ: You may cross examine.

RE-CROSS EXAMINATION

QUESTIONS BY DEFENSE (Mr. Wahler):

Q Captain, who acted as interpreter for you during the period of time that this statement was dictated?

A I don't remember.

Q How long were you present at the time that the statement was dictated?

A I dictated this statement in English to a stenographer, in English, in Stock's presence, from information given me by Stock. I would guess that probably took a half day, but I am not sure. Then the English statement, after it had been transcribed, was turned over to an interpreter who dictated it in German to Stock. How long it took Stock to write that in longhand, I don't  
(Shumacker - Cross)

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sh-2

know.

Q Were you present at all times when Stock was dictated the statement?

A Sure I was present, I dictated it.

Q That is, you dictated the English to the interpreter and the interpreter translated it, is that correct?

A That is not correct. I dictated it to a stenographer, not to an interpreter.

Q Were you present at all times when the interpreter dictated the statement to the accused?

A No, sir, only at intervals.

Q How long a period of time did it take to dictate this statement to Stock?

A By the interpreter?

Q Yes.

A That I don't know.

Q Were you present at the time that this sketch was prepared (indicating)?

A Yes. That sketch was prepared in my office by Stock.

Q Did the paper that was given, or the chart that was given to Stock contain any symbols or figures on it at the time it was given to him?

A As I recall, the original sketch was drawn on a piece of white cardboard. As far as I know, as far as I remember there was no mark on the cardboard. I think that Stock had previously drawn perhaps two or three sketches on smaller pieces of paper and consolidated all that information on this one sketch, but I am not sure about that.

Q Will you look at this chart. Did this line appear, this (Shumacker - Cross)

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sh-3

line here (indicating) -- the roadways, did those lines appear on the chart prior to the accused inking them in?

A I don't know. It looks to me like he drew in the sketch in pencil and then drew over it in ink.

Q Of your own knowledge, however, you don't recall, is that correct?

A I only recall that he was handed this piece of cardboard that you have. Whether he put the pencil marks on there first or the ink marks, I don't know.

Q Did this piece of paper, when it was given to him, have any markings on it?

A Not that I remember.

MR. WAHLER: Nothing else.

DEFENSE: Nothing further on cross.

MR. ELOWITZ: Nothing on redirect.

PRESIDENT: Any questions by the Court? There appear to be none; the witness is excused.

(Whereupon the excused witness withdrew.)

MR. ELOWITZ: Prosecution calls as its next witness Marcelin Renard.

MARCELIN RENARD, a Belgian civilian, called as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Mr. Elowitz):

Q State your full name and occupation?

A Marcelin Renard, rural street cleaner or street keeper.

Q Where do you live?

A LaGleize.

(Marcelin Renard - Direct)

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sh-4

Q In which country is LaGleize?

A In Belgium.

Q How long have you lived in LaGleize, Belgium?

A Since 34 years.

Q Did you live in LaGleize in December 1944?

A No. I didn't live in LaGleize the 20th of December.

I left there the 18th and returned on the 26th.

(Marcelin Renard - Direct)

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June 4/AB:1

Q Why did you leave La Gleize?

A I was afraid of the Germans.

Q You stated you returned to La Gleize the 26th of December.

What did you do when you returned?

A After I returned I went to see my brother-in-law.

Q Did you enter the house of your brother-in-law?

A Yes.

Q What did you see when you entered the house?

A I saw three corpses.

Q Did you see the three corpses when you entered the house at first?

A Yes.

Q In what position - in what room did you see the three corpses?

A I found the body of my brother-in-law and the one of Francois Istace on the first floor and the one of my sister-in-law on the second floor.

Q Then you only saw two bodies when you first entered the house, is that correct?

A Yes, that is right, two bodies.

Q Describe the position in which you found these bodies.

A I found one of the bodies sitting in a chair and the other one in an arm chair.

Q Did you examine the bodies?

A I didn't examine them, but I saw that they had been killed by bullets.

Q Describe the position of the bullet holes that you saw in the body.

A My brother-in-law had two bullet holes in his left temple while Mr. Istace had one bullet hole in his right jaw.

Q Mr. Renard, do you know what the population of La Greize is?

(Renard-direct)

Take 138  
June 4, AB;2

A Approximately 350.

Q In the month of December 1944, did you see or hear of another instance in La Gleize where two civilians were found shot to death under similar circumstances?

A No.

MR. ELOWITZ: Cross-examine.

COLONEL EVERETT: Dr. Leer desires to cross-examine.

CROSS EXAMINATION

QUESTIONS BY DEFENSE: (Dr. Leer)

Q In what way did you leave La Gleize?

A By bicycle.

Q Did you go far away or did you remain in the town on the 26th of December, in the vicinity?

MR. ELOWITZ: Just a moment. If Your Honor please, I would like to know the purpose for this line of questioning. I object to the question.

DR. LEER: The meaning of this question will be explained by the following question.

PRESIDENT: The objection is overruled.

DR. LEER: I repeat the question. Did you go far away or did you remain in the vicinity?

A Approximately thirty kilometers away from La Gleize.

Q Did you meet American soldiers there?

A Yes.

Q Did you leave La Gleize before the artillery fire on La Gleize started?

A Yes.

MR. ELOWITZ: I object to that question, if it please the Court, there was no testimony by this witness as to artillery fire at La Gleize.

Take 138  
June 4-AB-3

PRESIDENT: The objection is overruled.

A Yes.

DR. LEER: Please describe what damage was caused to the house in which you found the three dead persons.

A Hardly any damage whatsoever. The windows were broken and the door had been thrown into the house.

Q What do you know about when the artillery fire on La Gleize started?

A No.

Q Do you know when the American troops left La Gleize?

A No, I didn't see any Americans at La Gleize. I left before they left.

DR. LEER: Witness, counsel does not understand your answer. The witness says he left La Gleize before the Americans. Does that mean before the Americans left La Gleize or before the Americans came to La Gleize?

A At the time I left La Gleize the Americans hadn't arrived yet.

Q Were in the house in which the witness found the three dead persons also dead Americans?

A No.

Q Did the outside wall of the house show traces of bullet holes?

A No, only the windows.

DR. LEER: Thank you.

QUESTIONS BY DEFENSE: (Dr. Rau)

Q Are you of the opinion that through a shot in the mouth a man can be killed immediately?

MR. ELWITZ: I object to that question, Your Honor.

PRESIDENT: The objection is sustained.

LIEUTENANT WAHLER: If the Court please, in order not to have our rights prejudiced, I am going to present a motion at this time to strike the testimony of this witness on the basis that the only evidence

Take 138  
AB-4

that he has testified to is the finding of three bodies. The testimony fails to disclose who committed or perpetrated the crimes, and it also fails to disclose the time of the commission of the crime. That is all.

MR. ELOWITZ: If it please the Court, prior to the testimony of this witness, evidence was submitted into the record in which two people were found shot, were seen sitting, shot to death in one of the houses. The evidence was in the statement of Herbert Stock in which a perpetrator, and the time and place were named, the circumstances in this particular killing were so unusual and, further, the fact that the witness testified that no other similar circumstances were discovered in La Gleize, tends to corroborate this witness' testimony to support the statement of Stock, and that the killing described by Stock and the bodies discovered by this witness were one and the same affair. At the very least it is sufficient evidence for the Court to determine its weight.

PRESIDENT: The motion of the defense is denied.

LT. WAHLER: Yes.

PRESIDENT: Anything further from the defense?

COLONEL EVERETT: Nothing further from the defense.

PRESIDENT: The Prosecution?

MR. ELOWITZ: I have one more question on redirect examination.

#### REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (Mr. Elowitz)

Q When you returned to La Gleize, on the 26th, were American troops in La Gleize at that time?

A Yes.

MR. ELOWITZ: That is all.

COLONEL EVERETT: Nothing further. Oh, Dr. Rau.

#### REGROSS EXAMINATION

QUESTIONS BY DEFENSE: (Dr. Rau)

Q Witness, if I understood you correctly, you have not stated what wounds were on the body of your sister whom you found upstairs?

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AB-5

A I only saw the blood in the bed. She was wounded in her body but where I didn't notice.

Q Was your sister lying in bed?

A No, she had fallen off the bed and somewhat resting or somewhat leaning on the bed.

Q Was she undressed or dressed?

A She was dressed.

Q How do you come to the conclusion that she had fallen out of bed?

MR. ELOWITZ: I object to that question, may it please the Court, as immaterial, irrelevant -

PRESIDENT: Objection is sustained.

DR. RAU: Thank you.

PRESIDENT: Any further questions from the defense?

COLONEL EVERETT: Nothing further.

PRESIDENT: The Prosecution.

MR. ELOWITZ: Nothing further.

EXAMINATION BY THE COURT

QUESTIONS BY COLONEL ROSENFELD:

Q When you left La Gleize on the 18th of December, were the three people whom you have mentioned alive at that time?

A Yes.

PRESIDENT: Any other questions by any other member of the Court? Apparently not. The witness is excused.

MR. ELOWITZ: The Prosecution calls as its next witness Hans Rineck. This witness is being recalled.

PRESIDENT: We will swear him in, nevertheless.

HANS RINECK, recalled as a witness for the Prosecution, being first duly sworn, testified through an interpreter as follows:

(Renard-Court)  
(Rineck-direct)

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (Mr. Elowitz)

Q Q Are you the same Hans Rineck who previously testified at this trial?

A Yes.

Q You previously testified that you were communication's leader in your Battalion, Adjutant's SPW, is that correct?

A Yes.

Q Can you recall where you and your company were on the afternoon of the 18th of December, 1944?

A Yes.

Q Where were you?

A We were coming from La Gleize to Cheneux. We encountered an attack by fighter bombers and then went on to just in front of a bridge that had been blown up, and just before this bridge the armored spearhead came to a standstill.

Q About how long did you remain at that place?

A It was about a quarter of an hour.

Q While you were parked at that place, did you see anything unusual?

A Yes.

Q Describe what you saw.

A A jeep came driving up in our direction -

Q What kind of a jeep? American jeep, German?

A Yes. There were two American soldiers sitting in it. A tank opened fire on the jeep with its machine gun and the jeep collided with our SPW. The assistant driver in the jeep had been hit severely by the machine gun burst and was dead, while the driver was only pretending to be dead. I received an order from the Untersturmfuehrer to carry the dead man out of the jeep. I noticed that the other one was not dead but was only shamming and thereupon said, "He is still alive." From the right side of the road the man who at that time was a Rottenfuehrer by

(Rineck-direct)

the name of Paul Zwigart came running. Zwigart grabbed the American, who was feigning death, out by the collar and dragged him out of the jeep and pushed him along in front of him, and the American raised his hands above his head as a sign of surrender. Zwigart went to the right side of the road and together with one of my radio operators I carried the dead assistant driver to the left side of the road. As I put down the body of the dead American on the left side of the road, near the edge of the wood, I heard shots fired on the right side of the road. I looked towards the right and I saw Zwigart firing shots from his pistol, which he had aimed at the American. The American collapsed under the fire. I came back and stood in front of my SPW; there were some of my comrades from my SPW standing there as well, among them the Rottenfuehrer Assenmacher from the SPW, the man who at that time was Battalion Commander. Paul Zwigart came running towards me. I asked Paul Zwigart, "Why did you shoot him?" He answered, "You do not understand this, in an armored spearhead you cannot bother with a single prisoner of war."

Q How far was the American from Zwigart when he shot him?

A About three to four paces ahead of him.

Q Did you ever have a conversation with Zwigart subsequent to this incident?

A It was in the internment camp Zuffenhausen, in the month of November 1945, Zwigart referred to the incident that I have just described and said to me that if I was questioned by the American interrogation officers about what had happened at that time, I was to say that he had shot the American while he was attempting to flee.

Q Could you identify Paul Zwigart if you saw him again?

A Yes.

Q Will you look at the accused on your left and identify Paul Zwigart, if you can? If you have difficulty seeing that far you can leave the witness stand.

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AB-8

A Paul Zwigart is wearing the Number 74.

PRESIDENT: Number 74 stand up -- Sit down.

MR. ELWITZ: Do you know what the duties of Zwigart in the Battalion at the time of the incident, that you described, were?

A Zwigart was the driver of the SPW of the Battalion Commander of the 3rd Battalion, 2nd Panzer Grenadier Regiment L.S.S.A.H.

Q Do you know the name of that Battalion Commander?

A Our Battalion Commander was at that time Hauptsturmfuehrer Josef Diefenthal.

MR. ELWITZ: You may cross-examine.

PRESIDENT: Court will recess until 1330.

(Whereupon the Court recessed at 1200 hours)

AFTERNOON SESSION

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(Whereupon the Court reconvened at 1330 hours)

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

PROSECUTION: If the Court please, let the record show that all members of the Court; all members of the Prosecution; all members of the Defense, with the exception of Mr Strong, who is absent on business of the Defense, are present. All the Defendants and the reporter, are present.

PROSECUTION: The Prosecution recalls Hans Rineck to the stand.

HANS RINECK, was recalled as a witness for the prosecution and resumed the stand. He was reminded that he was still under oath and testified further through an interpreter as follows:

PROSECUTION: You may Cross-examine.

RECROSS-EXAMINATION:

QUESTIONS BY DEFENSE:(Captain Harvid)

Q At the time the American Jeep ran into your vehicle was there any combat in that area ?

A No.

Q Were you then under fire ?

A No.

Q As a matter of fact weren't the Americans quite close to you then ?

A Yes.

Q Did you not receive any firing from small arms or artillery from the Americans ?

A No.

Q Did you not state on direct, that you heard small arms fire on the left side of the road where you took the dead American ?

A No I did not say that.

Q How much time elapsed between the time that Zwigart pulled the American out of the Jeep and the time he was shot ?

(Rineck-recross)

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A It might have lasted about three minutes.

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Q How far away were you from Zwigart all that time ?

A 10 meters - about 10 meters.

Q Do you know where Zwigart took the American after removing him from the Jeep ?

A I lost sight of Zwigart - I was carrying the dead man towards the left side of the road and I therefore could not simultaneously look on the right side of the road where Zwigart was taking the American.

Q In other words, for a short while - for a short period of time, or for about a minute or two you did not see Zwigart ?

A Yes.

Q Therefore, you would not know whether Zwigart during that period received any orders ?

A I could not say that because I did not hear any of that.

Q How close were you to Zwigart when he shot the American ?

A I was about 10 meters away when he shot the American.

Q You stated on direct examination that after the shooting you asked Zwigart why he did it - is that correct ?

A Yes.

Q As a matter of fact, did you not after the shooting, run over to the American's body and commence to search the American for loot ?

PROSECUTION: (mr ELOWITZ) May it please the court, the Prosecution objects to that question on the grounds that it is irrelevant and immaterial to the issue.

DEFENSE: (Capt NARVID). May it please the Court I am asking this question with respect to the truth and veracity of the witness. I intend to connect it up.

PRESIDENT: Objection sustained.

QUESTIONS BY DEFENSE: (Dr LEER)

Q Did fighter bombers attack La Gleize ?

(Rineck-recross)

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S 4 3

A No not in La Gleize, but we were attacked in Cheneux, Near Cheneux and partly inside. That is where the bombing attacks were made.

Q Can you tell us when that was ?

A That was about 1 hour before the shooting of the American.

Q Can you also give the hour in this connection ?

A It was about 3.30.

Q Do you know what the purpose of this attack was ?

PROSECUTION:(Mr ELOWITZ) May it please the Court we object to that question.

PRESIDENT: Sustained.

Q Were you shocked by this occurrence of Zimmer shooting the American ?

PROSECUTION:(Mr ELOWITZ) May it please the Court we also object to that question: it has nothing to do with the material issues in this case.

PRESIDENT: Objection over-ruled.

Q I will repeat my question - were you shocked by this incident in which Zimmer shot the American ?

A As I have already stated before, as a soldier I have seen so many cases of death, so to say I was shocked would not be the right word.

Q His behavior struck you as being unusual, justifiably so did it not ?

A Yes.

Q You were not able to observe that type of incident in large numbers previously ?

A I had never seen it before in my whole career as a soldier.

QUESTIONS BY THE DEFENSE: (Dr HERTKORN)

Q If I understand it correctly you stated that your column was pointing towards the east ?

(Rineck- recross)

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S 4. 4

A Yes, that might have been about the direction.

Q You stopped in front of the bridge that was 'out'?

A Yes, before the 'blown' bridge.

Q How far was this blown bridge away from the point of the column ?

A The incident which I have described occurred before we actually reached this bridge. It might have been about one and a half kilometers before we reached the bridge.

Q Then how was it possible for a Jeep to come out around and strike the column from there ?

PROSECUTION: (Mr ELOWITZ) We object to that question may it please the Court - the witness is not in a position to answer.

PRESIDENT. Objection sustained.

Q Where did that Jeep come from ?

PROSECUTION:(Mr ELOWITZ). May it please the Court that is the same question asked previously.

PRESIDENT. No it is not. The objection is not sustained.

A I don't know.

QUESTIONS BY THE DEFENSE:(Capt NARVID)

Q Do you know whether the American soldier was killed by Zimmer ?

A I saw the American collapse as he was shot at by the M.F.I of Zimmer but I did not approach the body proper: I only saw it lying there from the middle of the road.

Q Do you recall being examined by me several weeks ago ?

A Yes.

Q Do you recall me asking you whether you took a watch from the American soldier ?

A No you did not ask me that.

Q Do you recall your telling me that you searched the American soldier's body ?

(Rineck-recross)

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PROSECUTION:(Mr ELWITZ) May it please the Court we object to that question if the defense does not bring in collateral issues to test the credibility of this witness, and not proceed along this line of questioning as to whether this witness searched the body, or took a watch - it is immaterial and irrelevant to the issues at stake.

DEFENSE:(Capt.NARVID). May it please the Court this witness admitted the fact on being examined by me previously. I am merely trying to test his credibility and for truth and veracity.

LAW MEMBER: Have you the transcript of the testimony taken at that time ?

DEFENSE:(Capt NARVID) I cannot find it, may it please the court. I believe the stenographer has her notes.

LAW MEMBER: Do you remember the exact wording - only by using the exact words can you test the credibility of this witness. If you can remember the exact words to the question and the answer, then you may proceed. One last question: "Was the statement under Oath" ?

DEFENSE:(Capt. NARVID) Yes.

PRESIDENT: Sustained.

DEFENSE: Will the reporter read the last question ?  
("whereupon the reporter read the last question as follows:"Do you recall your telling me that you searched the American soldier's body?")

A I never made this statement in your interrogation: in fact I would be in a position to prove the opposite to you.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION(Mr ELWITZ)

Q At the time of the incident you described - of the shooting by Zimmer - how long were you a member of the Division ISSAH ?

A I have been a member of the ISSAH since October 1944.

Q Have you ever been in combat with the ISSAH previous to  
(Rineck-redirect)

# 139 this campaign ?

S. 4. 6.

A No, I never was in combat.

Q Did you adhere to any other SS organization prior to October 1944 ?

A Before that I was for a short time in a Signal outfit attached to the SS before I was forced into the SS.

EXAMINATION BY THE COURT:

QUESTIONS BY LAW MEMBER:

Q What were the weather conditions like on 18 December 1944 ?

A Weather conditions on 18 December 44 afternoon were such that the clouds just opened up and thus the air attack was made possible.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE:(Capt NARVID)

Q When I interrogated you Rineck, how many other people were present in the room ?

A Two ladies were present and this gentleman sitting next to you (indicating Mr Walters.)

DEFENSE: No further questions

PROSECUTION: Nothing further

PRESIDENT: There appear to be no further questions. The witness is excused.

(Whereupon the witness was excused and withdrew).

PROSECUTION: The Prosecution recalls as its next witness Hans Assenmacher.

HANS ASSENMACHER, was recalled as a witness for the Prosecution: was re-sworn and testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:(Mr ELWITZ)

Q Are you the same Hans Assenmacher who has previously testified in this case ?

(Assenmacher-redirect)

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A Yes.

S 4. 7.

Q And you previously testified that you were radioman -radio operator in the vehicle of your Battalion Commander Hauptsturmfuehrer Diefenthal is that correct ?

A Yes.

Q Can you recall where you were with your Company on the afternoon of 18 December 1944 ?

A Yes.

(Assenmacher-redirect)

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Q Where were you?

A We were within the point of the tank column, several kilometers west of Chensux.

Q What happened at that place?

A The tank column got stuck because a bridge was blown just in front of us.

Q What were your duties at that time?

A I was sitting down there in the half track next to the radio.

Q Whose vehicle was it?

✓ A That was the vehicle of battalion commander Diefenthal.

Q Who was riding in the vehicle besides you at that particular time?

A Besides me in the same vehicle were Hauptsturmfuehrer ✓ Diefenthal, Obersturmbannfuehrer Peiper, and Unterscharfuehrer Fackelmeyer. The driver was Rottenfuehrer Zwigart.

Q Did anything unusual happen while you were parked at that place?

A Yes.

Q Describe what happened?

A We had been standing in the road for a few minutes already when somebody out front suddenly started calling, "Americans are shooting".

Q Will you repeat your answer please?

A We had been standing on the road for several minutes when somebody from the tank out front started suddenly to shout, "Americans, shoot". I tried to get to my machine gun but by that time that I had gotten into position another machine gun was already firing. I permitted myself to get back to the seat and look through the porthole to see what was going on. I saw an American

(Assenmacker-redirect)

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6/4 IJH 2

Jeep drive pass the two Panthers which were standing on the right side of the road in front of us and I saw them drive up to the SPW of the adjutant on the left side of the road. Shortly thereafter the men from the Panther and SPW approached the Jeep. I saw Rottenfuehrer Zwigart, who was also down there, walk over to the Jeep and pull the American, who was driving the Jeep, out from behind there. The assistant driver appeared to be dead and was carried out by another man or by two other men. Rottenfuehrer Zwigart then took the American in front of our vehicle and went to the back of the SPW and there said to Sgt. Fackelmeyer, "Paul, give me a machine pistol". Sgt. Fackelmeyer gave him a machine pistol. Zwigart went back to the American who was standing at our vehicle. He pushed him along in front of him, the American turned around briefly and Zwigart motioned for him to go ahead. After the American had walked forward two or three paces, Zwigart shot him down with a burst from his machine pistol. Then he returned to the SPW and handed the machine pistol back up.

Q How far from where you were sitting was the place where Zwigart shot the American?

A About four meters.

Q Were you in a position to observe whether your passengers, Peiper and Diefenthal were in back of the vehicle, at that time?

A Yes.

Q When Zwigart came to the vehicle and asked for the MP, did either Peiper or Diefenthal make any statement to Zwigart?

A No. They said nothing.

Q When Zwigart marched the American over towards your vehicle did you hear any shouting?

A Yes. I heard some people yell, "Paul, bump him off."

(Assenmacher-redirect)

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6/4 IJH IJH 3

Q Will you describe the manner in which Peiper and Diefenthal were sitting in the rear of the vehicle?

A Obersturmbannfuhrer Peiper was sitting on the right side facing the direction they were driving, on the bench, on top of several blankets which were folded up.

Q Was his head above or below the sides of the vehicle?

A It was above the wall of the vehicle.

Q Was Diefenthal's head above or below the side of the vehicle?

A At the last instant I saw him he was bending over above a map and was not able to see above the side of the vehicle.

Q At the time of the incident that you have described, the shooting by Zwigart, did you see or hear any other shooting, other than the shooting by Zwigart?

A No.

Q Could you identify Zwigart if you saw him again?

A Yes.

Q Will you please look to the left at the accused and identify Zwigart if you can?

A Zwigart is wearing number 74.

Q Request the Court to have number 74 stand up.

PRESIDENT: Number 74 stand up.

(Whereupon the accused did as directed.)

QUESTIONS BY PROSECUTION: (MR. ELWITZ)

Q Could you identify Peiper if you saw him again?

A Yes.

Q Will you please look to your left and identify Peiper, if you can?

A He has number 42.

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

(Assenmacher-redirect)

ta 140  
6/4 IJH 4

A Yes.

Q What number is he wearing?

A He has number 10.

MR. ELOWITZ: You may examine.

RE-CROSS EXAMINATION

QUESTIONS BY DEFENSE:(DR. LEER)

Q When and by whom were you first interrogated?

A I was first interrogated 28 January by the chief  
Prosecutor over there (indicating), I don't know the name.

Q Did you say at that interrogation also that at that hour  
Colonel Peiper was looking over the side of the vehicle?

MR. ELOWITZ: May it please the Court, the Prosecution  
objects to the question. The witness is here under oath and has  
testified to what he has seen and heard. It is certainly immaterial  
and irrelevant what he may have said at some previous time. It is  
also improper impeachment of the witness.

DR. LEER: Anything the witness says can derive only from  
his memory and it is particularly important in the case of this  
witness to show and prove, if necessary, that his memory is not  
in the same condition now as it has been. I, therefore, ask the  
Court to permit me to ask this question.

LAW MEMBER: Will the reporter please read the last two  
questions and answers, previous to the question objected to?

(Questions and answers read.)

PRESIDENT: Objection is overruled.

QUESTIONS BY DEFENSE: (DR. LEER)

Q Do you still remember my question?

A Yes. I was first interrogated on the 28th of January  
by this chief Prosecutor over there (indicating) and I wasn't asked  
about this subject at that time.

(Assenmacher-redcross)

ta 140  
6/4 IJH 5

Q When were you first asked about this matter?

A February 4th or 5th.

Q Did you at that time remember the fact that Colonel Peiper was looking over the sides of the vehicle with his head?

MR. ELOWITZ: May it please the Court, the witness never testified that Peiper was looking over the side of the vehicle. As I recall his testimony he stated his head was above the side of the vehicle. Prosecution objects to the question.

PRESIDENT: The objection is sustained.

QUESTIONS BY DEFENSE: (DR. LEER)

Q I will try to rephrase my question, that is, in the same manner that I first asked it. Did you, at that interrogation, remember exactly that Colonel Peiper had his head above the side of the vehicle?

A At that time, I was not asked whether Colonel Peiper had his head over the sides of the vehicle but only whether he was in a position to observe what was happening out front in the street and I had to answer this question affirmatively.

Q Where were you sitting at the time when Colonel Peiper had his head over the side of the vehicle?

A I was sitting out front at the seat of the assistant driver.

Q What were your duties?

A I didn't have anything to do at the time because, at that time we had no radio communications.

Q At what instant was that?

A At the instant when the point of the column,-- when we all closed up the column.

Q At that moment, as you stated, you also looked at the Jeep and even attempted to shoot, is that not so?

A That is correct. We were standing there for quite a while.

(Assenmacher-recross)

ta 140  
6/4 IJH 6

Q Where did Colonel Peiper first step into the SPW of Diefenthal?

A Colonel Peiper entered our SPW on the 17th, in the morning and it might have been something after 9 o'clock.

Q Where was that?

A I don't remember the exact location. It was either in front of Honsfeld or Buellingen.

Q Who was near you?

MR. ELOWITZ: May it please the Court, we object to this line of questioning. I fail to see the materiality of it. The witness testified that at the time of the shooting Peiper and Diefenthal were in the vehicle.

LAW MEMBER: It occurs to the Court that this witness has now been on the stand several times, involving instances over the entire route of the column. I believe on other occasions when he was on the stand he was not cross examined, knowing that he would be later brought to the stand again. Under those circumstances, I think he can be cross examined as to all the matters he has testified to, so far, on direct examination.

DR. LEER: Will the reporter please read my question, I have forgotten it.

(Whereupon the question was read.)

THE WITNESS: I only know for sure that the SPW of the adjutant, executive officer, was near us; because at that time I had to get out of the SPW of the commanding officer and get into the other one.

QUESTIONS BY DEFENSE: (DR. LEER)

Q Why did you have to change vehicles and from what vehicle into what vehicle?

A I had to change over because there wasn't enough room in our SPW and I got into the SPW of the executive officer.

(Assenmacher-recross)

ta 140  
6/4 IJH 7

Q Where was that?

A That was on a road or near a road near Honsfeld or Buellingen.

Q When did you get into the -- back into the SPW of Diefenthal?

A I got into the SPW again in Buellingen itself. When the SPW was standing next to a church refueling.

Q Upon whose orders?

A Upon orders of Sgt. Fackelmeyer, because one of the radio operators had been wounded.

Q Did Colonel Peiper remain in the vehicle of Diefenthal at all times or did he get from one vehicle into another one through out the march, that is.

A During those two days, 17th to the 19th, early in the morning Colonel Peiper remained in our vehicle at all times.

Q I have one final question and I wish to apologize in case I am reprimanded by the Court. Are you sick?

A No.

Q Then why are you shaking?

MR. ELOWITZ: That is objected to. The Prosecution moves to have stricken from the record the previous question and answer, beginning with the question, "Are you sick?"

PRESIDENT: The questions and answer will be stricken and the objection is sustained.

DR. LEER: No further questions.

DEFENSE COUNSEL: Nothing further from the Defense.

MR. ELOWITZ: No further redirect examination.

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

(Whereupon the witness was excused and withdrew.)

(Assenmacher-recross)

ta 140  
6/4 IJH 8

PROSECUTION: The Prosecution recalls Kurt Flohmann as its next witness.

KURT FLOHMANN, recalled as a witness for the Prosecution, being first duly sworn, testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION: (MR. ELOWITZ)

Q You are the same Kurt Flohmann who has previously testified in this trial?

A Yes.

Q You previously testified that you were a member of the 1st Company, 1st Panzer Regiment, is that correct?

A Yes.

Q Were you with the first Company on the 18th December 1944?

A Yes.

Q Can you recall where you were on that day?

A Yes.

Q Will you state where you were?

A Our tank was put out of action in Stavelot on the 18th December.

Q What did you do after that?

A I then entered a SPW, half track and went along on this SPW until La Gleize and through La Gleize until Cheneux and there was an air attack shortly in front of Cheneux.

Q Where did you go after the air attack?

A After the air attack we continued towards Cheneux and near the forest a tank of the first Company drove pass our SPW and the commander of this tank, as he passed by, called over to the SPW, "All members of the 1st Company whose vehicles have been put out of action, get on the tanks." The whole point of the tank

(Flohmann-redirect)

ta 140  
6/4 IJH 9

column stopped shortly in front of a curve and I then got out of the SPW and got on the tank of Sgt. Strehlow. Tech. Sgt. Strehlow was from the 1st Company.

Q Did you see anything unusual after you climbed up on Strehlow's Panther?

A Yes.

Q Describe what you saw?

A We stopped for a short while and then an American Jeep approached us coming from the opposite direction. The point of the tank column opened fire on this Jeep. One American soldier driving in the Jeep was killed immediately. The second soldier in the Jeep played dead and had taken about this position (indicating). Thereupon a man from a SPW came down to the Jeep and pulled the soldier out of the Jeep by his collar. The German soldier then shot the American soldier with a machine pistol on a small side road next to the highway.

Q While the German soldier was marching the American soldier from the Jeep, did you hear any shouting?

A I can't remember that.

Q How far away was the American soldier from the German soldier when he was shot by the latter?

A He might have been three or four paces away.

Q How far away were you from the place where the American was shot?

A 35 to 40 meters possibly.

Q Do you know anybody from the crews of these SPW's?

A No. I didn't know anybody?

MR. ELWITZ: You may cross examine.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE: (LT. COL. DWINELL)

(Fichmann-recross)

Q Just before this American soldier was shot he tried to escape to the woods; is that correct?

A He didn't attempt to escape. The German soldier motioned to him that he was to run toward--that he was supposed to go towards the woods.

Q Do you remember being interrogated by some officers and people sitting at this table about three weeks ago?

A Yes.

Q Do you remember being questioned about this same incident that you have just testified about?

A Yes.

Q Were you asked this question: "Did you see any other incident in the Eifel Offensive where P.W.'s or civilians were shot?"

A With the exception of the cases which I told the Defense about, no.

Q Well, do you remember making this statement: "There is another case. That was after La Gleize. We passed through La Gleize on the 18th and were attacked by fighter bombers. We then proceeded eastward and came there into the woods. The spearhead, two tanks, stopped. Besides three or four SPW's were standing there." I intend to continue reading the answer but I want to ask if he remembers up to that point.

A Yes.

Q And then making this statement: "All of a sudden a jeep in which two American soldiers were sitting drove toward us at pretty high speed."

A Yes.

Q "It stopped shortly in front of our tank and the SPW's opened fire."

A Yes.

Q "The one soldier in the jeep was hit. The American who was sitting on the right side beside the driver jumped out of the jeep, wanted to run to the woods, and was shot." Do you remember making that statement?

A No.

DEFENSE COUNSEL: Nothing further from the Defense.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION(Mr. Elowitz)

Q Flohmann, at the time you spoke to the Defense Counsel, referring to the conversation which he just mentioned to you, were you under oath?

A Yes.

Q At the time the German shot the American with the M.P.---  
(Off the record discussion.)

QUESTIONS BY PROSECUTION (Mr. BLOWITZ)

Q Flohmann, you stated that you were under oath at the time you spoke to the Defense Counsel. How were you sworn, do you recall?

A I misunderstood the question. I wasn't put under oath by the Defense Counsel.

Q Now I direct your attention to the statement you made previously, that the German soldier motioned to the American to take off for the woods just before he shot him. Will you demonstrate in what manner he motioned to him?

A He had grabbed the soldier behind on the collar and pointed with his hand for him to run in the direction of the forest and gave him a little push.

Q How far did the American go before he was shot?

A The man made about two or three or four steps. Taken two or three or four steps.

MR. BLOWITZ: That is all.

PRESIDENT: Any questions by the court?

DEFENSE COUNSEL: Nothing further from the Defense.

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

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

MR. BLOWITZ: The Prosecution recalls its witness, 1st Lt. WILLIAM R. PERL.

1ST LT. WILLIAM R. PERL, recalled as a witness for the Prosecution, having been previously sworn, testified further as follows:

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

REDIRECT EXAMINATION

QUESTIONS BY MR. BLOWITZ:

Q You are reminded you are still under oath?

A Yes, sir.

Q In the course of your interrogation at I.P. No. 2 Schwaebisch Hall did you ever have occasion to interrogate a person by the name of Paul Zwigart?

A Yes, sir.

Q Did Paul Zwigart make a statement to you?

A Yes, sir.

Q Was the statement oral or written?

A He made an oral statement first and the substance of it was taken into a written statement.

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

A Yes, sir.

Will you look over at the accused on your left and identify Paul Zwigart?

A He is wearing No. 74.

MR. BLOWITZ: The Prosecution hands the reporter a written instrument and requests that it be marked Prosecution's Exhibit No. 97 for identification.

(Whereupon the document referred to above was marked Prosecution's Exhibit P-97 for Identification.)

QUESTIONS BY MR. BLOWITZ:

Q Lt. Perl, I hand you a written instrument marked Prosecution's Exhibit P-97 for identification and ask you to identify it, if you can.

A Yes, I knowit. It is a written statement from Zwigart. It is written in his writing and signed by him.

Q Wasit written and signed by Paul Zwigart in your presence?

A It was certainly signed in my presence. I am pretty certain it was written in my presence too.

Q Was the statement made voluntarily?

A Yes, sir.

Q Did you subject Paul Zwigart to cruel and harsh treatment in order to obtain that statement?

A No, sir.

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

A No, sir.

Q Is the Paul Zwigart who wrote and signed that statement the same Paul Zwigart whom you have just identified?

A Yes, sir; he is.

Q Was the statement shown to him?

A Yes, sir.

Q Do you know who administered the oath?

A Yes, sir; I did.

MR. BLOWITZ: The Prosecution offers in evidence its

Exhibit No. 97 for Identification, requests that it be attached to the record and marked Prosecution's Exhibit No. P-97.

LT COL DWINNEL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection over ruled. The Exhibit offered by the Prosecution is admitted in evidence and will be marked P-97.

(Whereupon the document referred to above having previously been marked and identified was received in evidence as Prosecution's Exhibit P-97, and the same is attached hereto and made a part of the record.)

MR. ELOWITZ: The Prosecution offers in evidence a true and correct English translation of its Exhibit P-97.

CAPTAIN NARVID: If it please the Court, the Defense desires to interpose another objection, if we can have leave, at this time.

PRESIDENT: What is the objection? To the Exhibit?

CAPTAIN NARVID: Objection to so much of the Exhibit as relates to other incidents than the Eifel offensive.

LAW MEMBER: Without any further argument, the Court does not know what it says yet.

CAPTAIN NARVID: Well, if you permit the reading of it, sir, then the damage would have already been done. The Defense is asking to object to any evidence submitted by the Prosecution at this time which seeks to surround the accused with a criminal propensity, it would be tantamount to offering evidence of bad character when character is not in issue. To offer evidence of previous crimes or previous delinquencies on the part of the accused would be in violation of the Military Government Manual for Legal and Erison Officers. And I refer to Paragraph 12, subdivision 3, page 37 of that Manual.

MR. SLOWITZ: May it please the Court, one of the most elementary rules of evidence relating to the admissibility of confessions clearly states that a confession will not be admitted in part; it will be totally admissible or totally inadmissible. And if the confession contains matter material to the issues at stake and matter immaterial to the issues at bar then the confession will be admitted for what it is worth and the subject matter that is not material to the issues will be given whatever weight the Court decides to give it.

LAW MEMBER: In a number of cases this Court has already ruled that it is sitting not only as a Jury but as a Jury and Court. The Court itself will decide whether it will admit anything or whether or not it will place any value on it. The same ruling as made on previous occasions will be made now. The motion is denied. Motion is denied and objection over ruled.

PRESIDENT: Exhibit P-97 has been admitted in evidence.

MR. SLOWITZ: The Prosecution offers in evidence a true and correct English translation of its Exhibit P-97, requests that it be attached to the record and that it be marked Prosecution's Exhibit P-97-A.

(Whereupon the document referred to above was marked Prosecution's Exhibit P-97-A for Identification.)

DEFENSE COUNSEL: No objection on behalf of the Defense.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted in evidence and will be marked P-97-A.

(Whereupon the document referred to above having previously been marked and identified was received in evidence as Prosecution's Exhibit P-97-A, and the same is attached hereto and made a part of the record.)

MR. SLOWITZ: Permission is requested for the Prosecution

to read its Exhibit P-97-A.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-97-A was read in the English language, as follows:

"I entered the SS in November 1939 voluntarily and received my SS schooling in the concentration camp DACHAU. From DACHAU I was ordered for about 10 days to the concentration camp BUCHENWALD. In BUCHENWALD the prisoners had to build barracks and a garage. From the concentration camp BUCHENWALD I again returned to the concentration camp DACHAU. I have not killed or mistreated prisoners either in BUCHENWALD or DACHAU. I was at that time under the command of the TOTENKOPFVERBRANDR, 2nd TOTENKOPF Regiment, 16th Company.

"From the concentration camp DACHAU I was transferred in the middle of March 1940 to the L.S.S.A.H. to which I belong up to this time. Since June 1941, I belonged without interruption to the same battalion. This battalion is now called the 3rd. Since approximately the beginning of 1943, it was called the 3rd battalion. This battalion commanded by Hauptsturmfuehrer Josef DIFFENTHAL was a part of the 2nd Panzer Grenadier Regt. L.S.S.A.H.

"I will truthfully write down what I know about the shooting of civilians or prisoners of war. In RUSSIA generally, we did not take any prisoners at all. Most of the prisoners had been surrounded at the beginning of the war against RUSSIA. When the fighting became heavier and the German advance slowed down, prisoners of war were only taken in special instances.

"On various occasions we burned down whole villages with our blow-torches. Especially I remember two cases; one in the spring of 1943 when we expressly received the order near KHARKOV to set a village afire and "bump off" all inhabitants "including women and children". When I say "we" I mean the third battalion which at that time was led by Hauptsturmfuehrer PEIFER. As far as I know he originated the order personally. Our battalion was, at that time, cut off from the main unit, and operated on its own, sometimes here and sometimes there. I myself did not see Hauptsturmfuehrer PEIFER, who was with us at that time, shooting at civilians. However, it was generally known in the unit that he actively participated in this action.

"I saw in this village which was of medium size (approximately 600-800 inhabitants) how our battalion set the houses afire with the blowtorch. I was tank driver and on that occasion I did not leave my tank. I stood with my SPW at the entrance of the village and watched the infantrymen of our battalion running around with blowtorches and saw at least one who set a house afire. The Infantrymen of our battalion ran around in between the burning houses with machine guns and rifles shooting into the houses.

(Zwigart statement)

"Another case which I recall exactly during which an entire village was 'wiped out', took place in the summer of 1943 during the feint attack on KURSK in the BELGOROD sector. At that time the Infantrymen of our battalion received the order "Blowtorches ready!". I, myself, heard when the commander of the 9th company Hauptsturmfuehrer GUHL issued this order, and know that the same order was given to all companies of the battalion. I don't know any more whether on this occasion it was emphasized whether women and children as well had to be "bumped off"; however, in accordance with previous practice, it was apparent what was meant. I saw clearly in this case when women with children among them, came running out of the burning houses and how they were mowed down by our men. The names of those who were shooting I don't know any longer, but the whole battalion participated. I, myself, however, did not shoot but sat at the controls of my tank, watching.

"On no occasion did I notice any resistance on the part of the population, nor did I see any resistance from anybody, and also never did I see from any house in which we fired, that the fire was returned.

"This village was a bit larger than the one described before. While wiping out the first village, it was announced that an inhabitant of the village had shot into a truck with several German wounded. In the second described case, no reasons were given.

"After wiping out of the second village described here, our battalion was "rewarded" with the name "Blowtorch Battalion", and from there on our tactical symbol was the Blowtorch and remains so up to today.

"In NORMANDY I have only once heard the order not to take prisoners. On 7 August 1944, I was the driver of Obersturmfuehrer Hans SCHMIDT. If I am not greatly mistaken, that morning Hauptsturmfuehrer DIFFENTHAL'S ear-drum was punctured and Obersturmfuehrer SCHMIDT took his place. At that time--it was close to THILLI, near CAEN--when I passed food to Obersturmfuehrer SCHMIDT, he told me "Presumably we face nigger troops--if this is true, naturally no prisoners of war will be taken. We will "give it" to these half-monkeys!" It is possible that instead of "half-monkeys" he used another similar word, but that is what was meant. In the EIFEL offensive I only know of one single shooting and I admit to have shot an American prisoner of war on the 18th December 1944 close to 4 o'clock in the afternoon. However, although I did not have an order to shoot this prisoner, I was not, and am not aware of any wrong-doing. I acted with the understanding of Hauptsturmfuehrer DIFFENTHAL, and Obersturmbannfuehrer REIFER, in whose presence I made the preparation for the shooting, and therefore shot the prisoner with their knowledge.

"We traveled on the road between two villages the names of which I don't recall any more. The village we came from was the one in which we had just previously sustained a heavy air attack. The village in the direction in which we drove was the one in which the bridge was blown up and to which we had to return later using the same road.

"I was the driver of DIFFENTHAL'S SPW. As well as myself, on this SPW rode Hauptsturmfuehrer DIFFENTHAL and the Commander Obersturmbannfuehrer FEIPER. Also traveled on this SPW Unterscharfuehrer Paul FACKELMEYER as well as Rottenfuehrer Hans ASSENWACHER. The SPW was like all SPW's--open and the heads of the occupants extended above the sides, in such a way that even if one is sitting, one can see out. In case of firing, one must 'duck' in order to be covered.

"I, myself, have prepared a sketch which gives the exact position of everyone in the SPW, and I attach this sketch to my statement. On this is meant:

- No. 1. My driver's seat
- No. 2. Rottenfuehrer ASSENWACHER (Asst. driver and radio operator)
- No. 3. Hauptsturmfuehrer DIFFENTHAL--sitting on the bench.
- No. 4. Obersturmfuehrer FEIPER--sitting on the other bench.
- No. 5. Unterscharfuehrer FACKELMEYER.
- No. 6. Baggage.
- No. 7. Radio Equipment.

"As far as I remember, close to 4 o'clock in the afternoon, about 1 kilometer from the village in which we had the heavy air attack, I saw a Panther (F5) standing on the left side of the road.

"Possibly 2 kilometers, or it may have been 3 kilometers, possibly even a greater distance behind this Panther (F5), on the right-hand side of the road stood some SPW's from our battalion. I drove past the SPW's and stopped about astride the Panther, on the right side of the road as I was ordered to do by Hauptsturmfuehrer DIFFENTHAL who was sitting behind me. DIFFENTHAL shouted to the commander of the Panther asking what had happened and told him to proceed. I do not recall the answer of the Panther Commander any more, but I know, however, that afterwards Hauptsturmfuehrer DIFFENTHAL took the map into his hand and Hauptsturmfuehrer DIFFENTHAL as well as Obersturmfuehrer FEIPER looked at this map.

"While they were doing so, the Adjutant's SPW approached from the rear and came to a halt in between us, approximately half a length ahead of us. Approximately at the same time, I believe it was just as the Adjutant's Panzer had arrived, an American Jeep whose driver apparently did not know that we were there, came driving towards us at a great speed. One of the vehicles beside us opened fire with the machine gun; it was either the Adjutant's tank or the Panther. I don't know any longer which of the two vehicles started to shoot; however, ours did not snoot.

"The driver of the jeep was apparently hit and drove into the front of the Adjutant's tank. After that the occupant of all vehicles watched with curiosity.

"Someone, I believe it was Unterscharfuehrer RINCK from the Adjutant's tank, possibly also one or two others--none of them from our tank, dismounted and stood around the jeep without anything happening. Thereupon Hauptsturmfuehrer

DIFFENTHAL gave the order, "ZWIGART, remove the Jeep--we don't have any time". While still in the SPW I noticed two Americans in the Jeep who appeared to be either wounded or dead. I went to the Jeep where Untersonarfuhrer RINSK--I remember with certainty that it was him--called my attention to the fact that one of the Americans still lived and just pretended to be dead. I believe that this was the driver of the jeep but I was by no means sure. However, one was dead and one pretended to be dead. I shouted to the living one that he should get up, getting hold of him at the same time in order to show him what I wanted. After this the American dismounted from the jeep and as far as I could see he was not wounded.

"I have to say now that at that time I was very mad at the Americans for obvious reasons, because just before, we sustained a heavy air attack.

"For that reason, and because I knew that my superior Hauptsturmfuhrer DIFFENTHAL, and Commander Obersturmbannfuhrer PEIPER, who was also present, at least wouldn't mind if I shot the prisoner, I decided to shoot him.

"I was asked at the interrogation how I knew that DIFFENTHAL and PEIPER would agree, and I said at this oral interrogation that I "knew" them. I have been long enough in the Waffen SS to know that even if no specific order is issued to shoot a certain prisoner of war, the officers at least don't mind it. Also I knew Obersturmbannfuhrer as a radical SS man. It was known in the regiment that he, before he came to us, was HIMMLER'S Adjutant and HIMMLER'S right-hand man, also, a lengthy explanation as to whether I was doing right by presuming the agreement of these two high ranking officers is therefore unnecessary because the circumstances themselves make this agreement apparent.

"From the beginning to the end, Hauptsturmfuhrer DIFFENTHAL as well as Obersturmbannfuhrer PEIPER watched, and I know that I as a Rottenfuhrer would certainly not have dared to do anything under their eyes which I assumed would not be permitted by them.

"I indicated with my hand to the American that he should go to my SPW. I walked half a step behind him. Since the moment we discovered that he was alive, he held his hands over his head until the moment he died.

"That he was an American I recognized by his American uniform. He was wearing American O.D. trousers, American combat boots, and on his sleeves he had, as far as I can remember, one or two stripes just like an American Private First Class or Corporal wears. As far as I can remember, while dismounting he did not have his steel helmet on any longer. Also, his weapon must have remained in the vehicle because I am sure that I did not see a weapon on him.

"I stepped with the prisoner to my SPW and as far as I can remember at the side where DIFFENTHAL and FACELMEYER sat. I said to FACELMEYER "Hand me the M.Pi--I shoot this man." Thereafter FACELMEYER passed the M.Pi. At that time comrades in some of the vehicles and some standing at

the sides, shouted loudly and encouragingly "Go ahead-- bump him off", also similar things.

"I said during my oral interrogation that it was just like the "LEIPZIG FAIR", and I was asked to explain what I meant by that. This I will do. From all sides I was watched with curiosity; the noise of the encouraging shouting, and in between Obersturmbannführer FEIPER hollering to Hauptsturmführer DIFFENTHAL repeatedly "Quick--lets go-- we don't have any time."

"I don't want to implicate my officers unjustly and therefore state under oath that this "Quick, Quick" did not refer to the fact that the prisoner had to be shot absolutely quickly. The "Quick" much rather referred to the fact that I would have to clear the thing up myself one way or the other. On the other hand, even if I did not receive an order to shoot, the two officers in my SPW knew exactly that I was going to shoot the prisoners as they did not say anything against it, and I had to assume that I acted correctly. Obersturmbannführer FEIPER and Hauptsturmführer DIFFENTHAL watched everything and I saw both of them looking out of the vehicle. Furthermore they saw me come with the prisoner to the SPW asking for the M.Pi and receiving it. What that means would have been clear to an SS officer, even if the crowd had not shouted at the same time "Bump him off".

"I am rather tall and I can look into the SPW while standing outside; when I asked for the M.Pi I saw FEIPER on the opposite bench, sitting on the blankets which I had spread out for him. When I asked for the M.Pi he glanced at me quickly and impatiently and then looked at his map. There exists no doubt that DIFFENTHAL as well as FEIPER knew what I was going to do, but both were disinterested about it. After I received the machine pistol, I led the prisoner to the edge of the road immediately behind which the woods commences; during this time, my comrades called "Bump him off". Before the edge of the woods, when the prisoner had walked about 3 steps in front of me, I drew my gun and aimed at his head and I fired a burst of about 10-15 shots into his head, whereupon the American immediately fell dead.

"I took another short look at the body, to assure myself that the prisoner was really dead. He was already dead. He had a huge hole in his head and the blood flowed in streams. Apparently all my shots were hits. As I shot at the American, the American went at a regular walking pace as I had told him to do. I admit that in the prison camp at ZUFENHAUSEN I had requested RINEK, that in case anybody should find out about the killing, he should claim that the American was shot while trying to escape.

"RINEK then removed the watch from the body and immediately after the shooting, he joyously shouted "Now I have at least a watch".

"Immediately after the killing, I returned to my SPW. The American had been shot about 10 meters from my SPW.

(Zwigart statement)

"As I returned, DIFFENTHAL asked me what was inside the

jeep. I replied "Mines" and thereupon he hollered at me that I should once and for all get the jeep out of the way. He did not say anything about the shooting. At this time there was no battle noise and no other shots were fired except mine.

"I couldn't get the jeep out of the way because of broken wheels, whereupon DIFFENTHAL ordered me to come back to the SPW and we pushed the jeep out of the way with our Panzers.

"I regret that I shot the prisoner.

"The scene of the shooting I have also shown on the sketch which I have prepared. This sketch I have numbered II. On that No. 1 means Panther, No. 2 Adjutant's SPW, 3 our SPW, 4. Jeep, 5. SPW, 6. House, 7. place of shooting.

"I have made this statement voluntarily, uninfluenced by threats, force, or promises and have written it down with my own hand.

"I believe in God and I am aware of the importance of an Oath.

"I swear that this statement is the whole and pure truth, and contains nothing but the truth.

"I will repeat this statement at any time before any court.

(signed) Paul ZWIGART  
SS. Uscha.  
11 February 1946.

Witness:  
(signed) RAPHAEL SHUMACKER  
Capt GMP

Sworn to and subscribed before me this 11th day of February 1946, at SCHWABISCH HALL, Germany.

WILLIAM R PERL  
1st Lt. M.I. O-555149  
Investigator--Examiner. War Crimes Branch. USFET

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(Whereupon the Court reconvened at 1530 hours.)

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 Capt. Byrne who is absent on business of the prosecution, all members of the defense with the exception of Mr. Strong who is absent on business of the defense, all of the defendants and reporter are present.

WILLIAM PERL, called as a witness for the prosecution, resumed the stand and testified further through an interpreter as follows:

REDIRECT EXAMINATION (CONTINUED)

MR. ELOWITZ: Lt. Perl, you are reminded that you are still under oath.

LAW MEMBER: Before proceeding, the Court will put a short statement on record. In order to clarify the situation with respect to the introduction of the statement about to be translated, and in particular so that the rights of the accused will not be affected, all that portion of the statement which deals with matters other than the Eifel offensive will be disregarded by the Court, and in particular the statements with respect to the Russian front which are clearly immaterial and irrelevant to the issues in this case.

(Whereupon the statement was read in German.)

MR. ELOWITZ: Prosecution offers in evidence two picture affidavits executed by accused Paul Zwigart identifying photograph of accused Joachim Peiper and

accused Josef Diefenthal and requests that it be attached to the record and marked Prosecution Exhibit Nos. P-97-B and C respectively.

(Whereupon the documents referred to were marked Prosecution Exhibits Nos. P-97-B and P-97-C by the reporter.)

DEFENSE COUNSEL: On behalf of the defense there is no objection to the picture affidavits or necessity for reading the same and it is further stipulated that the photographs are those of the accused Peiper and Diefenthal.

PRESIDENT: There being no objection the exhibits offered are admitted in evidence and will be marked Exhibits P-97-B and P-97-C.

(Whereupon the documents referred to, having been previously marked were received in evidence as Prosecution Exhibits Nos. P-97-B and P-97-C and are attached hereto and made a part of the record.)

QUESTIONS BY PROSECUTION (MR. ELOWITZ CONTD)

Q Lt. Perl, in the course of your interrogation at IP No. 2 Schwaebisch Hall, did you ever interrogate a person by the name of Josef Diefenthal?

A Yes, sir.

Q Did he make a statement to you?

A Yes. He made several statements.

LAW MEMBER: Mr. Elowitz, just in the idea of continuity, don't you want to offer the witness for cross examination on the present statement?

MR. ELOWITZ: I was going to present both statements that the witness was to testify to and

142,3sp

then cross examine on both of them. We can proceed much faster.

DEFENSE COUNSEL: It's perfectly all right either way the Court desires.

PRESIDENT: Proceed.

QUESTIONS BY MR. ELOWITZ (CONTD)

Q Were the statements made to you by Josef Diefenthal oral or written?

A First oral statements and then he wrote it all down.

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

A Yes, sir. He is present and he is wearing number 10.

MR. ELOWITZ: The prosecution hands to the reporter a written instrument and requests that it be marked Prosecution Exhibit No. 98 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 98 for identification by the reporter.)

Q Lt. Perl, I hand you a written instrument marked Prosecution Exhibit No. P-98 for identification and ask you to identify it if you can.

A Yes. It's a statement written by Josef Diefenthal and signed by him.

Q Was the statement written and signed in your presence?

A It was signed in my presence. It was not written in my presence.

Q Were you present at any time during the writing of it?

(Lt. Perl - Redirect)

A Yes. I was several times in the room in which he was writing.

Q Is the Josef Diefenthal who wrote and signed that statement the same Josef Diefenthal you have just identified?

A Yes, sir.

Q Was the statement made voluntarily?

A Yes, sir, it was.

Q Was Josef Diefenthal subjected to cruel and harsh treatment in order to obtain the statement?

A No, sir.

Q Did you make any threats or promises to Josef Diefenthal in order to obtain the statement?

A No, sir.

Q Was the statement sworn to?

A Yes, it was.

Q Who administered the oath if you know?

A I did.

MR. BLOWITZ: Prosecution offers in evidence its exhibit marked P-98 for identification, requests that it be attached to the record and marked Prosecution Exhibit No. 98.

LT. COL. DWINELL: Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the prosecution is admitted in evidence and will be marked Exhibit No. P-98.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-98 and is attached hereto and made a part of the record.)

(Lt. Perl - Redirect)

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MR. ELOWITZ: Prosecution offers in evidence a true and correct translation of its exhibit P-98, requests that it be attached to the record and marked Prosecution Exhibit No. P-98-A.

(Whereupon the document referred to, was marked Prosecution Exhibit No. P-98-A by the reporter.)

DEFENSE COUNSEL: On behalf of the defense there is no objection.

PRESIDENT: There being no objection the exhibit offered by the prosecution will be marked Exhibit P-98-A.

(Whereupon the document referred to, having been previously marked was received in evidence as Prosecution Exhibit No. P-98-A and is attached hereto and made a part of the record.)

MR. ELOWITZ: Permission is requested for prosecution to read its exhibit P-98-A.

PRESIDENT: Granted.

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(Whereupon Prosecution Exhibit No. P-98-A was read to the Court,  
as follows:)

"I, the SS Sturmabfuhrer Josef DIEFENTHAL, was at the time of the EIFEL offensive in December 1944, and January 1945 commander of the III Armored Battalion, 2nd Panzer Grenadier Regiment, L.S.S.A.H. My battalion was assigned to the Armored group under the command of Joachim PEIPER, then SS Obersturmbannfuhrer.

"My rank at that time was SS Hauptsturmfuhrer.

"1. On the 14th December 1944, between 1600 and 1700 hours, a meeting took place at the command post of the 1st SS Panzer Regiment L.S.S.A.H. in the BLANKENHEIMER woods, presided by Joachim PEIPER, then Obersturmbannfuhrer, in which the following persons participated: SS Obersturmbannfuhrer Joachim PEIPER, SS Obersturmbannfuhrer Von WESTERNHAGEN, Commander of the Heavy Tank Battalion 501 (KOENIGSTIGER), SS Sturmabfuhrer Werner POETSCHKE, Major KOCH of one of the Air Corps Anti-Aircraft Battalions attached to us - though he arrived late - as well as the SS Hauptsturmfuhrer Hans GRUHLE the Adjutant of the 1st SS Panzer Regiment, and myself. This meeting was preceded by a meeting in the morning hours of the same day at which participated - besides the ones mentioned above - SS Sturmabfuhrer HARDICK, an officer under the command of SS Obersturmbannfuhrer SKORZENY.

"Either at this meeting in the afternoon hours, or, which appears more likely to me, from an order of the 1st SS Panzer Regiment, read by me on the following day, I learned, that, based on the regimental order of the 1st SS Panzer Regiment, the enemy resistance was to be broken by terror and that a wave of panic and fright had to precede our troops. I can remember distinctly that it was quoted in this order: 'A wave of panic and fright has to precede our troops'. However, I do not know any longer in which words the order was given - to break the enemy resistance through terror - only that this was the sense.

"2. In the course of the following day, therefore, on the 15th of December 1944, I held a company commanders' meeting at my own command post. The hour at which I held this meeting is no longer in my memory. My command post, the command post of the 3rd Armored Battalion, 2nd Panzer Grenadier Regiment, L.S.S.A.H. was at that time located in a small gardener's house south of the MINEL woods about 2 km north of STETTERSHEIM. Other than myself participated at this session: For the 9th Company the SS Untersturmfuhrer Max LEIKE, for the 10th Company Georg PREUSS then SS Obersturmfuhrer, SS Obersturmfuhrer Heinz TOMHARDT for the 11th Company, Joachim THEILE then SS Hauptscharfuhrer for the 12th Company, also my Adjutant Karl Heinz FLACKE, and the Communications Officer of the Battalion, SS Untersturmfuhrer HOPBAUER. I am also pretty certain, that SS Untersturmfuhrer KINDERMANN was present at this meeting. Before I went into the tactical details of the offensive ahead, I passed on to my officers the order in regard to the general conduct, which I myself received from the Panzer Regiment. I told them that on account

of the decisive importance of the offensive ahead, it must be fought recklessly and that a wave of fright and terror must precede our troops and that the resistance of the enemy is to be broken by terror. In this first part of my address I also said something about prisoners of war; however, I do not know any longer exactly what I said. Anyhow I brought the prisoners of war in connection with the regimental order received about the wave of fright and terror which should precede us. However, I am absolutely certain not to have said that it was not permitted to take prisoners, or that the prisoners that would be taken had to be shot. Thereupon I gave the general enemy situation and the particular tactical details of our advance. I prepared a sketch of the small garden-er's house and attach it to my statement. On this sketch which I mark 'A' is meant: 1 The entrance. 2 a bench. 3 a table. 4 a chair. 5 a bench. 6 a stove. 7 a bench. 8 a box with switch-board. 9 a table.

"Possibly we sat as follows: 10 my position. 11 position of Obersturmfuehrer PREUSS. 12 position of Obersturmfuehrer TOMHARDT. 13 position of Untersturmfuehrer FLACKE. 14 position of Untersturmfuehrer LEICKE. 15 position of Hauptscharfuehrer THIELE. 16 position of Untersturmfuehrer HOPFBAUER.

"3. On the 18th December 1944, about 1400 hours we were strongly attacked by Jabos (attack bombers) in and before CHENEUX. On the same day I drove in my SPW from CHENEUX in direction to WEROMONT. Other than myself in my SPW were: the driver - SS Unterscharfuehrer Paul ZWIGART - then Rottenfuehrer; the radio-operator - Rottenfuehrer ASSENMACHER, and the radio-operator Rottenfuehrer FACKELMEYER. Around 1500 hours when I was about to study the map, I suddenly heard machine gun fire from one of the vehicles in our column. I put away my map and ordered the driver Paul ZWIGART, Headquarters, III Battalion, 2nd Penzer Grenadier Regiment, L.SS.A.H. to stop. I saw a Jeep come towards us at great speed. While it came towards us, another vehicle of ours shot at the Jeep. The Jeep then drove against a rock which bordered the road on the left side, as seen from my direction of travel, with a crash. In the Jeep were two American soldiers or officers who pretended to be dead, but in reality lived. However, I can no longer remember how I knew that they pretended to be dead, yet in reality still lived. At this place I gave my driver Paul ZWIGART the order to get the Jeep out of the way, because the Jeep blocked the road. I gave him no order to the effect what he should do with the prisoners. I did not attach any importance to the question of what he should do with the Americans but was only interested that the road should be cleared and for this reason I cannot remember any longer to-day what happened to the prisoners. I know that I was impatient and wanted to proceed as quickly as possible. It is probable that I called to ZWIGART 'Quicker, Quicker.' However, I cannot remember it any longer. For a better understanding of point 3 of this statement, I prepared a sketch of the locality as well as I can remember it, which I have marked 'B', and by it is meant: 1. The Jeep with the Americans, 2. A Panther, 3. An SPW of the 11th Company, 4. My SPW, 5. Adjutant's SPW, 6. The Road was bordered with rocks at the left side, 7. A house.

"From this place it was still about 2 kilometers to the bridge which, however, was blown up as we soon found out. As

we could not get further, we therefore again had to return on the same road.

"4. When I put SS Obersturmfuehrer Georg PREUSS in for the award of the Ritterkreuz (Knight's Cross) and when I stated as one of the reasons therefor, that he himself shot an American flyer, I did not know that the American flyer was already a prisoner of war. On the 18th December 1944 about 1400 hours at the village entrance at CHENEUX, Georg PREUSS - then Obersturmfuehrer - commander of the 10th Armored Company, III Battalion, 2nd Panzer Grenadier Regiment, L.SS.A.H. came to me and reported back, namely, up till then he was lost. He kept himself hidden in the woods of BUELLINGEN with a small part of the vehicles of his company. At this occasion and at this time he told me 'I bumped off a flyer'. Hereby he pointed at padded American flying pants or a combination suit, which he wore at this time and had not worn previously. SS Obersturmfuehrer PREUSS related to me hereby that he shot the American flyer from whom this piece of clothing originated - in battle. He related that the American flyer sat hidden in a tree and jumped him (PREUSS) unexpectedly. Thereupon he (PREUSS) shot the flyer in presence of mind in veritable close combat. It is also possible that SS Obersturmfuehrer PREUSS related at this occasion that he himself (PREUSS) was hidden in a tree and that he thereby somehow was attacked by the flyer. The particulars of PREUSS's report I no longer remember. In any case I do know that he related to me that he got this American suit from an American flyer whom he himself had shot after either he (PREUSS) jumped the flyer unexpectedly or the flyer him. I did not doubt the accuracy of this, SS Obersturmfuehrer PREUSS's statement and therefore when I put him in for the award of the Ritterkreuz between Christmas 1944 and New Year 44/45 I gave the shooting of this flyer as one of the reasons from which the bravery of SS Obersturmfuehrer PREUSS was apparent.

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

"I swear before God that the statements in this deposition are true and I am prepared to repeat them under oath before any court.

27. III. 1946  
(signed) Josef DIEFENTHAL  
SS Sturmbannfuehrer

Witnessed  
RAPHAEL SHUMACKER  
Capt. CMP

"Sworn to and subscribed before me this  
twenty-seventh March 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 the interpreter.)

MR. ELWITZ: The Prosecution offers in evidence four picture affidavits executed by the accused Josef Diefenthal, identifying photographs of Joachim Peiper, Georg Preuss, Heinz Tomhardt, and Paul Zwigart, requests that they be attached to the record and marked Prosecution Exhibits P-98-B, P-98-C, P-98-D and P-98-E.

DEFENSE: On behalf of the Defense, there is no objection to the picture affidavits or necessity for reading the same, and it is further stipulated that the photographs are those of the accused Peiper, Preuss, Tomhardt and Zwigart.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution are admitted in evidence and will be marked Prosecution Exhibits P-98-B, P-98-C, P-98-D and P-98-E.

(Whereupon the documents referred to were marked and received in evidence as Prosecution Exhibits Nos. P-98-B, P-98-C, P-98-D and P-98-E, respectively, and are attached hereto and made a part of the record.)

MR. ELWITZ: You may cross-examine.

DEFENSE: Dr. Leiling would like to ask some questions.

RE-CROSS EXAMINATION (Continued)

QUESTIONS BY DEFENSE (Dr. Leiling):

Q Is it true that, when interrogating Diefenthal, you told him not to let his men down, but to cover them up by stating that they acted under order?

A No, it is not correct.

Q Did Diefenthal tell you, "Go ahead and dictate, I will sign anything you want me to sign"?

A No, he certainly did not.

DR. LEILING: No further questions.

DEFENSE: No further cross-examination of the witness at this time.

MR. ELWITZ: No redirect.

PRESIDENT: Any questions by the Court?

Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: The Prosecution recalls Mr. Elowitz. Capt. Shumacker will handle the examination.

MORRIS ELOWITZ, recalled as a witness for the Prosecution, testified further through an interpreter as follows:

REDIRECT EXAMINATION (Continued)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q Mr. Elowitz, you are reminded you are still under oath.

A Yes.

Q During the course of your interrogations at Schwaebisch Hall, did you have occasion to interrogate one Rolf Ritzer?

A Yes.

Q Would you recognize Ritzer if you saw him again?

A Yes.

Q Will you look at the accused on your left and state whether or not Rolf Ritzer is present.

A Yes, he is. He is wearing no. 52.

PRESIDENT: No. 52, stand up. -- Sit down.

CAPT. SHUMACKER: The Prosecution hands the reporter a written instrument and requests that it be marked Prosecution Exhibit P-99 for Identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-99 for Identification by the reporter.)

Q Mr. Elowitz, I hand you Prosecution's exhibit marked P-99 for Identification and ask you to state what it is, if you can.

A It is a statement written and signed by Rolf Ritzer.

Q Is that the same Rolf Ritzer you just identified as wearing no. 52?

A Yes.

Q Was that statement made voluntarily?

A Yes.

Q Did you employ any force or threats to obtain that statement?

A No.

Q Did you make any promises to obtain the statement?

A No.

Q Was the statement sworn to?

A Yes.

Q Who administered the oath?

A Capt. Shumacker.

CAPT. SHUMACKER: The Prosecution offers in evidence its exhibit marked P-99 for Identification, requests that it be attached to the record and marked Prosecution Exhibit No. P-99.

LT. COL. DWINELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-99.

(Whereupon the document referred to, having previously been marked and identified, was received in evidence as Prosecution Exhibit No. P-99, and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: The Prosecution offers in evidence a true and correct English translation of its Exhibit No. P-99, requests that it be attached to the record and marked Prosecution Exhibit No. P-99-A.

DEFENSE: On behalf of the Defense, there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution Exhibit No. P-99-A.

(Whereupon the document referred to was marked and received in evidence as Prosecution Exhibit No. P-99-A and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: The Prosecution requests permission to read its Exhibits P-99 and P-99-A.

PRESIDENT: Granted.

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CAPT. SHUMACKER: (Reading)

"I, Rolf RITZER, Sturmman, having been first duly sworn make the following statement under oath:

"During the EIFEL offensive in December 1944, I was a member of the 3 Platoon, 2 Panzer Company, 1 Panzer Regiment, I.S.S.A.H. My platoon leader was Untersturmfuehrer KOCH, my company commander was Obersturmfuehrer CHRIST. On 15 December 1944, in the afternoon between 4 and 5 o'clock, Obersturmfuehrer CHRIST assembled the whole company in the woods near BLANKENHEIM to make a speech about the coming offensive. To the best of my recollection, Obersturmfuehrer CHRIST said the following:

"Tomorrow the great offensive starts which will determine the final fate of Germany. Millions of women and children have been killed by the American Air Force terror attacks. Now we have an opportunity to avenge ourselves for these murders. We have to terrorize the Americans in this battle in order to win. To attain that, we will not take prisoners of war. You are SS men and you know what to do with the prisoners of war you take without me telling you."

"After the speech of Obersturmfuehrer CHRIST, Sturmman MICHOLACZEK of Hauptscharfuehrer KNAPPICH's tank said to Obersturmfuehrer CHRIST, that his shoes were torn. Upon which Obersturmfuehrer CHRIST replied:

"Tomorrow you get yourself a pair of shoes from American prisoners of war."

"I knew from the manner and words of Obersturmfuehrer CHRIST's speech that as far as the officers were concerned, I could shoot every prisoner of war, not only without fear of being punished, but would be rewarded for my actions.

"On 19 December 1944 in the morning between 7 and 8 o'clock a group of tanks of my company, including my own, entered STOUMONT where we were forced to stop at once by American anti-tank fire. It was in this place that a group of 15 to 20 American prisoners of war were shot by our tanks. I have prepared a sketch marked Exhibit "A" attached hereto, which shows the position of the American prisoners of war and the position of our tanks. The tank of Rottenfuehrer PRAHM, indicated as No. 1. on my sketch, was knocked out right on the corner by an American anti-tank gun. The American prisoners of war indicated as No. 9 on my sketch, stood unarmed, but I don't recall if they had their hands over their heads. Unterscharfuehrer BRAUSCHKE, Commander of my tank (No. 2.) at once gave the order to shoot at the prisoners of war--"American prisoners of war standing there at the corner". I looked out and didn't see anything. Schuetze ANGERER at the turret M.G. didn't see anything either and Rottenfuehrer SZYERSKI, the driver of our tank tried to maneuver the panzer around so we could see better. Then I saw suddenly a group of American prisoners of war guarded by German sentries, standing at the corner, and I fired 3 to 4 bursts with my M.G. and I noticed ANGERER fire 2 to 3 bursts at the group of American prisoners of war. While I shot, I noticed the German sentries who guarded the American prisoners of war run to the opposite side of the street and part of the group

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of the American prisoners of war who stood near the corner slumped to the ground and it looked to me that they were fatally wounded. The rest of the group of prisoners threw themselves to the ground, as it appeared to me to protect themselves from the M.G. fire. I knew those prisoners were Americans because they wore American uniforms. PRAHN's tank started to burn while I fired with the M.G. Unterscharfuhrer BRAUSCHER gave the driver the order to back up, whereupon we stopped the firing. After we had backed up 10 meters, I saw from this position, as indicated on my sketch Hauptscharfuhrer KNAPPICH's tank (3) and Oberscharfuhrer ROFETER's tank (4) shoot with both their machine guns into the group of prisoners of war who lay on the ground. After those bursts of the other tanks, I saw none of the Americans move and in the manner they lay, it was my opinion that they were dead.

"We proceeded and as we left the town of STOU MONT, standing in front of a house on the left side of the street, I noticed a group of 15 to 20 prisoners of war guarded by 3 to 4 German paratroopers. I knew that no one of our tank group shot at these prisoners of war, but later on in the evening of the same day, after my tank had been knocked out, I came back on foot, and I saw at this precise spot, laying there dead, about the same number of Americans, I do not know who murdered these American prisoners, nor have I heard anything about it.

"We proceeded and came to a place, about 2 kilometers westward of STOU MONT which was the furthest point in the offensive. At this place we also shot American prisoners of war and I have prepared a sketch marked "B" attached hereto, which shows the position of our tanks and that of the prisoners of war. There were about 15 American prisoners at the spot No. 6 on my sketch. Several of them had their hands above the head and none of them had weapons. It was about two o'clock in the afternoon when we arrived at this spot. Unterscharfuhrer BRAUSCHKE gave the gunner ANGERER the order to shoot at the American prisoners of war with the turret M.G. but ANGERER couldn't shoot because he had loading trouble. Thereupon, Unterscharfuhrer BRAUSCHER turned to me and repeated the order to me to shoot at the prisoners of war. I adjusted my sight and as soon as I had the M.G. aimed at the Americans, I shot 4 bursts with my M.G. into the group of prisoners of war and my M.G. jammed. As I shot, I noticed the tracer streaks from the tank behind me also go into the group of prisoners of war. This was Untersturmfuhrer KAUFMANN's tank (No. 2). Later on this evening I spoke to Sturmann ODOY, radio-operator in KAUFMANN's tank and he told me that he, like I, shot into the group of prisoners of war with his M.G. I recall how these prisoners of war fell down when they were hit. They slumped to the ground and lay quietly and I am sure that they were either all dead or badly wounded. At that time Untersturmfuhrer KAUFMANN's tank (No. 2.) was hit and American artillery was dropping around us. We tried to move our tank away from there and in doing so we got stuck in the ditch. Our crew left the tank and started to move back on foot and as we passed Untersturmfuhrer

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KOCH's tank (No. 3.) I noticed his turret M.G. still shooting in the direction of the prisoners at which I had shot.

"When we were in the pocket in LA GLEIZE at a date, I believe to be the 21st December 1944, I sat on the stairs which led to the cellar in the house which was Battalion Commander, Sturmbannfuhrer ROETSCHKE's C.P. It was about 9 o'clock in the morning and I heard Obersturmfuhrer CHRIST give the order to German sentries who guarded American prisoners of war outside, to lead the American prisoners of war to a pasture and 'bump them off' there. I had entered the house several minutes before and saw standing with three German sentries, 20 to 30 American prisoners of war. First I heard Obersturmfuhrer CHRIST ask the sentries what they were doing with the prisoners, and the guard answered him:

"Obersturmfuhrer, we have the orders to wait here".

And then Obersturmfuhrer CHRIST said:

"Don't make such fuss, men, lead them to the next pasture and bump them off."

"I actually did not see CHRIST give the order, but I recognized his voice and I know his voice well because I heard him talk daily for over a month. And, furthermore, either shortly before or shortly after he had given this order, I saw him come to the cellar. I recall also that the other men who were sitting together with me recognized the voice of CHRIST because some of them remarked that CHRIST is 'on the loose again'. Of the comrades who were at that time together with me at the C.P. I recall with certainty that only the following were present: Sturmann Hans HUEBLER, Sturmann Werner ZANDER, Sturmann MOHNKE, Sturmann SCHAEFER, Rottenfuhrer WALLMEIER, Sturmann NIPPENMEIER, Schuetze ANGERER. I don't know whether these prisoners of war were actually shot as CHRIST had ordered, but I know that the guards, obeying the order, marched off with the prisoners of war.

"When I and my comrades spoke about CHRIST in the battalion C.P. Sturmann NESTLER the messenger of the 2 Company at the Battalion said to us:

"CHRIST acts the same way in our Company C.P. Just this morning CHRIST gave an order in the Company C.P. to shoot American prisoners of war, and he even threatened some of our men with execution on account of cowardice."

"NESTLER showed us an American watch which he had taken from an American prisoner of war, whom CHRIST had shot.

"I make this statement consisting of 9 pages and two sketches marked "A" and "B" voluntarily and out of my own free will, uninfluenced by force, threats, or coercion or

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promises of any kind.

" (Signed) Rolf RITZER  
13 March 1946.

"Sworn to and subscribed before me  
this 13th day of March 1946, at  
SCHWABISCH HALL, Ger.

"RAPHAEL SHUMACKER  
Capt. CMP."

(Whereupon the statement was read in German by the inter-  
preter.)

CAPT. SHUMACKER: Prosecution offers in evidence an  
affidavit executed by the accused, Rolf Ritzer, an identifying  
photograph of the accused Arnold Mikolaschek, request that it be  
attached to the record and marked Prosecution Exhibit No. 99-B.

DEFENSE: On behalf of the Defense, there is no objec-  
tion to the picture affidavit or necessity for reading the same,  
and it is further stipulated that the photograph is that of the  
accused, Mikolaschek.

PRESIDENT: There being no objection, the exhibit  
offered by the Prosecution is admitted in evidence and will be  
marked P-99-B.

(Whereupon the document referred to was received in evidence  
as Prosecution Exhibit No. 99-B, is attached hereto and made a  
part of the record.)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q Mr. Elowitz, during your interrogations at Schwaebisch  
Hall, did you have occasion to interrogate one, Arnold Mikolaschek?

A Yes.

Q Could you identify him if you saw him again?

A Yes.

Q Will you look at the accused to your left and state  
whether or not he is among those present?

(Mr. Elowitz - Redirect)

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A Yes, he is. He is wearing No. 37.

CAPT. SHUMACKER: Will the Court please have No. 37 stand?

PRESIDENT: No. 37 will stand up....sit down.

CAPT. SHUMACKER: Prosecution hands the reporter a written instrument and requests that it be marked Prosecution Exhibit No. 100 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 100 for identification by the reporter.)

QUESTIONS BY PROSECUTION (Capt. Shumacker):

Q I hand you Prosecution Exhibit No. 100 for identification, and ask you to state what it is, if you know?

A It is the written and signed statement of Arnold Mikolaschek.

Q Is that the same Arnold Mikolaschek you have just identified as wearing No. 37?

A It is.

Q Was that statement made voluntarily?

A It was.

Q Did you employ any force or harsh treatment to obtain the statement?

A No.

Q Did you make any promises of any kind to obtain the statement?

A No.

Q Was the statement sworn to?

A It is.

Q Who administered the oath?

A Capt. Shumacker.

(Mr. Elowitz - Redirect)

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CAPT. SHUMACKER: Prosecution offers in evidence Prosecution's exhibit marked P-100 for identification, request that it be attached to the record and marked Prosecution Exhibit 100.

LT. COL. DWINELL: Defense objects to the evidence on the grounds previously stated.

PRESIDENT: Objection is overruled. The exhibit offered by the Prosecution will be admitted in evidence and marked Prosecution Exhibit No. 100.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. 100, and is attached hereto and made a part of the record.)

CAPT. SHUMACKER: Prosecution offers in evidence a true and correct English translation of its Exhibit No. P-100, request that it be attached to the record and marked as Prosecution's Exhibit No. 100-A.

DEFENSE: May it please the Court, the defense desires to make no objection to the translation at the present time, but would like to have the privilege of checking this as we are short one of the pages in our copy.

PRESIDENT: The exhibit offered by the Prosecution will be admitted in evidence and will be marked P-100-A, subject to objection by the Defense at a later date.

(Whereupon the document referred to was received in evidence as Prosecution Exhibit No. 100-A, is attached hereto and made a part of the record.)

PRESIDENT: The Court will adjourn until 0830 tomorrow morning.

(Whereupon at 1655 hours the Court adjourned until 5 June 1946.)

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CAMP DACHAU, GERMANY

5 June 1946

MORNING SESSION

(Whereupon the Court reconvened at 0830 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: If the Court please, let the record show that all the members of the Court are present, all the members of the Prosecution are present, all the members of the Defense are present with the exception of Mr. Strong, sick in quarters, all the defendants and the reporter are present.

Mr. MORRIS ELOWITZ, recalled as a witness for the Prosecution resumed the stand.

CAPTAIN SHUMACKER: Mr. Elowitz, you are reminded that you are still under oath.

MR. ELOWITZ: Yes.

CAPTAIN SHUMACKER: The Prosecution with the Court's permission will read its exhibit P-100A.

(Whereupon Captain Shumacker proceeded to read Prosecution's Exhibit P-100A as follows):

"I, Arnold MIKOLASCHEK, being duly sworn, make the following statement under oath:

"During the EIFEL offensive in December 1944 I was a member of the 2nd Platoon, 2nd Co., 1st Pz. Rgt. ISSAR. I was assigned to the tank of Hptschf. KNAPPIK as radio operator. My Company Commander was Ostuf. CHRIST, my platoon leader was Hptschf. KNAPPIK. The other men in my tank were Rttf. Heinz HOFFMANN, gunner, Rttf. KOBLER, assistant gunner, Rttf. Erich WERNER, driver.

"On the 15 December 1944 - the day before the beginning of the EIFEL offensive, around 8 o'clock in the evening, when our company was in readiness in the woods in the vicinity of BLANKENHEIM, Ostuf. CHRIST delivered a speech to the whole company. He spoke as follows:

'Tomorrow the offensive starts which will decide the ultimate fate of Germany. In this attack we will fight in the old SS tradition. As few prisoners as possible will be taken.'

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(Mikolaschek Statement)

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"Upon completion of the speech I said to the Company Commander that I didn't have any shoes. Ostuf. CHRIST answered:

'Tomorrow at the push you can acquire some yourself. Then we will have everything in abundance from the Americans.'

"I knew from the speech of Ostuf CHRIST that in this offensive I could bump off prisoners of war without fear of punishment on the part of my superior officers.

"On the morning of the 19 December between 7 and 8 o'clock my tank, together with other tanks of our company, entered STOUHONT. It was there that American prisoners of war were shot and I prepared a sketch marked "A" attached hereto, which shows the position of my tank and the position of the prisoners of war.

"I have numbered the tanks and positions and in the description of the events I will refer to these numbers. Rttf. BRAHMS' tank (1) was knocked out as soon as he reached the corner. The other tanks dispersed in the field on the right side of the road as shown in my sketch, and my tank took the position marked as No. 5. As soon as we were in this position Hptschf. KNAPPIK who stood in the turret shouted: 'On the left prisoners of war are standing.' I looked through the gunner's sight into the direction which he gave and I saw 12 to 15 American prisoners of war standing on the place indicated with No. 4 in my sketch. I knew that these were captured Americans, because they wore the American uniform. I also saw 2 or 3 German infantry soldiers who were guarding these prisoners who stood with their hands crossed behind their heads, without weapons. Hptschf. KNAPPIK immediately ordered me to establish radio contact with the Company Commander. At this time I did not know the exact position of Ostuf. CHRIST's tank but I do know that he could not have been more than 200 meters behind us because we always had very good communications. Had he been further away from us than 200 meters, our radio contact would have been very poor. I quickly succeeded in establishing the radio contact with Ostuf. CHRIST and I heard Hptschf. KNAPPIK say: 'Left of us, prisoners of war; what should I do?' When Hptschf. KNAPPIK addressed the Company commander, he used a code name. I no longer remember what the code name of the company commander's tank was at that time but I do know that it was the code name which KNAPPIK called over the radio. The following answer I heard from the company commander's tank came back to Hptschf. KNAPPIK over the radio: 'Bump them off, out.' Thereupon Hptschf. KNAPPIK immediately gave the order: 'Prisoners half left, turret MG and radio operator MG - open fire.' Upon order I swung my MG into the direction of the prisoners and fired 2 to 3 bursts into the group of the prisoners of war. I estimate the distance between my tank and the position of the prisoners as 80 to 100 meters. At the same time, while I fired, I saw and heard how the turret M.G. fired into the group of prisoners. This MG was manned by Rttf. Heinz HOFFMANN. When I fired my M.G., I traversed it a bit and I saw the prisoners whom I hit slump to the ground. However, since the turret M.G. fired simultaneously into the same direction as I did, I can

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no longer state with certainty who of the Americans was shot by me, and who were shot by Rttf. Heina HOFFMANN. All of the prisoners hit the ground and lay quietly and as I saw it I concluded that they were either mortally wounded or dead.

"On the 22 December 1944, we were in the LA GLEIZE pocket together with the other remnants of the combat group PEIPER.

"I prepared a sketch marked "B" attached hereto, showing the position of our tank and the place where I saw the dead American prisoners of war. At approximately 11 o'clock in the morning of this day, I saw Hptschf. BEDUUN of the 1st Company as he came towards our tank indicated as No. 1 in the sketch, and called Hptsch. KNAPPIK. BEDUUN and KNAPPIK went together into a house which was in the vicinity of the tank. A few minutes later Hptschf. KNAPPIK came out of the house and called: 'WERNER AND HOFFMANN, take your weapons and come with me.' Rttf. HOFFMANN and Rttf. WERNER, with their pistols walked together with Hptschf. KNAPPIK in the direction of Uscha. DRECHSLER's tank of the 1st Comp. which in my sketch is indicated by No. 2. Approximately half an hour later, HOFFMANN and WERNER returned and took their places in the tank. A few minutes later, Hptschf. KNAPPIK said as he sat himself down, 'This is done; we bumped off the prisoners of war. Now we no longer need to guard them.' As I heard this, I turned towards Rttf. WERNER and asked: 'Which ones did you bump off?' He answered, 'The prisoners who carried the ammunition here.' Rttf. WERNER meant the group of 15 American prisoners who on the previous day carried ammunition in the vicinity of our positions. When I put some more questions to WERNER, he abruptly answered me, 'This we accomplished.'

"Around 2 o'clock in the afternoon of the same day, I was sent out to secure camouflage material and to camouflage our tank. I went in the direction of Uscha. DRECHSLER's tank, and as I reached the place in front of his tank, I looked to the right and saw a group of 15 dead Americans in front of a stable, as indicated with No. 3 on my sketch "B". I saw how the Americans were lying in an unusual manner, one on top of the other, and from my past war experiences, I knew from the way in which the Americans were lying that they were not shot in battle. I concluded that they were the same prisoners which were bumped off previously by KNAPPIK, WERNER and HOFFMANN. In addition to the information they related to me when they returned to the tank as I have previously described, I knew that the place where the prisoners were shot was near our position because at approximately the same time which they had mentioned that the prisoners were shot, I heard M.P. and pistol firing. I did not walk over to examine the bodies that were lying there but I concluded from their appearance that they were all dead.

"I make this statement consisting of 7 pages and 2 sketches, marked "A" and "B" voluntarily without coercion, threats or promises of reward.

/s/ Arnold MIKOLASCHEK  
3 April 1946

"Sworn to and subscribed before me  
this 3rd day of April 1946 at  
Schwabisch Hall, Germany.  
/s/ Raphael Shumacker, Capt, CMP "

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

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Captain Shumacker):

Q Mr. Elowitz, do you know Obersturmfuehrer Christ referred to by Mikolaschek in Prosecution's Exhibit Number 100A just read?

A Yes.

Q Is he in the courtroom?

A Yes, he is.

Q What number is he wearing?

A Number 7.

Q Do you know the Erich Warner referred to in the exhibit just read?

A Yes.

Q Will you look at the defendants on your left and state whether or not he is present.

A Yes, he is wearing Number 72.

PRESIDENT: Number 72 stand up. Sit down.

Q Do you know Heinz Hofmann referred to in Prosecution's Exhibit 100A just read?

A Yes, he is wearing Number 25.

PRESIDENT: Number 25 stand up. Sit down.

Q In your interrogations at I.P. Number 2, Schwabisch Hall, Germany, did you have occasion to interrogate Heinz Hofmann?

A Yes.

Q Is that the same Heinz Hofmann you just identified as wearing Number 25?

A Yes, it is.

Q Did Hofmann make a statement to you as a result of your interrogation?

A He did.

CAPTAIN SHUMACKER: Prosecution hands the reporter a written instrument and requests that it be marked Prosecution's Exhibit 101 for identification.

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(Elowitz - Redirect)

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(Whereupon the document referred to was marked Prosecution's Exhibit 101 for identification by the reporter.)

Q I hand you Prosecution's Exhibit marked 101 for identification and ask you if you can identify it.

A It is a statement written and signed by Heinz Hofmann.

Q Were you present when that statement was signed?

A I was present when it was written and signed.

Q Is the statement sworn to?

A Yes.

Q Who administered the oath?

A Captain Shumacker.

Q Was the statement made voluntarily?

A It was.

Q Did you use any force, cruel or harsh treatment to obtain this statement?

A No.

Q Did you make any promises of any kind to Hofmann to obtain this statement?

A No.

CAPTAIN SHUMACKER: Prosecution offers in evidence Prosecution's Exhibit marked 101 for identification, with the request that it be attached to the record and marked Prosecution's Exhibit 101.

LT. COLONEL DWINELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit is admitted in evidence and will be marked Prosecution's Exhibit "P-101".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit "P-101" and is attached hereto and made a part of the record.)

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CAPTAIN SHUMACKER: Prosecution offers in evidence a true and correct English translation of Prosecution's Exhibit "P-101" and request that it be attached to the record and marked Prosecution's Exhibit "P-101A".

DEFENSE: On behalf of the Defense, there is no objection.

PRESIDENT: There being no objection, the exhibit will be admitted in evidence and will be marked Prosecution's Exhibit "P-101A".

(Whereupon the document referred to was marked Prosecution's Exhibit "P-101A" by the reporter and is attached hereto and made a part of the record.)

CAPTAIN SHUMACKER: Prosecution requests permission to read its Exhibit "P-101" and "P-101A".

PRESIDENT: Granted.

CAPTAIN SHUMACKER: (Reading):

"I, Heinz HOFFMANN, Rottenfuehrer, having been duly sworn, make the following statement:

"During the EIFEL offensive in December 1944, I was a member of the 2nd platoon, 2nd Company, 1st Panzer Regiment, ISSAH. I was assigned to the tank of Hauptscharfuehrer KNAPPICH, as gunner. Hauptscharfuehrer KNAPPICH was also my platoon leader. My Company Commander was Obersturmfuehrer FRIEDRICH CHRIST.

"On 19 December 1944 at about 8 o'clock in the morning, our company entered STOUJONT. I have prepared a sketch which I attach hereto, which shows the precise location of the tanks which I now recall with certainty. When we entered STOUJONT, Rottenfuehrer PRAHM's tank (2) was knocked out at the corner as shown on my sketch. Hauptscharfuehrer KNAPPICH's tank (3) took the position as shown on my sketch. As soon as we had taken position Hauptscharfuehrer KNAPPICH gave me the order to turn the turret to the right and to shoot with the machine gun at American trenches. After I had fired several bursts, KNAPPICH gave me the order to turn the turret to the left and gave the order, 'HEINZ, M.G. ready - fire at the group of men standing in front.' I looked in the direction he pointed and I saw a group of 15 to 20 Americans who stood at this spot indicated on my sketch as No. 1. These Americans were guarded by some paratroopers; as far as I could see they had no weapons. I knew they were American prisoners because they wore American uniforms. I assumed that Hauptscharfuehrer KNAPPICH knew that

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these were prisoners of war because as I saw them with German guards and without weapons it was at once clear to me that these soldiers were American prisoners of war. I followed Hauptscharfuehrer KNAPPICH's order and shot 2 to 3 bursts into the American prisoners of war. I saw the ones I hit slump to the ground, and I am sure that they were either badly wounded or dead, although I don't know the exact number I hit. At the time I shot at the American prisoners of war, I heard the radio operator M.G. firing, although I can't state with certainty that he shot at the prisoners because it was impossible for me at that moment to see the direction in which he shot. At that time Sturmman MIKOLASCHEK, sat in the radio operator's M.G. position. I heard M.G. fire from the other tanks of my company at the same time as I shot, but it was impossible for me to see which one of the tanks shot because they stood either behind or on the side of our tank.

"I shot the American prisoners of war as I just described — only on orders of Hauptscharfuehrer KNAPPICH, my tank commander and platoon leader, and if I hadn't received such an order from my tank commander I wouldn't have shot.

"I make this statement consisting of two pages and one sketch voluntarily and out of my own free will.

"No threats, force, or promises of reward or immunity from prosecution have been made to me.

/s/ Heinz HOFMANN  
15 March 1946

"Subscribed and sworn to before me  
this 15th day of March 1946 at  
Schwabisch Hall, Germany

/s/ RAPHAEL SHUMACKER  
Capt CMP"

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

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S. 5. 1

PROSECUTION: (Mr ELWITZ) The Prosecution offers in evidence picture affidavit executed by the accused Heinz Hofmann showing a picture of the accused Mikolaschek, and request that it be marked Prosecution's Exhibit P-101-B and attached to the record.

DEFENSE: On behalf of the Defense there is no objection to the picture affidavit, or is there any necessity for the reading of same, and it is further stipulated that the photograph is that of the accused Arnold Mikolaschek.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is admitted into evidence and will be marked Prosecution's Exhibit P-101-B.

(Whereupon the document referred to having been previously marked was received in evidence as Prosecution's Exhibit P-101-B, and is attached hereto and made part of the record.)

PROSECUTION:(Mr ELWITZ) - your Cross-examination.

DEFENSE: May it please the Court the Defense does not desire to interrogate the witness at this time.

PRESIDENT: There do not appear to be any further questions. The witness is excused.

(Whereupon the witness was excused and withdrew).

PROSECUTION: The Prosecution calls as next witness Hans Huebler.

HANS HUEBLER, a witness for the Prosecution was duly re-sworn and testified through an interpreter further as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:(Mr ELWITZ)

Q Are you the same Hans Huebler who has previously testified in this case ?

A Yes

Q And you previously testified that you were a member of the 2nd Company, 1st SS Panzer Regiment, and that your Company Commander was Obersturmfuehrer Christ, is that correct ?

A Yes.

(Huebler-redirect)

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S. 5. 2.

Q Were you a member of the 2nd Company on the morning of  
19 December 1944 ?

A Yes.

Q Where were you at that time ?

A At Stoumont.

Q Did anything happen there ?

A Yes

Q Will you describe what happened ?

A When we arrived at the entrance of Stoumont early in the morning I was in the leading tank number 222. It was very quiet with the exception of some firing coming out of the house. Our Commander gave orders to the radioman to return the fire and shoot into the building. After that a Sergeant and two other men went into the building and took about 13 Americans out. The prisoners were taken to the left of our tank and I could not observe anything further. Later on we were knocked out. After we were knocked out, the driver and the radioman jumped out of the vehicle. The radioman was shot and fell. The driver fell as well. The assistant gunner jumped out ahead of me then I jumped out and sought cover in a little ditch. Half left - at the back of me 2nd Company tanks were standing. I saw how the radioman of Knappich's tank was shooting at the prisoners who were there on the side of the street. There was a great deal of fighting going on- by that I mean combat. I could see how two of these prisoners were falling down. I did not see anything further and returned to La Gleize.

Q When did you first see these American prisoners of war ?

A That was before. Our tank had not yet been knocked out, in other words I was still inside it.

Q What were they doing then ?

A As they came out they stood still and had weapons in their hands but when they were being shot at by Knappich's tank they no  
(Huebler-redirect)

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longer had any weapons.

S. 5. 3.

Q Do you know who the radio operator of Knappich's tank was at that time ?

A Yes

Q Who ?

A Sturmann Mikolaschek.

Q Could you identify him if you saw him again ?

A Yes.

Q Will you please look at the defendants seated on your left and see if you can identify Sturmann Mikolaschek ?

A Yes, Number 37.

Q What was the number of your tank if you remember ?

A 225.

Q Were you ever in La Gleize ?

A Yes

Q When ?

A The 21st.

Q Did you see any American prisoners of war in La Gleize ?

A Yes

Q State where and under what circumstances ?

A I was in the C.P. of Colonel Peiper, and I saw about 30 Americans marched up and they were being accompanied by infantry-men. I heard the noise of shouting "Where are you going with those prisoners of war ?" and the answer was "We were told to deliver them here." The voice went on to say "Lead them to the pasture and bump them off".

Q Whose voice was that ?

A That voice was Obersturmfuehrer Christ.

Q Can you state why you concluded that that was the voice of Christ ?

A The voice of Obersturmfuehrer Christ is such as it can be recognized if you have known him for two months.

(Huebler-redirect)

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S. 5. 4.

Q Did you see Christ shortly before or after the incident ?  
The incident you have just described ?

A I saw him before the incident but not afterwards.

Q Where did you see him before the incident ?

A In the C.P.

Q Did the voice which you have just described as giving the  
order to 'bump off' the American prisoners of war come from the C.P. ?

A It came out of the house in the C.P. from some room.

PROSECUTION:(Mr ELOWITZ). You may cross-examine.

RE CROSS EXAMINATION

QUESTIONS BY DEFENSE: (Lt WAHLER)

Q Will you describe the formation of the prisoners of war as  
you saw them just prior to being shot ?

A They came in three rows.

Q Were they under guard at that time ?

A Yes.

Q How many German soldiers were guarding them ?

A It may have been four men.

Q Would you - or did you recognize from what units they were ?

A No, but they were wearing grey field coats.

Q Whereabouts at the intersection or at the entrance to Stoumont  
were these prisoners standing ?

A They were standing in Stoumont on the left in front of a  
white house.

Q Where did the prisoners come from ?

A They came out of a white building in Stoumont.

Q Can you describe this building ?

A The house was half left in front of me; it had been painted  
white and was not too big.

Q As you approached this entrance to Stoumont, did you happen  
to notice the building at that time ?

(Huebler-recross:)

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A Yes.

8 5. 5

Q At that time did you see any machine gun firing coming from that house.

A Rifle shots.

Q Can you describe what you saw ?

A Rifle shots coming out of the building . There is nothing further I can describe any more.

Q Did anyone from your tank fire into the building ?

A That I don't know.

Q Do you know if any other tanks were given orders to fire into the building ?

A That I also don't know.

Q Do you know whether or not there was an American Anti-tank gun near this building ?

A No. On the right hand side of the Church there was an American Anti-tank gun.

Q How far is the church from this building you have heretofore described ?

A 30 to 40 meters approximately.

Q Can you describe this anti-tank weapon that you saw and the number of crew members that were firing it ?

A No.

Q Was this anti-tank gun being fired at the time that you saw it ?

PROSECUTION: (Mr ELOWITZ) The Prosecution objects to that question on the grounds that it is immaterial and irrelevant to the issues in the case.

DEFENSE: (Lt WAHLER). If the court please, on direct-examination the witness testified to this and all I am trying to do is test his credibility.

PRESIDENT: Objection over-ruled.

A It was not firing when we were standing. It only began firing when we moved forward because I could not see it before.  
(Wuebler-recross)

# 146

A Yes.

S 5. 5

Q At that time did you see any machine gun firing coming from that house.

A Rifle shots.

Q Can you describe what you saw ?

A Rifle shots coming out of the building . There is nothing further I can describe any more.

Q Did anyone from your tank fire into the building ?

A That I don't know.

Q Do you know if any other tanks were given orders to fire into the building ?

A That I also don't know.

Q Do you know whether or not there was an American Anti-tank gun near this building ?

A No. On the right hand side of the Church there was an American Anti-tank gun.

Q How far is the church from this building you have heretofore described ?

A 30 to 40 meters approximately.

Q Can you describe this anti-tank weapon that you saw and the number of crew members that were firing it ?

A No.

Q Was this anti-tank gun being fired at the time that you saw it ?

PROSECUTION: (Mr ELOWITZ) The Prosecution objects to that question on the grounds that it is immaterial and irrelevant to the issues in the case.

DEFENSE: (Lt WAHLER). If the court please, on direct-examination the witness testified to this and all I am trying to do is test his credibility.

PRESIDENT: Objection over-ruled.

A It was not firing when we were standing. It only began firing when we moved forward because I could not see it before.

(Huebler-recross)

#146 Q Was this anti-tank gun firing at the time the Prisoners  
S. 5. 6. of war were standing in front of this building ?

A No.

Q When did this anti-tank gun stop firing ?

A It only stopped when we were knocked out and our tank  
was burning.

Q After your tank was knocked out where did you go ?

A Toward La Gleize.

Q Immediately after your tank was knocked out what did you  
do ?

A I reported to the C.P. where I was assigned to a Mark P IV  
tank.

Q What I would like to know is what did you do immediately  
after you got out of that tank ?

A I sought cover in the side ditch .

Q How far was this place from where your tank was knocked  
out ?

A About 5 to 6 meters.

Q Can you describe how deep this ditch was ?

A 50 centimeters.

Q How long did you remain in this ditch ?

A It may have been about 5 minutes.

Q While you were in the ditch did you happen to have the  
occasion to observe the directions of firing --

PROSECUTION(Lt Col ELLIS) If the Court please, we request  
that the Defense makes that question more clear when he says "firing"-  
what is he referring to when he says "firing".

DEFENSE:(Lt WAHLER) I will rephrase the question.

Q While you were in the ditch, did you happen to observe  
whether there was any firing coming from the anti-tank gun that you  
heretofore described ?

LT. WAHLER: All right, I will rephrase the question.

QUESTIONS BY DEFENSE (LT. WAHLER CONTD)

Q While you were in the ditch, did you happen to observe whether there was any fire coming from this anti tank gun that you have heretofore described?

A No, it no longer fired.

Q Did you see any small arms fire coming from any direction other than from the German tanks that were in the vicinity?

A I didn't see it, but there was some shooting. One could hear it.

Q Did you at any time see Mikolaschek fire his machine gun in his tank?

A I did not see Mikolaschek shoot himself. I only saw the radiomen's machine gun fire.

Q How long did this machine gun fire?

A I did not actually observe until the end.

Q And what did you observe then?

A I only saw some shots. Then I took off and I saw nothing further of the incident.

Q Was Mikolaschek's tank buttoned up at this time?

A The window of the tank commander was open and Knappich was looking out of it.

Q Was the opening by the radioman's machine -- was that buttoned up or open?

A That I don't know. I went back when the shooting decreased and I saw that the opening of Knappich was open about this much (Indicating).  
(Huebler - Cross)

QUESTIONS BY DEFENSE (CAPT. NARVID)

Q Did you see any other machine gun from Knappich's tank shoot?

A No.

Q In other words, the only weapon which you saw firing in the direction of the prisoners of war was the radio operator's machine gun?

A Yes.

QUESTIONS BY DEFENSE (DR. HERTKORN)

Q When the tank knocked out and you sought cover in this ditch of what you have been talking, where was this ditch?

A In the direction in which the tank was moving to the halfright behind it.

Q Was the space between you and those tanks of your company which were behind you under enemy observation?

MR. ELOWITZ: May it please the Court, I object to that question. The witness is in no position to testify as to what observation the enemy had.

PRESIDENT: Objection sustained.

QUESTIONS BY DEFENSE (DR. HERTKORN CONTD)

Q Was the space in which you were lying under fire by the enemy?

A The space in which I was, was shot at by the enemy but it all went past above my head -- in other words, above the ditch.

MR. WALTERS: If your Honor please, for some time now we have had two, at least two members of the prosecution staff telling this interpreter how to interpret things.

(Huebler - Cross)

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LAW MEMBER: Unfortunately the interpreter doesn't seem to know how to interpret right now.

MR. WALTERS: May we ask for another interpreter?

PRESIDENT: Just a minute. Let's get all of this translated. Did you repeat the remarks of the law member?

INTERPRETER: I interpreted all three remarks.

LAW MEMBER: One of the members of the prosecution has been sworn as an interpreter. It would probably be more advisable if he will advise the chief prosecutor of a mistake when it is made even though it will take three times as much time. The interpreter will be cautioned that he must translate word for word that which is being said and must pay more attention. Proceed.

MR. ELOWITZ: With the permission of the Court, I would like to have the last question and answer repeated.

(Whereupon the question was read by the reporter as follows:

"Q Was the space in which you were lying under fire by the enemy?

A The space in which I was, was shot at by the enemy but it all went past above my head -- in other words, above the ditch.")

MR. ELOWITZ: I would like the witness to answer that last question. That was the answer upon which there was some question of interpretation.

(Whereupon the question was read by the reporter as follows:

147,4sp

"Q Was the space in which you were lying under fire by the enemy?"

MR. ELOWITZ: We have no objection to the translation. You may continue.

QUESTIONS BY DEFENSE (DR. HERTKORN CONTD)

Q To what type of fire was the space in which you were, subjected?

A I couldn't determine that.

Q Have you as a soldier found out the difference between the hitting of an anti tank gun and that of a machine gun?

A Yes.

Q Can you then say what type of fire the space in which you were subjected to anti tank fire, to machine gun fire or to artillery fire?

A It was infantry fire.

Q Machine gun fire or fire from non automatic weapons?

A That exactly I can't say.

Q Were you able to move your head above cover in spite of the fire?

A Yes.

Q How far was your position from that of the prisoners of war?

A About 15 meters.

Q How far were the paratroop guards who were guarding the prisoners away from the prisoners?

A The guards were standing next to the prisoners.

Q Have you seen whether or not, through the fire (Huebler - Cross):

which was allegedly directed from the tank on the prisoners of war guards were also hit?

A No.

Q When you saw the fire come out of the tank, were you able to see backwards to the prisoners of war?

A I followed with my eyes the direction of the fire of the machine gun and I saw how two fell down.

Q Did you see gun flashes?

A Through the first shots, yes.

Q Was there any other shooting at the time that you observed those bursts?

A There was shooting both by the Americans and us, but who it was I cannot say.

Q Sometime ago you stated that two members of your crew were shot down as they jumped out of the vehicle. Do you know from which direction those shots came?

MR. ELOWITZ: Prosecution objects to that question. The witness never testified to those facts. The witness testified as I recollect that the tank was knocked out and that two of the members were hit or hit by the gun fire that knocked out the tank.

DR. HERTKORN: As far as I see, there is an error here. I understood it to be in this man's tank it was shot and began to burn. Two people jumped out and these people were shot at subsequently.

MR. ELOWITZ: Prosecution will withdraw its objection.

(Huebler - Cross)

QUESTIONS BY DEFENSE (DR. HERTKORN CONTD)

Q Through what fire and from what direction do you believe the driver and the radioman of the vehicle as they jumped out were hit?

A Exactly I cannot say but in my opinion it came from the front from up ahead.

Q Did you notice whether or not those guards who were watching the prisoners took cover or remained where they were standing when this firing was going on?

A The posts were standing.

Q When the tank had been knocked out and you went from Stoumont to La Gleize, where did you go first in La Gleize?

A I reported to a CP as crew member of a knocked out tank.

Q You said some time previously that you had been ordered to report to a Mark IV.

A Yes.

Q Was a Mark-IV in the vicinity of La Gleize?

A I saw none.

Q At what CP did you report?

A I can no longer recollect the name of the CP.

Q Did you see an officer at the CP who was in charge there?

A I cannot say exactly but I believe Untersturmfuehrer Reiser was there.

Q From what company?

A He was in the battalion.

Q From what battalion?

A The first battalion.

Q What time did you arrive at the CP?

(Huebler - Cross)

147,7ap

A That was before noon, around 10, 11 o'clock.

Q Was the second company in La Gleize already?

A The second company had already passed through La Gleize.

Q In other words, nobody of the second company remained in La. Gleize?

A That I don't know. I saw none.

Q Did you arrive on foot and by yourself or accompanied by someone in La Gleize?

A I went with my assistant gunner, Sturmman Sunder to La Gleize.

Q Was Sunder at the CP with you?

A Yes.

Q Where did you go from the CP and what did you do further?

A I was assigned to a Mark IV and again sent forward to Stoumont.

Q Where was the second company as you were moving forward?

MR. ELOWITZ: May it please the Court, prosecution objects to the line of questioning. It is entirely immaterial and irrelevant.

DR. HERTKORN: May I counter that it is important for me and the man that I defend, to determine where the second company was at this time because it has been stated that Kriess was allegedly in La. Gleize.

MR. ELOWITZ: The defense counsel is certainly privileged to call his client as a witness or to recall this witness to testify on his own behalf, but this witness--

(Huebler - Crose)

PRESIDENT: That is correct. The objection is sustained.

DR. HERTKORN: Ich danke.

QUESTIONS BY DEFENSE (DR. RAU)

Q If I understood you correctly you were in the tank point and you were the first one to enter Stoumont. Were parachutists there before you?

MR. ELOWITZ: Tell the witness to refrain from answering until the question is translated into English. What is the answer to that last question?

A Yes.

Q Isn't it true that the tank was the first in the fight?

A If I am by myself in a tank and I go into a locality, I can't afford to do that. One feels unsafe in a tank and one needs infantry men.

Q But these infantry men follow their tank. They do not precede it.

MR. ELOWITZ: May it please the Court, prosecution objects to the question. It's entirely irrelevant. Certainly the witness is not an expert to testify on where and when infantry are disposed as troops, and it has no bearing on the testimony given by the witness on direct examination.

DR. RAU: As far as I am concerned, the witness as a member of a tank crew is somewhat of an expert since he has participated in combat of this nature. It must be examined whether the witness is not confusing several incidents. I ask the Court to decide.

LAW MEMBER: The Court will sustain the objection but on the ground that no proper question has been asked. It's simply a statement by the defense. If the defense wishes to interrogate this witness as to his technical qualifications by virtue of the fact that he is a member of a tank crew, it may be done by questioning. You may proceed.

QUESTIONS BY DEFENSE (DR. RAU CONTD)

Q Is it now the rule that infantry follows the tank?

A If there are mines in front of a town, it is not possible for the tank to go ahead and the infantry to follow. It is necessary for the infantry to precede the tank.

PROSECUTION: It wasn't a complete translation of this last answer. I believe he said the infantry or the engineers, is that correct? Translator, is that correct?

LAW MEMBER: Ask him the question again?

(Whereupon the question was read by the reporter.)

LAW MEMBER: Ask him to repeat his answer.

A Generally during combat the infantry either sits on the vehicle or follows the vehicle but when you enter a locality, it is the task of the infantry to either move in simultaneously with a tank or precede it.

QUESTIONS BY DEFENSE (DR. RAU CONTD)

Q How do you account for the fact that both guards and prisoners were moving freely about the street whereas you as a consequence of the firing (Huebler - Cross)

that was going on sought cover?

MR. ELOWITZ: Prosecution objects. There was no testimony that the guards and prisoners of war were moving freely along on the street. As I recall the testimony, the prisoners were marched by the guards across the street from where the house stood on the corner and were shot.

PRESIDENT: The objection is sustained.

DEFENSE COUNSEL: Nothing further from the defense on cross examination.

MR. ELOWITZ: Prosecution has a question or two.

REDIRECT EXAMINATION .

QUESTIONS BY PROSECUTION (MR. ELOWITZ)

Q After you saw the Americans come out of a house and surrender, did you see or hear any firing from the house?

A Not after that.

Q The firing that went over your head while you were in the ditch -- from where did that firing come?

A It came once from Knappich directly in my vicinity, but where the other fire came from I don't know.

Q Was the place where you were in the ditch in the line of fire between Knappich's tank and the prisoners of war?

A I had to pass through there, yes.

Q I direct your attention to Prosecution Exhibit No. 3, the map on the wall, and ask you to step down and see if you can identify the place in Stoumont where the incident took place:

(Huebler - Redirect)

147,11sp

A I was approximately there (Indicating) with my tank. It was approximately at this point.

Q Where was the house you saw the prisoners brought out of?

A The house is approximately here (Indicating).

MR. ELOWITZ: Let the record show the witness points to the first house on the east of the street entering Stoumont.

Q Where were the prisoners of war standing when you saw two of them fall?

A There (Indicating).

Q Where was the church in the town where you said the anti tank gun was located?

A There (Indicating).

Q Which way were the tanks of the second company facing?

A One tank of Unterscharfuehrer Brauschke was behind us and the other ones were behind us to the halfright.

Q Then as you pointed out the American anti-tank gun was to the right of the tanks of the second company.

A From the church on the righthand side the tank was standing.

Q In what direction from the tanks of the second company were the prisoners of war standing? Left or right?

A Left.

Q Can you state if the American PW's where they were standing were in the line of fire of the (Huebler - Redirect)

147,12sp

American gun or were they protected from the fire by their position near the house?

A They were not exposed to the fire of the American gun.

MR. ELOWITZ: That is all.

DEFENSE COUNSEL: Dr. Hertkorn.

RE-CROSS EXAMINATION

QUESTIONS BY DEFENSE (DR. HERTKORN)

○ *Christ?*  
○  Q When did you in La Gleize hear the order or the voice of  Kriass, or at what time do you believe to have heard it?

A It must have been on the 21st.

Q Exactly at what time?

A I cannot give the exact time. It was in the morning.

Q Approximately at what time in the morning? You should know. Was it immediately after dawn or later?

A It could have been 8 or 8:30.

Q Can you describe where the CP was situated in the locality?

A No.

PRESIDENT: Anything further by the defense?

DEFENSE COUNSEL: Nothing further.

MR. ELOWITZ: I have one more question.

REDIRECT EXAMINATION (CONTINUED)

QUESTIONS BY PROSECUTION (MR. ELOWITZ)

Q You testified that you weren't sure of the time you heard the order given by the voice you described as Kriass. Then you testified it could (Huebler - Recross)

147,13sp

have been 8 or 8:30. Could it have been 9 or 9:30 also?

A I cannot judge precisely. It can be possible.

MR. ELOWITZ: That is all.

PRESIDENT: Questions by the defense?

DEFENSE COUNSEL: Nothing further from the defense.

PRESIDENT: Questions by the Court?

Apparently none, the witness is excused.

(Whereupon the witness was excused and withdrew.)

PRESIDENT: The Court will recess until 1035.

(Whereupon the Court at 1005 recessed.)

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PROSECUTION: If the court please, let the record show that all of the members of the prosecution, all of the members of the court, all of the members of the defense, with the exception of Mr. Strong, who is absent on the business of the defense, as well as the reporter, are present.

PROSECUTION (Captain Schumacher): The prosecution recalls at this time Mr. Ellowitz.

MR. ELLOWITZ, recalled as a witness by the prosecution, was reminded of his oath before the court and testified as follows:

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

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION (Captain Schumacher):

Q During your interrogations at IP Number 2, Schwabisch Hall, did you have occasion to interrogate one Erwin Szyperski?

A I did.

Q Would you know this Erwin Szyperski, if you saw him again?

A Yes.

Q Would you look at the accused on your left and point out Erwin Szyperski, if you can?

A Yes, he is present and he is wearing Number 56.

PRESIDENT: Number 56, stand up...sit down.

Q Did you take a statement from Erwin Szyperski, the man you have just identified as Number 56?

(Ellowitz - Direct)

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A Yes.

Q In what form was this statement?

A It was written.

PROSECUTION (Captain Schumacher): The prosecution hands the reporter a document, to be marked "Prosecution Exhibit 102, for identification", and requests that it be so marked by the reporter.

(Whereupon "Prosecution Exhibit No. 102, for identification" was marked by the reporter as requested.)

Q I hand you this document, marked "Prosecution Exhibit No. 102, for identification" and ask you to identify it, if you can.

A Yes, this is the statement written and signed by Erwin Szyperki.

Q Was this statement made voluntarily?

A It was.

Q Did you employ any cruel, harsh, or inhuman treatment to obtain that statement?

A I did not.

Q Did you make any promises of any kind to get that statement?

A I did not.

Q Is that statement sworn to?

A Yes, it was.

Q Who administered the oath?

A Captain Schumacher.

PROSECUTION (Captain Schumacher): The prosecution offers into evidence the document previously marked "Prosecution Exhibit 102, for identification" and requests that it be

(Ellowitz - Direct)

attached to the record and noted as "Prosecution Exhibit No. 102".

DEFENSE (Lt Col Dwinell): The defense objects on the grounds previously stated.

PRESIDENT: The objection is overruled, and the document offered into evidence by the prosecution at this time and previously marked "Prosecution Exhibit No. 102, for identification" will be accepted into evidence by the court and noted as "Prosecution Exhibit No. 102", for attachment to the record.

PROSECUTION (Captain Schumacher): The prosecution offers into evidence a true and correct English translation of Prosecution Exhibit No. 102, to be marked Prosecution Exhibit No. 102 A, and to be attached to the record.

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 No. 102 A, for attachment to the record.

(Whereupon the document referred to having been accepted into evidence by the court, it was read to the court and translated for the accused as follows:)

"I, Erwin Szyperski, Rottenfeuhrer, having been duly sworn, make the following statement:

"In December 1944, I was in the 2nd Company, 1st Panzer Regiment LSSAH. I was attached to the 3rd Platoon, which was led by Untersturmfuehrer Helmut Koch, and in this platoon I was driver of Uscha Brauschke's tank. The other men of this tank crew were Uscha Brauschke, Tank Commandant, Schuetze Angerer, machine-gunner, Nestler, Assistant Machine Gunner, and Rolf Ritzer, radio-operator.

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"On the 15th December 1944, on the day before the Eifel offensive, our Company was assembled between 4 and 5 o'clock in the afternoon for a talk given by Obersturmfuehrer Crist, Company Commander of our Company. This talk took place in a wood near a village which name I don't know. Obersturmfuehrer Crist spoke to us as follows:

"Men, I have just returned now from the Battalion CP and have a message to give you. Tomorrow starts the big offensive, which is going to determine the final fate of Germany. We will fight in the old SS spirit and show no mercy to the enemy. You are SS troops and what you do with prisoners of war you capture is none of my business."

"From this speech, which Obersturmfuehrer Crist delivered, I understood that I could 'bump off' the prisoners of war who would be taken, without receiving punishment from my superior officers."

"On the 19th December 1944, between 7 and 8 in the morning my tank together with four or five other tanks of my Company entered STOU MONT. I have prepared a sketch marked "A" attached hereto, which shows what took place here, and from now on I will refer in regard to this incident to the numbers which are indicated on this sketch."

"As we approached the curve, Rottenfuehrer Frahm's tank indicated on my sketch as No. 1, had been knocked out by American A.T. fire. My tank (2) stopped immediately. At the same time I noticed 20 to 25 American prisoners of war (4) standing on the left-hand side of the road guarded by 3 to 4 German sentries. I

(Ellowitz - Direct)

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knew that these prisoners were Americans because they wore the American uniform. These Americans were standing in a group with their hands in the air and as far as I could see they had no weapons. Unterscharfehrer Erauschke gave the order to "bump off" these prisoners. I heard Sturmfehrer Ritzer with the radio-operator's machine gun, Schuetze Angerer with the turret machine gun traversing their machine guns at the group of prisoners and each of them fired three to four bursts into the prisoner group. I saw the prisoners of war getting hit by the MG fire and all, with the exception of 5 to 7 prisoners slumped to the ground. These 5 to 7 prisoners ran in the direction IA GLEIZE and I do not know what happened to them. Nobody of our tank crew left the tank in order to determine whether they were dead, but in the manner in which they slumped to the ground and were lying, I assumed that they were dead. None of them yelled or thrashed around. The tanks of our Company behind us were also firing at this time, but I could not determine whether they shot into the prisoner group. Although I can't say with certainty the order of the tanks behind me at this time, I knew they were the tanks of Untersturmfuehrer Koch, Untersturmfuehrer Kaufmann, Hauptscharfehrer Knappich, Oberscharfehrer Ropeter, and Unterscharfehrer Herzog. Immediately after the shooting of the prisoners of war, our tank backed into the position number 3, indicated on my sketch. We remained in this position for about 15 minutes and then we continued by making a detour behind the house on the right side, indicated on my sketch.

"About a half an hour after we had left the place which I described here, we reached the center of STOU MONT at a point indicated on my sketch "B", attached hereto, and halted. We exchanged artillery fire here with enemy guns, which were some dis-

(Ellowitz - Direct)

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tance away. While we halted there, I noticed a group of 20 to 30 American prisoners of war on the place number 5, as indicated on my sketch. These prisoners were guarded by three German sentries and stood with their arms in the air and they had no weapons. Nobody shot at the prisoners while I was there and as our tank continued, they stood unharmed.

"On the same day our tank with two or three other tanks of our Company in the afternoon between 2 and 3 o'clock reached a point 1 to 2 kilometers west of STOU MONT, as shown on my sketch "C" attached hereto. I will from now on refer to the numbers indicated on this sketch, as I describe the incident which took place there. To the left of us stood a group of 10 to 15 American prisoners of war with two or three German guards. I could tell by their uniforms that the prisoners were Americans and they stood with their arms in the air and had no weapons. Unterscharfeuhrer Brauschke gave the order to "bump off" the prisoners of war.

"Ritzer loaded his machine gun and Nestler loaded the turret gun for Angerer. At the same time I picked the M.P. up which was lying left from me, and I stood up through the driver's opening, the door of which was open. Unterscharfeuhrer Brauschke gave the order "Commence fire". Ritzer and Angerer fired several bursts with their machine gun into the prisoners and I fired two short bursts with the machine pistol. As I now recall, I fired simultaneously with the machine guns. I did not aim at any particular prisoner, but I aimed at the group and pulled the trigger. I saw them being hit and they slumped to the ground and were lying in various positions. The prisoners were lying quietly and nobody yelled or thrashed around on the ground and as they appeared to me, they were all dead. Nobody climbed out of the tank to

(Ellowitz - Direct)

check the Americans, because at this time Untersturmfuehrer Kaufmann's tank was directly behind us and received a hit and was burning. I do not know whether Untersturmfuehrer Kaufmann's tank (2) or Untersturmfuehrer Koch (3) also shot at the prisoner group.

"When Untersturmfuehrer Kaufmann's tank was knocked out, I attempted to turn my tank and to get out of there in a hurry, and, in doing so, I got stuck in the ditch. Our crew abandoned the tank and started to walk back on foot in the direction of STOU MONT, in order to report to Hauptsturmfuehrer Poetschke, our Battalion Commander, that we had left our tank. Only Unterscharfuehrer Brauschke and I reported to Hauptsturmfuehrer Poetschke, because the others had gone off by themselves. As Unterscharfuehrer Brauschke revealed to Hauptsturmfuehrer Poetschke the situation, Hauptsturmfuehrer Poetschke got very angry, pulled his pistol out and yelled to Unterscharfuehrer Brauschke that: "...if you don't get that tank out of the ditch, I'll shoot you...". Brauschke and I turned around in order to go back to the tank. As we got near to the place where our tank was stuck, I noticed a group of 10 American prisoners of war (5) who were being marched by a German sentry in the direction of STOU MONT. This was at a clearing bordering the main road where our tank was stuck. These prisoners wore the American uniform, marched with their hands over their heads, and had no weapons. When Brauschke and I reached the point "X", indicated on my sketch "C", the machine gun (6) operated by the paratroopers opened fire at the prisoners. I was carrying the machine pistol and Unterscharfuehrer Brauschke said to me: 'You shoot, too'. I fired with my machine pistol and shot two to three prisoners which were the only ones which were still standing, because the others had already been hit by the machine gun fire and were

(Elloyitz - Direct)

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lying on the ground. I was only five meters away from the prisoners and fired two to three bursts with the machine pistol and I could see how the shots of my machine pistol hit the prisoners in the chest. From this group of Americans nobody could escape and all were killed. I walked to the prisoners which I had shot at and determined they were dead, because they did not move. This all took place around 6 o'clock on 19 December 1944 and although it was already dark we could see everything clearly, because Untersturmfuehrer Kaufmann's tank was close by. It had been knocked out previously and was still burning brightly.

"On the night of 23rd to 24th December 1944, on the day we had broken out of the pocket in LA GLEIZE, I heard Hauptscharfeuhrer Knappich saying to Uscha Rech, of our Company, and several NCO's: 'We killed on the last day in LA GLEIZE, American prisoners of war.' From this statement and from the fact that in LA GLEIZE, Knappich's tank stood as security guard between two houses, one of which was used to keep a big group of American prisoners of war in the cellar, I concluded that Knappich's tank shot these prisoners of war.

"I make this statement consisting of 8 pages and three sketches marked "A", "B", and "C", voluntarily, and of my own free will, without coercion, threats or promises of reward.

"Signed: Rottenfeuhrer Erwin Szyperski, 8 March 1946.

"Sworn to and subscribed before me this 8th day of March 1946 at Schwabisch Hall, Germany. Signed: Raphael Schumacher, Captain, CMP."

(Ellowitz - Direct)

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CAPT. SHUMACKER: Prosecution offers in evidence two affidavits executed by Erwin Szyperski, one of the accused Friedrich Christ and one identifying the accused Rolf Ritzer and requests they be attached to the record and marked Prosecution Exhibits P-102-B and P-102-C respectively.

DEFENSE COUNSEL: On behalf of the Defense there is no objection to the picture affidavits nor any necessity for reading the same. It is further admitted that they are pictures of the accused Christ and Ritzer.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution will be admitted into evidence and marked Exhibits P-102-B and P-102-C respectively.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibits 102-B and 102-C respectively and are attached hereto and made a part of the record.)

QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q Mr. Elowitz, during the course of your interrogations at I.P. #2, Schwaebisch Hall, Germany, did you have occasion to interrogate one Erich Werner?

A Yes.

Q Would you know Erich Werner if you saw him again?

A Yes.

Q Will you look at the prisoners in the dock on your left and state whether or not Erich Werner is among those present?

A Yes. He is wearing number 72.

PRESIDENT: Number 72 stand up.

(Whereupon the accused did as directed.)

CAPT. SHUMACKER: I hand the reporter a written statement and request that it be marked Prosecution Exhibit P-103 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit P-103 for identification by the reporter.)

(Elowitz-redirect)

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QUESTIONS BY PROSECUTION: (CAPT. SHUMACKER)

Q I hand you Prosecution Exhibit P-103 for identification, Mr. Elowitz, and ask you to identify it if you can.

A It is a statement written and signed by Erich Werner.

Q Is that the same Erich Werner that you have just identified as wearing number 72?

A It is.

Q Was that statement made voluntarily?

A It was.

Q Is it in Werner's own handwriting?

A It is.

Q Did you employ force, duress or harsh treatment to obtain that statement?

A No.

Q Did you make any promises of any kind to Werner to obtain that statement?

A No.

Q Is that statement sworn to?

A Yes.

Q Who administered the oath?

A Captain Shumacker.

CAPT. SHUMACKER: Prosecution offers in evidence its Exhibit marked P-103 for identification and request that it be attached to the record and marked P-103.

LT. COL. DWINELL: Defense objects to the evidence on the grounds previously stated.

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PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution will be admitted into evidence and will be marked Exhibit P-103.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-103, having been previously marked and identified, was received in evidence, is attached hereto and made a part of the record.)

CAPT. SHUMACKER: I hand the reporter a document which is a true and correct English translation of Exhibit P-103 and request that it be marked for identification as Prosecution Exhibit P-103-A.

(Whereupon the document referred to was marked Prosecution Exhibit P-103-A for identification by the reporter.)

CAPT. SHUMACKER: Prosecution offers in evidence a true and correct English translation of Exhibit P-103, marked for identification as Prosecution Exhibit P-103-A.

DEFENSE COUNSEL: On behalf of the Defense there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted into evidence and will be marked Prosecution Exhibit P-103-A.

(Whereupon the document referred to, having been previously marked and identified, was received in evidence as Prosecution Exhibit P-103-A, is attached hereto and made a part of the record.)

CAPT. SHUMACKER: Prosecution request permission to read its Exhibits P-103 and P-103-A.

PRESIDENT: Granted.

(Whereupon Captain Shumacker read Prosecution Exhibit P-103 as follows:)

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"I, Erich WERNER, SS Rottf., having been duly sworn under oath make the following statement:

In December 1944 at the time of the EIFEL offensive, I was a member of the 2nd platoon, 2nd Company, 1st SS Panzer Regiment ISSAR. I was assigned to the tank of Hauptcharfuhrer KNAPPICH as driver. My Company Commander was Obersturmf. CHRIST, and my platoon leader was Hauptchf. KNAPPICH.

On 15 December 1944 about 6 o'clock in the evening while our company was assembled in the forest near BLANKENHEIM the day prior to the beginning of the offensive, Obersturmf. CHRIST delivered a speech to the whole company. He spoke as follows:

'Tomorrow begins an offensive which is going to decide the final fate of our nation. We will go forward ruthlessly. Remember the terror bombings by the Americans which have killed many of our women and children. Now is our time for revenge. In this offensive no prisoners of war will be taken.'

I knew from Obersturmfuhrer CHRIST's speech that I could snoot prisoners of war without fear of punishment from my superior officers. I remember when Obersturmfuhrer CHRIST finished his speech, Sturmann MICKOLASCHEK from my tank crew asked the Company Commander where he could get a pair of shoes. Obersturmf. CHRIST answered:

'When the offensive begins tomorrow we will have plenty of loot.'

Obersturmf. CHRIST also warned us to be careful not to snoot in the villages where we saw the letter 'Z' scratched on buildings as here would be our soldiers in American uniforms who were with the SKORZENY group. We were told that SKORZENY's men would take off their helmets and wave them as a sign of recognition.

On the morning of 19 December 1944, at about 7 o'clock our tank together with other tanks of our company entered STOUHUNT. At this place I saw American prisoners of war snoot, and I have drawn a sketch marked 'A' and attached it hereto showing the location of our tanks and the group of American prisoners of war. Rottf. FRAHM's tank was knocked out at the place indicated by number 1 on my sketch. My tank was located at the place marked number 3 on my sketch and the group of American prisoners of war is indicated by number 2.

The prisoners who numbered about 14 to 15 stood without weapons and with their hands clasped behind their heads. Two or three German Infantry soldiers stood guard nearby. I know that these were American prisoners of war because they wore the American uniform.

As soon as we had reached the place marked with number 3, I heard an order over the radio from our company commander CHRIST that our Tank should bump off the American prisoners who had been taken by Infantry troops from the house marked number 7 on my

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sketch and brought to position number 2. Hauptscharfuhrer KNAFFICH gave the gunner, Rttf. HOFFMANN the order to turn the turret left and gave the order to fire. Both, the turret machine gun operated by Rttf. HOFFMANN and the radio-machine gun operated by Sturm. NICKOLASCHBECK fired 3 to 4 bursts each into the group of prisoners. I was the driver and did not fire but I watched the whole incident and saw how the Americans were hit and slumped to the ground. They lay in odd positions and it was clear to me that they were all either seriously wounded or dead. Right after this Oberscharf. ROPETER's tank went across the field on to the road, followed by Unterscharf. BRAUSCHKE's tank, and we followed after. We travelled along the main street of STOUMONT and reached a point in the center of the village, which I have shown on my sketch 'B' attached hereto. At point number 5 on my sketch, I saw a group of about 30 to 35 American prisoners of war standing sideways. They were standing in single file facing us as we travelled towards them as shown on my sketch. The prisoners had their hands clasped behind their heads, and had no weapons. When my tank reached the point shown as number 3 on my sketch, which was about midway of the column of prisoners, I saw machine gun tracer bullets firing into that part of the group of prisoners who were still ahead of me.

It was clear to me from my past experience in battle that from the sound of the shooting and the amount of tracer bullets I saw, that the firing was coming from two machine guns. From the noise and the tracers I was absolutely positive that the fire directed at these prisoners came from two machine guns and not from a single one. This was obvious from the fact that the tracers showed two different but simultaneous trajectories.

I am also positive that this machine gun fire came from two machine guns mounted on the same vehicle. The trajectories as shown by the tracers were practically parallel and not more than 30 cm. apart, and travelled at approximately the same height above the ground. For these reasons I concluded that the fire had to come from one vehicle.

I could not see who was firing so I yelled to Hauptscharfuhrer KNAFFICH, 'Who is firing?' Hauptscharf. KNAFFICH yelled down to me, 'It is the company commander's tank.' That is how I first knew that Obersturmf. CHRIST's tank was directly behind us.

The Americans that I saw shot, as I have just described, consisted of about half the group of 30 to 35 prisoners and none of them escaped. I could not see that half of the file of prisoners that my tank had already passed. I saw them slump to the ground and assumed such positions that I knew they were dead. I have seen many soldiers shot in battle during the war and I can pretty well tell when a man is either badly wounded or dead.

What happened to the first part of this group of prisoners I do not know but I assume that the machine guns that fired at the part of the group that I saw also shot the prisoners in the first part of the line as the group was not separated, but all stood in one long line.

About an hour later (we had only travelled about 1 or 1 1/2 km.) our tank column stopped on a very narrow road. During that period of one hour we had been travelling on this narrow road. This road was so narrow that tanks could neither pass nor overtake other tanks. When we stopped I then saw that Obersturmfuhrer CHRIST's tank was the one travelling directly behind us.

On a day which I believe to be 21 December 1944, while our group was encircled in LA GLRIZE pocket, at about 11 or 11:30 in the morning, I, together with Rttf. HOFFMANN, was ordered to shoot American prisoners of war. I have prepared a sketon marked 'C' and attach it hereto showing the place where the American prisoners were shot and where our tank stood guard. At the time just mentioned I saw Hauptscharf. ESTUN of the 1st Company come up to the tank and ordered Rttf. HOFFMANN and myself to come along with our weapons. When we joined Hauptscharf. KNAPPICH he said to us, 'We have to bump off prisoners.' We all went down to the house where the prisoners were kept in the cellar. I have indicated this house by number 4 on my sketon marked 'C'. Our group consisted of Hauptscharf. KNAPPICH who had a machine pistol, Unterscharf. TRECHSIER of the 1st Company, who also had a machine pistol, Sturm. LUM of Unterscharf. TRECHSIER's crew, Rttf. HOFFMANN, and myself. With the exception of TRECHSIER and KNAPPICH, we all had Belgian pistols. When we reached the house where the American prisoners were kept, Hauptscharf. KNAPPICH said to Rttf. HOFFMANN and me, 'Go in and bring them out and take them to a garden nearby.' We went down to the cellar and I yelled and motioned to the prisoners to come out. Then HOFFMANN and I took them to the place marked number 3 on my sketch and lined them up in two rows facing us. The group consisted of about 10 to 12 prisoners. We lined up about 10 meters in front of the prisoners in the positions indicated on my sketon. I was on the extreme left and Rttf. HOFFMANN was next to me and Hauptscharf. KNAPPICH was next to him, then came Rttf. LUM and Unterscharf. TRECHSIER was on the extreme right. Hauptscharf. KNAPPICH then said to all of us, 'As soon as I start firing with the machine pistol - every man shoot.' Immediately after that Hauptscharf. KNAPPICH fired his machine pistol into the prisoners and I took aim with my pistol at the prisoner standing second from the left facing me in the front row. I only had 5 bullets left in my magazine and I fired all of them into this one prisoner. I saw him slump to the ground. In the meantime everybody else had fired and all the prisoners were lying on the ground. We walked up to the group of dead men, and I looked at the one I had shot to see if he was still alive and needed a mercy shot. However, after looking at him I was so certain that he was dead that I did not bother to deliver a mercy shot. All the other prisoners were also apparently dead and after examining them nobody delivered any mercy shots. Hauptscharf. KNAPPICH then told us to return to our tank.

I remember that on the day we left the encirclement, I walked along the road in the direction of the church as shown on my sketch and at the place marked number 5, I saw a group of about 30 to 40 dead Americans. From the positions in which they were lying I knew that they were prisoners of war who had been bumped off. It was obvious to me that they had not fallen in battle because there was such a large group killed in one small place. I did not participate in this killing and although I heard some of the soldiers from other companies talking about it, I do not know for certain who shot these prisoners.

I make this statement consisting of 7 pages and three sketches marked 'A', 'B' and 'C' voluntarily, without coercion,

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threats, or promises of reward.

Erica WERNER  
4 April 1946

Sworn to and subscribed before me  
this 4th day of April 1946 at  
Schwaebisch Hall, Ger.

Raphael SHUMACKER  
Capt. CMP"

(Whereupon the statement Exhibit F-103-A was read  
in the German language by the interpreter.)

CAPT. SCHUMACKER: The Prosecution offers in evidence an affidavit executed by the accused Erich WERNER, identifying a photograph of the accused Heinz Hoffmann, requests it be attached to the record and marked Prosecution's Exhibit No. P-103-B.

(Whereupon the document referred to above was marked Prosecution's Exhibit P-103-B for identification).

DEFENSE COUNSEL: On behalf of the defense there is no objection to the picture affidavit nor necessity for reading the same, and it is further stated that the photograph is that of the accused Hoffmann.

CAPT. SCHUMACKER: That is the accused Heinz Hoffmann. We have two Hoffmanns.

DEFENSE COUNSEL: Heinz Hoffmann.

PRESIDENT: The Exhibit offered by the Prosecution will be admitted in evidence and marked P-103-B.

(Whereupon the document referred to above having previously been marked and identified was received in evidence as Prosecution's Exhibit P-103-B, and the same is attached hereto and made a part of the record.)

CAPT. SCHUMACKER: You may cross examine.

DEFENSE COUNSEL: On behalf of the Defense, there is no desire to cross examine the witness at this time.

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

(Whereupon the witness was excused and resumed his seat.)

MR. ELOWITZ: The Prosecution calls its next witness, Otto Lessau.

OTTO LESSAU, called as a witness for the Prosecution, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. ELOWITZ:

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

Q What is your name?

A Lessau, Otto.

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

A Yes, I was.

Q What was your rank and to what organization did you belong?

A I was an SS Unterscharfuehrer sergeant, and belonged to the 2nd Company SS. Panzer Regiment L.SS.A.H.

Q What is your present status?

A I am an American prisoner of war.

Q <sup>are</sup> Where/you being held as a prisoner of war?

A In Dachau.

Q Did you belong to 2nd Company, 1st Panzer Regiment L.SS.A.H. during the Eifel offensive in December 1944?

A Yes, I did.

Q Who was your company commander?

A My company commander was 1st Lt. Christ

Q Could you identify Christ if you could see him again?

A Yes.

Q Will you please look to your left at the accused and identify Christ?

A Yes.

Q What number is he wearing?

A Seven.

Q What were your duties at that time in the Company?

A I was Obersturmfuehrer Christ's tank driver.

Q Who was your tank commander?

A 1st Lt. Christ himself.

Q Were you ever in Stumont during the period of the Eifel offensive?

A Yes, I was.

Q When?

A I first set foot in Stumont on the morning of 19 December 1944.

Q Were any of the tanks of your company knocked out when you were into Stumont?

A Yes, before we reached Stumont the tank of Röttenfuehrer Braun was knocked out outside of town.

Q How far was your tank from the position of Rottenfuehrer Braun's tank when it was knocked out?

A About eighty meters.

Q Was your tank commander Obersturmfuehrer Christ at that time in your panzer?

A Yes, he was.

Q Did you continue on in Stumont?

A Yes, we went to Stumont.

Q Did you see or hear anything happen?

A When we reached the center of Stumont I saw at the right side of the road in front of a grocery store a group of American P.W.'s standing.

Q How many prisoners would you estimate were in the group?

A There were 12 to 18 men.

Q Describe how they were standing?

A They were standing in front of a store, facing us, with their hands above their heads.

Q Did they carry any weapons?

A They were carrying no weapons.

Q Describe what happened then?

A Our car stopped in front of these P.W.'s and while it was stopping it fired three or five shots from the turret machine gun.

Q Do you know who the turret machine gun operator was at that time?

A Yes, I do.

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Q Who was it?

A The officer candidate Hans Pletz.

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

A Yes.

Q Look at the accused on your left and identify Hans Pletz.

A Yes.

Q What number is he wearing?

A 43.

MR. ELWITZ: May I request the Court to have Hans Pletz  
rise.

PRESIDENT: No. 43 stand up. - Sit down.

Q Was Hans Pletz at that time in his position as gunner?

A Yes.

Q Do you know if anyone but the gunner could fire or aim  
the turret machine gun?

A Only Officer Candidate Pletz can aim it.

Q At the time you saw the American prisoners of war and the  
time you heard the burst from your turret machine gun, was your com-  
pany engaged in combat with the enemy?

A We had already penetrated the village. There wasn't any  
more actual fighting.

Q Was there any firing other than the firing from your  
turret machine gun?

A As far as I could hear, no.

MR. ELWITZ: Cross examine.

CROSS EXAMINATION

QUESTIONS BY: DEFENSE: LT. COL. DWINNEL

Q Lessau, you actually saw the prisoners shot at Stumont,  
is that correct?

A No, I didn't see that.

(Lessau - Direct - Cross)

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Q What do you base your information upon?

MR. ELWITZ: May it please the Court, the witness did not testify that he saw the prisoners shot, nor did he conclude that prisoners of war were shot.

LT. COL. DWINNEL: As I recall the testimony, the witness said he saw a tank fire upon prisoners.

MR. ELWITZ: I don't believe the witness stated that. He stated that he saw prisoners of war and then he heard the turret machine gun firing. He is testifying to facts which corroborate the statement of Erich Werner, which was read previous to this testimony.

LT. COL. DWINNEL: I wonder if we could go back and read the record?

PRESIDENT: Objection over ruled.

QUESTIONS BY DEFENSE LT. COL. DWINNEL:

Q Upon what do you base your information?

A I saw the P.W.'s and I heard the shots.

LT. COL. DWINNEL: No further questions.

COL. EVERETT: Dr. Hertzorn.

CROSS EXAMINATION (cont'd)

QUESTIONS BY DR. HERTZKORN:

Q Did you see where the prisoners of war were guarded by the Germans?

A I didn't see that.

Q Could you observe towards the side, from your driver's seat.

A I can see so far to the side from my driver's seat as I can turn my mirror around, which amounts to 90 degrees from the front.

Q Did you see this Mark IV tank being knocked out in front of you?

(Lessau - Cross)

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A I didn't see that.

Q Did you see the effect of the shots?

A No.

Q Was there any fighting, any shooting going on, during that march through the streets?

A According to what I was able to see and hear, there wasn't any fighting going on there at that time any more.

Q Was the motor on your tank cut off?

A I can't state that now with any certainty, but I do think it was running.

Q Did you ever hear that your commanding officer ever issued an order about treatment of prisoners of war, by radio?

A I didn't hear that.

Q Just where was that store in Stumont located?

A The store is located pretty well in the center of town where there is a fork of the roads. The left road goes to the railroad station, I do not know where the right one goes to.

Q How far was that away from the spot where the tank of Braun was knocked out?

A About two or three hundred meters.

Q Did you see American soldiers still remaining in town, besides the P.W.'s?

A Besides those P.W.'s I only saw some American soldiers running around about 500 yards ahead, but our infantry was up there already.

DR. HERTZKORN: Thank you.

CROSS EXAMINATION (cont'd)

QUESTIONS BY CAPT. NARVID:

Q What direction were the prisoners standing from your tank?

A On the right side.

Q Did you actually see the fire from Pletz' machine gun?

A I didn't see it.

PROSECUTION: Nothing further on cross examination.

REDIRECT EXAMINATION

QUESTIONS BY MR. ELWITZ:

Q The Prosecution has a question or two. Lessau, do you recall which tank was in front of you at the time you passed the prisoners of war in the center of Stumont?

A Yes, I can remember that.

Q Whose tank was it?

A It was the tank of Obersturmfuehrer Knappich.

Q How do you know?

A I saw Knappich's head sticking out of the turret.

Q Do you hear, in your position as driver of the tank, every order given over the radio by your tank commander to another tank?

A I don't, necessarily.

Q You testified that there were infantry troops in the town of Stumont which you saw. Can you clarify that? What do you mean by infantry?

A I mean parachutists, because I did observe one parachute machine gun which took its position to the left side of my tank.

Q Did you see any Panzer Grenadier troops?

A There were some SPW's in the Panzer Grenadier regiment included within our column.

Q Did you see them in Stumont?

A I didn't see them at that very spot where we were standing right there, but I saw them.

PROSECUTION: Nothing further from the Defense.

PRESIDENT: Any questions by the Court? Apparently none.

The witness is excused.

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

CAPT. SCHUMACKER: The Prosecution would like to recall Mr. Elowitz.

MORRIS ELOWITZ, recalled as a witness for the Prosecution, having been previously sworn, testified further as follows:

REDIRECT EXAMINATION

QUESTIONS BY CAPT. SCHUMACKER:

Q Mr. Elowitz, you are reminded you are still under oath.

A Yes.

CAPT. SCHUMACKER: A very short statement, if the Court please; I think we can dispose of it.

Q Mr. Elowitz, during the course of your interrogations at Schwaebisch Hall, did you take a statement--a supplemental statement from Gustav Sprenger?

A I only took one statement from Gustav Sprenger, and that was taken in Dachau.

CAPT. SCHUMACKER: The Prosecution hands the reporter a written instrument and requests that it be marked Prosecution's Exhibit No. 104 for Identification.

(Whereupon the document referred to above was marked Prosecution's Exhibit P-104 for Identification.)

QUESTIONS BY CAPT. SCHUMACKER:

Q I hand you Prosecution's Exhibit/P-104, <sup>marked</sup> and ask you to identify it, if you can?

A It is a written and signed statement by Gustav Sprenger, dated 22 April 1946

Q Would you know Gustav Sprenger if you saw him?

A Yes.

Q Will you identify him?

A He is wearing No. 61.

Q Was this statement made voluntarily?

A It was.

Q Did you employ any force or duress to obtain this statement?

A No.

Q Did you make any promises to Sprenger to obtain the statement?

A No.

CAPT. SCHUMACKER: The Prosecution offers in evidence Prosecution's Exhibit marked P-104, for Identification, requests it be attached to the record and marked as Prosecution's Exhibit No. P-104.

PRESIDENT: Any objections by the Defense?

PROSECUTION: You haven't offered it.

CAPT. SCHUMACKER: I thought I did offer it.

LT. COL. DWINELL: We have no copy. I can't tell whether we would make the usual objection, or any further objection. Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The Exhibit offered by the Prosecution is admitted in evidence and will be marked at P-104, subject to later objection by the Defense.

(Whereupon the document referred to above having previously been marked and identified was received in evidence as Prosecution's Exhibit P-104, and the same is attached hereto and made a part of the record.)

CAPT. SCHUMACKER: The Prosecution offers in evidence a true and correct English translation of its Exhibit P-104, and requests it be attached to the record and marked Prosecution's Exhibit P-104-A.

PROSECUTION: The Defense desires the right to reserve its objection, if there are any inaccuracies in the translation.

(Whereupon the document referred to above was marked

(Elowitz - Redirect)

Prosecution's Exhibit P-104-A, for Identification.)

PRESIDENT: The Exhibit offered by the Prosecution is admitted in evidence and will be marked as P-104-A, subject to later objection by the Defense.

(Whereupon the document referred to above having previously been marked and identified, was received in evidence as Prosecution's Exhibit P-104-A, and the same is attached hereto and made a part of the record.)

CAPT. SCHUMACKER: The Prosecution requests permission to read its Exhibits 104, and 104-A.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-104-A was read as follows:

"I, Gustav Sprenger, SS Sturmmann, having been duly sworn upon oath, make the following statement supplementary to my statement of 27 February 1946.

"On the 22nd of April 1946 two photographs were shown to me, one of which bears the writing "Exhibit A-STOUMONT" and the other one "Exhibit B-STOUMONT". Both of these photographs show the house which I described in my statement of 27 February 1946, where Obersturmfuehrer SIEVERS shot three American prisoners of war in presence of Obersturmbannfuehrer PEIPER.

"On the picture marked "Exhibit A-STOUMONT" I have marked with the letter X and Y the exact position of Obersturmfuehrer SIEVERS and Obersturmbannfuehrer PEIPER at the time when Obersturmfuehrer SIEVERS shot the three American prisoners of war. Obersturmfuehrer SIEVERS stood at the spot marked X and Obersturmbannfuehrer PEIPER at the spot marked Y. The three American prisoners of war stood at the exact position as shown by three persons with their hands over their heads on the picture, at the time as I passed this place, as I described it in my statement of 27 February 1946.

"The photo marked "Exhibit B-STOUMONT" is a picture of the same house I described above. However, it shows the path going off the main road and running along the house, which is the path I took at the time of the incidents I described in my statement dated 27 February 1946.

"I have set my signature and today's date on the reverse side of both photographs which I described above and make them a part of the statement and attach them hereto.

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"I make this statement consisting of two pages and two photographs marked "Exhibit A-STOUMONT" and "Exhibit B-STOUMONT" voluntarily, without force, threats or promises of reward.

(signed) Gustav SPRENGER  
22 April 1946.

Subscribed and sworn to before me  
this 22nd day of April 1946.

Robert E. BYRNE  
1st Lt. JAGD"

(Whereupon Prosecution's Exhibit 104 was read in the German language.)

CAPT. SCHUMACKER: You may cross examine.

PROSECUTION: No cross examination by the Defense.

PRESIDENT: Any questions by the Court? Apparently none.

The witness is excused.

(Whereupon the witness was excused and resumed his seat.)

PRESIDENT: The Court will recess until 1330 today.

(Whereupon the Court at 1200 hours took a recess.)

AFTERNOON SESSION

(Whereupon the Court reconvened at 1330 hours.)

PRESIDENT: The Court will come to order.

PROSECUTION: If the Court please, let the record show that all members of the Court; all members of the Prosecution, with the exception of Capt. Shumacker, who is absent on business of the Prosecution; all members of the Defense, with the exception of Mr. Strong, who is sick in quarters, and Dr. Pfister, Dr. Wieland and Dr. Hertkorn, who are absent on business of the Defense; all of the defendants, and the reporter are present.

MR. ELWITZ: The Prosecution recalls the witness Walter Landfried.

WALTER LANDFRIED, recalled as a witness for the Prosecution, was again sworn and testified further through an interpreter as follows:

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Mr. Elwitz):

Q Are you the same Walter Landfried who previously testified in this trial?

A Yes.

Q You previously testified that you were in the communications platoon of the Regimental Headquarters Company of the 1st SS Panzer Regiment. Is that correct?

A Yes.

Q How many SPW's were in your platoon?

A Two.

Q Who was the vehicle commander of your vehicle?

A Hauptscharfuehrer (M/Sgt.) Hartmann.

Q Do you know who the vehicle commander of the other vehicle was?

A Yes.

Q Who was it?

A Unterscharfuehrer (Sgt.) Hillig.

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

A Yes.

Q Will you look to your left at the accused and identify Hillig, if you can.

A Yes.

Q What number is he wearing?

A 24.

PRESIDENT: No. 24, stand up. -- Sit down.

Q During the Eifel offensive in December, 1944, were you ever in Stoumont?

A Yes.

Q When did you arrive in Stoumont?

A It was on the 19th of December, 1944.

Q Do you know what time of day?

A It might have been about noon.

Q Did anything unusual happen in Stoumont at that time?

A Yes.

Q Will you please describe what you saw?

A We entered Stoumont on the 19th of December, 1944, and parked next to the first house on the left side of the road. Then we received orders to search for American weapons. In the course of this search I looked at the house, and near the left rear of the house I saw Obersturmbannfuhrer Peiper, Hauptsturmfuhrer Nueske, Obersturmfuhrer Maule, Untersturmfuhrer Krause, and, in front of them, Unterscharfuhrer Hillig.

Q Whom did Unterscharfuhrer Hillig stand in front of?

A Obersturmbannfuhrer Peiper.

Q What happened then?

A I did not pay any further attention to this scene and continued my search for weapons. A short while thereafter I heard Unterscharfuhrer Hillig say words most similar to these: "Give me a machine pistol." I then went to my SPW and saw as a man from my crew gave Unterscharfuhrer Hillig the machine pistol. The American soldier was standing next to

Unterscharfuehrer Hillig. This man had his hands up, and Sgt. Hillig took him into the field. Then Sgt. Hillig stopped and the American soldier took perhaps one or two more paces toward the front, and then Sgt. Hillig shot the soldier with his machine pistol. He used one shot from his machine pistol for that purpose. Then this machine pistol had a stoppage, so he used one more shot from his pistol, too, and fired it on the American lying on the ground. Shortly thereafter -- immediately thereafter, in fact -- there came some artillery fire, and I saw as the officers, as well as the men, took cover. After that we continued on our way.

Q Did you see Peiper after the shooting by Hillig?

A Lt. Col. Peiper was standing next to the house.

Q Was that in the same position as you have previously described seeing him?

A Yes, toward the left rear.

Q Can you estimate the distance between the place where you saw Hillig shoot the American and the position where Peiper was standing before and after the shooting by Hillig?

A That was about 25 to 30 meters.

MR. ELWITZ: You may cross-examine.

#### RECROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Col. Dwinell):

Q How long had Hillig stood in front of Peiper?

A I did not see that because I was looking for weapons.

Q Had you seen the American prisoner before that?

A Yes.

Q When did you first see him?

A I saw him when I looked at the house.

Q How long was that before Hillig stood before Peiper?

A I didn't understand the question.

Q How long a time elapsed between the time you first saw the American prisoner and Hillig stood before Peiper?

A I saw him at the same time when I saw Hillig stand in front of Lt. Col. Peiper.

LT. COL. DWINELL: No further questions.

DEFENSE: Dr. Leer.

QUESTIONS BY DR. LEER:

Q Where did you go after you saw Hillig stand in front of Peiper among these other people?

A We walked around the field, looked for the weapons which were lying around there, and collected them at one point.

Q Was that in front of the house, or behind it?

A That was toward the half-right -- that is, still in front of the house.

Q Were the men which you saw together with Hillig in front of the house?

MR. ELOWITZ: I don't think the witness -- The witness didn't testify as to men who were with Hillig. I object to the question. The witness testified that there was one American prisoner of war with Hillig.

DR. LEER: Evidently Mr. Elowitz misunderstood my question. I will enumerate the people I am talking about: Hillig, Peiper, Maule, Krause, and Nueske. I will rephrase my question.

A They were standing behind the left rear corner of the house.

Q How far were you from the house at the moment when you saw Hillig, Peiper, Nueske, etc., at the house?

A It might have been about 10 or 15 meters. I don't know exactly.

DR. LEER: No further questions. I thank you.

DEFENSE: Nothing further on cross.

MR. ELOWITZ: Nothing further.

PRESIDENT: Any questions by the Court?

Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

MR. ELOWITZ: The Prosecution calls as its next witness Georg Ebeling.

GEORG EBELING, called as a witness for the Prosecution, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Mr. Elowitz):

Q State your name and age.

A Georg Ebeling, 22 years old.

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

A Yes.

Q To which organization did you belong, and what was your rank?

A Headquarters Company, 1st Panzer Regiment, LSSAH - Corporal.

Q What is your present status?

A I am in American captivity.

Q And where are you being held as a prisoner of war?

A In Dachau.

Q Were you a member of the organization to which you have just testified during the Eifel offensive during December, 1944?

A Yes.

Q Who was your company commander?

A 1st Lt. Maule.

Q Who was your regimental commander?

A Lt. Col. Peiper.

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

A Yes.

Q Will you look to your left at the accused and identify Peiper, if you can.

A No. 42.

Q During the Eifel offensive, were you ever in Stoumont?

A Yes.

Q When?

A December 19.

Q Do you recall the time?

A Yes.

Q Did you see anything unusual happen on that particular day?

A Yes.

Q Will you describe to the Court what you saw?

A In the morning of December 19 our tanks drove into Stoumont. Shortly thereafter the two radio SPW's of our platoon joined us. Then the order was given that the tank was to be camouflaged. After it was camouflaged I got into the tank, and shortly thereafter I heard Sgt. Hillig being called to the CO.

Q What is meant by "Kommandeur"?

A Lt. Col. Peiper.

Q Continue.

A A short while later Sgt. Hillig returned with a prisoner of war and took him to a field which was located behind the house, behind the place where we were standing. After Sgt. Hillig had gotten away from the house about 40 yards, he shot at the American. The American collapsed at once, and after that Sgt. Hillig shot him in the head again one time with his pistol.

Q How far away was the American from Hillig when Hillig shot him the first time?

A About two paces.

Q Did you see Peiper before or after the shooting by Hillig?

A I saw him stand next to the corner of the house before the shooting.

Q Was he by himself?

A No. A few more officers were standing around there.

Q How far was it between the place where Hillig shot the American and the place where you saw Peiper standing before Hillig shot the American?

A About 40 meters.

Q At the time Hillig shot the American, was the American running or walking?

A Walking.

Q After the shooting, did you have a conversation with Hillig?

A Hillig returned, and some of the men from the communications platoon were still standing around, so we talked about the shooting.

Q Do you know why the American was shot?

A According to what was said in the course of the conversation, he was shot because he had refused to say anything.

Q Did Hillig tell you why the American was shot?

A No. I can't say that for sure. Rottenfuehrer Eberhardt might have said it, too.

Q Can you remember what Hillig or Eberhardt exactly said?

A He said something like this: The American was shot because he had refused to say anything and did not want to betray his country.

MR. ELWITZ: You may cross-examine.

CROSS EXAMINATION

QUESTIONS BY DEFENSE (Lt. Col. Dwinell):

Q Do you know Walter Landfried?

A Yes.

Q Did you see him at that time?

A Yes.

Q When was the first time you saw him?

A When the SPW's came along.

Q Did you see what Walter Landfried was doing while the prisoner of war was being shot?

A No.

Q When did you first see the American prisoner of war?

A When Sgt. Hillig returned with him.

LT. COL. DWINELL: No further questions.

QUESTIONS BY CAPT. NARVID:

Q Did Hillig tell you why he shot the prisoner?

A No.

Q When Hillig returned and spoke to you after the shooting, how did he appear to you emotionally?

A He was spiritually moved by that.

CAPT. NARVID: That is all.

DEFENSE: Dr. Leer.

QUESTIONS BY DR. LEER:

Q Did you see Hillig before he was allegedly called to Col. Peiper?

A I don't remember that any more.

Q Do you remember when you saw Hillig for the first time during that incident?

A When he came with that SPW, too.

Q Did he arrive before you?

A No. After me.

Q Can you tell us where the prisoner was before Hillig was called to the CO?

A I only saw the prisoner when Hillig went toward the field with him.

Q Do you know of your own observation or from hearsay whether the prisoner carried arms?

A He had no arms with him.

Q You say he had no arms with him. How do you know?

A I saw that.

Q Did you look in his pocket where his pistol would be?

MR. ELWITZ: I object to that, may it please the Court. The witness has answered the question. He saw no weapons.

DR. LEER: I asked this question in order to clarify the matter, just how the witness is able to make that statement, for I did not ask the witness whether the prisoner was carrying any arms. Rather, I asked him whether he knew it personally, or whether he knew it from hearsay, and since, without any qualification, the witness made a statement, I was forced to ask another question in order to determine this.

PRESIDENT: The objection is overruled.

DR. LEER: I will have to repeat my question.

Q Do you, of your own observation, know whether the prisoner carried any arms, or are you merely assuming this?

A I assume that he didn't have any arms.

Q Who else was present near that house where Col. Peiper was standing?

A If I remember properly, Obersturmfuehrer Krause and Hauptsturmfuehrer Nueske.

Q Did you see Poetschke and Von Westernhagen?

A No.

Q Do you know Poetschke and Westernhagen quite well?

A I know Poetschke quite well, but not Westernhagen.

Q Was Col. Peiper, with several men, standing in front of the house or behind the house?

A Behind the house.

DR. LEER: No further questions.

DEFENSE: Nothing further on cross examination.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Mr. Elowitz):

Q Ebeling, can you describe the position in which the prisoner was holding his hands at the time he was shot by Hillig?

A Yes. He was holding them up.

Q Indicate to the Court the manner in which he was holding his hands.

A In that way (indicating).

MR. ELWITZ: Let the record indicate that the witness held his arms over his head.

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

A Yes.

Q Will you look at the accused on your left and identify Hillig, if you can.

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A 24.

PRESIDENT: No. 24, stand up. -- Sit down.

MR. ELWITZ: That is all.

DEFENSE: Nothing further from the defense.

PRESIDENT: Any questions by the Court?

Apparently none. The witness is excused.

(Whereupon the witness was excused and withdrew.)

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MR. ELOWITZ: Prosecution recalls Mr. Harry Thon.

MR. HARRY W. THON, an American civilian recalled as a witness for the Prosecution resumed the stand and testified as follows:

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

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION (Mr. Elowitz):

MR. ELOWITZ: Mr. Thon, you are reminded that you are still under oath.

Q In the course of your interrogations at I.P. Number 2, Schwabisch Hall, Germany, did you have occasion to interrogate a person by the name of Hillig?

A Yes, sir.

Q Did he ever make a statement to you?

A Yes, he did.

Q Was it oral or a written statement?

A It was first an oral statement and then he wrote a great big statement out of which we made an extract and dictated it to him.

Q Can you identify Hans Hillig?

A Yes, I can.

Q Look to your left at the accused and identify Hans Hillig if you can.

A He is wearing Number 24.

MR. ELOWITZ: Prosecution hands the reporter a written instrument and requests that it be marked Prosecution's Exhibit Number 105 for identification.

(Whereupon the document referred to was marked Prosecution's Exhibit Number 105 for identification by the reporter.)

Q Mr. Thon, I hand you written instrument marked Prosecution's Exhibit Number 105 for identification and ask you to identify it if you can.

A Yes, this is the written statement of Hans Hillig and is signed by him.

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Q Was that written and signed in your presence?

A It was signed in my presence. I don't believe I was present all the time when he wrote it.

Q Was the statement made voluntarily?

A Yes, it was.

Q Did you subject Hans Hillig to cruel and harsh treatment in order to obtain the statement?

A No, I didn't.

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

A No.

Q Was the statement sworn to?

A Yes, it is.

Q Who administered the oath?

A Captain Shumacker.

MR. ELOWITZ: Prosecution offers in evidence its exhibit marked 105 for identification and requests that it be attached to the record and marked Prosecution's Exhibit 105.

LT. COLONEL DWINELL: Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the prosecution is admitted in evidence and will be marked Prosecution's Exhibit "P-105".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit "P-105" and is attached hereto and made a part of the record.)

MR. ELOWITZ: Prosecution offers in evidence a true and correct English translation of its Exhibit 105 and requests that it be attached to the record and be marked Prosecution's Exhibit Number 105A.

DEFENSE: There is no objection on behalf of the Defense.

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(Thon - Redirect)

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PRESIDENT: There being no objection, the exhibit offered by the Prosecution will be admitted in evidence and will be marked Prosecution's Exhibit "P-105A".

MR. ELOWITZ: Permission is requested by the Prosecution to read its Exhibits 105 and 105A.

PRESIDENT: Granted.

MR. ELOWITZ (Reading Exhibit P-105A):

"I, Hans HILLIG, first being duly sworn, make the following statement under oath:

"During the EIFEL Offensive in December 1944, I was in the communications platoon of the Headquarters Company, 1st SS Panzer Regiment, ISSAH as Unterscharfuhrer.

"I saw the first shooting of a prisoner of war in the EIFEL Offensive on 17 December 1944. The exact time I cannot recall; I only know that it was in the afternoon. This happened at the road-crossing which was on the way from BUELLINGEN to ENGELSDORF and which was about 3 to 5 kilometers north of ENGELSDORF. Coming from BUELLINGEN we turned a curve to our left into the main road, and stopped just about at the north end of a pasture on which a rather large number of apparently dead American soldiers were lying. I also can remember that there was a house on the corner directly on the right side after making the left turn. I definitely know that the vehicle of Hauptscharfuhrer HARTMANN drove immediately behind us and at the same time stopped at the above mentioned place. I don't know exactly whether the Div communications vehicle followed HARTMANN. I can remember that a Mark IV tank was parked 4 to 5 meters ahead of us on the righthand side of the road in front of this pasture. We had been standing at this pasture approximately 3 minutes on the righthand side of the road when I saw how Oberscharfuhrer HUBER (as seen from my tank at the right rear corner of the pasture) made an American prisoner get up. I saw how HUBER kicked this prisoner of war with his foot before he had him get up, and I furthermore saw how Oberscharfuhrer HUBER ordered the prisoner to take off several pieces of clothing of which I can recall the following: Shoes and pants. There also could have been other things which HUBER took away from the prisoner but I cannot say for certain. I further saw how HUBER ordered the prisoner to turn around after which HUBER shot the prisoner down from the back. The prisoner fell at once to the ground and as far as I can remember, HUBER fired another shot (it also could have been several) into the prisoner after he fell to the ground. Immediately afterwards HUBER went back to his tank with these pieces of clothing. I know HUBER went back to his tank with these pieces of clothing. I know that it was HUBER because I knew him as I had once played cards with him.

"I know the American soldier whom HUBER shot was a prisoner of war because he immediately raised his hands and did not carry any arms as far as I could see. That he was an American I could recognize from his uniform. Another eye-witness to this shooting is Untersturmfuhrer KRAUSSE who was standing next to me in the SPW.

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I can recall the following people who were at this location in my SPW:

1. Untersturmfuehrer KRAUSSE, Horst
2. Rottenfuehrer KIEFER, Horst
3. Rottenfuehrer LEHN, Walter
4. Unterscharfuehrer HILLIG, Hans

"I would like to add that during the time while this shooting was going on, two other German soldiers were in the pasture. They were walking among those apparently dead prisoners and shot into those bodies with their pistols. I don't remember who those people were, for they did not belong to our unit. It is a fact that these people did not belong to the crew of our SPW because none of us dismounted at this spot. We then travelled on.

"I have made a sketch to clarify the above statement, marked it Exhibit "A" and I make it a part of this statement.

"In the early part of the afternoon of the 19th December 1944, the following happened. If one travels from LA GLEIZE to STOUMONT there stands a house on the left side of the road just as one reached the edge of STOUMONT. Around the house is a garden which is surrounded by a hedge about 1.20 meters high. I was told by Untersturmfuehrer KRAUSSE to park behind this house, that is behind the hedge. We were standing there for about one-half hour at this place, when I received from Untersturmfuehrer KRAUSSE the order to gather up in one pile all enemy weapons and ammunition; the available crew of my vehicle was to help me. Suddenly I heard Sturmbannfuehrer PEIPER shout, 'Hillig, get that prisoner.' I knew where the prisoner was because once before I had executed an order from PEIPER at which time I saw this prisoner. I took the prisoner from the lobby of the house where he was sitting on the stairs and was guarded by Rottenfuehrer Walter LEHN. I led him beside the house and turned him over to Sturmbannfuehrer PEIPER who was sitting on a stone. Immediately next to PEIPER stood the following officers: Obersturmfuehrer Rudi MAULLE, and Untersturmfuehrer Horst KRAUSSE, and I believe I also saw there Hauptsturmfuehrer Hans GRUEHLE. After I gave the prisoner over to PEIPER I withdrew about 5 to 6 meters and remained there. The reason was I wanted to see what PEIPER intended to do with the prisoner. I saw and heard as PEIPER was talking to this man in a foreign tongue. This prisoner only answered to the first sentence which he was asked by PEIPER. PEIPER continued talking to the prisoner, but the prisoner remained mute. At the end of the interview between PEIPER and the prisoner I know, however, that the prisoner gave a short answer. PEIPER then was very angry and shouted, 'HILLIG!' - I answered, 'Sturmbannfuehrer'. PEIPER said, 'Shoot this man and lay him next to the anti-aircraft gun.' By that he meant that I should shoot this man in the vicinity of the anti-aircraft gun. I led the prisoner away towards the location which was indicated to me by PEIPER. When I was about 75 meters away from PEIPER he shouted after me, 'That is far enough.' I would like to add that I had a pistol on me but no machine pistol; therefore I let someone hand me a machine pistol from my vehicle. I cannot tell exactly who gave it to me but I believe it was Rottenfuehrer Walter LANDFRIED. After I had been addressed by PEIPER as indicated above, I took the machine pistol and fired one shot into the region of this American prisoner's heart. He collapsed immediately. As he lay on the ground I shot him once more into the temple to be sure that he was dead. I know that the man did not suffer and was dead because his eyes were glassy. I then returned to PEIPER who was still standing at the same spot, and

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(Hillig Statement)

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reported to him that I had executed his order. He answered something which had to do with the prisoner, but, however, I cannot remember it any more. I then again returned to my previous work.

"To illustrate the above statement I had made up a sketch marked it Exhibit "B" and made it a part hereof.

"This statement consisting of 5 pages and two sketches, was made voluntarily and out of my own initiative, uninfluenced by force, threats, harshness or promises of any sort.

"I swear by God that the facts which are stated herein are true and I am ready to repeat same before any court of justice.

15 March 1946  
HANS HILLIG

"Sworn to and subscribed before me  
this 15th day of March 1946 at  
SCHWABISCH HALL, Germany

RAPHAEL SHUMACHER  
Capt CMP"

(Whereupon Prosecution's Exhibit P-105 was read in the German language.

MR. ELOWITZ; Prosecution offers in evidence two affidavits executed by the accused, Hans Hillig, identifying photographs of the accused, Peiper and the accused Hubert Huber, and requests that they be attached to the record and marked Prosecution's Exhibits 105B and 105C respectively.

DEFENSE: On behalf of the Defense, there is no objection to the picture affidavits or necessity for reading same and it is further stipulated that the photographs are those of the accused Peiper and Huber.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution are admitted in evidence and will be marked Exhibits 105B and C respectively.

(Whereupon the documents referred to were marked Prosecution Exhibits 105B and C respectively, and are attached hereto and made a part of the record.)

MR. ELOWITZ: Mr. Thon, in the course of your interrogation at I.P. Number 2, Schwabisch Hall, Germany, did you ever interrogate a person by the name of Willi Braun?

A I did.

(Thon - Redirect)

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Q Did he ever make a statement to you?

A Yes, he did.

Q Was it an oral or written statement?

A It was first oral and then he wrote it in his own handwriting.

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

A Yes, I can.

Q Will you look at the accused on your left and see if he is there.

A Yes, he is sitting there, wearing Number 4.

PRESIDENT: Number 4 stand up. Sit down.

MR. ELOWITZ: Prosecution hands the reporter a written instrument and requests that it be marked Prosecution's Exhibit 106 for identification.

(Whereupon the document in question was marked Prosecution's Exhibit Number 106 for identification by the reporter.)

Q I hand you written instrument marked Prosecution's Exhibit 106 for identification and ask you to identify it.

A It is the statement of Willi Braun and it is signed by him.

Q Was it written and signed in your presence?

A It was signed in my presence, but I do not believe I was present all the time when he wrote it.

Q Was it written and signed by the same Willi Braun you have just identified?

A Yes, it was.

Q Was the statement made voluntarily?

A Yes, sir.

Q Did you subject Willi Braun to harsh and cruel treatment in order to obtain the statement?

A No, sir.

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Q Was the statement sworn to?

A Yes, sir.

Q Who administered the oath?

A First Lieutenant Byrne.

MR. ELOWITZ: Prosecution offers in evidence its exhibit marked 106 for identification and requests that it be attached to the record and marked Prosecution's Exhibit 106.

LT. COLONEL DWINELL: The Defense objects on the grounds previously stated.

PRESIDENT: Objection overruled. The exhibit offered by the Prosecution will be admitted in evidence and will be marked Prosecution's Exhibit "P-106".

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution's Exhibit "P-106" and is attached hereto and made a part of the record.)

MR. ELOWITZ: Prosecution offers in evidence a true and correct English translation of its Exhibit 106 and requests that it be attached to the record and marked Prosecution's Exhibit 106A.

DEFENSE: There is 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 Prosecution's Exhibit "P-106A".

(Whereupon the document referred to having been identified was marked Prosecution's Exhibit "P-106A" by the reporter.)

MR. ELOWITZ: Permission is requested of the Court to read its exhibits 106 and 106A.

PRESIDENT: Granted.

MR. ELOWITZ: (Reading):

"I, Willi BRAUN, having been duly sworn upon oath, make the following statement:

"During the EIFEL offensive in December 1944, I was sturmann in the KWK (self-propelled gun) squad of the 4th platoon, 11th Company, III Battalion, 2nd Panzer Grenadier Regiment, ISSAH.

"In the night of the 15th to the 16th December 1944, I believe it was in the early morning hours, our company commander Obersturmfuehrer Heinz TOMHARDT conducted a company orientation at which he said about the following:

'If you see soldiers who wave their steel helmets over their heads, you are not going to shoot at them! If 11 tanks stand together in a group you will also not shoot at these soldiers. You will not take any prisoners of war in this offensive, and also you will bump off civilians who show themselves.'

"Immediately after this company orientation we drove into the offensive. I know of one single case where prisoners of war were shot during this offensive, that is on orders of Unterscharfuehrer Gerhard SCHUMACHER, who was the commander of our SPW. To that time the following other people rode in my SPW:

Gren. Heinz FRIEDRICHS  
Gren. KONIGER  
Rtfl. Edmund TOMCZAK  
and I Sturm Willi BRUAN

These are all the first and last names of the people who rode in my SPW as far as I can remember.

"In the morning hours of the 19th December 1944 the shooting of these prisoners of war took place and that was in the vicinity of STOUMONT.

"It was about in the following manner. A paratrooper came along the road with seven American prisoners of war. Uscha. SCHUMACHER stopped him and asked him what he would do with the prisoners. The paratrooper answered 'I shall evacuate them to the rear.' Thereupon SCHUMACHER said, 'Oh I'm going to bring them myself to the rear.' The paratrooper turned the prisoners over to SCHUMACHER and went on his way. To that time our SPW stood at the right hand side of the street if one is driving towards STOUMONT. A pasture was opposite the parking place of our SPW. SCHUMACHER ordered the prisoners to go to this pasture, where he lined them up in one row and gave us all, that is the whole group of the SPW, the order to dismount with hand weapons. Thereupon he ordered us to bump off the prisoners. At that time the prisoners stood about eight to ten meters away from the street in this pasture and we stood about five to six meters distance away from the street at the edge of the pasture. After Uscha SCHUMACHER had given the order to shoot the prisoners, our whole crew shot at these prisoners. For that Uscha SCHUMACHER used a machine pistol, TOMCZAK and I used pistols and KONIGER a fast firing rifle. The pistol I used for that was a Belgian F.N. I discharged my magazine which contained eight rounds, at the prisoners and had no time to shoot a second magazine at the prisoners. First I shot at one prisoner aiming at the head and saw him falling to the ground dead and he didn't move any more. When that had happened, I saw another hit and still moving prisoner lying on the ground. Obviously this man had only been wounded and out of pity to him I then gave him the mercy shot. Immediately after this incident we drove on to STOUMONT.

"This statement consisting of six pages was made by me voluntarily, uninfluenced by force, harsh treatment, threats or promises of any kind.

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"I swear before God that the facts which I had stated in this deposition are true and I am prepared to repeat same before any court of justice.

Willi BRAUN  
16th April 1946

"Subscribed and sworn to before me  
this 16th day of April 1946.

ROBERT E BYRNE  
1st Lt JAGD

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

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MR. ELOWITZ: (Reading)

"I, Willi BRAUN, having been duly sworn upon oath, make the following statement:

"During the EIFEL offensive in December 1944, I was sturmann in the KWK (self-propelled gun) squad of the 4th platoon, 11th Company, III Battalion, 2nd Panzer Grenadier Regiment. LSSAH.

"In the night of the 15th to the 16th December 1944, I believe it was in the early morning hours, our company commander Obersturmfuehrer Heinz TOMHARDT conducted a company orientation at which he said about the following:

"If you see soldiers who wave their steel helmets over their heads, you are not going to shoot at them! If 11 tanks stand together in a group you will also not shoot at these soldiers. You will not take any prisoners of war in this offensive, and also you will bump off civilians who show themselves."

"Immediately after this company orientation we drove into the offensive. I know of one single case where prisoners of war were shot during this offensive, that is on orders of Unterscharfuehrer Gerhard SCHUMACHER, who was the commander of our SPW. To that time the following other people rode in my SPW:

Gren. Heinz FRIEDRICHS  
Gren. KONIOR  
Rottf. Edmund TOMCZAK  
and I Sturm. Willi BRAUN

These are all the first and last names of the people who rode in my SPW as far as I can remember.

"In the morning hours of the 19th Dec 1944 the shooting of these prisoners of war took place and that was in the vicinity of STOUMONT.

"It was about in the following manner. A paratrooper came along the road with seven American prisoners of war. Uecha. SCHUMACHER stopped him and asked him what he would do with the prisoners. The paratrooper answered: "I shall evacuate them to the rear". Thereupon SCHUMACHER said "Oh I'm going to bring them myself to the rear". The paratrooper turned the prisoners over to SCHUMACHER and went his way. To that time our SPW stood at the right hand side of the street if one is driving towards STOUMONT. A pasture was opposite the parking place of our SPW. SCHUMACHER ordered the prisoners to go to this pasture, where he lined them up in one row and gave us all, that is the whole group of the SPW, the order to dismount with hand weapons. Thereupon he ordered us to bump off the prisoners. At that time the prisoners stood about eight to ten

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m. away from the street in this pasture and we stood about five to six m distance away from the street at the edge of the pasture. After Uscha SCHUMACHER had given the order to shoot the prisoners, our whole crew shot at these prisoners. For that Uscha SCHUMACHER used a machine pistol, TOMCZAK and I used pistols and KONIOR a fast firing rifle. The pistol I used for that was a Belgian F.N. I discharged my magazine which contained eight rounds, at the prisoners and had no time to shoot a second magazine at the prisoners. First I shot at one prisoner aiming at the head and saw him falling to the ground dead and he didn't move any more. When that had happened, I saw another hit and still moving prisoner lying on the ground. Obviously this man had only been wounded and out of pity to him I then gave him the mercy shot. Immediately after this incident we drove on to STOU MONT.

"This statement consisting of six pages was made by me voluntarily, uninfluenced by force, harsh treatment, threats or promises of any kind.

"I swear before God that the facts which I had stated in this deposition are true and I am prepared to repeat same before any court of justice.

Willi BRAUN  
16th April 1946.

Subscribed and sworn to before me  
this 16th day of April 1946.

ROBERT E BYRNE  
1st Lt. JAGD"

(Whereupon the statement was read in German.)

MR. ELOWITZ: Prosecution offers in evidence two affidavits executed by accused Willi Braun identifying photographs of Heinz Friedrichs and Edmund Tomczak, requests that they be attached to the record and marked Prosecution Exhibit No. 106-B and C respectively.

(Whereupon the documents referred to were marked Prosecution Exhibits Nos. P-106-B and P-106-C by the reporter.)

DEFENSE COUNSEL: On behalf of the defense there is no objection to the picture affidavits or

necessity for reading the same and it is further stipulated that the photographs are those of the accused Friedrichs and Tomczak.

PRESIDENT: There being no objection the exhibits offered by the prosecution are admitted in evidence and will be marked Exhibits P-106-B and C respectively.

(Whereupon the documents referred to, having been previously marked were received in evidence as Prosecution Exhibits Nos. P-106-B and P-106-C and are attached hereto and made a part of the record.)

QUESTIONS BY PROSECUTION (MR. ELOWITZ CONTD)

Q In the course of your interrogation at IP No.2 Schwaebisch Hall, did you interrogate a person by the name of Edmund Tomczak?

A Yes, I did.

Q Did he make a statement to you?

A Yes, he did.

Q Can you identify Edmund Tomczak if you were to see him again?

A Yes, I can. He is wearing number 66.

MR. ELOWITZ: Prosecution hands the reporter a written instrument and requests that it be marked Prosecution Exhibit No. 107 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 107 for identification by the reporter.)

Q Mr. Thon, I hand you a written instrument marked Prosecution Exhibit No. 107 for identification and ask you to identify it.

(Harry Thon - Redirect)

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A Yes, this is the written statement of Edmund Tomczak and signed by him.

Q Was the statement made voluntarily?

A Yes, it was.

Q Did you use any cruel or harsh treatment in order to obtain the statement?

A No, sir.

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

A No, sir.

Q Was the statement sworn to?

A Yes, it is, sir.

Q Who administered the oath?

A Captain Shumacker.

MR. ELOWITZ: Prosecution offers in evidence its exhibit No. 107 for identification, requests that it be attached to the record and marked Prosecution Exhibit No. 107.

DEFENSE COUNSEL: The defense makes the same objection as previously made.

PRESIDENT: The objection is overruled. The exhibit offered by the prosecution is admitted in evidence and will be marked Exhibit P-107.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. 107 and is attached hereto and made a part of the record.)

MR. ELOWITZ: Prosecution offers in evidence a true and correct English translation of its exhibit No. 107, requests that it be attached to the record and marked Prosecution Exhibit No. 107-A.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-107-A by the reporter.)

DEFENSE COUNSEL: No objection on behalf of the defense.

PRESIDENT: There being no objection the exhibit offered will be marked Exhibit P-107-A.

(Whereupon the document referred to, having been previously marked was received in evidence as Prosecution Exhibit No. P-107-A and is attached hereto and made a part of the record.)

MR. ELOWITZ: Permission is requested for prosecution to read its exhibits 107 and 107-A.

PRESIDENT: Granted.

MR. ELOWITZ: (Reading)

"I, edmund TOMCZAK, make the following statement under oath after I was first duly sworn:

"During the EIFEL offensive I belonged to the 11th Company 3rd Battalion 2nd Panzer Grenadiers L.S.S.A.H.

"During the morning of 16th or 17th December 1944, we left our bivouac area the name of the village I no longer remember and drove into the offensive. In my SPW drove the following men: Unterscharfuhrer SCHUHMACHER, Gerhard - Group Leader, Rottenfuhrer TOMCZAK, Edmund - Replacement for any position within the tank, Sturmman BRAUN, Willi, Gunner, Sturmman WEISS, Loader, FRIEDRICH, Driver.

"I can remember that we passed some big cross-roads where we turned left around the curve. After we turned left around the curve I saw right of the road a large number of American prisoners of war. I know that they were prisoners because they were guarded by German guards, and I recognized them as Americans by their uniform. We then topped where the prisoners were when somebody came up to SCHUHMACHER. I do not know whether it was an officer, and I do not know what he said to SCHUHMACHER. We then drove off. I remember to have driven through STAVELOT, I believe on the same day, on 17 December. I further remember that we came near the castle, the name of the castle I also do not remember any more nor the name of the village that was in its vicinity. I also know that I was always with the crew until our SPW was knocked out. I cannot remember the day or date. After the SPW of SCHUHMACHER was knocked out I was committed as infantryman and was no longer with the crew of my SPW.

"This statement consisting of three pages was made of my own free will uninfluenced by force, threats, or duress or promises of any kind.

"I swear by God that the facts mentioned herein are true and am prepared to repeat them before any court of justice.

(signed) TOMCZAK, Edmund  
27 March 1946

Sworn to and subscribed before  
me this 27th day of March 1946  
at Schwabisch Hall, Ger.

(signed) Raphael SHUMACKER  
Capt CMP"

(Whereupon the statement was read in German.)

MR. ELOWITZ: Prosecution offers in evidence picture affidavits executed by Edmund Tomczak identifying a photo of Heinz Friedrichs, requests that it be attached to the record and marked Prosecution Exhibit No. 107-B.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-107-B by the reporter.)

DEFENSE COUNSEL: On behalf of the defense there is no objection to the picture affidavit or necessity for reading the same and it is further stipulated that the photograph is that of the accused Friedrichs.

PRESIDENT: There being no objection, the exhibit is admitted in evidence and will be marked Exhibit P-107-B.

(Whereupon the document referred to, having been previously marked was received in evidence as Prosecution Exhibit No. P-107-B and is attached hereto and made a part of the record.)

QUESTIONS BY PROSECUTION (MR. ELOWITZ CONTD)

Q Mr. Then, in the course of your interrogations at IP No. 2 Schwabisch Hall, did you ever have

occasion to interrogate a person by the name of Heinz Friedrichs?

A Yes, I did.

Q Did he make a statement to you?

A Yes, he did.

Q Was it oral or written?

A It was both, oral first and written then.

Q Could you identify Heinz Friedrichs if you saw him again?

A Yes, he is wearing number 15.

PRESIDENT: Number 15 stand up. Sit down.

Q Do you know if Edmund Tomczak is mentioned in the statement executed by Heinz Friedrichs?

A I am not positive any more, but I am quite certain it is.

Q Will you please identify Edmund Tomczak.

A Number 66.

MR. ELOWITZ: Request the Court to have Edmund Tomczak stand up.

PRESIDENT: Number 66 stand up. Sit down.

MR. ELOWITZ: Prosecution hands the reporter a written instrument and requests that it be marked Prosecution Exhibit No. P-108 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. P-108 for identification by the reporter.)

Q Mr. Thon, I hand you a written instrument marked Prosecution Exhibit No. P-108 for identification and ask you to identify it.

A This is the written statement of Heinz (Harry Thon - Redirect)

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Friedrichs and it is signed by him.

Q Was it written and signed in your presence?

A I don't believe I was present all the time while he wrote, but it was certainly signed in my presence.

Q Was the statement made voluntarily?

A Yes, it was.

Q Did you subject Heinz Friedrichs to harsh and cruel treatment in order to obtain the statement?

A No, sir.

Q Did you make any threats or promises to Heinz Friedrichs in order to obtain the statement?

A No, sir.

Q Is the statement sworn to?

A Yes, it is, sir.

Q Who administered the oath?

A Captain Shumacker.

MR. BLOWITZ: Prosecution offers in evidence its exhibit No. P-108 for identification, requests that it be attached to the record and marked Prosecution Exhibit No. P-108.

DEFENSE COUNSEL: Defense interposes the same objection as previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the prosecution is admitted in evidence and will be marked Exhibit P-108.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. P-108 and is attached hereto and made a part of the record.)

MR. BLOWITZ: Prosecution offers in evidence

a true and correct English translation of its exhibit P-108, requests that it be attached to the record and marked Prosecution Exhibit No. P-108-A.

(Whereupon the document referred to, was marked Prosecution Exhibit No. P-108-A by the reporter.)

DEFENSE COUNSEL: On behalf of the defense there is no objection.

PRESIDENT: There being no objection the exhibit offered by the prosecution will be admitted into evidence and will be marked Exhibit P-108-A.

(Whereupon the document referred to, having been previously marked was received in evidence as Prosecution Exhibit No. P-108-A and is attached hereto and made a part of the record.)

MR. ELOWITZ: Permission is requested for prosecution to read its exhibit P-108 and P-108-A.

PRESIDENT: Granted.

MR. ELOWITZ: (Reading)

"I, Heinz FRIEDRICHS, being first duly sworn, make the following statement under oath:

"During the EIFEL Offensive in December 1944, I was in the 4th Platoon of the 11th Panzer Grenadier Company, 2nd Panzer Grenadier Regiment, LAH, with the rank of Grenadier.

"I have been shown a map of Central Europe, 1:100,000, G.S., G.S., 4416, Sheet S.1. I have also been shown a map of BELGIUM and Northeast FRANCE, 1:100,000, G.S., G.S., 4436, Marche, Sheet 13. In this statement, all references by coordinates to towns, crossroads or other terrain features will be taken from these maps.

"When I first joined the 11th Panzer Grenadier Company, the Company Commander was Obersturmfuehrer BABICK. This was in May 1944. Later in June or July 1944, Obersturmfuehrer Heinz TOMHARDT took over our company as Company Commander and continued in that position until he was wounded on 18 December 1944 during the EIFEL Offensive in STAVELDT. Then Oberscharfuehrer REYER took over command of the company temporarily until he was injured in an

accident on the night of 19-20 December 1944. Following Oberscharfuhrer REYER, Untersturmfuhrer KINDERMANN took command of the company until he was wounded on the evening of 20 December 1944. Then Unterscharfuhrer SCHUHMACHER took command of the company. I was wounded on the 21st December 1944 but I heard from my comrades that Obersturmfuhrer PREUSS, Commanding Officer of the 10th Panzer Grenadier Company, also took command of the 11th Company on that date.

"On 15 December 1944, which was the day before the offensive began, our company was stationed in a woods near BLANKENHEIM. About midnight of 15 December 1944 the Company was assembled and our Company Commander, Obersturmfuhrer TONHARDT spoke to us. His words were substantially as follows:

"A great offensive is about to begin. New weapons will be on hand for this offensive. Everybody must fight heroically. Also, the artillery will be committed in force. Our airforce will be employed in greater strength. If a Panzer is damaged in any way the trouble will be remedied at once. Civilians and soldiers will be 'bumped off.' If a village should be taken, everyone seen in the streets, soldier, or civilian, will be killed."

"I do not know, of course, from whom Obersturmfuhrer TONHARDT received the information and orders that he passed on to us. I only know that before he began his speech he told us that he had just come from Hauptsturmfuhrer DIEFENTHAL, who had told him about the offensive.

"After the talk was over, the men in the company returned to their vehicles. We started towards the front around two o'clock in the morning of 16 December. I remember that we passed through HONSFELD (Bonn 96.8-99.2) about ten o'clock in the morning of 17 December 1944 and arrived in BUELLINGEN (Bonn 95.2-02) around eleven o'clock in the morning 17 December 1944. In BUELLINGEN we refueled at an abandoned American gasoline dump. From BUELLINGEN we proceeded in the direction of SCHOPPEN (Bonn 99.3--0.2). We did not stop in SCHOPPEN and proceeded from there in the direction of LIGNUEVILLE (ENGELSDORF) (Bonn 80.5-99.3).

"I distinctly remember a crossroads some 3 to 5 kilometers north of LIGNUEVILLE(ENGELSDORF). This crossroads is the one shown on the Bonn map above referred to at coordinates 81.5-02. When we came to this crossroads, we made a turn to our left to proceed southwardly in the direction of LIGNUEVILLE (ENGELSDORF). After making this left turn, there was a house at the intersection on our right side of the road. Just south of the house was a pasture in which at least 100 American prisoners of war had been assembled." This group of prisoners was

unarmed and their hands were raised above their heads in a sign of surrender. I remember also seeing a few other American prisoners standing at the south side of the house who were still being searched. On the righthand side of the road headed in the direction of ENGELSDORF was a column of American trucks.

"I have drawn a sketch of this scene, which sketch I have marked Exhibit "A". It is attached hereto and made a part hereof.

"At this time I was in a SPW which I myself was driving. In the SPW with me were Unterscharfuehrer Gerhard SCHUMACHER, our Group Leader, Rottenfuehrer Edmund TOMZACK, assistant group leader, Sturmman Willi BRAUN, gunner number 1, and Sturmman WEISS, gunner number 2.

"As we moved from the intersection down the road in front of the pasture, we were stopped by an Obersturmfuehrer. I concluded that this officer was from some Pioneer Company because he was not dressed in a Panzer uniform and because he was not an officer from our Panzer Grenadier Battalion. I do not know this officer's name and this was the first time I had ever seen him, as far as I know. This officer ordered Unterscharfuehrer SCHUMACHER to have our SPW moved in a position to fire into the prisoners gathered in the pasture and then SCHUMACHER ordered me to so place the SPW. After I had maneuvered the SPW crosswise of the road so that it was headed towards the pasture and the group of American prisoners gathered therein, this Obersturmfuehrer then gave SCHUMACHER the order to load and SCHUMACHER passed this order on to Sturmman BRAUN. Unterscharfuehrer SCHUMACHER seemed delighted at the chance to shoot these prisoners. His pleasure was evidenced by the expression on his face and the way he rubbed his hands together and said "masche, masche." This was a common and well known expression that Obersturmfuehrer PREUSS of the 10th Panzer Grenadier Company always used to indicate his satisfaction and pleasure about anything.

"I did not want to witness what was about to happen so I got up from my driver's seat and was about to dismount on the left side of the SPW, at which time SCHUMACHER asked me what I was doing and I told him I could not stand to watch; thereupon, he called me a coward. Just about this time the Obersturmfuehrer evidently changed his mind as he gave SCHUMACHER the order that we should proceed as a tank was coming along that would take care of the job. We left the scene immediately and proceeded on in the direction of LIGNUEVILLE (ENGELSDORF) (Bonn SO.5-99.3). These prisoners of war who were gathered in the pasture were not shot during our stay at the crossroads. In my judgment we were there 5 to 7 minutes, which was about 1400 hours 17 December 1944.

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"I forgot to mention that after our SPW had been maneuvered in position crosswise of the road facing the pasture, I saw Unterscharfuehrer SINGER of the 10th Panzer Grenadier Company standing inside the pasture where the American prisoners were assembled. As he saw us get in position to shoot, he yelled to SCHUHMACHER, "Come on and bump 'em off."

"On my sketch marked Exhibit "A", the following is shown:

- No. 1 - The house on the righthand side of the road after one makes a left turn to proceed in the direction of ENGELSDORF.
- No. 2 - The place where the American prisoners of war were assembled in a pasture.
- No. 3 - My SPW after it had been maneuvered into position facing the pasture.
- No. 4 - The place where the Obersturmfuehrer was standing in the road when he stopped us and ordered us to get in position to fire on the prisoners.
- No. 5 - A column of American trucks.
- No. 6 - The place where Unterscharfuehrer SINGER was standing in the pasture.
- No. 7 - A house on the lefthand side of the road.
- No. 8 - Our route of march.

"From this crossroad we proceeded to LIENUEVILLE (ENGELSDORF) (Bonn 80.5-99.3), where we stopped for about 20 minutes and then proceeded in the direction of STAVELOT (Marche 71.9-01.2). We reached the outskirts of STAVELOT about 2000 hours on the evening of 17 December 1944. Here the Company had to dismount and advance as infantry. The SPW's of the company were left on the road before STAVELOT."

PROSECUTION: If the Court please, that is a good place to break.

PRESIDENT: Court will recess until 1530.

(Whereupon the Court recessed at 1500 hours.)

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(Whereupon the court reconvened at 1530 hours)

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

PROSECUTION: If the Court please, let the record show that all members of the court, all members of the Prosecution with the exception of Lt Col Crawford and Captain Shumacker, who are absent on business of the Prosecution, are present. All members of the Defense are present with the exception of Mr Strong who is sick in quarters, and Dr Pfister, Dr Leiling, Dr Hertkorn, Dr Rau who are absent on business of the Defense. All the Defendants and the Reporter are present.

PROSECUTION:(Mr ELWITZ) - Mr Thon you are reminded that you are still under oath. (Whereupon Mr Thon resumed the stand).

(Whereupon the continuation of statement of Heinz Friedrichs was read to the Court in the English language as follows):

" Around 1000 hours 18 December 1944 we returned to our vehicles and drove through Stavelot in the direction of Cheneux (Marche 63.7-01.4). We reached the outskirts of Cheneux about 1400 hours and there the advance was stopped when we were attacked by American airplanes. About an hour later we drove in a woods beyond Cheneux, where we camouflaged our vehicles. At about 1530 hours we got back on the road and continued along our route of advance beyond Cheneux. Just as we were about to start off, an American jeep in which two American soldiers were riding, came along the road coming towards us. At this time the SPW of the 3rd Panzer Grenadier Battalion, 2nd Panzer Grenadier Regiment, was on the lefthand side of the road at a point where the road curved to our left. Other SPW's were behind Diefenthal's and I was about 200 meters to the rear of Diefenthal's SPW. We were on the left side of the road to give us what concealment was afforded by a woods on our left side of the road. To the right of us was a pasture and there was a house to the left of this pasture.

As the Jeep came around the curve it came to a stop near Diefenthal's SPW. I heard firing from a machine gun which I assumed was directed at this jeep. I could not tell which vehicle did the firing. At this time I was standing on our right side of the road not far from my SPW and I walked back to my vehicle to mount it in order to get a better view of what was going on. As I climbed on my SPW, I heard machine pistol shots and I turned around immediately and saw an American soldier drop dead on the righthand side of the road. I saw Unterscharfuehrer Zwigart standing by the American soldier with a machine pistol in his hand. According to my recollection, Zwigart fired 2 bursts, totalling approximately 15 shots.

(Friedrich's statement)

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S. 5. 2 The American was shot 3 or 4 meters away from the SPW of Diefenthal. Before this shooting took place and while I was standing on the righthand side of the road, I saw Hauptsturmfuehrer Diefenthal himself standing beside his SPW. I know it was Hauptsturmfuehrer Diefenthal as I had known him for a long time and also because he was wearing his yellow jacket and his peaked cap.

About 10 minutes later, as we continued on, I saw the other American soldier lying dead on the lefthand side of the road near the edge of the woods. I don't know who else was in Diefenthal's SPW at this time. I could tell that these soldiers were Americans by the uniforms they wore. This shooting took place around 1600 hours 18 December 1944 about 5 or 6 kilometers from Cheneux.

The scene of this shooting is shown on a sketch I have drawn and which I have marked Exhibit "B". This Exhibit is attached hereto and made a part of this statement. On Exhibit "B", the following is shown:

- No. 1 - The pasture on our righthand side of the road.
- No. 2 - The house to the left of the pasture.
- No. 3 - The woods on our left side of the road.
- No. 4 - the direction in which we were travelling.
- No. 5 - Diefenthal's SPW
- No. 6 - My SPW
- No. 7 - The place where I first stood on our right side of the road.
- No. 8 - The direction travelled by the American jeep.
- No. 9 - The American jeep
- No. 10 - The place where I saw Hauptsturmfuehrer Diefenthal before the American was shot.
- No. 11 - The place where the American prisoner was shot.
- No. 12 - The place where Zwigart was standing when he shot the American soldier.
- No. 13 - The place where I saw the other American soldier lying on the edge of the wood

Late that night 18 December 1944 we drove back through Cheneux and through La Gleize until we reached the castle near Stoumont (Marche 62.9-02.8). At 2 o'clock in the morning of December 1944, our company had to dismount again and advance as infantry. About 0830, 19 December we returned to our SPW's and mounted them again and at 0900 hours left in the direction of Stoumont. As we were leaving the woods, my SPW suffered some damage but was quickly repaired. At this time I wanted to catch up with the rest of the company but a paratrooper came up the road with 7 American prisoners of war in his custody. Unterscharfuehrer Schumacher asked him where he wanted to go with the prisoners and he answered, "Transport them to the rear." Then Schumacher said, "Oh, I am going to transport them to the rear myself." The paratrooper naturally was very glad to get rid of them and he left to return to his unit. At this time my SPW was parked on the righthand side of the road headed in the direction of Stoumont. Directly across from us on our left side of the road was a pasture and then he gave us the order to dismount with small arms. I remained in my driver's seat a moment and then Schumacher said "That means the driver too". Then Schumacher said "Now the Prisoners are going to be bumped off." The prisoners were lined up in one rank facing the road, some 8 to 10 meters in the pasture, and those of us in the crew standing just on the edge of the pasture 5 to 6 meters from the prisoners shot them with our

(Friedrich's statement)

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respective weapons. We had received an order from Schumacher to shoot these prisoners and we had to execute it. I myself shot at two of these American soldiers, firing two bursts of 7 or 8 shots each with my machine pistol. The others who shot were Schumacher with his machine pistol, Braun with a rifle, Tomzack and Weis with pistols. The place where these prisoners were shot was about 700 meters from the castle I have mentioned above. The prisoners were dressed in fatigue clothes, field jackets, and steel helmets. There is no question but what they were Americans. They had their hands upraised and had made no attempt to escape and did nothing to provoke the shooting. I am sure that the two Americans I shot were killed. There is no doubt about it because I aimed a volley of 7 or 8 shots at the heart of each one. This shooting took place about 0930 hours 19 December 1944. After the shooting took place Schumacher had us mount the SPW immediately and nobody examined the bodies of the Americans to see if they were dead.

I have drawn a sketch of the scene of this shooting, which sketch I have marked Exhibit "C". It is attached hereto and made a part hereof. The following is shown on this sketch.

- No. 1 - The castle before Stoumont.
- No. 2 - Our route of advance in the direction of Stoumont.
- No. 3 - A woods across the road from the castle.
- No. 4 - The place where our SPW stood when the prisoners were taken away from the paratrooper.
- No. 5 - The path taken by the paratrooper as he came down the road with the American prisoners.
- No. 6 - The pasture on which we shot the American prisoners of war.
- No. 7 - The row of American prisoners of war lined up in the pasture.
- No. 8 - Where I and the others in my crew stood and shot the 7 American prisoners of war.

I did not want to participate in the shooting of these American prisoners of war. I knew it was wrong to shoot prisoners of war. I participated in the shooting because I had an order to do so from my group leader, Unterscharfuhrer Schumacher and I also knew that he was acting in accordance with the orders that had been given the company by our company commander, Obersturmfuhrer Tomhardt the day before the offensive began.

This statement is given by me voluntarily and of my own free will. I have written it in my own handwriting. I have not been subjected to force, duress or threats of punishment. No promises of reward or immunity from prosecution have been made to me.

I swear that the facts stated in this affidavit are true and I am prepared to repeat them under oath in any court of justice. "

Heinz Friedrichs  
21 March 1946.

Sworn to and subscribed before me  
this 21st day of March 1946, at  
Schwabisch Hall Ger.

(signed) Raphael Shumacker  
Capt C.M.P.

(Whereupon the above statement in the German language was read to  
the Court by an interpreter).

PROSECUTION: (Mr ELWITZ): The Prosecution offers in

(Friedrich's statement)

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evidence five picture affidavits executed by the accused Heinz Friedrichs identifying photographs of the accused Josef Diefenthal, Heins Tomhardt, Paul Zwigart, Willi Braun, and Edmund Tomczak and request that they be marked Prosecution's Exhibits P-108- B, C, D, E, and F respectively.

DEFENSE: On behalf of the Defense there is no objection to the admission of the photo affidavits, nor is there any necessity for the reading of same. It is further stipulated that they are photographs of the accused Josef Diefenthal, Heinz Tomhardt, Paul Zwigart, Willi Braun, and Edmund Tomczak respectively.

PRESIDENT: There being no objection, the Exhibits offered by the Prosecution are admitted into evidence, and will be marked Prosecution's Exhibits P-108- B, C, D, E, and F respectively. (Whereupon the documents were admitted in evidence and Marked Exhibits P-108-B to F and attached to the record)

QUESTIONS BY PROSECUTION: (Mr ELWITZ)

Q Mr Thon in the course of your interrogations at Schwabisch Hall, IP #2, did you ever have occasion to interrogate one Willi Schaefer ?

A Yes sir I did.

Q Did he ever make a statement to you ?

A Yes he did

Q Was that statement written or oral ?

A It was first an oral statement, then he wrote it out in his own handwriting.

Q Could you identify this Willi Schaefer if you saw him again ?

A Yes I can - he is sitting there and is wearing number 55.

PRESIDENT: Will number 55 stand up.

(Whereupon the accused arose)

PRESIDENT. sit down.

(Thon-redirect)

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MR. ELOWITZ: Prosecution hands the reporter a written instrument and requests that it be marked Prosecution Exhibit No. 109 for identification.

(Whereupon the document referred to was marked Prosecution Exhibit No. 109 for identification by the reporter.)

QUESTIONS BY PROSECUTION (Mr. Elowitz):

Q Mr. Thon, I hand you a written statement marked Prosecution Exhibit No. 109 for identification, and ask you to identify it if you can.

A Yes, sir. This is the written statement of Willi Schaefer, and it is signed by him.

Q Was it written and signed by Willi Schaefer in your presence?

A I was not present all the time while he wrote it, but I was there when it was signed by him.

Q Was it the Willi Schaefer who wrote and signed that statement the same Willi Schaefer that you have just identified?

A Yes, it is the same Willi Schaefer.

Q Was the statement made voluntarily?

A Yes.

Q Did you subject Willi Schaefer to cruel and harsh treatment in order to obtain the statement?

A No, I did not, sir.

Q Did you make any threats or promises to Willi Schaefer in order to obtain the statement?

A No, sir.

Q Is the statement sworn to?

A Yes, sir.

Q Who administered the oath?

A Ist Lt. Perl, sir.

(Mr. Thon - Redirect)

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MR. ELOWITZ: Prosecution offers in evidence its exhibit marked P-109 for identification, requests that it be attached to the record and marked Prosecution Exhibit No. 109.

LT. COL. DWINELL: The Defense objects to the evidence on the grounds previously stated.

PRESIDENT: The objection is overruled. The exhibit offered by the Prosecution is admitted in evidence and will be marked P-109.

(Whereupon the document referred to, having been previously marked and identified was received in evidence as Prosecution Exhibit No. 109 and is attached hereto and made a part of the record.)

MR. ELOWITZ: Prosecution offers in evidence a true and correct English translation of its exhibit No. 109, request that it be attached to the record and marked Prosecution Exhibit 109-A.

DEFENSE: On behalf of the Defense there is no objection.

PRESIDENT: There being no objection, the exhibit offered by the Prosecution is admitted in evidence and will be marked P-109-A.

(Whereupon the document referred to was received in evidence as Prosecution Exhibit No. 109-A, is attached hereto and made a part of the record.)

MR. ELOWITZ: Permission is requested for Prosecution to read its exhibit No. 109-A.

PRESIDENT: Granted.

MR. ELOWITZ: (Reading)

"I, Willi SCHAEFER, being duly sworn make the following statements under oath:

"During the EIFEL Offensive, in December 1944, I was Oberscharfuehrer and Kompanietruppfuehrer (Leader of the Company Headquarters detachment - trans. note) of the 3rd Pz. Pi. Company, 1st SS Pioneer Bn., "LSSAH."

"My company commander was Obersturmfuehrer Franz SIEVERS. In the night from the 16th to the 17th of December 1944 we left our assembly area in the ENGELGAU

(Mr. Thon - Redirect)

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sector and drove up to the attack. As we had steering trouble our SPW dropped out; we caught up, however, with the company in TIRMONT and then proceeded with them together. We arrived at a big cross-road situated at about 4 km north of ENGELSDORF. When we had reached this cross-road we took a left turn around the curve and stopped our SPW at about the northern end of a pasture which is on the right side of the road. I can remember that we dismounted our SPW, and stood in the vicinity of it. In our group at that time were Ostuf. SIEVERS; Ostuf. RUMPF, the commanding officer of the 9th Pz. Pi (9th Armored Engineering Co. TN); Ustuf. SEITZ, the platoon leader of the 1st platoon of the 3rd Pz. Pi Co.; and perhaps still others whose names I cannot remember any more.

"As we were standing there, I noticed on this pasture on which about 50 bumped off American prisoners of war were lying, the following: I saw that several of these Americans were still living, because they still moved and also groaned. I furthermore saw the following persons go around in the field and also saw how they discharged mercy shots at the still living prisoners.

"I saw Uscha. Max BEUTNER shooting with his machine pistol; I saw Uscha. Bubi GOLDSCHMIDT shooting at the prisoners with the machine pistol; I also saw in the field Rttf. Max HAMMERER, Uscha. Sepp WITTKOROSKI, Uscha. Edgar DIECKMANN, Stm. Gustav SPRENGER, Rttf. BILOSCHAETZKY, Uscha. ALTKRUEGER, Stm. Oskar TRATT, Opion. Willi TAUT, and still several others whose names I cannot remember any more. I am certain that neither SIEVERS nor RUMPF ordered a stop to it, when these persons, who all belonged to the 3rd Pz. Pi Co. walked about the field shooting at the prisoners.

"I have prepared a sketch for clarification of above deposition. I have marked it Exhibit "A" and have made it a part of my statement.

"The numerals are added for explanation and mean:

- "1 - Position of Ostuf. SIEVERS, Ostuf. RUMPF, Ustuf. SEITZ, and myself.
- 2 - Position of our SPW
- 3 - Position of a Panzer (Mark V)
- 4 - Position of the SPW of Uscha. GOLDSCHMIDT
- 5 - Position of the SPW of Rttf. OETTINGER
- 6 - Position of the SPW of Stm. SPRENGER
- 7 - Position of the SPW of Stm. HOPFMANN
- 8 - Position of the SPW of Uscha. BODE
- 9 - Single house
- 10- Burning shed
- 11- Hedge used as a boundary fence
- 12- Pasture on which the American prisoners of war were lying.

"I experienced the next sheding of American prisoners of war at STCOMONT in the morning hours of 19 December 1944. Ostuf. SIEVERS and I were standing at a street corner in STCOMONT, not far from the place where Stm. Gustav SPRENGER

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had parked his SPW. While we were standing there, 2 American soldiers, who were carrying a wounded German tank-man, came to us. To my knowledge, these prisoners did not carry any weapons when they arrived at our place. Rttf. DEIBERT, who was standing with an American "Jeep" in our vicinity, brought this wounded German to the field dressing station. At my question to SIEVERS, what should be done with the American prisoners of war, he answered, I shall have them shot. Thereupon I called SPRENGER to me and gave him the order to bump off these American prisoners. Thereupon he led them into a small road which driving into LA GLEIZE branches off the main road to the right. From there SPRENGER led the American prisoners of war into a small private road in order to shoot them. A short time later SPRENGER returned to me and reported that he had executed my order.

"The next shooting occurred in the following manner: We were standing at about the same spot where the two Americans mentioned above had arrived with the wounded German when two American prisoners of war arrived with a third wounded American and whom they carried on a provisional litter. Again Ostuf. SIEVERS gave me the order to have these Americans bumped off. This time I gave the order to Rttf. BILSCHAEZKY; Stm. GRAEBER; and Stm. SPRENGER, who had bumped off the two above mentioned prisoners. I still remember that I personally went along for the shooting and thereby wanted to use an American carbine which I had captured. This gun however, did not function, so I was not able to shoot the men personally. When we were standing at the place of execution I saw the first two prisoners lying dead in the street, and when we left I also saw the last 3 prisoners lying dead in the street, so that all together there were 5 American prisoners of war who had been shot by us at this spot. I am certain that these 5 prisoners were American prisoners of war because I saw the first two go with raised arms to the place of execution while the last three were without weapons. I know, that they were Americans, because I know the American uniform. I also knew at that time the unit to which these men were belonging, because I had a copy-book in which the different insignias of the American units were shown.

"I have prepared a further sketch marked with B and made it part of my statement. The numerals added for explanation mean:

1. -Position of Ostuf. SIEVERS and myself.
2. -Position of the SPW of Stm. SPRENGER.
3. -Position of SPW of the commander
4. -Position of the SPW of Rttf. GAILHOVER
5. -Position of the SPW of Uscha. GOLDSCHMIDT.
6. -Single house
7. - " "
8. -Where the shooting took place  
----Route of the prisoners

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"This statement consists of 7 pages and 2 sketches and has been voluntarily made by me without any force, duress, threats, or promises of any kind.

"I swear before God that the facts which I have stated here are true and am prepared to repeat same before any court of justice under oath.

"(signed) Willi SCHAEFER  
8 April 1946

"Sworn to and subscribed to before me this 8th day of April 1946 at Schwäbisch Hall, Germany

William R. Perl  
1st Lt. M.I. O-555149  
Investigator-Examiner  
W.C.B. USFET".

(Whereupon the statement was read in German by the interpreter.)

MR. ELOWITZ: Prosecution offers in evidence four affidavits executed by the accused, Willi Schaefer, identifying photographs of accused Franz Sievers, Erich Rumpf, Gustav Sprenger and Ernst Goldschmidt, request that they be attached to the record and marked Prosecution Exhibit 109-B, C, D and E.

DEFENSE: On behalf of the Defense there is no objection to the photograph affidavits or necessity for reading the same, and it is further stipulated that the photographs are those of the accused Sievers, Rumpf, Sprenger and Goldschmidt.

PRESIDENT: There being no objection, the exhibits offered by the Prosecution are admitted in evidence and will be marked P-109-B, C, D and E respectively.

(Whereupon the documents referred to were received in evidence as Prosecution Exhibit Nos. 109-B, C, D and E respectively, are attached hereto and made a part of the record.)

RECROSS EXAMINATION

QUESTIONS BY MR. WALTERS

MR. WALTERS: May it please the Court, Counsel for the Prosecution:

Q Mr. Thon, what methods did you use in order to obtain this statement from Willi Schaefer?

A I confronted him with, I think it was four of his former comrades.

Q Were they false witnesses?

A No, sir.

Q How many times did you interrogate Mr. Schaefer before he signed this paper?

A To the best of my recollection, Schaefer was only interrogated once, whereupon he was confronted with those witnesses and he gave the statement.

Q Prior to confronting him with the false witnesses, he denied the allegations, did he not?

A Did I misunderstand you when you said false witnesses?

MR. ELWITZ: May it please the Court the witness has answered the question once before, that he did not confront the accused Schaefer with false witnesses. I object to the phrasing of the question the second time.

MR. WALTERS: I will reframe the question, if the Court please. Prior to confronting him with these witnesses, did he deny the allegations against him?

A He did not admit everything. That is correct.

Q Did he write any other statements besides this one?

A No, sir.

Q You are positive about that?

A To the best of my recollection, yes.

(Thon - Recross).

Q Did you interrogate him both times?

MR. ELOWITZ: Just a moment. May it please the court, we object. The witness definitely answered that statement.

MR. WALTERS: May it please the Court, the witness said, to the best of his recollection, and I have the right to further cross examining him to see if I can refresh his recollection.

LAW MEMBER: The witness said he only interrogated this man once.

MR. WALTERS: I don't remember it that way. I may be in error. May we check the testimony?

LAW MEMBER: Ask the question again.

QUESTION BY MR WALTERS:

Q Did you not interrogate him more than once?

A No, sir.

Q Then what was your reason for confronting him with witnesses? Haven't you already testified that he denied part of it?

A I was certain that he wasn't telling all the truth, so I wanted all of it and I got it by confronting him with those four former comrades of his.

Q Then you must have interrogated him once and found out that he didnt tell the truth? All the truth?

MR. ELOWITZ: May it please the court, the witness has stated on every occasion he interrogated the accused once. Nothing the witness has answered is inconsistent with the statement that he interrogated the accused once.

PRESIDENT: Objection over ruled. Read the question.

(Whereupon the question was read by the reporter as follows: "Then you must have interrogated him once and found out that he didn't tell the truth? All the truth?")

A I still maintain that the man was only interrogated once, since those four men whom he was confronted with were kept ready in a room just about next door to him, in order to call them in case

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of need. So I needed them and I called them at the same interrogation.

Q What time of day or night was this, do you remember?

A I am positive it was not during the night. It was some time during the day.

Q You stated again, Mr. Thon, if I remember correctly that, to your memory, Schaefer made only one written statement. Is that correct?

A That is correct. He only made one.

Q Trying to refresh your memory, didn't he make a written statement in pencil on the same day as when he signed this statement, but at a prior time?

A He signed no other affidavit where he was under oath.

Q Did he sign a written statement not under oath?

A No, sir. Not that I know of.

Q Then, just to make sure, you have never seen a statement written by Willi Schaefer in pencil, in his own handwriting, made prior to the one that has just been read into evidence?

A No, sir.

Q Do you know whether any such statement was handed or delivered to any other member of the Prosecution staff, or the investigators, or interrogators?

MR. ELOWITZ: May it please the Court, the Prosecution objects to the line of questioning and that whatever other statements were written by Willi Schaefer is immaterial to the evidence that has been admitted here in court. The Prosecution has been patient in not objecting to all the questions referring to other statements. However, the witness has answered on more than one occasion that he knows of no other statement written by the accused.

LAW MEMBER: Apparently the Defense is still trying to

(Thon - Recross)

discredit the witness by this line of questioning and, if it does not go too far, it will still be permitted. Objection over ruled.

A No, I don't know of any other statement that was handed to anybody.

Q Relative to that portion of your statement concerning the so-called Malmedy incident and Lt. Sievers, before making that portion of the statement did Willi Schaefer ask you whether Lt. Sievers himself had already admitted the Malmedy incident?

A I don't remember that.

Q However, you don't remember--however, you would not deny that it did not happen then, would you?

A I don't say he didn't say it. I don't remember.

Q In that connection do you remember Schaefer saying that "if Sievers said he was there, then I must have been there, because I was always with him, but I do not recall the incident"?

A I am sure he did not say that.

MR. WALTERS: That is all.

DEFENSE COUNSEL: Nothing further on cross examination.

MR. ELOWITZ: Nothing further on redirect.

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

(Whereupon the witness was excused and returned to his seat.)

MR. ELOWITZ: The Prosecution calls its next witness,  
Albert Jourdain.

ALBERT JOURDAIN, called as a witness for the prosecution,  
was sworn and testified through an interpreter as follows:

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

DIRECT EXAMINATION

QUESTIONS BY MR. ELOWITZ:

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Q Give your name and occupation?

A Jourdain, Albert. Tailor.

Q Where do you live?

A In Stoumont.

Q In which country is Stoumont situated?

A In Belgium.

Q Did you live in Stoumont in December 1944?

A Yes.

Q Did you remain in the town of Stoumont during the whole month of December?

A Yes.

Q And you were in Stoumont on the 19th of December, is that correct?

A Yes. Certainly.

Q Did you see anything unusual in Stoumont on the 19th of December?

A I saw some dead American soldiers who were on the path which runs along my house.

Q How many Americans did you see?

A I saw five.

Q Mr. Jourdain, I show you a drawn sketch which is marked Prosecution's Exhibit B-44, and ask you what it represents?

A It is the town of Stoumont.

Q Can you recognize the location of your house on that sketch?

A It is here. (Indicating.)

Q Can you identify the place where you testified you found the five American bodies?

A Yes. Can I make the road continue at this point?

Q Don't write on the sketch; just point it out.

A About here. The second there; two together at approximately this point and the fifth approximately here.

MR. ELOWITZ: Let the record indicate that the witness points out a place where he found five American bodies at approximately the same place indicated by the accused Sprenger in his sketch marked Prosecution's Exhibit P-44, where accused Sprenger testified he had participated and seen the shooting of five American prisoners of war and which accused Sprenger identified on his sketch as location Nos. 22 and 23.

MR. ELOWITZ: You may cross examine.

CROSS EXAMINATION

QUESTIONS BY DR. LEER

Q Just one question. <sup>time of</sup> What/day was it? If possible, give the hour when you found these dead bodies?

A I could not say exactly but it was between eleven o'clock and noon.

Q In the forenoon. Does the witness know how long the dead men had already lain there?

A No.

Q One question. Was one of these corpses lying there on a litter?

A No. None of them.

DR. LEER: Thank you.

DEFENSE COUNSEL: Nothing further from the defense.

MR. ELOWITZ: No further direct examination.

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

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

MR. ELOWITZ: The Prosecution recalls Lt. William Perl.

LT. WILLIAM PERL, recalled as a witness for the Prosecution, having been previously sworn, testified through an interpreter as follows:

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MR. ELOWITZ: Lt. Perl, you are reminded that you are still under oath.

A Yes, sir.

Q Lt. Perl, in the course of your interrogation at I.P. No. 2 Schwaibisch Hall, did you ever have occasion to interrogate a person by the name of Max Hammerer?

A Yes, sir.

Q Did he ever make a statement to you?

A Yes, he made oral statements, and the substance of the oral statements was written down by him and sworn to.

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

A Yes, sir.

Q Will you please look to your left where the accused are sitting and identify Max Hammerer, if you can?

A He is wearing No. 20.

PRESIDENT: No. 20 stand up. Sit down.

QUESTIONS BY MR. ELOWITZ:

Q The Prosecution hands the reporter a written instrument and requests that it be marked Prosecution's Exhibit P-110 for identification.

(Whereupon the document referred to above was marked Prosecution's Exhibit P-110, for Identification.)

Q Lt. Perl, I hand you a written instrument marked Prosecution's Exhibit No. P-110 for identification, and ask you if you can identify it?

A Yes, sir, I can.

Q What is it?

A It is a statement written by Max Hammerer in his own handwriting, and signed by him.

Q Was the statement written and signed by Max Hammerer in your presence?

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A I do not know whether I was present all the time, but at least I was present part of the time.

Q Were you present when he signed it?

A Yes, sir.

Q Was the Max Hammerer who signed that statement the same Max Hammerer you have just identified?

A Yes, sir.

Q Was the statement made voluntarily?

A It was.

Q Did you subject Max Hammerer to harsh or cruel treatment in order to obtain the statement?

A No, sir.

Q Did you make any threats or promises to Max Hammerer in order to obtain the statement?

A I did not.

Q Who administered the oath?

A I did.

MR. ELWITZ: The Prosecution offers in evidence its Exhibit marked P-110 for Identification, requests that it be attached to the record and marked Prosecution's Exhibit No. P-110.

LT. COL. DWINNEL: The Defense objects to the evidence, on the grounds previously stated.

PRESIDENT: Objection over ruled. The Exhibit offered by the Prosecution is admitted in evidence and will be marked P-110.

(Whereupon the document referred to above having previously been marked and identified was received in evidence as Prosecution's Exhibit P-110, and the same is attached hereto and made a part of the record.)

MR. ELWITZ: The Prosecution offers in evidence a true and correct English translation of its Exhibit P-110, requests it be attached to the record and marked Prosecution's Exhibit No. P-110-A.

(Whereupon the document referred to above was marked

Prosecution's Exhibit P-110-A, for Identification.)

DEFENSE COUNSEL: No objection on behalf of the defense.

PRESIDENT: There being no objection, the Exhibit offered by the Prosecution is accepted in evidence and will be marked P-110-A.

(Whereupon the document referred to above having previously been marked and identified was received in evidence as Prosecution's Exhibit P-110-A, and the same is attached hereto and made a part of the record.)

MR. ELOWITZ: Permission is requested for Prosecution to read its Exhibits <sup>P-</sup>110 and P-110-A.

PRESIDENT: Granted.

(Whereupon Prosecution's Exhibit P-110-A was read as follows:

"I, Rottf. Max HAMMERER, being duly sworn stated the following:

"During the EIFEL offensive in December 1944, I belonged to the 2nd Platoon, of the 3rd Panzer Pioneer Company, of the 1st SS Pioneer Bn, LSSAH.

"My platoon leader was Uscha. Max BEUTNER. My Company Commander was Obersturmfuehrer Franz SIEVERS.

"1. On the 17th December 1944, at about 1:30 o'clock in the afternoon, coming from BUELLINGEN we came to a road crossing at which the street turns sharp to the left in direction ENGELSDORF. At this time I was messenger in the SPW of Uscha. Max BEUTNER. At this crossroad, immediately behind the crossing on the part of the road which leads to ENGELSDORF, our SPW came to a halt, and I was present as American prisoners of war were shot.

"2. On 20 December 1944, in a castle near STOUMONT, I have killed with pistol shots an American prisoner of war whose lower part of the body was buried in debris.

"The American lay in the hallway of the castle. He wore an American uniform. However, he didn't wear the steel helmet any more. He was unarmed. This American groaned as he was obviously in pain because his lower part of the body was buried. Thereupon I fired from the immediate distance two pistol shots at this American; one in the head and one in the heart. I don't know any more if I shot first in the heart or first in the head. The American was dead after these two shots. I had a look at the body and concluded that he was dead.

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"It was clear to me that this American was noncombatant, but a prisoner of war because he was helpless and unarmed. However, I shot him because our company commander Oberstuf. Franz SIEVERS had read an order to us before the offensive in which it said that no prisoners will be taken.

"I have prepared a sketch which shows the castle near STOU MONT in which I shot the American prisoner of war. This I have marked with "A" and attached to my statement. On this the numerals indicate:

- |               |                                   |
|---------------|-----------------------------------|
| 1. Kitchen    | 5. Hallway                        |
| 2. Halls      | 6. Spot where I shot the American |
| 3. Office     | 7. Doors.                         |
| 4. Store-room |                                   |

"I have made this statement voluntarily and of my own will uninfluenced by force, threats, or harsh treatment, and uninfluenced by promises of any kind.

"I swear before God that the statements made in this deposition are true and I am prepared to repeat them under oath before any court.

(signed) HAMMERER, Max  
SS Rttf.  
11 April 1946.

Witness:  
Harry W. Thon  
Interrogator. WCB

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  
WCB. USFET

(Whereupon Prosecution's Exhibit No. P-110 was read in the German language.)

MR. ELOWITZ: I just have the two picture affidavits.

The Prosecution offers in evidence two picture affidavits executed by Max Hammerer, identifying photographs of Franz Sievers and Ernst Goldschmidt, requests that they be attached to the record and marked Prosecution's Exhibits Nos P-110-B and P-110-C, respectively.

DEFENSE COUNSEL: On behalf of the Defense there is no objection to the picture affidavits nor necessity for reading the same. It is further stipulated that the photographs are those of the accused Sievers and Goldschmidt.

(Hammerer statement)

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6-5-MDH-11

(Whereupon the documents referred to above were marked Prosecution's Exhibits P-110-B and P-110-C, respectively, for Identification.)

PRESIDENT: There being no objection, the Exhibits offered by the Prosecution are admitted in evidence and will be marked Prosecution's Exhibits P-110-B and P-110-C, respectively.)

(Whereupon the documents referred to above having previously been marked and identified were received in evidence as Prosecution's Exhibits P-110-B and P-110-C, and the same are attached hereto and made a part of the record.)

MR. ELOWITZ: You may cross examine.

DEFENSE COUNSEL: On behalf of the Defense, there is no cross examination.

PRESIDENT: Are there questions by the Court? Apparently none. The witness is excused.

(Whereupon the witness was excused and resumed his seat in the courtroom.)

PRESIDENT: The court will adjourn until 0830 tomorrow morning.

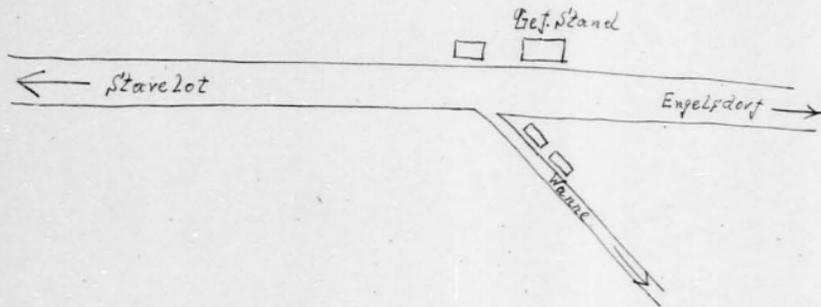
)Whereupon the court adjourned at 1700 hours.)





1. Hinggen von der Ostpfalz  
in der Gegend Lodomice  
in 2 bis 3 Kilometern  
Stavelot liegt.

(80)



Werner Frenkel  
27. März 1946

001042

### 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

Werner STERNEBECK

taken on 27 March 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 2 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'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.

F  
C  
A  
84A

*George Miller*

GEORGE MILLER

*March 1946*

Sworn and subscribed to before me this 30<sup>th</sup> day of \_\_\_\_\_ at Schwäbisch Hall, Germany.

*Raphael Shumacker*

War Crimes Branch, USFET

*Capt. CMP*

EX-124  
J. E. H.  
FEDERAL BUREAU OF INVESTIGATION

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001043

I, Werner SPERNEBECK, Obersturmfuehrer, having been duly sworn, make the following statement supplementary to my statement of 26 March 1946:

On 18 December 1944, between 5 o'clock and 6 o'clock in the evening, I arrived in a village which I believe was called LODGMEC, which is situated 2 to 3 kilometers east of SVAELOT. At that time in the CP with me in this village were Hauptsturmfuehrer Oskar KLINGELHOFER, CO of the 7th Company and Obersturmfuehrer Benoni JUNKER, CO of the 6th Company. Obersturmfuehrer JUNKER told me to give the order to Hauptscharfuehrer August TONK of the 6th Company to go with four or five other soldiers to SVAELOT to look for American gasoline. I stepped outside and found Hauptscharfuehrer TONK. I gave him the order and added that he should take my assistant gunner, Sturmann Hans ZIMMER along. Hauptscharfuehrer TONK reported back to the CP between 9 o'clock and 10 o'clock of the same evening. It is possible although I am not sure, that Hauptsturmfuehrer KLINGELHOFER and Obersturmfuehrer JUNKER were present at the CP when Hauptscharfuehrer TONK reported back. Before I became an officer I was always friendly with Hauptscharfuehrer TONK and when he returned to the room at this time I greeted him in a friendly manner. Hauptscharfuehrer TONK reported that he couldn't find any gasoline but he found a jar of fruit in a house. Then he remarked "zwei zivilisten mussten daran glauben". (Two civilians had to pay with their lives for it.) He held the jar of fruit in his hand and offered me some of it and I recall now that I was very happy about it because I suffered from yellow jaundice and needed fruit. I know that the "zwei zivilisten mussten daran glauben" used by Hauptscharfuehrer TONK means that two civilians were killed. No other interpretation is possible if this expression is used in the German language.

I have prepared a sketch attached hereto which shows the CP in this village where the incident described here occurred.

I make this statement consisting of two pages and a sketch voluntarily out of my own free will without force, threats or promises of reward.

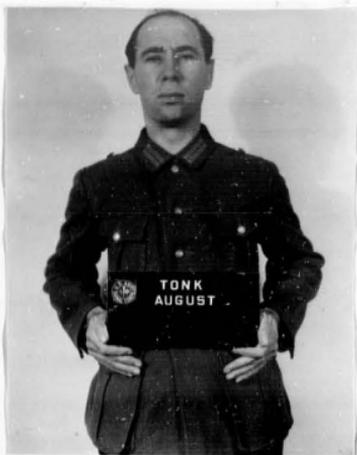
Werner SPERNEBECK  
SS Obersturmfuehrer  
27 March 1946

Sworn to and subscribed before  
me this 27th day of March 1946  
at SCHWABISCH HALL, GER.

RAFAEL SHUMACKER  
Capt CMP

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000961



I, WERNER STERNEBECK, being first duly sworn, make the following statement under oath:  
 Ich Werner Sternebeck, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same HAUPTSCHARFUEHRER  
TONK mentioned by me in my affidavit, dated 27 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführers  
Tenk von mir in meiner eidesstattlichen Aussage genannt,  
 datiert 27. März 1946.

Werner Sternebeck  
 First Name (Vorname) Last Name (Zuname)

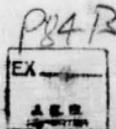
Obersturmführer  
 Rank (Dienstgrad)

6<sup>th</sup> Pz Cpt. 1<sup>st</sup> Pz Div. 4<sup>th</sup> SS AH  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
5<sup>th</sup> day of April, 1946.

Samuel Thumacker  
 Officer administering oath

Rank CMP  
 Rank Arm or Service



000002

MALMEDY

MILITARY GOVERNMENT COURT  
CASE RECORD.

Legal Form No. 8  
Pres. Exs. Nos.  
85 thru 95-B

Case No. 6-24 Prosecutor LT COL BURTON F ELLIS  
~~Strike out words not applicable.~~ Military Court. Defence Counsel COL WILLIS M EVERETTE JR  
 \*General Interpreter \_\_\_\_\_  
 Place DACHAU, GERMANY Reporter \_\_\_\_\_  
 Date \_\_\_\_\_ 194 \_\_\_\_\_

## Members of Court:

BRIG GENERAL JOSIAN T DALBEY COL RAYMOND C CONDER  
COL PAUL H WEILAND COL A H ROSENFELD (LAW MEMBER)  
COL JAMES G WATKINS  
COL WILFRED H STEWARD

Accused VALENTIN BERSIN, ET AL  
 Address \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_

	First Charge	Second Charge
Pleas <u>VALENTIN BERSIN, ET AL</u>	<u>Not guilty</u>	
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 OMBB Printshop

Pres. Ex. 85-95 B.

Pages 1-142

000007

N. 4

Liste avec le nombre de membres des familles  
fusillées par les soldats allemands. "S.S."  
le 19 décembre 1944

Familles: noms	nombre de membres	
Willeum Lion	1	le 19. 12. 1944.
Verdin Alphonse	1	"
Blaise Lion	1	"
Delcour Hubert	1	"
Houmand Lion	1	"
Gaspar Albert	1	"
Batalque Henri	1	"
Gaspar. Louis	1	"
Verdin Emile	1	"
Vétrin Joseph	1	"
Legrand. Léon	3	"
Offin Jules	1	"
Léoff. Alphonse.	3	"
Léane. Joseph.	2	"
Besoumay. Camille	2	1. de 4 ans. garçon
Brouquet. Joseph	1	"
Legrand Toussain.	4	3 de 1 à 4 ans. enfant
Champêtre Julien	1	"
Besoumay. Henri	1	"
Coombert. Alfred	1	"
Bricia Antoine	1	"
Coris Joseph	2	"
Crosseau J.	1	"
Colquh.	3	"
Conf. Francon	1	"
Klein.	2	1 de 1 à 2 ans. enfant
Alaignon François	1	"
Collin Emile	1	"
Crismer Léon	2	"
Foulet Lucien	2	"
Houssain Jules	2	"
Jungoy - 15 ans.	1	le 18. 12. 1944
Albert	1	"

*[Handwritten signature]*

EXP. 85  
J.E.B.  
1944

2

## Suite de la feuille n: 1

Familles.	noms		nombre de membres	
..	Legay. Crismin.	-	5	le 18. 12. 1944
..	Lehouvenont Henri	-	5	1 de 7 & 5 ans fille
..	Prusse	-	4	3 de 15 ans fille
..	Rousselot maurin	-	5	1 de 3. a 10 ans enfant
..	Leesey. Rousselot	-	2	"
..	Kenny.	-	2.	1 de 9 ans fille
..	Lambert. Bock	-	1	"
..	Mignou Schömm	-	2	1 de 4. ans fille
..	Hodunaud. Julien	-	2	"
..	Levasr Alphonse	-	5	1 de .. 5 ans
..	Levasr Joseph	..	1,	"
..	Job. Jéris	..	2	"
..	Josie Blaus.	..	1	"
..	Nicolet.	..	2	19- 12- 1944
..	Warmin Georges	-	2	"
..	Georgin Edmund.	-	2	"
..	Wobloy.	-	3	2 de .. 7 a 8 ans enfant
..	Bernotte	-	2	"
..	Corbin	-	1	"
..	Goüay. Edouard.	-	1	entre le 18. 12. 1944. et le
..	Goüalay. Jean	-	2	14. 1- 1945.
..	Goüalay. Jéjé	-	1	"
..	Lucinaus Robert	-	1	"
..	Goüalay. Lucien	-	2	"
..	Clérisa Arthur	-	1	"
..	Dubois	-	1	"
..	Tolheid Arthur	-	1	"
..	Livet Pauline	-	1	le 18. 12. 1944
..	Goüalay. Etienne	-	1	"

000007

En ma connaissance.

93 (nouveau trois corps de fusilliers  
ont été exécutés par mes soins.  
accompagné par le Service de Croix Rouge  
de la ville de Stavelot - qui a  
continué de recueillir les cadavres.  
et procéder à leur ~~tra~~ incinération

---

*Lucien*

000007

Liste des Soldats -  
Américains fusillés par les Allemands SS.  
près de la chaumière du Petit-Spay -  
le 20. 12. 1944.

D'après renseignements recueillis.  
auprès de M. Jean Elias -  
en avril 1945.

---

nombre des Soldats  
11. (ouge) hommes.

---



000008

## TRANSLATOR'S AFFIDAVIT

I, WARNER M. WOLFE 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~~ FRENCH original of the statement of

Mr. Francois CLOSE, Belgian civilian

taken on 27 May 1946 at ~~Stalag Luft 3, Germany~~ Camp Dachau, Germany

before Lt.-Col. Homer B. Crawford

consisting of 4 pages, into English.

French

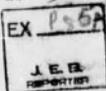
I, the deponent, further state that I speak ~~German~~ and English fluently and am fully qualified as an expert French-~~German~~ English interpreter by reason of the following qualifications:

I was born in SOEBPNHEIM, Germany, on the 26th of March, 1921. I lived in Germany with my parents until 1935 during which time the German language was my native tongue. In 1935 I went to Switzerland, where I resided for two years, during which time I attended school and majored in the French and English languages. In 1938 I moved from Switzerland to France where I remained until June 1941. At that time my parents and I went to the United States and took up our residence at Vineland, New Jersey, where we have resided ever since. I went to High school in Germany where I studied English for two years, and I have spoken the English language since taking up my residence in VINELAND, New Jersey, and since I entered the Army of the United States in July of 1944. In July 1945, I graduated from Military Intelligence, and was assigned to War Crimes Branch, United States Army, and have been with that Branch since that time.

Warner M. Wolfe.

Sworn and subscribed to before me this 1st day of June, 1946  
~~at Stalag Luft 3, Germany~~ at Camp Dachau, Germany

Homer B. Crawford  
Lt. Col. in Charge  
War Crimes Branch, USFET



Lists including the number of family members shot by the  
German "SS" on the 19th December 1944

Family name	Number of members EXECUTED	Date
WILLEM, Leon	1	19 December 1944
VERDIN, Alphonse	1	"
BLAISE, Leon	1	"
DELCOUR, Hubert	1	"
HOURAND, Leon	1	"
GASPAR, Albert	1	"
DEWALQUE, Henri	1	"
GASPAR, Louis	1	"
VERDIN, Emile	1	"
VITRIER, Joseph	1	"
LEGRAND, Franz	3	"
COFFIN, Jules	1	"
LEFFET, Alphonse	3	"
LEDUE, Joseph	2	"
DESOMNAY, Camille	2 One boy 18 yrs old	"
DROUGUET, Joseph	1	"
LEGRAND, Sonveau	4 Three children 1-4 yrs	"
JEANPIERRE, Julien	1	"
DESOMNAY, Henri	1	"
TOMBEUX, Alfred	1	"
BRIDA, Antoince	1	"
GEORIS, Joseph	2	"
GROSJEAN, Felicie	1	"
SOUGNE, Francois	3	"
TERF, Francois	1	"
KLEIN,	2 1 child 1-2 yrs	"
MIGNON, Francois	1	"
COLLIN, Emile	1	"
CRISMER, <del>Emile</del> Leon	2	"
HURLET, Lucien	2	"
ROUSSEAU, Jules	2	2
GENGOUX, Julien	1	18 December 1944
ALBERT,	1	"
LEGAYE, Crismer	5 1 girl 5 yrs old	"
DAISOMONT, Henri	5 1 girl 14 yrs old	"
FRINCE,	4 3 children 1-7 yrs old	"
ROUXHET, Maurice	5 4 children 3-10 yrs old	"
LECOOR, Rouxhet	2	"
REMY	2 1 girl 9 yrs old	"
LABERT-BOCK	1	"
MIGNON-SGOMES	2 1 girl 4 yrs old	"
HOURAND, Julien	2	"
DEPAS, Alphonse	5 1 boy 3-5 yrs old	"
DEPAS, Joseph	1	"
JOB, Freres (brothers)	2	"
BLOM, pere (father)	1	"
NICOLET	2	"
WORNIN, Georges	2	19 December 1944
GEORGIN, Emond	2	"
NICOLAY	3 2 children 7-8 yrs old	"
BURNOTTE	2	"
CARBUSUER	1	"
GONAY, Edouard	1	Between the 18 Dec 1944
TOMBEUX, Juean	2	and 14 January 1945.
TOMBEUX-GREGOIRE	1	"
GREIMANS, Hubert	1	"
TOMBEUX, Lucien	2	"
MICHA, Arthur	1	"
DUBOIS,	1	"
SOLHEID, Arthur	1	"
LIVET, COLINET, Pauline	1	18 December 1944

Family name	Number of members EXECUTED	Date
TOMBEUX, Marcel	1	18 December 1944

To my knowledge 93 (ninety three) bodies of executed have been buried through my proper care in cooperation with the Red Cross Service of the Town of Stavelot which continued to collect the bodies and proceeded with their burial.

**LIST OF SOLDIERS**

Americans shot by the German SS near the chateau of Petit Spey the 20th December 1944 after information collected from Mr. Juan Elias in April 1945:

Number of soldiers:	11 (Eleven) Men
	/s/ Close, Francois



war. In dem Mittagsstunden selbstem aber folgenden  
 Tagab dem Gengst/psf. Kadischko zu und und sagt, daß  
 er dem Befehl der Kaiserin selbstem geben, allen nachfol-  
 genden männlichen Adeligen zuwischen zu Wann  
 zu kommen zu haben, und zu verhoffen, weil sich ihm  
 freundlich Finkpalle in Wann begeben soll. Gengst/psf.  
 Kadischko mußte sich zu Befehlung der Kaiserin indem  
 er dem Befehl der Kaiserin Befehlung in dem Finkpalle nicht  
 er überlassen seinem Will und die Fingertücher  
 hingefahren dem anderen Teil. Ich habe die Fingertücher  
 Befehl an Hof. Mankemer<sup>39</sup> schreibt der Hof der 4. Hof.  
 Fingertücher in Wann war und ich gleich mich an Hof.  
 Heubeck aber ich bin nicht kommen mich nicht.  
 Dem ging ich zu meinem Fingertücher die in der Kellerei  
 war dem angeblich in meinem Stube, A, dem Fingertücher  
 Befehl, dem ich dem Gengst/psf. Kadischko selbstem geben,  
 an meinem Befehlung schreibt zu haben. Und ich zu Fingertücher  
 14e oder 24e Kaufmuthge. Ich sage zu der Befehlung, daß  
 ich in der Befehl dem Fingertücher begeben und der  
 was die Fingertücher müssen. Dem sagt ich zu Hof.  
 Herentrey, meinem Fingertücher und dem. Hillmann, mein  
 Fingertücher, nach nachfolgenden Adeligen zuwischen zu  
 Fingertücher und falls die nachfolgenden Fingertücher die in verhoffen  
 Ich sage zu Hof. Herentrey, die soll mich, aber Gengst in  
 folgenden Fingertücher, indem die Befehlung. Ich befehl dem Paa, s  
 und dem. Zimmer als Kellerei die dem Fingertücher zu erblieben  
 und sagt mich dem Befehl selbstem Fingertücher. Kellerei dem Fingertücher  
 Fingertücher Fingertücher selbstem sich Hof. Herentrey die mich in

000012

gef. Hand und Briefe, das er dem Briefe ab-  
gepficht ist, das er in einem der Güter einen  
schiefen männlichen Briefe zu einem Punkt  
und ich zu einem. Ich antworte darauf, in  
Ordnung.

Ich meine diese Briefe zu einem Punkt sind  
bei Ihnen und einen Brief zu einem Punkt, H'  
freiwillig, und in einem freien Willen, ohne  
Zwang, Zwang oder Zwang zu einem Punkt  
Zuführung.

Ernest Thornebeck  
55 - Chestnut Street  
26. März 1846

Subscribed to and  
subscribed to before me  
this 20th day of March 1846  
at Schwabish Hall Germany

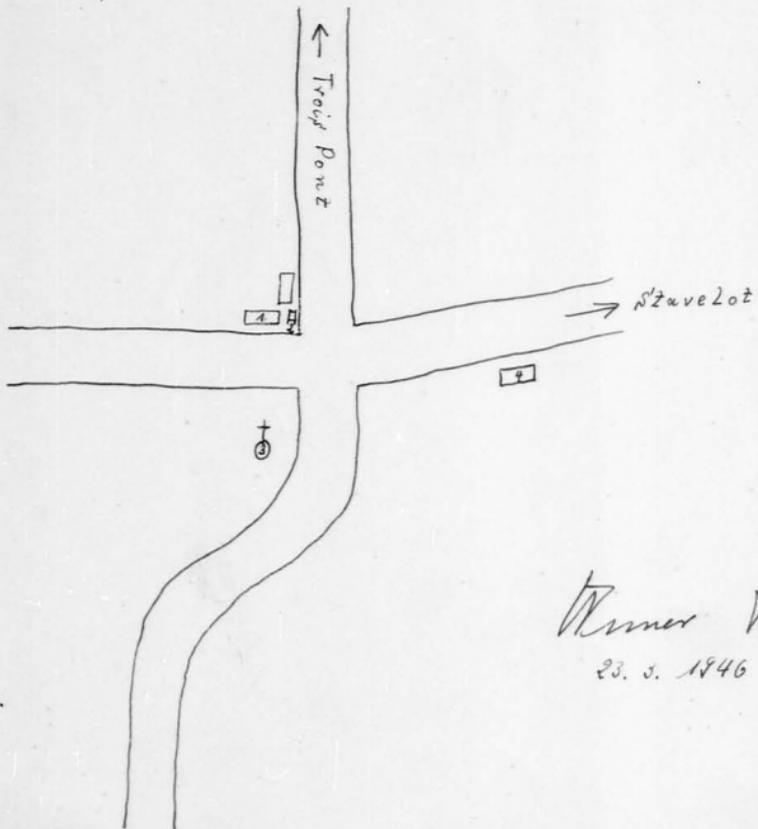
William R. Gal Vol Lt Cl 0-555144  
Inspektor - Examinator von Gutes Postamt West

EX P-86  
JEB

Skizze von Wanne

"A"

- 1. Gefechtsstand in dem Hauptstuf. Kalischko und ich gewohnt habe
- 2. Stellung meiner Panzerp.
- 3. Kirche
- 4. Ungefähre Lage des Gefechtsstand von Ustuf. Heubeck



Werner Heubeck  
 23. 5. 1946

000015

TRANSLATOR'S AFFIDAVIT

EX 186/ RMD  
JEB  
6/3/46

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

Werner STERNEBECK

taken on 26 March 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M. I.

consisting of 3 pages, into English,  
and one 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 day of April 1946  
at Schwäbisch Hall, Germany.

Raphael Thumacher  
War Crimes Branch, USFET  
Raph CMIF

000016

I, Werner STERNBECK, Obersturmfuehrer having been duly sworn, make the following statement:

In December 1944, at the time of the EIFEL offensive, I was Obersturmfuehrer in the 6th Company, 1st Panzer Regiment, L.S.S.A.H. My company commander was Obersturmfuehrer Benoni JUNGER. During the night from 15th to 16th of December 1944, my tank was ordered to the point of the combat group and at that time I left the 6th Company.

My tank and other tanks of the combat group remained in WANNE, Belgium on the 20th December 1944 because STAVELOT was surrounded and we couldn't get through there any more. At this time Untersturmfuehrer HEUBECK was in WANNE, and he was the C.O. of the 3 tanks of the 1st Company, 1st Panzer Regiment, L.S.S.A.H. which remained behind.

I lived in WANNE in the same house as Hauptsturmfuehrer KALISCHKO who was the commander of the 1st Artillery Battalion, Artillery Regiment I, L.S.S.A.H.

I have prepared a sketch of WANNE, marked "A" attached hereto showing my C.P., approximate location of Untersturmfuehrer HEUBECK's C.P. and the position of my tank. In the morning hours of the 21st or 22nd of December 1944, Standartenfuehrer MOHNE, commander of the L.S.S.A.H. was in WANNE, and gave orders about the deployment of troops to the different unit leaders. I listened for a while as Standartenfuehrer MOHNE issued the orders, and was under the impression that he was very displeased about the situation in WANNE. At about noon-time of the same or the following day, Hauptsturmfuehrer KALISCHKO came to me and said that he had received the order from the Division to round up all suspicious Belgian male civilians in WANNE, and to shoot them because there was supposed to be an enemy radio transmitter in WANNE. Hauptsturmfuehrer KALISCHKO decided to execute this order by dividing the village in two parts for the search. He took over one part and the tank troops searched the other part. I transmitted this order to Untersturmfuehrer MUENEMER who was commander of the 7th Company troops in WANNE, and I also believe to Untersturmfuehrer HEUBECK, but I am not sure about that. Then I went to my tank which was in the position as indicated on my sketch "A", to pass on this order, which I received from Hauptsturmfuehrer KALISCHKO, to my crew. This happened between 1 and 2 o'clock in the afternoon. I told the crew that a secret radio transmitter was located in the village and that we had to find it. Then I told Rottenfuehrer HERENTREY my tank driver and Sturmmann HILLMANN, my radio-operator to look for suspicious Belgian civilians and in case they found any to shoot them. I said to Rottenfuehrer HERENTREY, "You are an 'old hand' in such matters - you take charge". I ordered Sturmmann PLAAS and Sturmmann ZIMMER to stay with the tanks as guards, and I returned to the C.P. About half an hour later Rottenfuehrer HERENTREY reported to me at the C.P. and told me that he had executed the order, that he had found a suspicious Belgian male civilian in one of the houses and had bumped him off. Whereupon I answered "Alright".

I make this statement consisting of three pages and one sketch marked "A" voluntarily, out of my own free will, without force, threats, or promises of reward.

Sworn to and subscribed to before me this 26th day of March 1946, at SCHWABISCH HALL, Germany.

WILLIAM R. PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner War Crimes Branch, USFET

(signed) Werner STERNBECK  
SS Obersturmfuehrer  
26 March 1946.



TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF

Werner STERNBECK

Dated 29 March 1946

\* \* \* \* \*

SKETCH OF WAPNE

1. C.P. in which Hauptstuf. KALISCHKO and I lived.
2. Position of my tank
3. Church
4. Approximate location of Ustuf. HEUBECK's C.P.

000016



F  
EX  
86E

I, WERNER Sternbeck, being first duly sworn, make the following statement under oath: Ich Werner Sternbeck nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Untersturmführer MUNKEMER mentioned by me in my affidavit, dated 26 MAR 1946.

Die obigen zwei Photographen sind Photographien desselbigen Untersturmführer MUNKEMER von mir in meiner eidesstattlichen Aussage genannt, datiert 26 März 1946.

Werner Sternbeck  
First Name (Vorname) Last Name (Zuname)

Obersturmführer  
Rank (Dienstgrad)

O. G. 1. SS Pz. Regt. LSSAH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

EX 1116  
PH 6/14  
JEB  
100-1017285

Sworn to and subscribed before me this 1st day of April, 1946.

Robert Laguerre  
Officer administering oath  
Walter J. AGD  
Rank Arm or Service

000016

Ich gung tiefen Mienen, nachdem ich  
nichtigere wachen, wach sind  
sich wachende Ausprägung:

EX 87

Im Dezember 1944 wurde ich ein Mitglied  
des 1. Kompanie des 1. Panzer Regt. L. 44 A. H.  
während des Fehlmarsches. Ich wurde dem  
ersten der Panzerabteilung des Oberstleutnants  
Wolfgang Lutz. Am 15. Dezember 1944  
wurde ich im Kompanie in einem Wald  
dieser ganzen Lage ich nicht wach, an-  
sonst. Bei Fehlmarsch der Dunkelheit  
des selben Tages, wird Oberstleutnant  
Kampf Kompaniechef des 1. Panzer Regt.  
die Kompanie zusammen in einem  
Wald zufallen. Er hat mich diese An-  
sprache von einem Panzer war, Er  
sprach mich ein wichtig der Einsatz für  
Deutschland waren, das wir das  
Kämpfer müssen, das wir die feinde  
Kämpfer geben dürfen und das ich  
Kämpferungern notwendig gemacht wurde  
den selben.

EX 87

987  
50

Unser Pongus sollte jetzt fassen,  
 wie schon vor mit einem Pongus  
 des Vordruckensystems besondert  
 die wie King Lovers vor mit 2 an =  
 dem Pn. 4. zusammen besondert,  
 wie anblenden auf dieser Stelle  
 den ganzen Tag des 16. Dezember,  
 die Forderung der Dimensionierung des 16.  
 Dezember schon wie wieder los  
 und warum wenige Stunden der  
 Induktionssysteme als unsere  
 Pongus sind ein Stück lang. Gegen  
 Abend des 18. Dezember 1944 war  
 unser Pongus wieder <sup>g.K.</sup> voll-  
 ständig hergestellt, und schon wieder  
 los, und kamen in einem von früher  
 überfritten des 20. Dezember 1944 zu-  
 sammen mit dem Pongus von unten =  
 Professor flüger den wie Induktionssysteme  
 getroffen hatten, an. In einem festen  
 Vordruckensystems Gebude die Forderung  
 der Pongus des 1. Temporein überkommen,

da nur der Befordzoffingzine des 1. Kongress  
 Arguments war, und diejenigen die  
 zurückgelassen waren, zu Befordzoffing  
 feld. In diesem war ich mit meiner  
 ganzen P. 2. Befordzoffing in einem großen  
 undrogenbewußt. Die P. 2. Befordzoffing bestand  
 aus: undrogenbewußt Briefe, dem. Post.  
 dem. fignur, undrogenbewußt warf und  
 ist.

ungelöst in der mitte des Konfliktzeit  
 des 21. Dezember 1944 dem undrogenbewußt  
 Briefe in einer Quartier und feld  
 aus das jeder Mönchliche fignur im  
 ad zu verstehen ist und gab die  
 ganzen P. 2. Befordzoffing der Befordzoffing  
 fignur zu erkennen, die Mönchliche  
 fignur zu finden und die be-  
 fignur zu verstehen. Es ging  
 auf mich, und feld: "König die Konflikt  
 mit mir." undrogenbewußt Briefe und  
 ich ging zu dem fignur des auf die  
 Befordzoffing Briefe mit X Befordzoffing  
 ist. Die werden in das fignur mit

und ein Mann kam ins und zu-  
 gen der in Form 2 Nutzen bring.  
 Er war ungefähr 40-50 Jahren alt.  
 Lurkin fragte ihn nach für Nutzen  
 zu erhalten zu und was für Nutzen  
 Nutzen und Lurkin pflegte ihn davon  
 sein. Lurkin besah ihn mit zu kommen  
 auf die Arbeit. Ich fragte Lurkin, der  
 Mann ist zu alt zum arbeiten und  
 deshalb fragte Lurkin zu mir: "good name  
 K.g. ~~ist~~ die das gemacht sind nicht die ich was  
 pfützen." Lurkin wollte das ist der  
 Mann was seine Augen aufpassen. Ich  
 wollte den Mann nicht gleich auf die  
 Arbeit aufpassen und ging mit dem  
 Mann die Arbeit fimmerte in Richtung  
 der Lurkin ging was mit mir  
 der ich im ~~und~~ <sup>und</sup> ~~mit~~ <sup>mit</sup> zu, schließlich  
 K.g. ~~ist~~ ~~das~~ ~~was~~ ~~ich~~ ~~gibt~~ ~~!"~~ ~~als~~ ~~war~~ ~~an~~ ~~den~~  
 K.g. ~~ist~~ ~~das~~ ~~was~~ ~~ich~~ ~~gibt~~ ~~!"~~ ~~als~~ ~~war~~ ~~an~~ ~~den~~  
 freundschaftlich kommen, ging Lurkin in  
 der Richtung der Arbeit nachher und  
 ich sah den Mann in der freundschaft  
 fimmern. Ich gab 2 Asche in Richtung  
 auf ihn ab, was er immer pfützen

Das Zinckel sind mit einem Pferd  
wider und in dieser von der nur  
war.

Ich ging auf die Dörfer zurück. In der  
Hand unter auf der Dörfer sind sind  
mit zu "dieser Mann <sup>K.G.</sup> ~~ist~~ auf  
setzen" und der bestaffende Mann  
kam auf mich zu. Ich sah diesen Mann  
gleich links in einem Baum zu einem  
gestift ringsherum gegenüber dem stärksten  
ringung und gab auf ihn - einem Pfeil  
in Rücken ab. Er fiel und fiel auf  
seinem Bein und pfleg mit seinem stärksten  
infolge. Ich hob sofort oben meine  
Pfeile faste Ladung. In diesem  
wurde kam fast <sup>K.G.</sup> ~~ist~~ von off.  
fliegenübertragung mit seinem Pfeile  
in der Hand an und ich sprach ihm  
Hörst du das denn nur gleich tief.  
Dankst du <sup>K.G.</sup> ~~ist~~ dem Mann mit  
einem Pfeil ins Gesicht ab. Ich ging  
zur Dörfer zurück <sup>K.G.</sup> ~~ist~~ <sup>K.G.</sup> ~~ist~~ <sup>K.G.</sup> ~~ist~~ <sup>K.G.</sup> ~~ist~~ <sup>K.G.</sup> ~~ist~~  
und sprach <sup>K.G.</sup> ~~ist~~ <sup>K.G.</sup> ~~ist~~ <sup>K.G.</sup> ~~ist~~ <sup>K.G.</sup> ~~ist~~ <sup>K.G.</sup> ~~ist~~

Von dieser Zeit sind jemand das freund-  
liche Kongru im Anwesen sind nicht  
alle zu diesem Kongru.

Die Aufzeichnungen die ich hier geschrieben  
haben sondern alle die sorgfältig sind.  
und das ganze Archiv nicht länger  
als ungefähr 15-30 Minuten. Die Zin-  
listen auf die ich geschrieben haben waren  
inzwischen schon tief nicht gemacht  
und keine Klüppelreste sind ge-  
nommen. Am gleichen Tage wurde  
auf andere Zinlisten von diesem  
P. 2. Aufzeichnungen geschrieben nicht  
später als diese haben. Das war die  
erste Zeit die ich selbst geschrieben  
haben. Ich kam zum 1. Kongru. Dgd. im  
Ersten 1944 und das war die erste  
Feldarbeit zuhause.

~~(K9)~~ Man fand die Zeit man fand die ich  
im Kongrukongru im Lager Kom-  
Zin 1945 war, sagen mir und nicht  
sonst. Man fand das Buch die damals  
im Androspingfeld war.

Das Briefen mich fragen wollen vgl.  
 damit meine noch die Mann die  
 täglich im das Essen zubereiten. Und  
 meinen es möglich das ich nimmere  
 das Essen Briefen zubereiten. Ich bereiten  
 ich das Mittagessen <sup>K</sup> Mittagessen sind  
 sie fragen mich die die gelungreich  
 "Namen die von dem Ammunicorner  
 anfordert nicht fragen mit das unsere  
 Penze als sie auf die Mann hier  
 8 Drogen zu inbehandlung benütigen  
 sind nicht das 8 Drogen anzuwenden."  
 Ich fragen ich <sup>de</sup> <sup>K.G.</sup> <sup>K.G.</sup>  
 mich 3 Drogen <sup>K.G.</sup> sind sie anzuwenden  
 mich "von Namen ist nicht los, die  
 Ammunicorner <sup>wollen</sup> <sup>K.G.</sup> <sup>K.G.</sup>  
 fragen von Ammunicorner dem in =  
 gefangen was nach." Ich anzuwenden  
 nicht sind wollen fragen sind Briefen  
 fragen zu mich "Gott die anzuwenden."

Am Drogen als die Löffelung <sup>K.G.</sup> <sup>K.G.</sup>  
 ich in diesem geschäft <sup>K.G.</sup> <sup>K.G.</sup>  
 fahr, fahr. <sup>K.G.</sup> <sup>K.G.</sup>  
 Mittagessen im <sup>K.G.</sup> <sup>K.G.</sup>  
<sup>K.G.</sup> <sup>K.G.</sup>  
<sup>K.G.</sup> <sup>K.G.</sup>  
<sup>K.G.</sup> <sup>K.G.</sup>

als ich von meinem Onkel zu dem 12.  
 kam, so ist der alte Mann der  
 ich vorher für tot gehalten habe, sein es  
 im meinem Zustande erschienen ist  
 im Hofe meines Onkels. Ich bewies ihm  
 den Hof. Er gab mir den Hof. Er besah  
 mich mit dem alten und sagte ich nicht  
 nicht mehr mit dem Hofe zu sein  
 und wenn er ungeduldig wäre zu  
 rufen. Wie sehr ich und andere  
 ich im Hofe und andere sind dort  
 es zu sein. Ich kam zu dem  
 und bewies ihm jemanden ich nicht  
 wenn das der Mann ist und für  
 der Mann, aber ich bin <sup>in der</sup> ~~in der~~ <sup>G.K.</sup> ~~G.K.~~  
 das es ungeduldig. Er gab mir den  
 ich bewies ihm. Er gab mir den  
 der ganzen P. z. Befragung der Befragung  
 alle männlichen Familienmitglieder  
 und zu rufen. Er gab mir den  
 dem" die Mann mit mir und zu  
 mit dem alten Mann, <sup>ich bewies ihm</sup> ~~ich bewies ihm~~  
 meinem Zustande als 1. rufen  
 erschienen sein.

Befragung des 9. und 10. sind immer die  
 ich mehr die Zustände <sup>sonnig</sup> ~~sonnig~~

den Briefen werden zu dem oben  
genannten Kommando oder Abwehr-  
Stützpunkt von Ludwig<sup>119</sup>.

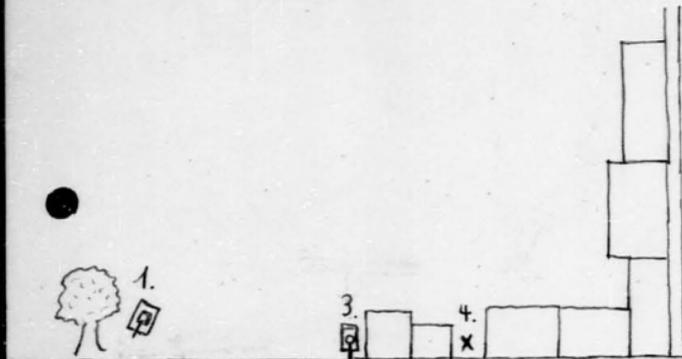
Gregory Rodzina

31. Januar 1946

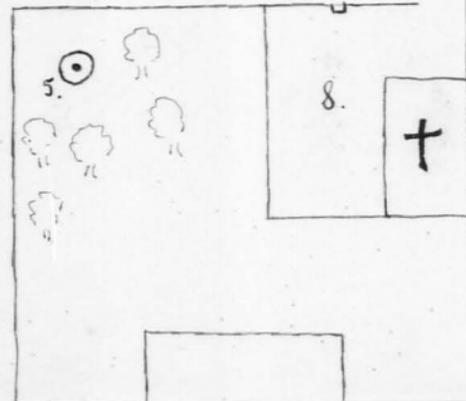
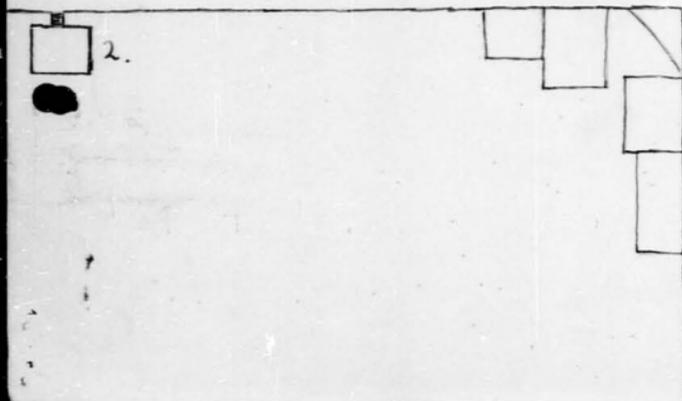
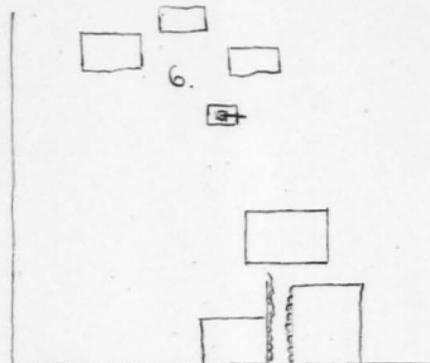
Swam to and subscribed  
before me this 31<sup>st</sup> day  
of Jan. 1946 at Schwäbisch  
Hall, Germany.

Raymond Thumacher  
Capt. USAF

Dokument A.



Stavelot III Km. ↑



1. P.z. Frühw.
2. Villa Frühw. (Kopie) zing.
3. P.Z. Brunfen.
4. Das Gut südlich der 1. Mauer (Kopie) nach dem (Kopie) zing.
5. Dunkel.
6. Dunkel (Kopie) flügel (Kopie) zing.
7. Unregelmäßige (Kopie) nach Brunfen (Kopie)
8. Mauer für (Kopie) zing (Kopie) zing.
8. fünf (Kopie) mit (Kopie).

Georg Dietze 26  
30. Juni 1946

000026

### TRANSLATOR'S AFFIDAVIT

I, JOSEPH KIMBSCHAUM 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

Georg KOTZUR

taken on 31 January 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 9 pages, into English.  
and one sketch

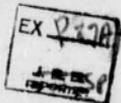
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. my native tongue is German.
2. I learned English through study of the language for two years in High School, one year in college, and eight months of evening classes, all in Vienna, Austria.
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.F.I.T. as a civilian German-English interpreter.

Joseph Kimbschaum  
JOSEPH KIMBSCHAUM  
February 1946

Sworn and subscribed to before me this 28 day of February 1946 at Schwäbisch Hall, Germany.

Raphael Shumacker  
War Crimes Branch, USEET  
Capt CMP



7  
EX  
87A

000030

I, Georg KOPZUR, Sturmann, having been duly sworn, make the following statement under oath:

In December 1944 during the EIFEL offensive, I was a member of the 1st Company, of the 1st Panzer Regiment, LSSAH. I was radioman in the tank crew of Oberscharfuhrer Valentin BERSIN. On December 15, 1944 our company was assembled in a forest, the exact location of which I do not know. At nightfall of the same day Obersturmfuhrer KRAMSER, Company Commander of the 1st Panzer Company, assembled the company to deliver a speech. He read this speech to us from a piece of paper. He told us how important the offensive was for Germany, that we must fight bravely, that we may grant no quarter to the enemy, and that as far as possible no prisoners of war should be taken. Our tank was to ride at the point. We set out with the Panther tank of Untersturmfuhrer BAHRENT until shortly afterwards we met up with 2 other Mark IV tanks. We remained at this place the whole day of December 16. At twilight on December 16 we set out again and had gone a few kilometers along the way, when our tank ran upon a mine. By the evening of December 18 1944 our tank had been completely repaired, and we set out again. In the early afternoon of December 20 1944 we arrived in WANNE together with the tank of Unterscharfuhrer PFLUGGER, whom we had met on the way. In WANNE Untersturmfuhrer HEUBECK assumed command of the tanks of the 1st company, since he was the replacement officer of the 1st Panzer Regiment, and had command of those which lagged behind. In WANNE I was quartered together with my whole tank crew in a house. The tank crew consisted of Unterscharfuhrer BERSIN, Sturmann HAU, Sturmann FIGURA, Unterscharfuhrer WOCH and myself.

About midafternoon of December 21 1944, Unterscharfuhrer BERSIN came to our quarters and said to us that every male civilian was to be shot and gave the whole crew the order to go out, find the male civilians, and carry out the order to shoot. He pointed to me and said: "KOTZUR, you come with me." Unterscharfuhrer BERSIN and I went to the house, which is designated by an X on the attached sketch. We entered the house and a man approached us with 2 caps in his hand. He was about 40 or 50 years old. BERSIN asked him what kind of caps he had there. He replied that they were forest warden's caps, and BERSIN then hit him. BERSIN ordered him to come out with us in the street. I told BERSIN that the man was too old to be shot. Because of this BERSIN said to me: "Just for saying that you shall shoot him yourself." BERSIN wanted me to shoot the man before his eyes. I did not want to shoot the man right on the street and went with the man down the street towards the church. BERSIN went ahead of me. He turned around and shouted at me, "I expect to hear the shot soon." When we arrived at the entrance to the cemetery, BERSIN went on in the direction of the village and I led the man into the cemetery. I fired two shots from my pistol into his back. The civilian fell down with a cry and I assumed that he was dead.

I went back in the street. BERSIN was standing down the street and shouted to me, "this man is to be shot too", and then the man he mentioned came up to me. I led this man to a farm approximately across from the entrance to the cemetery, and shot him once in the back. He yelled and fell on his knees and threw his fists around. I shot again but my pistol had a stoppage. At this moment Hans TRETTIN of Unterscharfuehrer PFLUEGER's crew arrived with his pistol in his hand and I said to him, "Finish him off, he is in pain." TRETTIN then finished him off with a shot in the neck. I went back to the street. TRETTIN followed me and said the man was dead. At this time somebody shouted that enemy tanks were approaching, and we all went to our tanks.

All the shootings which I have described here took place during daylight, and the whole affair did not last longer than 15 to 30 minutes. The civilians whom I shot were unarmed, did not defend themselves, and made no attempt to escape. As I later found out, other civilians were shot by our tank crews on the same day. That was the first human being I shot myself. I came to the 1st Panzer Regiment in October 1944, and that was the first combat unit that I was assigned to.

During the time that I was a prisoner of war in the camp at EBENSEE in June 1945, Unterscharfuehrer Daniel MAIER said to me that BERSIN, who was then being confined for interrogation, wanted to speak with me. Unterscharfuehrer Daniel MAIER was the man who brought him his meals every day. He made it possible for me to bring BERSIN's meal to him once. I brought his dish to him, and he said to me on this occasion, "If you are interrogated by the Americans, state that our tank required 8 days for repairs when we ran over the mine, and that we spent 8 days there." I asked him why, as we were only there 3 days. He replied to me, "the WANNE affair is not involved. The Americans only want information about the bumping off of American prisoners of war." I didn't answer and started to leave. BERSIN then added, "have you understood?"

On the day that the shooting which I have described in this confession took place, Untersturmfuehrer HEUBECK had his noon meal in our quarters. During the meal he sent me out to fetch Unterscharfuehrer PFLUEGER. When I came back from my mission, I saw the old man whom I later shot (as is described in my confession) in the yard of his farmstead. I informed Untersturmfuehrer HEUBECK about that. He ordered me together with RAU or FIGORA (I no longer recall with which one it was) to investigate, and, if he should be suspicious, to shoot him. We investigated, found him in the stable, and noted that he was fairly old. I came back and informed someone, I do not know whom, that the man was an old forest warden, but I am quite certain now that it was Untersturmfuehrer HEUBECK, whom I informed. A moment later BERSIN gave the order to the whole tank crew to hunt up all male civilians and to shoot them. BERSIN then said to me, -- "You come with me, and show me the old man", meaning the one whom I have described in my confession as the first man to be shot.

000032

I make this confession, consisting of 9 pages and a sketch, voluntarily, without being threatened or forced or promised a reward.

(signed) Georg KOFER  
31 January 1946

Sworn to and subscribed  
before me this 31st day  
of Jan 1946 at SCHWABISCH  
HALL, GERMANY

(signed) Raphael SEUMACKER  
Capt CMP

000036

TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF

GEORG KOEJUR

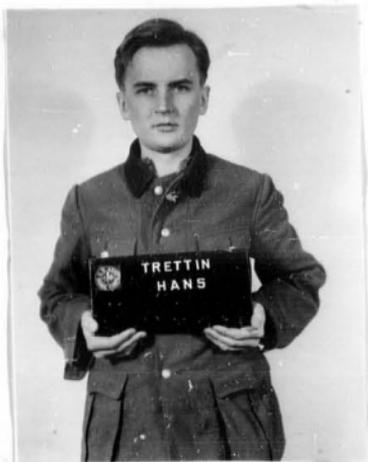
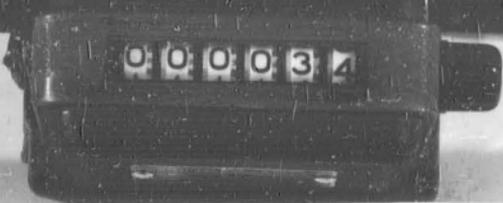
Dated 30 January 1946

\*\*\*\*\*

Showing WANNE, the scene of the shooting  
of civilians.

L E G E N D:

1. HEUBECK's tank
2. House of HEUBECK's crew
3. BERSIN's tank
4. The house of which the first civilian  
was taken
5. Monument
6. Houses of air corps crew
7. Approximate location where BERSIN sent  
up the second man to be shot.
8. Cemetery with church



P  
2A  
87B

I, GEORG KOTZUR, being first duly sworn, make the following statement under oath:  
Ich Georg Kotzur, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same HANS TRETIN mentioned by me in my affidavit, dated 13 MAR 1946.  
N.S. 31 JAN.

Die obigen zwei Photographien sind Photographien desselbigen Hans Tretin von mir in meiner eidesstattlichen Aussage genannt, datiert 13. März 1946.

31. Januar  
G.K.

Georg Kotzur  
First Name (Vorname) Last Name (Zuname)

Sturmann  
Rank (Dienstgrad)

1. Kopffl. Pz. Reg L. 54. A. H  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to, and subscribed before me this 15<sup>th</sup> day of April, 1946.

Raphael Thumacher  
Officer administering oath

Capt CMF  
Rank Arm or Service

87B  
42B

000035



7  
EX  
87C

I, GEORG KOTZUR, being first duly sworn, make the following statement under oath:  
Ich GEORG KOTZUR, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same UNTERSCHARFÜHRER BERSIN mentioned by me in my affidavit, dated 31 JAN 1946.

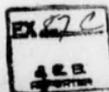
Die obigen zwei Photographien sind Photographien desselbigen UNTERSCHARFÜHRER Bersin von mir in meiner eidesstattlichen Aussage genannt, datiert 31. Januar 1946.

James Joseph  
First Name (Vorname) Last Name (Zuname)  
S.K. 44 S.K. 600 Bismarck  
Rank (Dienstgrad)

1. Kop. 1. 47 Pz. Regt L44A:4  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 10<sup>th</sup> day of April, 1946.

Raphael Schmaderl  
Officer/administering oath  
Capt. C.M.P.  
Rank/ Arm or Service







nind ich pfob ich wof uel in dem & of  
 no ley Hill, und fof bot vris.  
 Ich ging mit die Thar zu zivilt. und fof  
 Ufje Lempen unyforje so in m. f. f. f.  
 in min. Gnis yafm. Canya Mir. fof ich  
 minn. Meru vris dem ylmifm Gnis fms  
 vris. h. h. h. in minn. Riff. h. h. h.  
 ich fufje die f. f. f. die ylmifm  
 Hallen bei dem Lir. f. f. und fof ich  
 ind. Gnis, vris mo vris dem Gnis f. f.  
 bunden mo f. f. wof d. d. d. f. f. f.  
 ich d.  
 mo wifig, ich fof d. d. d. d. d. d. d.  
 f.  
 yafm. f.  
 dem Thar zu zivilt. f. f. f. f. f. f. f.  
 die Thar zu zivilt. f. f. f. f. f. f. f.  
 m. f.  
 m. f.  
 d.  
 wifig. m. f.  
 ich dem zivilt. f. f. f. f. f. f. f.  
 In die f.  
 f. f. f. f. f. f. f. f. f. f. f. f. f.  
 ich f.  
 vris mo minn. wof f. f. f. f. f. f.

Ist mir ein Brief und 4 Briefe und  
 meine Zustimmung beifolgendes Gen. Kündigungs  
 formularlich von beidseitig werden zu sein  
 oder Gen. Kündigungsformularlich auf dem  
 von Postamt.

Gours von Stein

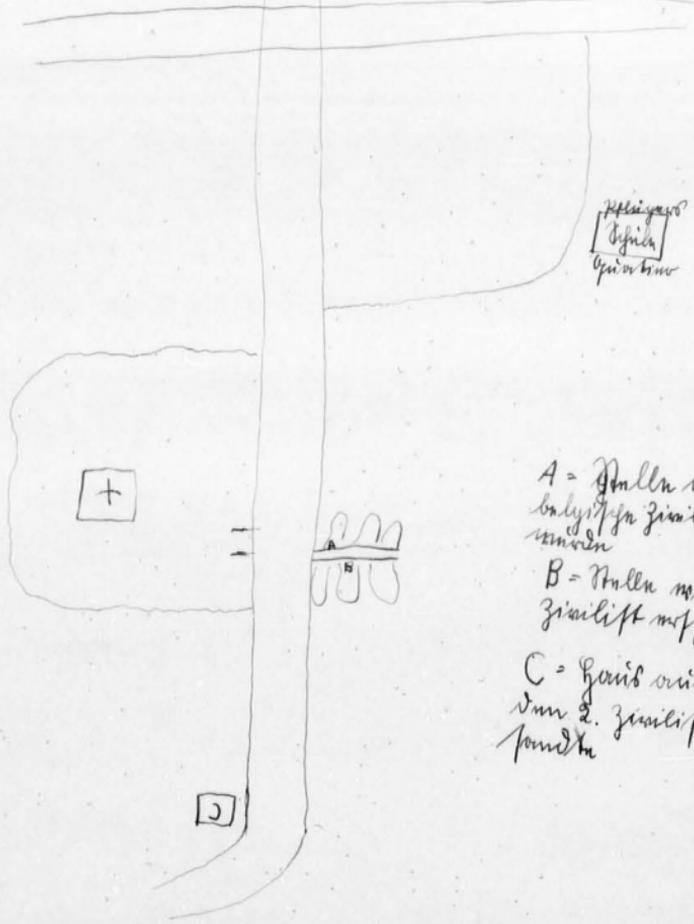
31. Januar 1946

Sworn to and subscribed before me  
 this 31st day of January 1946 at  
 Schiedrich Hall, Germany.

Dwight F. Fanton  
 DWIGHT F. FANTON  
 MAJOR QMC  
 INVESTIGATOR-EXAMINER  
 WAR CRIMES BRANCH  
 USFET

Pflanz von Mamm  
was ist die 2. balytische  
Zinsliche aufsp.

Zinsliche mit der  
Zinsliche der Mamm  
Wald



- A = Halle was die meisten  
balytische Zinsliche aufsp.  
werden
- B = Halle was die Zinsliche  
Zinsliche aufsp. werden
- C = Haus was die Zinsliche  
die 2. Zinsliche Zinsliche-  
werden

Grossen  
31. Juni 1946

000041

### TRANSLATOR'S AFFIDAVIT

I, 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 TRETTIN

taken on 31 January 1946 at Schwäbisch Hall, Germany,

before DWIGHT F. FANTON, Major, GMC

consisting of four pages, into English.  
& one sketch

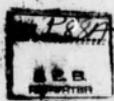
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

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 JOHN'S 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 day of February 1946  
at Schwäbisch Hall, Germany.

*Raphael L. Thumacher*  
War Crimes Branch, USFET  
*Capt CM4P*



EX  
88A

000042

I, HANS TRETTIN, Sturmmann, having been sworn in, make the following statement under oath:

In December 1944 I was a member of company 1, Panzer Regiment 1, LSSAH and was assigned to the tank of Unterscharfuhrer PFLUEGER as loader. My tank did not reach the first company during the EIFEL offensive in December 1944 because we had motor trouble and did not come to the assembly place.

We drove in the direction of the front in the hope of catching up with the first company, and arrived in the village of WANNE on December 21, 1944 around noon. At this time the crew of the tank and the tank of Unterscharfuhrer BERSIN were also in WANNE. Both crews were placed under Untersturmfuhrer HEUBECK, who, as replacement officer of the first regiment, exercised command over stragglers.

About one or two hours after our crew had been quartered Unterscharfuhrer VALENTIN BERSIN came to us in our quarters and spoke with Unterscharfuhrer PFLUEGER and said the following, that Untersturmfuhrer HEUBECK had found parts of German uniforms in a closet, and that therefore he had sent him here to get the loader and gunner to take him along to round up all male Belgian civilians of 16 and over, and to shoot them. Unterscharfuhrer BERSIN then left with Unterscharfuhrer TIGGES, who was a member of my tank crew. Unterscharfuhrer TIGGES asked me to fetch the machine pistol from the tank for him. I fetched the machine pistol to bring it to Unterscharfuhrer TIGGES. At a point on the street opposite the entrance to the churchyard I saw Sturmmann KOTZUR of BERSIN's crew with a civilian, and Sturmmann KOTZUR had a pistol in his hand. Unterscharfuhrer BERSIN and Unterscharfuhrer TIGGES were not far from this point, and I hastened to catch up with them to give the machine pistol to Unterscharfuhrer TIGGES. I then gave the machine pistol to Unterscharfuhrer TIGGES, and wanted to go on with them, but Unterscharfuhrer BERSIN said to me, "You go up to KOTZUR and shoot the civilian. I shall send other civilians, you shoot them too." I came back to KOTZUR, who at this time was standing near the bushes with the civilian, at the same place where he had been when I passed him. KOTZUR tried his pistol, as it was jammed, and said to me, "Shoot the man, my pistol is jammed." I came up to within 2 or 3 meters of the man and shot him in the neck. The man fell to the ground and I shot him again in the head. He lay still, and appeared dead.

I went back into the street and saw Unterscharfuhrer BERSIN going into a house about 50 meters away. A few minutes later I saw a man come out of the same house and come in my direction. I led this civilian to the same place near the bushes and shot him in the neck. Then he fell to the ground and still moved. I then shot him again, in the head. After that he was quiet, and I saw that he was dead. KOTZUR was standing in the street, but he could have seen it since the bushes were only 2 meters from the street. When the latter civilian came up the street, I said to KOTZUR, "You shoot the second one. I shot the first one and do not want to do this alone." KOTZUR then said, "My pistol is not working yet, you shoot him", therefore I shot the second civilian.

At that moment we heard shouting that "Shermans" were coming and everybody went to their tanks. This was the first engagement

000043

that I took part in. I was afraid. I did not want to shoot any civilians but was forced to do that by my superiors.

I make this confession, consisting of 4 pages and one sketch voluntarily, without being threatened, forced, or promised a reward.

HANS TRETTIN  
January 31, 1946.

Sworn to and subscribed before me this 31st day of January 1946, at SCHWABEBISCH HALL, GERMANY.

/s/ Dwight F. Fanton  
/t/ DWIGHT F. FANTON  
Major.QMC.  
Investigator-Examiner,  
War Crimes Branch  
USFET.

000047

MAP OF WANNE, WHERE I SHOT THE TWO BELGIAN CIVILIANS

Drawings part of statement of Strm Hans TRETTIN

- A - Spot where the first Belgian civilian was shot.
- B - Spot where the second civilian was shot.
- C - House out of which BERSIEN sent out the 2nd civilian.

Hans TRETTIN  
31 January 1946

000046



F  
2A  
888

I, HANS TRETTIN, being first duly sworn, make the following statement under oath:  
Ich Hans Trettin, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same UNTERSCHADREUHER BERSIN mentioned by me in my affidavit, dated 31 JANUARY 1946.

Die obigen zwei Photographien sind Photographien desselbigen Unteroffiziers Bersin von mir in meiner eidesstattlichen Aussage genannt, datiert 31.1.46.

Hans Trettin  
First Name (Vorname) Last Name (Zuname)

49 Mann  
Rank (Dienstgrad)

1st G. / 1st SS REGT. LSSAH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Raphael Thumacher  
Officer administering oath

Laph CMP  
Rank Arm or Service

EX P 888  
M.D.H.  
1946

000046



I, HANS TRETIN, being first duly sworn, make the following statement under oath:  
 Ich HANS TRETIN, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same STURM KOTZUR mentioned by me in my affidavit, dated 31 JANUARY 1946.

Die obigen zwei Photograph'en sind Photographien desselbigen Mitru B. Aguir von mir in meiner eidesstattlichen Aussage genannt, datiert 31.1.46.

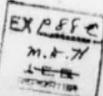
Georg von Murr  
 First Name (Vorname) Last Name (Zuname)

44 Mitru  
 Rank (Dienstgrad)

1st Co. 1st SS Pz Regt. LSSAH  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Raphael Schneider  
 Officer administering oath  
Capt. C.M.P.  
 Rank Arm or Service



Ich habe die Kopie überprüfst, nachdem ich erst  
 heute mit dir eingesehen werden konnte und hat  
 sich die folgenden Punkte <sup>VB</sup> ergeben:

Am Dezember 1944 verließ ich die Familie  
 nach der Rückkehr in die 2. Zug 1. Rang <sup>1. R.</sup>  
 L. H. G. zu dieser Zeit war mein Dienstgrad  
 Unteroffizier. Mein Zugsführer war Oberst-  
 führer Stalow und mein Kommandant  
 war Oberstleutnant Bauer.

Am 19. oder 20. Dezember 1944 war ich in einem  
 belgischen Internierlager mit 2 anderen Kompanien  
 von denen Kommandant, die anderen Kompanien-  
 führer waren v. H. G. Grubbe und v. H. G. Pflüger.  
 v. H. G. Grubbe war der Chef der 3. Kompanie in einem  
 belgischen Lager der 1. Kompanie.

Ich kann mich mit der Namen der  
 Befehlshaber von v. H. G. Pflüger Kompanie  
 und davon meine eigene Kompanie  
 unterscheiden die zu dieser Zeit mit mir  
 in einem Lager waren. Meine eigene Befehlshaber

zünftig bestand aus mir als Pionierführer, Frau. Günter meine Richtfritze, Frau. Günter meine Landspitze, H. v. d. R. Rindolf als meine Führer und Fritze Köhler als Führer.

Die Besatzung von H. v. d. R. pflichtet Pionier bestand aus ihm selbst als Pionierführer, Rolf. Rindolf Richtfritze, Frau. H. v. d. R. Rindolf, H. v. d. R. Rindolf Führer und Frau. Günter als Führer.

Freitag den 19. oder den 20. Dezember 1944  
 Donnerstag zwölftage 3 und 4 ist Frau  
 H. v. d. R. Günter zu dem Haus wo wir  
 im Quartier lag. H. v. d. R. Günter gab mir  
 den Befehl: "Sie nehmen von jeder Be-  
 satzung 2 Mann und treiben <sup>die</sup> ~~die~~ <sup>die</sup> ~~die~~  
 alle <sup>zusammen</sup> ~~zusammen~~ in alle von 16 Jahren  
 einwärts die weg in der Lage sind eine  
 Straße zu führen zusammen und lassen  
 sie ~~offen~~ <sup>offen</sup>, wenn das gemacht ist  
 werden Sie mir Meldung!" Ich antwortete:  
 "H. v. d. R. Sie können das nicht ~~ausführen~~!"

Darauf Hr. H. Gaubark sagte: "Das ist meine Befehl und das Wortwort ist!"

Ich wendete mich an meine Befetzung und sagte das wir 2 Mann mitkommen, eine ist volltan nicht mitkommen. Oberoff ist Hr. Rozit und Hr. Jeger nicht in befetzungen die Befehl gab mit zu kommen, diese beide Männer warden diejenigen die mit uns gingen. Wir gingen alle zusammen nach Hr. Pfo.

das auf Befehl von Hr. H. Gaubark sollte von jeder Befetzung 2 Mann mitkommen und fünfzig <sup>zwei</sup> Zivilisten im Alter von 16 Jahren ~~über~~ <sup>unter</sup> die wir in der Lage sind ~~zu~~ <sup>zu</sup> Waffen zu führen zusammen zu haben und <sup>z.B.</sup> ist 2 Pfaffen zu lassen. Hr. H. Pflüger bestimmte 2 Männer ober of Kommt Hr. H. Kommt nicht zu dieser Zeit weil er mit 5-6 Ferge in der Komp. wart. Wir gingen los und Hr. Rozit sagte: "Kommt mit mir er weiß ein Haus wo ein Zivilist ist!"

Bezirke fiefte mit zu dem Gönz. Daffne  
 gewonne Sorge uf nicht verit. abas uf  
 glouben ut vorut von einem frinen  
 fely in der Offpost. Dy vort vort  
 verforte Gönz in der Umgebung  
 voran. Wir alle gung in der Gönz  
 frine und voran vorut ein Belg.  
 Mann der ungefähr 50 Jahre alt war.  
 2 Soldaten die mit mir voran  
 waren. Mann mit unbekannt  
 sind voran der Mann und fife-  
 ten die mit dem Gönz. Dy forbe. Bei-  
 une vort gabare der Belg. frinf-  
 ten zu Offposten und zu der Zeit  
 wiffte uf nicht was der mit die ge-  
 wagt forbe. Voran haben ein gewis  
 andere Soldaten nach einem anderen  
 Gönz der ungefähr 100 m entfernt  
 vorut und uf ging. Dfame nach im  
 farrant zu finden war dort vort ging.  
 zu der Zeit als uf zu dem Gönz. Bei-  
 fuf uf 2 Soldaten von einem friffe

einen belg. männlichen Zivilisten bei dem  
 Armee mit dem Zehnte Regiment und die  
 fort brachten. Die Namen dieser beiden  
 Soldaten weiß ich nicht und zu dieser  
 Zeit wusste ich nicht wo sie sich  
 befinden würden. Ich weiß das ich nicht den  
 Befehl gab die zu erschlagen. Gleich darauf  
 im Raum ein Melde- und meldete,  
 das feindl. Panzer durchgeführt sind,  
 und ich gab den Befehl nach im  
 Panzer zurück zu gehen. Sofort fort  
 ich, ~~mit~~<sup>v.B.</sup> als wir im neuen Raum  
 zur Fortsetzung kamen, wie einige Soldaten  
 erzählten das 2 belg. männliche Zivilisten  
 erschlagen worden würden. Die Namen  
 der Männer die darüber sprachen kenne  
 ich nicht.

Am dem selben Abend fuhr ich v. H.  
 Hauptk ~~mit~~<sup>v.B.</sup> und fand die in einem  
 der Straßen der bestimmten Platz  
 Raum ich mich nicht mehr unterscheiden.



00052

### 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

Valentin BERSIN

taken on 30 March 1946 at Schwäbisch Hall, Germany,

before RAPHAEL SHUMACKER, Capt., CMP

consisting of 5 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 1926.
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  
*April 1946*

Sworn and subscribed to before me this 2<sup>nd</sup> day of  
at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
War Crimes Branch, USEET  
*Capt. CMP*

EX-89 a  
20 B 74  
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1946

EX  
37A

000054

I, Valentin BERGIN, Oberscharfuhrer, having been duly sworn, make the following statement under oath:

In December 1944, during the NIFTL offensive I was Tank Commander in the 2nd Platoon, 1st Company, 1st Panzer Regiment, L.S.S.A.R. At that time my rank was Unterscharfuhrer. My platoon leader was Oberscharfuhrer STPELOW, and my Company Commander was Obersturmfuhrer KRENNER.

On a date which I believe was the 19th or 20th December 1944, I was in WANNE, Belgium, together with two other tanks of my company. The other tank commanders were U, stf HEUBECK and U, scha. PFLEUGER. U, stf HEUBECK was the commander of the three tanks of the 1st Company which were in WANNE.

I can only recall the names of the crews of U, scha PFLEUGER's tank and those of my own tank, which were at that time in WANNE with me. My own crew consisted of myself as Tank Commander, Strm Heinz RAU my gunner, Strm FIGURA my Asst gunner, U, scha Rudolf WOCH my driver, and Schmetze KOZUR the radio-operator.

The crew of U, scha PFLEUGER's tank consisted of he, himself as Tank commander, Rottf KOCH gunner, Strm TRETIN Asst gunner, U, scha TICKES driver, and Strm SCHNEIDER radio-operator.

On either the 19th or 20th December 1944, in the afternoon between 3 and 4 o'clock U, stf HEUBECK came to the house where I was quartered. U, stf HEUBECK gave me the order "You take two men from each crew and round up all male civilians of over 16 years of age, who are able to bear arms, and have them shot. After that has been done, you report to me the execution of the order." I replied, "Untersturmfuhrer, I can't take the responsibility for this". Whereupon U, stf HEUBECK said "This is my order and I take the responsibility".

I turned to my crew and said that only two men were to come along because several wanted to come. Although I didn't specifically give the order to come along to Strm KOZUR, and Strm FIGURA, these two men were the ones who went with me. We all went together to U, scha. PFLEUGER's quarters and I said to him that on order of U, stf. HEUBECK two men of each crew should come along to round up and to have shot, all male civilians over 16 years of age who were able to bear arms. U, scha PFLEUGER appointed two men but I didn't know their names at that time because I was only five or six days in the company. We started off and Strm KOZUR said "Come with me, I know a house where there is a civilian". KOZUR led us to the house, the exact location of which I don't know but I believe it was at an open square in the village. I know there were several houses in the vicinity. We all went into the house and inside there was a Belgian man, who was about 50 years old. Two soldiers who were with me, whose names are unknown to me, took the man and led him out of the house. I didn't give an order to shoot the Belgian civilian and I didn't know at that time what the soldiers did with him. Then a few soldiers ran to another house which was about 100 meters away and I went after them to find out what was happening there. By the time I got to the house I saw two soldiers of my group leading a Belgian male civilian by the arms out of the house and taking him away. I don't know the names of these two soldiers and at that time I didn't know what was going to happen to him. I know that I didn't give the order to shoot him. Right after that a messenger came and reported that enemy tanks had broken through and I gave the order to go back to our tanks. Later as we

000055

were sitting around our tanks I heard as several soldiers related that two Belgian male civilians had been shot. I don't know the names of the men who spoke about that.

That same evening I searched for U.stf.HEUBECK and found him in one of the streets, the exact location I can't recall any longer. I reported to him "Order executed, the Belgian civilians have been shot." U.stf.HEUBECK answered "Alright".

I reported this to U.stf.HEUBECK because I had heard the German soldiers talk about the fact that two Belgian male civilians had been shot as I described above.

I myself didn't know anything about the shootings because I personally had not seen it, nor did I give the order for it.

I make this statement consisting of six pages voluntarily, without force, threats, or promises of reward.

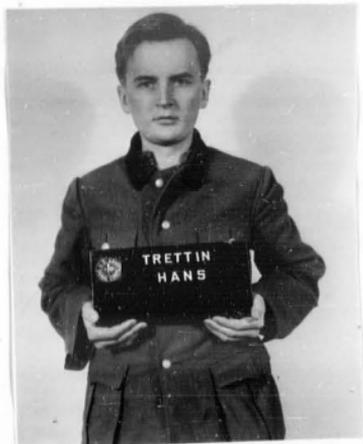
I swear before God that the facts in this statement are true and I am prepared to repeat them before any court.

(signed) Valentin ENFSIN  
30 March 1946.

Sworn to and subscribed before me this  
30th day of March 1946, at Schwabisch hall,  
Ger.

ABRAHAM SHORACKER.  
Capt. C.M.F.

000056



I, VALENTIN BERSIN, being first duly sworn, make the following statement under oath:  
 Ich Valentin Bersin, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same STRM. TRETIN mentioned by me in my affidavit, dated 30 MARCH 1946.

Die obigen zwei Photographien sind Photographien desselbigen Herrn Tretin von mir in meiner eidesstattlichen Aussage genannt, datiert 30. März 1946.

Valentin Bersin  
 First Name (Vorname) Last Name (Zuname)

1st Lt  
 Rank (Dienstgrad)

1st Co 1st Ss Pz Regt. LSSAH  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Raphael Thumacher  
 Officer administering oath  
Capt CMP  
 Rank Arm or Service

EX 1896  
 MBH  
 JEB  
 IDENTIFICATION

00057



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E 8  
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I, VALENTIN BERSIN, being first duly sworn, make the following statement under oath:  
Ich Valentin Bersin, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same STRM. KOTZUR mentioned by me in my affidavit, dated 30 MARCH 1946.

Die obigen zwei Photographien sind Photographien desselbigen Strm. Kotzur von mir in meiner eidesstattlichen Aussage genannt, datiert 30. März 1946.

Valentin Bersin  
First Name (Vorname) Last Name (Zuname)

44 Oberflanzführer  
Rank (Dienstgrad)

1st Co. 1st SS Pz Regt. LSSAH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Sapharill Thumacher  
Officer administering oath  
1st Lt CMP  
Rank Arm or Service

EX 089c  
7.2.46  
J.F.B.

## TESTIMONY OF REV. JOSEPH BRECHT,

a Belgian Pastor, of Robertville, Belgium, taken at his residence on February 13th, 1946, at Robertville, Belgium.

Before me, ROBERT E. BYRNE, 1st Lt., JAGD, O1826233, Investigator-Examiner, War Crimes Branch, U. S. Army, being duly authorized to administer oaths, appeared Rev. Joseph BRECHT, of Robertville, Belgium, who was examined as follows:

RAY D. BISTLINE, Civilian, appeared before me as Reporter and was sworn in the following form:

Q. You swear that you will faithfully perform the duties of Reporter in this investigation now being conducted by me, So Help You God?

Reporter: I do.

WARNER M. WOLFE, Private First Class, 42083896, appeared before me as an interpreter, and was sworn and questioned by me as follows:

Q. You swear that you will truly interpret in this investigation now being conducted by me, and will truly testify as to your qualifications as an interpreter, So Help You God?

Interpreter: I do.

Q. State your present status.

Interpreter: I am a Private First Class in the U. S. Army, assigned to War Crimes Branch, United States Army, APO 633.

Q. State your qualifications as an interpreter.

Interpreter: I know, speak, understand, translate and interpret German and English, as well as French. This knowledge results from my past experience in life, which is as follows:

I was born in Sobernheim, Germany, 26 March 1921, and continued to live there until 1935. During these fourteen years German was my native tongue and was spoken in my home, by my friends, and in school. I attended high school and studied English for two years. In September, 1935, I went to Switzerland where I studied for two years as a student, majoring in the English and French languages. In January, 1939, I went to France where I remained until July, 1941. In August, 1941, I went to the United States where I took residence at Vineland, New Jersey. I have lived in the United States, or have been in the United States Army, ever since. I graduated from Military Intelligence in April, 1945, and was assigned to War Crimes Branch as an interpreter in July, 1945. I am fully qualified to translate German and French into English, and English into German and French.

THE REVEREND JOSEPH BRECHT, appeared before me as a witness, and his testimony was received by me through said interpreter after said witness had been sworn by me under authority of Article of War 114 (Section 1586, Title 10, United States Code), as follows:

- Q. You swear that the evidence you shall give in this investigation being conducted by me shall be the truth, the whole truth, and nothing but the truth, So Help You God?
- A. I do.
- Q. What is your full name?
- A. BRECHT, Joseph.
- Q. What is your occupation?
- A. Pastor of the Church of St. Joseph, at Robertville.
- Q. How long have you lived at Robertville?
- A. Since the 13th of August, 1934, but in December of 1944 I was living in Wanne because I was being pursued by the Gestapo.
- Q. Were you at your home in Wanne on the 20th of December, 1944?
- A. Yes. I had lived in Wanne, since the 20th of September, 1940.
- Q. On the 20th of December, 1944, did you have occasion to see men of your village executed there by the Germans?
- A. Yes.
- Q. Where were you when you saw this execution?
- A. In my office, at the window.
- Q. How many men did you see executed there?
- A. Three.
- Q. Can you give me the names of those men?
- A. Yes; they were my neighbors.
- Q. What were their names?
- A. Emile Hemroulle; Leon Hemroulle and Louis Milbers.
- Q. Which one of these men was shot first?
- A. Emile Hemroulle.
- Q. Where was he shot?
- A. At the entrance to the cemetery, between the gate and the church, a little bit to the left of the path.
- Q. Who was the second man shot?
- A. Louis Milbers was the second.
- Q. And where was he shot?
- A. In my courtyard.
- Q. Do you know whether the same man shot both Emile Hemroulle and Louis Milbers?
- A. Yes, the same man.
- Q. Was this also the same man who shot Leon Hemroulle?
- A. Yes.
- Q. Do you know whether there was another German soldier who brought Louis Milbers down the street from his home just before he was shot?
- A. That I do not know.
- Q. Were Louis Milbers and Leon Hemroulle executed at exactly the same time, or was there some time between the shooting of each of them?

000060

- Q. You have previously told me that Louis Milbers was shot second and Leon Hemroulle was the last one shot. How do you make that distinction?
- A. They were actually shot at the same time, one falling to the right and the other to the left of the passageway from the street to my door.
- Q. Were there any German soldiers in your house on that day?
- A. Yes.
- Q. Were any of them there at the time of the shooting?
- A. Yes; they were eating in the kitchen.
- Q. Did you have any conversation with them at this time?
- A. Two or three words.
- Q. Did you ask them any questions about the shooting?
- A. No. When the shooting began, my sister went into the kitchen to ask the soldiers who were eating there to stop their comrades from shooting into the hallway, which she thought they were doing. As soon as she told them of the shooting they left hurriedly by the back door, and we never saw them again.
- Q. At the time of the shooting do you know about how many tanks there were in the village?
- A. Three or four at the most.
- Q. Do you know where they were located in the village?
- A. There were so many tanks in our village during these days that I would not be able to give the exact location of the tanks at that particular time, but I am sure about the location of the one tank, which was standing in my own court yard.
- Q. Do you remember whether or not there was a tank parked on the right side of the road leading toward Trois Ponts just beyond the house of Emile Hemroulle?
- A. Yes, now I remember. When the shooting had stopped I wanted to see what had happened to the men who had been shot at, but I was afraid that if I went on the street they would start firing at me. Therefore, I went up to the gable where I could see through a small window in the direction of the center of the village, and at that precise moment I saw a very large tank slowly moving away past the house of Emile Hemroulle in the direction of Trois Ponts.
- Q. Immediately after the shooting did you hear any orders given by the Germans regarding leaving town, or anything similar to that?
- A. Yes, there was something like an alarm given.
- Q. Could you hear anything that was said at that time?
- A. No. They were presumably military orders.
- Q. What did the Germans do immediately after this alarm was given?
- A. After the alarm, the men immediately hurriedly ran towards the center of the village, and I saw them leaving in the direction of Trois Ponts.
- Q. Where does the road go that runs north out of Wanne?
- A. It leads toward Stavelot.

- Q. Would you be able to recognize the man who shot these three men you have described, if you were to see them again?
- A. It would be very difficult, as there were many of these thin looking youngsters around. Maybe my sister could recognize him. I remember that my sister said she would be able to recognize that dog if she saw him again, but I don't know whether she could or not.
- Q. About how old did he appear to be?
- A. They were dirty and unshaven, but I would judge he would be around in this twenties.
- Q. Did you ever hear the name Kotzur mentioned around Wanne?
- A. No; never.
- Q. Did you ever hear the name "Bersin"?
- A. No; no name.
- Q. Did you ever hear the name of any of the German soldiers who were there mentioned?
- A. No.
- Q. Do you know the designation of the unit which was present in Wanne that day?
- A. They were SS. That is all I know.
- Q. After these three men you have described were shot, in the cemetery and in your yard, were you able to see the bodies sufficiently well to certify that they were dead?
- A. Yes; after I had looked through the window and had seen that no Germans were around any longer, I went down and looked over the bodies at very close range to convince myself that they were dead.
- Q. Where were these three men buried?
- A. In the cemetery of Wanne, at the end of February.
- Q. After the men were shot whom you saw, were they buried immediately?
- A. No.
- Q. Where were the bodies removed to from your yard?
- A. To the vestry of the Church.
- Q. How long did they remain there?
- A. That I don't know, because I left the following day.
- Q. Did you ever see these bodies again before they were buried?
- A. Yes; I saw them again in the middle of February when I returned to Wanne. I saw them in coffins in the Sacristy of the Church.
- Q. Were you able to recognize these bodies at that time in February?
- A. No; I could not recognize the bodies because they were in closed coffins.
- Q. Did anyone tell you whose bodies were in these coffins?
- A. Yes; those of the village who put the bodies in the coffins.
- Q. How many bodies were in the Sacristy in the middle of February when you returned?
- A. There were four bodies, those of Emile Hemroulle, Leon Hemroulle, Louis Milbers and Emil Counet.
- Q. Were you present when the bodies of these four men were found in the woods near Aisomont on the road to Trois

000062

- A. No. I had not come back to Wanne at the time the corpses were found. I was on the other side of the Meuse, and it was still an active theater, and the Americans would not let anyone return to the vicinity of Wanne.
- Q. Do you know the name of the Priest who was present when these bodies were found in the woods?
- A. Jean BAHIM, a Seminarian.
- Q. Do you know where he lives now?
- A. In the vicarage at Alwaylle.
- Q. About how many German soldiers would you estimate were present in Wanne at the time of this killing?
- A. We didn't dare to go out to see how many there were in town, but I judge approximately thirty.
- Q. Did you ever know the names of the two soldiers who were eating in your kitchen at the time this shooting went on?
- A. No.
- Q. What kind of a weapon did the German use when he shot these men?
- A. A submachine gun.
- Q. Did you ever examine the bodies to know where the shots struck these men?
- A. The two in the court yard, in the mouth.
- Q. Were they shot from the back or from the front, - or could you see?
- A. It seems to me it was from the front, but I would not be able to confirm it.
- Q. Could you see them clearly at the time of the shooting?
- A. I saw them falling.
- Q. About how far away from them were you at this time?
- A. Twice the length of this room.
- Q. About forty feet. Which way did they fall? Did they fall on their faces, or did they fall on their backs?
- A. They fell forward with their faces turned slightly to one side, and with one arm under the head. Emile Hemroulle fell flat on his stomach with both hands stretched above his head. I did not see him fall, but I saw him later. I could see him when he was running in a crouched position, but I could not see him falling, - it was too far away.
- Q. Did you ever see a second man come into your courtyard, a few minutes after these two men were first shot, and fire additional shots into their bodies to make sure that they were dead?
- A. No; I do not remember that.
- Q. Did you remain at the window very long after they were shot?
- A. Maybe two or three minutes, and then I went upstairs to look over the village.
- Q. Could you see your yard from the upstairs window?
- A. Yes, surely.
- Q. Where was the soldier who shot the two men in your court yard standing with reference to the two civilians? Was he in front of them or behind them?
- A. As they came towards my window, the German was behind them.

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- Q. You have said that there was a tank in your court yard. Were there any German soldiers near the tank, or on the tank at the time these two men were shot?
- A. Yes.
- Q. How many?
- A. Two or three. They were standing on the tank, working on it.
- Q. Could they see the execution in your court yard?
- A. Surely, because they were very close on the tank, - about five meters distant.
- Q. Do you know what kind of a tank it was?
- A. A very large tank. I never saw an American tank that large, and the gun barrel was especially long.
- Q. Was there a muzzle-brake on this gun?
- A. It was a long thin barrel, but I don't remember if it had a muzzle-brake.

Brecht, Joseph  
 JOSEPH BRECHT.

Subscribed and sworn to before me this 13th day of February, 1946 at Robertville, Belgium.

Robert E. Byrne  
 ROBERT E. BYRNE,  
 1st. Lt. JAGD 01826233  
 Investigator-Examiner,  
 War Crimes Branch, U.S.  
 Army, APO 633.

WARNER M. WOLFE, having been first duly sworn, deposes and says that: I acted as Interpreter in the questioning of this witness; that I truly translated all questions into French and all answers into English; that I truly translated the above record of witness' testimony to the witness in French before he signed it; and that the witness thereupon signed said testimony in my presence.

Warner M. Wolfe  
 WARNER M. WOLFE  
 Interpreter.

Subscribed and sworn to before me this 13th day of February, 1946, at Robertville, Belgium.

Robert E. Byrne  
 ROBERT E. BYRNE,  
 1st. Lt. JAGD 01826233  
 Investigator-Examiner,  
 War Crimes Branch, U. S.  
 Army, APO 633.

Hr. Amin Luft, magh folgende Aussagen unter Eid, nachdem ich ordnungsgemäß vorher eingepfunden wurde.

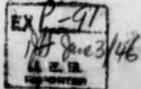
Während des Giftgasinsatzes im Dezember 1944 war ich im 1. Zög. 11. Kp. III. Hl. 2. Gm. Reg. R. 44. F.H.

Kurz vor dem Einsatz, an dem Datum kann ich mich nicht erinnern, versammelte Ostf. Foucart, Ling. die 11. Kp. deren Chef er war zu einer Belehrung wobei er folgendes sagte: Dieser Einsatz wird ein schwerer Einsatz werden, ihr müsst kämpfen wie es einem guten Soldaten gebührt. Ihr dürft keine Kriegsgefangenen machen, Zivilisten die ihr auf der Straße trifftet oder auch sonst irgendwo trifftet nicht anzugreifen.

Ich habe eine Skizze gemacht für Dokument a benannt, zur Erläuterung obiger Scene und ein Teil meiner Aussage gemacht.

Sobiel ich mich erinnern kann führt die 11. Kp. L. 44. F.H. am Nachmittage des 18. Dez. 1944 in La Glaise ein. In die Marschordnung kann ich mich erinnern, doch kann es sein das Rayet der den damals verwundeten Tomhard als Compagniechef vertrat hinter mir war.

(1)



Die Besatzung meines Panzers (S.P.K.) war wie folgt:

Utscha	Heinz	Klipp	(Zugführer)
RHF	Karl	Hellner	
RHF	Armin	Hesht	
Gren.	Ing-Gerhard	Göbeske	
Gren.		Kiruberger	
Gren.	Ernst	Pliester	
Gren.		Kösel	
Gren.		Richter	

Als wir durch La-Plaine fuhren sah ich eine Kirche links der Panzerwammshstraße in welche eine Mauer war. Rechts der Straße stand ein Haus. Wir passierten die Kirche ungefähr 20m und hielten in der Mitte der Straße an. Ungefähr 20m vor der Kirche, an der Mauer links der Straße wenn man in Richtung Südwest fährt standen ungefähr 15 amerikanische Kriegsgefangene. Ich weiß das sie Kriegsgefangene waren, denn sie waren unbeschuht und hatten die Hände über den Kopf gefaltet. Was er Amerikaner waren, erkannte ich an der Uniform. Die wir daskannten, stieg ich vom Panzer und sah nach hinten an Fahrzeug nach. Da auf einmal kam Klipp, der unser Zugführer war und befahl der gesamten Besatzung diese 15 Kriegsgefangenen zu erschließen. Gleich darauf gab er den Befehl "Freier frei."

Ich weiß, daß meine ganze Befragung „unpfläglich“ blieb  
 auf die Angeklagtenin getroffen ist. Auf die ungeliebte  
 Daffin kann ich mich nicht verlassen. Ich benützte meine  
 Selbstige Pistole mit 08 Munition. Ich zielte auf einen  
 der Gefangenen und führte 5 Schüsse von meiner  
 Pistole auf ihn. Ich weiß das ich ihn getroffen habe. - Da  
 ich sah wie er zu Boden sank. Dann sah ich Laub,  
 fränkung und ich sah die anderen Gefangenen zu Boden  
 fallen. - als sie von dem anderen getroffen wurden.  
 Ich bin sicher, daß die Gefangenen alle Tot waren -  
 denn ich konnte kein Hören hören und sah auch nicht  
 daß sie irgend welche von den Gefangenen bewegten  
 oder wollten nachdem sie erschossen wurden war. Ich  
 befragte dann meine S.P.K. warden und wir fuhren  
 weiter.

zur Erläuterung dieser Sache habe ich eine  
 Skizze gemacht, die ich als Dokument & bezeichnet  
 habe und ein Teil meiner Aussage ist.

Diese Aussage besteht aus 4 Seiten und  
 2 Skizzen, welche von mir freiwillig und aus meiner  
 freien Willen gemacht. Unbeeinflusst von Gewalt,

Abfänger, Jäger, aber Vorkämpfer gegen unsere  
Vater.

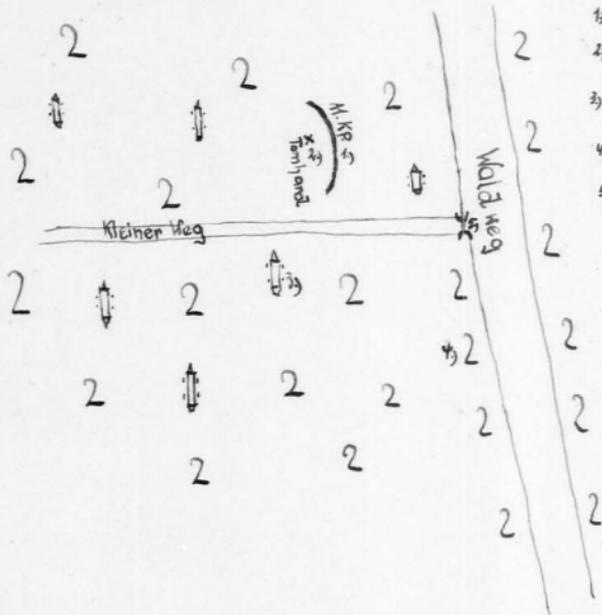
Ich pflege bei Gott, daß die Forderungen die ich  
ausgegeben habe, sind wahr und die Arbeit selbige  
unter sich so gegen einen Geist der Gerechtigkeit  
zu mir beziehen.

Armin Hecht.

Sworn to and subscribed  
before me this 1st day  
of April 1944 at Schwabisch  
Hall, Ger.

Daghael Thumacher  
Capt. CMP

Dokument  
,a.'



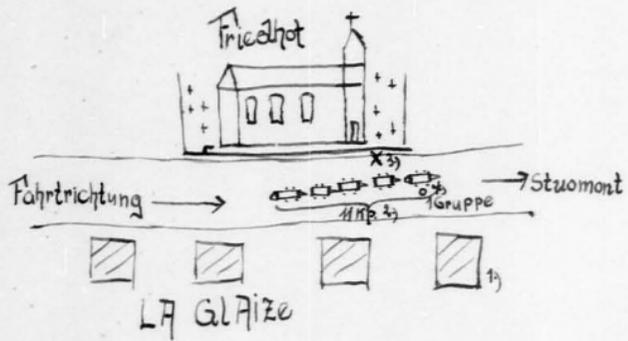
Erklärung:

- 1) versammelte H Kompanie
- 2) Haupt des Kompanie chefs
- 3) S.P.K.
- 4) Wald
- 5) Kleine Brücke

Amir Jaff.

Dokumente

"b"



### Gläiserung

- 3,1  Gläiser von La Gläize
- 2,1  S.P.W. der 11. GP
- 3,1 X Gefangene aus. Volkshaus.
- 3,0  G. G. S.P.W.

Armin Luft.

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### 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

Armin HECHT

taken on 1 April 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 4 pages, into English.  
and 2 sketches

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 two years in High School, one year in college, and eight months of evening classes, all in VIENNA, Austria.
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 IPW course at Camp Ritchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW 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.F.E.T. as a civilian German-English interpreter.

Joseph Kirschbaum  
Joseph Kirschbaum

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

Raphael Shumacker  
War Crimes Branch, USFET

capt. CMP

EX-1011-A  
J.E.B.  
REPORTER

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I, Armin HECHT, first being duly sworn make the following statement under oath:

During the EIFEL offensive in December 1944, I was in the 1st Platoon, 11th Company, 3rd Battalion, 2d Grenadier Regiment LSSAH.

Shortly prior to the offensive, I cannot remember the date, Ostf. THOMAS, Heinz, assembled the 11th Company of which he was the commander, for an orientation lecture, when he said the following:

"This offensive will be a difficult offensive, You will have to fight like good soldiers. You will not take any prisoners of war. Civilians who show themselves on the street and also in the windows will be bumped off."

I have made a sketch named Exhibit "A" for clarification of the above scene and made it a part of my statement.

As much as I can remember, the 11th Company LSSAH entered LA GLEIZE in the afternoon of the 18th of December 1944. I cannot remember the order of march, but it is possible that RAYER was traveling behind me, who had taken the place of the wounded THOMAS as Company Commander.

The crew of my tank (SNW) was as follows:

- Uscha. Heinz KLIPP - Platoon Leader.
- Rtlf. Carl STELLNER
- Rtlf. Armin HECHT
- Grn. Heinz-Gerhard GÖLCKE
- Strm. DURNBERGER
- Grn. Ernst FLEISCHER
- Grn. BÜSEL
- Grn. RICHTER.

As we were driving through LA GLEIZE, I saw a church to the left of the road of advance for the tanks, around which was a wall. On the right-hand side of the road was a house. We passed the church about twenty meters and stopped in the middle of the road, just about directly in front of the church, at the wall to the left of the road if one drives in the direction of STOUHONT. There stood approximately fifteen American prisoners of war. I know that they were prisoners of war because they were unarmed and had their hands clasped over their heads. I recognized from their uniform that they were Americans. As we were standing there I dismounted from my Panzer and was looking for faults on my vehicle. All of a sudden KLIPP who was our platoon leader, came and ordered the whole crew to shoot these fifteen prisoners of war. Immediately afterwards he gave the order "Commence firing". I know that our whole crew including KLIPP shot at these prisoners of war. I cannot remember all the single weapons. I used my Belgian pistol with .08 ammunition. I aimed at one of the prisoners and fired 5 shots from my pistol at him. I know I hit him as I saw him slump to the ground. Then I had a stoppage and I saw the other prisoners falling to the ground as they were hit by the others. I am certain that these prisoners were all dead for I could not hear moaning and I also did not see any one of these prisoners moving or writhing after the shooting had ended. I then mounted my SNW and we drove on.

For clarification of this scene, I have made a sketch, marked

EX 1214  
I.E.B.  
REPORTER

it exhibit "B" and it is a part of my statement.

This statement consisting of four pages and two sketches was made voluntarily by me and of my own free will, uninfluenced by force, threats, duress or promises of any kind. I swear before God that the facts stated herein are true and I am prepared to repeat same under oath in any court of justice.

Armin HESCHT

Sworn to and subscribed before me  
this 1st day of April 1946 at  
SCHWABISCH HALL, Ger.

RAFAEL SHUMACKER  
Capt. CMP

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TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF

ARMIN HECHT

Dated 14 March 1946

\*\*\*\*\*

1. The assembled 11th Company
2. Place of the Company Commander
3. SPW
4. Woods
5. Small bridge

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TRANSLATION OF LEGEND ON EXHIBIT "B"

TO AFFIDAVIT OF

ARMIN HECHT

Dated 14 March 1946

\*\*\*\*\*

1. House in LA GLEIZE
2. SPW of the 11th Company
3. American prisoners
4. Own SPW

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I, ARMIN HECHT, being first duly sworn, make the following statement under oath:  
Ich ARMIN HECHT, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same GERN. HEINZ GERHARD GÖDECKE mentioned by me in my affidavit, dated 14 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen GPN. Heinz-Gerhard GÖDECKE von mir in meiner eidesstattlichen Aussage genannt, datiert am 14. März 1946.

Armin Hecht  
First Name (Vorname) Last Name (Zuname)

Rottenführer  
Rank (Dienstgrad)

11 Pz Gren. Komp 2d SS Pz Gren. Regt. 4SS A.N.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Daphne Schumacher  
Officer administering oath

Capt CMP  
Rank Arm or Service

EX 91-B  
J. E. B. REPORTER

EX 91-B

000075



EX 91C

I, ARMIN HECHT, being first duly sworn, make the following statement under oath: Ich ARMIN HECHT, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OSTF. THOMHARDT HEINZ mentioned by me in my affidavit, dated 14 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Ostf. Thomhardt Heinz von mir in meiner eidesstattlichen Aussage genannt, datiert 14 März.

✓  
unon

1 APR 46

Armin Hecht  
First Name (Vorname) Last Name (Zuname)

Rottenführer  
Rank (Dienstgrad)

11<sup>th</sup> Pz Gren Bn 2<sup>nd</sup> SFG Pz Gren Regt 4. SS A.H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Stephail Thumacher  
Officer administering oath

Capt. C.M.P.  
Rank Arm or Service

EX 9A-C  
J.E.B.  
45-7347-99

Ich Heinz Göschke mache folgende Aussage unter  
Eid, nach dem ich zuvor ordnungsgemäss eingeschworen  
war.  
Während des Gefechts im Dezember 1944 war  
ich beim 1 Zug 11 Kompanie 2 Panzergrenadier  
Regiment L. 49 F.F.H.

In der Nacht vom 15 auf 16 Dezember 1944 versammelte  
Obersttriumführer Gornhorst (Bubi) die 11 Kompanie  
Zwecks einer Einsatzrech in welcher er sich dann  
vollgenommassen äusserte: Dies ist ein Einsatz der  
einmalig ist jeder von Euch hat sich so ein zu  
setzen wie es ihm körperlich mit möglich ist.  
Wir werden die Unterstützung der Hüftwaffe der  
Fallschirmjäger sind einer Grenzwereinheit Thoren  
haben mich werden uns jede Menge Waffen für  
szenfüging gestellt. Es besteht der Befehl keine  
Kriegsgefangene zu machen, auch Zivilisten  
die sich auf der Strasse oder an den Fenstern zeigen  
sind nicht sichtbar zu erschossen.  
Zur Erläuterung obiger Aussage habe ich eine  
Skizze beigefügt welche ich Dokuments H benannt  
habe und ein Teil meiner Aussage ist.

1.



Am 18. Dezember 1944 ungefähr um 3-4 Uhr Nachmittags  
führte die 11. Kompanie in Lagleix ein. Ich kann  
mich nicht mehr genau an die Marschordnung  
erinnern, doch war ich genau das Überscharführer  
Reiser direkt hinter uns führte die Besatzung  
unseres Fahrzeuges war wie folgt:

Unterscharführer Heinz Klipp (1. Zugführer)  
Rottenführer Anton Flecht Fahrer  
Rottenführer Karl Stellner  
Strommann Hans Dienberger  
Gunnacher Ernst Pflister  
Gunnacher Günther Bösel  
Gunnacher Wolfgang Richter  
Gunnacher Heinz Göbcke

Von der Besatzung des Fahrzeuges hinter mir  
kann ich mich nur an folgende Leute erinnern:

Überscharführer Reiser (Kompanieführer)  
Rottenführer Seblakie Fahrer

Bei unserer Durchfahrt durch Lagleix sah ich  
eine Kirche die sich links an der Straße befand  
wenn man in Richtung Steinmont fährt.  
Gegenüber der Kirche auf der rechten Straßenseite  
stand ein Haus mit einer niedrigen Gartenmauer.  
Wir passierten die Kirche ungefähr 40 Meter  
und hielten in der mittleren Straße an.

Zwischen der Strasse und der Kirche befand sich eine Steinmauer vor der direkt uns gegenüber ungefähr 25-30 amerikanische Kriegsgefangene standen. Die Entfernung zwischen unseren Panzer und den Gefangenen dürfte ungefähr 30-35 Schritte gewesen sein. Und über Amerikanischen Uniformen sah ich das es Amerikanische Soldaten waren. Das es Gefangene waren sah ich, denn sie hatten die Hände über den Kopf gefaltet und trugen keine Waffen. Wir standen ungefähr 3 Minuten an dieser Stelle, während dieser Zeit wurde Klipp zu Wasser gezogen. Nach dem Klipp zurückgekehrt war, gab er der gesamten Besatzung den Befehl diese Kriegsgefangenen zu erschüssen. Richter, und ich schossen mit einem Karabiner K98. Ich habe 3 Schüsse auf die Gefangenen abgegeben weiss jedoch nicht wieviel schuss Richter abgab. Klipp schoss mit einer MPi. 44, Pfister ebenfalls, Stellner mit einer MPi. 38, Dronlueger schoss mit einem M.G. 42. Flecht und Bösel haben meines erinnerens nach an dieser Stelle nicht geschossen. Ich weiss das auch von anderen Fahrzeugen auf diese Gefangenen geschossen wurde, weiss jedoch nicht wer die Leute

3.)

Ich habe einen Skizze gemacht zur Erläuterung  
der oben erwähnten Szene sie mit Dokument B  
bezeichnet und einen Teil meiner Aussage gemacht.

Meiner Ansicht nach nahen diese Leute  
jetzt, nach dem die Schiesserei vorbei war,  
denn ich habe keinen Schüssen oder das sich  
irgend ein Leichnam bewegt hat. Kurz darauf  
kamen der Befehl von Rier der Strasse nach  
weiter zu fahren.

Diese Gruppe bestehend aus 4 Leuten sind  
2 Schissen wurde von mir freiwillig gemacht  
unbeeinflusst durch Gewalt, Drohung, Fährte  
oder versprechen irgend welcher Art.

Ich schwöre bei Gott das die Tatsachen die  
ich herein angegeben habe wahr sind und  
bin bereit dieselben unter Eid vor jedem  
Gericht & der Gerechtigkeit zu wiederholen.

WITNESSED:

Raphael Krumm  
Capt. CMF

Heinz Göchicke

13. März 1946

Sworn to and subscribed before me this  
13<sup>th</sup> day of <sup>Mar</sup> 1946 at Schwabisch-Hof, Germany.

William R. Geil  
174 Lt. H. I - 5-56549  
Investigative - Bureau  
War Crimes Branch

4.)



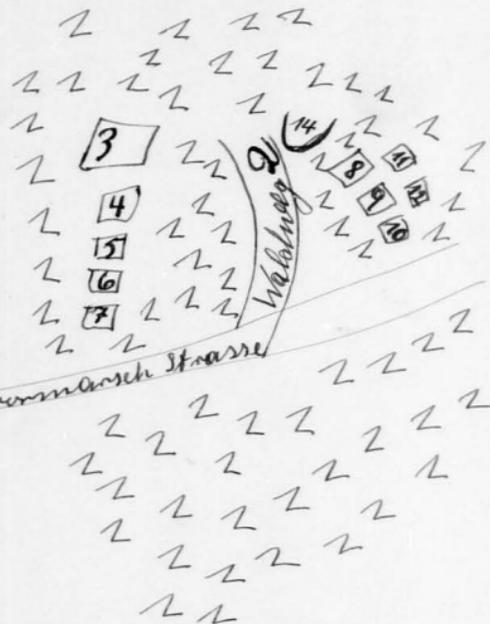
Dokument B

Den 18 Dezember 1944  
15<sup>00</sup> - 16<sup>00</sup> Uhr Lagleize

Heinz Jöschke  
13 März 1946

- 1.) 11 Kompanie kommend
- 2.) Kirche in Lagleize
- 3.) Mauer der Kirche
- 4.) Stand der Soldaten
- 5.) Oberstführer Reich Kompanie
- 6.) Jöschke Grenzer
- 7.) Die weiteren Grenzer
- 8.)
- 9.) Haus mit Gartenmauer

13



- 1.) Kanzlerwurmarsch Strasse
- 2.) Waldweg
- 3.) Zelt 1. Züge
- 4.) Kanzer 1. Gruppe Jüdische
- 5.) Fahrzeige
- 6.
- 7.
8. Der anderen Gruppen
- 9.
- 10.
- 11.
- 12.
- 13.) Blankenheim
- 14.) Der platzem olens  
Oberstkommandeur Kommand  
die Red hielt.
- 15.) 12 Wald von Blankenheim

Dokument BA Jüdische

Hlein & Jüdische

13 März 1946

Den 15 Dezember 1944

Blankenheim und Wald.

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### TRANSLATOR'S AFFIDAVIT

I, HARRY W. THON 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

HEINZ GOEDICKE

taken on 13 March 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M.I.

consisting of four pages, into English, and two sketches

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 in PHILADELPHIA, Pa., and lived in the United States from 1910 to 1914.
3. From 1914 to 1929 I lived in Germany.
4. From 1929 until I came overseas with the United States Army in August of 1944, I lived in the United States.
5. I attended four years of elementary school and eight years of secondary school in Germany.
6. Was Chief Interrogator with MII 4723, 104th Division from November 1944 until end of war.
7. From May to August 1945 served with XIX Corps CIC.
8. From August to November 1945 served with Berlin District Interrogation Center as an interrogator.
9. Since November 1945 I have been assigned to War Crimes Branch USFET as a civilian German-English interpreter.

*Harry W. Thon*  
HARRY W. THON

Sworn and subscribed to before me this 19<sup>th</sup> day of March 1946 at Schwäbisch Hall, Germany.

*Richard J. ...*  
War Crimes Branch, USFET  
*Capt CMP*

EX 1924  
JEB

I, HEINE GOEDICKE, being first duly sworn, make the following statement under oath:

During the EIFEL Offensive in December 1944, I was with the 1st Platoon, 11th Company, 2d Panzer Grenadier Regiment LSSAH.

During the night from the 15th to 16th of December 1944, Obersturmfuehrer TOMHARDT (Bubi) assembled the 11th Company for a speech about the offensive, in which he then said the following:

"This offensive is the one. Every one of you has to do everything physically possible. We will have the assistance of the Air Force, the paratroopers and a special unit of SKORZENY. We also will have any amount of weapons at our disposal. There is an order not to take prisoners of war; also civilians who show themselves on the streets or at the windows, will be shot without mercy."

For clarification of this statement I have made a sketch, named it Exhibit "A" and made it a part of this statement.

On the 18th of December 1944, around three or four o'clock in the afternoon, the 11th Company entered LA GLEIZE. I cannot remember the order of march exactly but I do know definitely that Oberscharfuehrer REIER was riding directly behind us. The crew of our vehicle was as follows:

Unterscharfuehrer Heinz KLIPP (1st Platoon Leader)  
Rottenfuehrer Armin HECHT - Driver  
Rottenfuehrer Karl STELLNER  
Sturmmann Hans DIRNBERGER  
Grenadier Ernst FLEISHER  
Grenadier Guenther BOESSEL  
Grenadier Wolfgang RICHTER  
Grenadier Heinz GOEDICKE

From the crew of the vehicle behind me I only can remember the following people:

Oberscharfuehrer REIER (Company Commander)  
Rottenfuehrer SAELOKIE (Driver)

When we were driving through LA GLEIZE, I saw a church which was standing on the lefthand side of the street if you drive towards STOUOMONT. On the right, and side of the street across from the church, there stood a house with a low garden wall. We passed this church about forty meters and stopped in the middle of the street. Between the street and the church there was a stone wall, in front of which, directly across from us stood about twenty-five to thirty American prisoners of war. The distance between our Panzer and the prisoners could have been approximately 30 to 35 paces. I saw from their American uniforms that they were American soldiers. I saw that they were prisoners for they had their hands clasped above their heads and did not carry any arms. We were standing at this spot about three minutes. During this time KLIPP was called to REIER. After KLIPP had returned, he gave the whole

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crew the order to shoot these prisoners of war. RICHTER and I shot with a rifle K98. I fired three shots into the prisoners. However, I don't know how many shots RICHTER fired. KLIPP shot with an M.Pi:44, PLESTER also; STELLNER with an M. Pi: 38, DINNBERGER shot with an M.G. 42. RECHT and BOESEL, as far as I can remember, did not shoot at this spot. I also know that other vehicles fired at those prisoners. However, I don't know who the people were.

I have made a sketch for clarification of this above mentioned scene, named it Exhibit "B" and make it a part of this statement. In my estimation these people were dead after the shooting had ended for I could not hear any moaning nor could I see that any one of the bodies was moving. Shortly afterwards we received the order to move along on the road from REIER.

This statement consisting of four pages and two sketches was made voluntarily by me, uninfluenced by force, threat, duress or promises of any kind.

I swear before God that the facts stated herein are true and I am prepared to repeat same under oath in any court of justice.

(signed) HEINE GOEDICKE  
13 March 1946

WITNESSED:  
RAPHAEL SHUMACKER  
Capt CMP

Sworn to and subscribed before me  
this 13th day of March 1946 at  
SCHWABISCH-HALL, GERMANY.

(signed) WILLIAM R. PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner  
War Crimes Branch

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TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF

HEINE GOEDICKE

Dated 13 March 1946

\* \* \* \* \*

1. Advance road for the tanks.
2. Wood path.
3. Tent of the 1st Platoon.
4. Panzer d' 1st Group - GOEDICKE
5. 6, 7, 8, 9, 10, 11 and 12 - Vehicles of other groups
13. BLANKENHEIM
14. Place at which Obersturmfuehrer TOMHARDT held the speech.
15. Woods of BLANKENHEIM.

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TRANSLATION OF LEGEND ON EXHIBIT "B"

TO AFFIDAVIT OF

HEINZ GOEDICKE

Dated 13 March 1946

\*\*\*\*\*

LA GLEISE

1. 11th Company advancing.
2. Church in LA GLEISE.
3. Wall of the church.
4. Location of soldiers.
5. Oberscharfuehrer REIER's Panzer
6. GOEDICKE's Panzer
- 7 and 8 - other Panzers
9. House with garden wall.

000087



I, HEINZ GÖDICKE, being first duly sworn, make the following statement under oath: Ich Heinz Gödicke nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFUEHRER TOMHARDT (Bubi) mentioned by me in my affidavit, dated 13 MARCH 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Tomhardt (Bubi) von mir in meiner eidesstattlichen Aussage genannt, datiert 13. März 1946.

Heinz Gödicke  
First Name (Vorname) Last Name (Zuname)

44 Gammacher  
Rank (Dienstgrad)

11 Co, 2nd Pz Gren. Regt. LSSA.H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

Raphael Thumacher  
Officer administering oath

Capt C.M.P.  
Rank Arm or Service

EX 42B  
JEB  
MEMPHIS





Als wir durch den Gleise kamen, sah ich  
 einen Hügel links der Gangeswassermündung =  
 Shrapa, um welche eine Mauer ging.

Rechts der Shrapa stand ein Hügel. Hier kamen  
 ungefähr 20 m von diesem Hügel her  
 und schickten mich mit dem Shrapa an.

Umgeben durch den Hügel an dem Mauer  
 links der Shrapa, wenn man in Richtung  
 Strommündung geht, standen etwa 10. bis 15

Ornamenten Hügelgruppen. Ich weiß, daß es  
 Ornamente <sup>W.A.</sup> waren, denn sie sahen  
 Ornamenten Uniformen, die mir bekannt ist.

Ich konnte sehen, daß es Hügelgruppen waren,  
 denn sie sahen keine Waffen und Mauer mit  
 aufbauenden Ornamenten, die Hügel sind  
 gefüllt, die Hügel sind nicht dem Hügel  
 gefüllt, sondern, wie ich weiß, sind sie  
 unterirdischer Natur, wie ich weiß, sind sie  
 durch die Hügelgruppen hindurch.

Damit will ich sagen, daß wir dem ganzen  
 Aufsatz eine solche Befehl gab. Unmittelbarer  
 nach dem wir dem Befehl „Güter für“ gegeben -  
 fuhren, nachdem diese Aufzeichnungen aufstehen.  
 Welche Wägen die einzelnen Güter dabei  
 bewahren, wenn man sich nicht mehr zu sagen.  
 Ich bin <sup>W.R.</sup> persönlich bewahren mehrere Klauenbecken 98  
 sind gut damit schon 4 bis 5 Stück ab, die ich in  
 Dreißigern mit einem Aufzug abfahren. Ich bin  
 sein Spruch nur als mich die meisten Aufzüge zu -  
 boden bringen. Ich bin mir sicher, daß die  
 Aufzüge ~~ich~~ <sup>W.R.</sup> werden, dem ich konnte nicht  
 sagen, daß ich irgend welche Aufzeichnungen mehr  
 erlangen oder irgend welche Güter von sich  
 geben. Unmittelbar nach dem diese Aufzeichnungen

beantworte mir, gab Untereffendigungseligge dem  
Lafall zue Wirtmefufert.

Einser Ouitfuge, beffufend mit 5 Seiten  
werden von mir freiwillig gemacht, inbarin =  
flueft von nuyndt minnen Zusay: Verfuegung,  
Gawde odter empfangung inqual minns Oert.

Ich pfuehen bei Gott, das ein Tackpfege,  
ein Ich in Einser Ouitfuge nuyndt dem fader  
mader find inderbein beantw. folbigen inder Lieb wert  
jedem Gmicht der Gmichtigkeit zu nuyndt dem folgen.

Wolfgang Riefner

Subscribed and Sworn to before  
me this 16th day of April 1946.

A. 16. 4. 1946.

Robert E. Payne  
latte ✓ R60

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# 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

Wolfgang RICHTER

taken on 16 April 1946 at Schwäbisch Hall, Germany,

before Robert E. Byrne, 1st Lt., JAGD

consisting of 5 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 two years in High School, one year in college, and eight months of evening classes, all in VIENNA, Austria.
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 IPW course at Camp Ritchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW 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.F.E.T. as a civilian German-English interpreter.

P  
EX  
93A

*Joseph Kirschbaum*

Sworn and subscribed to before me this 22<sup>nd</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Raphael Thumacher*  
War Crimes Branch, USFET  
*Capt. C17P*

EX 93A  
J.E.B.  
REGISTRATION

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I, Wolfgang RICHTER, having been first duly sworn, upon oath make the following statement:

During the Eifel campaign in December 1944 I was Grenadier in the 1st platoon, 11th company, III (armored Bn., 2nd Panzer Grenadier Regiment "LSSAH".

In the night of 15th to 16th December 1944 our company commander Obersturmfuehrer Heinz TOMHARD delivered about the following speech to the assembled 11th company:

"This coming offensive will be of tremendous importance. We will have air superiority. The artillery will support us to the utmost and we will receive support by German troops who will wear American uniforms. When those people wave their steel helmets over their heads you will not shoot at these people."

Furthermore, he said that you won't take any prisoners of war and you will bump off everything that comes in front of your guns. I know of an instance in which the order of Obersturmfuehrer TOMHART that no prisoners of war will be taken, which was carried out in the following way: On the afternoon of 18th December 1944 we, that means the 11th Company, entered LA GLEIZE. I myself am not able to remember the order of march exactly. However, I believe it could be correct if I say that Oberscharfuehrer REIHER drove directly behind my SPW. The crew of my SPW at this time was as follows:

Unterscharfuehrer Heinz KLIPP (platoon leader)  
Rottenfuehrer KARL SPILLNER  
Armin HECHT (Driver)  
Grenadier Heinz GOETIKE  
Sturmmann DOERMBERGER  
Grenadier Ernst PLESTER  
Grenadier BOESEL and  
Grenadier Wolfgang RICHTER

As we drove through LA GLEIZE I saw a church which was surrounded by a wall to the left of the route or advance for tanks. On the righthand side of the road was a house. We passed this church about 20 meters and stopped in the middle of the road. About directly in front of the church, at the wall to the left of the road, if you drive in direction of SPOUMONT, there stood about 10 to 15 American prisoners of war. I know that they were American prisoners of war because they wore American uniforms which I know. I was able to see that they were prisoners of war because they carried no weapons and stood there with raised arms, their hands clasped behind their heads. A few minutes after we had stopped our platoon leader Unterscharfuehrer Heinz KLIPP gave the order to bump off these prisoners. With this I want to say that he gave the order to the whole crew. Immediately after he had given the order "Commence firing", these prisoners were shot. The weapons used by the individual persons I am not able to say today any longer. I personally used my carbine .98 and shot about 4 to 5 rounds, which I fired at the height of the chest of one prisoner. I saw him as well as the other prisoners slump to the ground. I am positive that the prisoners were dead because I

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could not see any of the prisoners moving around or make any noise. Immediately after this shooting was finished Unterscharführer KLIPP gave the order to drive on.

This statement consisting of 5 pages was made by me voluntarily uninfluenced by any duress, threats, coercion or promises of any kind.

I swear to God that the facts I have stated in this statement are true and I am prepared to repeat same under oath before any court of justice.

(signed) Wolfgang RICHTER  
16.4.1946

Subscribed and sworn to before me  
this 16th day of April 1946.

Robert E. BYRNE  
1st Lt. JAGD

000096



I, WOLFGANG RICHTER, being first duty sworn, make the following statement under oath:  
 Ich Wolfgang Richter, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same GRENADIER Heinz GOETIKE mentioned by me in my affidavit, dated 16 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Grenerdier Heinz GOETIKE von mir in meiner eidesstattlichen Aussage genannt, datiert 16.4.1946.

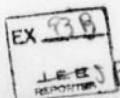
Wolfgang Richter  
 First Name (Vorname) Last Name (Zuname)

Soldat 44 Mann  
 Rank (Dienstgrad)

11 Komp B2 Reg 2 LSSAH  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 23rd day of April, 1946.

Robert Payne  
 Officer administering oath  
1st Lt KIRGD  
 Rank Arm or Service



P  
 5A  
 732

000097



I, WOLFGANG RICHTER, being first duly sworn, make the following statement under oath:  
 Ich WOLFGANG RICHTER, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Person FÜR HECHT  
ARMIN HECHT mentioned by me in my affidavit, dated 16 APRIL 1946.

Die obigen zwei Photographien sind Photographien desselbigen Person FÜR HECHT  
ARMIN HECHT, von mir in meiner eidesstattlichen Aussage genannt, datiert 16. April 1946.

Wolfgang Richter  
 First Name (Vorname) Last Name (Zuname)

Leutnant 45 Mann  
 Rank (Dienstgrad)

11 Komp B2. Reg 2. LSHH  
 Organization during Elft Offensive  
 Einheit während des Elft-Einsatzes

Sworn to and subscribed before me this  
2nd day of April, 1946.

Robert E. Payne  
 Officer administering oath  
1st Lt SAGD  
 Rank Arm or Service

EX 930  
 JES SP  
 PHOTO

Ich bin geboren, nach folgenden Umständen auch  
KID, nachdem ich verdingungslos nicht eingetragener  
wäre:  
Während des Lebensjahres im Dezember 1944 wurde  
Gemeinde am 7. März des 11. Bezugs. III (Geg.) Leubach,  
2 Bezugs - Gemeinde Bezugsamt. L 4404.

Der Beginn des Lebensjahres im der Nacht vom  
15. zum 16. Dezember <sup>1944</sup> fällt mit Christenabend  
Gang zusammen eines Tages, wo wir <sup>14</sup> ~~15~~ so  
ander und waren auch dem Befehl gab, dass  
Bezugsjahres zum neuen, sind wir schließlich,  
die ist in dem Leben eine feste zu sein, um  
zu sein. Unmittelbar darauf haben wir zum  
Leben, wobei wir durch zerlegte über sein,  
denn können wir nur Dank in Erinnerung  
find, Ich weiß nicht, das wir in La Gleize am  
13. Dezember 1944 einsehen. Über die im  
5 ist ungenügend in diesem Zusammenhang ist  
folgend:

Wenn man von La Gleize in Richtung ~~Cheneux~~  
CHENEUX geht, befindet sich mit der linken  
Wandseite eines Hauses, die von einem Mann  
eingegrenzt ist. Zu dieser Zeit müsste ich nach-  
fragen haben 9 SPW auf dem 11. Bezugsamt  
mitgenommen. Wenn wir in Erinnerung ist mit-  
dem die SPW durch Rothschwarze Max Peninisch,  
Hochschule Röhnd, Rothschwarze Fabelsch  
und Unterstufe Walter Wilsch geht.

F  
CA  
74

EX PAU 9  
JEB SP

In Unteroffizieren: Heinrich SPW. Liste ist aus  
folgenden anderen Listen: Reichslisten für Reich  
Geme. Otto Müller, Gern. Eberhard Pfund, Gern.  
Gern. Gerd, Gern. Müller Strauß, Gern. Müller  
Pöhl, Gern. Fritz Reich.

Diese 4 oben genannten SPW stellen aber diese  
verschiedenen Männer, die die Listen angehen,  
an, sind zwar parallel ist mit anderen Namen,  
mit der Deutschen Reichslisten, unmittelbar aber  
diese Männer Namen angeführt zu kommen. Die  
Einschreibungsnummer mit folgenden Namen, die Listen  
finden dann dort geführt. Ich weiß, daß ich keine  
Namen kennen, dann ist Namen die Oberbefehlshaber  
Unteroffiziere, nachst. wenn diese Listen haben  
wären. Aufpassen hinsichtlich Namen muß nicht  
wissen, daß nicht ist, daß nicht ist. Unter-  
offiziersliste Müller dem Briefe gab, die Informationen  
zu erhalten. Ich weiß nicht, daß alle Listen nennt  
SPW mit diese Informationen Informationen. Diese  
namen für diese Listen, wenn ich nicht mehr mit  
bestimmtheit sagen. Ich persönlich bemühte mich.  
Einschreibungsnummer sind gab diese 4 Liste ist. Namen  
4 Liste gab ist mit einem bestimmten Namen, ich  
weiß ist mit dem Galt geht, sind ich bin mir nicht,  
daß die Namen sind nicht, das ist fast ist unvollständig  
und so hat sie werden nicht mehr geführt, und diese  
so zu werden geführt sind.  
Gleich darauf bekommen wir dem Briefe werden zu  
geben. Ich weiß nicht mehr, daß ich nicht mehr



ist nicht mehr bekannt.

Es gibt zwei bekannte Beobachtungen unserer Vögel  
im ~~La~~ Witzau sandwüste, sind die mit Vorkommen  
A bequemt und fängt bequemt. Vorkommen A  
zeigt die Löffelstange in der Höhe von La  
Gleize und die Ziffern durch die:

1. Unter SPW C (Sammeldatum Vögel Milch)
2. Höhe von La Gleize
3. Merks, die die Höhe einzeichnen
4. Unvollständige Zeichnung

Es gibt immer eine gewisse Witzau sandwüste, die  
ist mit Vorkommen B bequemt fängt und über alle  
unser Vögel bequemt fängt. Vorkommen B zeigt  
die Löffelstange in der Höhe von CHENEUX  
und die Ziffern durch die:

1. Unter SPW (Sammeldatum Vögel Milch)
2. Die Höhe von der die Zeichnung durch die
3. Unvollständige Zeichnung
4. Die Höhe fängt

Die Vögel, bestehend aus 5 Vögeln und 2 Witzau  
sind immer mit demselben fängt, ~~der~~ im selben  
am fängt, fängt fängt oder fängt mit fängt  
wegen der Höhe.

Ich hoffe bei Gott, daß die Aufklärung,  
die ich im Jahre 1946 unternommen habe,  
nicht nur die Wahrheit klärt, sondern auch  
den Frieden zwischen uns wieder herstellt.

Peter G. Brown

16 April ~~1944~~<sup>1946</sup> 1946

Subscribed and Sworn to  
before me this 16th day  
of April 1946  
Robert E. Byrne  
1st Lt USAF

Dokument A

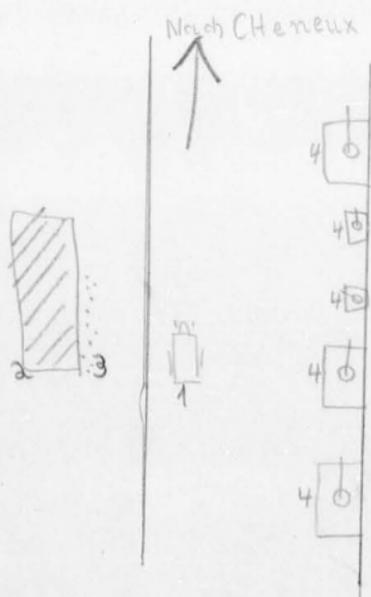


1. Unter-SPWC Sondernutzung Verkehr. Mittelw.
2. Straße von La Gleize
3. Mauerwerk, das die Straße ringförmig
4. Anwesenheit Sondernutzung

Prof. G. J. J. J.

16 April 1976

Stückliste B



1. Unter SPW (Swissmündens Viller Mühle)
2. Die Gehäuse aus dem die Gehäuse aus Mühle
3. Antriebsmechanismus
4. Die Gehäuse

Jörg Julew

16. April 1976

000105

*Handwritten signature/initials*

### 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

Fritz GEBAUER

taken on 16 April 1946 at Schwäbisch Hall, Germany.

before Robert E Byrne, 1st Lt. JAGD

consisting of 5 pages, into English.

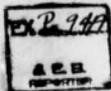
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

1. My native tongue is German.
2. I learned English through study of the language for two years in High School, one year in college, and eight months of evening classes, all in VIENNA, Austria.
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 IPW course at Camp Ritchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW 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.F.E.T. as a civilian German-English interpreter.

*Joseph Kirschbaum*  
Joseph Kirschbaum

Sworn and subscribed to before me this 28<sup>th</sup> day of April 1946  
at Schwäbisch Hall, Germany.

*Daphael Schmock*  
War Crimes Branch, USFET  
*Capt. CMP*



000106

I, Fritz GEBAUER having been duly sworn upon oath make the following statement:

During the EIFEL campaign in December 1944 I was Grenadier in the 4th platoon, 11th company, III (Armored) Battalion, 2nd Panzer Grenadier Regiment, ISSAH.

In the night 15th to 16th December 1944, prior to the start of the EIFEL campaign, Obersturmfuehrer Heinz TOMHART delivered a speech to us in which amongst other things, he gave us the order not to take any prisoners of war, and to bump off civilians who show themselves at doors or windows. Immediately thereupon we took off for the campaign and we drove through numerous villages the names of which I only have a dim recollection. Nevertheless, I know that we entered LA GLEITZE on 16th December 1944. About five o'clock in the afternoon of this day the following took place:

If one drives from LA GLEITZE in the direction of CHENEUX, on the left hand side of the road a church is situated which is surrounded by a wall. At this time I would like to supplement that 4 SPW's of our 11th company drove together. As far as I can remember the SPW's were led by Rottenfuehrer Max FREIMUTH, Unterscharfuehrer RULAND, Rottenfuehrer SUELACKI, and Unterscharfuehrer Walter WIELFER. I, and the following other persons, drove in Unterscharfuehrer WIELFER's SPW: Rottenfuehrer Theo RAUH, Gren Otto WALTER: Gren. Ekehart SCHMIT, Gren. Hermann GROT, Gren. Walter KRAUSE, Gren Willi KOECHHEL, Gren Fritz RAU.

These 4 above mentioned SPW's stopped in front of this mentioned wall which surrounded the church, and indeed as far as I can remember, on the right hand side of the street. Immediately in front of this wall stood about 15 American prisoners of war with arms raised and hands clasped behind their heads. I know that they were Americans because I know the American uniform which was worn by these people. I am not able to remember further details but I know that suddenly Unterscharfuehrer WILFER gave us the order to shoot these prisoners. I also know that all persons in my SPW shot at these prisoners. Which weapons they used for it I can't say for certain any longer. I personally used a carbine, and fired 4 shots. I fired my four shots at one prisoner of war, and I aimed at the neck, and I am certain that the man was dead because I saw him falling and he neither moved nor moaned after he had slumped to the ground.

Immediately thereupon we received the order to drive on. I would also like to state that before we drove on again I asked Unterscharfuehrer WILFER whether the prisoners of war were dead. He answered me "If one of them is still alive it doesn't matter - he'll die alright".

About an hour and a half later, it could have been between 7 and 8 o'clock in the evening of the 16th December 1944, we reached a house shortly before CHENEUX which was on the left hand side of the road, and opposite of which were about 4 or 5 tanks parked. Directly in front of this house, therefore on the left of the road which leads to CHENEUX, stood about 30 to 40 American prisoners of war. These Americans stood quietly, their hands clasped behind their heads and gave no cause that one should shoot them. Nevertheless Unterscharfuehrer WILFER issued orders to us to shoot these prisoners. Again the whole crew of our SPW shot with the exception of Theo RAUH. However, other SPW's shot as well - who was shooting from these other SPW's

000107

which were parked here I am not able to say for certain. However, I know that I again fired at this shooting with my Carbine, 98 at one prisoner and at this occasion I fired five shots at this man, I aimed at the chest and the head of the American and saw him being hit and slumping to the ground, and he didn't move any more.

I have prepared a sketch for a better illustration of my statement and this is marked Document "A" and attached hereto. Document "A" shows the place of the shooting at the church in LA GLEIZE and the numbers thereon indicate:

- No. 1. Our SFW (Commandant Uscha WILFER)
2. Church of LA GLEIZE
3. Wall surrounding the church
4. American prisoners of war

Further, I have prepared a second sketch which I have marked Document "B" and also attached to my statement. Document "B" shows the place of shooting in the vicinity of CHENEUX and the numbers thereon indicate:

- No. 1. Our SFW (Commandant Uscha WILFER)
2. House in front of which the prisoners stood
3. American prisoners of war
4. German tank

This statement consisting of 5 pages and two sketches was made by me voluntarily, uninfluenced by duress, coercion, threat, or promise of reward of any nature.

I swear to God that the facts I have stated in this statement are true and I am ready to repeat same before any court of justice.

Fritz GEBAUER  
16 April 1946

Subscribed and sworn to  
before me this 16th day of April 1946.

ROBERT E BYRNE  
1st Lt. JAGD

Ich, Fritz Rau mache folgende Erklärung  
unter Eid, nachdem ich zunächst  
ordnungsgemäß eingeschworen wurde.

Während des Eifeleinsatzes im  
Dezember 1944 war ich im vierten Zug  
der 11. Kompanie 3. Panzer-Grenadier-  
Battalion 2. Panzer Grenadier-Regi-  
ment L 44 A K. Mein Dienstgrad  
während des Eifeleinsatzes war Schütze.  
Vor Beginn des Eifeleinsatzes, es war  
in der Nacht vom 15. auf 16. Dezember 1944  
versammelte unser Kompanie-Chef, Ober-  
sturnführer Heinz Thouharadt die ge-  
sammte 11. Kompanie zwecks einer Belehrung  
wobei er ungefähr folgendes sagte:  
" Dieser kommenden Einsatz ist von un-  
geheurer Wichtigkeit, die Wiederbesetzung  
Frankreichs von uns wird davon abhängen.  
Wir werden die Unterstützung der Luftwaffe  
haben und wir werden dem Namen un-  
serer Division zur Ehre gereichen. Wir wer-  
den keine Zeit haben Kriegsgefangene zu  
machen und auch Zivilisten die sich  
zeigen werden umgelegt werden."



#1

Pf. Ex 795  
Jnd

Diese obige Route würde von Thonhardt in unserer Bereitsstellung im Blaukeheimer Wald gehalten. Ich habe zur Erläuterung eine Skizze verfertigt, welche ich mit Dokumenten ~~7~~ bezeichneter habe, und ein Teil meiner Aussage ist.

Ich erinnere mich dass unser Teil der Kolonne Havelot um ungefähr 11 Uhr morgens am 18. Dezember 1944 in Richtung La-Gleize verlies. Meiner Erinnerung nach war die Marschordnung folgender massen:

- 3. Zug 9. Panzer Pionier Kompanie
  - 1. Zug 11. Kompanie
  - 3. Zug 11. Kompanie
  - 4. Zug 11. Kompanie
  - 10. Kompanie (Panzer-Grenadiere)
- } Panzer-Grenadiere

Die erste Erschiessung die ich sah würde von Rotenführer Max Freimuth, 2. Zug 11. Kompanie, ausgeführt. Nachdem wir ungefähr 1 1/2 Stunden von Havelot in Richtung La-Gleize gefahren waren, überhalten wir Freimuths Fahrzeug, das langsam auf der Strasse entlang fuhr. Vor einem Hause ungefähr 30 Meter links der Strasse, wenn man in Richtung

La-gleize fährt arbeiteten zwei Zivilisten die ungefähr 40-50 Jahre alt waren. Ich sah wie sie ihre Arbeit unterbrechen, sich umdrehten und unsere Fahrzeuge beobachteten. Dann sah ich wie Freimuth der im rechten Fordersitz des PTW saß aufstand sich den Zivilisten zukehrte und auf sie schoss. Meiner Ansicht nach entleerte er das ganze Magazin auf die Leute welches 32 Schüsse waren. Ich begründe meine Annahme mit der Länge der Zeit, die Freimuth benötigte zum Abfeuern. Ich sah wie diese Leute getroffen zu Boden fielen. Dieses trug sich zu während sein Fahrzeug mit einer Stunden geschwindigkeit von ungefähr 5 Kilometer fuhr. Ich ~~vermute~~<sup>F.R. weiß</sup> an dass es Freimuth war, denn ich konnte ihn kaum sehen und er ist ja stück in meiner Kompanie gewesen. Ich habe nicht gesehen, dass ein Fahrzeug hielt um nachzuschauen, dass die zwei Zivilisten tot waren.

Fch habe eine Skizze verfertigt, die ich mit Dokument B bezeichnet habe, zur Erleüterung obiger Aussage und sie ein Teil meines Aussag gemacht.

Die nächste Erschiessung sah ich in La-Gleize am 18. Dezember 1944 um ungefähr 5 Uhr Nachmittags. Zu dieser Zeit führen nur vier S'PW's miteinander. Die Besatzung der S'PW's war ungefähr wie folgt:

1. S'PW

Rotenführer Max Freimüth  
Grenadier, Fritz Grünwald

2. S'PW

Unterscharführer Rühlmann  
Grenadier Harold Wedekind  
Grenadier Agathe  
Sturmann Bähr  
Grenadier Pliester  
Grenadier Richter.

3. SPW.

Rattenführer Zablöckj  
Grenadier Heinrich Bieg  
Grenadier Schröder  
Grenadier Litz  
Oberscharführer Rüdi Reicher

4. SPW.

Unterscharführer Walter Wilfer  
Rattenführer Theo Rauch  
Grenadier Otto Walter  
Grenadier Rikehard Schmidt  
Grenadier Hermann Groß  
Grenadier Walter Kräute  
Grenadier Willi Leibel  
Grenadier Fritz Gebauer  
Grenadier Fritz Rau

Das sind alle For- und Zübnamen der Besatzungen, soweit ich mich erinnern kann. Als wir nach La-Glerze hinein führen, war eine Kirche auf der linken Straßenseite und vor dieser Kirche war eine Mauer vor der ungefähr 15 amerikanische Kriegsgefangene standen. Sie standen ruhig in einer Reihe da die Hände hinter dem Kopf gefaltet.

Fch weiss, dass es Amerikaner waren,  
denn ich sah Abbildungen <sup>von amerikanischen Soldaten</sup> in einer <sup>Fr. R.</sup>  
Zeitschrift und ferner sagten es  
uns die älteren Kameraden unseres  
Kompanie. Vor dieser Kirche machten  
wir auf Befehl von Oberscharführer  
Reiher, der damals den Kompanie-  
Chef Thumharolt vertrat, an. Wir fuhren  
ungefähr 5 Meter zurück hielten  
an, und der erste Kriegsgefangene  
war ungefähr in gleicher Linie mit  
dem Motor unseres SPW<sup>s</sup> ungefähr  
6 Meter zur unseren linken Seite,  
wenn man in Richtung Chenevix fährt.  
Rechts der Strasse vor einer Garten-  
mauer stand ein Offizier, ich glaube  
es war Untersturmführer Kindermann  
zu welchem Reiher ging und mit ihm  
sprach. Über was sie sich unterhielten,  
konnte ich nicht verstehen.

Er kehrte nach einigen Minuten zurück  
und erteilte den Befehl den Gruppen-  
führern, die Kriegsgefangenen umzulegen.  
Unser Gruppenführer Unterscharführer  
Wilfer gab der Besatzung unseres Fahr-  
zeuges den Feuerbefehl. Der einzige  
Mann unserer Besatzung der nicht schoss an  
dieser Stelle war der Fahrer Theo Rauch.  
Wilfer schoss mit der M.Pi. ungefähr  
32 Schuss in die Gefangenen, Grenadier  
Krause mit dem Gewehr K-98 5 Schuss,  
Grenadier Gehbauer und ich mit dersel-  
ben Waffe ungefähr auch 5 Schuss, sowie Duhol.  
Grenadier Gratz hatte eine 08 Pistole  
und schoss mit dieser ungefähr 7 Schuss  
in die Gefangenen. Grenadiere Walter  
und Schmidt schossen mit dem M.G. in  
die Kriegsgefangenen ich glaube  
30-40 Schuss gehört zu haben. Ich hörte  
auch dass von dem Fahrzeug in welchem  
Zablockij fuhr und auch von dem SPW des  
Unterscharführer Rühlend geschossen  
würde.

Ich habe nicht gesehen wer geschossen hat, aber ich hörte ~~das~~ <sup>es</sup> ein MG-von Unterschärführer Rühlmanns SPW schiessen. Ich habe meine 5 Kasse auf 3-4 Mann abgegeben wobei ich direkt auf's Herz zielte. Das war es verboten von den Fahrzeugen abzu steigen und nach zu sehen ob die Leute tot waren. Doch bin ich mir sicher, dass die Kriegsgefangenen tot waren, denn ich sah sie umfallen und sie haben sich nicht mehr gerührt. Gleich nach der Schiesserei fragte Gebhäuer: „Sind sie alle tot.“ Und Unterschärführer Wilfer antwortete ihm ungefähr: „Es macht nichts aus ob sie tot sind oder nicht, die werden schon sterben.“

Ungefähr 15 Meter vor mir direkt vor Unterschärführer Rühlmanns SPW, sah ich den SPW von Fremuth unmittelbar gegenüber der Kirche in der mitte

000116

der Straße. Die Kirche war an einer Ecke.  
Vor dieser Kirche standen ungefähr  
20-25 amerikanische Kriegsgefangene  
die Hände hinter dem Kopf gefaltet.  
Einige trugen Stahlhelme andere  
nicht. Ungefähr 1-2 Minuten nachdem  
wir die 15 Kriegsgefangene erschossen  
hatten, sah und hörte ich wie von  
Freimuth's Fahrzeug auf dies 20-25  
Kriegsgefangene geschossen wurde. Ich sah  
auch wie die ersten Leute zu Boden  
fielen und da ich mich dann auf  
meinen Platz neben dem Fahrer setzte  
war mir die Aussicht durch die anderen  
Fahrzeuge vor mir versperrt und  
konnte somit nicht alles beobachten.

Ich hörte noch weiteres schießen, <sup>F.R.</sup> weil  
während ich da saß und zwar von M.G's  
Gewehren und Pistolen. Ich sah einen  
Mann von diesem S.P.W. der aufrecht da stand  
und <sup>F.R.</sup> schoss, das war Freimuth, die  
anderen legten ihre Waffen auf der  
Bordkante auf, und waren in einer Kreis-  
stellung so dass ich ihre Gesichter nicht

000117

erkennen konnte. Freimüthig benützte,  
soweit ich mich erinnern kann, bei dieser  
Erschiessung von Kriegsgefangenen eine  
M.-Pi. Woviel Schuss er abgegeben hat weiss  
ich nicht. Unmittelbar nachdem das  
Feuer aufgehört hatte führen wir weiter.

Ich habe zwei Skizzen verfertigt, die  
ich mit Dokument C und D bezeichnet  
habe, zur Erläuterung obiger Aussage und  
sie ein Teil meiner Aussage gemacht.

Ungefähr 1 1/2 Stunden später unge-  
fähr 6-7 Uhr am 18. Dezember 1944 abends  
sah ich kurz vor Cheuoux 4-5 Panzer, die  
auf der rechten Strassenseite vor einem  
Hais standen. Das Hais selber, stand  
links der Strasse. Direkt vor dem Hais  
standen ungefähr 30-40 amerikanische  
Kriegsgefangene, die Hände hinter den  
Köpfen gefaltet, manche mit manche  
ohne Stahlhelme. Ungefähr 20 Meter nach  
dem Hais zweigte eine kleine Strasse nach  
rechts ab. Unsere vier oben erwähnten

000116

S'PW (Freimüth, Rühlund, Reicher und Wilfer hielten vor dem Haus, zwischen den Panzern auf der rechten Strassenseite und den Gefangenen. Ungefähr 20 Meter entfernt in einem Feld das sich rechts von dieser Strassengabelung befindet, sah ich 5-6 deutsche Offiziere stehen. Es war dunkel doch manchmal wenn sie eine Zigarette anzündeten, konnte ich sehen dass sie Lederjacken trügen, daher weiss ich dass es Panzeroffiziere waren, konnte sie jedoch nicht erkennen. Nachdem wir ungefähr 10 Minuten dagewesen waren ging Reicher zu diesen Offizieren, sprach mit ihnen ungefähr 15 Minuten, kehrte zu seinem S'PW zurück und rief seine Gruppenführer zu sich. Er sprach mit ihnen ungefähr 20 Minuten und hernach gingen die Gruppenführer wieder zu ihren Fahrzeugen.

als unser Gruppenführer Wilfer  
zurückkehrte sagte er, diese  
Gefangenen müssen umgelegt  
werden und erteilte uns den  
Feuerbefehl. Reichers 1<sup>er</sup> PW fing  
zuerst an zu schießen, nicht  
mir mit Gewehr und Pistolen  
sondern auch mit dem 20 mm  
Flakgeschütz. Soweit ich mich  
erinnern kann wurden 3-4 Maga-  
zine jedes mit 5 Schuss von diesem  
letztgenannten Geschütz auf die  
Gefangenen abgegeben. Geschossen  
würde jedoch von allen vier 1<sup>er</sup> PW's.  
Von unserem Fahrzeug haben wiederum  
alle geschossen mit Ausnahme des  
Fahrers Theo Raich. Zu mir sagte Raich:  
„Wenn du schienst schiesse genau.“  
Er meinte damit ich sollte die Leute  
nicht leiden lassen und sie sofort  
erledigen. Ich zielte aufs Herz und  
schoss drei Leute nieder die anderen

zwei schüss gab ich auf zwei am Boden liegende zückende Amerikaner ab, damit sie nicht länger leiden müssten und bin mir sicher, dass sie tot waren. Grenadier Rechel gab am Anfang bloss 3 schüss ab aber ich kann mich erinnern, dass er nach zwei schüss auf zwei am Boden liegende Gefangene abgab die sich wälzten nachdem die Hauptschliesserei vorbei war.

Nach ungefähr 10 Minuten führen wir weiter, und ich bin mir sicher, dass alle dies Gefangenen tot waren, denn ich hörte kein stöhnen oder weinen und ich sah auch nicht, dass sich die Gefangenen noch herumwälzten oder rührten.

Bei allen von mir erwähnten Erschüssen kam ich bei bestem Gewissen mir auf keinen Grund entsinnen der Anlass gegeben hätte die Leute zu erschüssen. Die Soldaten standen ruhig da und machten nicht den Eindruck als ob sie wegläufen wollten.

Am 20. Dezember 1944 als ich auf einem Feldplatz im Schloss zwischen La-Gleize und Homcourt war hörte ich folgende Geschichte von Grenadier Heinrich Büg, der in Zablotskys N'PW während des Rifeinsatzes fuhr: "In einem Wald in der Nähe des Schlosses ungefähr 20 Meter vom Schloss entfernt legte Unterscharführer Rühlend 4 amerikanische Kriegsgefangene um." Dies hat mir Büg erzählt und Zablotskij wiederum hat es ihm erzählt." Grenadier Büg selber hat diese Erschüssung nicht gesehen. Büg würde mit mir zusammen gefangen genommen, doch habe ich ihn seit dem 24. Dezember 1944 nicht mehr gesehen. Ich erinnere mich dass ich am 19. Dezember 1944 um ungefähr 8 oder 9 Uhr morgens Rühlend bei einem Nebengebäude des Schlosses mit 4 oder 5 ameri-

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kanischen Kriegsgefangenen sah. Ich sah dies, wie Reibel und ich den Grenadier Gerhardt Wegener von der 11. Panzr-Gren. Komp. ins Schloss zum Verbandsplatz trügen, da er verwundet war. Ich nehme an, dass dass die Gefangenen waren die von Rühlau ~~in~~gelegt wurden.

Ich kann mich noch an eine andere Erschießung erinnern, die sich bei einer Strassenkreuzung vor Rügelsdorf. Ich kann mich an die Strassenkreuzung genau entsinnen, denn hier bekam ich zum ersten mal amerikanische Zigaretten zu rauchen. Ich sah auch ein Haus an der Ecke stehen und ~~vor~~ <sup>hinter</sup> dem Haus auf der Wiese standen ungefähr 25 amerikanische Gefangene. Ehe wir links in die Kürve die nach Rügelsdorf führt einführen hielten wir an und zwar 25 Meter von der Kürve entfernt. Wir hielten nur einen Moment an, und dabei

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sah ich einen am Oberschenkel  
verwundeten amerikanischen  
Soldaten auf der rechten Seite  
der Straße im Graben liegen.  
<sup>R.F.</sup> Off offensichtlich hatte er Schmerzen,  
denn er jammerte und stöhnte.  
Unterscharführer Wilfer rief dann  
dem Grenadier Rudolf Gruppen <sup>F.R.</sup>  
Werferführer im 4. Zug der 11. Pz. Gr. Komp.  
und sagte zu ihm: „Gib ihm den  
Gnadenschuss.“ Wir führen weiter und  
ich sah die Erschiessung nicht. Aber  
ich hörte wie Grenadier Rudolf dem  
Unterscharführer Wilfer am 18. De-  
zember 1945 berichtete, dass er den  
Befehl ausgeführt hätte und den  
Gefangenen erschossen hat. Augen-  
zeugen dieser Erschiessung waren  
Grenadier Rudolf Schädler und  
Hürmann Stzweiler die beide mit  
Rudolf im S' P W führen.

Zur Erläuterung obiger Aussage  
habe ich weitere drei Skizzen  
verfertigt die ich als Dokument  
E. F. u. G. bezeichnet habe, und  
die ein Teil meiner Aussage sind.

Diese Aussagen bestehend aus  
17 Seiten und 7 Skizzen wurden  
von mir Freiwillig in meiner  
eigenen Handschrift gemacht.  
Ich wurde nicht beeinflusst durch  
irgendwelche Gewalttätigkeit <sup>F.R.</sup> ~~pro~~  
Härte oder Drohungen auch wurde  
mir keinerlei Versprechen gegeben.

Ich schwöre dass die Tatsachen die  
ich in dieser Aussage festgelegt  
habe auf Wahrheit beruhen  
und bin bereit sie vor irgend  
einem Gericht der Gerechtigkeit  
unter Eid zu wiederholen.

Sworn to and  
subscribed before  
me this 12<sup>th</sup> day  
of March 1946 at  
Schwabisch Hall, Wm.

Fritz Rän

12. März 1946

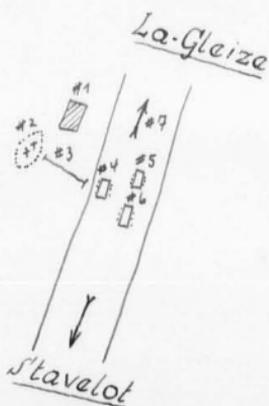
August Schmaller  
Capt. C. I. M. P.



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Fritz Rau 12. März 1946

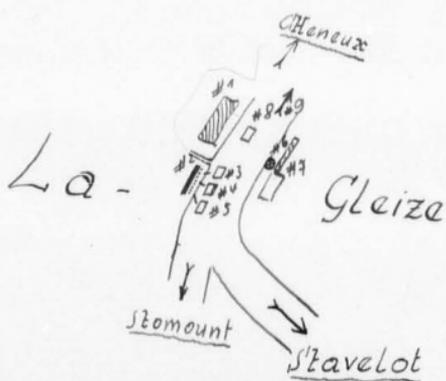
Dokument B.



- # 1. Haus
- # 2. Garten mit den zwei Zivilisten
- # 3. Entfernung vom Garten bis zur  
Strasse ca. 30 Meter.
- # 4. Panzer von Freimuth
- # 5. Panzer von Zablockij
- # 6. Panzer von Rau
- # 7. Fahrtrichtung

Fritz Rau, 12. März 1946

Fritz Rau 12. März 1946

Dokument C.

- # 1. Kirche
- # 2. Häuser mit den Gefangenen
- # 3. Panzer von Rühlend
- # 4. Panzer von Zählhoff
- # 5. Panzer von Rau
- # 6. Unterstürmführer Kindermann
- # 7. Gartenmauer mit Haus
- # 8. Panzer von Freimuth
- # 9. Fabrikrichtung

Fritz Rau 12. März 1946.

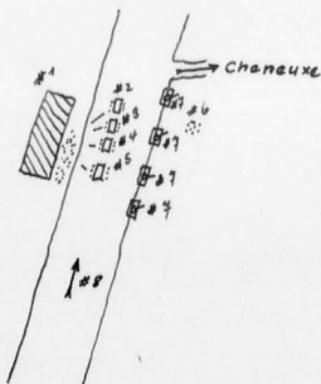
Fritz Rau 12. März 1946

Dokument D.

- # 1. Kirche mit den Gefangenen.
- # 2. Panzer von Freimüth.
- # 3. Panzer von Richland.
- # 4. Panzer von Lallookj.
- # 5. Panzer von Rau.
- # 6. Fahrtrichtung.

Fritz Rau, 12. März 1946

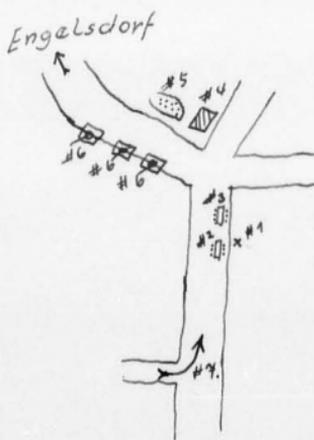
Fritz Rau 12. März 1946

Dokument E.

- # 1. Haus mit den Gefangenen.
- # 2. Panzer von Freimüth - S. P. W.-
- # 3. Panzer von Rühlmann - S. P. W.-
- # 4. Panzer von Zablockij - S. P. W.-
- # 5. Panzer von Rau - S. P. W.-
- # 6. Panzer. Offiziere
- # 7. Panzer
- # 8. Fahrtrichtung

Fritz Rau 12. März 1946

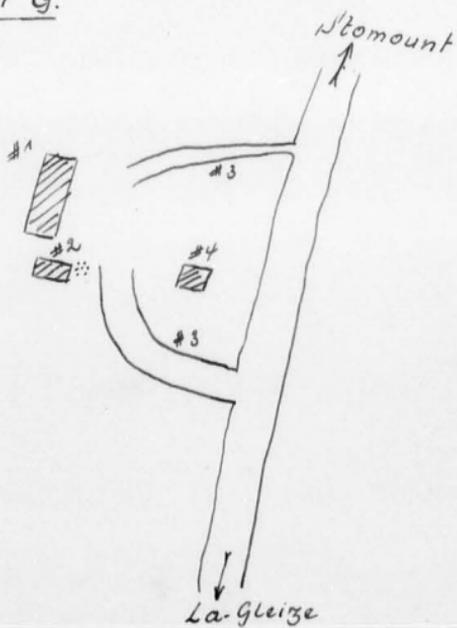
Dokument F.



- # 1. Verwundeter amerikanischer Soldat
- # 2. Panzer von Rindlolf -SPW-
- # 3. Panzer von Raui -SPW-
- # 4. Haus
- # 5. Wiese mit ca. 25 Gefangenen
- # 6. Panzer
- # 7. Fahrtrichtung

Fritz Raui 12. März 1946.

Dokument G.



- # 1. Schloss
- # 2. Nebengebäude mit Rühlwand  
und den Gefangenen.
- # 3. Wege von der Strasse zum Schloss
- # 4. Bäuerndorf

Fritz Rau 12. März 1946.

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### TRANSLATOR'S AFFIDAVIT

I, HARRY W. THON 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 RAU

taken on 12 March 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 17 pages, into English, and 7 sketches

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 in PHILADELPHIA, Pa., and lived in the United States from 1910 to 1914.
3. From 1914 to 1929 I lived in Germany.
4. From 1929 until I came overseas with the United States Army in August of 1944, I lived in the United States.
5. I attended four years of elementary school and eight years of secondary school in Germany.
6. Was Chief Interrogator with MII 472G, 104th Division from November 1944 until end of war.
7. From May to August 1945 served with XIX Corps CIC.
8. From August to November 1945 served with Berlin District Interrogation Center as an interrogator.
9. Since November 1945 I have been assigned to War Crimes Branch USFET as a civilian German-English interpreter.

7  
EX  
95A

*Harry W. Thon*  
HARRY W. THON

Sworn and subscribed to before me this 19<sup>th</sup> day of March 1946 at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
War Crimes Branch, USFET  
Capt CMP



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I, Fritz RAU, being first duly sworn, make the following statement under oath:

During the EIFEL offensive in December 1944 I was in the 4th Platoon of the 11th Company, 3rd Panzer Grenadier Battalion, 2nd Panzer Grenadier Regiment, LSSAH. During the EIFEL offensive my rank was Schuetze. Prior to the EIFEL offensive, it was in the night 15-16 December 1944, the Company Commander, Obersturmfuehrer Heinz THOMHARDT assembled the whole 11th Company for an orientation, on which occasion he said approximately the following:

"This coming offensive is of tremendous importance. The reoccupation of France by us will depend upon it. We will have the aid of the air force and we will do honor unto our division. We will not have time to make prisoners of war and also civilians who show themselves will be bumped off."

The above speech was held by THOMHARDT in our bivouac area in the woods of BLANKENHEIM. For clarification I have made a sketch which I have marked Exhibit "A" and which is a part hereof.

I remember that our part of the column left SPAVELOT about 11 o'clock in the morning of 18 December 1944 in the direction of LA GLEIZE. To my recollection, the order of march was as follows:

- 3rd Platoon 9th Panzer Pioneer Company
- 1st Platoon 11th Company)
- 3rd Platoon 11th Company) Panzer-Grenadiers
- 4th Platoon 11th Company)
- 10th Company (Panzer-Grenadiers)

The first shooting I saw was committed by Rottenfuehrer Max FREIMUTH, 2nd Platoon, 11th Company. After riding approximately an hour and a half from SPAVELOT in the direction of LA GLEIZE, we passed FREIMUTH's vehicle which was moving slowly along the road. In front of a house about 30 meters to the left of the road, as one drives in the direction of LA GLEIZE, two civilians, who were about 40 to 50 years old, were working. I saw them stop working, turn around and watch our vehicles. Then I saw FREIMUTH, who was sitting in the right front seat of the SFW, arise, turn towards the civilians and shoot at them. In my opinion, he emptied the whole magazine, which contained 32 rounds, into those people. I base my assumption on the length of time which FREIMUTH needed for the shooting. I saw how those people were hit and fell to the ground. This happened while his vehicle was moving along at approximately five kilometers per hour. I know that it was FREIMUTH because I know him by sight and because he was a member of my company. I did not see that a vehicle stopped in order to ascertain whether or not those civilians were dead.

I have made a sketch which I have marked Exhibit "B" for clarification of the above statement and have made it a part hereof.

The next shooting I saw in LA GLEIZE on December 18 1944 around 5 o'clock in the evening. At this time only 4 SFW's were

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driving together. The crew of the SPW's were approximately as follows:

1. SPW

Rottenfuehrer Max FREIMUTH  
Grenadier Fritz GROENEWALD

2. SPW

Unterscharfuehrer ROHLAND  
Grenadier Harold WEDEKIND  
Grenadier AGAHE  
Sturmann BAHR  
Grenadier FLIESTER  
Grenadier RICHTER

3. SPW

Rottenfuehrer ZALOECKY  
Grenadier Henrich BUG  
Grenadier SCHROEDER  
Grenadier SIETZ  
Unterscharfuehrer Rudi REIHER

4. SPW

Unterscharfuehrer Walter WILFER  
Rottenfuehrer Theo RAUH  
Grenadier Otto WALTER  
Grenadier Ekehardt SCHMIDT  
Grenadier Hermann GROTH  
Grenadier Walter KRAUSE  
Grenadier Willi RACHEL  
Grenadier Fritz GEHBAUER  
Grenadier Fritz RAU

These are all the first and surnames of the crew as far as I can remember. As we entered LA GLEIZE there was a church on the left-hand side of the road and in front of this church was a wall and in front of the wall stood the 15 American prisoners of war. They were standing there quietly in one row, their hands clasped behind their heads. I know that they were Americans for I had seen pictures of American soldiers in a magazine and furthermore, the older comrades in our company told us. We stopped in front of this church on orders of Oberscharfuehrer REIHER, who at that time was taking Company Commander TOMHARDT's place. We backed up about five meters, stopped and the first prisoner of war was about in line with the motor of our SPW about six meters to our left as one travels in the direction of CHENEUX. There was an officer standing on the righthand side of the street in front of a garden wall. I believe it was Untersturmfuehrer KINDERMANN, to whom REIHER went and held a conversation. What they were talking about I could not understand. He returned after a few minutes and gave the order to the Group Leaders to bump off the prisoners of war. Our Group Leader, Unterscharfuehrer WILFER, gave the crew of our vehicle the order to fire. The only man in our crew who did not fire at this location was the driver, Theo RAUH. WILFER shot about 32 rounds into the prisoners with the M. Pi., Grenadier KRAUSE with a rifle K-98, 5 rounds, Grenadier GEHBAUER, and I with the same weapon, also about five rounds, as well as RECHL. Grenadier GROTH had an OS pistol and

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shot approximately 7 rounds into the prisoners. Grenadiers WALTER and SCHMIDT shot with the M.G. into the prisoners of war. I believe I heard 30 to 40 rounds. I also heard firing from the vehicle in which ZABLOECKY rode and also from the SPW of Unterscharfuhrer RUHLAND. I did not see who shot but I heard an M.G. of Unterscharfuhrer RUHLAND's SPW being fired. Aiming directly at the heart, I fired five shots at three or four men. I was not allowed to dismount from the vehicle and to determine whether the people were dead but I am certain that the prisoners of war were dead because I saw them fall over and they no longer moved. Right after the shooting, GEHBAUER asked: "Are they dead?" and Unterscharfuhrer WILFER answered approximately: "It does not make any difference whether they are dead; they will die allright."

About 15 meters in front of me and directly in front of Unterscharfuhrer RUHLAND's SPW, I saw the SPW of FREDMUTH right across from the church in the middle of the street. The church was on the corner. In front of this church stood about 20 to 25 American prisoners of war, their hands clasped behind their heads. Some of them were wearing steel helmets, others were not. About one or two minutes after we had shot those fifteen prisoners of war, I saw and heard how they shot from FREDMUTH's vehicle into these 20 to 25 prisoners of war. I also saw how the first people fell to the ground and since I then sat down on my seat next to the driver, my view was obstructed by the other vehicles and therefore, I could not see everything. I heard further shooting while I was sitting there and specifically from rifles, M.G.'s and pistols. I saw one man of this SPW who was standing erect and fired. This was FREDMUTH; the others were resting their weapons on the top edge and were in a kneeling position so I could not recognize their faces. As far as I can remember, FREDMUTH, in the shooting of these prisoners of war, was using a machine pistol. How many shots he fired I don't know. Immediately after the firing had ceased, we drove on.

I have made two sketches which I have marked Exhibit "C" and "D" for clarification of the above statement and are made a part hereof.

About an hour and a half later, around 6-7 o'clock in the evening of 18 December 1944, I saw shortly before CHENNAUX, four to five tanks which were standing on the righthand side of the road in front of a house. The house itself was standing on the lefthand side of the road. Directly in front of the house stood about 30 to 40 American prisoners of war who had clasped their hands behind their heads, some with, some without steel helmets. About 20 meters past the house, a small road forked off to the left. Our four above mentioned SPW's (FREDMUTH, RUHLAND, REIHER and WILFER) stopped directly in front of the house by the tanks on the righthand side of the road and the prisoners of war. Approximately 20 meters away, in a field which is on the righthand side of this road fork, I saw 5 to 6 German officers standing. It was dark but occasionally when they lit a cigarette, I could see that they were wearing leather jackets. Therefore, I know that they were tank officers but I could not recognize them. After we had stood there about 10 minutes, REIHER went to those officers, talked with them for about 15 minutes, returned to his SPW and called his group leaders to him. He then talked with them for about 20 minutes and then the group leaders returned to their vehicles. When our Group Leader WILFER returned, he said, "These prisoners of war will have to be bumped off" and he gave us the order to fire. REIHER's SPW started to shoot, not only with rifles and pistols, but also with the 20 mm. A.A. gun.

As far as I can remember, 3 to 4 magazines, each with 5 rounds, were fired into the prisoners with this last mentioned gun. However, all four SPW's fired. From our vehicle, everybody, with the exception of the driver, Theo RAUH, shot again. RAUH said to me: "When you shoot, shoot accurately." By this he meant I should not let the people suffer and I should kill them instantaneously. I aimed at the heart and shot down three. The other two rounds I fired at two Americans who were lying on the ground writhing, so they would not have to suffer any longer, and I am sure that they were dead after I shot them. Grenadier RECHL, at the beginning, fired only three rounds, but I can remember that he fired two more shots at two prisoners who were lying on the ground and were still turning after the main shooting had ended.

After approximately 10 minutes we drove on and I am sure that all these prisoners were dead for I did not hear anyone moaning or crying, nor did I see those prisoners still writhing or moving.

To the best of my knowledge, at all these shootings mentioned by me, I cannot recall any reason that would have given cause to shoot these people. The soldiers were standing there quietly and did not give the impression that they were trying to escape.

On 20 December 1944, while I was in the aid station in a castle between LA GLEIZE and STOUOMONT, I heard the following story from Grenadier Heinrich BUG, who during the EIFEL Offensive, was riding in ZAELOBCKY's SPW: "In the woods in the vicinity of the castle, approximately 20 meters from the castle, Unterscharfuehrer RUHLAND bumped off 4 American prisoners of war." BUG told me this and ZAELOBCKY in turn had told him. Grenadier BUG himself did not witness the shooting. BUG was taken prisoner together with me but I have not seen him since 24 December 1944. I recall that on 19 December 1944, about 8 or 9 o'clock in the morning, I recall having seen RUHLAND near a house belonging to the castle with 4 or 5 American prisoners of war. I saw this as RECHL and I were carrying Grenadier Gerhard WEGENER of the 11th Panz. Gren. Komp. into the castle to the aid station, as he was wounded. I assume that these were the prisoners that were bumped off by RUHLAND. I can remember another shooting which occurred near a road crossing before ENGELSDORF. I can remember this road crossing exactly for there I got to smoke the first American cigarettes. I also saw a house standing on the corner and next to this house in a pasture stood approximately 25 American prisoners. Before we entered the curve to the left which leadstowards ENGELSDORF, we stopped and that was just about 25 meters before the curve. We only stopped for a moment and on this occasion I saw an American soldier who was wounded on the thigh on the righthand side of the road lying in a ditch. Apparently he was in pain for he was moaning and groaning. Unterscharfuehrer WILFER then called Grenadier RUDOLF, a chief gunner in the 4th Platoon of the 11th Pz. Gr. Komp. and told him, "Give him the mercy shot." We drove on and I did not witness the shooting, but I did hear when Grenadier RUDOLF reported to Unterscharfuehrer WILFER on 18 December 1944 that he had carried out the order and that he had shot the prisoner. Eye witnesses to this shooting were Grenadier RUDOLF SCHAEGLER and Sturmmann EPZWELLER, who were both riding in the SPW with RUDOLF. For clarification of the above statement, I have made three more sketches, which I have marked Exhibit "E", "F", and "G", and which are a part hereof.

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This statement, consisting of 17 pages and 7 sketches was made by me voluntarily in my own handwriting. I was not influenced by any force, duress or threats, neither was I made any promises whatsoever. I swear that the facts which I have set forth in this statement are the truth and I am prepared to repeat them under oath before any court of justice.

FRITZ RAU  
12 March 1946

Sworn to and subscribed before  
me this 12th day of March 1946  
at Schwabisch Hall, Ger.

RAPHAEL SHUMACKER  
Capt CMP

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TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF

FRITZ RAU

Dated 12 March 1946

\*\*\*\*\*

BLANKENHEIM WOODS

1. Tanks which were scattered in the woods
2. Obersturmfuehrer THOMHARDT and the company
3. Hill
4. Rivulet with direction of flow
5. Village
6. Hill with single house
7. Field shed
8. Distance from street to shed approximately 1,000-1,500 meters
9. Road
10. Trail through the woods
11. Starting direction of the tanks

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TRANSLATION OF LEGEND ON EXHIBIT "B"

TO AFFIDAVIT OF

FRITZ RAU

Dated 12 March 1946

\* \* \* \* \*

LA GLEIZE-STAVELOT

1. House
2. Garden with two civilians
3. Distance from garden to the road - about 30 meters
4. FREDMUTH's Panzer
5. ZABLÖCKY's Panzer
6. RAUH's Panzer
7. Direction of march

000140

TRANSLATION OF LEGEND ON EXHIBIT "C"

TO AFFIDAVIT OF

FRITZ RAU

Dated 12 March 1946

\* \* \* \* \*

LA GLEIZE

1. Church
2. Wall with prisoners
3. HUHLLAND's Panzer
4. <sup>H</sup>EBLOCKY's Panzer
5. RAUH's Panzer
6. Untersturmfuehrer KINDERMANN
7. Garden wall with house
8. FREIMUTH's Panzer
9. Direction of travel march

000141

TRANSLATION OF LEGEND ON EXHIBIT "D"

TO AFFIDAVIT OF

FRITZ RAU

Dated 12 March 1946

\*\*\*\*\*

LA GLEIZE

1. Church with prisoners
2. FREIMUTH'S Panzer
3. RUHLAND'S Panzer
4. ZABLÖCKY'S Panzer
5. RAUH'S Panzer
6. Direction of march

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TRANSLATION OF LEGEND ON EXHIBIT "E"

TO AFFIDAVIT OF

FRITZ RAU

Dated 12 March 1946

\*\*\*\*\*

1. House with prisoners
2. FREIMUTH's SPW
3. RUHLAND's SPW
4. ZABLÜCKY's SPW
5. RAUH's SPW
6. Panzer officers
7. Tanks
8. Direction of march

000145

TRANSLATION OF LEGEND ON EXHIBIT "F"

TO AFFIDAVIT OF

FRITZ RAU

Dated 12 March 1946

\* \* \* \*

ROAD CROSSING BEFORE ENGELSDORF

1. Wounded American soldier
2. RUDOLF's SPW
3. RAUH's SPW
4. House
5. Pasture with about 25 prisoners
6. Tank
7. Direction of march

000144

TRANSLATION OF LEGEND ON EXHIBIT "G"

TO AFFIDAVIT OF

FRITZ RAU

Dated 12 March 1946

\* \* \* \* \*

LA GLEISSE - STOUMONT

1. Castle
2. House with ROHLAND and the prisoners
3. Paths from the road leading to the castle
4. Farm

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I, FALIZ RAU, being first duly sworn, make the following statement under oath: Ich FRITZ RAU nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFUEHRER HEINZ THOMHARDT mentioned by me in my affidavit, dated 12. MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Heinz Thomhardt von mir in meiner eidesstattlichen Aussage genannt, datiert 12. März 1946.

Fritz Rau

First Name (Vorname) Last Name (Zuname)

Granadier

Rank (Dienstgrad)

11 Pz Gren. Co. 2nd SS Pz Gren. Regt. (G) AH  
Organization during Elbe Offensive /  
Einheit während des Elbe-Einsatzes

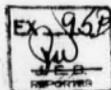
Sworn to and subscribed before me this 3rd day of April, 1946.

August Thumacker

Officer administering oath

Capt. CMP

Rank Arm or Service



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MALMEDY

MILITARY GOVERNMENT COURT  
CASE RECORD.

Legal Form No. 8  
Pros, Exs. Nos.  
96 thru 99-B

Case No. 6-24

Prosecutor LT COL BURTON F ELLIS

\*Summary  
\*Intermediate Military Court.  
\*General

Defence Counsel COL WILLIS M EVERETTE JR

Place DACHAU, GERMANY

Interpreter

Date 194

Reporter

Members of Court:

BRIG GENER AL JOSIAN T DLABEY

COL RAYMOND C CONDER

COL PAUL H WEILAND

COL A H ROSENFELD

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)

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Eindeutliche Erklärung von General Mark<sup>64</sup>

Ich General Mark, nach dem ich nicht amtlich  
eingesprochen werden, muss unter die folgende Erklärung:

Während des Einsatzes im Dezember  
1944, war ich ein Mitarbeiter, im 2. Jg der 11.  
Panzer-Grenadier-Division, 3. Luftlande, 2. P.Z.G.R.,  
L.A.H. Oberstleutnant Heinz Kumpfert<sup>67</sup> war mein  
Kommandoführer. Ich war seit September 1944  
ein Mitglied dieser Division. Mein Jg =  
Einführung war Grenadierführer Kommando.<sup>22</sup>

EX  
11

Wir wurden zum Landwehr, 1-100 000

A.S., A.S., 44 16 Bonn, Blatt 5. 1., von Mittel-  
Europa versetzt. Wir wurden zum Landwehr,

1-100 000 A.S., A.S. 4436, Marche, Blatt 13, von  
Luzern in Nord-Ost. Funktion versetzt.

Zu allem Einzeligen Angaben präsent ab sich  
im Zusammenhang in dieser Erklärung  
findet, in Luzern auf Markt Luzern  
und so weiter. Luzern ist mit vier dieser  
Landwehr.

EX 96  
11

Handwritten signature

Am 14. Dezember 1944 kamen in  
 Kommissar im Mittelwald um. (Bonn 22-08).  
 Dieser Wald ist in der Nähe des Nord  
 Ostbahnhofes. (Bonn 21.6-11).

Unter Kommissarführung wurden die  
 Kommissar im etwa 23 <sup>22</sup> Uhr, in der Nacht  
 des 15. Dezember 1944 nach Mitternacht mit,  
 daß wir in der Einfahrt waren.  
 Unter anderem sagte er uns, daß in folgen-  
 dem Luftfeld, das er von oben besetzen  
 sollte, daß wir sofort und wirkungsvoll Räum-  
 feld sollten, und daß beim Luftangriff  
 sofort werden. Wir umließen den Mittel-  
 wald im unmittelbaren Mittelnacht im selben  
 Nacht und fuhren in der Richtung Ostbahnhof  
 (Bonn 23-05) ab. Die folgenden Namen waren  
 mit mir im SPW: Unteroffizier Lorenz,  
 Unteroffizier <sup>18</sup> Ringmann, Hermann Ringmann,  
 Hermann Lutzfeld, Gerhard Gieseler,  
 Gerhard Wankmann und Gerhard Kiefermann.

von der Aufführung nach der  
 front des Helms (Bonn 15.4 - 99.6), Nordkyl  
 (Bonn 14.2 - 95.3), Krummbury (Bonn 10.5 - 97.2),  
 Gullflay (Bonn 07.8 - 95.9), Lohfism (Bonn 03.3 -  
 96.6), Grubfeld (Bonn 96.8 - 99.<sup>H. 56.</sup>02), Kellingym  
 (Bonn 95.2 - 02), Sjogym (Bonn 89.3 - 00.2),  
 Andrusel (Bonn 85.1 - 00.1), Hiciriant (Bonn 83.3 -  
 00.2), Lingymäsilin (Lingulbruf) (Bonn 80.5 -  
 89.3), Marslet (Marche 77.9 - 01.2), Lu-Glaign  
 (Marche 65.7 - 03), Gmning (Marche 63.7 - 01.4),  
 Zörnt auf Lu-Glaign dem von dort nach  
 Nämunt (Marche 62.9 - 02.8) dem vinder  
 nach Lu-Glaign. In dem Lu-Glaign-Gmning-  
 Nämunt dem fufom wie sie und fast von  
 Nord zu Nordwind if will nicht sagen, daß  
 die Aufschalen in welcher wie zwischen diesen  
 3 Aufschalen fufom fufom yamün die if wie  
 if ein fufom aufschalen fufom, aber die if



Das Landwehr-Lotz wird die ist nicht bezogen,  
 wird Lokalisation S. 15-02, gefunden haben,  
 wofür. Von diesem Lösungszustimm  
 No. 100 Nordwestlich von Melun, ein  
 No. 100 führt Nordöstlich von Melun,  
 ein und von No. 100 führt Südlich von  
 Gunguisville (Gunguisville) und St. Riff.

Auf dem wird von diesem Lösungszustimm  
 von links, <sup>gegenüber dem HST</sup> in die Richtung Gunguisville  
 (Gunguisville), weiterzuführen, beobachtet ist  
 dieses Terrain: Ein Gebirge stand von der  
 westlichen No. 100 nach westlich wird ein  
 kleine Lösungszustimm; Gewöhnlich das  
 No. 100 Lösungszustimm von ein Anwesenheit L. K. W.  
 in die Richtung von Melun stand, oben=  
 Haltpunkt des No. 100; An der westlichen No. 100=  
 nach Südlich das Lösungszustimm von ein  
 Gunguisville ~~gegenüber~~ ein Gebiet von  
 ungefähr 20 Anwesenheit L. K. W. S. S. S.  
 beobachtet Anwesenheit Gebietes

000156

Die waga bei ihrem Gefühlszustand  
 sind mir mit ihrem Glauben in der  
 Höhe unerschütterlich auf dem Standpunkt.  
 Ich sah und sah sie nicht wie diesen Gefühls-  
 zustand pflegen sondern ich sah das Vertrauen-  
 beweisung war. Wie waren sie in der  
 Höhe 5 Minuten dort. In der Zeit zwischen  
 12<sup>00</sup> Uhr und 14<sup>00</sup> Uhr von 17 Dezember 1944.

Wie schon früher und Lingenswillen  
 (Lingensdorf) von dem Standpunkt. Während  
 wie in Lingenswillen (Lingensdorf) war  
 die ich meine freundlichen Worten von dem  
 wie befohlen werden mit meinem Gefühlszustand  
 verfahren.

Wie Lingensdorf schon wie in der  
 Stellung auf Marsch zu und an dem  
 die Nacht des 17. Dezember in einem sehr  
 kleinen Ort wurde bevor wie Marsch  
 konnten. Am Morgen des 18. Dezember 1944

füßten wie durch Wasser auf der Lu-Fluizn.  
Die Aufnahme in Lu-Fluizn im ungefähr  
14<sup>er</sup> Ufer von. Sonst ist mir nicht  
klar was unsere Messungen von  
Wasser auf Lu-Fluizn die folgenden:

1. Zug des 11. Puzer-Grundins-  
Baugruin gefolgt von einem Zug des  
10. Puzer-GrundinsBaugruin. Die  
Woffindung Puzer, in den anderen  
SPWB von des 10. Puzer Grundins  
Baugruin der des 2. Zug von des  
11. Pz. Ar. K. die Einfahrt des 9. 10. 11. und  
12. Pz. Ar. K. über die Messung  
des fußzügigen finter sich bei ist nicht  
sicher, mit der Bemerkung daß ein Zug  
des 10. Pz. Ar. K. finter des 2. Zug des  
11. Pz. Ar. K. war.

was für ein in Lu-Gleize und die  
 Haupt die von Muskel faszinieren,  
 die Haupt ist von einem Kräfte die ist  
 ungenügend sehr ungenügend. Die Kräfte  
 ist als Linsenstück "A" faszinieren  
 und mittel durch den Raum. An der rechten  
 Seite zu die wie in der Luft Lu-Gleize  
 Hofman Hofman wie von links einen  
 Haupt mit dem die einen Kräfte in die  
 die Luft. Die von die Kräfte in  
 die Luft in die wie ein Kräfte  
 ist die Luft von der ersten Hauptmitte.  
 Die ist ein ein ein ein die Luft  
 und die Luft von der ersten Hauptmitte.  
 Die Luft, die Luft und die Luft  
 und die Luft von einem Linsenstück "A"  
 und die Luft faszinieren ist, ungenügend.  
 Die Luft ungenügend zu ungenügend, die ist in  
 die Luft ist von einem SPW. zu die SPW. die  
 die Luft ungenügend faszinieren. Die Luft  
 die Luft faszinieren die Luft.

In diesem SPW. waren auf Dackelfüßern  
 feinnützig, dünnen Luft, dünnen  
 dünnen und ist. ~~Wasser~~ <sup>weil 1/2 l.</sup> von der  
 Lösung wie oben angegeben auf links  
 abgedruckt werden, haben empfinden für das  
 in der ersten Halbjahr nicht nur man zu  
 der linken Seite. Als wie dieser Halbjahr  
 feinnützig feinnützig, ist ist 10-15 Ammoniak  
 Lösungssystemen überaus stark der ungelöst  
 durch 5. Größten Teil. Dies ist die  
 Gefährdung mit der ist wie von der Seite  
 schwer zu sein. Gewöhnlich wie von der Seite  
 und die Gefährdung mit einem sehr leichten  
 System lange Dackelfüßern für die  
 Dackelfüßern mit Wasser, diesen Gefährdung  
 mit dem Wasser werden. Gleich darauf für  
 Fuß mit Wasser mit einem Dackelfüßern  
 in die Gefährdung für die. Die ist es zu  
 der Lösung, "Hilft". Die werden von der in  
 dem SPW. werden mit Dackelfüßern  
 für die mit Wasser "Hilft", Dackelfüßern  
 alle der Lösung mit dieser Lösung Ammoniak =

11



000161

mir meine Fuß. Es fiß zu Lodon  
und ich bin sicher, daß ich gut gezeichnet setze  
und daß ich ihn tötet. Die Koffinbüxy  
die ich gerade befehle, stand im  
Morgens 14<sup>00</sup> Uhr von 18. Dezember 1944  
stakt. In der Glanzfahne wie überführt  
nicht unzufällig sondern für den das Wort  
Nahrung im dem feindlich verteilte mit der und  
konnte mich links und für den in der tief-  
tiefen Grenze mit der. Die Kraft des 18. Dezem-  
ber an der besten wie in Planung und von  
mich dem Krafte wie mich der Glanz  
zurück im für den gegen dem mit der.  
die an der 1. Kunde in dem werden der  
Nahrung und für den die die der wie bis  
wie mich dem Krafte der. An der dem  
Krafte der wie im die Mittagszeit  
von 19. Dezember 1944 von. In der im  
und mich ich von mich der die der  
mit der 11. Pg. Gr. der die der wie  
die der der wie der dem die  
Kraften und mich zusammen die der  
In der die die der der.

Inm mündete Ruffenbüfene Mittwoch bei  
 Abrothirunbüfene Punkt, das Dornfeld nicht war  
 Punkt 10. Pz. Gz. Gz. Puffenmündete fanden viele  
 Kupfer dampfmaschine in der Dampfmaschine  
 Abrothirunbüfene Punkt in Russland um 10.  
 Inzwischen wurde er von der Abrothirunbüfene  
 Punkt hatte eine Dampfmaschine in  
 einem Gebiet neben dem Dorf. Als Ruffenbüfene  
 Mittwoch zu uns zurück kamen meldete er daß  
 Punkt ihm vorgelegt hätte, jetzt wird die 11.  
 Dampfmaschine besichtigt.

Wir fuhren in der Mühle in dem Wald  
 nach dem Dorf Dorf bei ungefähr 21<sup>00</sup> Uhr am  
 19. Inzwischen. In der zweiten und  
 dritten nach Gammig zurück. Wir wohnten  
 in der im Gammig bei ungefähr 17<sup>00</sup> Uhr  
 am 21. Inzwischen, als wir uns nach der  
 zurückziehen mußten und verließen die  
 Punkt am 21. Inzwischen in dem Ort der  
 um ungefähr 10<sup>00</sup> Uhr am Morgen am 22.  
 Inzwischen war es mit der Dampfmaschine  
 und anderen Lichte in der Dampfmaschine  
 einem Gebiet in der Gammig. Im nächsten Gebiet  
 von uns war Abrothirunbüfene Punkt.

Um ungefähr diese Zeit kam ein Maler  
 von Alrothenschüfers Penib zu Unterpfeufers  
 Pfäfers und sagte Pfäfers, daß er sich  
 jetzt bei Alrothenschüfers Penib zu melden  
 hätte. Pfäfers war wieder bereit  
 „wachsen wachsen.“ In dem Übrigen war ein  
 Aufgezügter von Alrothenschüfers Penib.  
 Bei diesem Übrigen zeigte Penib eine  
 künftige Drohung und Unvorsichtigkeit über  
 die Mißlinge und Läden und so. Er war eine  
 sehr allgemeine Übrigkeit von Alrothenschüfers  
 Penib und würde oft von ihm überreicht und  
 wenn man von ihm in dem Übrigen fürchte  
 dessen wie jetzt in Alrothenschüfers Penib.  
 Unterpfeufers Pfäfers ging weg und  
 kam wieder nach ungefähr 10 Minuten zurück  
 und sagte: „Daß Lufsch müssen 20 Gefangenen  
 kassieren werden - wachsen wachsen.“ Er war  
 ins allem klar, daß die Lufsch nie von  
 Alrothenschüfers Penib fürchte können können.  
 Als Unterpfeufers Pfäfers diesen  
 Behauptung machte waren wir in dem Keller  
 des Hauses, daß der ich lagging war.  
 Einige von denen die im Keller mit mir waren

15

namens Uffw. Wilbur, Ge. Wulter, Strm. Dien =  
 Longus, Mem. Lünuff, Ge. Wünlow, Ge. Gafund,  
 Mem. Luffan, Mem. Wünlow, Mem. Wuz,  
 und vudner vuf duffen Thumme if mit nicht  
 miffen. Alle duffe Mütene waren von  
 die 11 Pz. Ge. Gp. Die Larrücktoyte Uffw.  
 Kfufmanfue & Mütene duffe Gfufmanfue  
 zu woffen. Die & die Larrücktoyte wünlow  
 waren Mem. Lünuff, mit nimm Luchinne  
 Larrücktoyte, Ge. Wulter Larrücktoyte mit  
 nimm M. Pi., Ge. Wünlow Larrücktoyte mit nimm  
 Luchinne, Ge. Gafund Larrücktoyte mit nimm  
 Luchinne, und if poffen mit nimm  
 Luchinne Larrücktoyte. Larrücktoyte wünlow  
 wie von nimm Larrücktoyte von die 10. Pz. Gr. Kp.  
 if duffe duffe Uffw. <sup>20 Aug 1851</sup> ~~wat~~ Larrücktoyte vuf nicht  
 mit nimm und if wünlow vuf, duffe  
 von die 10. Pz. Ge. Gp. vuf. Die Larrücktoyte  
 Luchinne und die Wuz vuf die duffe Luchinne  
 und wie vuf nimm die duffe Luchinne und  
 duffe Luchinne wie 20 Aug 1851 Luchinne Luchinne  
 von die duffe Luchinne in nimm Luchinne vuf =  
 vuf. Mit dem Wuz waren die duffe  
 die Wuz und die duffe wie vuf if nimm.

10

Handschrift wiederum für von München das 10. B. G. K.  
 Als seine Verfassung mitließ das Uff. Das  
 Masskommando das 10. B. G. K. G. Himm  
 Genshaft zu sein, daß Abwehrmaßnahmen Permib  
 das beide die 10. und die 11. B. G. K. Long.  
 befuglicht, daß zu die Zeit in die München das  
 11. Long. für die "Donnerstag" gebühren ko.

Ungeheuer 20 Anmerkungen waren in dieser  
 Ordnung. Die heutigen Anmerkungen sind  
 sind waren unbenutzt. Derzeit für ein  
 nach hatten die Isten finden und die Dite und  
 nicht möglich wenn es noch möglich, daß für  
 sich möglich hatten sind waren eingetragenen.

Die neuen ungeheuer 10 unter nicht  
 von dieser eingetragenen Stellung, in dem  
 was 5 in einem Jahr von den Anmerkungen  
 unter dem. Die Unternehmungen die in der  
 Abklärung beauflichte wurde die Dite von  
 diesem wie in dieser Stellung ungetroffen  
 hatten, sagte nicht das Uff. daß diese Gefahr=  
 wurde möglich werden und es gab in der

Befall, "Guten!" Mein ist sagte von das Uff.  
 zu den anderen die Anmerkungen haben. Und die  
 Mund Ge. Walter, die Ge. Wölber, die Ge. Gänzel,  
 die ist, von den und von einem ersten Mann.  
 Gänzel.

17

Und demzufolge fündete ich 2 Güterzettel zu  
 fließen zu einem Brief die Namen von 2  
 Antrittskonten Gefessenen die direkt aus mir  
 handlen. Als ich Kopf finden beide im Brief dem  
 Leiden. Das Uffersind die. Nulter, wovon beide  
 mit M. Pi. bewahrt werden sollten die jungen  
 Antrittskonten Gefessenen mit M. Pi. fündet.  
 Ich bin sicher daß ich die 2 münden Brief die ich  
 Kopf in die Hände darf. Wie direkt mich  
 von die Gefahr fassen gehen und ~~von~~ gehen verbleibe  
 Das Uffers. sagt: „Menschen für daß sie wende=  
 freunden, sind nicht zu dem fündet zurück wo ich  
 für Kopf.“ Das Uffers. bleibt von dem Namen.  
 zurück.

Ganz nachdem ich zu dem fündet das  
 Uffers. das ich wovon verführt habe zurück  
 auf die Gefahr ich einen Brief von Uffers. fündet  
 zu wovon abwas zu fündet zu finden. Ich ging  
 wovon und fündet ~~Uffers.~~ münden fündet  
 von fündet zurück, den Brief mir Uffers.  
 fündet mich zu fündet. Mit dem das wovon  
 im wovon wovon zu wovon. Ich ging in dem wovon  
 fündet und wovon fündet mit dem wovon  
 daß ich in fündet fündet wovon.

18

Um ungefähr 15<sup>00</sup> Uhr sah ich den Wagen  
 von 22. Dezember 1944 auf Rottf. Wittmann zu  
 mich; "Hast du einen Plan mit?" Ich ging  
 mit Rottf. Wittmann weg und in einer  
 Minute fühlte ich mich wie wenn ich  
 durch den Wald gehen würde. Rottf. Wittmann  
 fühlte ich nicht mehr. Ich hatte 2 unbeschaff-  
 te Amerikaner in Begleitung bei  
 mir. Das durch den Wald gehen auf Rottf.  
 Wittmann zu und sagte; "Rottf. Wittmann  
 ist diese Gefangene für mich?" Rottf.  
 Wittmann sagte zu ihm; "Die Räume ab-  
 führen." und wie ich bemerkte die 2 Gefangenen.  
 Danach war ich mit einem Lebewesen  
 befreundet und Rottf. Wittmann hatte einen  
 M.P. Das meiste ist die 2 Gefangenen  
 70-80 unter den Haaren fühlte ich und die  
 auf mich ungefähr 50 unter mir  
 befreundet ist ~~das~~ <sup>das</sup> in den Haaren war.  
 Rottf. Wittmann stellte mich in die Haaren  
 des Gornat kofers und die 2 Gefangenen  
 mit ihm von dem Mund des Gornat kofers  
 mit ihnen durch den Wald zu, bis sie  
 stellten.

Ich stand ungefähr 10 meter nördwestlich von  
 2 Ammiberrischen Gefangenen. Mittags wurde  
 ungefähr 10 meter westlich hinter mir, jedoch nur  
 ungefähr 20 meter von den 2 Ammiberrischen  
 Gefangenen weg. Die sagte Mittags: „Nur  
 du weißt hinter 2 Gefangene nachhinter und  
 ich weiß dich.“ Daraufhin rief ich die 2  
 Gefangenen mit meinem Lurchein. Die riefen  
 sich jedoch tot um über mich die 2.  
 Die rief ich die zweiten wiederum hinter das  
 Grotz. Die riefen um ungefähr 15<sup>te</sup> Uhr von  
 22. Dezember 1944. Mittags wurde von selber  
 Nachmittag durch Lichter beobachtet und  
 durch ich die Flugzeugmotorlärm zu icher kommen.

Um ungefähr 17<sup>te</sup> Uhr saß ich am Auf-  
 mittags war ich zu icher meine Gefährdung  
 mit Pistolen von 6-P Springbrunnen,  
 von gestern die 10. und 11. Pz. Gr. Gp. die mir  
 rief nach dem anderen furchtlos. <sup>Wird 1944</sup> ~~Wird~~ hinter  
 mir nicht ist Rottuch, Gemischt, Rottuch.  
 Die hinter, Uffr. <sup>18</sup> ~~18~~ und Rottuch.  
 Die <sup>H. St.</sup> ~~Wird~~ <sup>17</sup> ~~17~~ <sup>18</sup> ~~18~~ <sup>19</sup> ~~19~~ <sup>20</sup> ~~20~~ <sup>21</sup> ~~21~~ <sup>22</sup> ~~22~~  
 die 10. Kompanie und ich weiß icher Namen  
 nicht. Die nachhinter <sup>18</sup> ~~18~~ <sup>19</sup> ~~19~~ <sup>20</sup> ~~20~~ <sup>21</sup> ~~21~~ <sup>22</sup> ~~22~~  
 wo die SPW's die 10. und 11. Kompanie ab-  
 geschallt waren <sup>H. St.</sup> ~~Wird~~ <sup>18</sup> ~~18~~ <sup>19</sup> ~~19~~ <sup>20</sup> ~~20~~ <sup>21</sup> ~~21~~ <sup>22</sup> ~~22~~  
 und die letzten Stunden

20



in dem Sinne und den Umständen in seiner Grösse  
 steht und die Mängel die die Gekauften Linsen-  
 und <sup>und im Hinblick auf Paragraph 4.56.</sup> Kammern mit Mängel von seiner Grösse des 11.  
 Bz. Gr. d. g. als an dem Kauf-Verb. dieser 10 Ommi-Panische  
 Soldaten die ist auf dem Boden für den dem Gebot  
 liegen auf was am 1. 10.

ausdem ist diese 10 Toten Soldaten zu sehen  
 sollte ging ist in der selben Gebot befindet die  
 gebrauch hatten und in dem Gebot auf ist 2 Toten  
 zivilen, die beide auf mit diesen Toten.  
 Beide dieses zivilen waren Männer ungefähr  
 für 60 Jahren alt. Gebot verfuhr sich 11/11  
 liegt, das es immer diese nassen sein.

In dem Bericht vom 23. auf 24. Dezember 1944  
 nachlesen wie der Gleichheit bei für die im ganzen  
~~1944~~ in der Mithras Nation.

Die nachstehende Beschreibung unserer Zusammen-  
 die Linsenpart "A" wurde ist, das ist die  
 folgende Beschreibung:

Nr. 1) Und die Linien Reihe wurde durch  
 unsere Messung durch die Gleichheit von  
 11. Dezember 1944.

Nr. 2) Das Gebot wurde wie ungefähr 10-  
 10-15 Ommi-Panische Linsenparten in  
 ungefähr 14<sup>00</sup> auf am 11. Dezember 1944 nassen  
 sein.

№. 3) Das Geschäft des Abnehmens des Aufseher  
wird auf den Punkt zu umleiten und von dem mit  
der Abteilung festgelegt, die 20 Amerikaner  
Gefangenen unter dem Friedensvertrag zu be-  
stimmten.

№. 4) Abwehrmaßnahmen gegen die <sup>Lagerung, Hst.</sup> Gefangenen-  
stand.

№. 5) Die Liefern.

№. 6) Die Aufstellung des 20 Amerikaner  
Gefangenen die im <sup>11. Hst.</sup> Lager 22.  
Juni 1944 verhaftet wurden.

№. 7.) Die Aufstellung des Aufseher von dem  
10. Lager und die Abteilung von dem 11. Lager.  
Die diesen 20 Gefangenen verhaftet.

№. 8.) Stelle von Dittmar. Mitarbeiter sind  
in dem Geschäft zusammen mit dem 2 Amerikaner  
Gefangenen haben.

2 Amerikaner  
№. 9.) Das Geschäft des Mitarbeiter sind in dem  
Geschäft sein zu verhaften werden.

№. 10.) Das Geschäft des Mitarbeiter sind in dem  
2 Amerikaner Gefangenen verhaften werden.

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Des. 11.) Nalla nu is zünge der Kuffinstörung  
von 6-8 Ounsi Parippen Gufaryam, von Ruff. 58,  
fürinisch Ruffauf. Ruffen, Ruff. Ruff. Ruff. Ruff. Ruff.  
was.

Des. 12.) Das Guf der Uff. Lige.

Des. 13.) Das Guf der Uff. Lige. Die 10  
Ounsi Parippen Gufaryam mit Guf der  
Uff. Lige wuffen werden und der Guf  
in Ruffen ist die 2 tote zivilen wuf.

Ich muss diesen Guf der Uff. Lige  
und mit meinem Namen geben wollen.

Ich muss diesen Guf der Uff. Lige  
und mit meinem Namen geben wollen.  
Ich muss diesen Guf der Uff. Lige  
und mit meinem Namen geben wollen.  
Ich muss diesen Guf der Uff. Lige  
und mit meinem Namen geben wollen.

Ich muss diesen Guf der Uff. Lige  
und mit meinem Namen geben wollen.  
Ich muss diesen Guf der Uff. Lige  
und mit meinem Namen geben wollen.  
Ich muss diesen Guf der Uff. Lige  
und mit meinem Namen geben wollen.

Gefunden von  
Des. 15. März 1946.

Found and subscribed  
before me this 15<sup>th</sup> day  
of March 1946 at Schindich  
Hall, Gu.  
Saphal Gummert 2 -  
Capt CMP

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### 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

HERBERT STOCK

taken on 15 March 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 22 pages, into English.  
and one 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 20 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 2 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 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 19<sup>th</sup> day of March 1946 at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
Raphael Shumacker  
War Crimes Branch, USFET  
Capt CMP



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## A F F I D A V I T

of

HERBERT STOCK

\* \* \*

I, Herbert STOCK, being first duly sworn, make the following statement under oath:

During the EIFEL Offensive in December 1944 I was a Sturmann in the 2nd Platoon of the 11th Panzer Grenadier Company, 3rd Battalion, 2nd Panzer Grenadier Regiment, I.A.H. My Company Commander was Obersturmfuehrer Heinz TOMHARDT. I had been a member of this company since September 1944. My platoon leader was Hauptscharfuehrer HENDEL.

I have been shown a map of Central Europe, 1:100,000 G.S., G.S., 4416 Bonn, Sheet S. 1. I have been shown a map of BELGIUM and Northeast FRANCE, 1:100,000 G.S., G.S., No. 4436, Marche, Sheet 13. In this statement all references by coordinates to towns, crossroads, etc. will be taken from these maps.

On 14 December 1944 our company reached the MUREL Woods. (Bonn, 22-08). These woods are near the town of NETTERSHEIM (Bonn 21.6-11).

On the night of 15 December 1944 at about 2330 hours, our Company Commander had the company assembled and informed us that we were going into the offensive. Among other things, he also told us that pursuant to an order he had received from above, we would fight recklessly and ruthlessly and that no prisoners of war would be taken. Around midnight of the same night we left the MUREL forest and proceeded in the direction of BLANKENHEIM (Bonn 23-05). In the SPW with me were the following men: Unterscharfuehrer KANNEN, Unterscharfuehrer SIEDMUND, Sturmann KUMFF, Sturmann BERTHOLD, Grenadier HAEHREL, Grenadier SONNEBORN and Grenadier SCHUEMANN.

Our route of march towards the front was through DAHLEM (Bonn 15.4-99.6), STADTKILL (Bonn 14.2-95.3), KRONENBURG (Bonn 10.5-97.2), HALLSCHLAG (Bonn 07.8-95.9), LOSHEIM (Bonn 09.3-96.6), HONSFELD (Bonn 96.8-99.2), BUELLINGEN (Bonn 95.2-02), SCHOPFEN (Bonn 89.3-00.2), ONDENVAL (Bonn 85.1-00.1), THILDONT (Bonn 83.3-00.2), LIENEUVILLE (EN-ELSDORF) (Bonn 80.5-99.3), STAVELOF (Marche 71.9-01.2), LA GLEIZE (Marche 65.7-03), CHENEUX (Marche 63.7-01.4) back to LA GLEIZE, thence to STOUMONT (Marche 62.9-02.8) thence to LA GLEIZE again. In the LA GLEIZE-CHENEUX-STOUMONT sector we moved back and forth from town to town and I do not mean to say that the order in which we moved between these three villages was exactly as given above, but it is substantially correct.

We spent the night of 16 December 1944 in a field before LOSHEIM, where we remained until approximately 0430 hours of 17 December 1944. We passed through HONSFELD around 0600 hours and arrived in BUELLINGEN around 0800. I remember that there was an American gasoline depot in BUELLINGEN where we refueled. From BUELLINGEN we proceeded in the direction of SCHOPFEN and from there to ONDENVAL and thence to THIRIMONT. From THIRIMONT we travelled in a northwestwardly direction until we came out on a road leading from MALMEDY to WAIMES. When we reached this WAIMES road we turned to our left and travelled westwardly a few hundred meters until we came to a road intersection which I have located on the Bonn map above referred to at coordinates 81.5-02. From this intersection a road leads northwestwardly to MALMEDY; a road leads northeastwardly to WAIMES; another road leads southwardly to LIGNEUVILLE (ENGELSDORF) and ST. VITH.

After making a left turn at this intersection to proceed in the direction of LIGNEUVILLE (ENGELSDORF) I observed this scene: There was a house located on our righthand side of the road after making a left turn; there was an American truck headed in the direction of MALMEDY parked on the road just north of the intersection; there was a column of about 20 American trucks on our righthand side of the road south of the intersection headed towards LIGNEUVILLE (ENGELSDORF.) I observed American soldiers standing near their vehicles and some marching towards the intersection with their hands upraised. I saw and heard no shooting at these prisoners while I was at the crossroads. We were there only about five minutes, some time between 1200 hours and 1400 hours 17 December 1944.

From the crossroads we travelled southwardly to LIGNEUVILLE (ENGELSDORF). While in LIGNEUVILLE (ENGELSDORF) I was able to knock out an enemy tank from which we were receiving fire with my Panzerfaust.

From ENGELSDORF we travelled in the direction of STAVELOT and spent the night of 17 December in a very small village just before reaching STAVELOT. On the morning of 18 December 1944 we drove through STAVELOT to LA GLEIZE. We arrived in LA GLEIZE around 1400 hours. Our march column from STAVELOT to LA GLEIZE, as far as I recall, was as follows: 1st Platoon of the 11th Panzer Grenadier Company followed by a platoon of the 10th Panzer Grenadier Company, then several Panthers, some other SPW's from the 10th Panzer Grenadier Company, then the 2nd Platoon of the 11th Panzer Grenadier Company, then elements of the 9th, 10th, 11th and 12th Panzer Grenadier Company. I am not sure about the march order of the vehicles behind us, except that a platoon of the 10th Panzer Grenadier Company was behind the 2nd Platoon of the 11th Panzer Grenadier Company.

We entered LA GLEIZE along the road leading from STAVELOT, which road is shown on a sketch I have drawn, which sketch is attached hereto as Exhibit "A" and made a part hereof. At the first intersection we reached in the town of LA GLEIZE we turned to our left along a street which makes a circle around the church. As one travels this street in the direction we were going, the church is on the right side of the street. There is

also a wall on the righthand side of the street around the cemetery to the side of the church. The church, the cemetery and the wall are more clearly shown on Exhibit "A" attached hereto. I forgot to mention that in BUELLINGEN I had changed from my SPW to the SPW of the platoon leader. At this time Rottenfuehrer WITPWER was leading the platoon. In this SPW was also Rottenfuehrer FREIMUTH, Sturmman LASEN, Sturmman NEUBAUER and I. After making this left turn at the intersection above mentioned there are several houses on the righthand side of the street before one reaches the church. As we travelled down this street I observed 10 or 15 American prisoners of war standing unarmed in front of about the fifth house. Just as we were passing the house and the prisoners at a very low rate of speed, Rottenfuehrer WITPWER said, "These prisoners are to be shot." WITPWER immediately shot into the prisoners with his machine pistol. Then he shouted to the rest of us, "Shoot." The rest of us in the SPW were armed with carbines, so when WITPWER shouted, "Shoot!" all of us opened fire on this group of American prisoners. We were travelling about five kilometers an hour. I know these prisoners were Americans by the uniforms they wore. At the time we shot them, they were unarmed and were standing quietly in a group and obviously had been taken prisoner by elements of the column ahead of us. At the time we fired into them they were not attempting to escape and did nothing to provoke the shooting. Some of the group of Americans slumped to the ground, obviously hit, and as we continued on, I noticed that there was more firing into this same group of prisoners from the machine gun on the SPW directly behind us. This SPW was from the 10th Panzer Grenadier Company. I know this because our SPW was the last vehicle in our platoon and I know that the march order from STAVELTO LA GLEISSE was that a platoon of the 10th Company would follow directly behind our platoon. When I fired into this group I took good aim at the forehead of one American soldier and fired only one shot. He fell to the ground and I am confident that my aim was good and that I killed him. The shooting I have just described took place at about 1400 hours 18 December 1944. We did not stop in LA GLEISSE at all but continued along the street past the cemetery and turned to our left to proceed in the direction of CHENELK. We spent the night of 18 December in CHENELK and the next morning returned to LA GLEISSE and travelled on towards SPOUMONT. We spent an hour in the woods before SPOUMONT and then travelled through the woods until we got to the railroad station. We arrived at this railroad station around noon 19 December 1944. In this vicinity I participated in an attack through the woods with the 11th Panzer Grenadier Company but was unable to get through as we were opposed by three American tanks and a numerically superior infantry force. Then Rottenfuehrer WITPWER reported to Obersturmfuehrer FREUSS, who was then commanding not only his 10th Panzer Grenadier Company but our company as well because our Company Commander, Obersturmfuehrer TOMHARDT, had been wounded in STAVELTO on 18 December. Obersturmfuehrer FREUSS had his CP in a house next to the railroad station. When Rottenfuehrer WITPWER returned to us he reported that FREUSS had told him, "Now the 11th Company is going to be 'burned up' (verheizt)".

We held our position in the woods near this railroad station until about 2100 hours 19 December. Then we withdrew and returned to CHENEUK. We stayed in and around CHENEUK until about 1700 hours 21 December when we had to retreat to LA GLEIZE and we spent the night of 21 December in the town of LA GLEIZE. At about 1030 hours on the morning of 22 December I was in a house in LA GLEIZE with Unterscharfuhrer SCHUMACHER and other men of our company. In the house next to us was Obersturmfuhrer FREUSS. At about this time a messenger came from Obersturmfuhrer FREUSS to Unterscharfuhrer SCHUMACHER and told SCHUMACHER that he had to report immediately to Obersturmfuhrer FREUSS. SCHUMACHER replied immediately, "Masche, Masche." This expression was a favorite one of Obersturmfuhrer FREUSS. By this expression FREUSS showed a light-hearted contempt and unconcern for the discomforts and sufferings of others. It was a very common expression of Obersturmfuhrer Freuss and was used by him frequently and when any of us heard the expression we immediately thought of Obersturmfuhrer FREUSS. Unterscharfuhrer SCHUMACHER left and returned again in about ten minutes, saying, "There are 20 prisoners that have to be shot on orders - - masche, masche." It was obvious to all of us that the order could only have come from Obersturmfuhrer FREUSS. When Unterscharfuhrer SCHUMACHER made this statement we were in the cellar of the house I have referred to. Some of those present in the cellar with me were Unterscharfuhrer WILFER, Grenadier WALTER, Sturmann DIRNBERGER, Sturmann KUMPF, Grenadier SONNEBORN, Grenadier HAEHNEL, Sturmann LASSEN, Sturmann NEUBAUER, Sturmann MAY and others whose names I do not recall. All of these men were from the 11th Panzer Grenadier Company. Then Unterscharfuhrer SCHUMACHER detailed five men to shoot these prisoners. The five who were detailed were Sturmann KUMPF armed with a carbine, Grenadier WALTER, armed with a machine pistol, Grenadier SONNEBORN armed with a carbine, Grenadier HAEHNEL armed with a carbine and myself, also armed with a carbine. We were taken in charge by an Unterscharfuhrer from the 10th Panzer Grenadier Company. I knew this Unterscharfuhrer by sight but not by name and I also knew that he was from the 10th Panzer Grenadier Company. The Unterscharfuhrer led us down the street towards the church and we entered the churchyard and there we saw 20 American prisoners of war lined up in one rank along the inside of the wall. They had their backs to the wall and were facing the church. Guarding them were men from the 10th Panzer Grenadier Company. When we arrived, the Unterscharfuhrer relieved the guard detail or the 10th Panzer Grenadier Company. It seemed customary that Obersturmfuhrer FREUSS, who was commanding both the 10th and 11th Panzer Grenadier Companies at that time, used the men of our 11th Company for the "dirty work." There were about 20 Americans in this group. They wore American uniforms and were unarmed. My recollection is that they had their arms by their sides and not raised but it was obvious that they had surrendered and were prisoners of war. We took a position in front of these prisoners of war about ten meters away, the five of us lining up in one rank facing the Americans. The Unterscharfuhrer in charge of our detail stood on our left. After we were lined up in this position the Unterscharfuhrer told us that these prisoners were to be shot and he gave us the order, "Open fire!" As I have said, the Unterscharfuhrer was on our extreme left. Next to him stood Grenadier WALTER, then Grenadier

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SONNEBORN, then Grenadier HAEHNEL, then I, Sturmman SPOCK and on my right, Sturmman KUMFF. At the command, I fired two well-aimed shots, one each at the foreheads of the two American prisoners standing directly in front of me. As I fired, both of them slumped to the ground. The Unterscharfuhrer and Grenadier WALTER, both of whom were armed with machine pistols, sprayed the entire line of American prisoners with machine pistol fire. I am positive that I hit the two men that I shot at in their heads. We were not allowed to approach the victims and left when the Unterscharfuhrer told us to "scram", and return to the house from which you come!" The Unterscharfuhrer remained there at the scene.

Shortly after I had returned to the cellar of the house previously mentioned, I received an order from Unterscharfuhrer SCHUMACHER to attempt to find something to eat. I left and returned about an hour later without any food. Then Unterscharfuhrer SCHUMACHER ordered me to report to Rottenfuhrer WITPWER, who was up in the woods. I went to the woods and there reported to Rottenfuhrer WITPWER that I was to be in his group. Around 1500 hours that same day 22 December 1944, Rottenfuhrer WITPWER called to me, saying, "SPOCK, come with me." I left with Rottenfuhrer WITPWER and a few minutes later we met another German soldier, whose name or organization I do not know. With him were two unarmed American prisoners of war. The German soldier approached Rottenfuhrer WITPWER, saying, "Rottenfuhrer, where shall I take these prisoners?" Rottenfuhrer WITPWER told him to "Beat it" and we took charge of the two prisoners. At this time I was armed with my carbine and Rottenfuhrer WITPWER had his machine pistol. We marched these two prisoners up the street 70 to 80 meters and then to our right approximately 50 meters to a bomb crater located in a pasture. Rottenfuhrer WITPWER placed me near the bomb crater and had the two prisoners stand on the edge of the bomb crater, with their backs to the crater. I stood facing the two American prisoners about ten meters away. WITPWER was about 10 meters to my right rear, making him about 20 meters from the 2 American prisoners. Then WITPWER said, "SPOCK, you are going to shoot these two prisoners or I am going to shoot you." Thereupon I shot the two prisoners with my carbine. The first one fell dead immediately but not the second one. Then I shot the second one again through the heart. This happened about 1500 hours 22 December 1944. WITPWER received wounds that same afternoon from shrapnel and died before the litter bearers reached him.

On that same afternoon, around 1700 hours, I witnessed the shooting of 6 to 8 prisoners of war with pistols, one shot after another, by drivers of the 10th and 11th Panzer Grenadier Company. I recognized 4 of these men, Rottenfuhrer FREDMUTH, Rottenfuhrer Theo DUTSCHKE, Unterscharfuhrer SIGMUND and Rottenfuhrer Theo RAH. The other two drivers were from the 10th Company and I do not know their names. This shooting took place in the area where the SPW's of the 10th and 11th Companies were parked and the drivers usually stayed close together and near their vehicles. I recognized three of the men as drivers of the 11th Company and I therefore assumed that the others were drivers from the 10th Company. Also present was the Motor Sergeant of the 11th Company, Unterscharfuhrer SIGMUND. The other men in the group that fired

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were known to me by sight but I did not know their names. I do know that they were in the 10th Panzer Grenadier Company.

I spent the night of 22 December in my position in the woods. Around 0700 hours 23 December I happened to pass the foxhole of Unterscharfuhrer KLIPP of the 11th Panzer Grenadier Company and heard him give an order to shoot 10 American prisoners of war. I saw these prisoners of war standing about 20 meters away from KLIPP's foxhole. They were being guarded but I do not remember by whom. I also heard Unterscharfuhrer KLIPP say that these prisoners were to be shot behind a house to which he pointed. Later, around noon, I saw the bodies of 10 American soldiers lying on the ground behind the house to which KLIPP had pointed. I do not know who shot these 10 men but I know that Unterscharfuhrer KLIPP had no men from any other company in his group and the men guarding the prisoners and around him at his foxhole at the time he gave the order were only men from his group of the 11th Panzer Grenadier Company. These 10 American soldiers that I saw lying on the ground behind the house were dead.

After seeing these 10 dead soldiers, I entered this same house behind which they were lying and in the house I saw two dead civilians, each of whom was still sitting on a chair. Both of these civilians were men about 60 years of age. Later, Unterscharfuhrer KLIPP boasted that he had let someone shoot them.

We left LA GLEITZE on foot on the night of 23-24 December 1944, going in the direction of WANNE.

In further explanation of my drawing which is marked Exhibit "A", the following information is given:

Numeral 1 and the line of arrows marks our route of march through LA GLEITZE on 18 December 1944

No. 2 - The house in front of which we shot about 10 to 15 American prisoners of war around 1400 18 December 1944

No. 3 - The house where SCHUMACHER received the order to report to BREUSS and from which the detail left to shoot the 20 American prisoners along the cemetery wall.

No. 4 - Obersturmfuhrer BREUSS' CP

No. 5 - The church

No. 6 - The lineup of the 20 American prisoners shot around 1100 hours 22 December 1944

No. 7 - The lineup of the Unterscharfuhrer from the 10th Company and the detail from the 11th Company which shot these 20 prisoners

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- No. 8 - Spot where Rottenfuehrer WITTWER and I met the German comrade with the two American prisoners.
  - No. 9 - The route along which WITTWER and I marched these two Americans before they were shot.
  - No. 10- The bomb crater where I shot the two American prisoners of war.
  - No. 11- Place where I witnessed the shooting of 6 to 8 American prisoners by Rottenfuehrer FREIMUTH, Rottenfuehrer DUTSCHKE, Rottenfuehrer RAU and Unterscharfuehrer SIGMUND.
  - No. 12 - The foxhole of Unterscharfuehrer KLIPP
  - No. 13 - The house behind which the 10 American prisoners were shot on orders of Unterscharfuehrer KLIPP and the house in which I saw the 2 dead civilians.

I make this statement voluntarily and of my own free will. I have not been subjected to force, threats or duress of any kind. No promises of reward or immunity from prosecution have been made to me.

I swear before God that the facts in this affidavit are true and I am prepared to repeat them under oath in any court of justice.

(signed) Herbert STOCK  
15 March 1946

Sworn to and subscribed before  
me this 15th day of March 1946  
at Schwaebisch Hall, Ger.

(signed) RAPHAEL SHUMACKER  
Capt CMP

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TRANSLATION OF LEGEND TO SKETCH MARKED EXHIBIT "A" of HERBERT STOCK

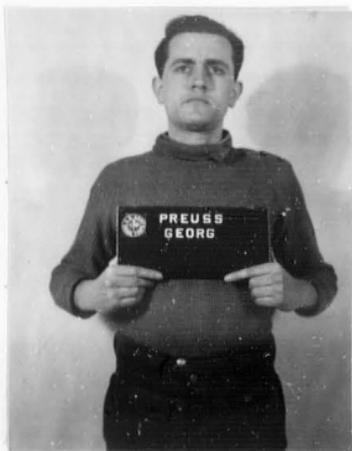
drawn March 13th 1946.

\* \* \* \* \*

LEGEND

1. Arrows which show our route through LA GLEIZE on 18 December 1944.
2. The house in front of which we shot about 10-15 American prisoners of war, at about 1400 hours on 18 December 1944.
3. The house in which SCHUMACHER received the order to report to PREUSS and from where the group left to shoot the 20 American prisoners of war who stood along the cemetery wall.
4. Oberstuf. REUSS's C.P.
5. The church
6. The line of the 20 American prisoners of war, shot at about 1100 hours on 22 December 1944.
7. The lineup of the Unterscharfuehrer from the 10th Company and the group from the 11 Company, who shot the 20 prisoners.
8. Spot where Rottf WITTWER and I met the German soldier with the two American prisoners of war
9. The road which WITTWER, I, and the two Americans took before they were shot.
10. The bomb crater where I shot the 2 American prisoners of war.
11. The spot where I witnessed the shooting of 6-8 prisoners of war by  
 Rottf. FREIMUTH  
 Rottf. DUTSCHKE  
 " RAU  
 Uscha SIEGMUND
12. Fox hole of Unterscharfuehrer KLIPP
13. The house behind which 10 American prisoners of war on orders of Uscha KLIPP were shot, and in which I saw the two dead civilians.

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I, HERBERT STOCK, being first duly sworn, make the following statement under oath:  
Ich HERBERT STOCK, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFUEHRER PREUSS mentioned by me in my affidavit, dated 15 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer PREUSS von mir in meiner eidesstattlichen Aussage genannt, datiert 15. März 1946.

Georg Herb.  
First Name (Vorname) Last Name (Zuname)

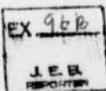
Sturmann  
Rank (Dienstgrad)

11<sup>th</sup> Pz Gren. Reg. 2<sup>nd</sup> SS Pz Gren. Reg. SSN  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

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Sworn to and subscribed before me this 5<sup>th</sup> day of April, 1946.

Raymond Thumacher  
Officer administering oath

Capt. C.M.P.  
Rank Arm or Service



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I, HERBERT Stock, being first duly sworn, make the following statement under oath:  
 Ich Herbert Stock, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Unterscharführer Siegmund mentioned by me in my affidavit, dated 15 MARCH 1946

Die obigen zwei Photographien sind Photographien desselbigen Unterscharführer Siegmund von mir in meiner eidesstattlichen Aussage genannt, datiert 15. März 1946.

Gardner R. D.  
 First Name (Vorname) Last Name (Zuname)

Murmann  
 Rank (Dienstgrad)

11<sup>th</sup> Co 2nd SS Pz Gren. Regt 6 SS AH.  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

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Sworn to and subscribed before me this 13<sup>th</sup> day of April, 1946.

Daphael Stumacher  
 Officer administering oath

Capt C.M.P.  
 Rank Arm or Service

EX 96C  
 J. E. B. PROCTOR

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EX 96 sent to mixed Board  
23 ~~000~~ May 1956.

James E. Johnson  
Lt Col MAC

Ich bin im November 1939 freiwillig in die  
 H. eingetreten und erhielt meine H.-Ausbildung  
 im Kongzentrationslager Berlin. Von Berlin  
 wurde ich für zirka 10 Tage nach dem Kongzen-  
 trationslager Linsmarchl Kommandiert. Im  
 Linsmarchl mußten die Gefangenen Leerdienste  
 leisten und eine Garde. Dem Kongzentrations-  
 lager Linsmarchl kam ich wieder zugeteilt zu  
 dem Kongzentrationslager Berlin. Als das Lin-  
 smarchl nach Berlin geleitet wurde, wurde ich  
 dem Kommando des 2. Totenbegräbnisregimentes  
 zugeordnet. Ich war  
 dem Kommando des 2. Totenbegräbnisregimentes  
 zugeordnet.  
 Kongzentrationslager Berlin.  
 Mitte März 1940 zum L.H.A.  
 ernannt, das ich seit dieser Zeit  
 über  
 Carl Lügert

EX  
97



Bei unsonnen Galgenstricken haben  
 wir eine ganze Dose mit unsonnen  
 Lektionen ausgefüllt. Ich würde  
 es mir besonders von 2 jährl.; das nimm  
 in dem <sup>Frühjahr 1843</sup> und in der Mäse von Apfeln,  
 überdrücklich Lapsel fatten wir dort von  
 zuzüehnen sind alle fimseshaft, nischlich.  
 lich fowien und Rinder "unzulagen."

Wenn ich sage, wie "so meine ich das  
 3. Lektüre, das demals Jungstücken  
 fängt fische. Es wird ich weiß ist das  
 Lapsel propädeutisch von ihm rückgegangen.  
 Mit <sup>zu dieser Lektüre</sup> ~~fichte~~ <sup>warum</sup> zu dieser Zeit von  
 überwachenden fimsichten abgepflichten,  
 und erweichten mit eigenen fimsicht  
 und sind und immer dort. Jungstücken  
 fische fängt war demals mit und, ich selbst  
 habe ihn nicht <sup>PF.</sup> selbst auf die zischliche  
 fimsicht gesehn, das war es in der fimsicht

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allgemein bekannt, daß es an dieser

Paul Koigart

4.

Aktiven aktio bildungen.

Zu diesem Zweck, ab was ein Ort mit  
 kleiner Größe d. beidseitig 600-800 f. (mindestens)  
 ist in ein unter Lokativen mit der Lötung  
 zu Lötung anzuhilfen. Ist was Pangeresford  
 und jeder bei dieser Gelegenheit müssen  
 Pangeres nicht verlassen. Ist stand mit mir  
 nur ~~Pangeres~~ <sup>S.P.W.</sup> im Dorf hingang und ist,  
 die Inschriften unter Lokativen mit  
 Lötungen für Lötungen und ist zu sein.  
 Ist immer, das ein Lötung anzuhilfen. Zwei  
 ist das <sup>(Lötungen)</sup> Lötungen dieser die Inschriften  
 unter Lokativen mit Messung anfangen  
 und Ganges für und ist ~~ist~~ in die  
 Lötung für ~~(Lötungen)~~

Im anderen Fall in dem ein Jahr  
 ab der nicht gewartet wurde und in dem  
 ist ein Jahr hinweg, wird ist im  
 Sommer 1943 bei dem Lötungen mit  
 Lötung zu <sup>(Lötungen)</sup> Lötungen Lötungen die Inschriften

5.

imposed Lektoren der Lesel. Lektoren  
 von Klare". Ich selbst fürte wie die Lesel  
 der 9. Kongress. Einigstimmigens Geist  
 dieser Lesel erlaubte und weiß, daß die  
 gleiche Lesel in allen Kongressen der  
 Lektoren gegeben wurde. Ich weiß nicht  
 mehr, ob bei dieser Gelegenheit erlaubte  
 sich erlaubt wurde, ~~es~~ daß man auf  
 Jörn und Kinder einlegen muß; daß  
 nach der freigen Prozedur von Klare vor  
 genannt war. Ich sei in diesem Fall  
 deutlich von Jörn und gewisse ich  
 mich Kinder mit den kommenden Jörn  
 dieser und wie sie <sup>haben</sup> von ihrem Lektoren  
 zusammen gesetzt werden. Die Namen  
 davon die gesetzt ~~weiß~~ ich nicht mehr,  
 ob fast <sup>0.2.</sup> alle der ganze Lektoren  
 mitgenommen. Ich indes habe nicht ge-  
 wessen sondern daß am Lektoren meine  
 41 Prozedur und sei zu.

In diesem Falle ist ein nimmendes  
~~was ist in irgend einem Windsturm von einem~~  
 Punkt fort und die Beschleunigung und ist  
 ist ein in der Zeit ein nimmendes der Größe  
 in der gemindert würde zuvörderst gegeben  
 würde.

Es ist das ~~was~~ stark geipene als das  
 zuvörderst beschleunigt. Als eine der geipen-  
 beschleunigt das überträgt, ~~das~~ <sup>ist</sup> ~~das~~ <sup>ist</sup> ~~das~~  
 ein fernerhin das das auf ein Lasten-  
 gegeben fort und dem nachher die  
 zusammenfassen können. In zweiten beschleunigt  
 brennen Falle würde und ein Grund nicht  
 möglich sein.

Obwohl die Übertragung des zweiten sind  
 beschleunigt das, würde in der letzten  
 zusammenfassen der Mann letzten  
 letzten sein. Von der <sup>von</sup> ~~von~~ <sup>von</sup> ~~von~~  
 tippen zwischen die letzten und ist  
 möglich sein.

7.

Im Jahr Neunundvierzig habe ich mich einmal  
 dem Lande gesüßelt durch Gefangenen zu  
 machen. Am 7. August 1944 war ich bei  
 Jenson des Abströmungsfonds <sup>Land</sup> Jenson. Dann  
 ich mich nicht sehr <sup>weit</sup> demselben von West-  
 gen dem Jenson des Abströmungsfonds  
 des Neunundvierzig zuletzt mit Abströmungsfonds  
 Jenson <sup>Land</sup> Jenson. Ich ich  
 demselben - es war bei Hilli in der Höhe  
 von Linn - dem Abströmungsfonds Jenson  
 der offener sagte, sagte er: „ungelief etc.  
 für wie Augen blicken gegenüber. Dann  
 der sehr ist, so werden natürlich keine  
 Gefangenen gemacht. Hier werden es die.  
 für Gelbaffen sein zuigen!“ Es ist möglich,  
 daß es steht Gelbaffen ein anderer Befehl  
 dort voranden, aber dies war das hier.

Im folgenden Satz weiß ich bloß von einem  
 43 einzigen Befehl und habe ich zu, um

18. August 1944 gegen 4 Uhr nach-  
 mittags einen unvorsichtigen Ring-  
 gefangenen wafflosen zu fassen. Es ist  
 zu zuerst keinen Befehl gegeben, diesen Ge-  
 fangenen zu waffeln, das er sich nicht  
 ist mit einem Pistol nicht bewehrt, dann  
 ist sehr im finstern die des Leuchtstern-  
 fahne durchschiel und das Kommandant  
 Abstrichbrennfahne fahne <sup>W</sup> gefandelt  
 in dem Augenblick ist die Beobachtung  
 gegen die festsetzung fort und dem  
 Augenblick und so mit einem Abstrich  
 ist der Gefangene wafflos.

Die fahne mit der Landwehr zwei-  
 fahne zwei Abstrich von dem Kommandant  
 nicht nicht nicht waffen. Das ist von  
 dem seit Kommandant zwei Abstrich indem  
 seit unmittelbar sofort einen fahnen  
 Lüftungswelt mitzumerken fahnen. Das  
 ist in dem die fahne seit fahnen, was  
 ist, in dem die fahne gefangene war

9.

und in dem wie verfahren zurück-  
von und die volle Oberen zurückgef-  
von müßten.

Ist aber das Jafons von Einfauchell<sup>10</sup>  
S.P.W. Köpfer mit fuge auf diesem S.P.W.:

Jungstämmerföfons Einfauchell und das  
Kommunikations Abklf. Figen. Jafons fofons  
auf diesem S.P.W. Wf. Jafons Jafons Jafons  
R.H. Jafons Jafons. Das S.P.W. war ein  
alle S.P.W. offen und das Kopf des Wf. Jafons.  
Das nicht über die Bedeutung fofons, K.  
Das mehr selbst Jafons fofons fofons fofons.  
Jafons mehr Jafons Jafons mit mehr fofons  
Jafons ein Jafons zu fofons.

Ist aber ein Wf. Jafons Jafons Jafons  
Jafons, Jafons Jafons Jafons Jafons Jafons  
Jafons ein S.P.W. Jafons Jafons Jafons Jafons  
Wf. Jafons Jafons Jafons Jafons Jafons Jafons  
Jafons

1. Wf. Jafons fofons

2. R.H. Jafons Jafons (Jafons Jafons)

3. Wf. Einfauchell mit dem Jafons fofons



11.

und so sollte der genannte Person. Und  
 die Antwort des Posten - Anmerkungen  
 weiß ich mir nicht zu erinnern, der Name  
 ist das ~~18.~~ auf die Antwort für Jff. Die  
 für die Land Karte in die Land Karte  
 und Jff. Die Karte für die Jff. Karte  
~~18.~~ <sup>18.</sup> ~~18.~~ <sup>18.</sup> mit demselben Land Karte.

Während die das sein, kann das  
 Adjektivum S.P.W. von finden von und  
 sehr viel gewisse dem Posten und und  
 wobei so beliebig mit einem Teil.  
 von Länge nicht davon zu sein  
 kann als sein. Die Karte in die Jff.  
 für Zeit, ist gleiche als nach dem als  
 das Adj. - Länge ungenügend, kann  
 im unvollständigen Teil, davon Jff.  
 offenbar nicht möglich das sein Jff.  
 sind im folgenden Karte mit und zu  
 gegeben. sind das Jff. Karte und und  
 unter dem das Adj. - Länge oder das Posten,  
 möglich das Jff. mit einem M. G.



13.

Daß nicht der Amerikaner weg hätte,  
 und sich mit Sicherheit stellen. Ich glaube,  
 daß sich der Jackson der Jung war, die aber  
 dessen Beibringung nicht. Jedenfalls war  
 nicht tot, und nicht sollte sich tot. Ich  
 will dem lebenden zu, daß er nicht sterben  
 sollte und sollte ihn selbst ihn für die  
 mir zu zeigen warb ich sollte. Derzeit  
 für die den Amerikaner die den Jung  
 ferner und weil ich sein konnte, war  
 er nicht anwesend.

Ich muß jetzt sagen, daß ich zu dieser  
 Zeit vollständig ohne mit der Amerikaner  
 und überführt habe während war, da war  
 etwas einen festigen Luftangriff zu er-  
 laiden hatten.

Besorgungen sind weil ich weißte daß  
 mich Hauptstadt ist. Diejenige und der  
 gleichzeitig Amerikaner Kommandier Oberst.  
 Paquet zumindest nicht diejenige haben,  
 wenn ich die Gefangenen verfolge, besteht  
 ich ihn zu verfolge.

49

Ich würde gefragt beim Haupt, weißte ich

44

Ich weißte, daß die Postzeit und Freitag  
 einander haben sein werden und sagte.  
 bei dieser mündlichen Besprechung, daß ich  
 sie abzuholen. Ich will dich hier zu-  
 sammen mitbringen. Ich bin lange genug  
 in der Kasse-41 um zu wissen, daß  
 wenn mich ein überprüfendes Befehl zu-  
 geben wird einen bestimmten Ring-  
 gefangen zu verhaften die Offiziere  
 zumindest mich 16 Tage lang fangen. Aber  
 dich habe ich nicht. Freitag als einen  
 vertikal 41 - Mann gefangen. Es war  
 im Regiment bekannt, daß es, bevor  
 es zu mir kam immer noch Adjutant  
 und immer noch erste Hand war. Im Übr-  
 ige ist eine lange Forderung davon,  
 ob ich weiß davon ist, daß einander  
 mit dieser beiden Jahren Offiziere von  
 einander setzen können nicht erforderlich,  
 weil die Hände selbst diese ein-  
 ständlich vorweisen. Von Anfang bis zu  
 Ende sprechen persönlich G.P. Die Postzeit als  
 mich nicht. Freitag zu und ich hätte mich zu  
 weiß als als Postzeit nicht bekannt,

unter ihrem Augen stand zu sein,  
 von dem ich vernehme, daß es von Ihnen  
 nicht widerlegt sei.

Ich ~~habe~~<sup>habe</sup> zögerte dem Anwärter mit  
 dem Land, daß es zu dem S.P.W. gehören  
 sollte. Ich ging immer selbst fortwährend  
 ihn. Aber seit dem Augenblick daß wir  
 unterhalten hatten, daß es lebt sieht es die  
 Gründe über seinen Kopf bis zu dem  
 Augenblick in dem es starb. Daß es ein  
 Anwärter war war bekannt ist der Punkt  
 unentwickelter Uniform, so wenig die un-  
 entwickel-lich bewirkt haben und un-  
 entwickelten. Hinsichtlich der Details. Der  
 Anwalt hatte es nicht ist mir wiederum in  
 dem zwei Monaten gefehlt, so wie für die  
 unentwickelten Aufsicht des Anwalt  
 hat. Er wird ist mir nicht mehr hatte  
 es seine Verbindungen seinen Staffeln  
 nicht mehr mit. Aber es muß seine Arbeit  
 für die Augen gelassen sein, denn ich  
 bin dessen sicher, daß ich den ich seinen  
 Arbeit gegeben habe.

Ich trat mit dem Aufbruch von meinem  
 S.P.W. fortan und zwar weil ich mich zu  
 erinnern weiß auf das Briten, was dieses  
 Hof und Jerkalmers Person. Ich trat zu  
 Jerkalmers: „weil mit die M.P.“ <sup>inoffiziell der Mann</sup> ~~der Mann~~  
 für einige Jerkalmers die M.P.“

Zu dieser Zeit waren mit von mir=  
 zum Hergen und Briten können werden mit  
 und notwendig zu: „Gut, lag ich mir“ und  
 überließ. Ich habe im mündlichen Wort  
 gesagt, daß es „sein auf das Königliche Muffe“  
 nach und nicht werden zu wollen,  
 nach ich damit meine. Das will ich dir,  
 von allen Briten sprachen mehr ungenügend  
 auf mich, der Löwe der vorantreten zwischen  
 und begriffen wie Offiz. Richter und auf  
 Off. diepunktul zum wiederholten Male:  
 „Pfuhl - somit, wie jeder seine Zeit!“

Ich will meine Offizieren nicht ungenü-  
 genst befehlen und geben Anweisungen unter  
 sich von, daß sie die Pfuhl - Pfuhl“ nicht  
 darauf bezogen, daß ich die Aufzeichnungen <sup>inbezug</sup> Pfuhl  
notwendig müßte. Das Pfuhl hat sich sicher  
 darauf bezogen, daß ich so sehr so die ganz  
 zu sehr selbstständig bezeichnen müßte.

52

Anders sieht aber, wenn ich mich hinne  
 besetzt zum fesseln nicht, haben die  
 beiden Offiziere in meinem S.P.W. das ge-  
 mein gemeint, daß ich den Gefangenen zu-  
 fesseln werde und da sie nicht dagegen  
 sagten, mußte ich annehmen, daß ich richtig  
 handle. Beim Uffst. Feigen, als mich G.H. die  
 fesseln sah, rief er aus. Ich sah beide mit  
 dem Rücken gewandt. Obwohl sie  
 für sie mich mit dem Gefangenen zum  
 S.P.W. kamen und die M.P. anlangend und  
 respektvoll. Aber das bedeutet, waren sie für  
 einen 44-Offizier klar gewesen, selbst  
 wenn die Wachen nicht gleichmäßig gefesselt  
 zu sein "by the way".

Ich bin ziemlich groß und kam in S.P.W.

von vorne wenn ich dort war, und  
 als ich die M.P. anlangte, sah ich Feigen mit  
 der zugewandten Hand auf den Boden  
 sitzen die ich für ihn zurückgelassen hatte.  
 Als ich die M.P. anlangte rief er mich und im-  
 geduldig an und blickte dann in sein  
 Handbuch, so daß ich kein Zweifel daß seine  
 Befehle als mich Feigen rückwärts, nach  
 ich ihm wurde, daß warum sie beide min-  
 timentieren.

18.

Ich führte weiterhin in die M.P.; wo  
 ferner <sup>die Deckung</sup> ferner dem Zinn in einem Re-  
 mordan ("Lage ist im") zum Kopfmanne,  
 ferner dem Kopf des Wald beginnt. Das  
 dem Waldman, als das Gefüge zu 3  
 Seiten war mit ging, lagte ich vor und zählte  
 mit dem Kopf. In ferner in einem Kopf  
 ein Leben von zu 10 bis 15 Tausend, wo  
 von die Amvirkens ferner hat zu ferner  
 sind. Ich führte mich die Länge nach dem  
 im mich davon zu über zu ferner, ob das  
 Gefüge sind wirklich hat mi. so war die  
 weit hat, so im einig ab das in einem Kopf  
 und Blut fließ in einem. Außerdem ferner  
 alle meine Tische getroffen. Als ich mich der  
 Amvirkens Kopf ging <sup>der Amvirkens</sup> von mehreren Gef-  
 üge war ich zusammen ferner. Ich gab zu,  
 daß ich im Gefügemalere zu ferner ferner  
 Kind wohnt ferner, falls mich die ferner  
 ferner befand ich mich viele wieder befragen,  
 daß der Amvirkens mich das ferner woffen  
 vorhanden sei. Ich gab mich zu, daß der Amvi-  
 kens ferner ferner ferner ferner ferner  
 Kind ferner dem von der Länge die Kopf zu  
 wanne, und ferner mich dem Tische

19

sonstige Pflichten gegenüber "jetzt jedoch  
wenigstens ein Ufo".

Ich habe mich nach der Festsetzung zu  
meinem S.P.W. gewandt. Das Anwesen war  
ungefähr 10 m von meinem S.P.W. entfernt  
zu werden.

Als ich gewandt kam, fragte mich dieser  
Herr, was in dem Jung sei. Ich sagte ihm,  
was ich davon für eine Sache sei, und  
sollte das auch dem Jung zeigen. Aber  
die Festsetzung sagte es nicht. Zu dieser  
Zeit war Bismarck'scher Geistblöden und  
Bismarck'scher anderer Schritte werden abgelehnt  
über den Namen.

Ich konnte dem Jung nicht zeigen,  
da die Bismarck'sche Sache, davon für  
beide mit diesem Herr werden in dem  
S.P.W. zu kommen und wie oben dem  
Jung mit dem Bismarck'schen dem Herrn.

Ich bedauere, daß ich dem Bismarck'schen  
Hoffen habe.

Diese Festsetzungen habe ich  
mit einem kleinen Bismarck'schen  
festgehalten. Diese Bismarck'schen  
55 festgehalten. Diese Bismarck'schen

20

beginnt, und dieses bedeutet 1 Punkt,  
 2 Ujn - S.P.W., 3 <sup>PP</sup> ~~PP~~ unter S.P.W. 4 Jung  
 5 S.P.W. 6 Leib 7 foppsingstellung.

Diese Urspuren geben sich freiwillig  
 und unbeeinträchtigt von Verhörungen,  
 Zwang oder Anspornungen zuweilen  
 und eigenständig wiederzufinden.

Ich glaube an Gott und bin mir  
 der Bedeutung eines fides bewußt.

Ich glaube, daß diese Urspuren die volle  
 und reine Absicht sind nicht all  
 die Absicht erfüllt.

Ich würde diese Urspuren jenseits  
 und vor jedem Gericht wieder geben

Witness:  
 Raphael Thumacher  
 Capt. CIAF

Paul Triggant  
 44-Bocha.

11. Februar 1946

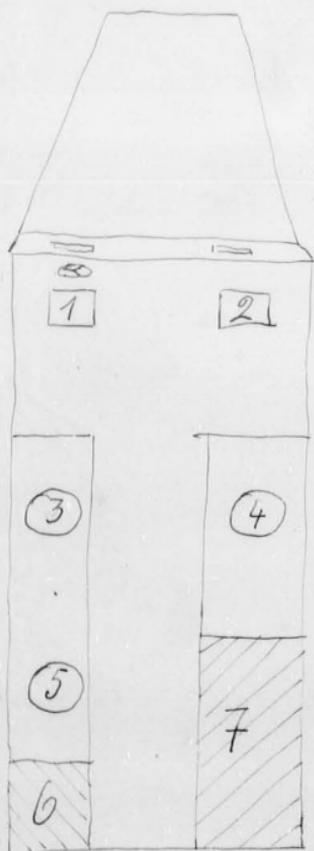
Sworn to and subscribed before me  
 at Schwabisch Hall Germany this  
 11<sup>th</sup> day of February 1946.

William R. Dal  
 141 Lt. Hi. 0-555149

Investigator-Examiner  
 War Area Branch Hotel

I

S. P. W. des Gff. Einheitszel von  
18. August 1944 zur Zeit als in den  
unseren Prinzipien Gefangenen an wofür.



- 1.) Mein Gefangensitz
- 2.) Wff. Waffenschein  
(Leinwand und Janker)
- 3.) Gff. Einheitszel
- 4.) Wff. Pigeon
- 5.) Wff. Jankerzeuger
- 6.) Janker
- 7.) Jankerzeuger

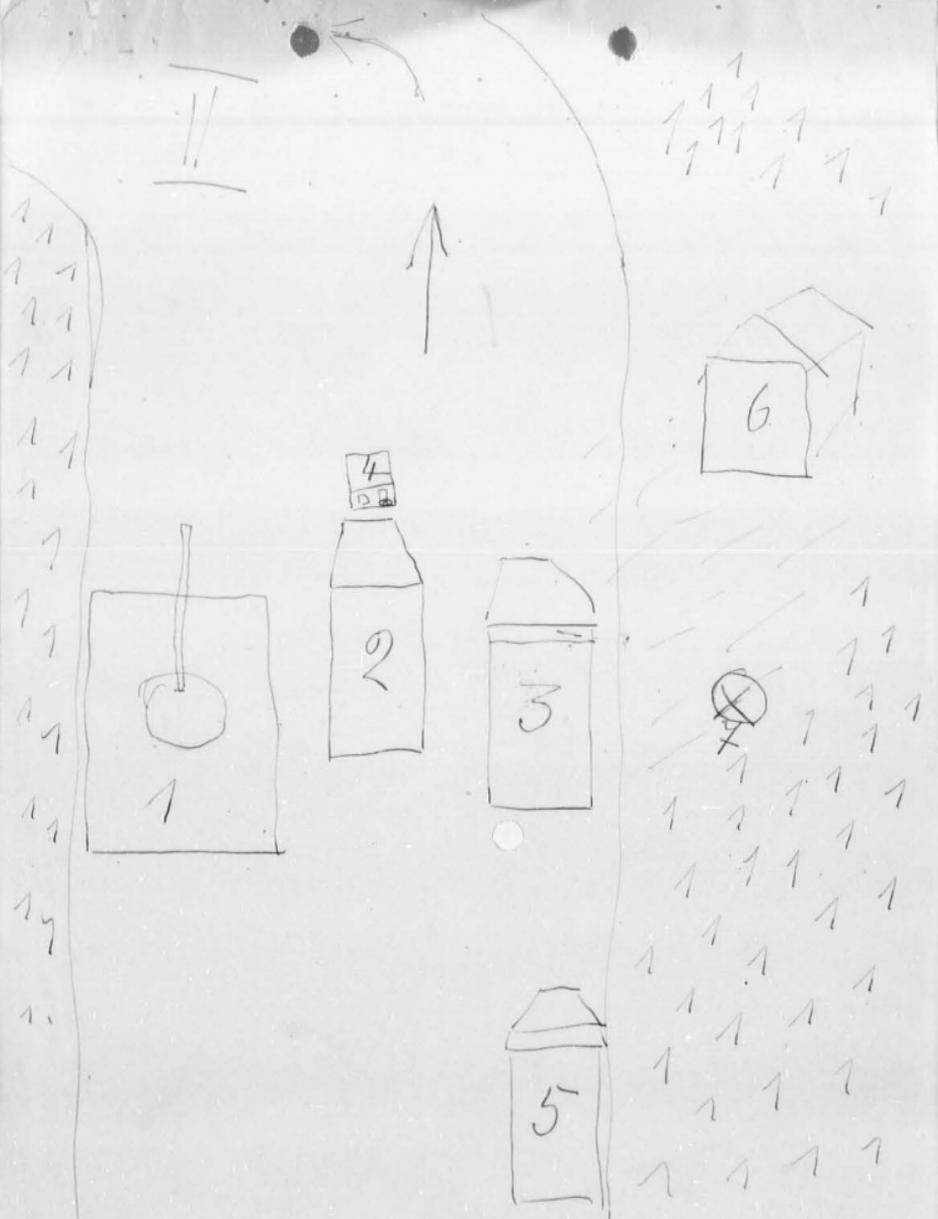
Paul Krigart  
H-Moche.

11. Februar 1946

Swan to and subscribed  
before me this 11<sup>th</sup> day of February  
1946 at Schnebisoh Wald,  
Germany.

William R. Paul  
1816 Mi 0565 149

Investigator - E. K. K. K. K.  
Wald am 11. Februar 1946



5 I went to and subscribed before me  
 this 11<sup>th</sup> day of February 1946 at  
 Schwabener Hall Germany.

Paul Zwigart  
 11-Neopha.

11. February 1946

William R. Seal  
 1st Lt. M1 0555148  
 Investigator - Examiner  
 Van Arden Branch Office

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### TRANSLATOR'S AFFIDAVIT

I, PAUL REITER 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

Paul ZWIGART

taken on 11 February 1946 at Schwäbisch Hall, Germany,

before WILLIAM R. PERL, 1st Lt., M.I.

consisting of 20 pages, into English.  
and 2 sketches

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 ENGLISH for 4 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 6th of February 1946, I served as interpreter with the War Crimes Branch in WÜRZBURG, Germany.

*Paul Reiter*

Sworn and subscribed to before me this 26<sup>th</sup> day of March 1946  
at Schwäbisch Hall, Germany.

*Daphne D. Schneider*  
War Crimes Branch, USFET  
*Capt CMP*

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I entered the SS in November 1939 voluntarily and received my SS schooling in the concentration camp DACHAU. From DACHAU I was ordered for about 10 days to the concentration camp BUCHENWALD. In BUCHENWALD the prisoners had to build barracks and a garage. From the concentration camp BUCHENWALD I again returned to the concentration camp DACHAU. I have not killed or mistreated prisoners either in BUCHENWALD or DACHAU. I was at that time under the command of the TOTENKOPFVERBÄNDE, 2nd TOTENKOPF Regiment, 16th Company.

From the concentration camp DACHAU I was transferred in the middle of March 1940 to the L.S.S.A.H. to which I belong up to this time. Since June 1941, I belonged without interruption to the same battalion. This battalion is now called the 3rd. Since approximately the beginning of 1943, it was called the 3rd battalion. This battalion commanded by Hauptsturmfuehrer Josef DIEFENTHAL was a part of the 2nd Panzer Grenadier Regt. L.S.S.A.H.

I will truthfully write down what I know about the shooting of civilians or prisoners of war. In RUSSIA generally, we did not take any prisoners at all. Most of the prisoners had been surrounded at the beginning of the war against RUSSIA. When the fighting became heavier and the German advance slowed down, prisoners of war were only taken in special instances.

On various occasions we burned down whole villages with our blow-torches. Especially I remember two cases; one in the spring of 1943 when we expressly received the order near KHARKOV to set a village afire and "bump off" all inhabitants "including women and children". When I say "we" I mean the third battalion which at that time was led by Hauptsturmfuehrer PEIFER. As far as I know he originated the order personally. Our battalion was, at that time, cut off from the main unit, and operated on its own, sometimes here and sometimes there. I myself did not see Hauptsturmfuehrer PEIFER, who was with us at that time, shooting at civilians. However, it was generally known in the unit that he actively participated in this action.

I saw in this village which was of medium size (approximately 600-800 inhabitants) how our battalion set the houses afire with the blowtorch. I was tank driver and on that occasion I did not leave my tank. I stood with my SPW at the entrance of the village and watched the infantrymen of our battalion running around with blowtorches and saw at least one who set a house afire. The Infantrymen of our battalion ran around in between the burning houses with machine guns and rifles shooting into the houses.

Another case which I recall exactly during which an entire village was 'wiped out', took place in the summer of 1943 during the feint attack on KURSK in the BELGOROD sector. At that time the Infantrymen of our battalion received the order "Blowtorches ready!". I, myself, heard when the commander of the 9th company Hauptsturmfuehrer GUEHL issued this order, and know that the same order was given to all companies of the battalion. I don't know any more whether on this occasion it was emphasized whether women and children as well had to be "bumped off"; however, in accordance with previous practice, it was apparent what was meant. I saw clearly in this case when women with children among them, came running out of the burning houses and how they were mowed down by our men. The names of those who were shooting I don't know any longer, but the whole battalion participated. I, myself, however, did not shoot but sat at the controls of my tank, watching.

On no occasion did I notice any resistance on the part of the population, nor did I see any resistance from anybody, and also never did I see from any house in which we fired, that the fire was returned.

This village was a bit larger than the one described before. While wiping out the first village, it was announced that an inhabitant of the village had shot into a truck with several German wounded. In the second described case, no reasons were given.

After wiping out of the second village described here, our battalion was "rewarded" with the name "Blowtorch Battalion", and from thereon our tactical symbol was the Blowtorch and remains so up to to-day.

In NORMANDY I have only once heard the order not to take prisoners. On 7 August 1944, I was the driver of Obersturmfuehrer Hans SCHMIDT. If I am not greatly mistaken, that morning Hauptsturmfuehrer DIEFENTHAL's ear-drum was punctured and Obersturmfuehrer SCHMIDT took his place. At that time - it was close to THILLI, near CAEN - when I passed food to Obersturmfuehrer SCHMIDT, he told me "Presumably we face nigger troops - if this is true, naturally no prisoners of war will be taken. We will "give it" to those half-monkeys!". It is possible that instead of "half-monkeys" he used another similar word, but that is what was meant. In the EIFEL offensive I only know of one single shooting and I admit to have shot an American prisoner of war on the 18th December 1944 close to 4 o'clock in the afternoon. However, although I did not have an order to shoot this prisoner, I was not, and am not aware of any wrong-doing. I acted with the understanding of Hauptsturmfuehrer DIEFENTHAL, and Obersturmbannfuehrer HEILER, in whose presence I made the preparation for the shooting, and therefore shot the prisoner with their knowledge.

We traveled on the road between two villages the names of which I don't recall any more. The village we came from was the one in which we had just previously sustained a heavy air attack. The village in the direction in which we drove was the one in which the bridge was blown up and to which we had to return later using the same road.

I was the driver of DIEFENTHAL's SPW. As well as myself, on this SPW rode Hauptsturmfuehrer DIEFENTHAL and the Commander Obersturmbannfuehrer HEILER. Also traveled on this SPW Unterscharfuehrer Paul FACKELMEYER as well as Rottenfuehrer Hans ASSENWACHER. The SPW was like all SPW's - open and the heads of the occupants extended above the sides, in such a way that even if one is sitting, one can see out. In case of firing, one must 'duck' in order to be covered.

I, myself, have prepared a sketch which gives the exact position of everyone in the SPW, and I attach this sketch to my statement. On this is meant:

- No.1. My driver's seat
- No.2. Rottenfuehrer ASSENWACHER (Asst driver and radio operator)
- No.3. Hauptsturmfuehrer DIEFENTHAL -sitting on the bench.
- No.4. Obersturmfuehrer HEILER -sitting on the other bench.
- No.5. Unterscharfuehrer FACKELMEYER.
- No.6. Baggage
- No.7. Radio Equipment.

As far as I remember, close to 4 o'clock in the afternoon, about 1 kilometer from the village in which we had the heavy air attack, I saw a Panther (T5) standing on the left side of the road.

000211

20 METERS

30 METERS

Possibly ~~20 meters~~, or it may have been ~~30 meters~~, possibly even a greater distance behind this Panther (F5), on the right-hand side of the road stood some SFW's from our battalion. I drove past the SFW's and stopped about astride the Panther, on the right side of the road as I was ordered to do by Hauptsturmfuehrer DIEFENTHAL who was sitting behind me. DIEFENTHAL shouted to the commander of the Panther asking what had happened and told him to proceed. I do not recall the answer of the Panther Commander any more, but I know, however, that afterwards Hauptsturmfuehrer DIEFENTHAL took the map into his hand and Hauptsturmfuehrer DIEFENTHAL as well as Obersturmfuehrer HEIBER looked at this map.

While they were doing so, the Adjutant's SFW approached from the rear and came to a halt in between us, approximately half a length ahead of us. Approximately at the same time, I believe it was just as the Adjutant's Panzer had arrived, an American Jeep whose driver apparently did not know that we were there, came driving towards us at a great speed. One of the vehicles beside us opened fire with the machine gun; it was either the Adjutant's tank or the Panther. I don't know any longer which of the two vehicles started to shoot; however, ours did not shoot.

The driver of the jeep was apparently hit and drove into the front of the Adjutant's tank. After that the occupants of all vehicles watched with curiosity.

Someone, I believe it was Unterscharfuehrer RINEK from the Adjutant's tank, possibly also one or two others - none of them from our tank, dismounted and stood around the jeep without anything happening. Thereupon Hauptsturmfuehrer DIEFENTHAL gave me the order, "ZWIGART, remove the Jeep - we don't have any time". While still in the SFW I noticed two Americans in the Jeep who appeared to be either wounded or dead. I went to the Jeep where Unterscharfuehrer RINEK - I remember with certainty that it was him - called my attention to the fact that one of the Americans still lived and just pretended to be dead. I believe that this was the driver of the jeep but I was by no means sure. However, one was dead and one pretended to be dead. I shouted to the living one that he should get up, getting hold of him at the same time in order to show him what I wanted. After this the American dismounted from the jeep and as far as I could see he was not wounded.

I have to say now that at that time I was very mad at the Americans for obvious reasons, because just before, we sustained a heavy air attack.

For that reason, and because I knew that my superior Hauptsturmfuehrer DIEFENTHAL, and Commander Obersturmbannfuehrer HEIBER, who was also present, at least wouldn't mind if I shot the prisoner, I decided to shoot him.

I was asked at the interrogation how I knew that DIEFENTHAL and HEIBER would agree, and I said at this oral interrogation that I 'knew' them. I have been long enough in the Waffen SS to know that even if no specific order is issued to shoot a certain prisoner of war, the officers at least don't mind it. Also I knew Obersturmbannfuehrer as a radical SS man. It was known in the regiment that he, before he came to us, was HIMMLER's Adjutant and HIMMLER's right-hand man, also, a lengthy explanation as to whether I was doing right by presuming the agreement of these two high ranking officers is therefore unnecessary because the circumstances themselves make this agreement apparent.

000212

From the beginning to the end, Hauptsturmfuehrer DIEFENTHAL as well as Obersturmbannfuehrer HEIPER watched, and I know that I as a Rottefuehrer would certainly not have dared to do anything under their eyes which I assumed would not be permitted by them.

I indicated with my hand to the American that he should go to my SPW. I walked half a step behind him. Since the moment we discovered that he was alive, he held his hands over his head until the moment he died.

That he was an American I recognized by his American uniform. He was wearing American O.D. trousers, American combat boots, and on his sleeves he had, as far as I can remember, one or two stripes just like an American

Private First Class or Corporal wears. As far as I can remember, while dismounting he did not have his steel helmet on any longer. Also, his weapon must have remained in the vehicle because I am sure that I did not see a weapon on him.

I stepped with the prisoner to my SPW and as far as I can remember at the side where DIEFENTHAL and FACKELMEYER sat, I said to FACKELMEYER "Hand me the M.Pi - I shoot this man". Thereafter FACKELMEYER passed the M.Pi. At that time comrades in some of the vehicles and some standing at the sides, shouted loudly and encouragingly "Go ahead - bump him off", also similar things.

I said during my oral interrogation that it was just like the "LEIPZIG FAIR", and I was asked to explain what I meant by that. This I will do. From all sides I was watched with curiosity; the noise of the encouraging shouting, and in between Obersturmbannfuehrer HEIPER hollering to Hauptsturmfuehrer DIEFENTHAL repeatedly "Quick - let's go - we don't have any time."

I don't want to implicate my officers unjustly and therefore state under oath that this "Quick, Quick" did not refer to the fact that the prisoner had to be shot absolutely quickly. The "Quick" much rather referred to the fact that I would have to clear the thing up myself one way or the other. On the other hand, even if I did not receive an order to shoot, the two officers in my SPW knew exactly that I was going to shoot the prisoners as they did not say anything against it, and I had to assume that I acted correctly. Obersturmbannfuehrer HEIPER and Hauptsturmfuehrer DIEFENTHAL watched everything and I saw both of them looking out of the vehicle. Furthermore they saw me come with the prisoner to the SPW asking for the M.Pi and receiving it. What that means would have been clear to an SS officer, even if the crowd had not shouted at the same time "Bump him off".

I am rather tall and I can look into the SPW while standing outside; when I asked for the M.Pi I saw HEIPER on the opposite bench, sitting on the blankets which I had spread out for him. When I asked for the M.Pi he glanced at me quickly and impatiently and then looked at his map. There exists no doubt that DIEFENTHAL as well as HEIPER knew what I was going to do, but both were disinterested about it. After I received the machine pistol, I led the prisoner to the edge of the road immediately behind which the woods commenced; during this time, my comrades called "Bump him off". Before the edge of the woods, when the prisoner had walked about 3 steps in front of me, I drew my gun and aimed at his head and I fired a burst of about 10-15 shots into his head, whereupon the American immediately fell dead.

I took another short look at the body, to assure myself that the prisoner was really dead. He was already dead. He had a huge hole in his head and the blood flowed in streams. Apparently all my shots were hits.

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As I shot at the American, the American went at a regular walking pace as I had told him to do. I admit that in the prison camp at ZUFFENHAUSEN I had requested RINEK, that in case anybody should find out about the killing, he should claim that the American was shot while trying to escape. I also admit that the American did not make any attempt to escape.

RINEK then removed the watch from the body and immediately after the shooting, he joyously shouted "Now I have at least a watch".

Immediately after the killing, I returned to my SPW. The American had been shot about 10 meters from my SPW.

As I returned, DIEFENTHAL asked me what was inside the Jeep. I replied "Mines" and thereupon he hollered at me that I should once and for all get the jeep out of the way. He did not say anything about the shooting. At this time there was no battle noise and no other shots were fired except mine.

I couldn't get the jeep out of the way because of broken wheels, whereupon DIEFENTHAL ordered me to come back to the SPW and we pushed the jeep out of the way without Panzers.

I regret that I shot the prisoner.

The scene of the shooting I have also shown on the sketch which I have prepared. This sketch I have numbered II. On that No. 1 means Panther, No.2 Adjutant's SPW, 3 our SPW, 4. Jeep, 5. SPW, 6. House, 7. place of shooting.

I have made this statement voluntarily, uninfluenced by threats, force, or promises and have written it down with my own hand.

I believe in God and I am aware of the importance of an Oath.

I swear that this statement is the whole and pure truth, and contains nothing but the truth.

I will repeat this statement at any time before any court.

(signed) Raul ZWIGART  
SS, Uscha.  
11 February 1946.

Witness:  
(signed) RAPHAEL SHUMACKER  
Capt CMP

Sworn to and subscribed before me this 11th day of February 1946, at SCHWABISCH HALL, Germany.

WILLIAM R PERL  
1st Lt. M.I. O-555149  
Investigator- Examiner, War Crimes Branch, USFET.

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TRANSLATION OF LEGENDON SKETCH OF

Paul ZWIGART

Dated 11 February 1946

\*\*\*\*\*

SPW of Hstf. DIEFENTHAL on 18 December 1944 at the time  
when I shot the American prisoner of war.

1. My driver's seat.
  2. Rttf. ASSENMACHER (Asst. Driver & Radio Operator)
  3. Hstf. DIEFENTHAL
  4. Obstbf. PEIPER
  5. Uscha. FACKELMEIER
  6. Baggage
  7. Radio Equipment
- 65

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EXTRACT OF LEGEND FROM STATEMENT OF

Paul ZWIGART

Dated 11 February 1946

\*\*\*\*\*

The scene of the shooting I have also shown on the sketch which I have prepared. This sketch I have numbered II.

- No. 1 - Panther
- No. 2 - Adjutant's SPW
- No. 3 - Our SPW
- No. 4 - Jeep
- No. 5 - SPW
- No. 6 - House
- No. 7 - Place of shooting.

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EX 97B

I, PAUL ZWIGART, being first duly sworn, make the following statement under oath: Ich Paul Zwigart, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMBANNFÜHRER PEIPER mentioned by me in my affidavit, dated 11 FEB. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmbannführer Peiper von mir in meiner eidesstattlichen Aussage genannt, datiert 11. Februar 1946.

Paul Zwigart  
First Name (Vorname) Last Name (Zuname)

St-Unterscharführer  
Rank (Dienstgrad)

3rd Bn. 2nd SS Div. Gren. Regt. 4 SS AH.  
Organization during Elfer Offensive  
Einheit während des Elfer-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

67

Dagobert Thumacher  
Officer administering oath

Capt C.M.P.  
Rank Arm or Service

EX 97B  
J. E. B. S.  
SUPERVISOR

000217



I, PAUL ZWIGART, being first duly sworn, make the following statement under oath:  
Ich Paul Zwigart, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same HAUPTSTURMFÜHRER JOSEF DIEFENTHAL mentioned by me in my affidavit, dated 11 FEB. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführer Josef Diefenthal von mir in meiner eidesstattlichen Aussage genannt, datiert 11. Februar 1946.

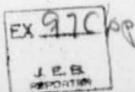
Paul Zwigart  
First Name (Vorname) Last Name (Zuname)

SS-Unterscharführer  
Rank (Dienstgrad)

3rd Bn. 2nd SS Div. Gren. Regt. G. S.A.M.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
3rd day of April, 1946.

Raphael Schmacker  
Officer administering oath  
Capt. C. I. P.  
Rank Arm or Service





e)

an der folgenden Personen  
 Ailwafum: 55 Oberleutnant  
 Führer Georgine Kaiser, 55 Ober-  
 Leutnantführer v. Aufenwagner,  
 die der pers. Rang Abtlg 507  
 (höchstens), 55 Leutnantführer  
 Mann Köpfe, Major Köpfe,  
 von ihm und zugekauft  
 55 Leutnantführer Gluck Abtlg, der  
 aber ruffatal ruffine, sowie  
 der 55 Leutnantführer Gant <sup>19</sup> Köpfe  
 der Adjutant der 1. 55 pers. Btlg.  
 → Dieser Leutnantführer ging in den  
 Morgenstunden des selben Tages  
 eine Expedition voraus, an dem  
 der 55 Leutnantführer Gant,  
 eine Offizier unter dem Kom-  
 mand der 55 Oberleutnant.  
 Führer Köpfe, sowie die  
 oben genannten Ailwafum.  
 Führer.

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3)

zusammen bei dieser Befragung  
 in den Kaufmännischen Schulen,  
 oder noch ein unregelmäßiger  
 Aufsicht, und einem Befehl  
 des 1. SS Kurzer Regimental, der  
 nach von mir wofür mich  
 dazu gelangen würde aufzu-  
 ich, daß auf Grund des  
 Reg. Befehls des 1. SS Kurzer Regimental  
 der der pol. Bezirkskommandierung  
 zuvor zu bringen ist und  
 daß unsere Truppen nicht  
 der Punkt und der Zeitpunkt  
 vorant zu gehen. Ich weiß  
 mich genau zu erinnern, daß  
 ich in diesem Befehl steht,  
 "Unsere Truppen hat nicht  
 der Punkt und der Zeitpunkt  
 vorant zu gehen." Ich weiß jedoch  
 nicht mehr, mit welcher  
 Person, der Auftrag von  
 der Kommandierung

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Der Niederschlag der Gemeinde  
St. Georgen zu befragen sollte  
sein, <sup>ist</sup> ~~ist~~, dass der die Tiere  
war.

2.) Zu den weiteren der Strauß-  
folgenden Tagel also am 15.  
Oktober 1944 habe ich dann  
eine Konzeptionsprüfung  
auf meinem eigenen Grundstück.  
Pfund gehalten. Im Hinblick,  
da der ich diese Konzeptionsab-  
fall, ist mir nicht mehr so  
involunt. Mein Grundstück, <sup>ist</sup>  
der Grundstück Pfund der III (Gg) Ggll.  
2. Karger Grundstück Nummer 4554H  
befand sich zu dieser Zeit in  
einem Gärtenstückchen. Die  
der Mineralwasser zwick 2 km  
weit. Halbtages. Am  
dieser.

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Skapar tillgång rasman utpa  
 min Aril: för år 9. tj år 55  
 Kusvårstämningens Marg Laska,  
 för år 10. tj år skumliga  
 55 Abvörstämningens Georg Krupp,  
 för år 11. tj. år 55 Abvörstämningens  
 Georg Goussard, för år 12. tj.  
 år skumliga 55 Geijeroffars  
 Georgim Hjälta, för år 13. tj.  
 Adjutant Karl-Georg Jaska  
 för år 14. O. år 15. 55  
 Kusvårstämningens Jakobson.  
 Jag glänsa mig tillräckligt  
 för 55 Kusvårstämningens Kinsk-  
 man för Skapar tillgång  
 ansvaret var. Jag är mig  
 för Skapar tillgång  
 Kusvårstämningens Goussard år  
 16. tj, för år minn Offizier  
 tillräckligt för allmänheten  
 Skapar tillgång

Wundfallungst meine Frau Geffell  
 weiter, weil sie in Folge  
 von ganzem Tag nicht ruhen  
 lassen. Sie sagte zu mir, daß  
 mir Rückfrage auf die mit  
 Pfandbriefe beizubringen ist. Gew.  
 Kaufmann Ginzburg rückfrage-  
 hat gekündigt werden muß,  
 und daß diesem Ginzburg eine  
 X Malle der Kaufmann und der  
 Gewerkschaften meine  
 und daß der Kaufmann  
 der Ginzburg die Gewerkschaft  
 kaufen ist. Sie sah eine  
 in diesem neuen Teil meine  
 Ausgabe nicht über kommt.  
 Ginzburg sagte, daß meine  
 74 in meine neue Gewerkschaft  
 in Folge Ginzburg kommen  
 ist.

in der Kriegergefangenen in  
 der Gefangenschaft mit dem Befehl  
 des Kommandanten befehligt über die  
 Mulla von Tjarkum und Tamm,  
 die sind von Gefangenen voll  
 Ich bin mir jedoch völlig sicher,  
 nicht gefagt zu haben, daß  
 keine Gefangenen gemacht  
 werden dürfen, oder daß Gefangene,  
 die gemacht werden, zu waffnen  
 sind. Vermutlich habe ich die  
 allgemeine freundliche sind  
 die in gelinder Sackpfeife die  
 nicht nur dem Kommando. Ich  
 habe eine Skizze der Gestalt.  
 sind ganz einfach sind  
 die in einem Aufzuge bei Auf  
 dieser Skizze, die ich mit  
 „A“ bezeichnet habe.

8.)

bezeichnet:

1 der Eingang, 2 eine Bank,  
3 ein Tisch, 4 ein Stuhl, 5 ein Tisch  
6 ein Ofen, 7 eine Bank, 8 eine  
 Kiste mit Dummischlüsselkasten, 9 ein  
 Tisch. Die Tische rechteckig  
 wie folgt:

10 ein Tisch, 11 Tisch von Ofen <sup>40</sup> Tisch,  
12 Tisch von Ofen <sup>67</sup> Tisch, 13 Tisch  
 von Ofen <sup>67</sup> Tisch, 14 Tisch von Ofen  
 Tisch, 15 Tisch von Tisch <sup>67</sup> Tisch,  
16 Tisch von Tisch <sup>67</sup> Tisch.

3.) Am 18. Dezember 1944 gegen 14<sup>00</sup> Uhr  
 wurden wir in und vor Cheneux von  
 Jakob Kuhn angegriffen. Am gleichen  
 Tage für die in unserem S.P.W. von Cheneux  
 Richtung Werbement. Auf unserem S.P.W.  
 besuchten wir außer mir: Der Führer,  
 11 W. G. G., Samuel Rossenführer, 11  
 70 Zwiggart <sup>24</sup>, Der Führer, Rossen  
 Führer Appenzauer sind  
 der

der Güter, Kollaudition  
 facklung. <sup>gegen 4500 Ufr</sup> uf nur im <sup>Bezug</sup> auf  
 die Karte zu Verdienen, all in  
 glöckig von mir, der in  
 wessum Kolonne fapanden  
 fapzunge Maffimungenspapier  
 firden. uf lagen meine Karte  
 mag und befahl dem fapen  
 Paul <sup>Vijzeigart (Sch. Neb. III. Coll. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.)</sup> ~~fapen~~ zu fallen

uf sah einen Jung in Quell  
 Jung und ausgaben kommen.  
 im <sup>2. 3.</sup> Wäpfer er und ausgaben.  
 kam, wurde von mir am Ende  
 wessum fapzunge auf den Jung  
 gefallen. der Jung fap den  
 mit mir hief gagen mir  
 77 fallen, der auf der linken  
 Seite, in mirer fapzunge  
 gefallen, die Karte bezeugen.

Zu dem Jung wurde zuerst  
 Ammirantenpfe Koloban oder  
 Offiziere, die sich dort gehalten  
 sind in Wirklichkeit haben.

Jedoch nach ich mich für die  
 Dinge nach zu wissen, wie-  
 der ich nach, dass sie sich dort  
 gehalten, in Wirklichkeit aber  
 noch haben. Ich gab an dieser

Walla mirum Japan weil  
 v. Zwickau<sup>24</sup>  
~~Zwickau~~ den Befehl, den Jung  
 bis zu zu schaffen, den  
 der Jung nachher die Karte  
 Ich gab ich Wissen Befehl  
 der Befehl, und so wie  
 78 den Befehlungen nach voll  
 Ich gab der Jung, und wie  
 den Ammiranten Joffen  
 voll



12.)

4 mein S.P.W., 5 Adjutanten S.P.W.

6 die Kräfte nur auf der linken  
Seite sehr geringe Anzahl,  
7 ein Gef. d.

Man sieht alle nur zu  
wenig & kann zu einer Brücke,  
die jedoch, wie wir bald fest-  
stellen können war, Wir muß-  
ten daher, da wir nicht weiter  
kommen auf der selben Kräfte  
mehr zuwickeln.

4.) All in der 55 Oberkommando  
Groß Kommando für den Aufbruch  
der Ritterskrieger zu versetzen  
und als eine der Gründe hierfür  
angibt, daß er im Falle von  
Erfolg einen amerikanischen  
Gegner eigenhändig aufzu-  
suchen, falls er nicht gewinne, daß  
der amerikanische Gegner  
benutzt



Gutwagen fallen. <sup>43</sup> <sup>44</sup> <sup>45</sup> <sup>46</sup> <sup>47</sup> <sup>48</sup> <sup>49</sup> <sup>50</sup> <sup>51</sup> <sup>52</sup> <sup>53</sup> <sup>54</sup> <sup>55</sup> <sup>56</sup> <sup>57</sup> <sup>58</sup> <sup>59</sup> <sup>60</sup> <sup>61</sup> <sup>62</sup> <sup>63</sup> <sup>64</sup> <sup>65</sup> <sup>66</sup> <sup>67</sup> <sup>68</sup> <sup>69</sup> <sup>70</sup> <sup>71</sup> <sup>72</sup> <sup>73</sup> <sup>74</sup> <sup>75</sup> <sup>76</sup> <sup>77</sup> <sup>78</sup> <sup>79</sup> <sup>80</sup> <sup>81</sup> <sup>82</sup> <sup>83</sup> <sup>84</sup> <sup>85</sup> <sup>86</sup> <sup>87</sup> <sup>88</sup> <sup>89</sup> <sup>90</sup> <sup>91</sup> <sup>92</sup> <sup>93</sup> <sup>94</sup> <sup>95</sup> <sup>96</sup> <sup>97</sup> <sup>98</sup> <sup>99</sup> <sup>100</sup>

Gutwagen fallen. <sup>43</sup> <sup>44</sup> <sup>45</sup> <sup>46</sup> <sup>47</sup> <sup>48</sup> <sup>49</sup> <sup>50</sup> <sup>51</sup> <sup>52</sup> <sup>53</sup> <sup>54</sup> <sup>55</sup> <sup>56</sup> <sup>57</sup> <sup>58</sup> <sup>59</sup> <sup>60</sup> <sup>61</sup> <sup>62</sup> <sup>63</sup> <sup>64</sup> <sup>65</sup> <sup>66</sup> <sup>67</sup> <sup>68</sup> <sup>69</sup> <sup>70</sup> <sup>71</sup> <sup>72</sup> <sup>73</sup> <sup>74</sup> <sup>75</sup> <sup>76</sup> <sup>77</sup> <sup>78</sup> <sup>79</sup> <sup>80</sup> <sup>81</sup> <sup>82</sup> <sup>83</sup> <sup>84</sup> <sup>85</sup> <sup>86</sup> <sup>87</sup> <sup>88</sup> <sup>89</sup> <sup>90</sup> <sup>91</sup> <sup>92</sup> <sup>93</sup> <sup>94</sup> <sup>95</sup> <sup>96</sup> <sup>97</sup> <sup>98</sup> <sup>99</sup> <sup>100</sup>

Gutwagen fallen. <sup>43</sup> <sup>44</sup> <sup>45</sup> <sup>46</sup> <sup>47</sup> <sup>48</sup> <sup>49</sup> <sup>50</sup> <sup>51</sup> <sup>52</sup> <sup>53</sup> <sup>54</sup> <sup>55</sup> <sup>56</sup> <sup>57</sup> <sup>58</sup> <sup>59</sup> <sup>60</sup> <sup>61</sup> <sup>62</sup> <sup>63</sup> <sup>64</sup> <sup>65</sup> <sup>66</sup> <sup>67</sup> <sup>68</sup> <sup>69</sup> <sup>70</sup> <sup>71</sup> <sup>72</sup> <sup>73</sup> <sup>74</sup> <sup>75</sup> <sup>76</sup> <sup>77</sup> <sup>78</sup> <sup>79</sup> <sup>80</sup> <sup>81</sup> <sup>82</sup> <sup>83</sup> <sup>84</sup> <sup>85</sup> <sup>86</sup> <sup>87</sup> <sup>88</sup> <sup>89</sup> <sup>90</sup> <sup>91</sup> <sup>92</sup> <sup>93</sup> <sup>94</sup> <sup>95</sup> <sup>96</sup> <sup>97</sup> <sup>98</sup> <sup>99</sup> <sup>100</sup>

Gutwagen fallen. <sup>43</sup> <sup>44</sup> <sup>45</sup> <sup>46</sup> <sup>47</sup> <sup>48</sup> <sup>49</sup> <sup>50</sup> <sup>51</sup> <sup>52</sup> <sup>53</sup> <sup>54</sup> <sup>55</sup> <sup>56</sup> <sup>57</sup> <sup>58</sup> <sup>59</sup> <sup>60</sup> <sup>61</sup> <sup>62</sup> <sup>63</sup> <sup>64</sup> <sup>65</sup> <sup>66</sup> <sup>67</sup> <sup>68</sup> <sup>69</sup> <sup>70</sup> <sup>71</sup> <sup>72</sup> <sup>73</sup> <sup>74</sup> <sup>75</sup> <sup>76</sup> <sup>77</sup> <sup>78</sup> <sup>79</sup> <sup>80</sup> <sup>81</sup> <sup>82</sup> <sup>83</sup> <sup>84</sup> <sup>85</sup> <sup>86</sup> <sup>87</sup> <sup>88</sup> <sup>89</sup> <sup>90</sup> <sup>91</sup> <sup>92</sup> <sup>93</sup> <sup>94</sup> <sup>95</sup> <sup>96</sup> <sup>97</sup> <sup>98</sup> <sup>99</sup> <sup>100</sup>

sein von dem Gänger ange-  
 griffen wurde sei. Die fünf  
 Zeitsche von Hauptmann bewise  
 sind uns nicht mehr vorhanden.  
 Auf jeden Fall weiß  
 ich, daß er mir erzählte, daß  
 er dieselbe amerikanische Kleidung  
 sieht von einem Gänger haben,  
 den er im Kasernen eingesehen  
 hat. Ich weiß nicht, nachdem er  
 wurde er (Haupt) <sup>Wieder Gänger</sup> der der Gänger  
 ihn immer wieder angestrichelt  
 haben. Ich habe die Möglichkeit dieser  
 Angaben daß es auf Haupt nicht  
 bezweifelnd sind das falls, als  
 ich ihn zweifeln den Aussagen 1944  
 im Januar 44/45 zur Beweiskunde  
 der Risswunden vorzüglich, die  
 Juppierung dieser Gänger im Jahre  
 83 von Billingen als einen der Gründe  
 angegeben, aus denen die Taffel mit  
 der es auf Haupt vorzüglich war.

16.)

Ref. Jede Karte Auktions frei-  
willig und aus eigenem  
Willen, einbeinflusst von  
Zwang, Verführung oder Furcht  
und einbeinflusst von Her-  
ausforderungen abgelegt.

Ref. Zeugnis bei Gott, dass  
die Angaben in dieser Auk-  
tionsmappe wahr sind und ein  
bundes, diese vor jedem  
Zwangs unter Eid zu  
verpflichten.

27. III. 1946.

Josef Niedmayer  
55 Hübenbarnfingur

WITNESSED:

Dagmar Thumacher  
Capt. CMP

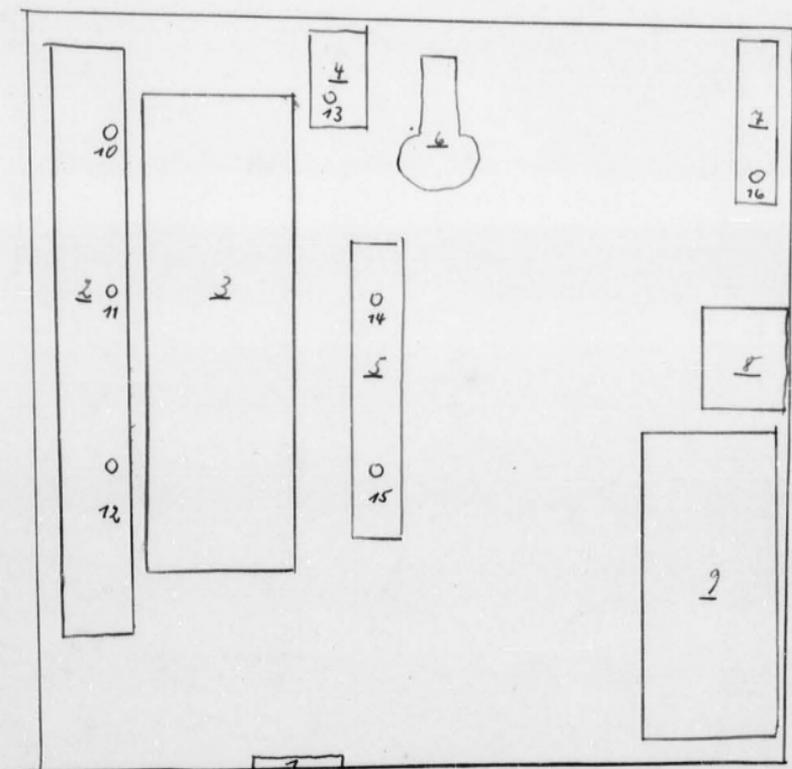
84

Sworn to and subscribed before me  
this Twenty-seventh March 1946 at  
Schwabach - Wald, Germany.

William R. Peel  
181st MI 0555149  
Investigative - Examiner, War Crimes Branch, Hq. Lt.

000234

Gefangenschaft III "A"  
15. XII. 1944.



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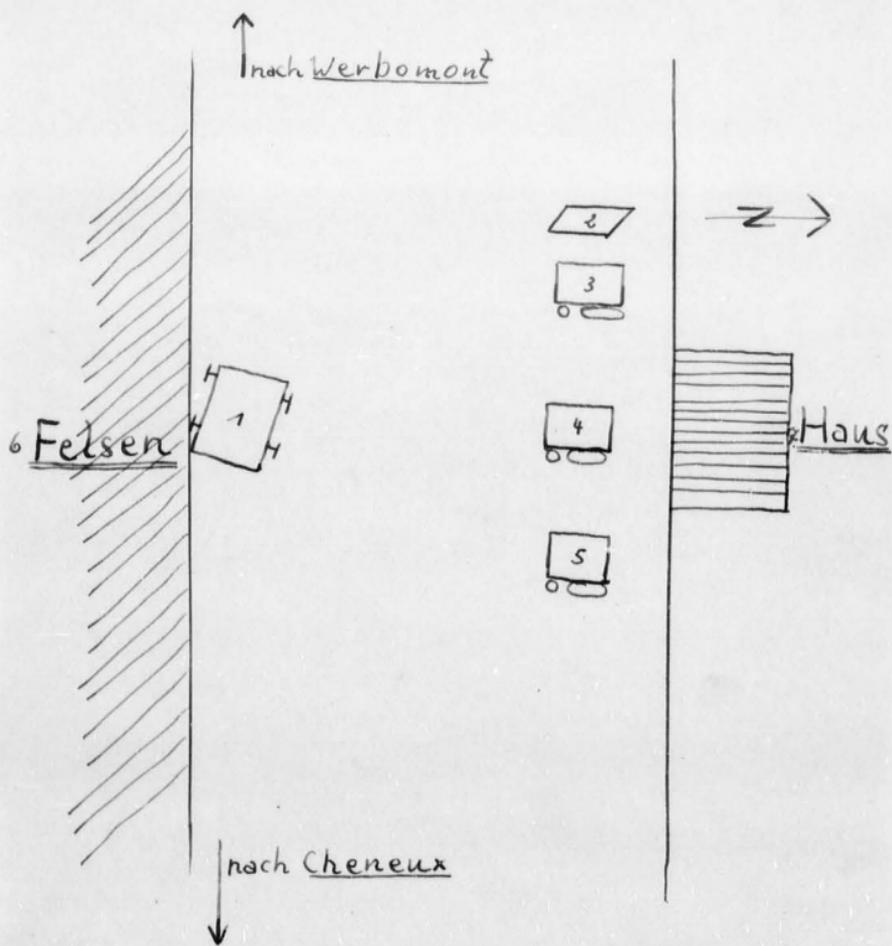
27. III. 1946

Gefangenschaft

000235

B

Skizze zur 3.) Karte  
Cheneux - Werbomont.



50

27. III. 1946

Vierfussgal

000237

### 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

Josef DIEFENTHAL

taken on 27 March 1946 at Schwäbisch Hall, Germany.

before WILLIAM R. PERL, 1st Lt., M. I.

consisting of 16 pages, into English.  
and 2 sketches

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.

Raymond J. Hummel  
War Crimes Branch, USFET  
Capt. CM



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000237

I, the SS Sturmabfuhrer Josef DIEFFENTAL, was at the time of the EIFEL offensive in December 1944, and January 1945 commander of the III Armored Battalion, 2nd Panzer Grenadier Regiment, L.S.S.A.H. My battalion was assigned to the Armored group under the command of Joachim FRIPER, then SS Obersturmbannfuhrer.

My rank at that time was SS Hauptsturmfuhrer.

1. On the 14th December 1944, between 1600 and 1700 hours, a meeting took place at the command post of the 1st SS Panzer Regiment L.S.S.A.H. in the BLANKENHEIMER woods, presided by Joachim FRIPER, then Obersturmbannfuhrer, in which the following persons participated: SS Obersturmbannfuhrer Joachim FRIPER, SS Obersturmbannfuhrer Von WESTERNHAGEN, Commander of the Heavy Tank Battalion 501 (KOENIGSTIGER), SS Sturmabfuhrer Werner FOEESCHEE, Major KOCH of one of the Air Corps Anti-Aircraft Battalions attached to us - though he arrived late as well as the SS Hauptsturmfuhrer Hans GRUEBE the Adjutant of the 1st SS Panzer Regiment and, myself. This meeting was preceded by a meeting in the morning hours of the same day at which participated - besides the ones mentioned above - SS Sturmabfuhrer HAFDICK, an officer under the command of SS Obersturmbannfuhrer SKORZENY.

Either at this meeting in the afternoon hours, or, which appears more likely to me, from an order of the 1st SS Panzer Regiment, read by me on the following day, I learned, that, based on the regimental order of the 1st SS Panzer Regiment, the enemy resistance was to be broken by terror and that a wave of panic and fright had to precede our troops. I can remember distinctly that it was quoted in this order: "A wave of panic and fright has to precede our troops". However, I do not know any longer in which words the order was given - to break the enemy resistance through terror - only that this was the sense.

2. In the course of the following day, therefore, on the 15th of December 1944, I held a company commanders' meeting at my own command post. The hour at which I held this meeting is no longer in my memory. My command post, the command post of the 3rd Armored Battalion, 2nd Panzer Grenadier Regiment, L.S.S.A.H. was at that time located in a small gardener's house south of the MINEL woods about 2 km north of STETTERSHEIM. Other than myself participated at this session: For the 9th Company the SS Untersturmfuhrer Max LEIKE, for the 10th Company Georg BREUSS then SS Obersturmfuhrer, SS Obersturmfuhrer Heinz TOMHART for the 11th Company, Joachim THIELE then SS Hauptscharfuhrer for the 12th Company, also my Adjutant Karl Heinz FLACKE, and the Communications Officer of the Battalion, SS Untersturmfuhrer HOFBAUER. I am also pretty certain, that SS Untersturmfuhrer KINDERMANN was present at this meeting. Before I went into the tactical details of the offensive ahead, I passed on to my officers the order in regard to the general conduct, which I myself received from the Panzer Regiment. I told them that on account of the decisive importance of the offensive ahead, it must be fought recklessly and that a wave of fright and terror must precede our troops and that the resistance of the enemy is to be broken by terror. In this first part of my address I also said something about prisoners of war; however, I do not know any longer exactly what I said. Anyhow I brought the prisoners of war in connection with the regimental order received about the wave of fright and terror which should precede us. However, I am absolutely certain not to have said that it was not permitted to take prisoners, or that the prisoners that would be taken had to be shot. Thereupon I gave the general enemy situation and the particular

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✓ tactical details of our advance. [I prepared a sketch of the small gardener's house and attach it to my statement. On this sketch which I mark "A" is meant:

- 1 The entrance. 2 a bench. 3 a table. 4 a chair. 5 a bench.
- 6 a stove. 7 a bench. 8 a box with switchboard. 9 a table.

Possibly we sat as follows:

- 10. my position. 11 position of Obersturmfuehrer PFEUSS, 12 position of Obersturmfuehrer TOMHARDT, 13 position of Untersturmfuehrer FLACKE, 14 position of Untersturmfuehrer IRICKE, 15 position of Hauptscharfuehrer THIELE, 16 position of Untersturmfuehrer HOFBAUER.]

3. On the 18th December 1944, about 1400 hours we were strongly attacked by Jabos (attack bombers, Trans.Note.) in and before CHENEUX. On the same day I drove in my SPW from CHENEUX in direction to WERBOMONT. Other than myself in my SPW were; the driver - SS Unterscharfuehrer Paul ZWIGART - then Rottenfuehrer; the radio-operator -Rottenfuehrer ASSENMACHER, and the radio-operator Rottenfuehrer FACHELMAYER. Around 1500 hours when I was about to study the map, I suddenly heard machine gun fire from one of the vehicles in our column. I put away my map and ordered the driver Paul ZWIGART, Headquarters, III Battalion, 2nd Panzer Grenadier Regiment, I.SS.A.H. to stop. I saw a Jeep come towards us at great speed. While it came towards us, another vehicle of ours shot at the Jeep. The Jeep then drove against a rock which bordered the road on the left side, as seen from my direction of travel, with a crash. In the Jeep were two American soldiers or officers who pretended to be dead, but in reality lived. However, I can no longer remember, how I knew that they pretended to be dead, yet in reality still lived. At this place I gave my driver Paul ZWIGART the order to get the Jeep out of the way, because the Jeep blocked the road. I gave him no order to the effect what he should do with the prisoners. I did not attach any importance to the question of what he should do with the Americans but was only interested that the road should be cleared and for this reason, I cannot remember any longer to-day what happened to the prisoners. I know that I was impatient and wanted to proceed as quickly as possible. It is probable that I called to ZWIGART "Quicker, Quicker," However, I cannot remember it any longer. [For a better understanding of point 3.) of this statement, I prepared a sketch of the locality as well as I can remember it, which I have marked "B", and by it is meant:

- 1. The Jeep with the Americans, 2. A Panther, 3. An SPW of the 11th Company, 4. My SPW, 5. Adjutant's SPW, 6. The Road was bordered with rocks at the left side, 7. A house.

From this place it was still about 2 kilometers to the bridge which, however was blown up as we soon found out. As we could not get further, we therefore again had to return on the same road.]

4.) When I put SS Obersturmfuehrer Georg PFEUSS in for the award of the Ritterkreuz (Knight's Cross: Trans Note) and when I stated as one of the reasons therefor, that he himself shot an American Flyer, I did not know that the American flyer was already a prisoner of war. On the 18th December 1944 about 1400 hours at the village entrance at

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CHEVREUX, Georg PREUSS - then Obersturmfuehrer - commander of the 10th Armored Company, III Battalion, 2nd Panzer Grenadier Regiment, L.S.S.A.H. came to me and reported back. Namely, up till then he was lost. He kept himself hidden in the woods of BUELLINGEN with a small part of the vehicles of his company. At this occasion and at this time he told me "I bumped off a flyer". Hereby he pointed at padded American flying pants or a combination suit, which he wore at this time and had not worn previously. SS Obersturmfuehrer PREUSS related to me hereby that he shot the American flyer from whom this piece of clothing originated - in battle. He related that the American flyer sat hidden in a tree and jumped him (PREUSS) unexpectedly. Thereupon he (PREUSS) shot the flyer in presence of mind in veritable close combat. It is also possible that SS Obersturmfuehrer PREUSS related at this occasion that he himself (PREUSS) was hidden in a tree and that he thereby somehow was attacked by the flyer. The particulars of PREUSS's report I no longer remember. In any case I do know that he related to me that he got this American suit from an American flyer whom he himself had shot after either he (PREUSS) jumped the flyer unexpectedly or the flyer him. I did not doubt the accuracy of this, SS Obersturmfuehrer PREUSS's statement and therefore when I put him in for the award of the Ritterkreuz between Christmas 1944 and New Year 44/45 I gave the shooting of this flyer as one of the reasons from which the bravery of SS Obersturmfuehrer PREUSS was apparent.

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

I swear before God that the statements in this deposition are true and I am prepared to repeat them under oath before any court.

27. III. 1946

(signed) Josef DIEFENTHAL  
SS Sturmbannfuehrer

witnessed  
RAPHAEL SHUMACKER  
Capt. CMP

Sworn to and subscribed before me this  
twenty-seventh March 1946 at Schwabisch-  
Hall, Germany.

WILLIAM R PERL  
1st Lt. M.I. O-555149  
Investigator-Examiner, War Crimes Branch, JEFET.

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I, JOSEF DIEFFENTHAL, being first duly sworn, make the following statement under oath:  
Ich Josef Dieffenthal nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OVERSTURMBANNFUEHRER JOACHIM PEIPER mentioned by me in my affidavit, dated 27 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Übersturmbannführer Joachim Peiper von mir in meiner eidesstattlichen Aussage genannt, datiert 27. März 1946.

Josef Dieffenthal  
First Name (Vorname) Last Name (Zuname)

SS Sturmabführer  
Rank (Dienstgrad)

3rd Bn 2nd SS Paratroopers Regt 6 SSAA  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 10th day of April, 1946.

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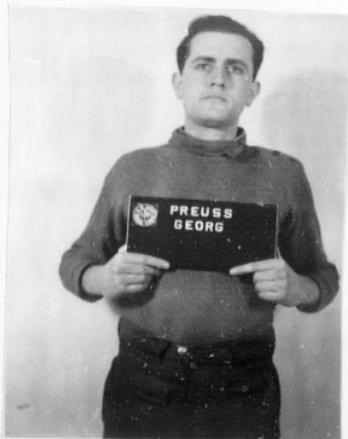
Howie B. Crawford  
Officer administering oath

Lt Col. Air Corps  
Rank Arm or Service



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EX 98C

I, JOSEF DIEFFENTHAL, being first duly sworn, make the following statement under oath:  
Ich Josef Dieffenthal, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFÜHRER PREUSS mentioned by me in my affidavit, dated 27 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Georg Preuss von mir in meiner eidesstattlichen Aussage genannt, datiert am 27. März 1946.

Josef Dieffenthal  
First Name (Vorname) Last Name (Zuname)

SS Sturmabführer  
Rank (Dienstgrad)

Sd Dn 2455 B. Gren. Regt 6 SS AH.  
Organization Waring Elfer Offensive  
Einheit während des Elfer-Einsatzes

Sworn to and subscribed before me this 10th day of April, 1946.

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Harold B. Leonard  
Officer administering oath

1st Lt. in Coy  
Rank Arm or Service

EX 98C  
J.E. B. # 5

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FA  
98D

I, JOSEF DIEFENTHAL, being first duly sworn, make the following statement under oath: Ich Josef Diefenthal, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Obersturmführer Heinz TOMHARDT mentioned by me in my affidavit, dated 27 MARCH 1946

Die obigen zwei Photographien sind Photographien desselbigen Obersturmführer Heinz Tomhardt von mir in meiner eidesstattlichen Aussage genannt, datiert 27. III. MÄRZ 1946.

Josef Diefenthal  
First Name (Vorname) Last Name (Zuname)

SS Sturmbannführer  
Rank (Dienstgrad)

3rd. Pz Div 44 Pz Gren. Regt 4/24th  
Organization during Elbe Offensive  
Einheit während des Elbe-Einsatzes

Sworn to and subscribed before me this 10th day of April, 1946.

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Thomas B. Crawford  
Officer administering oath

1st. Col. Air Corps  
Rank Arm or Service

EX-138D  
JEB REPORTER PB

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P  
EX  
78E

I, JOSEF DIEFENTHAL, being first duly sworn, make the following statement under oath: Ich Josef Diefenthal, nachdem ich erst redt-mäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Unterscharführer Paul Zwigart mentioned by me in my affidavit, dated 27 MARCH 1946

Die obigen zwei Photographien sind Photographien desselbigen Unterscharführer Paul Zwigart von mir in meiner eidesstattlichen Aussage genannt, datiert 27 März 1946.

Josef Diefenthal  
First Name (Vorname) Last Name (Zuname)

SS Sturmabführer  
Rank (Dienstgrad)

3rd Bn 2nd SS Bn Gren. Regt L SSA-H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 10th day of April, 1946.

Harvey B. Crawford  
Officer administering oath

Lt Col. Air Corps  
Rank Arm or Service

EX-104  
J.E.B.  
COMMUNITY  
P 13

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des pays."

Haut de l'air von Oberstaatsrat Graf <sup>31</sup> Friedrich August  
 Hermann Schönlager von Günsel <sup>31</sup> und August <sup>31</sup>  
 August von Oberstaatsrat Graf, des sein <sup>31</sup> August  
 sein. Bericht unterzeichnet Oberstaatsrat Graf:

"Wegen haben Sie sich mit dem Kaiser  
 von unheimlichen Ereignissen"

von der Art sind das Verhalten von Oberstaatsrat Graf's  
 Auffassung nicht ist, sondern es meine Offiziere betrifft,  
 das ist jedem Ereignissen entsprechend sein, nicht  
 mit dem Kaiser auf dem, sondern mit Entschiedenheit  
 für meine Vater. (19)

Am 28. September 1944, zwischen 7 und

8 Uhr in der Kirche, ein Gespräch von August von  
 unheimlichen Ereignissen, mein August <sup>31</sup> August, betonen  
 "Staat", von nicht selbst von unheimlichen. Für. Für  
 gegenseitigen Verständnis zu halten. Es hat sich diesem  
 Punkt von ein Gespräch von 15 bis 20 unheimlichen.

Ereignissen von unheimlichen August <sup>31</sup> August  
 nicht. Es hat sich ein Gespräch, gegenseitig, "A"  
 für die beiderseitig, unheimlich, die die Stellung  
 der unheimlichen. Ereignissen zeigt nicht die  
 Stellung unheimlichen August. Für. Für '6 August,

ystunungsfrist als No 1 in manist Stige, welche gleich  
 in der Ecke von mir unanthen. Akt ubyafpuffen.  
 Anweisungsfrist ystunungsfrist, ystunungsfrist als No 9  
 in manist Stige, stunden sehr druffen, aber ich erinnere  
 mich nicht, daß sie die Stunde nicht dem Toppf fuhren,  
 Unterpuff. Laminplatte, Entwurfsentwurf manist Pungel (No 2)  
 gut jedoch den Toppf zu pfiffen mit der Toppfgr-  
 fungenman - "Anweisungsfrist Toppfgrungenman pfiffen am  
 der Ecke". Ich pfiffen pfiffen sind sehr nicht. Ichige  
 Antwort von Form NO Druck mich nicht pfiffen sind  
 Puff. Toppfgrubi, der Toppf manist Pungel, manist  
 den Pungel pfiffen manist manist, damit sich Toppf  
 pfiffen Pfiffen. Wenn pfiffen gleich die Grenze von  
 manist manist Toppfgrungenman, danach wird  
 die Toppf pfiffen, die in der Ecke pfiffen, sind ich  
 pfiffen mit manist NO 3-4 Toppfgrubi sind  
 ich manist Antwort 2 bis 3 Toppfgrubi mit der  
 manist manist Toppfgrungenman pfiffen  
 Pfiffen ich pfiffen manist ich die Toppf pfiffen  
 die die manist. Toppfgrungenman pfiffen  
 mit der pfiffen pfiffen Toppfgrubi pfiffen









sind sie sind mit dem Gesungenen unzufrieden und mir Pöbeln  
unverschämte ich:

„Ostfriesen sind mit jedem dem Laßel sind zu werden.“  
und das ist, als

Ostfriesen sind Grift spuck:

„Muss keine lange Geschieden, Olanne, fricht sie  
weil sie müßte Worte sind sagt sie ihm!“

„Ich sehr kühnlich nicht gescheu mir Grift dem Laßel gut, das  
ist schauke sein Himmel, und ist schauke sein Himmel gut  
ist ist ihn für nicht miran <sup>hüßig</sup> ~~Wort~~ <sup>Wort</sup> ~~Wort~~ <sup>Wort</sup>. Und nicht sein  
schon der Ding schreit oder Ding schreit, unsterblich er dieses Laßel  
gucken sehr sehr ist ihn in dem Exzellat kommen. Ich immer  
nicht nicht, das die unsterblich Olanne sie mit mir zu sprechen  
sprechen mit jedem dem Laßel, schauken die Himmel von  
Grift mit nicht von ihrem unsterblich, das sind Grift  
seinem Himmel. Von dem unsterblich die mit nicht zu sprechen  
in Geschieden unsterblich, ist immer nicht mit Geschieden das  
mit sehr nicht unsterblich unsterblich: Hon. Gunt Grift, Hon.  
Dannet Zumbat, Hon. Högger, Hon. Löffel, Hoff. Ollander  
Hon. Högger, Hoff. Högger. Ich nicht nicht, das die  
Königsgesungenen kühnlich, zumiß Grift Laßel, schauken  
nicht, das ist nicht, das die Worte geschieden dem  
Laßel, mit dem Königsgesungenen unsterblich.

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## 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

Rolf RITZER

taken on 13 March 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER

consisting of 9 pages, into English,  
and 2 sketches

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.

*April 1946*

*Raphael Shumacker*

War Crimes Branch, USFET

*Capt CMP*



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I, Rolf RITZER, Sturmmann, having been first duly sworn make the following statement under oath:

During the EIFEL offensive in December 1944, I was a member of the 3 Platoon, 2 Panzer Company, 1 Panzer Regiment, L.S.S.A.H. My platoon leader was Untersturmfuehrer KOCH; my company commander was Obersturmfuehrer CHRIST. On 15 December 1944, in the afternoon between 4 and 5 o'clock, Obersturmfuehrer CHRIST assembled the whole company in the woods near BLANKENHEIM to make a speech about the coming offensive. To the best of my recollection, Obersturmfuehrer CHRIST said the following:

" Tomorrow the great offensive starts which will determine the final fate of Germany. Millions of women and children have been killed by the American Air Force terror attacks. Now we have an opportunity to avenge ourselves for these murders. We have to terrorize the Americans in this battle in order to win. To attain that, we will not take prisoners of war. You are SS men and you know what to do with the prisoners of war you take without me telling you."

After the speech of Obersturmfuehrer CHRIST, Sturmmann MICHALCZEK of Hauptscharfuehrer KNAPPICH's tank said to Obersturmfuehrer CHRIST, that his shoes were torn. Upon which Obersturmfuehrer CHRIST replied:

"Tomorrow you get yourself a pair of shoes from American prisoners of war".

I knew from the manner and words of Obersturmfuehrer CHRIST's speech that as far as the officers were concerned, I could shoot every prisoner of war, not only without fear of being punished, but would be rewarded for my actions.

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On 19 December 1944 in the morning between 7 and 8 o'clock a group of tanks of my company, including my own, entered STOUWENT where we were forced to stop at once by American anti-tank fire. It was in this place that a group of 15 to 20 American prisoners of war were shot by our tanks. I have prepared a sketch marked Exhibit "A" attached hereto, which shows the position of the American prisoners of war and the position of our tanks. The tank of Rottenfuehrer BRAHM, indicated as No.1. on my sketch, was knocked out right on the corner by an American anti-tank gun. The American prisoners of war indicated as No.9 on my sketch, stood unarmed, but I don't recall if they had their hands over their heads. Unterscharfuehrer BRAUSCHKE, Commander of my tank (No.2.) at once gave the order to shoot at the prisoners of war-- "American prisoners of war standing there at the corner". I looked out and didn't see anything. Schuetze ANGEFER at the turret M.G. didn't see anything either and Rottenfuehrer SZYPERSKI, the driver of our tank tried to maneuver the panzer around so we could see better. Then I saw suddenly a group of American prisoners of war guarded by German sentries, standing at the corner, and I fired 3 to 4 bursts with my M.G. and I noticed ANGEFER fire 2 to 3 bursts at the group of American prisoners of war. While I shot, I noticed the German sentries who guarded the American prisoners of war run to the opposite side of the street and part of the group of the American prisoners of war who stood near the corner slumped to the ground and it looked to me that they were fatally wounded. The rest of the group of prisoners threw themselves to the ground, as it appeared to me to protect them-

selves from the M.G. fire. I knew these prisoners were Americans because they wore American uniforms. BRAUN's tank started to burn while I fired with the M.G. Unterscharfuhrer BRAUSCHKE gave the driver the order to back up, whereupon we stopped the firing. After we had backed up 10 meters, I saw from this position, as indicated on my sketch Hauptsturmfuhrer KNAPPICH's tank (3) and Oberscharfuhrer ROEFETER's tank (4) shoot with both their machine guns into the group of prisoners of war who lay on the ground. After these bursts of the other tanks, I saw none of the Americans move and in the manner they lay, it was my opinion that they were dead.

We proceeded and as we left the town of STOURMONT, standing in front of a house on the left side of the street, I noticed a group of 15 to 20 prisoners of war guarded by 3 to 4 German paratroopers. I knew that no one of our tank group shot at these prisoners of war, but later on in the evening of the same day, after my tank had been knocked out, I came back on foot, and I saw at this precise spot, laying there dead, about the same number of Americans. I do not know who murdered these American prisoners, nor have I heard anything about it.

We proceeded and came to a place, about 2 kilometers westward of STOURMONT which was the furthest point in the offensive. At this place we also shot American prisoners of war and I have prepared a sketch marked "B" attached hereto, which shows the position of our tanks and that of the prisoners of war. There were about 15 American prisoners at the spot No.6. on my sketch. Several of them had their hands above the head and none of them had weapons. It was about two o'clock in the afternoon when we arrived at this spot. Unterscharfuhrer BRAUSCHKE gave the gunner ANGERER the order to shoot at the American prisoners of war with the turret M.G. but ANGERER couldn't shoot because he had loading trouble. Thereupon, Unterscharfuhrer BRAUSCHKE turned to me and repeated the order to me to shoot at the prisoners of war. I adjusted my sight and as soon as I had the M.G. aimed at the Americans, I shot 4 bursts with my M.G. into the group of prisoners of war and my M.G. jammed. As I shot, I noticed the tracer streaks from the tank behind me also go into the group of prisoners of war. This was Untersturmfuhrer KAUFMANN's tank (No.2). Later on this evening I spoke to Sturmann ODOY, radio-operator in KAUFMANN's tank and he told me that he, like I, shot into the group of prisoners of war with his M.G. I recall how these prisoners of war fell down when they were hit. They slumped to the ground and lay quietly and I am sure that they were either all dead or badly wounded. At that time Untersturmfuhrer KAUFMANN's tank (No.2.) was hit and American artillery was dropping around us. We tried to move our tank away from there and in doing so we got stuck in the ditch. Our crew left the tank and started to move back on foot and as we passed Untersturmfuhrer KOCH's tank (No.3.) I noticed his turret M.G. still shooting in the direction of the prisoners at which I had shot.

When we were in the pocket in LA GLEIZE at a date, I believe to be the 21st December 1944, I sat on the stairs which led to the cellar in the house which was Battalion Commander, Sturmabfuhrer ROESCHKE's C.P. It was about 9 o'clock in the morning and I heard Obersturmfuhrer CHRIST give the order to German sentries who guarded American prisoners of war outside, to lead the American prisoners of war to a pasture and 'bump them off' there. I had entered the house several minutes before and saw standing with three German sentries, 20 to 30 American prisoners of war. First I heard Obersturmfuhrer CHRIST ask the sentries what they were doing with the prisoners, and

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the guard answered him:

" Obersturmfuehrer, we have the orders to wait here".

And then Obersturmfuehrer CHRIST said:

" Don't make much fuss, men, lead them to the next pasture and bump them off."

I actually did not see CHRIST give the order, but I recognized his voice and I know his voice well because I heard him talk daily for over a month. And, furthermore, either shortly before or shortly after he had given this order, I saw him come to the cellar. I recall also that the other men who were sitting together with me recognized the voice of CHRIST because some of them remarked that CHRIST is 'on the loose again'. Of the comrades who were at that time together with me at the C.P. I recall with certainty that only the following were present: Sturmann Hans HUEBLER, Sturmann Werner ZANDER, Sturmann MOHNE, Sturmann SCHAEFER, Rottenfuehrer WALLMEIER, Sturmann NIEMMEIER, Schuetze ANGERER. I don't know whether these prisoners of war were actually shot as CHRIST had ordered, but I know that the guards, obeying the order, marched off with the prisoners of war.

When I and my comrades spoke about CHRIST in the battalion C.P. Sturmann NESTLER the messenger of the 2 Company at the Battalion said to us :

"CHRIST acts the same way in our Company C.P. Just this morning CHRIST gave an order in the Company C.P. to shoot American prisoners of war, and he even threatened some of our men with execution on account of cowardice."

NESTLER showed us an American watch which he had taken from an American prisoner of war, whom CHRIST had shot.

I make this statement consisting of 9 pages and two sketches marked "A" and "B" voluntarily and out of my own free will, uninfluenced by force, threats, or coercion or promises of any kind.

(signed) Rolf RITZER  
13 March 1946.

Sworn to and subscribed before me this  
13th day of March 1946, at SCHWABESCH HALL,  
Ger.

RAHMAN SHUMACKER  
Capt. GMP.

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TRANSLATION OF LEGEND ON EXHIBIT "A"

TO STATEMENT OF

Rolf RITZER

Dated 13 March 1946

\* \* \* \*

SKETCH OF THE ENTRANCE TO STOUMONT WHERE AMERICAN PRISONERS OF WAR WERE SHOT.

1. Rttf. FRAHM - Panzer
2. Uscha. BRAUSCHKE - Panzer
3. Hpt. Scharf. KNAFFICH - Panzer
4. O.Scharf. ROETER - Panzer
5. Ustuf. KOCH - Panzer
6. Uscha. HERZOG - Panzer
7. American Anti-Aircraft vehicles.
8. American Anti-Tank gun.
9. American prisoners of war.
10. Church

EXHIBIT "B"

SKETCH OF THE PLACE WHERE AMERICAN PRISONERS OF WAR WERE SHOT SOME KILOMETERS TO THE WEST OF STOUMONT.

1. Uscha. BRAUSCHKE - Panzer
2. Ustuf. KAUFMANN - Panzer
3. Ustuf. KOCH - Panzer
4. Uscha. HERZOG - Panzer
5. Uscha. FRIEDRICH - Panzer
6. American prisoners of war.

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I, ROLF RITZER, being first duly sworn, make the following statement under oath:  
Ich Rolf Ritzer, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Sturmann Micholaczek mentioned by me in my affidavit, dated 13 MARCH 1940.

Die obigen zwei Photographien sind Photographien desselbigen Sturmann Micholaczek von mir in meiner eidesstattlichen Aussage genannt, datiert: 13. März 1940.

Rolf Ritzer  
First Name (Vorname) Last Name (Zuname)

Sturmann  
Rank (Dienstgrad)

2. Kp. / 1 Pz. Btl. L44AA  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15 day of April, 1940.

Daphne Stumacher  
Officer administering oath

Capt. CMP  
Rank Arm or Service

99B  
J.E.B.  
SP-1

109

000256

TRANSLATION OF LEGEND ON EXHIBIT "A"

TO STATEMENT OF

Rolf RITZER

Dated 13 March 1946

\* \* \* \*

SKETCH OF THE ENTRANCE TO STOU MONT WHERE AMERICAN PRISONERS OF WAR WERE SHOT.

1. Rttf. FRAHM - Panzer
2. Uscha. BRAUSCHKE - Panzer
3. Hpt. Scharf. KNAFFICH - Panzer
4. O.Scharf. ROETER - Panzer
5. Ustuf. KOCH - Panzer
6. Uscha. HERZOG - Panzer
7. American Anti-Aircraft vehicles.
8. American Anti-Tank gun.
9. American prisoners of war.
10. Church

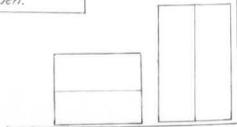
EXHIBIT "B"

SKETCH OF THE PLACE WHERE AMERICAN PRISONERS OF WAR WERE SHOT SOME KILOMETERS TO THE WEST OF STOU MONT.

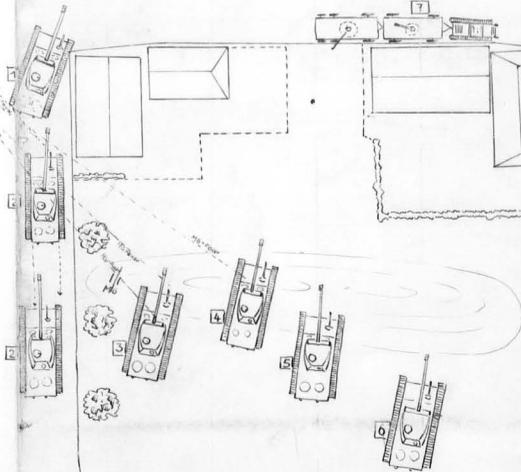
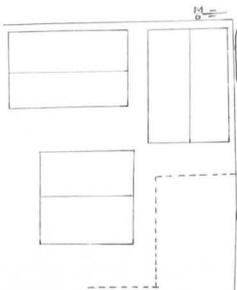
1. Uscha. BRAUSCHKE - Panzer
2. Ustuf. KAUFMANN - Panzer
3. Ustuf. KOCH - Panzer
4. Uscha. HERZOG - Panzer
5. Uscha. FRIEDRICH - Panzer
6. American prisoners of war.

NO

Skizze vom Ortseingang Steinfeld,  
wo Amerikanische Kriegsgefangene  
erschossen wurden.



← NACH "LA GLEIZE"



DEUTSCHE ANGRIFFSRICHTUNG →

← DEUTSCHE ANGRIFFSRICHTUNG

1	Rohlf, Fuhrer - Pz.
2	Usha Brauschke - Pz.
3	Hpt. Schorf, Knappich - Pz.
4	O. Schorf, Popeler - Pz.
5	Uslj. Koch - Pz.
6	Usha Herzog - Pz.
7	Amerik. Panzerzug
8	Amerik. Panz.
9	Amerik. Kriegsgefangene
10	Kirche

000261

A

Rolf Rohlf  
15.3.40.

EX 729 A  
J.E.B.

112

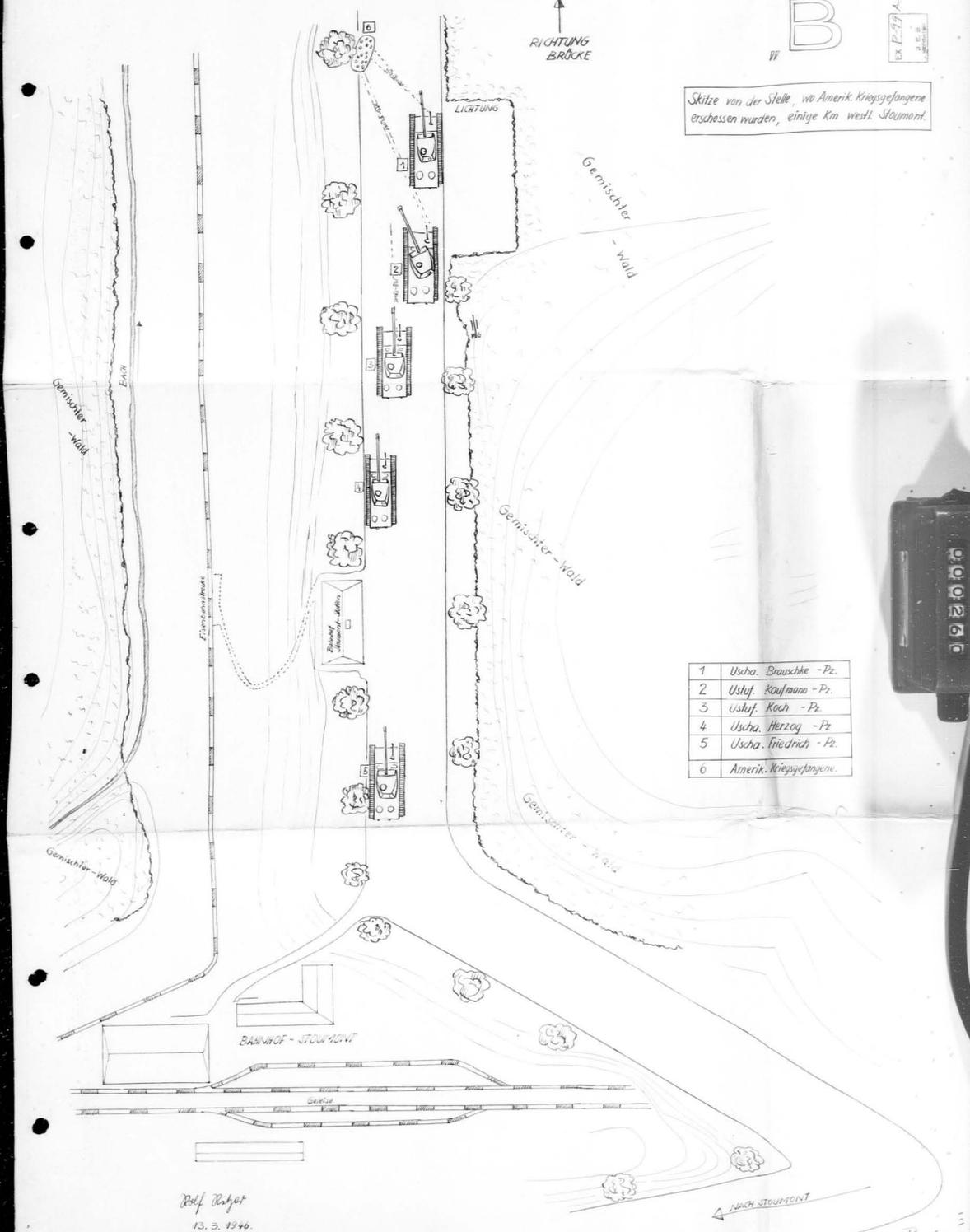
Part of  
P-99-17

B

EM 12-79

RICHTUNG BRÜCKE

Skizze von der Stelle, wo Amerik. Kriegsgefangene erschossen wurden, einige Km westl. Stoumont.



1	Uscha. Brauschke - Pz.
2	Ustuf. Kaufmann - Pz.
3	Ustuf. Koch - Pz.
4	Uscha. Herzog - Pz.
5	Uscha. Friedrich - Pz.
6	Amerik. Kriegsgefangene.

Rolf Röhler  
13. 5. 1946.

Rolf Röhler  
P. 11-17

000264

MALMEDY

## MILITARY GOVERNMENT COURT CASE RECORD.

 Legal Form No. 8  
 Pros. Exs. Nos.  
 100 thru 107-B

Case No. 6-24 Prosecutor LT COL BURTON F ELLIS  
 \*Summary Defence Counsel COL WILLIS M EVERETTE JR  
 \*Intermediate Military Court. Interpreter \_\_\_\_\_  
 \*General Reporter \_\_\_\_\_  
 Place DACHAU, GERMANY  
 Date 194

## Members of Court:

BRIG GENERAL JOSIAN T DALBEY COL RAYMOND C CONDER  
COL PAUL H WEILAND COL A H ROSENFELD (LAW MEMBER)  
COL JAMES G WATKINS  
COL WILFRED H STEWARD

Accused VALENTIN BERSIN, ET AL  
 Address \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_

	First Charge	Second Charge
Pleas <u>VALENTIN BERSIN, ET AL</u>	<u>Not guilty</u>	
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.





000268

Seite der Straße, wie gezeigt in meiner Skizze, und  
mein Panzer nahm die Stellung ein, gekennzeichnet <sup>v. m.</sup> (S)  
Nr. 5. Sobald wir diese Stellung eingenommen hatten,  
rief Hptschf. Knappik, der in Turm stand: "Links  
stehen Kriegsgefangene." Ich schaute durch die  
Optik in die Richtung, die er angegeben hatte und  
ich sah 12 bis 15 <sup>v. m.</sup> Kriegsgefangene auf der  
Stelle, angedeutet mit Nr. 4 in meiner Skizze, ste-  
hen. Ich wusste, dass diese Gefangenen Ameri-  
kaner waren, weil sie die amerikanische Uniform  
trugen. Ich sah auch zwei oder drei deutsche  
Infanteriesoldaten, die diese Gefangenen bewachten,  
die <sup>ihre Waffen</sup> mit ihren Händen gekreuzt hinter ihrem Kopfe  
standen. Hptschf. Knappik befahl mir sogleich  
durch Funk die Verbindung mit dem Kompanie-  
chef aufzunehmen. Ich wusste nicht die genaue Stell-  
ung von Ostuf. Ffrist<sup>1</sup> Panzer zu dieser Zeit, aber  
ich weiss, dass er nicht mehr als <sup>v. m.</sup> ~~etwa~~ 200 m  
hinter uns hätte sein können, weil wir ständig sehr  
gute Verbindung mit ihm hatten. <sup>v. m.</sup> ~~und~~ Wäre er  
mehr als 200 m von uns entfernt gewesen, <sup>v. m.</sup> ~~wäre~~ <sup>v. m.</sup> ~~wäre~~  
seine Funkverbindung <sup>v. m.</sup> ~~wäre~~ sehr schlecht gewesen. Es  
gelang mir, die Funkverbindung mit Ostuf. Ffrist<sup>1</sup>  
rasch herzustellen und ich hörte Hptschf. Knappik

000260

sagen: „<sup>A.M.</sup> ~~Dies~~ dirks von uns <sup>A.M.</sup> ~~ein~~ Kriegsgefangene,  
was soll ich machen?“ Als Hptstf. Knappik <sup>A.M.</sup> ~~dem~~  
<sup>u. m. dem</sup> zum Kompaniechefansprach, benützte er einen Decknamen.

Ich erinnere mich jetzt nicht an den Decknamen, <sup>A.M.</sup> ~~aber~~  
ich <sup>u. m.</sup> ~~weiss~~ für <sup>den</sup> Kompaniechefspanzer zur dieser Zeit,  
aber ich weiss, dass es der Deckname war, den Knappik  
über den Funk rief. Ich hörte <sup>den</sup> Antwort über den Funk  
vom Kompaniechefspanzer <sup>zum Hptstf. Knappik</sup> ~~kurz~~ kommen wie folgt:

„<sup>u. m.</sup> ~~Legt~~ sie um, fertig.“ Daraufhin <sup>gab</sup> Hptstf. Knappik  
gab sofort den Befehl: „Halblin<sup>g</sup> Gefangene, Küm-  
M. G. und Fünker M. G. Feuer frei.“ Auf Befehl  
schwenkte ich mein M. G. in die Richtung der Gefan-  
genen und <sup>u. m.</sup> ~~schoss~~ feuerte 2 bis 3 Feuerlöse in die  
Kriegsgefangenengruppe. Ich schätze die Entfernung  
zwischen meinem Panzer und der Stellung der Gefan-  
genen als 80 bis 100 m. Zur selben Zeit, als ich feu-  
te, <sup>u. m.</sup> ~~ich sah~~ und hörte, wie das Kum-M. G. in die  
Gefangenengruppe schoss. Dieses M. G. wurde vom  
Rlf. Heinz Hoffmann <sup>25</sup> bedient. Als ich mein M. G.  
feuere, schwenkte ich es ein wenig und sah die  
Gefangenen, die ich traf zu Boden sacken. Jedoch  
als das Kum-M. G. <sup>zur selben Zeit</sup> in die selbe Richtung feuerte,  
wie ich, kann ich nicht mit Bestimmtheit ange-  
ben, welche von den Amerikanern von mir erschossen

wurden und welche vom Rthf. Heine Hoffmann<sup>25</sup> erschossen wurden. Sämtliche <sup>(Gefangene)</sup> Stürzen zu Boden und lagen ruhig und wie ich es sah schoss ich, dass sie entweder tödlich + verwundet oder tot waren.

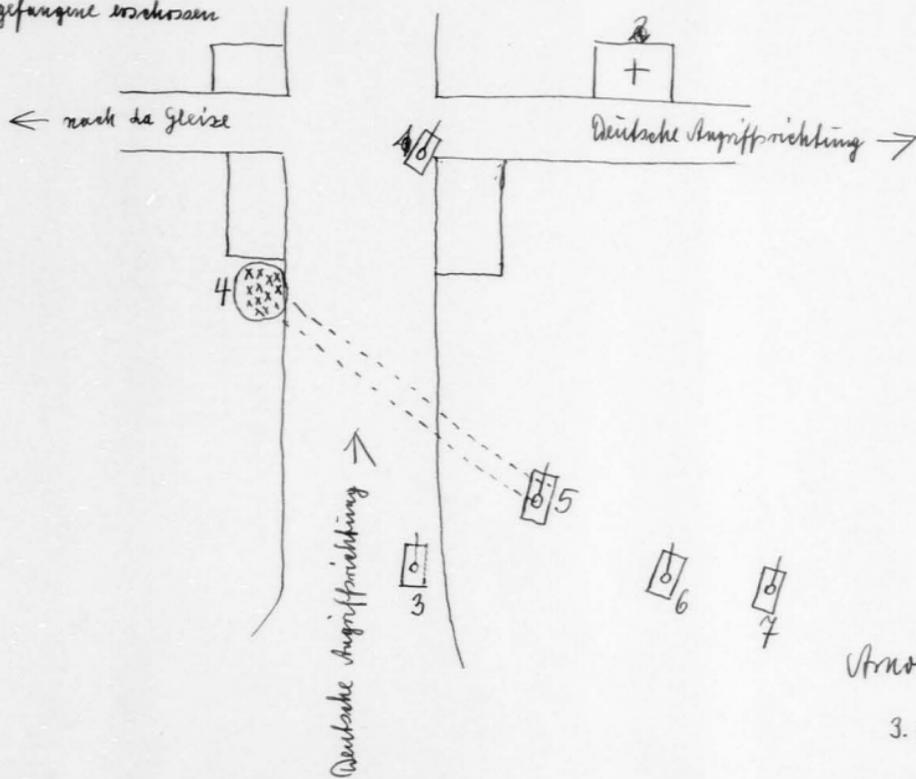
Am 22. Dez. 1944 <sup>v.m.</sup> wir waren im Kessel von la Gleize zusammen mit den anderen übriggebliebenen Resten der Kampfgruppe Peiper. Ich habe eine Skizze angefertigt, gekennzeichnet „B“, hierzu beigelegt, darstellend die Stellung unseres Panzers und die Stelle, wo ich die <sup>(amerikanischen)</sup> toten <sup>(amerikanischen)</sup> Kriegsgefangenen sah. Gegen ungefähr 11 Uhr vormittags dieses Tages <sup>v.m.</sup> sah ich Hpschf. Bedünin von der 1. Kp. als <sup>v.m.</sup> erster unserem Panzer kam gekennzeichnet Nr. 1 in der Skizze, und rief Hpschf. Knappitz. Bedünin und Knappitz gingen zusammen in ein Haus, das in der Nähe des Panzers war. Ein paar Minuten später kam Hpschf. Knappitz aus dem Haus heraus und rief: „Werner<sup>72</sup> und Hoffmann<sup>25</sup> <sup>v.m.</sup> nehmen eure Waffen und kommt mit mir.“ Rthf. Hoffmann<sup>25</sup> und Rthf. Werner<sup>72</sup> gingen mit ihren Pistolen zusammen mit Hpschf. Knappitz in Richtung des Uscha. Drechslers Panzer von der 1. Kp., der in meiner Skizze mit Nr. 2 gekennzeichnet ist. Ungefähr eine halbe Stunde später Hoffmann<sup>25</sup> und Werner<sup>72</sup> kamen ↑

zurück und nahmen ihre Plätze im Panzer ein. Ein paar Minuten später kam Hptschf. Knappitz an und nahm seine Stellung im Panzer ein. Als er sich niedersetzte, sagte Hptschf. Knappitz: „Das ist erledigt, wir legen die Kriegsgefangenen um. Nun brauchen wir sie nicht mehr zu bewachen.“ Als ich das hörte, <sup>u. M.</sup> und wandte <sup>sich</sup> mich zu Rtlf. Werner <sup>TV</sup> und fragte: „Welche habt ihr umgelegt?“ Er antwortete: „Die Gefangenen die Munition hier trugen.“ Rtlf. Werner <sup>TV</sup> meinte die Gruppe <sup>15</sup> sudamerikanischen Gefangenen, die am Vortage <sup>in der Nähe</sup> ~~mit~~ <sup>in</sup> mehreren Stellungen Munition trugen. Als ich Werner noch einige Fragen stellte, antwortete er mir kürz: „Das haben wir geschafft.“

Gegen 2 Uhr nachmittags, des selben Tages würde ich weggeschickt für <sup>u. M. u. M.</sup> Lammingsmaterial zu holen, und unseren Panzer zu tarnen. Ich ging in die Richtung von Uscha. Drechlers pz. Und als ich die Stelle vor seinem Panzer erreichte, schaute ich nach rechts und sah eine Gruppe von 15 toten Amerikanern, gekennzeichnet an meiner Skizze „B“ mit Nr. 3 vor einem Stall liegen. Ich sah, wie die Amerikaner in unseergewöhnlicher Weise eines über dem anderen lagen und ich wusste von meinen vergangenen Erfahrungen im Kriege, dass die Art, in der die Amerikaner lagen, <sup>u. M.</sup> dass sie nicht im Kampfe



Skizze Ortsbelegung Stoumont,  
 anzeigen die Stelle, wo 12 bis 15  
 amerik. Kriegsgefangene erschossen  
 wurden.



- "A"
- 1 Rthf. Brahm's Re.
  - 2 Kirche
  - 3 Ucker. Brauwerkes Re.
  - 4 12 bis 15 amerik. Kriegsgef.,  
die erschossen wurden.
  - 5 Hptstaf. Knappicks Re.
  - 6 Ucker. Ropeters Re.
  - 7 Ucker. Herzogs Re.

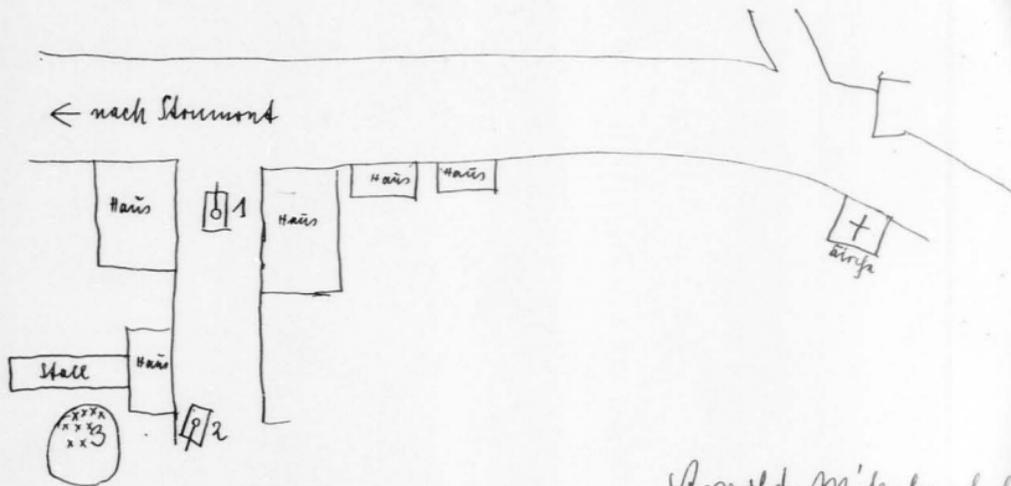
Arnold Mikolaschek  
 3. April 1946.

0101273

Skizze von der Gleise, wo  
ungefähr 15 amerik. Kgf.  
erschossen wurden.

"B"

1. Hptst. Krappites Kz
2. Nachh. Drechlers Kz
3. Position von 15 Amerikanern



Arnold Mikolaschek

3. 4. <sup>am</sup> 1946.

000276

### 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

Arnold MIKOLASCHEK

taken on 3 April 1946 at Schwäbisch Hall, Germany,

before RAFFAEL SHUMACKER, Capt., CMP

consisting of 7 pages, into English, and 2 sketches

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 to 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 29<sup>th</sup> day of April 1946 at Schwäbisch Hall, Germany.

A.S. DACHAU A.S.

*Raffael Shumacker*  
War Crimes Branch, USFET  
Capt. CMP

EX. 100 A  
J. E. B.

12

EA  
130

I, Arnold MIKULASCHKA, SS Strm., being duly sworn, make the following statement under oath:

During the EIFEL offensive in December 1944 I was a member of the 2nd Platoon, 2nd Co. 1st Pz. Rgt. LSSAH. I was assigned to the tank of Hptschf. KWARLKA as radio operator. My Company Commander was Ostuf. CHALSI, my platoon leader was Hptschf. KWAPPLIK. The other men in my tank were Rttf. Heinz HOFFMANN, gunner, Rttf. KOBLER, assistant gunner, Rttf. Erich WEINER, driver.

On the 15 Dec. 1944 - the day before the beginning of the EIFEL offensive, around 8 o'clock in the evening, when our company was in readiness in the woods in the vicinity of BLANKENHAIN, Ostuf. CHALSI delivered a speech to the whole company. He spoke as follows:

"Tomorrow the offensive starts which will decide the ultimate fate of Germany. In this attack we will fight in the old SS tradition. As few prisoners as possible will be taken."

Upon completion of the speech I said to the Company Commander that I didn't have any shoes. Ostuf. CHALSI answered:

"Tomorrow at the push you can acquire some yourself. Then we will have everything in abundance from the Americans."

I knew from the speech of Ostuf. CHALSI that in this offensive I could bump off prisoners of war without fear of punishment on the part of my superior officers.

On the morning of the 19 Dec. between 7 and 8 o'clock, my tank, together with tanks of our company, entered SPOCKONR. It was there that American prisoners of war were shot and I prepared a sketch marked "A" attached hereto, which shows the position of my tank and the position of the prisoners of war.

I have numbered the tanks and positions and in the description of the events I will refer to these numbers. Rttf. BRUNN's tank (1) was knocked out as soon as he reached the corner. The other tanks dispersed in the field on the right side of the road as shown in my sketch, and my tank took the position marked as No. 5. As soon as we were in this position Hptschf. KWAPPLIK who stood in the turret, shouted: "On the left prisoners of war are standing." I looked through the gunner's sight into the direction which he gave and I saw 12 to 15 American prisoners of war standing on the place indicated with No. 4 in my sketch. I knew that these were captured Americans, because they wore the American uniform. I also saw 2 or 3 German Infantry soldiers who were guarding these prisoners who stood with their hands crossed behind their heads, without weapons. Hptschf. KWAPPLIK immediately ordered me to establish radio contact with the Company Commander. At this time I did not know the exact position of Ostuf. CHALSI's tank but I do know that he could not have been more than 200 m behind us because we always had very good communications. Had he been further away from us than 200 m, our radio contact would have been very poor. I quickly succeeded in establishing the radio contact with Ostuf. CHALSI and I heard Hptschf. KWARLKA say: "Left of us, prisoners of war; what should I do?" When Hptschf. KWAPPLIK addressed the Company Commander, he used a code name. I no longer remember what the code name of the company commander's tank was at that time but I do know that it was the code name which KWARLKA called over the radio. The following answer I heard from the company commander's tank come back to Hptschf. KWAPPLIK over the radio: "Bump them off, out." Thereupon, Hptschf. KWARLKA immediately gave the order: "Prisoners half left, turret MG and radio operator ME -

open fire." Upon order I swung my MG into the direction of the prisoners and fired 2 to 3 bursts into the group of the prisoners of war. I estimate the distance between my tank and the position of the prisoners as 80 to 100 m. At the same time, while I fired, I saw and heard how the turret M.G. fired into the group of prisoners. This MG was manned by Rttf. Heinz HOFFMANN. When I fired my M.G., I traversed it a bit and I saw the prisoners whom I hit slump to the ground. However, since the turret M.G. fired simultaneously into the same direction as I did, I can no longer state with certainty who of the Americans was shot by me, and who were shot by Rttf. Heinz HOFFMANN. All of the prisoners hit the ground and lay quietly and as I saw it I concluded that they were either mortally wounded or dead.

On the 22 Dec. 1944 we were in the LA GLEIZE pocket together with the other remnants of the combat group PEIPER.

I prepared a sketch marked "B" attached hereto, showing the position of our tank and the place where I saw the dead American prisoners of war. At approximately 11 o'clock in the morning of this day, I saw Hptschf. BEMUON of the 1st Comp. as he came towards our tank indicated as No. 1 in the sketch, and called Hptsch. KNAPPIK. BEMUON and KNAPPIK went together into a house which was in the vicinity of the tank. A few minutes later Hptschf. KNAPPIK came out of the house and called: "WERNER and HOFFMANN, take your weapons and come with me." Rttf. HOFFMANN and Rttf. WERNER, with their pistols walked together with Hptschf. KNAPPIK in the direction of Uscha. DRECHSLER's tank of the 1st Comp. which in my sketch is indicated by No. 2. Approximately half an hour later, HOFFMANN and WERNER returned and took their places in the tank. A few minutes later, Hptschf. KNAPPIK arrived and took his position in the tank. Hptschf. KNAPPIK said as he sat himself down, "This is done; we bumped off the prisoners of war. Now we no longer need to guard them." As I heard this, I turned towards Rttf. WERNER and asked: "Which ones did you bump off?" He answered, "The prisoners who carried the ammunition here." Rttf. WERNER meant the group of 15 American prisoners who on the previous day carried ammunition in the vicinity of our positions. When I put some more questions to WERNER, he abruptly answered me: "This we accomplished."

Around 2 o'clock in the afternoon of the same day, I was sent out to secure camouflage material and to camouflage our tank. I went in the direction of Uscha. DRECHSLER's tank, and as I reached the place in front of his tank, I looked to the right and saw a group of 15 dead Americans in front of a stable, as indicated with No. 3 on my sketch "B". I saw how the Americans were lying in an unusual manner, one on top of the other, and from my past war experiences, I knew from the way in which the Americans were lying that they were not shot in battle. I concluded that they were the same prisoners which were bumped off previously by KNAPPIK, WERNER and HOFFMANN. In addition to the information they related to me when they returned to the tank as I have previously described, I knew that the place where the prisoners were shot was near our position because at approximately the same time which they had mentioned that the prisoners were shot, I heard M.F. and pistol firing. I did not walk over to examine the bodies that were lying there but I concluded from their appearance that they were all dead.

I make this statement consisting of 7 pages and 2 sketches, marked "A" and "B" voluntarily without coercion, threats or promises of reward.

(signed) Arnold MIKOLASCHEK

3.4. 1946

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

(signed) Raphael Shumacker  
Capt                      CMP

000276

TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF  
Arnold MIKOLASCHEK  
Dated 3 April 1946

Sketch marked "A" prepared by Arnold MIKOLASCHEK on 3 April 1946 showing location of shooting 12 to 15 American prisoners of war.

1. Rttf. BRAHM's tank
2. Church
3. Uscha. BRAUSCHKE's tank
4. 12 to 15 American prisoners of war who were shot
5. Hptschf. KNAPPIK's Panzer
6. Uscha. ROPEL's tank
7. Uscha. HERZOG's tank

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TRANSLATION OF LEGEND ON EXHIBIT "B"

TO AFFIDAVIT OF  
Arnold MIKOLASCHEK  
Dated 3 April 1946

1. Hptschf. KNAPPIK's tank
2. Uscha. DREBSLER
3. Position of 15 Americans

Ig - Heinz Hopmann<sup>65</sup> - Rthf. nachdem ich unregelmäßig eingeschwochen würde - mache folgende Aussage:

Im August bzw. 1944 - im Eifelinsatz - war ich ein Mitglied des 2. Zuges - 2. Komp. 1 Panz - Bat. L 44 AH. Ich war in dem Panzer Hebra. Knappig als Richtschütze tätig. Hebra. Knappig war auch mein Zugführer. Mein Komp - Gef war Oberstürmführer Friedrich Spieß.

Aus 19. August bzw. 1944 gegen ungefähr 8<sup>00</sup> morgens unsern Komp. trat Strümont. Ich gab eine Skizze angefertigt, welche ich persönlich beifüge, welche eine genaue Stellung der Panzer - die ich nicht jetzt genau erinnern kann - als wir Strümont betraten. Rthf. Prognos Panzer (2) würde an dem links abgeschossen wie gezeigt auf meiner Skizze. Hebra. Knappigs Panzer (3) nahm die Stellung ein wie auf meiner Skizze gezeigt. Sobald wie die Position eingeworfen wurde gab Hebra. Knappig mir den Befehl den Turm rechts zu betreten und zu schießen mit M.G. auf amerikanische Panzergräben. Nachdem ich einige Feuerstöße abgegeben hatte gab Hebra. Knappig mir den Befehl den Turm links zu betreten und gab den Befehl: "Heinz M.G. Feuer frei, auf die rot-rückende Gruppe Männer". Ich schaute in die Richtung die es angedeutet und ich sah eine Gruppe von ungefähr 15-20 Amerikanern die auf einer Stelle standen wie auf dem auf meiner Skizze mit Nr. 1. Diese Amerikaner hatten die einzigen Fallschirmjägerschuhe bewahrt und somit sie sehr konnte hatten keine Waffen. Ich wusste das diese Soldaten Amerikaner waren weil sie Amerikanische Uniformen trugen. Ich nahm an das Hebra. Knappig

wusste das diese Amerikaner Kriegsgefangene  
 werden wird, wie ich sie schon sah mit türkischem Posten  
 und ohne Waffen es war mir sofort klar - das diese  
 Soldaten amerikanische Kriegsgefangene waren. Sie trug  
 Ischru Knappings Brille und schoss 2-3 jüdische  
 mit meinem M.G. in die amerikanische Kriegsgefangene  
 Gruppe. Ich sah die ich traf saßen zu Boden und ich bin  
 sicher das sie unendlich schmerz erlitten, aber trotzdem  
 obwohl ich im tiefen Bekleid nicht die genaue ~~die~~ Anzahl wußte  
 die ich traf. Ich weiß wie ich auf <sup>den</sup> amerikanischen Kriegsgefangenen  
 schoss. Ich sah die jüdischer M.G. schießen. Obwohl ich nicht mit  
 Sicherheit ausrechnen kann, das es auf die Kriegsgefangene schoss  
 welche es für mich unmöglich war in demselben Moment  
 die Richtung zu zeigen in der er schoss. Zu dieser Zeit  
 sass Hrn. Mikolob ~~dem~~ <sup>dem</sup> Platz beim Feuern M.G.  
 für einen Zeit wo ich schoss für die M.G. Feuer von dem anderen  
 Panzer ausstrahlte, aber es war unmöglich ~~wahrscheinlich~~  
 Panzer ~~ist~~ <sup>ist</sup> für mich zu zeigen von dem Panzer schoss  
 als sie unendlich jüdische oder zu ~~den~~ <sup>den</sup> Panzer  
 schossen.

Ich weiß die amerikanische Kriegsgefangene wie  
 ich es gesehen schiedlich - mit einer Brille und Ischru Knappings  
 mein Panzer konnte andeutend und zugeführt, und hätte ich  
 nicht weil durch Brille von meinem Panzerwachtmeister  
 gefolgt hätte ich nicht geschossen.

Ich mag die Aussage bestehend aus 2 Seiten sind  
 einer Skizze freiwillig - aus eigenem Antrieb.

Keine Forderungen zwangs oder Erpressungen auf  
~~keine~~ <sup>keine</sup> Bestätigung <sup>ist</sup> oder Immunität oder  
 irgendwelchen Entschädigung sind mir gemacht worden.

Heinz Hofmann

15. März 1946

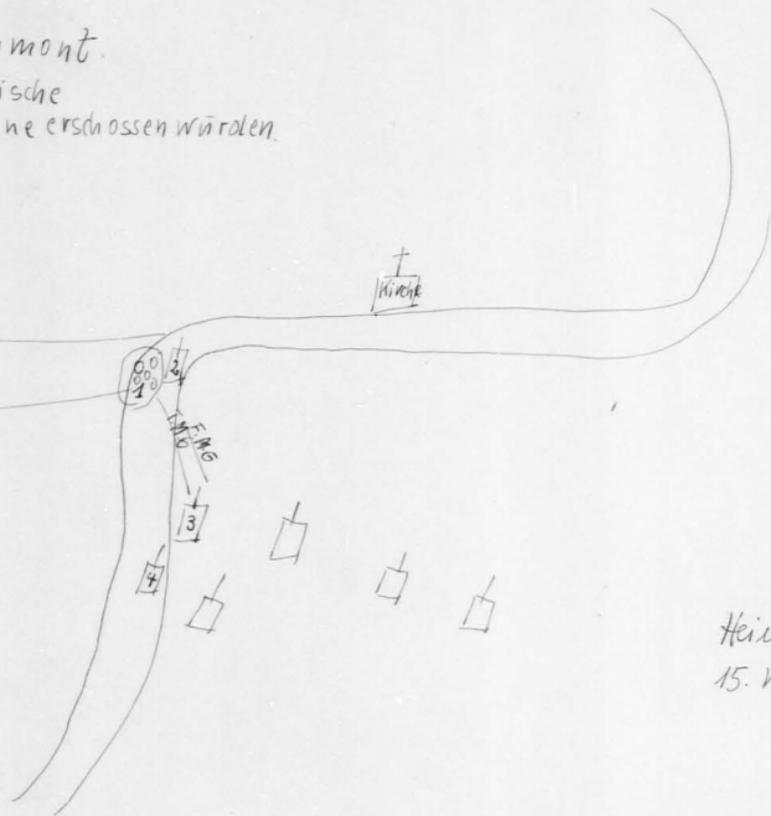
Subscribed and sworn to  
 before me this 15<sup>th</sup> day  
 of March 1946 at Schwetitsch  
 Hall, etc.

Raphael Schmacker  
 Capt CMP

# SKIZZE:

Dorfeingang Stoumont.  
Stelle wo amerikanische  
Kriegsgefangene erschossen wurden.

- Nr. 1: 15-20 amerikanische Kriegsgefangene
- Nr. 2: Panzer: Prahm
- Nr. 3: Panzer: eigener Panzer
- Nr. 4: Panzer: Braunschweig



Heinz Hofmann  
15. März 1946

## 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

Heinz HOFMANN

taken on 15 March 1946 at Schwäbisch Hall, Germany,

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 2 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 had 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 26<sup>th</sup> day of March 46 at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
War Crimes Branch, USFET

*Capt. CMP*

EX-1-a

J.E.R.

I, Heinz HOFMANN, Rottenfuehrer, having been duly sworn, make the following statement:

During the EIFEL offensive in December 1944, I was a member of the 2nd platoon, 2nd Company, 1st Panzer Regiment, LSSAH. I was assigned to the tank of Hauptscharfuehrer KNAPPICH, as gunner. Hauptscharfuehrer KNAPPICH was also my platoon leader. My Company Commander was Obersturmfuehrer FRIEDRICH CHRIST.

On 19 December 1944 at about 8 o'clock in the morning, our company entered STOU MONT. I have prepared a sketch which I attach hereto, which shows the precise location of the tanks, which I now recall with certainty. When we entered STOU MONT, Rottenfuehrer RAHM's tank (2) was knocked out at the corner as shown on my sketch. Hauptscharfuehrer KNAPPICH's tank (3) took the position as shown on my sketch. As soon as we had taken position Hauptscharfuehrer KNAPPICH gave me the order to turn the turret to the right and to shoot with the machine gun at American trenches. After I had fired several bursts, KNAPPICH gave me the order to turn the turret to the left and gave the order, "HEINZ, M.G. ready - fire at the group of men standing in front." I looked in the direction he pointed and I saw a group of 15 to 20 Americans who stood at this spot indicated on my sketch as No. 1. These Americans were guarded by some paratroopers; as far as I could see they had no weapons. I knew they were American prisoners because they wore American uniforms. I assumed that Hauptscharfuehrer KNAPPICH knew that these were prisoners of war because as I saw them with German guards and without weapons it was at once clear to me that these soldiers were American prisoners of war. I followed Hauptscharfuehrer KNAPPICH's order and shot 2 to 3 bursts into the American prisoners of war. I saw the ones I hit slump to the ground, and I am sure that they were either badly wounded or dead, although I don't know the exact number I hit. At the time I shot at the American prisoners of war, I heard the radio operator MG firing, although I can't state with certainty that he shot at the prisoners because it was impossible for me at that moment to see the direction in which he shot. At that time Sturmann MIHGLATCHEK, sat in the radio operator's M.G. position. I heard M.G. fire from the other tanks of my company at the same time as I shot, but it was impossible for me to see which one of the tanks shot because they stood either behind or on the side of our tank.

I shot the American prisoners of war as I just described -- only on orders of Hauptscharfuehrer KNAPPICH, my tank commander and platoon leader, and if I hadn't received such an order from my tank commander I wouldn't have shot.

I make this statement consisting of two pages and one sketch voluntarily and out of my own free will.

No threats, force, or promises of reward or immunity from prosecution have been made to me.

(signed) Heinz HOFMANN  
15 March 1946

Subscribed and sworn to before me  
this 15th day of March 1946 at  
SCHWABISCH HALL, GEM.  
/s/ RAHHAEL SHUMACKER  
Capt CMP

TRANSLATION OF LEGEND ON SKETCH

ATTACHED TO AFFIDAVIT OF

Heinz HOFMANN

Dated 15 March 1946

\* \* \* \*

Village entrance of STOU MONT - Place where  
American prisoners of war were shot.

- No. 1 15 to 20 American prisoners of war
- No. 2 FRAHM's tank
- No. 3 My own tank
- No. 4 BRAUSCHKE's tank

000286



1015

I, HEINZ Hofmann, being first duly sworn, make the following statement under oath:  
Ich Heinz Hofmann, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Stammann  
Micholatschek mentioned by me in my affidavit, dated 15 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen Stammann  
Micholatschek von mir in meiner eidesstattlichen Aussage genannt, datiert 15 März 1946.

Heinz Hofmann  
First Name (Vorname) Last Name (Zuname)

Rottenführer  
Rank (Dienstgrad)

2nd Co. 1st SS Pz Div 6 SSAN  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
13<sup>th</sup> day of April, 1946.

Joseph Thumacker  
Officer administering oath

Capt CMP  
Rank Arm or Service

EX 101 B  
J. E. B.  
RECORDED

Ich, Eusebio Gagnardi Rottf. darf Ihnen ich schrift-  
mässig mitzuteilen werden, dass folgende  
Ursachen:

Im Dezember 1944 wurde ich in der 2. Comp., 1 Pz. Reg.  
L. I. A. H. Ich wurde im 3. Zug zugeteilt, weshalb von  
Offiz. Gleditsch dort eingesetzt werden und in diesem Zug  
wurde ich der 1. Kompanie des 1. Bataillons der 1. Pz. Reg.  
Münster dieses Bataillons beauftragt worden Offiz. Bataillon, Pz.  
Kompanie, 1. Bataillon, 1. Pz. Reg., 1. Bataillon, 1. Pz. Reg.,  
und 1. Bataillon. Rottf. Rottf., f. d. B.

Am 15. Dezember 1944, von dem Befehl des 1. Bataillon,  
1. Pz. Reg. wurde sofort mit dem 4-5 Uhr nachmittags  
für mich aufgegeben das Offiz. Bataillon, 1. Pz. Reg.  
Diese Aufstellung fand statt im Wald in der Nähe eines Gottesfeld,  
das Kommando ist nicht Offiz. Bataillon, 1. Pz. Reg. <sup>E.P.</sup>  
entsprechend wie folgt:

"Münster, ich Kommando wurde von dem Bataillon beauftragt und  
sich auf mich versetzt zu überbringen. Morgen beginnt die  
große Offensive, die der unglückliche Offizier durchzuführen  
muss werden wird. Dies werden im ersten 11. Bataillon  
1. Pz. Reg.

EX-102

J. B. REPORT

und nachdem Ihre Freunde Ihnen mitleid zeigen.  
Ihr seid 41 Geiseln und werb ich mit den Geiseln-  
erpressungen hat die ich Geiseln erpresst ist nicht  
mein Verbrechen."

Wenn dieses Verbrechen, die Art der Art verurteilt,  
Wortlaut ist, das ist <sup>es</sup> die Geiselnahme die  
erzwungen werden imbezogen kann <sup>das ist</sup> ohne  
Hilfe von meinem Hauptquartier Offizieren dafür  
zu resultieren.

Am <sup>19</sup> 18. Dezember 1944, zwischen 7-8 Uhr morgens, mein  
Panzer zusammen mit 4 oder 5 anderen Panzern meiner  
Comp. in einem Moment. Ich habe eine Diga veranlasst,  
Kampfmittel "A" für die beigesteuert, welche nicht nur für  
Kampfmittel sind und wer jetzt von werden ich beigesteuert  
dieses Kampfmittel wird die Nummer beigesteuert die nicht  
dieser Diga veranlasst sind. Ob wir nicht zur  
beigesteuert können Kraft dieser Panzer gegen die von meiner  
Diga als Nr. 1. von veranlasst von beigesteuert  
Kampfmittel. Mein Panzer (2) sind sofort von zur fallen  
Zeit zusammen sind 20-25 beigesteuert Geiselnahme (4)  
wird das letzte Seite der Haupt stellen beigesteuert von 3-4  
Kampfmittel. Ich weiß das diese Geiselnahme beigesteuert  
nicht sind die beigesteuert Verurteilung. Diese





Kaffeebohnen werden das Feinere M.G. für Angewandte. Zur selben  
 Zeit sollte ich die M. Pi. mit die leichteren nicht legen,  
 und ich sollte mich dieser die feinsten davon nicht offen  
 vom. Vorse. Beweisen gab dem Besatz "früher sein." Richter  
 und Angewandte feinsten einige feinsten mit einem M. G.  
 in die Gefangenen und ich feinsten 2 feinsten feinsten mit  
 dem M. Pi. Was ich mich einer Einweisung hat ich gleich zeitig  
 mit dem Aufsteigungsbesatz. Ich sollte nicht mit einem  
 besondernem Gefangenen sondern ich sollte mit die  
 Gefangen und ganz eine Abzinsung ist. Ich soll mich für alle  
 Gefangenen und zu Boden für den und die sonstigen  
 Personen legen. Die Gefangenen legen ruhig und können  
 sich ohne Gewalt für den Boden und ich für mich aufpassen  
 können für alle Art. Niemand hing mit dem Kaugummi  
 in die Umkleekabine zu über gehen und zu dieser  
 Zeit Uff. Beweisen des Kaugummi, das nicht für den und  
 Hand gefasst werden und bewahrt. Ich weiß nicht ob Uff.  
 Beweisen des Kaugummi (2) oder Uff. des Kaugummi (3) mich mit die  
 Gefangenen Gefangen gefasst haben.

Ob Uff. Beweisen des Kaugummi abgefasst werden  
 sonst ist es ein Kaugummi einzuführen und schließlich dort  
 weg zu kommen und weil ich das hat blieb ich in der  
 Hand. Dieser Besatzung sollte mit <sup>ET</sup> zu dem Kaugummi  
 und begann zu sich in ruhiger Stimmung zurück zu gehen





ofen Ursacht zuonack odur auf sompferfingern auf  
 Galsfünig.

Hoff. Boppnaki Garsin

8. März 1946

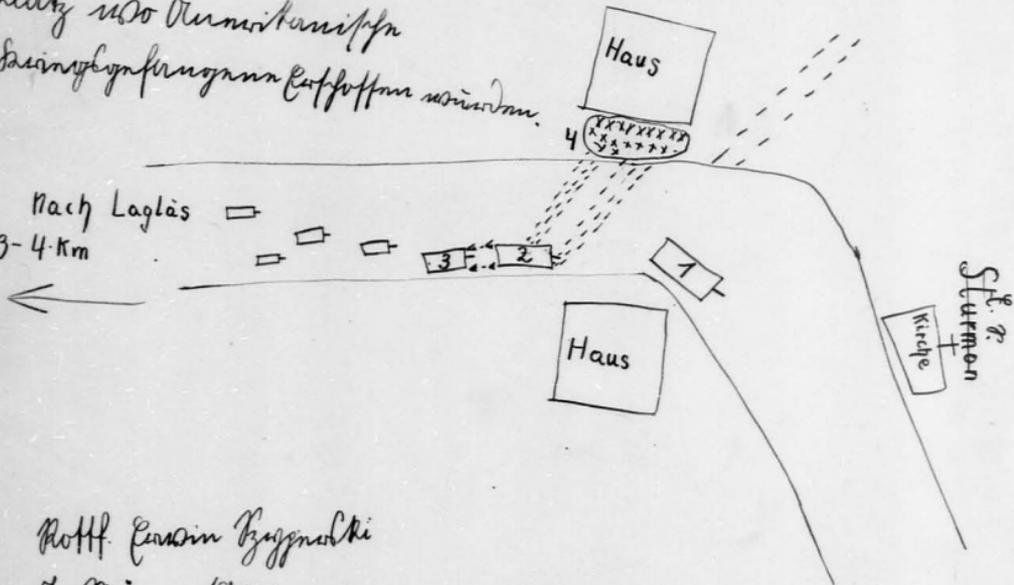
Swam to and subscribed  
 before me this 8<sup>th</sup> day  
 of March 1946 at  
 Schwäbisch Hall, Ger.

Roghael Thumacker  
 Capt CMT

3  
2  
② Obige Doh. Aufbringungsstelle  
von Rösserort.

Platz des Rösserort  
Säureglyphens im Aufhänger

Nach Lagläs  
3-4 km



Roth. Linsen Baggelke  
7. März 1946

1. Roth. Linsen P.
2. Obige Säureglyph. P.
3. Obige Säureglyph. P. (Mülling -  
nach aufbringung Säureglyphens)
4. Säureglyphens (20-25)

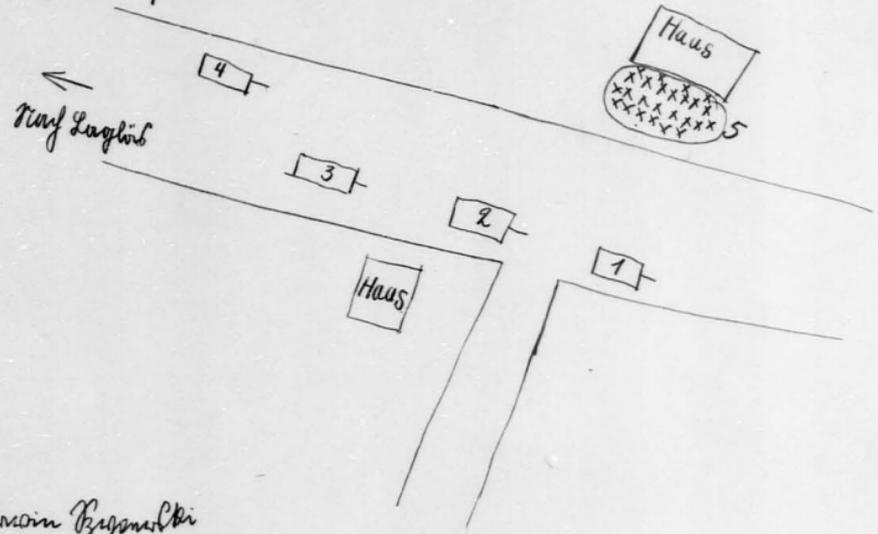
"A"

000295

33

Obige sind mittelpunkt der Heimont,  
wo eine große Gruppe von unmittelbaren  
Gefahrengruppen vorhanden.

"B"



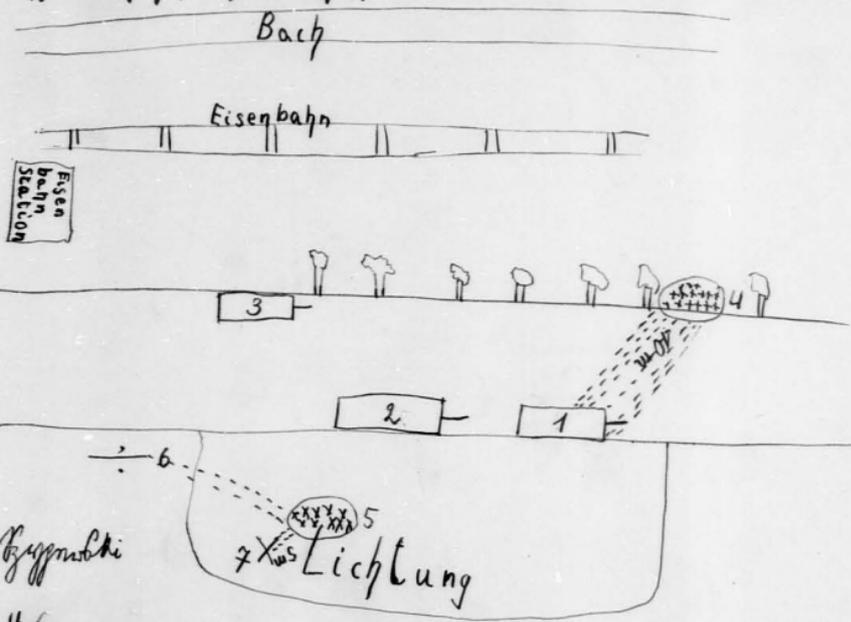
1. Oberer Teil des R.
  2. Oberer Teil des R.
  3. Oberer Teil des R.
  4. Oberer Teil des R.
  5. Oberer Teil des R.
- (25-30)

Hoff. Leonie Bognacki  
7. März 1946

9002912

390

Obige Insel fließt 1-2 km westlich Römervort  
 neben dem Güterbahnhof Station Römervort,  
 mit einem künstlichen Seespiegel umgeben mit offener  
 Uferlinie.



4-5 km nach  
 Lagläs und 1-2 km  
 nach Römervort.

Hoff. Leonin Zupnabki  
 7. März 1946

C"

1. Oben Seespiegel R2
2. Mittel Seespiegel R2
3. Oben Seespiegel R2
4. 10-15 Dünne künstliche Seespiegel
5. Seespiegel 10 Seespiegel
6. Seespiegel künstliche Seespiegel M.G.
7. Seespiegel künstliche Seespiegel sind in  
 den Dünnen künstlichen Seespiegel  
 Seespiegel sind in  
 den Dünnen künstlichen Seespiegel

0000297

000298

### 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

Erwin SZYPERSKI

taken on 8 March 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 8 pages, into English, and 3 sketches

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 two years in High School, one year in college, and eight months of evening classes, all in VIENNA, Austria.
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 IPW course at Camp Ritchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW 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.F.E.T. as a civilian German-English interpreter.

*Joseph Kirschbaum*  
Joseph Kirschbaum

Sworn and subscribed to before me this 4 day of April 1946 at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
War Crimes Branch, USFET  
Capt. CMP

EX 102-B  
*[Signature]*  
REPORTER

F  
EA  
102A

000296

I, Erwin SZYBERSKI, Rottf, having been duly sworn, make the following statement:

In December 1944, I was in the 2nd Company, 1st Pz Regt. ISSAH I was attached to the 3rd Platoon, which was led by Ustuf. Helmut EDCH, and in this platoon I was driver of Uscha BRAUSCHKE's tank. The other men of this tank crew were Uscha BRAUSCHKE, Tank Commandant, Schuetze ANGERER, machine gunner, Sturm. NESTLER, Assistant Machine gunner, and Sturm. Rolf RITZER, radio-operator.

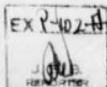
On the 15th December 1944, on the day before the EIFEL offensive our company was assembled between 4 and 5 o'clock in the afternoon for a talk given by Ostuf. CRIST, company commander of our company. This talk took place in a wood near a village which name I don't know. Ostuf CRIST spoke to us as follows:

" Men, I just returned now from the battalion CP and have a message to give you. Tomorrow starts the big offensive, which is going to determine the final fate of Germany. We will fight in the old SS spirit and show no mercy to the enemy. You are SS troops and what you do with prisoners of war you capture is none of my business. "

From this speech, which Ostuf CRIST delivered, I understood that I could 'bump off' the prisoners of war who would be taken, without receiving punishment from my superior officers.

On the 19 December 1944, between 7 and 8 in the morning my tank together with four or five other tanks of my company entered STUMMERT. I have prepared a sketch marked "A" attached hereto, which shows what took place here, and from now on I will refer in regard to this incident to the numbers which are indicated on this sketch.

As we approached the curve Rottf BRAHM's tank indicated on my sketch as No. 1 had been knocked out by American A.T. fire. My tank (2) stopped immediately. At the same time I noticed 20 to 25 American prisoners of war (4) standing on the left-hand side of the road guarded by 3 to 4 German sentries. I knew that these prisoners were Americans because they wore the American uniform. These Americans were standing in a group with their hands in the air and as far as I could see they had no weapons. Uscha BRAUSCHKE gave the order to "bump off" these prisoners. I heard Sturm. RITZER with the radio-operator's machine gun, Schuetze ANGERER with the turret machine gun traversing their machine guns at the group of prisoners and each of them fired three to four bursts into the prisoner group. I saw the prisoners of war getting hit by the MG fire and all with the exception of 5 to 7 prisoners slumped to the ground. These 5 to 7 prisoners ran in the direction LA GELIZE and I do not know what happened to them. Nobody of our tank crew left the tank in order to determine whether they were dead but in the manner in which they slumped to the ground and were lying, I assumed that they were dead. None of them yelled or thrashed around. The tanks of our company behind us were also firing at this time, but I could not determine whether they shot into the prisoner group. Although I can't say with certainty the order of the tanks behind me at this time, I knew they were the tanks of Ustuf. KOCH, Ustuf KAUFMANN, Hauptscha. KNAPFICH, Cecha ROEMER, and Uscha HERZOG. Immediately after the shooting of the prisoners of war, our tank backed into the position number 3 indicated on my sketch. We remained in this position for about 15 minutes and then we continued by making a detour



000300

behind the house on the right side, indicated on my sketch.

About a half an hour after we had left the place which I described here, reached the center of STUMONT at a point indicated on my sketch "B", attached hereto, and halted. We exchanged artillery fire here with enemy guns, which were some distance away. While we halted there I noticed a group of 25 to 30 American prisoners of war on the place number 5 as indicated in my sketch. These prisoners were guarded by three German sentries and stood with their arms in the air and they had no weapons. Nobody shot at the prisoners while I was there and as our tank continued, they stood unharmed.

On the same day our tank with two or three other tanks of our company in the afternoon between 2 and 3 o'clock reached a point 1 to 2 kilometers west of STUMONT as shown on my sketch "C" attached hereto. I will from now on refer to the numbers indicated on this sketch as I describe the incident which took place there. To the left of us stood a group of 10 to 15 American prisoners of war with two or three German guards. I could tell by their uniforms that the prisoners were Americans and they stood with their arms in the air and had no weapons. Uscha BRAUSCHKE gave the order to "bump off" the prisoners of war.

Sturm RITZER loaded his machine gun and Sturm NESTLER loaded the turret machine gun for ANGERER. At the same time I picked the M.P. ~~wp~~ which was lying left from me, and I stood up through the driver's opening, the door of which was open. Uscha BRAUSCHKE gave the order "Commence fire". RITZER and ANGERER fired several bursts with their M.G. into the prisoners and I fired two short bursts with the M.Pi. As I now recall I fired simultaneously with the machine guns. I did not aim at any particular prisoner but I aimed at the group and pulled the trigger. I saw them being hit and they slumped to the ground and were lying in various position. The prisoners were lying quietly, and nobody yelled or thrashed around on the ground and as they appeared to me, they were all dead. Nobody climbed out of the tank to check the Americans because at this time Ustuf KAUFMANN's tank which was directly behind us received a hit and was burning. I do not know whether Ustuf KAUFMANN's tank (2) or Ustuf KOCH (3) also shot at the prisoner group.

When Ustuf KAUFMANN's tank was knocked out I attempted to turn my tank and to get out of there in a hurry and, in doing so, I got stuck in the ditch. Our crew abandoned the tank and started to walk back on foot in the direction of STUMONT, in order to report to Hauptsturmfuehrer FORTSCHKE, our battalion commander, that we had left our tank. Only Uscha BRAUSCHKE and I reported to Hauptsturmfuehrer FORTSCHKE, because the others had gone off by themselves. As Uscha BRAUSCHKE revealed to Hauptsturmfuehrer FORTSCHKE the situation, Hauptsturmfuehrer FORTSCHKE got very angry, pulled his pistol out and yelled to Uscha BRAUSCHKE that "if you don't get the tank out of the ditch I'll shoot you". BRAUSCHKE and I turned around in order to the back to the tank. As we got near to the place where our tank was stuck, I noticed a group of 10 American prisoners of war (5) who were being marched by a German sentry in the direction of STUMONT. This was at a clearing bordering the main road where our tank was stuck. These prisoners wore the American uniform, marched with their arms over their heads, and had no weapons. When BRAUSCHKE and I reached the point "X" indicated on my sketch "C", the M.G.(6) operated by the paratroopers opened fire at the prisoners. I was carrying the M.Pi and Uscha.

000301

BRAUSCHKE said to me " You shoot too". I fired with my M.Pi and shot two to three prisoners which were the only ones which were still standing, because the others had already been hit by the M.G.Fire and were lying on the ground. I was only 5 meters away from the prisoners and fired two to three bursts with the M.Pi and I could see how the shots of my M.Pi hit the prisoners in the chest. From this group of Americans nobody could escape and all were killed. I walked to the prisoners which I had shot at and determined they were dead because they did not move. This all took place around 6 o'clock on 19 December 1944 and although it was already dark we could see everything clearly because Ustuf KAUFMANN's tank was close by. It had been knocked out previously and was still burning brightly.

On the night of 23 to 24th December 1944, on the day we had broken out of the pocket in LA GLEIZE I heard Hauptscharf.KNAPFICH saying to Uscha RECH of our company and several NCO's " We killed on the last day in LA GLEIZE, American prisoners of war ". From this statement and from the fact that I knew that in LA GLEIZE,KNAPFICH's tank stood as security guard between two houses, in one of which a big group of American prisoners of war were kept in the cellar, I concluded that KNAPFICH's tank shot these prisoners of war.

I make this statement consisting of 8 pages and three sketches marked "A" "B" and "C" voluntarily and of my own free will ,without coercion, threats or promises of reward.

Rottf SZYMEFSKI, Erwin  
8 March 1946.

Sworn to and subscribed before me  
this 8th day of March 1946 at Schwabisch Hall,  
Ger.

PARHAEL SHUMACKER  
Capt. CMP.

000302

TRANSLATION OF LEGEND TO SKETCH "A" DRAWN BY  
Rottf Erwin SEYER RSHI, 8 March 1946.

\*\*\*\*\*

SKETCH OF ENTRANCE TO VILLAGE  
STOUMONT  
\*\*\*\*\*

Place where American prisoners of war were shot.

1. Rottf. BRAHN's Tank
2. Uscha. BRAUSCHIE's tank
3. Uscha BRAUSCHIE's tank position after shooting of  
American prisoners of war.
4. American prisoners of war ( 20-25)

000302

TRANSLATION OF LEGEND TO SKETCH "B" DRAWN BY

Rottf Erwin SZYBERSKI. 8 March 1946.

\* \* \*

SKETCH OF CENTER OF  
STOUMONT

where a large group of American prisoners were standing.

\*\*\*\*\*

1. Oscha. ROFETER's tank.
2. Usch. BRAUSCHIE's tank.
3. Ostuf. KAUFMANN's tank.
4. Ustuf. KOCH's tank.
5. American prisoners of war (25-30)

000307

TRANSLATION OF LEGEND TO SKETCH "C"

DRAWN BY Rottf SZYMERSKI, 8 March 1946.

\* \* \*

SKETCH OF PLACE 1 to 2 Km westward of STOUNDNT

next to the main railroad station STOUNDNT, where

American prisoners of war were shot.

\* \* \*

1. Uscha. BRAUSCHKE's tank
2. Ustuf. KAUFMANN's tank
3. Ustif. KOCH's tank
4. 10 to 15 Prisoners of war
5. About 10 prisoners of war
6. Parachute Infantry. M.G.
7. Spot where Uscha. BRAUSCHKE and I stood when I shot with the M. Pi into the American prisoners of war Group.

000305



I, Erwin Szyperski, being first duly sworn, make the following statement under oath:

Ich Erwin Szyperski, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Adolf Christ mentioned by me in my affidavit, dated 8. MARCH 1946.

Die obigen zwei Photographien sind Photographien desselbigen Adolf Christ von mir in meiner eidesstattlichen Aussage genannt, datiert 8. März 1946.

Erwin Szyperski  
First Name (Vorname) Last Name (Zuname)

Rottenführer  
Rank (Dienstgrad)

2. Comp. 117 Pz. Div. LTAH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

102B

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

Erwin Szyperski  
Officer administering oath

1st Lt USCP  
Rank Arm or Service

EXP 102-B  
615126  
100  
FORM 177-1

000306



F  
EX  
1020

I, Erwin Szyperski, being first duly sworn, make the following statement under oath:  
Ich Erwin Szyperski, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Sturm Ritter mentioned by me in my affidavit, dated 8 MAR 1946.

Die obigen zwei Photographien sind Photographien desselbigen Sturm Ritter von mir in meiner eidesstattlichen Aussage genannt, datiert 8. März 1946.

Erwin Szyperski  
First Name (Vorname) Last Name (Zuname)

Rottenführer  
Rank (Dienstgrad)

2. Komp. 144 Pz. Regt. L 77 A.H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

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

Robert B. Bunn  
Officer administering oath

1st Lt USA 612  
Rank Arm or Service

1020

EX-102-C  
14 APR 1946  
JEB  
COMM-FIELD

EXP-103  
65/46  
J.F.H.

F  
EX  
103

Joh. Erich Wimmer SS StWlf. nachdem ich  
richtmässig eingeschworen wurde mache unter Eid  
folgende Aussage:

Zugzeit der Eifeloffensive im Dezember 1944  
war ich ein Mitglied des 2. Zuges, 2. Kp. <sup>EW</sup> 1. Pz. Rgt.  
L 44 A.H. Ich war als Fahrer dem Panzer vom Hauptstabs Kneppich  
zugehört. Oberstimpf Christ war mein Kp. Chef. und Hauptstabs  
Kneppich war mein Zugführer.

Am 15. Dezember 1944 gegen 6 Uhr abends, am Tage  
vor Beginn der Offensive <sup>Eifeloffensive</sup> unsere Kp. im Wald nahe  
Blakenheim versammelt. Oberstimpf Christ hielt eine Ansprache  
an die ganze Kp. er sprach wie folgt:

„Morgen beginnt eine Offensive, die das endgültige  
Schicksal unserer Nation entscheiden wird. Wir werden nichts  
ablesen, denken an die amerikanischen Terrorbombardierungen,  
die viele von unseren Frauen und Kindern getötet haben.  
Unsere Luft für Mucke ist da. Keine Kriegsgefangenen werden  
in dieser Offensive gemacht werden.“

Ich wußte durch Oberstimpfführer Christ, daß  
ich Kriegsgefangenen erschießen kann ohne Angst vor Strafe  
von meinen vorgesetzten Offizieren zu haben. Ich minniere  
mich, daß, nachdem Oberstimpfführer Christ seine Rede  
beendet hatte, Stimm Ullrich-Beschick von meiner Panzer-  
besatzung den Kp. Chef. fragte, wo er ein paar Schritte  
bekommen könnte. Oberstimpf Christ antwortete: „Wenn  
morgen die Offensive beginnt, werden wir viel Beute  
haben!“

Oberstimpf Christ wollte uns auch, vorichtig zu sein  
und nicht in die Ortschaften zu schießen, wo wir den  
Dächern „Z“ mit Gebäuden angestrichen sehen, da

hier unsere Soldaten in amerikanischen Uniformen  
sahen die zu der Storgengs Gruppe gehörten. Uns wurde gesagt,  
daß Storgengs alleiner ihre Helme abnehmen würden  
und mit ihnen winken, als Erkennungszeichen.

Am 19. Dezember 1944, gegen 7 Uhr morgens drangen  
unsere Panzer mit anderen Panzern unserer Kp. in Stellung  
ein. An dieser Stelle sah ich amerikanische Kriegsgefangene,  
die erschossen wurden, und ich habe eine Skizze angefertigt,  
gekennzeichnet "A" und sie hierzu beigelegt. Sie zeigt die Lage  
unsere Panzer und die amerikanische Kriegsgefangenen Gruppe.  
Hilf. Prohm, o. Panzer wurde an der Stelle, die mit Nr. 1.  
auf meiner Skizze bezeichnet ist, abgeschossen. Mein  
Panzer befand sich auf der mit Nr. 3 auf meiner Skizze  
markierten Stelle, und die Gruppe der amerikanischen  
Kriegsgefangenen wird durch Nr. 2. angedeutet.

Die Gefangenen, etwa 14 bis 15 an der Zahl, standen  
oben Waffen, und hatten ihre Hände hinter ihren Köpfen  
gefaßt. Zwei oder drei Deutsche Infanteristen standen  
als Wache nearby. Ich weiß, daß diese amerikanischen  
Kriegsgefangenen waren, weil sie amerikanische Uniformen  
trugen.

Sobald wir den mit Nr. 3. markierten Platz erreicht  
hatten, hörte ich durch Funk einen Befehl von unserem  
Kp. Chef. Ich ist, daß unser Panzer die amerikanischen  
Gefangenen zumlegen soll, die von den Infanteristen  
in dem mit Nr. 7. auf meiner Zeichnung gekennzeichneten  
Stelle gemacht worden waren und zum Platz Nr. 2.  
gebracht wurden. Kompaniechef führte Kneppich, gab dem  
Nichtschützen, Hiltf. Hoffmann, den Befehl den Turm  
nach links zu drehen und gab den Befehl zu schließen.  
Leute, daß Himmelschirmungwehr, befiel durch Hiltf. Hoffmann  
und das Funker-Maschinengewehr befiel durch Sturm.  
Nichtschütze feuerten jedes von ihnen 3 bis 4 Feuerlöse  
in die Gefangenen Gruppe. Ich war der Fahrer und



kommen mußte.

Ich konnte nicht sehen, wer feuerte, so rief ich zu Hauptoberführer Knoppich, "wer schießt?" "Knoppich rief zu mir herunter, es ist der Kp. Laif Penner." So kann es, daß ich zum erstenmal erfuhr, daß Oberstführer Schribs Penner unmittelbar hinter uns war.

Die Amerikaner, die ich sah, wie sie erschossen wurden, wie ich es oben beschrieben habe, bestanden aus ungefähr der Hälfte der Gruppe von 30 bis 35 Gefangenen und hinter von ihnen endete. Ich konnte nicht die Hälfte der Gefangenen Reihe sehen, die mein Penner bereits passiert hatte. Ich sah sie zu Boden stürzen und solche Stellungen <sup>einnehmen</sup>, daß ich erfuhr sie waren tot. Ich habe <sup>die</sup> ~~alle~~ Soldaten im Kampfe während des Krieges erschossen werden und ich kann recht gut <sup>das</sup> ~~er~~ erkennen, wenn ein Mann entweder schwer verwundet oder tot ist.

Was mit dem ersten Teil dieser Gefangenen Gruppe geschah, weiß ich nicht, aber ich nehme an, daß die Maschinengewehr, die auf den Teil der Gruppe schossen, den ich sah, nicht auf die Gefangenen schossen, die im ersten Teil der <sup>Ein Reihe</sup> ~~Reihe~~ waren, da die Gruppe nicht gebremst war, sondern alle in einer langen Reihe standen.

Ungefähr eine Stunde später (wir waren nur <sup>EW</sup> ~~noch~~ 1 bis 1 1/2 Km gefahren) hielt unsere Penner Kolonne auf einer sehr engen Straße. Während dieses Zeitraums von einer Stunde waren wir auf dieser engen Straße gefahren. Diese Straße war so eng, daß Penner weder passieren noch andere Penner überholen konnten. Als wir mitten, sah ich denn, daß Oberstführer Schribs Penner dazwischen war, der unmittelbar hinter uns gefahren war.

An einem Tag, ich glaube, daß es der 21. Dezember 1944 war, während unsere Gruppe im Kessel von La-Gleise eingeschlossen <sup>EW</sup> ~~war~~ wurde, wurde mir zusammen mit Sgt Hoffmann, ungefähr um 11 Uhr oder 11:30 Vormittags



und stellten sie in zwei Reihen, mit dem Gesicht  
uns zugewandt, auf. Die Gruppe bestand aus rund  
10 bis 12 Gefangenen. Wir stellten uns ungefähr  
10 m. vor den Gefangenen in den Stellungen auf,  
wie ich sie auf meiner Skizze bezeichnete. Ich war  
am weitesten links und Rolf Stauffer<sup>21</sup> war der  
nächste zu mir und Hauptleutnant Knappich war der  
nächste zu ihm denn Herr Rolf Linn und Unterleutnant  
Truchler war am weitesten rechts. Hauptleutnant Knappich  
sagte denn zu uns allen: "Wobald ich mit der  
Mauschirmenpistole zu schießen beginne, schießt  
jeder ab." Sofort nachdem Hauptleutnant Knappich  
seine Mouschirmenpistole in die Gefangenen hinein  
geführt hatte, zielte ich mit meiner Pistole auf  
den Gefangenen, der als Zweiter von links mit  
dem Gesicht mir zugewandt in der vordersten  
Reihe stand. Ich hatte bloß 5 Patronen in meinem  
Massegehirn, und ich schuß sie alle auf diesen einen  
Gefangenen. Ich sah ihn zu Boden stürzen. In der  
Zwischzeit hatten alle anderen Geschossen, und alle  
Gefangenen lagen auf den Böden. Wir gingen zu  
der Gruppe der toten Männer, und ich schaute  
mir den einen an, auf den ich geschossen hatte,  
um zu sehen, ob er noch am Leben war und  
einen Gnadenschuß benötigte. Jedoch war ich,  
nachdem ich ihn mir angesehen hatte, so sicher,  
daß er tot war, daß ich mir keine Mühe gab einen

Grundenschrift abzugeben. Alle anderen Gefangenen waren  
offensichtlich auch tot, sind nachher sie überprüft  
worden, jede mindestens irgendwelche Grundenschrift ab.  
Hauptscharf. Knappich befehl uns dann zur unserem  
Ponyer zurück zu kehren.

Ich erinnere mich, daß am dem Tage, am  
dem wir die einschließung verließen, ich die Straße  
in Richtung auf die Kirche hinunter ging, wie auf  
meiner Skizze gezeigt, sind eine Gruppe von ungefähr  
30 bis 40 toten Amerikanern auf dem mit Nr 5.  
markierten Platz, sah. dies den Stellungen, in denen  
sie lagen, weiß ich, daß sie Kriegsgefangene waren,  
die umgelegt worden waren. Es war offensichtlich  
für mich, daß sie nicht im Kampfe gefallen waren,  
weil dort sokeh eine große brennende Gruppe auf  
einem kleine Platz war. Ich habe am dieser  
Erkenntnis nicht teilgenommen, sind obwohl ich  
einige der Soldaten von anderen Kompanien darüber  
sprechen hörte, weiß ich nicht mit Bestimmtheit,  
wer diese Gefangenen erschossen hat.

Ich mache diese Aussage, bes lehend auf 7. sinden  
sind 3. mit "A", "B", sind "C", markierten Skizzen  
Freiwillig, ohne Zwang, Drohungen oder Versprechungen  
auf Belohnung.

Sawm to and subscribed ~~Unterschrift~~  
before me this 4<sup>th</sup>  
day of April 1946  
at Schwäbisch Hall,  
Ger.

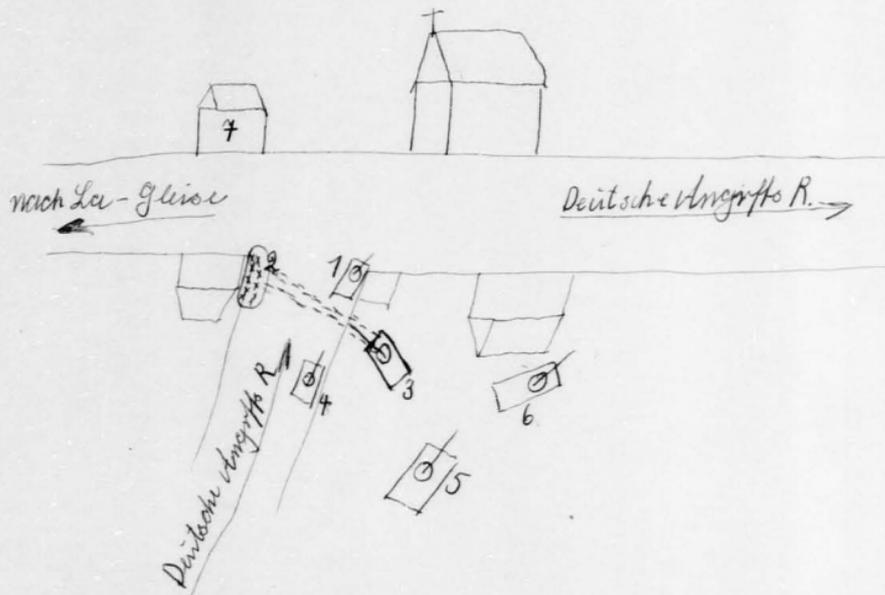
<sup>EW</sup>  
Erich Werner  
4 April 1944.

Raphael Thumacher  
Capt. C.M.F.  
7.

Skizze vom Ortsübergang  
von Steinmört - wo

14 bis 15 Amerikanische  
Kriegsgefangene erschossen wurden.

"A"

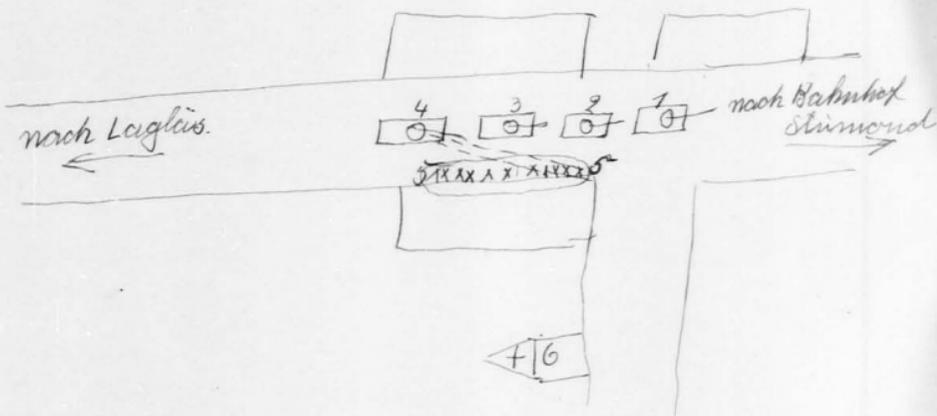


1. Priester. Pz
2. 14. bis 15. Amerikanische Kriegsgefangene
3. Flempelschurf. Knappich's Pz
4. Unterstorf. Brunsche's Pz
5. Oberstümpf. Christ's Pz
6. Oberschurf. Popeters Pz
7. Flempelschurf. welche in 14 bis 15 Amerikanische Kriegsgefangene von Deutschen Fallschirmjägern herabgebracht wurden.

Erich Aemmer.  
4 April 1946.

Skizze von Mittelpunkt  
Stimmort wo 30-35 amerikanische  
Kriegsgefangene erschossen wurden.

"B"



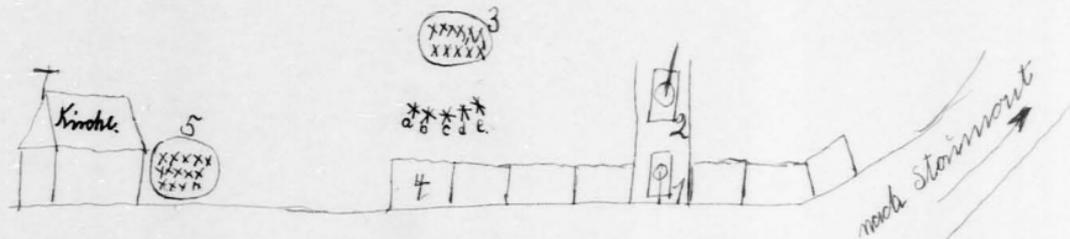
1. Oberschf. Roperters. Pz.
2. Unterschf. Braunschwe. Pz.
3. Kampf. Knappicks. Pz.
4. Oberstimpf. Christ. Pz.
5. 30 bis 35 amerikanische  
Kriegsgefangene.
6. Kapelle.

Erich Wenner  
4 April 1946.

2

Skizze von La Gleise.  
 die, die <sup>EW</sup> stehenden Plätze.  
 wo amerikanische Kriegsgefangene  
 erschossen wurden liegt.

"C"



Schritte
1 Hauptstschf. Knoppichs Pz.
2 Unterschf. Trechslers Pz
3 10 bis 12 Amerikanische Kriegsgefangene.
4 Haus wo amerikanische Kriegsgefangene im Keller eingesperrt waren
5. 30 bis 35 tote amerikanische Kriegsgefangene.
a. ich - Neef Erich Werner.
b. Hoffmann Fleming
c. Hauptstschf. Knoppich
d. Hüt. L & M.
e. Unterschf. Trechslers.

Erich Werner

4 April 1946.

000317

# TRANSLATOR'S AFFIDAVIT

EX 103-A  
4/5/46  
J.E.B.  
1946-10-10

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

Erich WERNER

taken on 4 April 1946 at Schwäbisch Hall, Germany,

before Raphael Shumacker, Capt., CMP

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. 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 IPW course at Camp Mitchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW 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.F.E.T. as a civilian German-English interpreter.

Sworn and subscribed to before me this 23<sup>rd</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Joseph Kirschbaum*

*April 1946*

*Raphael Shumacker*  
War Crimes Branch, USFET  
Capt. CMP

EX 103-A  
J.E.B.  
1946-10-10

P  
EX  
103A

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000318

I, Erich WERNER, SS Rottf., having been duly sworn under oath make the following statement:

In December 1944 at the time of the EIFEL offensive, I was a member of the 2nd platoon, 2nd Company, 1st SS Panzer Regiment LSSAH. I was assigned to the tank of Hauptsturmfuehrer KNAFFICH as driver. My Company Commander was Obersturmf. CHRIST, and my platoon leader was Hauptstchf. KNAFFICH.

On 15 December 1944 about 6 o'clock in the evening while our company was assembled in the forest near BLANKENHEIM the day prior to the beginning of the offensive, Obersturmf. CHRIST delivered a speech to the whole company. He spoke as follows:

"Tomorrow begins an offensive which is going to decide the final fate of our nation. We will go forward ruthlessly. Remember the terror bombings by the Americans which have killed many of our women and children. Now is our time for revenge. In this offensive no prisoners of war will be taken."

I knew from Obersturmfuehrer CHRIST's speech that I could shoot prisoners of war without fear of punishment from my superior officers. I remember when Obersturmfuehrer CHRIST finished his speech, Sturmmann MIKULASCHEK from my tank crew asked the Company Commander where he could get a pair of shoes. Obersturmf. CHRIST answered;

"When the offensive begins tomorrow we will have plenty of loot."

Obersturmf. CHRIST also warned us to be careful not to shoot in the villages where we saw the letter "Z" scratched on buildings as here would be our soldiers in American uniforms who were with the SCHOENEN group. We were told that SCHOENEN's men would take off their helmets and wave them as a sign of recognition.

On the morning of 19 December 1944, at about 7 o'clock our tank together with other tanks of our company entered SFUMONT. At this place I saw American prisoners of war shot, and I have drawn a sketch marked "A" and attached it hereto showing the location of our tanks and the group of American prisoners of war. Rottf. FRAM's tank was knocked out at the place indicated by number 1 on my sketch. My tank was located at the place marked number 3 on my sketch and the group of American prisoners of war is indicated by number 2.

The prisoners who numbered about 14 to 15 stood without weapons and with their hands clasped behind their heads. Two or three German Infantry soldiers stood guard nearby. I know that these were American prisoners of war because they wore the American uniform.

As soon as we had reached the place marked with number 3, I heard an order over the radio from our company commander CHRIST that our Tank should bump off the American prisoners who had been taken by Infantry troops from the house marked number 7 on my

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sketch and brought to position number 2. Hauptscharfuehrer KNAPFICH gave the gunner, Rttf. HOFFMANN the order to turn the turret left and gave the order to fire. Both, the turret machine gun operated by Rttf. HOFFMANN and the radio-machine gun operated by Sturm. MIKOLASCHIEK fired 3 to 4 bursts each into the group of prisoners. I was the driver and did not fire but I watched the whole incident and saw how the Americans were hit and slumped to the ground. They lay in odd positions and it was clear to me that they were all either seriously wounded or dead. Right after this Oberscharf. ROPETA's tank went across the field on to the road, followed by Unterscharf. BRAUSCHKE's tank, and we followed after. We travelled along the main street of SLOUMONT and reached a point in the center of the village, which I have shown on my sketch "B" attached hereto. At point number 5 on my sketch, I saw a group of about 30 to 35 American prisoners of war standing sideways. They were standing in single file facing us as we travelled towards them as shown on my sketch. The prisoners had their hands clasped behind their heads, and had no weapons. When my tank reached the point shown as number 3 on my sketch, which was about midway of the column of prisoners, I saw machine gun tracer bullets firing into that part of the group of prisoners who were still ahead of me.

It was clear to me from my past experience in battle that from the sound of the shooting and the amount of tracer bullets I saw, that the firing was coming from two machine guns. From the noise and the tracers I was absolutely positive that the fire directed at these prisoners came from two machine guns and not from a single one. This was obvious from the fact that the tracers showed two different but simultaneous trajectories.

I am also positive that this machine gun fire came from two machine guns mounted on the same vehicle. The trajectories as shown by the tracers were practically parallel and not more than 30 cm. apart, and travelled at approximately the same height above the ground. For these reasons I concluded that the fire had to come from one vehicle.

I could not see who was firing so I yelled to Hauptscharfuehrer KNAPFICH, "Who is firing?" Hauptscharf. KNAPFICH yelled down to me, "It is the company commander's tank." That is how I first knew that Obersturmf. CHRIST's tank was directly behind us.

The Americans that I saw shot, as I have just described, consisted of about half the group of 30 to 35 prisoners and none of them escaped. I could not see that half of the file of prisoners that my tank had already passed. I saw them slump to the ground and assumed such positions that I knew they were dead. I have seen many soldiers shot in battle during the war and I can pretty well tell when a man is either badly wounded or dead.

What happened to the first part of this group of prisoners I do not know but I assume that the machine guns that fired at the part of the group that I saw also shot the prisoners in the first part of the line as the group was not separated, but all stood in one long line.

✓ About an hour later (we had only travelled about 1 or 1½ km.) our tank column stopped on a very narrow road. During that period of one hour we had been travelling on this narrow road. This road was so narrow that tanks could neither pass nor overtake other tanks. When we stopped I then saw that Obersturmfuehrer CHRIST's tank was the one travelling directly behind us.

On a day which I believe to be 21 December 1944, while our group was encircled in LA GLEIZE pocket, at about 11 or 11:30 in the morning, I, together with Rttf. HOFFMANN, was ordered to shoot American prisoners of war. I have prepared a sketch marked "C" and attach it hereto showing the place where the American prisoners were shot and where our tank stood guard. At the time just mentioned I saw Hauptscharf. FETUN of the 1st Company come up to the tank and call Hauptscharf. KNAFFICH out. They spoke together for a few moments and then KNAFFICH came back to the tank and ordered Rttf. HOFFMANN and myself to come along with our weapons. When we joined Hauptscharf. KNAFFICH he said to us, "We have to bump off prisoners." We all went down to the house where the prisoners were kept in the cellar. I have indicated this house by number 4 on my sketch marked "C". Our group consisted of Hauptscharf. KNAFFICH who had a machine pistol, Unterscharf. TRECHSLER of the 1st Company, who also had a machine pistol, Sturm. LUM of Unterscharf. TRECHSLER's crew, Rttf. HOFFMANN, and myself. With the exception of TRECHSLER and KNAFFICH, we all had Belgian pistols. When we reached the house where the American prisoners were kept, Hauptscharf. KNAFFICH said to Rttf. HOFFMANN and me, "Go in and bring them out and take them to a garden nearby." We went down to the cellar and I yelled and motioned to the prisoners to come out. Then HOFFMANN and I took them to the place marked number 3 on my sketch and lined them up in two rows facing us. The group consisted of about 10 to 12 prisoners. We lined up about 10 meters in front of the prisoners in the positions indicated on my sketch. I was on the extreme left and Rttf. HOFFMANN was next to me and Hauptscharf. KNAFFICH was next to him, then came Rttf. LUM and Unterscharf. TRECHSLER was on the extreme right. Hauptscharf. KNAFFICH then said to all of us, "As soon as I start firing with the machine pistol - every man shoot." Immediately after that Hauptscharf. KNAFFICH fired his machine pistol into the prisoners and I took aim with my pistol at the prisoner standing second from the left facing me in the front row. I only had 5 bullets left in my magazine and I fired all of them into this one prisoner. I saw him slump to the ground. In the meantime everybody else had fired and all the prisoners were lying on the ground. We walked up to the group of dead men, and I looked at the one I had shot to see if he was still alive and needed a mercy shot. However, after looking at him I was so certain that he was dead that I did not bother to deliver a mercy shot. All the other prisoners were also apparently dead and after examining them nobody delivered any mercy shots. Hauptscharf. KNAFFICH then told us to return to our tank.

I remember that on the day we left the encirclement, I walked along the road in the direction of the church as shown on my sketch and at the place marked number 5, I saw a group of about 30 to 40 dead Americans. From the positions in which they were lying I knew that they were prisoners of war who had been bumped off. It was obvious to me that they had not fallen in battle because there was such a large group killed in one small place. I did not participate in this killing and although I heard some of the soldiers from other companies talking about it, I do not know for certain who shot these prisoners.

000321

I make this statement consisting of 7 pages and three sketches marked "A", "B" and "C" voluntarily, without coercion, threats, or promises of reward.

Erich WERNER  
4 April 1946

Sworn to and subscribed before me  
this 4th day of April 1946 at  
Schwäbisch Hall, Ger.

Raphael SHUMACKER  
Capt. CMP

000322

TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF

Erich WERNER, dated 4 April 1946

\*\*\*\*\*

Sketch of entrance to village SPOUMONT, where 14 to 15 American prisoners of war were shot.

1. FRAHM's tank
2. 14 to 15 American prisoners of war
3. Hauptscharf. KNAPPICH's tank
4. Unterscharf. BRAUSCHKE's tank
5. Obersturm. CHRIST's tank
6. Oberscharf. ROPFER's tank
7. House from which 14 to 15 American prisoners of war were brought out by German paratroopers.

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TRANSLATION OF LEGEND ON EXHIBIT "B"

TO AFFIDAVIT OF

Erich WERNER, dated 4 April 1946

\*\*\*\*\*

Sketch of center of SPOUMONT, where 30 to 35 American prisoners of war were shot.

1. Oberschf. ROPFER's tank
2. Unterschf. BRAUSCHKE's tank
3. Hauptschf. KNAPPICH's tank
4. Obersturm. CHRIST's tank
5. 30 to 35 American prisoners of war
6. Chapel

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TRANSLATION OF LEGEND ON EXHIBIT "C"

TO AFFIDAVIT OF

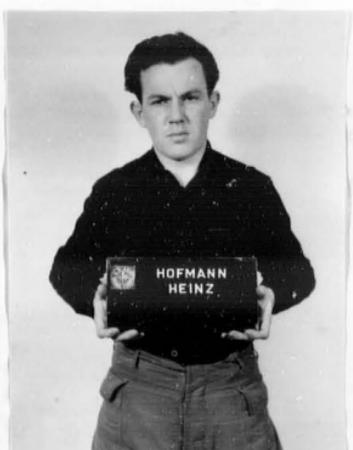
Erich WERNER, dated 4 April 1946

\*\*\*\*\*

Sketch of LA GLEISE, showing the place where American prisoners of war were shot.

1. Hauptschf. KNAPPICH's tank
2. Unterschf. TREBSLER's tank
3. 10 to 12 American prisoners of war
4. House where in the cellar American prisoners of war were locked up.
5. 30 to 35 dead American prisoners of war
  - a) I, - Rttf. Erich WERNER
  - b) Rttf. HOFFMAN, Heinz
  - c) Hauptsch. KNAPPICH
  - d) Rttf. LUM
  - e) Unterschf. TREBSLER

000323



P  
28  
1033

I, ERICH WERNER, being first duly sworn, make the following statement under oath:  
Ich Erich Werner, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same RTE. HOFMANN mentioned by me in my affidavit, dated 4 APRIL 1946.

Die obigen zwei Photographen sind Photographien desselbigen RTE. HOFMANN von mir in meiner eidesstattlichen Aussage genannt, datiert 4 April 1946.

Erich Werner  
First Name (Vorname) Last Name (Zuname)

44 801st  
Rank (Dienstgrad)

2. Kp. 1. 772. Regt., L 44 A H  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
24<sup>th</sup> day of April, 1946.

Joseph J. Schmacker  
Officer administering oath

Capt. CMP  
Rank Arm or Service

EX 1033  
J.E.B.



Ich habe meine Verbaupflicht und das Zustehen  
 haben auf der Rückseite der beiden Photographien die auf  
 oben befindlichen - geschildert sind - mich für diese zwei Briefe  
 Absagen, und habe sie früher beigefügt.

Ich muss diese Absagen beifügen und zum  
 Ende und zwei Photographien unterzeichnet, "Linné/Strick  
 A München" und "Linné/Strick B München" für die -  
 dem Zweck, Kopien oder Reproduktionen aufzufüllen.

Grüßes Gedenken

22. April 1946

Subscribed and sworn to  
 before me this 22nd day  
 of April 1946

Robert E. Byrnes  
 Notary Public

000326

Exhibit A - Statement



EX  
A

Exhibit A - Gustav SPRENGER's Statement

Exhibit B

Statement



Exhibit B - Gustav SPRENGER's Supplemental Statement

000327

### 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

Gustav SPRENGER

taken on 22 April 1946 at Schwäbisch Hall, Germany.

before Robert E. Byrne, 1st Lt., JAGD

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. My native tongue is German.
2. I learned English through study of the language for two years in High School, one year in college, and eight months of evening classes, all in VIENNA, Austria.
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 IPW course at Camp Hitchie, Maryland, conducted by the Military Intelligence Training Center.
5. From June 1944 until September 1945, I served continuously as an IPW 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.F.E.T. as a civilian German-English interpreter.

P  
EX  
104A

*Joseph Kirschbaum*

Sworn and subscribed to before me this 23<sup>rd</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Roghael Thumacher*  
War Crimes Branch, USFET

*Capt. CMP*

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P-104A  
V-3

000326

I, Gustav SPRENGER, SS Sturmmann, having been duly sworn upon oath, make the following statement supplementary to my statement of 27 February 1946.

On the 22nd of April 1946 two photographs were shown to me, one of which bears the writing "Exhibit A-STOUMONT" and the other one "Exhibit B-STOUMONT". Both of these photographs show the house which I described in my statement of 27 February 1946, where Obersturmfuehrer SIEVERS shot three American prisoners of war in presence of Obersturmbannfuehrer PEIPER.

On the picture marked "Exhibit A-STOUMONT" I have marked with the letter X and Y the exact position of Obersturmfuehrer SIEVERS and Obersturmbannfuehrer PEIPER at the time when Obersturmfuehrer SIEVERS shot the three American prisoners of war. Obersturmfuehrer SIEVERS stood at the spot marked X and Obersturmbannfuehrer PEIPER at the spot marked Y. The three American prisoners of war stood at the exact position as shown by three persons with their hands over their heads on the picture, at the time as I passed this place, as I described it in my statement of 27 February 1946.

The photo marked "Exhibit B-STOUMONT" is a picture of the same house I described above. However, it shows the path going off the main road and running along the house, which is the path I took at the time of the incidents I described in my statement dated 27 February 1946.

I have set my signature and today's date on the reverse side of both photographs which I described above and make them a part of the statement and attach them hereto.

I make this statement consisting of two pages and two photographs marked "Exhibit A-STOUMONT" and "Exhibit B-STOUMONT" voluntarily, without force, threats or promises of reward.

(signed) Gustav SPRENGER  
22 April 1946

Subscribed and sworn to before me  
this 22nd day of April 1946

Robert A. BYRNE  
1st Lt., JAGD

000326

Exhibit A - Statement



Exhibit A - Gustav SIRENBER's Statement

Exhibit B

Statement



Exhibit B - Gustav SIRENBER's Supplemental Statement

Ich, Hans Hillig, mache folgende Aussagen unter Eid, nachdem ich zuerst ordnungsgemäß hingekürtet worden bin:

Während des Gefelleinsatzes im Dezember 1944 war ich in Nachr. Zug der Stabskompanie des 1. 44. Pz. Regt L44AH als Unterscharführer.

Die erste Grabierprüfung eines Kriegsgefangenen im Gefelleinsatz sah ich am 14. Dezember 1944. Die genaue Uhrzeit kann ich mich nicht entsinnen, ich weiß nur, dass es um Nachmittag war. Dies drückte sich an einer Krappe, Kreuzzug an, welche sich auf dem Wege Billingen nach Fugelsdorf befand, und welche ungefähr 4-5 km. nördlich von Fugelsdorf war. Von Billingen kommend, sind wir links aus der Kurve in die Hauptstraße eingebogen und hielten ungefähr am Nordende einer Wiese an, auf welcher eine große Anzahl, anscheinend viele, amerikanische Soldaten lagen. Ich kann mich auch erinnern, dass ein Hans Albrecht aus der Gefle stand, an der rechten Seite, nachdem wir links in die Kurve gekommen waren, von Billingen. Ich kann mich bestimmt erinnern, dass das Fahrzeug von Hauptstabscharführer Hartmann unmittelbar hinter uns fuhr und zur selben Zeit an dem erwähnten Stelle anhielt. Ich weiß nicht genau, ob der Hs. fünfswagen Hartmann folgte. Ich weiß mich zu erinnern, dass ungefähr 4-5 m. vor uns ein Haus, Markt II, auf der rechten Seite der Straße, vor dieser Weidestaud. Wir standen bei dieser Wiese ungefähr 20 Minuten, an der rechten Seite der Straße,

124  
102

Mos. 104 Jd.  
105 fuv

(1)

EX-25  
L. E. B.  
RECHENSTREIFEN

da sah ich, wie <sup>Oberst</sup> Oberst Harfischer Thibet (von meinem Panzer aus gesehen  
 in der rechten, hinteren <sup>Linie</sup>) einen amerikanischen Gefangenen auf-  
 stehen ließ. Ich habe gesehen, wie Thibet diesen Kriegsgefangenen  
 mit dem Fuß stieß, ehe er ihn aufstehen ließ. Ich  
 sah ferner, wie Osh. Thibet den Gefangenen befahl, <sup>verschie-</sup> schie-  
 dene Kleidungsstücke abzuliegen, wobei mir noch fol-  
 gende Bekleidungsstücke in Erinnerung sind: "Schuhe  
 und Hose". Es mögen auch noch andere Sachen gewesen  
 sein, welche Thibet den Gefangenen abnahm, dies kann  
 ich ~~sicher~~ aber nicht mit Bestimmtheit sagen. Ich sah weiter  
 dann, wie Thibet den Gefangenen befahl sich hinter mich zu be-  
 geben, worauf Thibet den Gefangenen von hinten niederschoss.  
 Der Gefangene fiel sofort zu Boden und Thibet gab meinem  
 Spinnennetz noch <sup>ein</sup> Schuß auf den Gefangenen ab, nachdem  
 es zu Boden gefallen war (Es mögen auch mehrere gewesen sein.)  
 Sofort darauf ging Thibet mit den Kleidungsstücken <sup>auf</sup> ~~zu~~  
 dem <sup>hinteren</sup> ~~zurück~~ zu seinem Panzer. Ich weiß, daß es Thibet war,  
 denn ich kannte ihn, da ich mit ihm schon Karten ge-  
 spielt hatte. Ich weiß, daß dieser amerikanische Soldat, den  
 Thibet aufstehen ließ und erschoss ein Kriegsgefangener war,  
 denn er hob sofort die Arme hoch und <sup>ging</sup> ~~ging~~ soweit ich sah  
 keine Waffen. Daß es ein Amerikaner war, kommt ich an  
 seiner Uniform erkennen. Ein anderer <sup>in</sup> ~~in~~ Erinnerung ist Ush.  
 Sturmführer Krause, welcher neben mir im S. P. W. stand.  
 Ich kann mich noch an folgende Leute erinnern  
 welche an dieser Stelle in meinem S. P. W. waren:

(2.)

1. Untershirnführer Krauß, Horst
2. Rotkopfführer Kiefer, Horst
3. " " Lehmann, Walter
4. Unterscharführer Hillig, Hans

Ich möchte noch nachtragen, dass während der Zeit, in welcher sich obige Schießerei zwischen sich & weitere deutsche Soldaten auf der Wiese befanden. Die einzigen zwischen den ausgebliebenen beiden Gefangenen herum und schossen mit ihrem Pistolen auf diese Leichnahmen. Ich weiß nicht wer diese Leichnahmen, denn sie gehörten nicht zu unserer Einheit. Es ist eine Tatsache, dass diese Leiche nicht zu unserer S. P. W. Besatzung gehörten, denn von uns ist an dieser Stelle niemand ausgesetzt worden, wie früher denn weiter.

Ich habe eine Skizze zur Gliederung obiger Aussagen gemacht, sich skizzenhaft a) bezeichnet und mache sie einen Teil meiner Aussage.

Am 19. Dezember 1944 am frühen Nachmittag er, ergriffte sich folgendes. Wenn man von La-Grange nach Stomazort fährt, so befindet sich links der Straße ein Haus, gerade wenn man den Rond von Houmourt erreicht, um das Haus ein Garten der mit einer ungefähr 12m hohen Hecke eingezäunt ist. Ich wurde von Untershirnführer Krauß eingewiesen hinter diesem Haus, das heißt hinter dieser Hecke zu postieren. Wir standen ungefähr 1/2 Stunde an dieser Stelle, als bekamen ich von Ustaf Krauß den Befehl, alle umherliegenden feindlichen Waffen und Munition auf einen Haufen zu sammeln. Die feindliche Besatzung meines Jahrsanges mußte mir helfen. Auf einmal hörte ich Hirnbaurführer Peipers rufen: "Hillig, holen sie die Gefangenen". Ich weißte wo der Gefangene war, denn ich hatte vorher schon einen Befehl von Peipers ausgeführt, wobei ich den Gefangenen sah. Ich holte diesen Gefangenen aus dem Haus dieses Hauses wo es auf der Treppe saß und von Ruff. Walter Lehmann bewacht wurde. Ich führte ihn neben das Haus wo Peipers auf einen Heinsatz und lieferte ihn ab. In Peipers unmittelbarer Nähe standen folgende Offiziere: Obershirnführer Maile, Bindi und Untershirnführer Krauß, Horst.

(3)

Ich glaube mich Hauptsturmführer Grühle Haus da gesehen zu haben. Nachdem ich den Gefangenen Peiper übergeben hatte, trat ich ungefähr 5-6 m zurück und blieb stehen. Der Grund war, ich wollte sehen was Peiper mit den Gefangenen vorhatte. Ich sah und hörte dann, wie Peiper mit diesen Gefangenen in einer fremden Sprache sprach. Dieser Gefangene antwortete mir auf den ersten Satz, den er von Peiper gehört wurde. Peiper redete weiter mit den Gefangenen, doch der blieb stumm. Am Ende der Unterredung zwischen den Gefangenen und Peiper, weiß ich jedoch, daß der Gefangene eine kurze Antwort gab. Peiper war darauf sehr erzürnt und rief: "Billig" ich antwortete: "Hitzubaumführer"; Peiper sagte: "Schießen sie diesen Mann und legen sie ihm ein glück Geschick". Damit meinte er, ich sollte den Gefangenen in die Nähe des glück Geschick erschießen. Ich führte dann diesen Gefangenen ab, nach dieser Stelle, die mir von Peiper angedeutet war. Als ich ungefähr 75 m von Peiper entfernt war, rief er mir nach: "Das ist weitgehend". Ich möchte noch nachfragen, daß ich zwar eine Pistole bei mir hatte, aber keine Maschinen-Pistole, deshalb ließ ich mir diese Waffe von meinen Fahrten geben. Wenn sie mir gegeben hat, kann ich nicht genau sagen, ich glaube aber es war Hott, Landfried, Walter. Nachdem ich, wie oben erwähnt, angestrichen wurden was von Peiper, nahm ich die Maschinen-Pistole und gab einen Schuß in die Herx, gegen des amerikanischen Gefangenen ab. Ich brach sofort zurück.

Als es am Boden lag, gab ich ihm noch einen Schuß in die Schläfe, um sicher zu sein, dass es Tod war. Ich weiß, dass der Mann nicht leiden mußte und Tod war, denn seine Äugen waren gebrochen. Ich behalte dann ein Pfeifen zurück, das noch immer an der selben Stelle war und berichtigte ihn, dass ich seinen Befehl ausgeführt hatte. Es schmerzte mich etwas, welches etwas mit den Augen fangen zu können hatte, doch kann ich mich dessen nicht mehr entsinnen. Ich behalte dann wieder ein neues altes Gebet zurück.

Ich habe eine Skizze gemacht, zur Erläuterung der obigen Aussagen, die mit Dokument b.1 bezeichnet sind und mache sie einen Teil meiner Aussage.

Diese Skizze bestehend aus 5 Seiten und 2 Skizzen wurde freiwillig und aus eigenem Antrieb gemacht. Und beeinflusst durch Gewalt, Drohungen, Härte oder Bespärlichkeit von irgendwelcher Art.

Ich schwöre bei Gott, dass die Tatsachen, welche ich hier ausgesagt habe, wahr sind, und ich bin bereit selbige vor irgendeinem Gericht der Gerechtigkeit zu wiederholen.

15.3.1946

Hans Gillig

Sworn to and  
subscribed before  
me this 15<sup>th</sup> day of  
March 1946 at Schwäbisch  
Hall.

Raphael Thumacher  
Capt CMP

Auf dieser Wiese  
lage 12 viele Tode  
amerik. Soldate 12.

2)

Hier lag dieser amerikanische  
Soldat welchen Hüber erschoss.

1.)

Unsere beiden S.P.W.

5. Fus. Hillig

6. Fus. Hamada

Hauptstrasse nach Engelsdorf. 10.)

Zaw2.



Panzer von Hüber.

Vor dieser Stelle aus sahen  
wir Hüber bei der Erschießung  
des Gefangenen.



Dokumenta.

Aus dieser Richtung kamen wir.

6. Billingerstr.

Angefertigt 15.3.1946.  
Hans Hillig.

000337

Erklärung zu Skizze a.1.

- 1) Dalag der amerika. Soldat weldzer Huber erschoss.
- 2) Auf dieser Wiese lagern viele amerika. Soldaten.
- 3) Parzer von Hüber.
- 4) Fürkstelle Hillig.
- 5) Von dieser Stelle aus sah er wir Hüber.
- 6) Fürkstelle Hartmann.
- 7) Scheune welche darin von der Leüter  
in Brandgesteckt wurde.
- 8) Wohnhaus an Hauptstrasse.
- 9) Aus dieser Richtung kamen wir.
- 10) Hauptstrasse nach Engelsdorf.
- 11) In dieser Richtung verliessen wir diesen Ort.

Angefertigt am 15. 3. 1946  
Hans Hillig.

141  
Schloss

An dieser Stelle müsste ich mich erschliessen

Haus

Hier waren viele Gefangene untergebracht.

Erstes Haus am Ortszugang vor Stornmont.

Mein letzter Standort.

Hier befand sich der Gefangene.

Kirche

Abgeschossener Panther.

Waldweg nach La Glais

Mein Standort vor der Fahrt nach Stornmont.  
Gef. Pöschke u. Inf. Btl.

Gef. Peiper

Von hier kam der am. Major.

Strasse nach Stornmont

X  
○  
Der Gefangene Peiper.

Weg des Gefangenen.  
Angefertigt am 15.3.1946

Dokument b

Klaus Hillig

000337

000335

## Erklärung zu Skizze b.

- 1.) Von hier ruft ich den Gefangenen holen zu Reiper
- 2.) der Standort des Gefangenen beim Berhöhr.
- 3.) an dieser Stelle ruft ich den Gefangenen auf Befehl Reiper erschiesen.
- 4.) Reiper.
- 5.) d. j. Panzer.
- 6.) fünfstelle Hillig.
- 7.) fünfstelle Hartmann.
- 8.) lin. fünfstelle.
- 9.) Abgeschossener Panzer.
- 10.) Mein Standort bei Morgenrücken.
- 11.) Mein letzter Standort vor der Fahrt nach La-Glais.
- 12.) Mein Standort vor der Fahrt nach Houmout.
- 13.) Gef. Stand Prösche und Inf. Btl.
- 14.) Schloß. Hier waren viele Gefangene untergebracht.
- 15.) Gef. Stand Reiper
- 16.) Erstes Haus am Ortsbeginn von Houmout
- 17.) Kirche von Houmout.

ungefertigt am 15.3.1946.

Hans Hillig.

000330

### 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

Hans Hillig

taken on 15 March 1946 at Schwäbisch Hall, Germany,

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 5 pages, into English, and 2 sketches

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 ENGLISH for 4 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.

P  
EX  
105A

*Paul Ritzer*

Sworn and subscribed to before me this 26<sup>th</sup> day of March 1946 at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
War Crimes Branch, USFET

*at APO 633  
EX-105a*  
J. E. S.  
REPORTER

I, Hans HILLIG, first being duly sworn, make the following statement under oath:

During the EIFEL Offensive in December 1944, I was in the communications platoon of the Headquarters Company, 1st SS Panzer Regiment, LSSAH as Unterscharfuhrer.

I saw the first shooting of a prisoner of war in the EIFEL Offensive on 17 December 1944. The exact time I cannot recall; I only know that it was in the afternoon. This happened at the road-crossing which was on the way from BUELLINGEN to ENGELSDORF and which was about 3 to 5 kilometers north of ENGELSDORF. Coming from BUELLINGEN we turned a curve to our left into the main road, and stopped just about at the north end of a pasture on which a rather large number of apparently dead American soldiers were lying. I also can remember that there was a house on the corner directly on the right side after making the left turn. I definitely know that the vehicle of Hauptscharfuhrer HARTMANN drove immediately behind us and at the same time stopped at the above mentioned place. I don't know exactly whether the Div communications vehicle followed HARTMANN. I can remember that a Mark IV tank was parked 4 to 5 meters ahead of us on the right-hand side of the road in front of this pasture. We had been standing at this pasture approximately 3 minutes on the righthand side of the road when I saw how Oberscharfuhrer HUBER (as seen from my tank at the right rear corner of the pasture) made an American prisoner get up. I saw how HUBER kicked this prisoner of war with his foot before he had him get up, and I furthermore saw how Oberscharfuhrer HUBER ordered the prisoner to take off several pieces of clothing of which I can recall the following: Shoes and pants. There also could have been other things which HUBER took away from the prisoner but I cannot say for certain. I further saw how HUBER ordered the prisoner to turn around after which HUBER shot the prisoner down from the back. The prisoner fell at once to the ground and as far as I can remember, HUBER fired another shot (it also could have been several) into the prisoner after he fell to the ground. Immediately afterwards HUBER went back to his tank with these pieces of clothing. I know that it was HUBER because I knew him as I had once played cards with him.

I know the American soldier whom HUBER shot was a prisoner of war because he immediately raised his hands and did not carry any arms as far as I could see. That he was an American I could recognize from his uniform. Another eye-witness to this shooting is Untersturmfuhrer KRAUSSE who was standing next to me in the SPW. I can recall the following people who were at this location in my SPW:

1. Untersturmfuhrer KRAUSSE, Horst
2. Mottenfuhrer KIEFER, Horst
3. Mottenfuhrer LEHN, Walter
4. Unterscharfuhrer HILLIG, Hans

I would like to add that during the time while this shooting was going on, two other German soldiers were in the pasture. They were walking among those apparently dead prisoners and shot into those bodies with their pistols. I don't remember who those people were, for they did not belong to our unit. It is a fact that these people did not belong to the crew of our SPW because none of us dismounted at this spot. We then travelled on.

I have made a sketch to clarify the above statement, marked it Exhibit "A", and I make it a part of this statement.

In the early part of the afternoon of the 19th December 1944, the following happened. If one travels from LA GLEIZE to STROMONT there stands a house on the left side of the road just as one reaches the edge of STROMONT. Around the house is a garden which is surrounded by a hedge about 1.20 meters high. I was told by Untersturmfuehrer KRAUSSE to park behind this house, that is, behind the hedge. We were standing there for about one-half hour at this place, when I received from Untersturmfuehrer KRAUSSE the order to gather up in one pile all enemy weapons and ammunition; the available crew of my vehicle was to help me. Suddenly I heard Sturmbannfuehrer FEIPER shout, "HILLIG, get that prisoner." I knew where the prisoner was because once before I had executed an order from FEIPER at which time I saw this prisoner. I took the prisoner from the lobby of the house where he was sitting on the stairs and was guarded by Rottenfuehrer Walter LEHN. I led him beside the house and turned him over to Sturmbannfuehrer FEIPER who was sitting on a stone. Immediately next to FEIPER stood the following officers: Obersturmfuehrer Rudi MAEULE, and Untersturmfuehrer Horst KRAUSSE, and I believe I also saw there Hauptsturmfuehrer Hans GRUEBLE. After I gave the prisoner over to FEIPER I withdrew about 5 to 6 meters and remained there. The reason was I wanted to see what FEIPER intended to do with the prisoner. I saw and heard as FEIPER was talking to this man in a foreign tongue. This prisoner only answered to the first sentence which he was asked by FEIPER. FEIPER continued talking to the prisoner, but the prisoner remained mute. At the end of the interview between FEIPER and the prisoner I know, however, that the prisoner gave a short answer. FEIPER then was very angry and shouted, "HILLIG!" - I answered, "Sturmbannfuehrer". FEIPER said, "Shoot this man and lay him next to the anti-aircraft gun." By that he meant that I should shoot this man in the vicinity of the anti-aircraft gun. I led the prisoner away towards the location which was indicated to me by FEIPER. When I was about 75 meters away from FEIPER he shouted after me, "That is far enough." I would like to add that I had a pistol on me but no machine pistol; therefore, I let someone hand me a machine pistol from my vehicle. I cannot tell exactly who gave it to me but I believe it was Rottenfuehrer Walter LANDFRIED. After I had been addressed by FEIPER as indicated above, I took the machine pistol and fired one shot into the region of this American prisoner's heart. He collapsed immediately. As he lay on the ground I shot him once more into the temple to be sure that he was dead. I know that the man did not suffer and was dead because his eyes were glassy. I then returned to FEIPER who was still standing at the same spot, and reported to him that I had executed his order. He answered something which had to do with the prisoner, but, however, I cannot remember it any more. I then again returned to my previous work.

000342

To illustrate the above statement I had made up a sketch, marked it Exhibit "B" and made it a part hereof.

This statement consisting of 5 pages and two sketches, was made voluntarily and out of my own initiative, uninfluenced by force, threats, harshness or promises of any sort.

I swear by God that the facts which are stated herein are true and I am ready to repeat same before any court of justice.

15.3.1946  
HANS HILLIG

Sworn to and subscribed before me  
this 15th day of March 1946 at  
SCHWABISCH HALL, Ger.

RAFAEL SHUMACKER  
Capt CMP

000342

TRANSLATION OF LEGEND TO SKETCH EXHIBIT "A" of

HANS HILLIG on 15 March 1946.

\* \* \*

LEGEND

- 1.) There lay the American soldier HUBER shot.
- 2.) At this pasture lay many American soldiers.
- 3.) HUBER's Tank
- 4.) HILLIG's radio
- 5.) From this spot we saw HUBER
- 6.) HARTMANN's Radio
- 7.) Barn which was set afire by the men
- 8.) Apartment house on main street
- 9.) The direction we came from
- 10.) Main road to ENGELSDORF
- 11.) In this direction we left this place

000347

TRANSLATION OF LEGEND TO SKETCH MARKED EXHIBIT "B"

Drawn by HANS HILLIG. 15 March 1946.

\* \* \* \* \*  
LEGEND

- 1.) From there I had to get the prisoner and take him to FEIPER
- 2.) Location of prisoner at the interrogation.
- 3.) At this place I had to shoot the prisoner on FEIPER's orders
- 4.) FEIPER
- 5.) Adjutant's Tank
- 6.) HILLIG's radio.
- 7.) HARTMANN's radio
- 8.) Radio of the Division
- 9.) Knocked out Panther
- 10.) My location at dawn
- 11.) My last location before leaving for LA GLEIZE
- 12.) My location before leaving for STOUMONT
- 13.) C.P. - POETSCHKE's and of Infantry Battalion
- 14.) Castle, here were many prisoners held
- 15.) FEIPER's C.P.
- 16.) First house at entrance of STOUMONT
- 17.) Church in STOUMONT

000345



I, HANS HILLIG, being first duly sworn, make the following statement under oath:  
Ich Hans Hillig, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same STURMBANNFÜHRER PEIPER mentioned by me in my affidavit, dated 15 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Sturmabzugsführers PEIPER von mir in meiner eidesstattlichen Aussage genannt, datiert 16. März 1946.

Hans Hillig

First Name (Vorname) Last Name (Zuname)

Unterabzugsführer

Rank (Dienstgrad)

1st Pz Bde. L.S.A.H.

Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Rudolf Thumacher  
Officer administering oath

Capt. CMP  
Rank Arm or Service

EX 105B  
JEE  
REC-1101

EX 1052

000346



I, HANS HILLIG, being first duly sworn, make the following statement under oath:  
 Ich HANS HILLIG, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSCHARFUEHRER HUBER mentioned by me in my affidavit, dated 15 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen OBERSCHARFUEHRER Huber von mir in meiner eidesstattlichen Aussage genannt, datiert 15. März 1946.

Hans Hillig

First Name (Vorname) Last Name (Zuname)

Unterscharführer

Rank (Dienstgrad)

1<sup>st</sup> SS Pz Regt 1. SS A. H.

Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

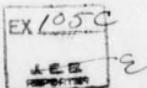
Sworn to and subscribed before me this 3rd day of April, 1946.

Rudolph Schmauder

Officer administering oath

Capt. CMP

Rank Arm or Service



Herrn, Willi Lorenz, muss folgende  
 Anordnungen unter sich, nachdem ich zinslos  
 Anordnungsbescheid vom 15. April 1944  
 nicht und das Selbstversetzungs im Anwesen  
 1944 war in Anwesen in der K.W.K.  
 Geringer der 4. Zins der 11 Anwesen  
 III Fortbildung d. Pensionsangelegenheiten  
 Anwesen L. 44 A.H.

In der Sache vom 15. Zins 16. April 1944,  
 Herr Lorenz ist nicht in der  
 seinen Anwesen, nicht in der  
 Anwesen, nicht in der  
 Geringer, nicht in der  
 wobei er nicht für folgende Anwesen:  
 wenn ich selbst in der, die ich nicht  
 folgen ich ich Anwesen, nicht in der  
 wenn ich nicht mit für Anwesen.  
 wenn 11 Anwesen in nicht Geringer  
 Anwesen, nicht in der nicht  
 mit in der selbst in der Anwesen. Ich nicht  
 kann Anwesen, nicht in der  
 Anwesen nicht nicht  
 Zins, die ich zinslos Anwesen.

Prostet — 1 —  
 106 700 A.

EX  
 J. E. B.  
 REPRODUKTION

Diese fischen unmittelbar nach dem  
 Baumgrenzenbefreiung zum Fortsetz-  
 schiff und dieses Fortsetzen weiß ich,  
 wenn man nicht mehr, nach dem  
 Gefangenen Kaputt sein werden und  
 auf den Luft sein Vorkaufschiffen  
 Gefangene bestimmen, das die  
 in dem SPW war. Folgenden  
 kann fischen zu dieser Zeit in  
 meinem SPW.

Genm. Young Friedrich  
 Genm. Ganser

Roth. Schmidt Wenzel

und in dem Willi Lorenz

dies sind alle die - und zu dem  
 der Leute, die in meinem SPW  
 fischen, somit ist mir mein  
 Name.

In dem Wenzel Schmidt den 19 Aug.  
 1944 keine fische gefangen  
 Gefangenen zu und  
 in dem Schiff sein Name.

Es waren ungefähr folgende Zusammenfassungen.  
 Ein Fallpfeifenjäger kann das Schicksal  
 mit 7 verschiedenen Dringlichkeiten =  
 fassen. Dieser Dringlichkeit fiele  
 ihn an, und fange ihn, nach nur mit  
 dem Gefangenen man zu handeln,  
 das Fallpfeifenjäger unterhalten.  
 "Ich werde ihn nach seinem Befinden  
 Dringlichkeit sagen können: "Oh,  
 die werden in Folge nach seinem  
 Dringlichkeit." Das Fallpfeifenjäger  
 überlegt Dringlichkeit die Gefangenen  
 und ganz kleine Dringlichkeit zu dieser  
 Zeit sind in der SPW ~~mit~~ mit  
 dem starken Nachdruck, wenn  
 man nach dem Markt zu fahrt.  
 Gekommen sind dem Dringlichkeit in der  
 SPW Befund ist nicht mehr. Dringlichkeit  
 beauftragt dem Gefangenen ist mit dieser  
 Namen zu handeln, was nur für ein Name  
 sein soll, und im Falle, das.



Gefamteyenn abzunehmenn, Of  
 pfuß zinnst mit nimm Gefamteyenn  
 woffen inf mit dem Sumpf zind in nind  
 prof, sein ne <sup>no. 2</sup> zu Guden find,  
 dem ne benanzen sich nicht mehr.  
 als die gaffeln war, <sup>no. 2</sup> prof inf,  
 sein in unndere Gefamteyenn zu  
 kaffen um Guden hie, ind sich  
 noch benanzen. Affantere war  
 diefse allem wie kenne nind  
 yonen in ind wie vollkünd mit  
 ihm fete inf ihm dem dem  
 Guden pfuß geyeten. Unmittel-  
 bare nach die dem Guden's fipen  
 wie nindere nach dem dem.

die die fipen, befehend mit 6  
 Guden, nindere dem wie  
 famerliche yonen, indere-  
 flüße dem Guden; Guden,

Lesungsinzym und Wasserstoffinzym  
 in ymeridmanlyfne Mat.

Sið þessara hefur gætt, það er þetta =  
 þessum, þin er í þessum líkspurn  
 umgengnum ferð, næsta þind er  
 þin þessum þessum er ymeridmanlyfne  
 þessum þessum þessum þessum þessum  
 þessum.

Willi Gunnar

16. April 1946.

Subscribed and sworn to  
 before me this 16th day  
 of April 1946

Robert E. Byrne  
 1st Lt VRC D

~6~

000353

### 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

Willi BRAUN

taken on 16 April 1946 at Schwäbisch Hall, Germany,

before ROBERT E BYRNE, 1st Lt. JAGD

consisting of 6 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 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 28<sup>th</sup> day of April 1946 at Schwäbisch Hall, Germany.

*Raphael D. Dumas*  
War Crimes Branch, USFE



000354

I, Willi BRAUN, having been duly sworn upon oath, make the following statement:

During the EIFEL offensive in December 1944, I was sturmmann in the KWK ( self-propelled gun) squad of the 4th platoon, 11th Company, III Battalion ,2nd Panzer Grenadier Regiment. LSSAH.

In the night of the 15th to the 16th December 1944, I believe it was in the early morning hours, our company commander Obersturmfuehrer Heinz TOMHARDT conducted a company orientation at which he said about the following:

" If you see soldiers who wave their steel helmets over their heads, you are not going to shoot at them ! If 11 tanks stand together in a group you will also not shoot at these soldiers. You will not take any prisoners of war in this offensive, and also you will bump off civilians who show themselves."

Immediately after this company orientation we drove into the offensive. I know of one single case where prisoners of war were shot during this offensive, that is on orders of Unterscharfuehrer Gerhard SCHUMACHER, who was the commander of our SPW. To that time the following other people rode in my SPW:

Gren. Heinz FRIEDRICHS  
Gren. KONIOR  
Rottf. Edmund TOMCZAK  
and I Sturm, Willi BRAUN

These are all the first and last names of the people who rode in my SPW as far as I can remember.

In the morning hours of the 19th Dec 1944 the shooting of these prisoners of war took place and that was in the vicinity of STOU MONT.

It was about in the following manner. A paratrooper came along the road with seven American prisoners of war. Uscha, SCHUMACHER stopped him and asked him what he would do with the prisoners. The paratrooper answered: " I shall evacuate them to the rear". Thereupon SCHUMACHER said " Oh I'm going to bring them myself to the rear". The paratrooper turned the prisoners over to SCHUMACHER and went his way. To that time our SPW stood at the right hand side of the street if one is driving towards STOU MONT. A pasture was opposite the parking place of our SPW. SCHUMACHER ordered the prisoners to go to this pasture, where he lined them up in one row and gave us all, that is the whole group of the SPW, the order to dismount with hand weapons. Thereupon he ordered us to bump off the prisoners. At that time the prisoners stood about eight to ten m. away from the street in this pasture and we stood about five to six m distance away from the street at the edge of the pasture. After Uscha SCHUMACHER had given the order to shoot the prisoners, our whole crew shot at these prisoners. For that Uscha SCHUMACHER used a machine pistol, TOMCZAK and I used pistols and KONIOR a fast firing rifle. The pistol I used for that was a Belgian F.N. I discharged my magazine which contained eight rounds, at the prisoners and had no time to shoot a second magazine at the prisoners. First I shot at one prisoner aiming at the head and saw him falling to the ground dead and he didn't move any more. When that had happened, I saw another hit and still moving

000355

prisoner lying on the ground. Obviously this man had only been wounded and out of pity to him I then gave him the mercy shot. Immediately after this incident we drove on to STOUMENT.

This statement consisting of six pages was made by me voluntarily, uninfluenced by force, harsh treatment, threats or promises of any kind.

I swear before God that the facts which I had stated in this deposition are true and I am prepared to repeat same before any court of justice.

Willi BRAUN  
16th April 1946.

Subscribed and sworn to before me  
this 16th day of April 1946.

ROBERT E BYRNE  
1st Lt. JAGD.

000357



I, WILLI BRAUN, being first duly sworn, make the following statement under oath:  
 Ich Willi Braun, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same GREIN. HEINZ FRIEDRICH mentioned by me in my affidavit, dated 16 April 1946

Die obigen zwei Photographien sind Photographien desselbigen GREIN HEINZ FRIEDRICH von mir in meiner eidesstattlichen Aussage genannt, datiert 16 April 1946.

Willi Lewin  
 First Name (Vorname) Last Name (Zuname)

Himmels  
 Rank (Dienstgrad)

11. Kampfpanz. Gren. Regt. LHAH  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed, before me this 22nd day of April, 1946.

Robert B. Burns  
 Officer administering oath

1st Lt. ADG  
 Rank Arm or Service

EX 1068  
 JEB  
 REPORTER

000357



I, WILLI BRAUN, being first duly sworn, make the following statement under oath: Ich WILLI BRAUN, nachdem ich erst recht-mäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same ROTTF. EDMUND TOMCZAK mentioned by me in my affidavit, dated 16 APRIL 1946.

Die obigen zwei Photographien sind Photographien desselbigen ROTTF. EDMUND TOMCZAK von mir in meiner eidesstattlichen Aussage genannt, datiert 16. April 1946.

Willi Braun  
First Name (Vorname) Last Name (Zuname)

Nichtmann  
Rank (Dienstgrad)

Grän  
11 Comp. 2. Parach. Regt. 1st A.H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 22nd day of April, 1946.

Robert B. Byrne  
Officer administering oath

1st Lt. 1060  
Rank Arm or Service

EX 1060  
JEE  
1000000

EX 1107 Od  
J.E.S.  
1944

Ich bin Mitglied der Kommando wurde mehrere Male in der  
Zeit nach dem ich zuerst Aufnahme gemäss Gesetz  
erhielt.

Wenn das Titel Gesetz gehört ich <sup>der</sup> Kommando 5. Bataillon  
für 2 Kommando in 2. A. H. im.

im März des 16 oder 17 Dezember 1944. schluss  
nach unserer Bestimmung den Ort mit  
Kommen weiss ich nicht mehr und führen  
zum Gesetz, in meinen S.K.W. führen folgende  
Liste:

- Unterschiedliche Schichten gebildet Gruppierführer
- Kettenführer Kommando Gebirg Kommando
- Stammführer Kommando Willi Richtschütze
- Stammführer Weiss Landesführer
- Freiwilliges Führung

Ich kann mich erinnern das wir eine Gruppe hatten  
Kriegsgefangene Personen um mich rings um die  
Küster führen. nach dem wir rings um die  
Küster erfahren sind wurde ich Rechts des Kommando  
eine Gruppe erzählte amerikanische Gefangenen.  
Ich weiss das es Gefangene waren dem sie wurde  
von deutschen Personen befreit. und ich führe die  
Gefangene als Amerikaner in dem Kommando.

wir sind dem sachlichen geblieben nur die Gefungen  
 waren, <sup>Als</sup> ~~et~~ jemand zum Schirmhaken kommen. Ich  
 weiss es nicht ob es ein Offizier es war, ich weiss  
 es nicht aus. Ich zum Schirmhaken sagte. Wie Tüpfen  
 kann White. Ich weiss mit einem Stabholz das  
 man ich gleichsam selber ging nur 14 Dezember  
 nicht gefahren zu sein. Ich kann mich nicht  
 erinnern das man in der Kirche des Schlafers  
 Den Namen des Schlafers weiss ich nicht mich  
 nicht den Namen der Oberkonstantin in der  
 Kirche war. Ich weiss mich das ich nur bei der  
 Gesetzgebung war bis man S. P. W. abgelehnt  
 werden. nur den Tag der Abstimmung kann ich mich  
 nicht erinnern. Ich würde mich <sup>dem</sup> ~~der~~ 72 W. man  
 Schirmhaken <sup>alle</sup> ~~abgelehnt~~ <sup>abgelehnt</sup> ~~er~~ <sup>abgelehnt</sup> ~~man~~ <sup>abgelehnt</sup> ~~ich~~ <sup>abgelehnt</sup> ~~nicht~~ <sup>abgelehnt</sup> ~~mich~~  
 bei der Gesetzgebung meines S. P. W.  
 Diese Aussage besteht aus drei Zeilen und wird  
 man mir feierlich gemacht, unbeeinträchtigt war

000360

gemäß den Angaben hierüber über den Nachlass irgend  
welche recht.

Ich schreibe bei Gott über die Nachlassenden die ich  
hier angegeben habe. wenn sie nicht im Leben bereit  
sollte man irgend einem Gericht der Jugendzeit  
zu wider stellen.

Fomeyuh Edmund.

27 März 1946

Foram to and subscribed  
before me this 27<sup>th</sup> day  
of March 1946 at  
Schwäbisch Hall, Ger.

Sapfoell Schumacher  
Capt CMP

000361

# TRANSLATOR'S AFFIDAVIT

I, Paul Rosenthal 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

Edmund TOMCZAK

taken on 27 March 1946 at Schwäbisch Hall, Germany.

before RAPHAEL SHUMACKER, Captain, CMP

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 have spoken English for nine years.
3. I studied English for three years in school in VIENNA, AUSTRIA.
4. I lived in England since June, 1939. I have been employed by the U.S. War Department as a German-English interpreter since June 1945.

EX 137 H

*Paul Rosenthal*

Paul Rosenthal

*March 1946*

Sworn and subscribed to before me this 29<sup>th</sup> day of \_\_\_\_\_ at Schwäbisch Hall, Germany.

*Raphael Shumacher*  
War Crimes Branch, USFET  
*Capt. CMP*

EX-101A  
JUN 1946

000362

I, Edmund TOMCZAK, make the following statement under oath after I was first duly sworn:

During the EIFEL offensive I belonged to the 11th Company 3rd Battalion 2nd Panzer Grenadiers L.S.S.A.H.

During the morning of 16th or 17th December 1944, we left our bivouac area the name of the village I no longer remember and drove into the offensive. In my SPW drove the following men: Unterscharfuhrer SCHUHMACHER, Gerhard - Group Leader, Rottenfuhrer TOMCZAK, Edmund - Replacement for any position within the tank, Sturmman BRAUN, Willi, Gunner, Sturmman WEISS, Loader, FRIEDRICH, Driver.

I can remember that we passed some big crossroads where we turned left around the curve. After we turned left around the curve I saw right on the road a large number of American prisoners of war. I know that they were prisoners because they were guarded by German guards, and I recognized them as Americans by their uniform. We then stopped where the prisoners were when somebody came up to SCHUHMACHER. I do not know whether it was an officer, and I do not know what he said to SCHUHMACHER. We then drove off. I remember to have driven through STAVELOT, I believe on the same day, on 17 December. I further remember that we came near the castle, the name of the castle I also do not remember any more nor the name of the village that was in its vicinity. I also know that I was always with the crew until our SPW was knocked out. I cannot remember the day or date. After the SPW of SCHUHMACHER was knocked out I was committed as infantryman and was no longer with the crew of my SPW.

This statement consisting of three pages was made of my own free will uninfluenced by force, threats, or duress or promises of any kind.

I swear by God that the facts mentioned herein are true and am prepared to repeat them before any court of justice.

(signed) TOMCZAK, Edmund  
27 March 1946

Sworn to and subscribed before  
me this 27th day of March 1946  
at Schwäbisch Hall, Ger.

(signed) Raphael SHUMACKER  
Capt GMP

000362



I, EDMUND TOMCZAK, being first duly sworn, make the following statement under oath:

Ich EDMUND TOMCZAK, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same "FRIEDRICH, DRIVER" mentioned by me in my affidavit, dated 27 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen "FRIEDRICH, FAHNER" von mir in meiner eidesstattlichen Aussage genannt, datiert 27 MÄRZ 1946.

ET. Edmund Tomczak  
First Name (Vorname) Last Name (Zuname)

ROTTENFÜHRER  
Rank (Dienstgrad)

11<sup>th</sup> Pz Gren. Regt 2<sup>nd</sup> SS Pz Gren. Regt G. H. A. H.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 5<sup>th</sup> day of April, 1946.

Daphell Schmacker  
Officer administering oath

Capt. CMP  
Rank Arm or Service

EX 1070  
FEB 1946

000368

EX 102

Ich Heinz Friedrich, nachdem ich erst rechtmässig eingeschworen wurde, mache unter Eid folgende Erklärungen.

In der Eifeloffensive <sup>im Dezember 1944</sup> war ich Grenadier in der K.W.K. Gruppe 4. Feig 11. Komp. 2. Panz. Gren. Regt. L 44 AH.

Wir wurde eine Landkarte 1-100000 G.S./G.S./44,16 Bonn, Blatt S. 7, von Mittel Europa gezeigt.

Wir wurde eine Landkarte, 1-100000 G.S./G.S./4436, Mante, Blatt 13, von Belgien und Nord-Ost Frankreich gezeigt. Bei allem diesbezüglichen Angaben soweit es sich um Längen und Breitenmaße in dieser Erklärung handelt, in Bezug auf Städte, Kreuzwege und so weiter beziehe ich mich auf diese Landkarten.

Als ich zuerst der 11. Panzer Grenadier Komp. beitrat, war Oberst im Führer BABICK mein

3

P 108  
PB

EX 1105  
1. FEBRUAR 1946

Kompanie Führer. Das war im Mai 1944.  
 Später im Juni oder Juli 1944 hat Oberstimm-  
 führer HEINZ TOMHARDT unsere Kompanie als  
 Kompanieführer übernommen und diesen  
 Posten gehalten bis er am 18. Dezember 1944  
 während der Eifeloffensive in STAVELOT (MARGE 71,9-01,21)  
 verwundet wurde. Dann hat Obercharführer  
 PEYER das Kommando der Kompanie für eine  
 Zeit übernommen bis er durch ein Unglück  
 in der Nacht vom 19. zum 20. Dezember 1944  
 verwundet wurde. Nach Obercharführer PEYER  
 hat Unterstimmführer KINDERMANN die Führung  
 der Kompanie übernommen bis dieser am  
 Abend des 20. Dezember 1944 verwundet wurde.  
 Dann übernahm Untercharführer SCHUHMACHER  
 die Führung der Kompanie. Ich wurde am  
 21. Dezember 1944 verwundet aber ich hörte  
 von meinen Kameraden, dass am selben Tage  
 Oberstimmführer PREUSS Kompanieführer  
 der 10. Panz. Gren. Kompanie ebenfalls die  
 Führung der 11. Kompanie übernahm.

Am Tage bevor die Offensive begann, es war  
 es war der 15. Dezember 1944, war unsere

Kompanie in einem Wald in der Nähe von Blankenheim gelagert. Ungefähr um Mitternacht herum des 15. Dezember 1944 wurde unsere Kompanie zusammengerufen und unser Kompanieführer Obendünneführer TOMHARDT sprach zu uns. Seine Worte waren ungefähr folgende:

" Eine große Offensive wird gemacht werden. Keine Waffen werden vorhanden sein für den Angriff. Jeder muß heißblütig kämpfen. Auch, daß die Artillerie schwer beteiligt sein wird. Unsere Luftwaffe wird im verstärktem Maße eingesetzt werden. Falls ein Panzer irgendwelchen Schaden hätte, daß dieses schnellstens beseitigt werden sollte. Feuerlisten sind Soldaten werden angelegt werden. Wenn eine Ortschaft genommen würde, sollte alles was sich auf der Straße sehen läßt ob Feuerlisten oder Soldaten angelegt werden."

Ich weiss natürlich nicht von wem Obersturnführer TOMHARDT das erfahren hatte und von wem er diese Befehle bekam die er an uns weiterleitete. Ich weiss nur, das bevor er die Rede begann, er uns erzählte das er gerade von Spätkommandoführer DIEFENTHAL kam, der ihm von der Offensive erzählte.

Nachdem er mit seiner Rede fertig war, begab sich die Kompanie zu ihren Fahrzeugen. Wir begannen ungefähr um 2<sup>00</sup> Uhr morgens am 16. Dezember 1944 in die Richtung der Front loszufahren. Ich kann mich noch erinnern, das wir durch HONSFELD (Bonn 96,8-99,2) ungefähr um 10<sup>00</sup> Uhr morgens am 17. Dezember 1944 fuhren und kamen in BUELLINGEN (Bonn 95,2-02) ungefähr um 11<sup>00</sup> Uhr morgens am 17. Dezember 1944 an. Wir haben in BUELLINGEN bei einem verlassenen Amerikanischen Bergzulager aufgetankt. Von BUELLINGEN sind wir dann in der Richtung SCHOPPEN (Bonn 89,3-00,2) weitergefahren, was haben in SCHOPPEN nicht halt

gemacht, sondern sind weitergefahren in Richtung  
LIGNUEVILLE (ENGELSDORF) (BOMM 80,5-99,3)

Ich kann mich genau an eine Kreuzung  
ungefähr 3-5 Kilometer nördlich von  
LIGNUEVILLE (ENGELSDORF) erinnern. Diese Kreuzung  
ist dieselbe, die auf der Baum Landkarte, die  
ich vorher erwähnt habe unter den Koordinaten  
(81,5-02.) zu sehen ist. Als wir zu dieser Kreuzung  
kamen, sind wir dann links abgebogen  
im südlich in der Richtung LIGNUEVILLE  
(ENGELSDORF) weiterzufahren. Als wir links abge-  
bogen waren, war ein Haus an der Kreuzung  
auf der rechten Seite der Straße. Südlich von  
diesem Haus war eine Wiese, auf welcher  
mindestens 100 <sup>amerikanische</sup> amerikanische Kriegsgefan-  
genen waren. Diese Gruppe von Gefangenen  
war unbewaffnet und deren Hände waren  
über ihre Köpfe gehalten anzuzeigen,  
dass sie sich ergeben haben. Ich kann  
mich auch noch erinnern, einige andere  
amerikanische Gefangene gesehen zu haben,  
die an der Südseite des Hauses standen

die noch immer untersucht werden.  
 Auf der rechten Seite der Stralme stand eine  
 Kolonne amerikanischer Lastkraftwagen in  
~~Richtung~~ LIGNUEVILLE (ENGELS'DORF) gerichtet.  
 Ich habe eine Skizze von diesem Vorfall  
 gezeichnet. Diese Skizze habe ich mit  
 Beweisstück "A" markiert. Sie ist hiermit  
 beigelegt und somit ein Teil davon.

Für diesen Zeit befindet ich mich  
 in meinem SPW, den ich selber führe.  
 Mit mir in diesem SPW war:

Unterschanführer Gerhard SCHUMACHER unser  
 Gruppenführer, Rottenführer Edmund TOMZACK,  
 stellvertretener Gruppenführer, Stimmmann  
 Willi Braun Schütze 1. und Stimmmann  
 WEISS Schütze 2.

Als wir von dieser Kreuzung die  
 Stralme vor der Wiese herabfahren würden  
 wir von einem unbekanntem Führer angehalten.  
 Ich nahm bestimmt an, dass es ein

Offizier von irgend einer Pionierkompanie  
 war, da er nicht in einer Panzeruniform  
 gekleidet war und auch <sup>kein</sup> Offizier von unse-  
 rem Panzer Grenadier Battalion war. Mir  
 ist der Offiziers Name nicht bekannt und  
 soweit ich mich erinnern kann, war  
 es das erste mal das ich ihn sah.  
 Dieser Offizier befahl Unterscharführer, SCHUHMACHER  
 unseren SPW. in eine Lage zu bewegen, um  
 in die Gefangenen die gesammelt auf der  
 Wiese standen hineinzuschleusen, und  
 dann gab mir SCHUHMACHER den Befehl, den  
 SPW. so hinzustellen. Nachdem ich den  
 Befehl SPW. kreuzweise zur Kontrolle gewendet  
 hatte, so das der Vorderteil der Wiese zuge-  
 hildet war mit den gesammelten Gefangenen  
 darin, gab dieser Oberststurnführer den Befehl  
 an SCHUHMACHER durchzuladen und SCHUHMACHER  
 gab den Befehl weiter an Stimmmann BRAUN.  
 Unterscharführer SCHUHMACHER machte den Eindruck  
 sehr erfreut zu sein, durch die Möglichkeit  
 diese Gefangenen zu erschleusen. Seine  
 Freude war augenscheinlich von dem

Ausdruck in seinem Gesicht und die Art wie er sich die Hände rieb und sagte "marsche marsche". Dies war ein allgemein und <sup>sehr</sup> bekannter Ausdruck von Oberstführer PREUSS' von der 10. Panzer Grenadier Kompanie immer verwendet um seine Zufriedenheit so wie Vergnügen über Alles kundzugeben.

Ich wollte nicht mit ansehen, was gerade geschehen sollte und bin deshalb von meinem Fahrzeug aufgestanden und wollte gerade zur linken Seite des SPW. absitzen als SCHUHMACHER mich fragte was ich tue. Ich sagte ihm, ich könnte nicht ertragen zuzusehen. Darauf nannte er mich ein Feigling. Für selben Zeit hat die geschwehentlich der Oberstführer seine Meinung geändert, da er SCHUHMACHER den Befehl gab weiterzufahren, da ein Tank ankäme der sich um die Sache kümmern würde. Wir verließen sofort

den Schauplatz und führen Richtung  
LIGNUEVILLE (ENGELSDORF) (BONN 80,5-99,3)

Diese Kriegsgefangenen die auf dieser  
Wiese zusammengebracht waren, sind  
für Zeit unseres Wortes an der Kreuzung  
nicht erschossen worden.

Meines gutachten nach waren  
wir 5 bis 7 Minuten dort, um ungefähr  
14<sup>00</sup> Uhr am 17. Dezember 1944

Ich vergaß zu erwähnen, daß  
während unser SPW. so kreuzweise der  
Straße zu, diese Wiese zu gewendet wurde,  
ich den Untereinleiter SINGER von der  
10. Payer Grenadier Kompanie innerhalb  
der Wiese sah, wo die Amerikanischen  
Gefangenen zusammengebracht waren.  
Als er uns in Stellung gehen sah, um  
zu schließen, schrie er SCHUHMACHER zu,  
"Mach schon und leg sie um."

In meiner Skizze bezeichnet "Beweisstück: A" das Folgende ist zu sehen:

- NO. 1. - Das Haus an der rechten Straßenseite nachdem man nach links abbiegt um in Richtung ENGELSDORF weiter zu fahren.
- NO. 2. - Die Stelle wo die Amerikanischen Kriegsgefangenen auf der Wiese zusammengebrannt waren.
- NO. 3. - Mein SPW. nachdem er in solche eine Lage gewendet wurde der Wiese gegenüber.
- NO. 4. - Die Stelle auf der Straße wo der Oberstuniführer stand als er uns anhielt und uns befahl, in Position zu gehen um auf die Gefangenen zu schießen.
- NO. 5. - Eine Kolonne Amerikanischer Lastkraftwagen.
- NO. 6. - Der Platz auf der Wiese wo der Unterscharführer SINGER stand.

NO. 7. - Ein Haus an der linken Seite der Straße.

NO. 8. - Unsere Fahrtrichtung.

Von dieser Kreuzung begaben wir uns dann nach LIGNUEVILLE (ENGELSDORF) (BOMM 30,5-933, wo wir ungefähr 20 Minuten verblieben und dann begaben wir uns in Richtung STAVELOT. (MACHE 71,9-012) Wir erreichten die Grenzen von STAVELOT ungefähr um 20<sup>00</sup> Uhr abends am 17. Dezember 1944. Hier mußte die Kompanie absitzen und als Infanterie vorgehen. Die SPWs der Kompanie wurden an der Straße vor STAVELOT zurückgelassen. Um ungefähr 10<sup>00</sup> Uhr des 18. Dezember 1944 gingen wir zu unseren Fahrzeugen zurück und fuhren durch STAVELOT in die Richtung von CHENEUX (MACHE 63,7-01,4). Wir erreichten die Grenzen von CHENEUX um ungefähr 14<sup>00</sup> Uhr und da wurde der Vormarsch aufgehalten durch Amerikanischen Fliegerangriff. Ungefähr eine Stunde später fuhren wir

in einen Wald außerhalb CHENEUX wo wir unsere Fahrzeuge standen. Um ungefähr 15<sup>30</sup> Uhr kamen wir auf die Straße zurück und setzten außerhalb CHENEUX in der Richtung unseren Vorrucks weiter fort. Gerade als wir fort wollten, kam ein amerikanischer jeep in dem 2 Amerikanische Soldaten führen die Straße entlang und auf uns zu. Zu dieser Zeit war der SPW des Hauptstimmführers DIEFENTHAL der Battalion Kommandör des 3. Panzer Grenadier Battalion, 2. Panzer Grenadier Regiment war, auf der linken Seite der Straße an dem Platz, wo die Straße nach links abbiegt. Andere SPWs. waren hinter DIEFENTHAL'S und ich war ungefähr 200mtr. hinter DIEFENTHAL'S SPW. Wir standen auf der linken Seite der Straße, um von dem Wald der an unserer linken Seite der Straße war soviel Deckung zu haben, als er uns bieten konnte. Zu unserer Rechten war eine Wiese und da war

ein Haus links von dieser Wiese.  
 Als der Jeep in die Kurve kam, er kam in der  
 Nähe von DIEFENTHAL'S SPW. zum stehen. Ich  
 hörte von einem Maschinengewehr Feuer,  
 von dem ich annehme daß es gegen den  
 Jeep gerichtet war. Ich könnte nicht sagen,  
 welches Fahrzeug gefeuert hat. Zu dieser  
 Zeit stand ich an der rechten Seite der  
 Straße, nicht weit von meinem SPW.  
 Ich ging zu meinem Fahrzeug zurück, um  
 aufzustiegen, um besser sehen zu können  
 was los war. Während ich auf meinem  
 SPW. stieg, hörte ich Maschinengewehr  
 Schüsse. Ich drehte mich sofort um  
 und sah einen Amerikanischen Soldaten  
 tot an der rechten Seite der Straße nie-  
 derfallen. Ich sah Unterscharführer ZWIGART  
 mit einer Maschinengewehr Pistole in der Hand  
 bei dem Amerikanischen Soldaten stehen.  
 Soweit ich mich erinnern kann, hat  
 ZWIGART zwei Feuerstöße gefeuert insge-  
 samt ungefähr 15 Schüsse. Der Amerika-  
 ner wurde 3 bis 4 mtr. von DIEFENTHAL'S SPW.  
 entfernt erschossen. Bevor diese Er-

Schießung stattfand, während ich auf der rechten Seite der Schanze stand, sah ich Hauptstürmführer DIEFENTHAL selber neben seinem SPW. stehen. Ich weiß, dass es Hauptstürmführer DIEFENTHAL war, da ich ihn schon lange kannte und außerdem dass er seine gelbe Farbe und seine gewöhnliche Frisur trug.

Als wir 10 Minuten später fortzogen, sah ich den anderen amerikanischen Soldaten tot am Waldband an der linken Seite der Schanze liegen. Ich weiß nicht, wer außerdem noch in DIEFENTHAL'S' SPW. war zu dieser Zeit. Ich konnte durch ihre Uniform die sie trugen erkennen, dass diese Soldaten Amerikaner waren. Diese Schießerei fand um ungefähr 16<sup>00</sup> Uhr am 18. Dezember 1944 statt, ungefähr 5-6 Kilometer von CHENEUX.

Der Vorgang dieser Erschießung ist in der Skizze die ich gezeichnet und mit "Beweisstück B." <sup>angezeigt</sup> markiert habe. Dieses Beweisstück ist hiermit beigelegt und

somit ein Teil dieser Aussage.

Zur Beweinstücke "B." ist folgendes geeignet:

- NO. 1. - Die Wiese an unserer rechten Seite von der Straße.
- NO. 2. - Das Gras links von der Wiese.
- NO. 3. - Der Wald an unserer linken Seite von der Straße.
- NO. 4. - Die Richtung in der wir führen.
- NO. 5. - DIEFENTHAL'S SPW.
- NO. 6. - Mein SPW.
- NO. 7. - Die Stelle auf der ich zuerst stand, auf der rechten Seite der Straße
- NO. 8. - Die Richtung in die der <sup>Amerikanische</sup> Jeep führt.
- NO. 9. - Der Amerikanische Jeep.
- NO. 10. - Die Stelle wo Hauptkinn führte DIEFENTHAL stand, bevor der Amerikanische Soldat erschossen wurde.
- NO. 11. - Die Stelle auf der der Amerikanische Soldat stand als er erschossen wurde.
- NO. 12. - Die Stelle an der ZWIGART stand als er den Amerikanischen Soldat erschoss.
- NO. 13. - Die Stelle wo ich den anderen Amerikanischen Soldaten am Waldrand liegen sah.

Später die selbe Nacht des 18. Dezember 1944  
 führen wir zurück durch CHENEUX und durch  
 LA GLEIZE bis wir das Schloß in der Nähe  
 von STOUMONT (MARCHE 62,9-02,81) erreichten. Um  
 2<sup>00</sup> Uhr Morgens des 19. Dezember 1944 mußte  
 unsere Kompanie wieder abziehen und als  
 Fußschar vorgehen. Wir kamen zu unser-  
 en S'PW's um ungefähr 8<sup>30</sup> Uhr am 19.  
 Dezember 1944 zurück und stiegen wieder  
 auf und um 9<sup>00</sup> Uhr sind wir dann in  
 die Richtung STOUMONT fort. Als wir aus  
 dem Wald kamen, wurde unser S'PW be-  
 schädigt, aber wurde schnellstens repariert.  
 Zu dieser Zeit wollte ich die übrigen der  
 Kompanie aufholen, aber da kam ein  
 Fallschirmjäger mit 4 Amerikanischen Kriegs-  
 gefangenen des Weges, die in seiner Obhut  
 waren. Unterscharführer SCHUHMACHER fragte die-  
 sen wohin er mit diesen Gefangenen gehen  
 wollte. Er antwortete: "Sie nach hinten  
 schaffen". SCHUHMACHER sagte darauf: "Oh, die

ich schaffe Sie schon selber nach hinten.  
 Der Fallschirmjäger war natürlich froh, dass  
 er sie nun los würde und verließ uns  
 um zu seiner Kampf Einheit zurück zu kehren.  
 Zu dieser Zeit war mein SPW auf der rechten  
 Uferseite angehalten, mit dem Vorder-  
 teil nach STOMONT ausgerichtet. Gerade ihm  
 gegenüber zu unserer linken Seite der Ufer  
 war eine Wiese. SCHUHMACHER manövierte die  
 Gefangenen von der Uferseite in die Wiese und  
 gab uns den Befehl mit Handfeuerwaffen  
 abzusitzen. Ich verblieb auf meinem Fahrer-  
 sitz einen Moment und dann sagte  
 SCHUHMACHER: "Was gilt auch für den Fahrer."  
 Ich nahm dann meine Maschinenpistole  
 und verließ ebenso den SPW. SCHUHMACHER  
 sagte dann: "Nun werden diese Gefangenen  
 umgelegt. Die Gefangenen würden in einer  
 Reihe aufgestellt, so dass sie auf die Ufer  
 schauten. Ungefähr 8 bis 10 Meter in der  
 Wiese und diese unserer Mannschaft  
 die am Wieserand standen, ungefähr

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5 bis 6 meter von den Gefangenen entfernt erschossen sie mit unseren eigenen Waffen. Wir haben den Befehl zum Schießen von SCHUHMACHER erhalten und wir mußten ihn ausführen. Ich selber schoss auf 2 dieser Amerikanischen Soldaten, 2 Feuertölnse von je 7 bis 8 Schüssen von meiner Maschinenpistole; BRAUN mit Gewehr; TOMZACK und WEISS mit einer Pistole. Der Platz wo die Gefangenen erschossen wurden war ungefähr 700 meter von dem Schloß entfernt, das ich vorher erwähnt habe. Die Gefangenen waren in Billigzeug gekleidet, Blindblusen und Stahlhelmen. Es besteht kein Zweifel darüber, das sie Amerikaner waren. Sie hielten die Hände in der Höhe und machten keinen Versuch zu entfliehen und taten nichts um diese Erschießung zu veranlassen. Ich bin sicher, das die 2 Amerikaner auf die ich schoss getötet wurden. Es gibt kein Zweifel darüber, da ich einen Feuertölnse von 7 bis 8 Schüssen auf jedes

ihnen liegen zu sehen. Diese Erschießerei fand am 19. Dezember 1944 im ungefähren 9<sup>30</sup> Uhr statt. Nachdem die Erschießung stattfand, lieh uns SCHUMACHER sofort wieder auf den SPW aufsitzen und niemand interessierte die Körper der Amerikaner im festzustellen, dass sie auch tot waren.

Ich habe eine Skizze von diesem Platz auf dem diese Erschießung stattfand gezeichnet. Ich habe sie mit „Beweisstück C“ gekennzeichnet. Sie ist somit hier zu sehen und ein Teil davon.

Folgendes ist auf der Skizze gezeigt:

NO. 1. - Das Schloß vor STOUMONT.

NO. 2. - Die Richtung unseres Vormarsches, in Richtung STOUMONT.

NO. 3. - Ein Wald über der Straße gegenüber dem Schloß.

NO. 4. - Die Stelle an dem unser SPW stand als die Gefangenen dem Fallschirmjäger abgenommen wurden.

NO. 5. - Den Weg den der Fallschirmjäger kam,

als er mit den Amerikanischen Gefangenen die Schanze herab kam.

- NO. 6.- Die Wiese auf der wir die Amerikanischen Kriegsgefangenen erschossen.
- NO. 7.- Die Reihe der Amerikanischen Kriegsgefangenen wie sie auf der Wiese aufgestellt waren.
- NO. 8.- Wo ich und die Anderen von meiner Mannschaft standen und die 7 Amerikanischen Kriegsgefangenen erschossen.

Ich wollte nicht mit daran teilhaben an dieser ~~Entscheidung~~ Entscheidung von <sup>dieser</sup> Amerikanischen Kriegsgefangenen. Ich wünschte, daß es unmöglich war, Kriegsgefangene zu erschließen. Ich nahm an dieser Entscheidung teil, da ich einen Befehl von meinem Gruppenführer, Untereinheitsführer SCHUMACHER hatte, so zu tun und währenddessen wünschte, daß er im Einvernehmen mit dem Befehl handelte der der Kompanie durch unseren Kompanieführer, Obertruppführer TOMHARDT am Vorzuge der Offensive gegeben würde.

Diese Angaben würden von mir freiwillig gemacht und aus freiem Willen. Sie würden von mir in meiner eigenen Handschrift niedergeschrieben. Ich war unter keinen Umständen von Zwang, Härte oder Drohungen von Bestrafung. Keinerlei Versprechungen für Entgeltung oder Straflosigkeit würden mir gegenüber gemacht.

Ich schwöre, dass die Angaben in dieser Aussage wahr sind und ich bin bereit sie jeder Zeit unter Eid vor jedem Gericht zu wiederholen.

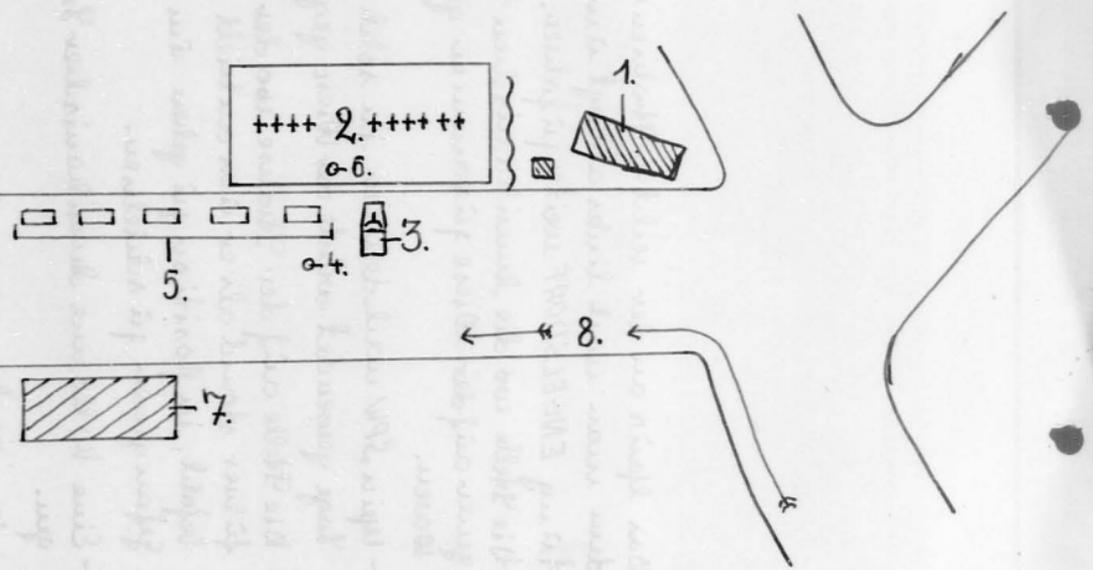
Heinz Friedrichs

21. März 1946.

Sworn to and  
subscribed before  
me this 21<sup>st</sup> day  
of March 1946 at  
Schwäbisch Hall, Ger.

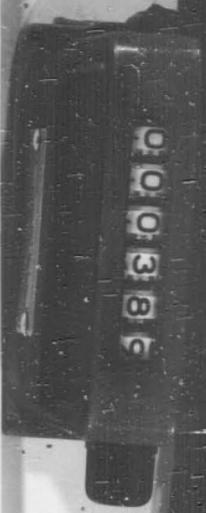
Raphael Thumacker  
Capt CM7

Beweisstück: A.



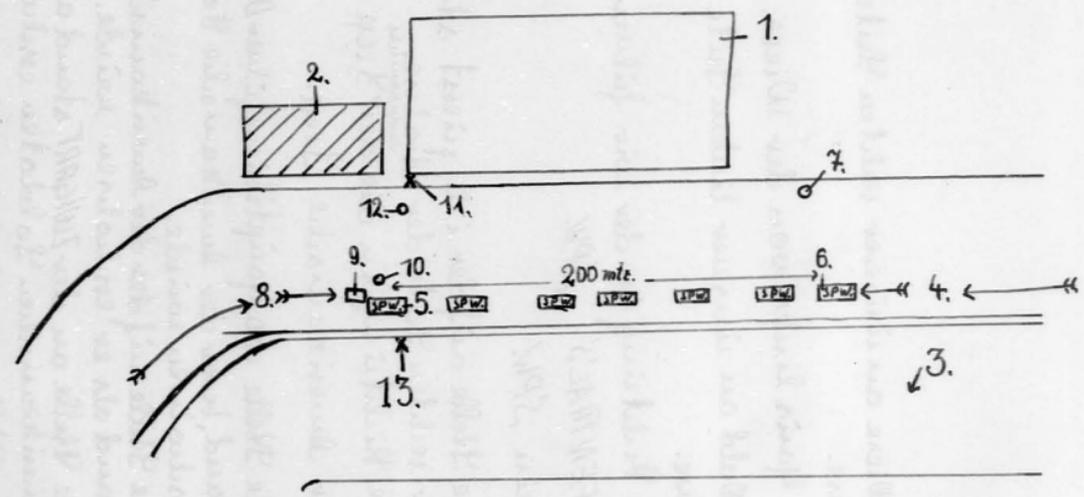
Siehe Rückseite zwecks Erklärung.

Hing Friedrich  
21. März 1946.



- NO. 1. - Das Haus an der rechten Straßenseite nach dem man nach links abbiegt um in Richtung ENGELSDORF weiter zu fahren.
- NO. 2. - Die Stelle wo die Amerikanischen Kriegsgefangenen auf der Wiese zusammen gebracht waren.
- NO. 3. - Mein SPW nachdem er in solch eine Lage gewendet würde der Wiese gegen über.
- NO. 4. - Die Stelle auf der Straße wo der Oberstführer stand als er uns anhielt und uns befahl, in Position zu gehen um auf die Gefangenen zu schießen.
- NO. 5. - Eine kolossale Amerikanischer Lastkraftwagen.
- NO. 6. - Der Platz auf der Wiese wo der Unterscharführer SINGER stand.
- NO. 7. - Ein Haus an der linken Seite der Straße.
- NO. 8. - Unsere Fahtrichtung.

Beweisstück: B.



Hing Friedrich

Siehe Rückseite zwecks Erklärung.

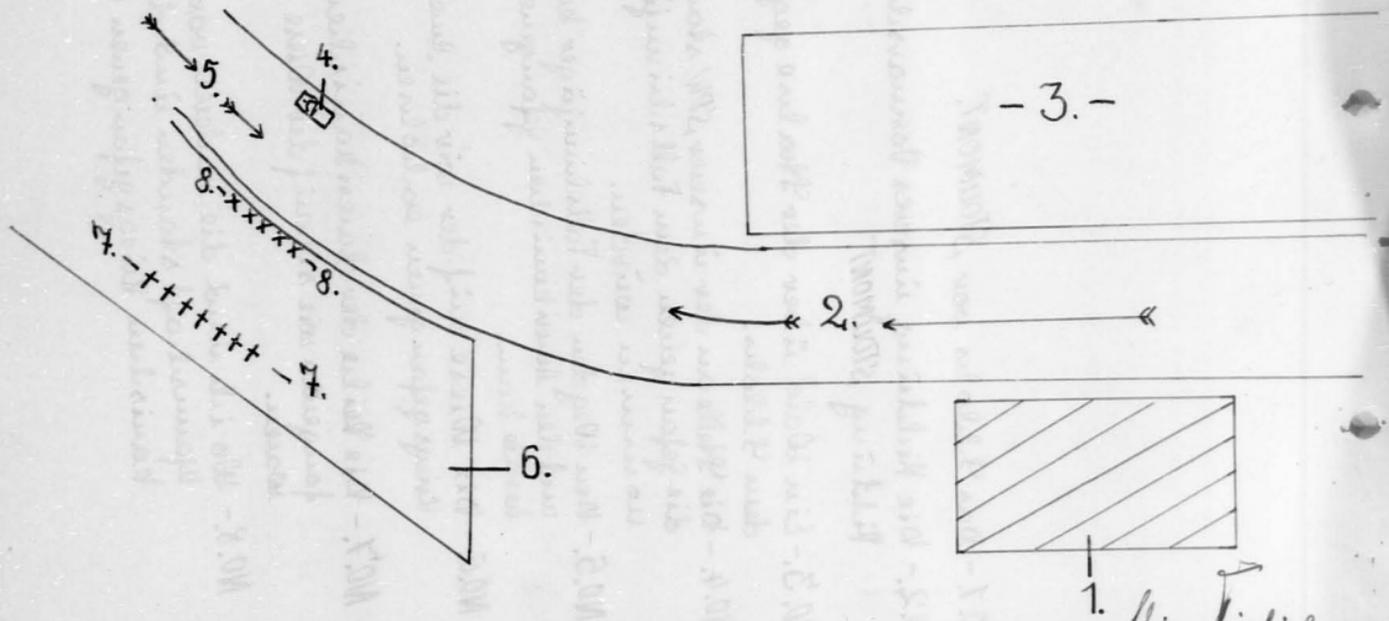
21. März 1946

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- NO. 1.- Die Wiese an unserer rechten Seite von der Straße.
- NO. 2.- Das Haus links von der Wiese.
- NO. 3.- Der Wald an unserer linken Seite von der Straße.
- NO. 4.- Die Richtung in der wir führen.
- NO. 5.- DIEFENTHAL'S SPW.
- NO. 6.- mein SPW.
- NO. 7.- Die Stelle auf der ich zuerst stand, auf der rechten Seite der Straße.
- NO. 8.- Die Richtung in die der <sup>Amerikanische</sup> Jeep führt.
- NO. 9.- Der Amerikanische Jeep.
- NO. 10.- Die Stelle wo Hauptstimmführer DIEFENTHAL stand, bevor der Amerikanische Soldat erschossen wurde.
- NO. 11.- Die Stelle auf der der Amerikanische Soldat stand als er erschossen wurde.
- NO. 12.- Die Stelle an der ZWIGART stand als er den Amerikanischen Soldaten erschoss.
- NO. 13.- Die Stelle wo ich den anderen Amerikanischen Soldaten am Waldrand liegen sah.

- NO. 1. - Das Gelände vor STOUMONT.
- NO. 2. - Die Richtung unseres Vormarsches, in Richtung STOUMONT.
- NO. 3. - Ein Wald über der Straße gegenüber dem Gelände.
- NO. 4. - Die Stelle an der unsere SPW stand als die Gefangenen dem Fallschirmjäger abgenommen wurden.
- NO. 5. - Den Weg den der Fallschirmjäger kam, als er mit den Amerikanischen Gefangenen die Straße herab kam.
- NO. 6. - Die Wiese auf der wir die Amerikanischen Kriegsgefangenen erschossen.
- NO. 7. - Die Reihe der Amerikanischen Kriegsgefangenen wie sie auf der Wiese aufgestellt waren.
- NO. 8. - Wo ich und die Anderen von meiner Mannschaft standen und die 7 Amerikanischen Kriegsgefangenen erschossen.

Beweisstück: C.



Siehe Rückseite zwecks Erklärung.

Hain Fiedrich  
21. März 1946



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### TRANSLATOR'S AFFIDAVIT

I, Paul Rosenthal 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

Heinz FRIEDRICH

taken on 21 March 1946 at Schwäbisch Hall, Germany,

before RAPHAEL SHUMACKER, Captain, CMP

consisting of 21 pages, into English, and 3 sketches

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 have spoken English for nine years.
3. I studied English for three years in school in VIENNA, AUSTRIA.
4. I lived in England since June, 1939. I have been employed by the U.S. War Department as a German-English interpreter since June 1945.

*Paul Rosenthal*  
Paul Rosenthal

Sworn and subscribed to before me this 26<sup>th</sup> day of March 1946 at Schwäbisch Hall, Germany.

*Raphael Shumacker*  
Raphael Shumacker  
War Crimes Branch, USFET

*Capn CMP*



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A F F I D A V I T

of

HEINZ FRIEDRICHS

\* \* \* \* \*

I, Heinz FRIEDRICHS, being first duly sworn, make the following statement under oath:

During the EIFEL Offensive in December 1944, I was in the 4th Platoon of the 11th Panzer Grenadier Company, 2nd Panzer Grenadier Regiment, LAH, with the rank of Grenadier.

I have been shown a map of Central Europe, 1:100,000, G.S., G.S., 441b, Sheet S. 1. I have also been shown a map of BELGIUM and Northeast FRANCE, 1:100,000, G.S., G.S., 4436, Marche, Sheet 13. In this statement, all references by coordinates to towns, crossroads or other terrain features will be taken from these maps.

When I first joined the 11th Panzer Grenadier Company, the Company Commander was Obersturmfuehrer BABICK. This was in May 1944. Later in June or July 1944, Obersturmfuehrer Heinz TOMHARDT took over our company as Company Commander and continued in that position until he was wounded on 18 December 1944 during the EIFEL Offensive in STAVELOT. Then Oberscharfuehrer REYER took over command of the company temporarily until he was injured in an accident on the night of 19-20 December 1944. Following Oberscharfuehrer REYER, Untersturmfuehrer KINDERMANN took command of the company until he was wounded on the evening of 20 December 1944. Then Unterscharfuehrer SCHUHMACHER took command of the company. I was wounded on the 21st December 1944 but I heard from my comrades that Obersturmfuehrer FREUSS, Commanding Officer of the 10th Panzer Grenadier Company, also took command of the 11th Company on that date.

On 15 December 1944, which was the day before the offensive began, our company was stationed in a woods near BLANKENHEIM. About midnight of 15 December 1944 the Company was assembled and our Company Commander, Obersturmfuehrer TOMHARDT spoke to us. His words were substantially as follows:

"A great offensive is about to begin. New weapons will be on hand for this offensive. Everybody must fight heroically. Also, the artillery will be committed in force. Our airforce will be employed in greater strength. If a Panzer is damaged in any way the trouble will be remedied at once. Civilians and soldiers will be 'bumped off.' If a village should be taken, everyone seen in the streets, soldier or civilian, will be killed."

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I do not know, of course, from whom Obersturmfuehrer TOMHANDT received the information and orders that he passed on to us. I only know that before he began his speech he told us that he had just come from Hauptsturmfuehrer DIEFENHALL, who had told him about the offensive.

After the talk was over, the men in the company returned to their vehicles. We started towards the front around two o'clock in the morning of 16 December. I remember that we passed through HONSFELD (Bonn 96.8-99.2) about ten o'clock in the morning of 17 December 1944 and arrived in BUELLINGEN (Bonn 95.2-02) around eleven o'clock in the morning 17 December 1944. In BUELLINGEN we refueled at an abandoned American gasoline dump. From BUELLINGEN we proceeded in the direction of SCHOPFEN (Bonn 89.3-00.2). We did not stop in SCHOPFEN and proceeded from there in the direction of LIGNUEVILLE (ENGELSDORF) (Bonn 80.5-99.3).

I distinctly remember a crossroads some 3 to 5 kilometers north of LIGNUEVILLE (ENGELSDORF). This crossroads is the one shown on the Bonn map above referred to at coordinates 81.5-02. When we came to this crossroads, we made a turn to our left to proceed southwardly in the direction of LIGNUEVILLE (ENGELSDORF). After making this left turn, there was a house at the intersection on our right side of the road. Just south of the house was a pasture in which at least 100 American prisoners of war had been assembled. This group of prisoners was unarmed and their hands were raised above their heads in a sign of surrender. I remember also seeing a few other American prisoners standing at the south side of the house who were still being searched. On the righthand side of the road headed in the direction of ENGELSDORF was a column of American trucks.

I have drawn a sketch of this scene, which sketch I have marked Exhibit "A". It is attached hereto and made a part hereof.

At this time I was in a SPW which I myself was driving. In the SPW with me were Unterscharfuehrer Gerhard SCHUMACHER, our group leader, Rottenfuehrer Edmund TOMZACK, assistant group leader, Sturmman Willi BRAUN, gunner number 1, and Sturmman WEIS, gunner number 2.

As we moved from the intersection down the road in front of the pasture, we were stopped by an Obersturmfuehrer. I concluded that this officer was from some Pioneer Company because he was not dressed in a Panzer uniform and because he was not an officer from our Panzer Grenadier Battalion. I do not know this officer's name and this was the first time I had ever seen him, as far as I know. This officer ordered Unterscharfuehrer SCHUMACHER to have our SPW moved in a position to fire into the prisoners gathered in the pasture and then SCHUMACHER ordered me to place the SPW. After I had maneuvered the SPW crosswise of the road so that it was headed towards the pasture and the group of American prisoners gathered therein,

this Obersturmfuehrer then gave SCHUEHMACHER the order to load and SCHUEHMACHER passed this order on to Sturmann BRAUN. Unterscharfuehrer SCHUEHMACHER seemed delighted at the chance to shoot these prisoners. His pleasure was evidenced by the expression on his face and the way he rubbed his hands together and said "masche, masche." This was a common and well known expression that Obersturmfuehrer REUSS of the 10th Panzer Grenadier Company always used to indicate his satisfaction and pleasure about anything.

I did not want to witness what was about to happen so I got up from my driver's seat and was about to dismount on the left side of the SPW, at which time SCHUEHMACHER asked me what I was doing and I told him I could not stand to watch; thereupon, he called me a coward. Just about this time the Obersturmfuehrer evidently changed his mind as he gave SCHUEHMACHER the order that we should proceed as a tank was coming along that would take care of the job. We left the scene immediately and proceeded on in the direction of LIGNUEVILLE (ENGELSDORF) (Bonn 80.5-99.3). These prisoners of war who were gathered in the pasture were not shot during our stay at the crossroads. In my judgment we were there 5 to 7 minutes, which was about 1400 hours 1/ December 1944.

I forgot to mention that after our SPW had been maneuvered in position crosswise of the road facing the pasture, I saw Unterscharfuehrer SINGER of the 10th Panzer Grenadier Company standing inside the pasture where the American prisoners were assembled. As he saw us get in position to shoot, he yelled to SCHUEHMACHER, "Come on and bump 'em off."

On my sketch marked Exhibit "A", the following is shown:

- No. 1 - The house on the righthand side of the road after one makes a left turn to proceed in the direction of ENGELSDORF.
- No. 2 - The place where the American prisoners of war were assembled in a pasture.
- No. 3 - My SPW after it had been maneuvered into position facing the pasture.
- No. 4 - The place where the Obersturmfuehrer was standing in the road when he stopped us and ordered us to get in position to fire on the prisoners.
- No. 5 - A column of American trucks.
- No. 6 - The place where Unterscharfuehrer SINGER was standing in the pasture.
- No. 7 - A house on the lefthand side of the road.
- No. 8 - Our route of march.

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From this crossroad we proceeded to LIENUEVILLE (ENGLSDORF) (Bonn 80-5-99.3), where we stopped for about 20 minutes and then proceeded in the direction of SPAVELO (Marche 71.9-01.2). We reached the outskirts of SPAVELO about 2000 hours on the evening of 1/ December 1944. Here the company had to dismount and advance as infantry. The SPW's of the company were left on the road before SPAVELO.

Around 1000 hours 18 December 1944 we returned to our vehicles and drove through SPAVELO in the direction of CHENEUX (Marche 63.7-01.4). We reached the outskirts of CHENEUX about 1400 hours and there the advance was stopped when we were attacked by American airplanes. About an hour later we drove in a woods beyond CHENEUX, where we camouflaged our vehicles. At about 1530 hours we got back on the road and continued along our route of advance beyond CHENEUX. Just as we were about to start off, an American jeep in which two American soldiers were riding, came along the road coming towards us. At this time the SPW or Hauptsturmfuehrer DIEFENTHAL, the battalion commander of the 3rd Panzer Grenadier Battalion, 2nd Panzer Grenadier Regiment, was on the lefthand side of the road at a point where the road curved to our left. Other SPW's were behind DIEFENTHAL's and I was about 200 meters to the rear of DIEFENTHAL's SPW. We were on the left side of the road to give us what concealment was afforded by a woods on our left side of the road. To the right of us was a pasture and there was a house to the left of this pasture.

As the jeep came around the curve it came to a stop near DIEFENTHAL's SPW. I heard firing from a machine gun which I assumed was directed at this jeep. I could not tell which vehicle did the firing. At this time I was standing on our right side of the road not far from my SPW and I walked back to my vehicle to mount it in order to get a better view of what was going on. As I climbed on my SPW, I heard machine pistol shots and I turned around immediately and saw an American soldier drop dead on the righthand side of the road. I saw Unterscharfuehrer ZWIGART standing by the American soldier with a machine pistol in his hand. According to my recollection, ZWIGART fired 2 bursts, totalling approximately 15 shots. The American was shot 3 or 4 meters away from the SPW of DIEFENTHAL. Before this shooting took place and while I was standing on the righthand side of the road, I saw Hauptsturmfuehrer DIEFENTHAL himself standing beside his SPW. I know it was Hauptsturmfuehrer DIEFENTHAL as I had known him for a long time and also because he was wearing his yellow jacket and his peaked cap.

About 10 minutes later, as we continued on, I saw the other American soldier lying dead on the lefthand side of the road near the edge of the woods. I don't know who else was in DIEFENTHAL's SPW at this time. I could tell that these soldiers were Americans by the uniforms they wore. This shooting took place around 1600 hours 18 December 1944 about 5 or 6 kilometers from CHENEUX.

The scene of this shooting is shown on a sketch I have drawn and which I have marked Exhibit 'B'. This exhibit is attached hereto and made a part of this statement. On Exhibit 'B', the following is shown:

- No. 1 - The pasture on our righthand side of the road.
- No. 2 - The house to the left of the pasture.
- No. 3 - The woods on our left side of the road.
- No. 4 - The direction in which we were travelling.
- No. 5 - DIEFENHAL's SPW.
- No. 6 - My SPW
- No. 7 - The place where I first stood on our right side of the road.
- No. 8 - The direction travelled by the American jeep.
- No. 9 - The American jeep.
- No. 10- The place where I saw Hauptsturmfuehrer DIEFENHAL before the American was shot.
- No. 11- The place where the American prisoner was shot.
- No. 12- The place where EWIGANT was standing when he shot the American soldier.
- No. 13- The place where I saw the other American soldier lying on the edge of the wood.

Late that night 18 December 1944 we drove back through CHENEUX and through LA GLEIZE until we reached the castle near STOUMONT (Marche 62.9-02.8). At 2 o'clock in the morning of 19 December 1944, our company had to dismount again and advance as infantry. About 0830, 19 December we returned to our SPW's and mounted them again and at 0900 hours left in the direction of STOUMONT. As we were leaving the woods, my SPW suffered some damage but was quickly repaired. At this time I wanted to catch up with the rest of the company but a paratrooper came up the road with 7 American prisoners of war in his custody. Unterscharfuehrer SCHUHMACHER asked him where he wanted to go with the prisoners and he answered, "Transport them to the rear." Then SCHUHMACHER said, "Oh, I am going to transport them to the rear myself." The paratrooper naturally was very glad to get rid of them and he left to return to his unit. At this time my SPW was parked on the righthand side of the road headed in the direction of STOUMONT. Directly across from us on our left side of the road was a pasture. SCHUHMACHER marched the prisoners from the road into the pasture and then he gave us the order to dismount with small arms. I remained in my driver's seat a moment and then SCHUHMACHER said, "That means the driver too." I then took my machine pistol and also left the SPW. Then SCHUHMACHER said, "Now the prisoners are going to be bumped off." The prisoners were lined up in one rank facing the road, some 8 to 10 meters in the pasture, and those of us in the crew standing just on the edge of the pasture 5 to 6 meters from the prisoners shot them with our respective weapons. We had received an order from SCHUHMACHER to shoot these prisoners and we had to execute it. I myself shot at two of these American soldiers, firing two bursts of 7 or 8 shots each with my machine pistol. The others who shot were: SCHUHMACHER with his machine pistol; MAUN with a rifle; TOMZACK and WEIS with pistols. The place where these prisoners were shot was about 700 meters from the castle I have mentioned above. The prisoners were dressed in fatigue clothes, field jackets and steel helmets. There is no question but what they were Americans. They had their hands upraised and had made no attempt to escape and did nothing to provoke the shooting. I am sure that the two Americans I shot were killed. There is no doubt about it because I aimed a volley of 7 or 8 shots at the heart of each one. This shooting took place about 0930 hours 19 December 1944. After the shooting took place, SCHUHMACHER had us mount the SPW immediately and nobody examined the bodies of the Americans to see if they were dead.

000401

I have drawn a sketch of the scene of this shooting, which sketch I have marked Exhibit "C". It is attached hereto and made a part hereof. The following is shown on this sketch.

- No. 1 - The castle before STOUOMONT
- No. 2 - Our route or advance in the direction of STOUOMONT.
- No. 3 - A woods across the road from the castle.
- No. 4 - The place where our SPW stood when the prisoners were taken away from the paratrooper.
- No. 5 - The path taken by the paratrooper as he came down the road with the American prisoners.
- No. 6 - The pasture on which we shot the American prisoners of war.
- No. 7 - The row of American prisoners of war lined up in the pasture.
- No. 8 - Where I and the others in my crew stood and shot the 7 American prisoners of war.

I did not want to participate in the shooting of these American prisoners of war. I knew it was wrong to shoot prisoners of war. I participated in the shooting because I had an order to do so from my group leader, Unterscharfuhrer SCHUEMACKER and I also knew that he was acting in accordance with the orders that had been given the company by our Company Commander, Obersturmfuhrer TOMHARDT the day before the offensive began.

This statement is given by me voluntarily and of my own free will. I have written it in my own handwriting. I have not been subjected to force, duress or threats of punishment. No promises of reward or immunity from prosecution have been made to me.

I swear that the facts stated in this affidavit are true and I am prepared to repeat them under oath in any court of justice.

Heinz FRIEDRICHS  
21 March 1946

Sworn to and subscribed before me  
this 21st day of March 1946 at  
SCHWABISCH HALL, GERM.

(signed) RAPHAEL SHUMACKER  
Capt CMP

000402

TRANSLATION OF LEGEND ON EXHIBIT "A"

TO AFFIDAVIT OF

Heinz FRIEDRICHS

Dated 21 March 1946

\* \* \* \* \*

- No. 1 - The house on the righthand side of the road as one makes a left turn to proceed in the direction of ENGELSDORF.
- No. 2 - The place where the American prisoners of war were assembled in a pasture.
- No. 3 - My SPW after it had been maneuvered into position facing the pasture.
- No. 4 - The place where the Obersturmfuehrer was standing in the road when he stopped us and ordered us to get in position to fire on the prisoners.
- No. 5 - A column of American trucks.
- No. 6 - The place where Unterscharfuehrer SINGER was standing in the pasture.
- No. 7 - A house on the lefthand side of the road.
- No. 8 - Our route of march

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TRANSLATION OF LEGEND ON EXHIBIT "B"

TO AFFIDAVIT OF

Heinz FRIEDRICHS

Dated 21 March 1946

\* \* \* \* \*

- No. 1 - The pasture on our righthand side of the road.
- No. 2 - The house to the left of the pasture.
- No. 3 - The woods on our left side of the road.
- No. 4 - The direction in which we were travelling.
- No. 5 - DIEFENTHAL's SPW
- No. 6 - My SPW
- No. 7 - The place where I first stood on our right side of the road.
- No. 8 - The direction travelled by the American jeep.
- No. 9 - The American jeep
- No. 10 - The place where I saw Hauptsturmfuehrer DIEFENTHAL before the American was shot.
- No. 11 - The place where the American prisoner was shot.
- No. 12 - The place where WILKINSON was standing when he shot the American soldier.
- No. 13 - The place where I saw the other American soldier lying on the edge of the wood.

000403

TRANSLATION OF LEGEND ON EXHIBIT "C"

TO AFFIDAVIT OF

Heinz FRIEDRICH

Dated 21 March 1946

\* \* \* \* \*

- No. 1 The castle before SROUMONT
- No. 2 Our route of advance in the direction of SROUMONT
- No. 3 A woods across the road from the castle.
- No. 4 The place where our SPW stood when the prisoners were taken away from the paratrooper.
- No. 5 The path taken by the paratrooper as he came down the road with the American prisoners.
- No. 6 The pasture on which we shot the American prisoners of war.
- No. 7 The row of American prisoners of war lined up in the pasture.
- No. 8 Where I and the others in my crew stood and shot the 7 American prisoners of war.
- 30



EX 1028

I, HEINZ FRIEDRICHS, being first duly sworn, make the following statement under oath: Ich HEINZ FRIEDRICHS, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Hauptsturmführer DIEFENTHAL mentioned by me in my affidavit, dated 21 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen Hauptsturmführer DIEFENTHAL von mir in meiner eidesstattlichen Aussage genannt, datiert 21. MÄRZ 1946.

Heinz Friedrichs

First Name (Vorname) Last Name (Zuname)

Panz.-Grenadier

Rank (Dienstgrad)

11<sup>th</sup> Co. 1<sup>st</sup> SS Pz Regt / SS AH

Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Raphael Thumacker  
Officer administering oath

Capt. EMP  
Rank Arm or Service

EX 1028  
J.E.B.  
REPORTER

000405



7  
EX  
108

I, HEINZ FRIEDRICH S, being first duly sworn, make the following statement under oath:  
Ich HEINZ FRIEDRICH S, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same OBERSTURMFUEHRER TOMHARDT mentioned by me in my affidavit, dated 21 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen OBERSTURMFUEHRER TOMHARDT von mir in meiner eidesstattlichen Aussage genannt, datiert 21. MARZ 1946.

*Heinz Friedrichs*

First Name (Vorname) Last Name (Zuname)

PANZ. GRENADIER

Rank (Dienstgrad)

II. Panz Gren. 1. SS Panz Regt. L. SS. AH.

Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 2nd day of April, 1946.

*Joseph Thumacher*  
Officer administering oath

Cash CMP  
Rank Arm or Service

EX-11082  
J.E.B.  
IMPORTER

78

000406



P  
EX  
108D

I, HEINZ FRIEDRICHS, being first duly sworn, make the following statement under oath: Ich HEINZ FRIEDRICHS, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same UNTERSCHARFUEHRER ZWIGART mentioned by me in my affidavit, dated 21 MAR. 1946.

Die obigen zwei Photographien sind Photographien desselbigen UNTERSCHARFUEHRER ZWIGART von mir in meiner eidesstattlichen Aussage genannt, datiert 21. MARZ 1946.

Heinz Friedrichs  
First Name (Vorname) Last Name (Zuname)

PANE. GRENADIER  
Rank (Dienstgrad)

II. Panz. Gren. Komp. I. SS. Panz. Regt. L.S.S.AH.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to, and subscribed before me this 2nd day of April, 1946.

Saphael Thumacher  
Officer administering oath

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Capt. CMP  
Rank Arm or Service

EXP. 108D  
J.E.B.  
REPORTER

000407



EX 18E

I, HEINZ FRIEDRICH, being first duly sworn, make the following statement under oath: Ich HEINZ FRIEDRICH, nachdem ich erst redt-mäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same STURMANN WILLI BRAUN mentioned by me in my affidavit, dated 21. MARCH 1946

Die obigen zwei Photographen sind Photographien desselbigen STURMANN WILLI BRAUN von mir in meiner eidesstattlichen Aussage genannt, datiert 21. MÄRZ 1946

Heinz Friedrich  
First Name (Vorname) Last Name (Zuname)

44 Panz. Gren  
Rank (Dienstgrad)

11. Komp. 2. Panz. Gren. Regt. L44AH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 25th day of April, 1946.

Robert E. Byrne  
Officer administering oath

1st Lt. G. A. G. D.  
Rank Arm or Service

EX-108E  
J.E.B.  
REPORTER

40

000408



EX 108F

I, HEINZ FRIEDRICHS, being first duty sworn, make the following statement under oath: Ich HEINZ FRIEDRICHS, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same ROTTENFUEHRER EDMUND TOMCZAK mentioned by me in my affidavit, dated 21. MARZ. 1946.

Die obigen zwei Photographien sind Photographien desselbigen ROTTENFUEHRER EDMUND TOMCZAK von mir in meiner eidesstattlichen Aussage genannt, datiert: 21. MARZ. 1946.

Heinz Friedrichs  
First Name (Vorname) Last Name (Zuname)

PANZ. GRANADIER  
Rank (Dienstgrad)

11. Panz. Gren. Komp. 1. SS. Panz. Regt. I. SS. AH.  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 3rd day of April, 1946.

Raphael Schumacher  
Officer administering oath

Capt. CMP  
Rank Arm or Service



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Herr Willi Schäfer, mache folgende Aussagen über mich,  
 nachdem ich vorerst ordnungsgemäß verurteilt wurde.  
 Während der Diefelunraker im besondern 1944 war ich  
 Oberscharführer und Kompanie-Wärtpfänger in der  
 3. Pz.-Pz. Kp., 1. Lt. <sup>Pz. Btl.</sup> ~~1. Lt. 11. Pz.~~

Mein Kp.-Chef war Obersturmführer Franz Kieren. In der  
 Nacht vom 16. zum 17. besondern 1944 verließen wir unsere  
 Bewirtelung im Räume Zugelgau und führten einen  
 Angriff. Da wir Leuchtschaden hatten, fiel einer PzW aus,  
 doch erreichten wir die Kp. wieder in Timmout und  
 führten ~~dann~~ mit ihr zusammen weiter. Wir erreichten eine  
 große Strafkreisung, die sich ungefähr 4 km nördlich von  
 Zugeldorf befindet. Hier wir diese Strafkreisung erreicht  
 hatten, führten wir links um die Hüfte und hielten unseren  
 PzW ungefähr am Nordende einer Weide an, die sich rechts der  
 Strafe befindet. Ich kann mich erinnern, daß wir mit unserem  
 PzW anhielten und in der Nähe dieses Standes. In unserer Gruppe  
 war damals Ortlieb Kieren, Ortlieb Rimpf, der Chef der 3. Pz.-Pz., Ortlieb  
 Leitz, der Zugführer der 1. Zug der 3. Pz.-Pz. und vielleicht noch  
 andere, an deren Namen ich mich nicht mehr erinnern kann.

EX 109  
 J. E. B.  
 RECHTSPER

Als wir da standen bemerkte ich folgendes auf dem Hügel, auf der ungefähr 50 umgelagerte amerikanische Kriegsgefangene lagen. Ich sah, daß verschiedene dieser Amerikaner noch am Leben waren, denn sie bewegten sich noch und Höherten mich. Ich sah weiterhin folgende Leute im Felde umhergehen und sah auch, wie sie Quadern auf die noch lebenden Gefangenen abgaben:

Ich sah. Unka. Max Brückner, wie er mit seiner Maschinengewehr schloß, ich sah, daß Unka. Gubi Goldschmidt mit der Maschinengewehr auf die Gefangenen schloß, auch sah ich Rkf. Max Hammer, Unka. Papp Wittkowski, Unka. Dolgar Bickmann, Hon. Jintar Prenger, Rkf. Bilonvatsky, Unka. Höniger, Hon. Oskar Trath, Hon. Willi Täut und noch verschiedene andere, an deren Namen ich mich nicht mehr erinnern kann, im Felde. Ich bin mir sicher, daß weder Hiesler noch Rumpf Rückhalt geboten, wie die Leute, die alle zur 3. Pz.-Kp. gehörten, im Felde umhergingen und auf die Gefangenen schossen.

Ich habe eine Skizze verfertigt zur Erklärung obiger Skizze. Ich habe sie mit bekannt A. besichtigt und sie einem Teil meiner Skizze gemacht.

bei der Erklärung zugefügten Bildern bedürfen:

- 1 = Handpüchtl von Ostf. Linsen, Ostf. Rümpf, Ostf. Luts  
und wir,
- 2 = Handpüchtl unserer SPWs,
- 3 = Handpüchtl eines Pausen (Mark II)
- 4 = Handpüchtl der SPW von Urha. Goldschmidt,
- 5 = Handpüchtl der SPW. von Rthf. Ehinger,
- 6 = Handpüchtl der SPW. von Horn. Sprenger
- 7 = Handpüchtl der SPW. von Horn. Hoffmann, 26
- 8 = Handpüchtl der SPW. von Urha. Bode.
- 9 = einzelstehendes Haus,
- 10 = brennender Schuppen,
- 11 = Flecke als Rumpfrüchtigkeitszahn,
- 12 = Wiese, auf der die amerikanischen Kriegsgefangenen  
lagen.

Bei nächster Rundführung von amerikanischen Kriegsgefangenen  
erlebte ich in Hörmont, in den Morgenstunden des 19. September  
1944. Ostf. Linsen und ich standen an einer Staffelmücke  
in Hörmont, unweit von der Stelle wo Horn. Gustav Sprenger  
seinen SPW geparkt hatte. Als wir da standen, kamen 2  
amerikanische Soldaten, die einem verwundeten deutschen  
Pausenmann trugen zu uns. Diese Gefangenen trugen meines  
Wissens noch keine Waffen, als sie bei uns ankamen.

Ruff. biibot, der in unserer Nähe mit einem amerikanischen  
 "Jap" stand, brachte diesen verwundeten Briten zum  
 Verbandplatz. Auf meine Frage an diesen, was mit den  
 amerikanischen Gefangenen gemacht werden solle, sagte er  
 mir, ich solle sie verhaften lassen. Darauf rief ich Springer  
 zu mir und gab ihm den Befehl diese amerikanischen  
 Gefangenen einzulagern. Dabei führte er mich zu einer kleinen  
 Straße, die rechts von der Hauptstraße abweicht, wenn man  
 nach Ka-giise fährt. Von da aus führte Springer die  
 amerikanischen Kriegsgefangenen zu einem kleinen Privatweg,  
 um mich zu entlassen. Kurze Zeit darauf führte  
 Springer zu mir zurück und berichtete mir, daß er meinem  
 Befehl ausgeführt hätte.

Bei nächster Durchsichtigung trug sich folgendes ereignis zu:  
 Wir standen ungefähr an derselben Stelle, wo die zwei  
 oben genannten Amerikaner mit dem verwundeten Briten  
 zusammen, als zwei amerikanische Kriegsgefangene  
 mit einem dritten verwundeten Amerikaner,

den sie auf einer provisorischen Tragebahn trügen, ankamen.  
 Wiederum gab mir Ostuf. Kiser den Befehl diese  
 Amerikaner umlegen zu lassen. Ich beauftragte diesmal  
 Rktf. Bilonchatsij, Hm. Gräber und Hm. Spruger, der die  
 oben erwähnten 2 Gefangenen umgelegt hatte. Ich weiß  
 wohl, daß ich persönlich zu der Durchschießung mitging  
 und dabei einen amerikanischen Karabiner benutzen  
 wollte, den ich erbeutet hatte. Mein Gewehr funktionierte  
 jedoch nicht, sodaß ich nicht imstande war, die  
 Leute persönlich zu erschießen. Als wir an der Durchschießungs-  
 stelle waren sah ich die zwei ersten Gefangenen tot auf  
 der Straße liegen und als wir weggingen, sah ich auch  
 die letzten 3 Gefangenen tot auf der Straße liegen, sodaß  
 es zusammen 5 amerikanische Kriegsgefangene waren,  
 die von uns auf dieser Stelle erschossen wurden.  
 Ich bin mir sicher, daß es sich bei diesen  
 5 Gefangenen um amerikanische Kriegsgefangene  
 handelt, denn ich sah die ersten zwei mit erholenen  
 Hosen zur Durchschießungstelle gehen, während die

ersten drei waffentragenden waren. Ich weiß, daß es Amerikaner waren, denn ich kenne die amerikanische Uniform. Ich würfite auch damals den Trüppenteil zu dem diese Leute gehörten, denn ich hatte ein Heft in welchem die einzelnen Abschnitte der amerikanischen Trüppenteile standen.

Ich habe eine weitere Skizze verfertigt, die mit bokununt B bezeichnet wird zu einem Teil meiner Skizze gemacht. bei einer Erklärung beigefügten Ziffern bedeuten:

- 1 = Hauptpunkt von Dntf.-Punkten und mir,
  - 2 = Hauptpunkt des SPW. von Hrn. Spranger,
  - 3 = Hauptpunkt der Chef-SPW,
  - 4 = Hauptpunkt des SPW von Hrn. Gailhonor,
  - 5 = Hauptpunkt des SPW. von Hrn. Goldschmidt,
  - 6 = einsehendes Haus,
  - 7 = einsehendes Haus,
  - 8 = Anschlagstelle.
- ... Weg der Gefangenen.

Die Skizze bestehend aus 7 Seiten sind 2 Skizzen würde freiwillig von mir gemacht, ohne irgendwelchen

Zwang, Härten, Drohungen oder Verprechungen irgendwelcher Art.

Ich schwöre bei Gott, daß die Tatsachen, die ich hier angegeben habe, wahr sind und bin bereit die selbigen vor jedem Gericht der Gerechtigkeit wider sich zu wiederholen.

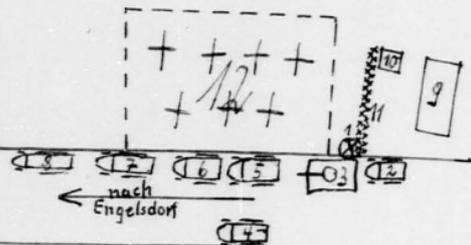
Willi Schäfer,  
8. April 1946.

Sworn to and subscribed to  
before me this 8<sup>th</sup> day of April 1946 at  
Schwabisch-Hall, Germany.

William R. Pal  
10700 Mi 0555189  
Investigator - Examiner  
W. C. B. Hoff.

Krautkürzung 4 km nördlich Engelsdorf.

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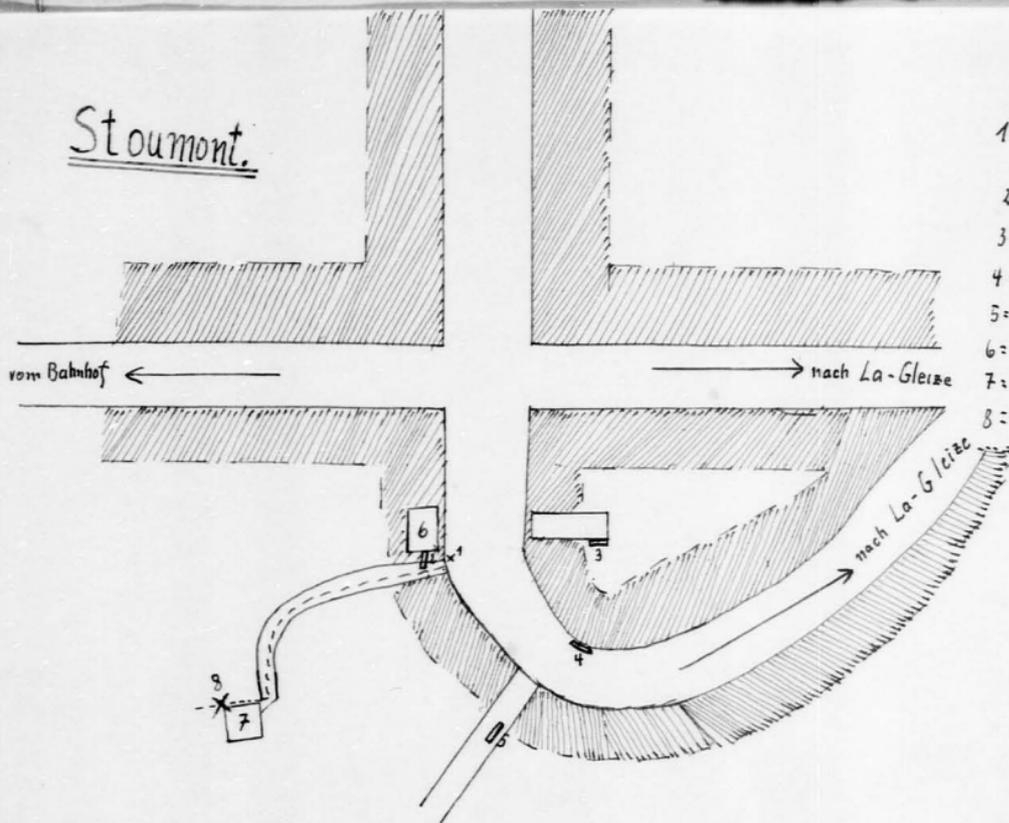


Dokument. A.

- 1 = Handpunkt von Ostf. Pierson, Ostf. Rümpf, Ostf. Seite sind mit,
- 2 = Handpunkt unserer SPWs.,
- 3 = Handpunkt eines Pausen (Mark 2)
- 4 = Handpunkt der SPW. von Ucker Goldschmidt,
- 5 = Handpunkt der SPW. v. Rth. Öttinger,
- 6 = Handpunkt der SPW. v. Pm. Sprunger,
- 7 = Handpunkt der SPW. v. Pm. Hoffmann,
- 8 = Handpunkt der SPW. v. Ucker. Bodt,
- 9 = einzelstündler Kater,
- 10 = braunender Schuppen,
- 11 = Hecke als Zufriedigung,
- 12 = Wiese auf der die amerikanischen Kriegsgefangenen lagen.

Willi Schäfer,  
8. April 1946.

Stoumont.



Document B.

- 1: Hauptpunkt von Aufh. Linien und  
mir,
- 2: Hauptpunkt der SPW. v. Hrn. Frangot,
- 3: Hauptpunkt der Chef-SPW.,
- 4: Hauptpunkt der SPW. v. Raff. yain, v.,
- 5: Hauptpunkt der SPW. v. Hrn. Goldschmidt,
- 6: einseitiger Haus,
- 7: einseitiger Haus,
- 8: Verschlingungstelle,  
Weg der Yfangeren.

Willi Schäfer,  
8. April 1946.

000416

## 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

WILLI SCHAEFER

taken on 8 APRIL 1946 at Schwäbisch Hall, Germany.

before WILLIAM R PERL, 1st Lt. M.I.

consisting of 7 pages, into English.

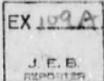
I, the deponent, further state that I speak German and English fluently and am fully qualified as an expert German-English interpreter by reason of the following qualifications:

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.R.T. as a civilian German-English interpreter.

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 Thumacker  
War Crimes Branch/USFET



I, Willi SCHAEFER, being duly sworn make the following statements under oath:

During the EIFEL Offensive, in December 1944, I was Oberscharfuhrer and Kompanietruppfuhrer (Leader of the Company Headquarters detachment - trans. note) of the 3rd Pz. Pi. Company, 1st SS Pioneer Bn., "LSSAH."

My company commander was Obersturmfuehrer Franz SIEVERS. In the night from the 16th to the 17th of December 1944 we left our assembly area in the ENGELGAY sector and drove up to the attack. As we had steering trouble our SPW dropped out; we caught up, however, with the company in TIRLMONT and then proceeded with them together. We arrived at a big cross-road situated at about 4 km north of ENRELSDOERF. When we had reached this cross-road we took a left turn around the curve and stopped our SPW at about the northern end of a pasture which is on the right side of the road. I can remember that we dismounted our SPW, and stood in the vicinity of it. In our group at that time were Ostuf. SIEVERS; Ostuf. RUMPF, the commanding officer of the 9th Pz. Pi. (9th Armored Engineering Co. TN); Ostuf. SEITZ, the platoon leader of the 1st platoon of the 3rd Pz. Pi. Co.; and perhaps still others whose names I cannot remember any more.

As we were standing there, I noticed on this pasture on which about 50 bumped off American prisoners of war were lying, the following: I saw that several of these Americans were still living, because they still moved and also groaned. I furthermore saw the following persons go around in the field and also saw how they discharged mercy shots at the still living prisoners.

I saw Uscha. Max BEHNER shooting with his machine pistol; I saw Uscha. Bubi GOLDSCHMIDT shooting at the prisoners with the machine pistol; I also saw in the field Rttf. Max HAMMERER, Uscha. Sepp WITTKOROSKI, Uscha. Edgar DIEDERMANN, Stm. Gustav SPRENGER, Rttf. BILSCHAMPEY, Uscha. ALFRUEGEN, Stm. Oskar TRATT, Oplon. Willi TRAUT, and still several others whose names I cannot remember any more. I am certain that neither SIEVERS nor RUMPF ordered a stop to it, when these persons, who all belonged to the 3rd Pz. Pi. Co. walked about the field shooting at the prisoners.

I have prepared a sketch for clarification of above deposition. I have marked it Exhibit "A" and have made it a part of my statement.

The numerals are added for explanation and mean:

- 1 - Position of Ostuf. SIEVERS, Ostuf. RUMPF, Ostuf. SEITZ, and myself.
- 2 - Position of our SPW
- 3 - Position of a Panzer (Mark V)
- 4 - Position of the SPW of Uscha. GOLDSCHMIDT
- 5 - Position of the SPW of Rttf. OETTINGER
- 6 - Position of the SPW of Stm. SPRENGER
- 7 - Position of the SPW of Stm. HOFFMANN
- 8 - Position of the SPW of Uscha. BODE
- 9 - Single house
- 10 - Burning shed
- 11 - Hedge used as a boundary fence
- 12 - Pasture on which the American prisoners of war were lying.

I experienced the next shooting of American prisoners of war at STOUJONT in the morning hours of 19 December 1944. Ostuf. SIEVERS and I were standing at a street corner in STOUJONT, not far from the

place where Stm. Gustav SPRENGER had parked his SPW. While we were standing there, 2 American soldiers, who were carrying a wounded German tank-man, came to us. To my knowledge, these prisoners did not carry any weapons when they arrived at our place. Rttf. DEIBERT, who was standing with an American "Jeep" in our vicinity, brought this wounded German to the field dressing station. At my question to SIEVERS, what should be done with the American prisoners of war, he answered, I shall have them shot. Thereupon I called SPRENGER to me and gave him the order to bump off these American prisoners. Thereupon he led them into a small road which driving into LA GLEIZE branches off the main road to the right. From there SPRENGER led the American prisoners of war into a small private road in order to shoot them. A short time later SPRENGER returned to me and reported that he had executed my order.

The next shooting occurred in the following manner: We were standing at about the same spot where the two Americans mentioned above had arrived with the wounded German when two American prisoners of war arrived with a third wounded American and whom they carried on a provisional litter. Again Ostuf. SIEVERS gave me the order to have these Americans bumped off. This time I gave the order to Rttf. LOSCHARTZKY; Stm. GRAEBER; and Stm. SPRENGER, who had bumped off the two above mentioned prisoners. I still remember that I personally went along for the shooting and thereby wanted to use an American carbine which I had captured. This gun however, did not function, so I was not able to shoot the men personally. When we were standing at the place of execution I saw the first two prisoners lying dead in the street, and when we left I also saw the last 3 prisoners lying dead in the street, so that all together there were 5 American prisoners of war who had been shot by us at this spot. I am certain that these 5 prisoners were American prisoners of war because I saw the first two go with raised arms to the place of execution while the last three were without weapons. I know, that they were Americans, because I know the American uniform. I also knew at that time the unit to which these men were belonging, because I had a copy-book in which the different insignias of the American units were shown.

I have prepared a further sketch marked with B and made it part of my statement. The numerals added for explanation mean:

1. -Position of Ostuf. SIEVERS and myself.
2. -Position of the SPW of Stm. SPRENGER.
3. -Position of SPW of the commander
4. -Position of the SPW of Rttf. GAILHOVER
5. -Position of the SPW of Uscha. GOLDSCHMIDT.
6. - Single house
7. - " "
8. - Where the shooting took place
- Route of the prisoners

This statement consists of 7 pages and 2 sketches and has been voluntarily made by me without any force, duress, threats, or promises of any kind.

I swear before God that the facts which I have stated here are true and am prepared to repeat same before any court of justice under oath.

(signed) Willi SCHAEFER  
8 April 1946

Sworn to and subscribed to before  
me this 8th day of April 1946 at  
Schwabisch Hall, Germany

William R. EERL  
1st Lt. M.I. O-555149  
Investigator-Examiner  
W.C.B. USFPM

000421

TRANSLATION OF LEGEND ON EXHIBIT "A"  
TO AFFIDAVIT OF  
Willi SCHAEFER dated 8 April 1946

\* \* \* \*

Road crossing 4 km. north of ENGELSDORF

- 1 - Position of Cstuf. SILVERS, Cstuf. ROMPF, Ustuf. SMITE  
and myself
- 2 - " our SPW
- 3 - " a Panzer (Mark V)
- 4 - " the SPW of Uscha. GELDSCHMIDT
- 5 - " " " " Httf. OETTINGER
- 6 - " " " " Stm. SPRENGER
- 7 - " " " " HOFFMANN
- 8 - " " " " Uscha. BODE
- 9 - Single house
- 10 - Burning Shed
- 11 - Hedge used as boundary fence
- 12 - Pasture on which the American prisoners of war were lying.

(signed) Willi SCHAEFER

8 April 1946

000422

TRANSLATION OF LEGEND ON EXHIBIT "B"

TO AFFIDAVIT OF

Willi SCHAEFER dated 8 April 1946

\* \* \* \*

From the Station

To LA GLEISE

1. Position of Ostuf. SIEVERS and myself
2. " the SPW of Stm. SPRENER
3. " " " " the Commander
4. " " " " Rttf. GALLHOVER
5. " " " " Uscha. GOLDSCHMIDT
6. Single house
7. " "
8. Place where shooting occurred
- Route of prisoners.

/s/ Willi SCHAEFER  
8 April 1946.

000423



I, Willi Schaefer, being first duty sworn, make the following statement under oath: Ich Willi Schaefer nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Franz Sievers mentioned by me in my affidavit, dated 8 April 1946

Die obigen zwei Photographien sind Photographien desselbigen Franz Sievers von mir in meiner eidesstattlichen Aussage genannt, datiert 8. April 1946

Willi Schaefer  
First Name (Vorname) Last Name (Zuname)

44-Oberscharführer  
Rank (Dienstgrad)

3 Pz.-Pz. 411-Pz.-Reg. "LHAH"  
Organization during Elze Offensive  
Einheit während des Elze-Einsatzes

Sworn to and subscribed before me this 15th day of April, 1946.

Robert E. Byrnes  
Officer administering oath

1st Lt ARGD  
Rank Arm or Service

EX 109 A  
J. E. B. REPORTER

7  
24  
109A

000427



I, Willi Schaefer, being first duty sworn, make the following statement under oath:  
 Ich Willi Schaefer, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Ostuf. Rumpf mentioned by me in my affidavit, dated 8 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Ostuf. Rumpf von mir in meiner eidesstattlichen Aussage genannt, datiert 8. April 1946.

Willi Schaefer  
 First Name (Vorname) Last Name (Zuname)

4. Oberscharführer.  
 Rank (Dienstgrad)

3/B-P. 1/H-P. - Rot. "LHAW"  
 Organization during Eifel Offensive  
 Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 16th day of April, 1946.

Robert E. Barnes  
 Officer administering oath

1st Lt. KIRGD  
 Rank Arm or Service

EXP 109-C  
 J. E. B. REYNOLDS

000425



P  
23  
1070

I, Willi Scharfer, being first duty  
sworn, make the following statement under oath:  
Ich Willi Schäfer, nachdem ich erst recht-  
mäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Stm. Gustav  
Sprenger mentioned by me in my affidavit, dated 8. April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Stm. Gustav  
Sprenger von mir in meiner eidesstattlichen Aussage genannt,  
datiert 8. April 1946.

Willi Schäfer  
First Name (Vorname) Last Name (Zuname)

44-Oberscharführer  
Rank (Dienstgrad)

3. Pa.-R. 1.H.-Pa.-Reg. 1.H.A.H."  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this  
day of \_\_\_\_\_, 1946.

\_\_\_\_\_  
Officer administering oath

\_\_\_\_\_  
Rank Arm or Service

EX P1098  
J. E. B.  
REPORTER

58

000426



I, Willi Schaefer, being first duly sworn, make the following statement under oath:

Ich Willi Schaefer, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Uscha Buechi Goldschmidt mentioned by me in my affidavit, dated 8 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Uscha Buechi Goldschmidt von mir in meiner eidesstattlichen Aussage genannt, datiert 8 April 1946.

Willi Schaefer  
First Name (Vorname) Last Name (Zuname)

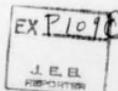
44-Oberscharführer  
Rank (Dienstgrad)

3. Pz.-B. 114-Pz.-Reg. 144A4  
Organization during Elze 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 176D  
Rank Arm or Service



Ich, ~~Rolf~~ Max Hammerer, gebe vorerst vorschriftsmäßig beieidet folgendes an:

Während des Eifelensatzes im Dezember 1944 gehörte ich dem 2. Zug der 3. Rj. Kompanie des 1. ~~SS-Pz. Rgt.~~ <sup>Pz. Btl. 118</sup> LSSAH an.

Mein Zugführer war Uscha. Max Beutner.  
Mein Komp. Chef war Obersturmführer Franz  
Lubers.

- 1 Am 17. Dezember 1944 gegen  $\frac{1}{2}$  2 Uhr nachmittags kamen wir von Billingen kommend an eine Straßenkreuzung, an welcher die Straße scharf nach links in die Richtung nach Engelsdorf abbiegt. Zu dieser Zeit war ich Melder auf dem G.P.W. des Uscha. Max Beutner. An dieser Straßenkreuzung sind zwar unmittelbar hinter der Kreuzung auf dem Teil der Straße der nach Engelsdorf führt, blieb unser S.P.W. stehen und ich war anwesend wie Amerikanische Kriegsgefangene erschossen wurden. Zu dieser Zeit war Max ~~Beutner~~ <sup>der Führer</sup> ~~unser~~ <sup>unser</sup> S.P.W. und der Fahrer war ~~Rolf~~ <sup>Ernst Goldschmidt</sup> Goldschmidt.
- 2 Am 20. Dezember 1944 habe ich in einem Schloss in der Nähe von Stoumont einen amerikanischen Kriegsgefangenen, dessen Unterkörper von Schnitt verdrückt war,

mit Pistolenschüssen getötet.

Der Amerikaner lag in einem Gang des Schlosses. Er trug eine amerikanische Uniform, jedoch hatte er keinen Stahlhelm mehr auf. Er war unbewaffnet. Dieser Amerikaner stolperte, da er offenbar Schmerzen hatte, weil doch der Unterkörper verschüttet war.

Ich habe daraufhin auf diesen Amerikaner 2 Pistolenschüsse <sup>M.H.</sup> abg. aus unmittelbarer Nähe abgefeuert. Einen in den Kopf und einen in das Herz. Ich weiß nicht mehr, ob ich zuerst in das Herz oder zuerst in den Kopf schoss. Nach diesen beiden Schüssen war der Amerikaner tot. Ich habe mir die Leiche angesehen und festgestellt, dass er tot war.

Es war mir klar, dass dieser Amerikaner kein Kämpfer, sondern ein Kriegsgefangener war, denn er war wehrlos und unbewaffnet. Ich habe ihn jedoch erschossen weil unser Komp. Chef Oberstuf. Franz Sievers vor dem Einsatz uns einen Befehl vorgelesen hatte, in dem es hieß, dass keine Gefangenen gemacht werden.

Ich habe eine Zeichnung verfertigt, die das Schloss nahe bei Stormont zeigt, indem ich den amerikanischen Kriegsgefangenen erschoss. Ich habe diese mit A bezeichnet und meiner Aussage beigelegt. Die Ziffern hierauf bedeuten:

- |               |   |
|---------------|---|
| 1 Küche       | 6 Stelle, an der ich den Amerikaner erschoss. |
| 2 Saale       |   |
| 3 Büro        | 7 Türen                                       |
| 4 Abstellraum |   |
| 5 Gang        |   |

Ich habe diese Aussage freiwillig und aus eigenem Willen gemacht unbeeinflusst von zwang Drohungen oder härteren und unbeeinflusst von Versprechungen irgendwelcher Art. Ich schwöre bei Gott, dass die Angaben, die ich in dieser Aussage machte, wahr sind, und ich bin bereit diese vor jedem Gericht unter Eid zu wiederholen.

Wittus  
Laurie W. Han  
Sittarogator  
WCB

Kammerer Mar

44 R.H. 11. April 1946

Sworn to and subscribed to before me  
this 11<sup>th</sup> day of April 1946 at  
Schwabish Lake, Germany.

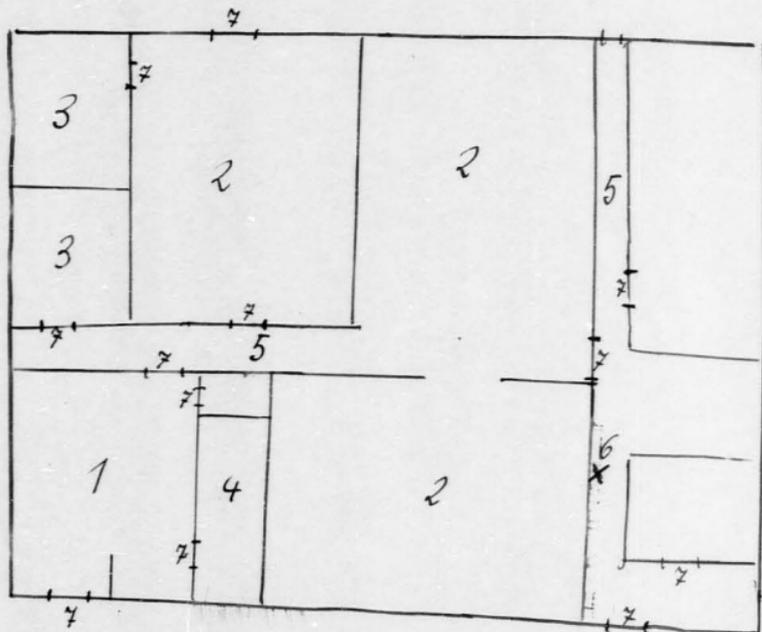
William R. Paul

1862 N. I. O-555149

Inventaris - Kammerer  
W.C.B. 447

## Schloß bei Steimont.

H



- 1 Kirche
- 2 Saal
- 3 Büro
- 4 Abstellraum
- 5 Gang
- 6 Stelle, an der sich der verschüttete Amerikaner erschofs.
- 7 Türen

Max Hammerer

11. April 1946

P10104310

000431

### 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

Max HAMMERER

taken on 11 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 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.

P  
EK  
110A

*George Miller*

Sworn and subscribed to before me this 22<sup>nd</sup> day of April 1946  
at Schwäbisch Hall, Germany.

*Raymond Stumacher*  
War Crimes Branch, USFET

*Capt. CMP*

64

EX-110-A  
mpt.  
JEB  
1946-11-11

000432

I, Rottf, Max HAMMERER, being duly sworn state the following:

During the EIFEL offensive in December 1944, I belonged to the 2nd Platoon, of the 3rd Panzer Pioneer Company, of the 1st SS Pioneer Bn, ISSAH.

My platoon leader was Uscha. Max BEUTNER. My Company Commander was Obersturmfuehrer Franz SIEVERS.

1. On the 17th December 1944, at about 1.30 o'clock in the afternoon, coming from BUELLINGEN we came to a road crossing at which the street turns sharp to the left in direction ENGEISDORF. At this time I was messenger in the SFW of Uscha. Max BEUTNER. At this cross-road, immediately behind the crossing on the part of the road which leads to ENGEISDORF, our SFW came to a halt, and I was present as American prisoners of war were shot.

2. On 20 December 1944, in a castle near STOUMONT, I have killed with pistol shots an American prisoner of war whose lower part of the body was buried in debris.

The American lay in the hallway of the castle. He wore an American uniform. However, he didn't wear the steel helmet any more. He was unarmed. This American groaned as he was obviously in pain because his lower part of the body was buried. Thereupon I fired from the immediate distance two pistol shots at this American; one in the head and one in the heart. I don't know any more if I shot first in the heart or first in the head. The American was dead after these two shots. I had a look at the body and concluded that he was dead.

It was clear to me that this American was noncombatant, but a prisoner of war because he was helpless and unarmed. However, I shot him because our company commander Oberstuf. Franz SIEVERS had read an order to us before the offensive in which it said that no prisoners will be taken.

I have prepared a sketch which shows the castle near STOUMONT in which I shot the American prisoner of war. This I have marked with "A" and attached to my statement. On this the numerals indicate:

- |               |                                   |
|---------------|-----------------------------------|
| 1. Kitchen    | 5. Hallway                        |
| 2. Halls      | 6. Spot where I shot the American |
| 3. Office     | 7. Doors                          |
| 4. Store-room |                                   |

I have made this statement voluntarily and of my own will uninfluenced by force, threats, or harsh treatment, and uninfluenced by promises of any kind.

I swear before God that the statements made in this deposition are true and I am prepared to repeat them under oath before any court.

Witness:  
Harry W. Thon  
Interrogator. WCB

(signed) HAMMERER, Max  
SS Rttf.  
11 April 1946.

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.  
WCB, USFET.

61

000432



I, MAX HAMMERER, being first duly sworn, make the following statement under oath: Ich Max Hammerer, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Oberstuf FRANZ SIEVERS, mentioned by me in my affidavit, dated 11 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Oberstuf Franz Sievers von mir in meiner eidesstattlichen Aussage genannt, datiert 11. April 1946.

Max Hammerer  
First Name (Vorname) Last Name (Zuname)

Rotenführer  
Rank (Dienstgrad)

3. Pz. Pz. 154 Pz. Regt. 454 AH  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15<sup>th</sup> day of April, 1946.

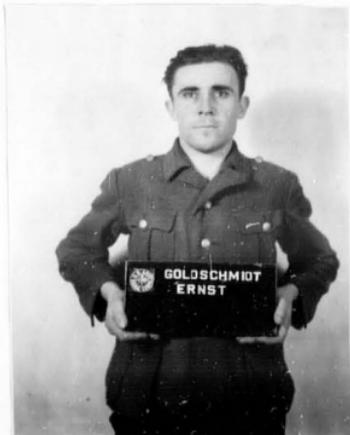
Daphne J. Thumadler  
Officer administering oath

Capt CMP  
Rank Arm or Service

EX 100-B  
M.H.  
J.E.B.  
REPORTER

P  
EN  
110B

000434



I, Max HAMMERER, being first duly sworn, make the following statement under oath:  
Ich Max Hammerer, nachdem ich erst rechtmäßig eingeschworen wurde, mache die folgende Aussage unter Eid

The above two photographs are photographs of the same Ritt. Ernst Goldschmidt mentioned by me in my affidavit, dated 11 April 1946.

Die obigen zwei Photographien sind Photographien desselbigen Ritt. Ernst Goldschmidt von mir in meiner eidesstattlichen Aussage genannt, datiert 11. April 1946.

Max Hammerer  
First Name (Vorname) Last Name (Zuname)

Rottenführer  
Rank (Dienstgrad)

3. Pz. Pi. 1. 44 Pz. Regt. 144th  
Organization during Eifel Offensive  
Einheit während des Eifel-Einsatzes

Sworn to and subscribed before me this 15<sup>th</sup> day of April, 1946.

Supdahl Thumacker  
Officer administering oath

Capt CMF  
Rank Arm or Service

EX 162-C  
JEB  
1946