CHARGE FILES

UNWCC

CANADA VS. GERMANS
REGISTERED
NOS.
1
TO
11
1. **HEYER, Kurt**

2. German soldiers at HQ 25th Panzer Grenadier Regt.

3. All personnel at HQ above

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(X) indicates new or altered entry.
UNITED NATIONS WAR CRIMES COMMISSION

CANADIAN

CHARGES AGAINST

GERMAN

WAR CRIMINALS

CHARGE No. 67/CR0/12 SS +/1

Brigadeführer Kurt Meyer, Commander of the 25th Panzer Grenadier Regiment, 12 SS Panzer Division (Hitler-Jugend) from August 1943 until approximately 10 June 1944 and GOC 12 SS Panzer Division (Hitler-Jugend) from the latter date until 7 September 1944, and now a PW in British custody, a German soldier believed to have been attached to the HQ of the said 25th Panzer Grenadier Regiment on the 8th day of June 1944 and of the rank of Unterscharführer who was the actual perpetrator of the crime referred to in No (1) hereunder.

All personnel attached to or serving with Regimental HQ, 25 SS Panzer Grenadier Regiment on 8 June 1944.

Date and place of commission of alleged crime.

During period of August 1943 to 7 September 1944 at various places in BELGIUM and FRANCE and particularly LE SAP, EURE, NORMANDY, FRANCE and in the vicinity of CAEN, NORMANDY also in FRANCE.

Number and description of crime in war crimes list.

(1) - MURDER
(xxvii) - giving an order to give no quarter. Breach of usages of warfare and laws of war especially provisions of the Geneva Convention, 1929. Murder and incitement to murder.

Continuation of "SHORT STATEMENT OF FACTS"

Instructions were understood, on the 7th June 1944, 27 Canadian prisoners were murdered at the Village of AUTHIE and a Canadian Chaplain taken prisoner was likewise murdered, in addition to those killed under his direct order at the ABBAYE on the 8th June.

During the period of his command as GOC 12 SS Panzer Division (Hitler-Jugend) 8 more cases of the killing of prisoners of war have been reported and are believed to be chargeable to the members of this division.
PARTICULARS OF ALLEGED CRIME

On the 8th June 1944, 7 Canadian prisoners were brought to the Regimental HQ of the 25 SS Panzer Grenadier Regiment which was at the Ancône ABBAYE, ARDENNE (WK 996701, OASEN Sheet 7F/2), and were placed in a stall in one of the out-buildings of the ABBAYE. One of the guards then reported the capture of the prisoners to the Regimental Commander Kurt Meyer then a Standartenführer who had established his personal HQ in the chapel of the ABBAYE. Meyer, upon hearing the report said: "What shall we do with these prisoners who only eat our rations?" He then carried on a low conversation with his staff officers and then said in a loud voice: "In the future no prisoners will be taken". Following this one of the staff officers accompanied the guard to the stall where the prisoners had been placed. Within a very short time thereafter the prisoners were called out one by one by two guards and directed to an Unterscharführer who was standing in a small park immediately adjacent to the buildings in which the prisoners were being held. The Unterscharführer directed each prisoner in turn into the park and then shot each in the head with his pistol.

At the end of May 1944 or the first day or so of June 1944 at LE SAP, EURE, FRANCE; Meyer attended a company parade of the 15th Reconnaissance Coy of the 25 Panzer Grenadier Regiment; it being the occasion of a changeover in command from the then company commander Hauptsturmführer Ritzert to one Hauptsturmführer Von Bittner. In a speech to the company he said: "We must not believe in a new weapon but we must look after the retaliation ourselves, because our German cities have been destroyed - we should retaliate against the Englishmen". This speech was understood by the members of the company to mean that no British prisoners were to be taken.

On the 7th June 1944 the third battalion of the 25 SS Panzer Grenadier Regiment commanded by Obersturmbannführer Milius supported by a battalion of the 12 SS Panzer Regiment commanded by Sturmbannführer Prinz recaptured the Village of AUTHIE, CALVADOS held by Canadian troops. At least 27 prisoners of war taken at that time were killed without justification or excuse by German troops comprising this attacking force. On the same day a Protestant Chaplain attached to the 27 Cdn Armd Regt, H/Capt WL Brown was taken prisoner by troops of the 25 SS Panzer Grenadier Regiment and without justification or excuse bayoneted to death.

On or about the 10th June 1944 owing to the alleged death of Brigadeführer Fritz Witt, Meyer assumed command of the 12 SS Panzer Division (Hitler-Jugend) and was later confirmed in his appointment to that command. Between the 10th June 1944 and the 21st June 1944, eight separate instances are reported where prisoners captured by members of this division were killed without justification or excuse.
PARTICULARS OF EVIDENCE IN SUPPORT

Sturmmann Jan Jesionek, a Polish former member of the 15th Company of the 25 SS Panzer Grenadier Regiment, has testified that he heard the order issued by Meyer on the occasion of the shooting of the 7 prisoners on the 8th June at ANCE ABAYE, ARDENNES saw the prisoners being led to their death, heard the shots, saw the executioner, and immediately after the shooting saw the bodies of all seven. Civilians resident at the ABAYE M and Mlle. Vico have testified to the finding of 17 bodies in the small park or garden where Jesionek says that he saw the 7 shot. All had been buried in unmarked and carefully concealed graves. The bodies of all 17 have been examined by a pathologist, Lt-col RAH McKeen, RCAMC who will testify that in all cases the cause of death was either a bullet wound in the head or a head injury caused by a blunt instrument. In only one case was any other wound found on any other part of the body of any of the 17. The bodies have all been identified by officers of No 2 Cdn Graves Concentration Unit as being those of Canadian soldiers belonging to units known to have been in action on that front on the 8 June 1944.

Jesionek was present at the company parade in LE SAP and heard the order then given by Meyer with respect to retaliation against English prisoners. Another member of the Company Grenadier Torbanisch has testified that he was on a company parade and heard an order read by Stabscharführer Hagetorn of the same company to the effect that no prisoners were to be taken.

The proceedings of the SHAEF Courts of Inquiry respecting the shooting of Allied prisoners of War in the vicinity of Le Mesnil-Patty, Les Saullets, Buron and Authie Normandy and the Supplementary Report respecting the shooting of Allied Prisoners of War by the 12 SS Panzer Division (Hitler-Jugend), copies of which it is understood have been filed with the Commission, are relied upon in further proof of the locations of units, HQs and respective personalities concerned, and in proof of the crimes committed during the period of Meyer's tenure of regimental and divisional command.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

The first accused Brigadeführer Kurt Meyer on his own admissions recorded on his interrogation by the SHAEF Court of Inquiry, apart from any other evidence was the regimental and divisional commander during the period involved herein. He has denied any knowledge of the atrocities and also denies having issued any orders to deny quarter or to kill prisoners. He likewise states that he had no orders to adopt such a course of treatment from any superior commanders. The case then resolves itself largely to a question of credibility on questions of fact. While Jesionek's evidence is not corroborated by that of any other individual who also heard Meyer's order with respect to the 7 prisoners on the 8th June, nevertheless it is corroborated circumstantially in the finding of the bodies of 7 Canadian soldiers all bearing head-wounds all buried in carefully concealed graves, in a location in which it is clear there was no fighting from which these wounds could have been received. His evidence with respect to the orders given to the company is to some extent corroborated by the evidence of another member of the company SS Gren Torbiansch.

Proof, however, that Meyer had either issued orders that prisoners were not to be taken, or had conveyed the impression to his officers and men that such a course of conduct was either acquiesced in or had his express authorization and approval, is found in the fact that it has been established by the SHAEF Courts of Inquiry that a large number of prisoners were killed at different times and places by troops serving under Meyer's command, and that in some of these cases senior officers subordinate to Meyer were themselves responsible for the shooting of these prisoners. The cases particularly referred to in the SHAEF reports are those at AUTHIE, ARDENNE, ROTS and the murder of H/Capt W. Brown all of which occurred while he was Regimental Commander. The following cases occurred while he was Divisional Commander - Les SAULIETS, St GERMAIN Le BLANCHE HERBE, Le MESNIL PATRY, Le FAINES, the one reported at the HQ of the 25 SS Panzer Grenadier Regiment, KOEN, BURON II, and another one on the 21st June 44 at ARDENNE.

Meyer says that he knew nothing of these atrocities, therefore no disciplinary action was ever taken. It is clear that even if he did not issue orders to deny quarter, that he did fail to issue orders which would have ensured proper treatment of prisoners of war, and that he was negligent in his positive duty to see that prisoners were given the treatment to which they were entitled under the general laws and usages of war, but more specifically under the terms of the Geneva Conventions, 1929. He is by reason thereof chargeable with murder as an accessory both before and after the fact.

Obviously it will be difficult to establish the identity of the Unterscharführer who killed the prisoners, but in time this may be done. His defence will doubtless be that he was acting on orders.

An officer and two sentries also appear to have participated in the crime and should if located be likewise charged.

Investigations are being continued to obtain further confirmatory evidence and identifications.
M JEAN MARIE VICO is called and having been duly sworn, is examined by Lt-Col B.J.S. Macdonald, Investigator-Examiner, as follows:

Q.1 What is your name?
A.1 Jean Marie VICO

Q.2 Where do you live?
A.2 L'Abbaye d'Ardonne, St Germain la Blanche Herbe.

Q.3 How long have you lived there?
A.3 For twenty years.

Q.4 Were you at the Abbaye at the time the Germans first occupied the place?
A.4 No.

Q.5 When did you leave the Abbaye?
A.5 16 December 1943

Q.6 Why did you leave?
A.6 There was an ammunition dump for the Resistance here and one of my friends was tortured and admitted that the dump was in this location. My father was arrested as well as the rest of the family. My two brothers and myself were condemned to death.

Q.7 Were you at any time captured by the Germans?
A.7 I left a few hours before the Germans arrived and I was not captured.

Q.8 When did you return to the Abbaye?
A.8 I came back to this location on the 19th July 1944.

Q.9 Were there any troops in occupation of the Abbaye at that time?
A.9 I came back once every two days. There were some Canadian troops in the building but the whole building was a shambles, therefore I could not remain here all the time.

Q.10 Do you know whether the Abbaye had been occupied by the Germans prior to the arrival of the Cdns?
A.10 I have no personal knowledge in this respect; but I heard that the Germans had been here previously.

Q.11 Did you find any evidence of their occupation?
A.11 Yes, there were some German dead here and helmets.

Q.12 Have you any means of knowing what type of German troops were in occupation of the Abbaye?
A.12 We found a dead German SS Officer in a cupboard. He had a camouflage jacket on. He also had a note book inside his pocket mentioning SS Hans KNOLD. The name of the unit was in this note book.

Q.13 What was the name of the unit?
A.13 It was the Div - Das Reich. There was also the name of the Tagt but I don't remember it.

Q.14 How did you know that this was an Officer?
A.14 He had shoulder straps with edging all round and he was also wearing a small vest such as the officers wear.
Q.15 You say that the shoulder straps had edging on them. Were there any "pips" or "stars" on the shoulder straps as well?
A.15 No, there was nothing.
Q.16 Did you at any time see the bodies of any Cdn soldiers around the Abbaye?
A.16 Yes.
Q.17 When and where did you see these bodies?
A.17 In the small park.
Q.18 I show you a sketch which will be entered in the proceedings as Exhibit "A", will you look at it and tell me whether it appears to be a somewhat accurate drawing of the Abbaye grounds?
A.18 It is not an exact map; but it is accurate approximately.
Q.19 We will mark the area which you indicate and have described as the park with the word "park"?
A.19 Yes.
Q.20 When did you see bodies in this park?
A.20 At different dates.
Q.21 When did you see the first bodies?
A.21 Around the 2nd May 1945.
Q.22 How many bodies did you see then?
A.22 Three. May I draw a sketch showing where I saw the bodies? (Answer by chief examiner: "Yes").
(Witness draws sketch which is marked EXHIBIT "B" and indicates on Exhibit "B" where he saw the first bodies)
Witness continues:- My mother saw five bodies; but I only arrived in time to see them being taken away in the waggon.
Q.23 To summarize witness, what you have indicated on Exhibit "B": You have shown in one place which you have marked with the figure 3 where you say that you saw the first three bodies on the 2nd May 1945?
A.23 Yes.
Q.24 Will you write beside that place the date you saw those bodies?
A.24 Yes. (Witness indicates date "2 May" on Exhibit "B").
Q.25 Next, you have indicated by the figure 1, the places where you later saw two bodies?
A.25 Yes.
Q.26 Will you also mark the date when you saw those bodies?
A.26 Yes. (Witness indicates date on Exhibit "B")
Q.27 The third place you have marked with the figure 7, is that where you saw seven bodies?
A.27 Yes.
Q.28 Will you then also mark the date when you saw the seven bodies?
A.28 Yes. (Witness indicates date on Exhibit "B")
Q.29 Will you, before we go any further, mark the direction of NORTH on this sketch?
A.29 Yes. (Witness indicates direction of N on Ex. "B")
Q.30 On what date was it you saw the other five bodies being taken away?
A.30 That was a much older story. They took away one body on the 2nd May and the other body was removed on the 2nd May but it was put back in order that they may identify it and they removed it finally on the day before yesterday.

Q.31 Who took these two bodies away?
A.31 A Cdrl Sgt and an Officer believed to be English.

Q.32 Do you know their names or the units to which they belong?
A.32 No, but German prisoners were working under their orders.

Q.33 When were the five bodies that your mother saw, when were they first discovered?
A.33 They were discovered during the month of January 1945; but they were only removed in March.

Q.34 Did you see these five bodies at any time?
A.34 No, I saw the truck going away but I did not see the bodies.

Q.35 Do you know of your own knowledge where in the park they were found?
A.35 Yes.

Q.36 Will you draw the position on the map Exhibit "B"?
A.36 Yes (witness indicates spot and marks it with the figure). I made a little hole and saw some flesh and clothes and I did not know how many were there.

Q.37 When was this?
A.37 In January.

Q.38 How did you know that there were five bodies actually found there?
A.38 The Services removed five of them in front of my mother.

Q.39 So that actually the way in which you know that there were five is that your mother had told you so?
A.39 Yes.

Q.40 Do you know what kind of soldiers any of these were whose bodies were found in the little park?
A.40 Yes, Canadian.

Q.41 Do you know to what unit or formation they belonged?
A.41 No.

Q.42 Did you have an opportunity to examine these bodies yourself?
A.42 I saw them but I did not touch them.

Q.43 Did you examine them closely?
A.43 There were many being removed and many workers around and I saw some with a hole in the head, another with a broken leg; but I did not have an opportunity to examine them at my leisure.

Q.44 How many did you actually see with a hole in the head?
A.44 At least two with a hole right in the forehead.

Q.45 When you speak of a hole, are you speaking of a bullet hole; was it a smooth round hole?
A.45 A clean cut could be seen through the bone.
Q.46 Was the hole round as if made by a bullet or was it an irregular wound as if made with a blunt instrument?
A.46 It looked as if it may have come from the rear rather than the front.

Q.47 In other words, it was the exit wound you saw rather than the point of entry?
A.47 Yes, it looked that way.

Q.48 And you saw this type of wound on the bodies of two men, is that correct?
A.48 Not exactly the same; but the same type. I also saw one with a skull broken round the temples; but I didn't know whether that was the result of putrefaction or a shot or not.

Q.49 In what part of the park were the two bodies found which bore the wounds on the forehead?
A.49 (Witness points out the spot on Ex. "B").

Q.50 You are pointing witness to the spot marked with the figure 3, is that correct?
A.50 Yes.

Q.51 How these bodies I presume had been buried, is that correct?
A.51 Yes.

Q.52 How did you discover the presence of the bodies?
A.52 By searching myself because the ground was neatly levelled.

Q.53 Why did you suspect the presence of bodies?
A.53 Previous my brother had dug here (witness points to spot marked with figure 5) and had discovered some bones. It was also well levelled off here and it is through accident that I made this discovery.

Q.54 Who levelled off this ground, do you know?
A.54 Undoubtedly the Germans.

Q.55 Were the graves marked in any way?
A.55 In no way.

Q.56 Was there any evidence of an attempt to conceal the presence of the graves?
A.56 Yes because they had spread the earth they had removed on the whole mound.

Q.57 So that there was not any mound at all left?
A.57 Yes, there was a slight mound and when they had finished the mound was still there.

Q.58 Then there always was a mound in the park and after the bodies had been buried the mound was smoothed off and gave the appearance that it had not been disturbed?
A.58 Yes.

Q.59 Was there any other evidence of an attempt to conceal the presence of these bodies?
A.59 Yes, here (witness points to spot marked with the figure 3 on Ex. "B"); there was a slight mound and after digging the graves they rebuilt the mound to make it look the same as it was before. There was a small tree on the top of the mound which, however, was not there when they were finished — which made it suspicious. I worked for several weeks in the park breaking and gathering wood in November and December without noticing that anything had been disturbed.
Q. 60 How old are you?
A. 60 Twenty.

Q. 61 What is your occupation?
A. 61 Student.

Q. 62 I understand that you found some cudgels or truncheons around when you came back to the Abbaye?
A. 62 Yes.

Q. 63 How many of these did you find?
A. 63 I saw three of them myself.

Q. 64 When did you first see them?
A. 64 I saw one two months ago and two others the same week.

Q. 65 Have you any way of knowing where the cudgels came from?
A. 65 No, but they were round the property as though they had been brought here. They were certainly not here previously.

Q. 66 What was it attracted your attention to them particularly?
A. 66 Their shape.

Q. 67 Did they look as though they had been used for any particular purpose?
A. 67 Judging by the blood that was on them they must have been used.

Q. 68 Is that the case with all three?
A. 68 Just on the one, the other two were found outside but nothing could be noticed on them.

Q. 69 In what part of the Abbaye premises did you find these cudgels?
A. 69 (Witness marks on Ex. "A" with letter "X" where the first cudgel was found.)

Q. 70 Was this the one on which you observed the blood?
A. 70 Yes.

Q. 71 Had you any means of knowing whether it had been used by the Germans or the Canadians?
A. 71 No. I might say that I think the Germans left these cudgels here because judging by the disorder in which the rest of the building was left they must have left in a hurry.

Witness is cross-examined by Maj. Neiper, Assistant-Investigator, as follows:

Q. 72 When you discovered the ground was disturbed where the bodies were, what did you do?
A. 72 The Civil Services were warned and were not very anxious to co-operate.

Q. 73 What did you do; did you take them out?
A. 73 No I didn't touch them. They discovered the bodies by making a small hole and at once warned the Services.

Q. 74 When you say "They" - who made the small hole, did you?
A. 74 I did. In the case of the place where there were three bodies I made the hole with two French gendarmes.

Q. 75 Who made a report to the French Gendarmerie? What Gendarmerie was that?
A. 75 The Gendarmerie of Caen.

Q. 76 Did you know their names?
A. 76 No. The French reported only two bodies because they only saw three feet at the time.
Q.77 Then in the case of the three bodies you got the Gendarmes from Caen and dug a small hole?
A.77 Yes. We went twice to the civil affairs and finally somebody else went to warn the French Gendarmerie for us.

Q.78 On the actual ground, the place where there were these three bodies, I understand you to say that you and the Gendarmes dug a small hole to see what was in there, is that correct?
A.78 Yes.

Q.79 With respect to the other places where they were buried when did you first discover what was in them?
A.79 The exact dates I don't know. I saw them the first time around March. The seven bodies were discovered in March but they were removed and brought into the open only in May and I saw the bodies completely out in May.

Q.80 What did you see in March?
A.80 I made a hole about 1 foot square and the earth fell another couple of feet and I saw some flesh and clothing. I then covered the hole and warned the Services.

Q.81 Did you say that was in March?
A.81 Yes.

Q.82 You are now referring to No.5 on the Exhibit "B"?
A.82 No. No 7.

Q.83 Was the first time that you saw the complete bodies on the 2nd May 1945?
A.83 Yes. In other words the graves were discovered at different periods but it is only on the 2nd May 1945 that they were all unearthed and they appeared to me and I saw them.

Q.84 Were you present when the bodies were unearthed?
A.84 Yes.

Q.85 Who else was present at that time?
A.85 My mother came at the beginning but she soon went away.

Q.86 Anyone else?
A.86 No; but Cdn and British Officers and an Algerian soldier were present.

Re-examined by Lt.-Col B.J.S. Macdonald:

Q.87 Was there no member of your family who saw any of these bodies beside yourself and your mother?
A.87 My small brothers were around but they were not allowed to look at them, and my sister Jacqueline, who saw one of the bodies.

(THE WITNESS WITHDRAWS)
Mlle Jacqueline Vico is called and having been duly sworn, is examined as follows:-

Lt-Col Macdonald - Investigator-Examiner:

Q.1 What is your name?
A.1 Jacqueline Vico.

Q.2 Are you the sister of the last witness, Jean Marie Vico?
A.2 Yes.

Q.3 You too, of course, live at the Abbaye d’Ardonne?
A.3 I am in the hospital.

Q.4 You are, in other words, employed at the Hospital at the present time?
A.4 Yes.

Q.5 What is the nature of your occupation?
A.5 Social Assistant.

Q.6 How old are you?
A.6 Twenty-four.

Q.7 Did you leave the Abbaye prior to its occupation by the Germans?
A.7 Yes.

Q.8 When was that?
A.8 23rd December 1943.

Q.9 Then did you come back to live at the Abbaye after the Germans had left?
A.9 Yes.

Q.10 When was that?
A.10 May 1945.

Q.11 Did you at any time see the bodies of any Canadian soldiers in the vicinity of the Abbaye?
A.11 No.

Q.12 Did you see the body or bodies of any allied soldiers in the neighbourhood?
A.12 I saw the body of a Canadian soldier who was in the park.

Q.13 I show you Exhibit "B", which is a drawing made by your brother. Would you indicate on the sketch where it was that you saw that body?
A.13 (Witness marks spot with "X")

Q.14 When was it that you saw that body?
A.14 The day before yesterday.

Q.15 How did you happen to see it then?
A.15 The British Services came to identify it.

Q.16 Was the body removed at that time by them?
A.16 Yes.

Q.17 Did you get an opportunity to examine the body?
A.17 No.

Q.18 Could you see what type of uniform was on the body?
A.18 It was a khaki uniform such as the one you are wearing now.
Q.19 Could you tell whether it was an English or Canadian soldier?
A.19 No.

Q.20 Were you able to tell what had caused the death of this soldier?
A.20 No.

Q.21 Did you see any wounds on the body?
A.21 No, it was impossible; the body was completely decomposed — the head was falling apart. All that could have helped, there was a set of artificial teeth.

WITNESS WITHDRAWS
POW No 31G 2961422 SS Sturmmann JAN JESIONEK, being duly sworn, is examined by Lt-Col B.J.S. MacDonald - Investigator-Examiner, as follows:

Q:1 What is your name ?
A.1 JAN JESIONEK.

Q.2 What is your prisoner of war number ?
A.2 31G 2961422.

Q.3 What is your rank ?
A.3 Gefreiter.

Q.4 What is the equivalent SS rank ?
A.4 SS Sturmmann.

Q:5 That then is your correct rank is it not ?
A.5 Yes.

Q:6 What is the date of your birth ?
A.6 25th November 1926.

Q.7 Where were you born ?
A.7 In Bismark Hutte.

Q.8 Where is that ?
A.8 In East Upper Silesia.

Q.9 Did you live there all your life ?
A.9 No, mostly in Koenigshutte. (Q.9a Where is that?)
A.9a Also in East Upper Silesia.

Q:10 Is that in Poland or Germany ?
A.10 In Poland.

Q.11 What is your father's name ?
A.11 Henriech Jesionok.

Q:12 Is he living now ?
A.12 Yes.

Q:13 Where is he living ?
A.13 In Koenigshutte.

Q:14 What is his occupation ?
A.14 He is a postal assistant.

Q:15 Is your mother living ?
A.15 Yes.

Q.16 Have you any brothers ?
A.16 Yes.

Q.17 How many ?
A.17 I have no brothers; but I have some half brothers. Both

my father and mother had been previously married and

each had a number of children; together the sons of

both total 10.

Q.18 Have you any sisters yourself ?
A.18 No, but I have two half-sisters.

Q.19 These brothers are all older than you of course ?
A.19 Yes.

Q.20 How many of them have been serving either in the SS

or the Wehrmacht ?
A.20 Five were in the Wehrmacht and one in the SS.

Q.21 Are any of them in the Luftwaffe or the Navy?
A.21 One was in the Luftwaffe Flak.

Q.22 What is the highest rank which any of your brothers held in the Wehrmacht?
A.22 Obergefreiter is the highest rank of any of them.

Q.23 How many of your brothers are still alive?
A.23 Eight are still alive.

Q.24 Give me their names in order of age first?
A.24 That will be difficult.

Q.25 Give them to me in whatever order you can.
A.25 Max, Friedel, Jorg, Heinrich. One is not married but all the others are married and they went away. I have difficulty, therefore, in remembering all their names.

Q.26 What education did you receive?
A.26 Seven years Polish Volkschule and one year of Polish Gymnasium.

Q.27 What was your occupation prior to joining the Armed Forces?
A.27 I was a clerk in a metallurgical firm.

Q.28 What was the name of the firm?
A.28 Baildonhütte.

Q.29 Where were they located?
A.29 In Katowice in Eastern Upper Silesia.

Q.30 Did you belong to the Hitler Jugend prior to your going into the Armed Forces?
A.30 Yes because I could not go to school without joining the Hitler Jugend.

Q.31 Was your father a member of the Hitler Party?
A.31 No.

Q.32 Did you hold any rank in the Hitler Jugend?
A.32 No.

Q.33 When did you join the Armed Forces?
A.33 On 10th August 1943.

Q.34 After you had completed your preliminary training to what Unit were you posted?
A.34 I was posted as a driver in Belgium.

Q.35 But to what unit?

Q.36 That is the 12th SS Div.?
A.36 Yes.

Q.37 When was it that you joined the 15th Coy?
A.37 I cannot say that accurately but it was about the beginning of September 1943.

Q.38 How did you come to join the SS?
A.38 In the industry where I was working all the young men who were employed there were called up. In the firm there was a representative of the Hitler Jugend and he called up the youth working at that firm.
Q.39 What was his name?
A.39 Kotter.

Q.40 What is his first name?
A.40 I don't know his first name.

Q.41 Were you compelled then to join the SS?
A.41 Yes. At the time of the call SS Officers came down and they asked who wanted to join the SS voluntarily. Out of 200 men about four volunteered. As a result they were not very satisfied and the SS said they would give us some time to think it over. Later two other young men volunteered. Then the SS Officers called the young men together and examined them, picking out those who were good physical types and appeared to be of the Nordi race. Those that were picked had to march to a school where they were medically examined. After that each man was given a provisional acceptance form on which was mentioned that they were part of the SS. Ten to fifteen men who were unwilling to serve or were sent to a concentration camp. Then we were sent back home.

Q.42 Were you at any time given an opportunity to select the branch of service to which you could belong?
A.42 No. When I came back home and my father saw this SS Form which I had taken back, he wrote to the SS at Breslau to obtain a release for me. The SS replied that it was impossible to release me because the call-up procedure was completed. They also asked for the reasons why my father was against my being in the SS.

Q.43 What did your father reply to that request?
A.43 My father did not reply because he was getting worried that the SS would take personal action against him and his family. Two weeks later I received my calling-up orders.

Q.44 When you were first given this form were you required to complete it and sign it?
A.44 No, not at the beginning. The first time I was asked to do that was in Bruenn in Czechoslovakia.

Q.45 That was after your father had asked for your release was it?
A.45 Yes.

Q.46 Were all the boys who were called up at the time you were, Polish?
A.46 Yes mostly. There were also a few who had come from Germany to Poland.

Q.47 Where was the 15th Coy after you joined it?
A.47 In Beverloo, Belgium. The Coy was formed there.

Q.48 And it was in that general area that your regt was trained was it?
A.48 Yes.

Q.49 Did your Coy move then from Beverloo to some other place after it had been formed?
A.49 Yes, in Beverloo we received some training and then we went to Montigue, Belgium.

Q.50 Your next move, I believe, was to France, was it not?
A.50 Yes, from Montigue we went to Leuap close to Laigle.

Q.51 Do you remember when it was that you moved to Montigue?
A.51 It must have been around February - March.
Q.52 You were not stationed then in Montigne for a very long period of time?
A.52 No.

Q.53 Do you remember the date when your Coy moved from Montigne to Laigle?
A.53 That was at Easter time 1944 or Easter Day, we were travelling by railway.

Q.54 You don't remember the month and day on which Easter fell in 1944?
A.54 No.

Q.55 While you were in Montigne was your Coy quartered close to the HQ of the 25th Regt?
A.55 No.

Q.56 How far away was Regimental HQ?
A.56 Some 10 to 15 kilometres.

Q.57 Do you know the name of the place where the Regimental HQ was?
A.57 No.

Q.58 Your Coy I understand, however, is one which is normally attached to and served with the Regimental HQ?
A.58 Yes, because the Recon is normally under cmd of the Regt - there is only one such Recon Coy in the Regt.

Q.59 Did you take any special course of training at any time?
A.59 Yes, I went to the MT School in Beverloo where I qualified as a M/C driver.

Q.60 When did you go on that course?
A.60 My Coy was in Beverloo at the time and it was during the winter in November 1943.

Q.61 Did you at any time take any other courses?
A.61 Yes, when we were in France I was sent on a course for amphibious cars.

Q.62 Where was that course given?
A.62 This course was in Laigle at the beginning of April. After that I was sent to Germany to Weimar where I attended an MT Course for lorries. This was in 1944. When I came back I received an amphibious car which I drove until the invasion.

Q.63 While you were at Montigne how were you employed?
A.63 I was used as a driver.

Q.64 What sort of vehicle were you driving?
A.64 I had a M/6.

Q.65 When did your Coy move to Normandy?
A.65 We were in La Sap at the time of the invasion. We moved to Normandy at the time of the invasion.

Q.66 That would be in June?
A.66 Yes, the 6th June.

Q.67 Which troops of your Regt moved first to Normandy?
A.67 First the 15th Coy and the biggest part of the 25th Regt.

Q.68 To what part of Normandy did your Coy move?
A.68 On the 6th June we had to secure the area just North of Carpiquais Air Field.
Q.69 Do you know on what day and at what time of the day you arrived in the area of Carpiquet Air Field?
A.69 We were not on the airfield itself but south of the main highway, and as far as I know the bulk of the remainder of the Regt was in a general direction NE of Franchiseville. The Regt HQ was at that time in a villa or large house in a park some 30 metres East of the road junction (Map ref: 996700 - Caen Sheet 7P/1 1:50,000), West of the Church.

Q.70 On what day and at what time of the day was it that you arrived in the neighbourhood of the Carpiquet Air Field?
A.70 On the 6th June in the evening and we remained there the whole night.

Q.71 Did the Regt HQ stay at the villa or large house that you mentioned?
A.71 No, the next day, that is on the 7th, it moved to the Ance Abbey, Ardonne (Map Ref 996700 - Caen Sheet 7P/1 - 1:50,000)

Q.72 How did you know the Regt HQ moved at that time?
A.72 I, together with my Coy, moved to Ardenne and there I saw the Regt Comd and his office.

Q.73 When was it that your Coy moved to the Abbey?
A.73 As a Recce Coy we had no precise position, we were continually moving.

Q.74 Did your Coy then remain from that time in the vicinity of the Abbey?
A.74 Yes always in that general area. We would send a PL ahead and it would come back and then another one would be sent in another direction and would also come back.

Q.75 Were you acting then, at that time, as a member of a Recce PL or were you performing other duties?
A.75 I was not used in any specific capacity because my voh had been destroyed by planes on its way to the front. I was employed at times with a PL and at other times with another one and at other times with a third PL.

Q.76 Were you riding a M/C or did you have some other duties or were you doing those duties on foot?
A.76 Each PL had some 9 to 10 vohs and I had no voh under my control and was being used wherever it was convenient.

Q.77 Do you mean that you were being used as a runner?
A.77 No, I was being used as a Rifleman.

Q.78 Then you were not using a M/C at this time?
A.78 I had no M/C on the 7th.

Q.79 Were you given a M/C later?
A.79 Yes, on the 8th.

Q.80 What duties did you perform on the 8th?
A.80 I had a M/C but it did not work properly and I was most of the time sitting with my M/C in a field North of the Ardenne Abbey hoping that somebody would come with tools to repair my M/C and it was there that I saw the first prisoner of war coming in.

Q.81 This was on the 8th was it?
A.81 Yes.

Q.82 On the 7th did you take part in the attack on Authie?
A.82 No I did not take part in the attack on Authie on the 7th.
Q.83 You know about it I suppose?
A.83 No I did not know about it.

Q.84 There was fighting going on at the front at that time was there not?
A.84 Yes I had heard of it.

Q.85 When did you first go into the village of Authie?
A.85 It was on the 8th that I first got into Authie.

Q.86 Was there any fighting going on at that time?
A.86 No.

Q.87 I understand that you were wounded?
A.87 Yes, that was during the night of the 8/9th. We received some tank support and our Coy rode on tanks and we were waiting around 2000 hrs on the 8th in the area of Franqueville (Map ref: 9770 Caen Sheet T.75/1 - 1:50000). The tanks were then set in motion in the direction along the highway in a westerly direction towards La Villenoue (Map Ref: 9770 Caen Sheet T.75/1 - 1:50000). We met no opposition by La Villenoue and our approximately thirty tanks continued to advance towards Bretteville L'Orgueilleuse (Map ref: 677 Caen Sheet T.75/1 - 1:50000) and it become dark. From Bretteville we encountered heavy anti-tank fire, our HQ and was killed as a result of this. We had 30 wounded and re-grouped between Bretteville L'Orgueilleuse and Villenoue. We attacked again but our tanks were unable to break through and the infantry received orders to attack the enemy anti-tank guns and come to close quarters with them. My Pl, that is the 2nd Pl, attacked along the highway towards Bretteville L'Orgueilleuse and reached the church. There we met heavy MG fire and were unable to proceed further and we also suffered very heavy losses and had many killed and wounded. It is there that I was wounded myself and lost consciousness.

Q.88 What was the nature of your wound?
A.88 I received two bullets in the right arm and lost much blood.

Q.89 Were you taken out then and eventually sent to Hosp?
A.89 Yes.

Q.90 To what hosp were you sent?
A.90 First I was sent to Lavalle and later to Leopnne. Then I was sent to Pans. Then was sent to Balz Salzhausen, close to Frankurt on Main.

Q.91 When were you eventually discharged from Hosp?
A.91 On 10 Aug 44.

Q.92 Where were you sent after that?
A.92 I received 14 days leave.

Q.93 At the expiration of your leave where were you sent?
A.93 Then I was sent to Arnhem in Holland.

Q.94 That would be in August or September?
A.94 That was in August.

Q.95 When did you eventually rejoin your Division?
A.95 I never went back to the Div.

Q.96 To what unit then were you attached?
A.96 I went to the SS Panzer Aufkœrungs-Unter-Fuehrer-Ausbildungs-Abteilung Stab (SS Amoured Rocco Fgr Bn for Junior NCOs).
Q.97 How long did you stay there?
A.97 I remained with this unit and then I became a prisoner of war.

Q.98 Had you recovered the full use of your arm?
A.98 No.

Q.99 What was the trouble?
A.99 The fingers were stiff.

Q.100 How tell us the circumstances under which you were taken prisoner?
A.100 The SS Panzer Aufkaerungs-Unter-Fuehrer-Ausbildungs-Abteilung Stab was near Faderborn and I was used as a D.R. with a M/C. The Regt HQ were located in a chateau near Borchen. On the 30th May American tanks broke through and I suddenly saw an American tank 50 metres from the Regt HQ. The Cond was also called Meier but was a different person from Kurt Meyer. Meier jumped into a volkswagen, together with his staff officers, and disappeared. An SS Unterscharfuehrer and myself were the only ones who remained. The SS Unterscharfuehrer wanted to force me to go away with my M/C but I told him that I was going to remain here, upon which he shouted to me that I had to uncover my chest as he was going to shoot me. I had a revolver in my pocket. I produced it and told him to lay down his rifle. He laid down his rifle, jumped on a VW and went away. I then went into a cellar of a castle where I hid myself and slept. When the American Infantry arrived I came out and gave myself up.

Q.101 Who was your Regt Cond in Belgium?
A.101 Panzer Meyer.

Q.102 What was his first name?
A.102 I believe it was Kurt.

Q.103 Did you know him my sight?
A.103 Yes.

Q.104 How long has he been your Regt Cond?
A.104 From the end of August 1943 right up until I was wounded.

Q.105 How old was he?
A.105 I would say from 30 to 35.

Q.106 How tall?
A.106 1 metre 75.

Q.107 How much did he weigh?
A.107 He was rather heavy-set, it is hard to estimate.

Q.108 Was he fair or dark?
A.108 Fair.

Q.109 Were there any scars or marks on his face?
A.109 I am not quite sure, I think he had some mark on his cheek bone.

Q.110 Was he suffering from any physical incapacity?
A.110 I don't know.

Q.111 Do you know what happened to him?
A.111 I was told by friends that he was taken prisoner.

Q.112 When was he supposed to have been taken prisoner?
A.112 At the time I was in hospital around the beginning of August 1944.
Q.113 What was his reputation as a soldier?
A.113 He had the Knight's Cross and was known as a courageous soldier.

Q.114 Was he a strict disciplinarian?
A.114 He was known as being very strict for the enforcement of his orders. If he gave an order that was not carried out in the front lines the person not carrying this order out was liable to be shot. He would also tell everyone that if one or his officers deserted or ran away from the Front the men were entitled to shoot the officer who ran away.

Q.115 Were any instructions given as to what the officer should do if the men ran away?
A.115 No.

Q.116 Who was your Coy Comd while you were at Beverloo?
A.116 Hauptsturmführer RITZERT.

Q.117 How long did he continue as Coy Comd?
A.117 He had written a training manual and was sent to Berlin for instructional purposes.

Q.118 When was that?
A.118 On paper he still was a Coy Comd although he remained in Panzer Truppen School in Bergen. His substitute as Coy Comd was Hauptsturmführer BEDEKEL.

Q.119 When did Bedekel take over in place of Ritzert?
A.119 That was while we were in Montigny around February.

Q.120 How long did Bedekel continue as the Coy Comd?
A.120 While we were in Belgium, Bedekel wanted to catch fish in an amphibious car with hand grenades and as a result he got wounded in the leg. He went to Hospital and the Coy was taken over by Untersturmführer FUSS.

Q.121 When was that?
A.121 This was shortly before we went to France, this is shortly before Easter 1944.

Q.122 Did Fuss come to Normandy or was there another change?
A.122 Untersturmführer Ritzert then came back from the School in Germany and took over the Coy, but after two or three days he had to return to Berlin. Hauptsturmführer Von Bittner, the Adjt of Kurt Meyer, then took over the Coy. Von Bittner had been with Meyer in Russia.

Q.123 Did he comd the Coy then in Normandy?
A.123 Yes.

Q.124 Now, describe the appearance of Bedekel?
A.124 He was tall and strongly built; was around 38; had fair hair and had the appearance of a good officer.

Q.125 Describe the appearance of Von Bittner?
A.125 He was smaller; and I believe there was something wrong with his left arm; he was relatively young - probably around 28; he had dark hair; about 1 metre 73 tall; he was very heavily built.

WITNESS WITHDRAWS
Q.126 Who were the other officers in your Coy while you were in training at Beverloo?
A.126 Untersturmführer FELING, Untersturmführer FUSS and Untersturmführer EXNER, these three officers were under the Coy Comd.

Q.127 What changes, if any, occurred in the cond of these Pls from the time of your training in Beverloo to the time when you saw action in Normandy?
A.127 The heavy N.G. Pl was moved from the Coy and included in another Bn.

Q.128 Who was the cond of that Pl?
A.128 Untersturmführer EXNER.

Q.129 So that when you went into action in Normandy the Pl Comds of this Coy were Fuss and Feling?
A.129 There was a Pl cond who was a Hauptscharführer but I don't know his name.

Q.130 Could his name have been FENG?
A.130 It is not FENG.

Q.131 What happened to Fuss?
A.131 Fuss was wounded in action and I believe he had a stomach wound.

Q.132 Do you know whether he died or whether he is still alive?
A.132 I don't know.

Q.133 What happened to Feling?
A.133 I heard from my friends in hosp, who claimed they had seen him, that he had lost a leg.

Q.134 Do you know whether he is still alive?
A.134 Yes, he is still alive.

Q.135 Who was the Speiss of your Coy?
A.135 Hagetorn, but he was taken away because of certain dealings with civilians and Unterscharführer NEUSTADT had taken his place.

Q.136 Was this before you went to CAEN?
A.136 Yes, this took place in Lisieux.

Q.137 Do you know where HAGETORN went?
A.137 Yes, I met Hagetorn in the Hosp in LeMans.

Q.138 When was that?
A.138 On the 10th June.

Q.139 Do you know whether Hagetorn is still alive?
A.139 I don't know; but I presume that he is still alive.

Q.140 What was he doing in the Hosp when you saw him there?
A.140 He was in charge of supplies at the Hosp.

Q.141 He was still a Stabsscharführer?
A.141 Yes, he was still a Stabsscharführer - that is the name used by the SS for a Speiss.

Q.142 Do you know whether Hagetorn was ever reduced in rank as a result of his dealings with the French civilians?
A.142 No, in LeMans he still carried his rank on his uniform.
Q. 126. Who were the other officers in your Coy while you were in training at Beverloo?
A. 126. Untersturmführer PELDT, Untersturmführer FUSS and Untersturmführer EXNER, those three officers were under the Coy Command.

Q. 127. What changes, if any, occurred in the command of these Pls from the time of your training in Beverloo to the time when you saw action in Normandy?
A. 127. The heavy N.G. Pl was moved from the Coy and included in another Btn.

Q. 128. Who was the command of that Pl?
A. 128. Untersturmführer EXNER.

Q. 129. So that when you went into action in Normandy the Pl Command of this Coy were Fuess and Pelling?
A. 129. There was a Pl Command who was a Hauptscharführer but I don’t know his name.

Q. 130. Could his name have been PENG?
A. 130. It is not PENG.

Q. 131. What happened to Fuess?
A. 131. Puss was wounded in action and I believe he had a stomach wound.

Q. 132. Do you know whether he died or whether he is still alive?
A. 132. I don’t know.

Q. 133. What happened to Pelling?
A. 133. I heard from my friends in hosp, who claimed they had seen him, that he had lost a leg.

Q. 134. Do you know whether he is still alive?
A. 134. Yes, he is still alive.

Q. 135. Who was the Speiss of your Coy?
A. 135. Hagetorn; but he was taken away because of certain dealings with civilians and Untersturmführer NEUSTADT had taken his place.

Q. 136. Was this before you went to CAEN?
A. 136. Yes, this took place in Lisieux.

Q. 137. Do you know where HAGETORN went?
A. 137. Yes, I met Hagetorn in the Hosp in LeMans.

Q. 138. When was that?
A. 138. On the 10th June.

Q. 139. Do you know whether Hagetorn is still alive?
A. 139. I don’t know; but I presume that he is still alive.

Q. 140. What was he doing in the Hosp when you saw him there?
A. 140. He was in charge of supplies at the Hosp.

Q. 141. Did he have still a Stabsscharführer?
A. 141. Yes, he was still a Stabsscharführer - that is the name used by the SS for a Staff

Q. 142. Do you know whether Hagetorn was ever reduced in rank as a result of his dealings with the French civilians?
A. 142. No, in LeMans he still carried his rank on his uniform.
Q.143 What was the nature of his dealings with the French civilians for which he was removed from your Coy?
A.143 I was at the time in the MT School in Germany and when I came back he was no longer there, and as a result I only heard what my comrades told me - namely, that he had given some supplies to the civilians possibly in exchange for some schnapps; together with him the Führer (Rottenführer who was the clerk in charge of accounts) and Rottenführer clerk in charge of QM and one other were removed.

Q.144 Who was the Pl Cond?
A.144 At first I was in the 4th Pl and the Pl Cond was Unterrührführer EXNER; then I went to the MT School and when I came back I was placed in the 2nd Pl under Unterrührführer FELING.

Q.145 Was Unterrührführer Feling your Pl Cond during the fighting at Caen 6, 7, 8th June?
A.145 Yes.

Q.146 Was Feling ever in cond of the 2nd Pl of the 16th Coy at any time?
A.146 I cannot say that accurately. He came to our Coy but I do not know whether he was ever with the 16th Coy.

Q.147 Describe the appearance of Unterrührführer Fuss?
A.147 1.75 metres tall; strongly built; 26 yrs old; dark hair - that is all I can say.

Q.148 Describe the appearance of Feling?
A.148 A longish face; about 1.73 metres in height; fair hair; about 27 yrs old.

Q.149 How tall are you?
A.149 1.76 metres.

Q.150 He would be about your height then?
A.150 Yes.

Q.151 And Fuss would be only a little taller?
A.151 Yes.

Q.152 Describe Exner's appearance?
A.152 Approx 46 yrs old; he was almost bald; also about 1.73 metres in height; he was strongly built; I overheard from friends that he died as a result of wounds.

Q.153 How describe Hagotorn's appearance?
A.153 About 1.76 metres in height; fair hair; thin; a very white skin; about 35 yrs old.

Q.154 Give me the names of all the NCOs in your Pl who served with you in Normandy?
A.154 I was first in the 4th Pl and then I was quite now when I came to the 2nd Pl and as a result I only know the Pl Cond of the 2nd Pl. My Section leader died - he was an Unterrührführer - I do not know his name.

Q.155 Can you remember the names of any other Stabscharführer?
A.155 Just now I can't remember any of these names.

Q.156 Who was in charge of the Feldgendarmarie attached to the 25th Regt HQ?
A.156 I don't know, I did not see any Feldgendarmarie.

Q.157 Were there some other Polish soldiers in your Pl?
A.157 Not in my Pl.
Q.158 Were * * acre othors in your Coy?  
A.158 Yes.

Q.159 Give no their names. 
A.159 There were two; one was Ketzik and I don't remember the other one, but I met him again at Paderborn and he was at the time in a punishment Coy.

Q.160 What happened to Ketzik?  
A.160 I heard through the other friend whom I met in Paderborn that he had been wounded, I do not know where he is.

Q.161 Do you know a man named TORMANISCH?  
A.161 Yes.

Q.162 In which Pl and Coy was he?  
A.162 He was in the 4th Pl of the 15th Coy.

Q.163 What happened to him?  
A.163 He disappeared with a H/C on the way between Gaza and LeSap.

Q.164 Did you know him very well?  
A.164 Yes.

Q.165 Was he a soldier whose word could be relied upon?  
A.165 He did not have a very bright mind but he may have been smarter than he appeared.

Q.166 But did you yourself consider him truthful?  
A.166 Yes.

Q.167 Do you know where he came from?  
A.167 I am not absolutely sure but I believe he came from Bavaria.

Q.168 During the period of your training prior to coming to Normandy were you given any instructions or orders as to how you were to treat prisoners?  
A.168 No, but before the invasion the Cmd, Kurt Meyer, said that no prisoners should be taken - and our Coy Cmd, Von Bittner, also said this.

Q.169 Did you hear the Regt Cmd, Kurt Meyer, say this?  
A.169 Yes.

Q.170 When was this?  
A.170 This was shortly before the invasion - approx one week before the invasion.

Q.171 Where did he make this statement?  
A.171 He said that at LeSap at a football ground.

Q.172 To whom did he make the statement?  
A.172 He said this to the whole Coy.

Q.173 Was the whole Coy assembled at that time and did he address them?  
A.173 Yes.

Q.174 Can you remember the precise words that he used?  
A.174 No, he made a long speech in connection with the handing over of the Coy to Hauptssturmfuehrer Von Bittner as Hauptssturmfuehrer Hitzert had to go to Berlin.

Q.175 Did he make this statement in the form of an order?  
A.175 Yes, it can be said that this was an order.
Q.176 Can you not remember the exact language that he used?
A.176 As well as I can remember, he said something running along the following lines: "We must not believe in a new weapon but we must look after the retaliation ourselves because our German cities have been destroyed. We must remember that the women and children have been destroyed;" and he mentioned the fact that he was giving us a new Coy Comd who had fought for a long time in Russia and that we could rely upon the new Coy Comd. He gave the order that when officers ran away we had the right to shoot them. We would have to retaliate against the prisoners.

Q.177 What form did you understand that retaliation would have to take?
A.177 We should have to look after the retaliation ourselves rather than believe in a new weapon. We should retaliate against the prisoners.

Q.178 Did he use the word "prisoners"?
A.178 He used "Englishmen" but his speech was so worded that it was to be understood that no prisoners were to be taken. The exact words I cannot remember.

Q.179 Was that the impression that your comrades got as well?
A.179 Yes.

Q.180 That is, that you were not to take the English prisoners?
A.180 Yes.

Q.181 Did you discuss it with your comrades and did they say that is what they thought as well?
A.181 Yes, later when we came into the room this matter was then discussed.

Q.182 What did your comrades think about this order?
A.182 Some said that an enemy without weapons was no longer an enemy.

Q.183 Did your comrades think that this was a good order which they would like to carry out?
A.183 The majority did not think so.

Q.184 Did you have any orders prior to this or later from your Coy Comd with respect to the treatment of prisoners?
A.184 In Lusap we had Coy instruction and several subjects were discussed, during which the Coy Comd Von Bittner said that when we go into action no prisoners of war would be taken. He also read some news about new English recce cars with a great speed which were able to go backwards as well as forwards and that the English Artillery has so many guns that it can allow itself to shoot with several troops against one single section.

Q.184a Was any reason given why you should not take English prisoners?
A.184a The Coy Comd had not given any reasons.

Q.185 Did you ever hear any reason given for Meyer's order or your Coy Comd's order respecting the taking of prisoners?
A.185 As I have already explained before, Kurt Meyer said at the football ground that we did not have to rely upon a new weapon but that we should retaliate against the English prisoners.
Q.185a Did you ever hear it said by any of your officers that the English did not take prisoners?
A.185a I cannot say with accuracy but I seem to recall something vague along those lines.

Q.186 Did you ever hear anything said about the Cdns not taking prisoners?
A.186 No.

Q.187 Anything about the Americans not taking prisoners?
A.187 No.

Q.188 After you got into the fighting at Caen did you see any Cdn or English prisoners mistreated?
A.188 No. I have only seen those seven men who were shot. Once I saw a German Officer who was questioning a Cdn soldier. One of our men was shot in front of the entire Regt on the 8th June because he deserted.

Q.189 Will you tell us what you know about the shooting of the seven soldiers from the time that you first saw them?
A.189 I will now describe this: The seven English or Canadian prisoners were coming from the front along the road.

Q.190 Will you describe that now by ref to this Caen Map Sheet 71/1 - 1:50,000?
A.190 The prisoners were coming from the direction of Cussy (Map Ref 99706).

Q.191 On what day was this and at what time of the day?
A.191 This was on the 8th June, some time before noon. There were three or four guards with the prisoners.

Q.192 Did you know any of the guards?
A.192 No because they belonged to another Coy. I was with my 1/C in the position I have mentioned on the ground (approx map ref 996703). I followed the party inside the Abbey grounds. My small pack was in an amphibious car in the chapel of the Abbey.

Q.193 I show you here a very rough sketch of the Abbey grounds, will you take a look at that and say whether it is correct?
A.193 Yes (witness looks at sketch map)

(Lt-Col McDonald: This sketch will be entered as Exhibit "A")

Witness continues: I left my pack in the amphibious car in the chapel and it was my intention to go and collect my soap and towel; but the Comd and several officers were in the chapel.

Q.194 Did you go to the chapel for the purpose of getting your soap and towel then?
A.194 Yes.

Q.195 When you say "Comd" whom do you mean?
A.195 I mean Panzer Kurt Meyer.

Q.196 And what other officers were there with him?
A.196 None I do not know - all I know is that they belonged to his Grp. It could be that Cdn Guards of other Coys were there.

Q.197 Did you see your Coy Guard there?
A.197 Yes.
Q.198 That then would be Von Bittner?
A.198 Yes.

Q.199 Did you see your Pl. Cmd Policin there?
A.199 No.

Q.200 Do you know Obersturmabannfuehrer HILHUS?
A.200 No.

Q.201 Do you know Obersturmabannfuehrer MONCHE?
A.201 No.

Q.202 Do you know Sturmabannfuehrer FRINZ?
A.202 No.

Q.203 Do you know Hauptsturmabannfuehrer VON STEEGER?
A.203 The name seems familiar.

Q.204 What in the meantime was done with the prisoners - did you see where they went?
A.204 The prisoners were put in this stall or room under guard.

(Lt-Col Macdonald: "We will mark on Ex. "A" where you have indicated as a stall where the prisoners were put, with the words "Stall, 7 prisoners").

Q.205 Did you see them put in this stall?
A.205 Yes.

Q.206 Was it after this was done that you went to the chapel?
A.206 It was done before I went to the chapel. We came in, the prisoners were placed in the stall and one of the guards went to the chapel asking where the Cmd was and I told him that he was probably in the chapel and then we both went to the chapel.

Q.207 What took place there?
A.207 The Cmd was approx here (witness marks on Ex. "A", a dot and writes the word "Meyer" beside it). The amphibious car where my kit was was here (witness marks on Ex. "A", another dot and writes word "waggon" beside it). The guard who had asked for the Cmd went to the Cmd. I cannot tell what the exact rank of this guard was because he was wearing a camouflage jacket, and he reported that seven prisoners had been taken.

Q.208 To whom did he make this report?
A.208 He reported this to Meyer.

Q.209 What did Meyer say?
A.209 The exact words I don't remember but he said something along the following lines: "What could we do with these men, their only purpose is to eat our rations." By that time I had found my soap and towel and I went back towards the court-yard. As I was going out of the chapel I saw an officer was standing with Meyer together with the guard. Together with Meyer were 5 or 6 other officers. One of these officers went to go with the guard towards the stall where the prisoners were. I am only assured that Meyer gave to the officer the order to shoot the prisoners.

Q.210 Do you mean by reason of what you later saw?
A.210 Yes.

Q.211 Then you did not hear Meyer or any other officer order the prisoners to be shot?
A.211 I did not hear the order; but the Cmd talked to the officers in a low voice.
Q. 212 Did you hear what he said to these officers?
A. 212 No, it was impossible to hear that.

Q. 213 What happened next?
A. 213 The officer and the guard went towards the prisoners. There were several comrades in the court-yard. I had a chat with them and as a result I cannot describe exactly what happened; but I remember that I wanted to go to the pump to wash but a sentry had already been posted here (witness marks spot on Ex. "A" with the word "Sentry 2" written beside it). I also saw an Unterscharführer standing here (witness marks spot on Ex. "A" and writes word "Unterscharführer") with a revolver in his hand. The sentry chased me back and I saw one Cdn soldier being called by the sentry posted outside the stall here (witness indicates on Ex."A" and exhibit marked "Sentry 1") and being sent towards the other Sentry 2. The Cdn soldier wanted to enter the door here but was sent towards the Unterscharführer. The Unterscharführer indicated for him to move further into the park and I heard a revolver shot. I went back to the pool to wash my hands and I saw the next soldier being called by the sentry.

Q. 214 Does the dotted line which I have drawn on Ex. "A" indicate the path taken by these two prisoners?
A. 214 Yes.

Q. 215 Did the same thing happen to the second prisoner?
A. 215 Yes, and it continued to until all seven prisoners had gone by - now and then we heard a shot.

Q. 216 Did the prisoners understand what had happened to the ones who had gone before them?
A. 216 Yes.

Q. 217 How do you know that?
A. 217 Because they shook hands among themselves before they left, one could also hear some of the men yelling possibly when they were not properly killed - in which case I heard a second shot being fired.

Q. 218 Did you see the bodies of those prisoners?
A. 218 Yes, when he was finished Sentry 2 went away and I went to the pump to wash my face and when I was finished I went into the park and observed myself that they had been shot by a bullet through the back of the head.

Q. 219 Where in the park did you see them?
A. 219 Some 5 to 6 metres from where the Unterscharführer was. (Place is marked with letter "Y" on Ex. "A").

Q. 220 Did you see all seven bodies?
A. 220 Yes.

Q. 221 Were they the bodies of the prisoners that you had seen leaving the stall?
A. 221 Yes.

Q. 222 Do you know who the Unterscharführer was who did the shooting?
A. 222 No.

Q. 223 Was he attached to Regt H1?
A. 223 Yes.

Q. 224 Can you describe his appearance?
A.224 I cannot describe him very well because the first time I only saw his back and the second time all I saw was that he was unloading his revolver and he then went away through the park.

Q.225 Were all the prisoners dead when you saw them?
A.225 Yes.

Q.226 How long after the prisoners were brought into the courtyard was it before they were shot?
A.226 About three-quarters-of-an hour.

Q.227 How long after the shooting took place was it that you saw the bodies?
A.227 Not more than 5 mins after.

Q.228 Did the shooting start very soon after the officer and the guard came back to the prisoners from the chapel?
A.228 Yes.

Q.229 Was the officer present when the shooting occurred?
A.229 I do not know. He may have been in the stall or somewhere else; but I do not know where he was.

Q.230 What was the rank of the officer, do you know?
A.230 He could have been an Untersturmfuehrer or a Hauptsturmfuehrer.

Q.231 Do you know his name?
A.231 No.

Q.232 Did you make a statement with respect to this matter at the Prisoner of War Camp in Chartres, France, on the 22nd April last?
A.232 Yes.

Q.233 Is this the statement that you gave and is this your signature?
A.233 Yes (MARKED EXHIBIT "B1").

Q.234 Did you draw a sketch showing where the shooting took place which was attached to the statement and is this the sketch?
A.234 Yes (MARKED EXHIBIT "C").

Q.235 Did you take part in the taking of certain photographs at the Abbaye at Ardenne in which you are shown indicating places where the various things that you have now described occurred?
A.235 Yes.

Q.236 It will be necessary, witness, to examine you again when we have the photographs developed so that you can swear to their being correct, and we will have further questions to ask you, at that time which we haven't been able to cover today.
A.236 Yes.

Q.237 .......... WITNESS WITHDRAWS
Q.236 On a previous day you related having seen the execution of seven Allied Prisoners on the 8th Jun 44 ?
A.236 Yes.

Q.239 Did you on that day or at any later time hear any orders issued with respect to prisoners by Kurt Meyer?
A.239 I heard no orders as regards prisoners except that Kurt Meyer said that in the future no prisoners would be taken.

Q.240 When did Meyer say that ?
A.240 After the seven prisoners had been brought in by the guard, Meyer said that no prisoners would be taken in future.

Q.241 Where was Meyer when he made that statement ?
A.241 He was in the Chapel or the Church that I have previously shown.

Q.242 To whom did he make that statement ?
A.242 He said that to all that were in the room including the guard who had brought the prisoners in.

Q.243 Was the statement then made in the presence of the guard who you told us went to the Chapel with you ?
A.243 Yes to this guard.

Q.244 When you were telling us about this the other day there is no record that you mentioned this and said .that the Commander talked to the officers in a low voice after having said "what could we do with these men, their only purpose is to eat our rations" ?
A.244 Yes, after the Standartenfuehrer had talked in a low voice to the officers around him he turned to all assembled and said "No prisoners will be taken".

Q.245 Will you repeat as nearly as you can remember, the precise words that Kurt Meyer used ?
A.245 In the first place he said in a loud tone "what shall we do with these prisoners who only eat our rations." Then he spoke in a low voice to the officers around him, I could not hear anything of this. Then he said for all those in the room "in the future no prisoners will be taken".

Q.246 Had you ever heard from your comrades anything with respect to Meyer's general reputation for taking prisoners in fighting in RUSSIA and elsewhere ?
A.246 Yes. When I came back to the reinforcement battalion from my stay in hospital, I heard from several comrades who had been in action with Meyer in RUSSIA that this story was the same as he had made in RUSSIA and that prisoners were not taken there. He was the Commander of the LIEBSTANDARTE ADOLPH HITLER Recon Battalion at KHARKOV.

Q.247 What do you mean by saying that the story was the same in RUSSIA and prisoners were not taken ?
A.247 Yes they said that the orders given there were the same although I myself did not hear them as I was not in RUSSIA. I only heard this from comrades in the reinforcement battalion who had been with Meyer in RUSSIA and who told it to me.
Q.248 By whom did you say these orders in RUSSIA had been issued?
A.248 Meyer.

Q.249 Who succeeded Hagestorn as Speiss of your Coy?
A.249 It was Unterscharführer NEUSTADT.

Q.250 You told us in your previous evidence that the guard reported to Meyer at the Chapel and then that the guard then left the Chapel to return to the prisoners. Was he accompanied by anyone?
A.250 Yes. When the guard went back to the stall where the prisoners were an officer accompanied the guard.

Q.251 And was this after you had heard Meyer say that no prisoners would be taken in the future.
A.251 Yes.

Q.252 What was the rank of the soldier who shot the prisoners?
A.252 He was an Unterscharführer. I saw the badges of rank on the lapels of his tunic.

Q.253 Do you remember how many shots all together you heard fired by this Unterscharführer?
A.253 I cannot say exactly. I heard, positively two shots possibly because he had missed the first time. First we heard a report and then a cry and then he shot again. I cannot say exactly how many shots but more than two.

Q.254 How many more than two do you mean - 3 or 15 or 20?
A.254 More than 10 shots.

Q.255 Do you think the shots could be heard from the Chapel where Meyer was?
A.255 Yes.

Q.256 Was there any firing from other weapons going on at the time in the immediate vicinity of the Abbey?
A.256 At the same time, no.

Q.257 Had there been any small arms firing other than this in the immediate vicinity of the Abbey on that day?
A.257 I cannot exactly say that.

Q.258 Did you in company with this Investigating Team go to the area of CAEN and without hesitation or assistance from anyone at once identify the Regimental HQ as being at the Ancient Abbey at Ardenne?
A.258 Yes, I found Regimental HQ without any help.

Q.259 Did you also take us to the first Regimental HQ in the city of CAEN itself?
A.259 Yes.

Q.260 Were any suggestions made to you by anyone else or was any assistance given to you by anyone else in locating these two Regimental HQ?
A.260 Yes one officer oriented me on the ground; other than that I had no help.

Q.261 Will you say exactly what you mean by oriented? What was done?
A.261 Not helped but he just showed me that the ground itself was somewhat different from what it had been one year ago and nothing else other than that.
Q.262 Where were you when you first indicated to the members of this Investigating Team that the Ancient Abbey at ARDENNE was the second Regimental HQ?

A.262 It was as we turned NORTH on the road to FRANQUEVILLE and AUTHIE that I saw the Abbey in the distance and recognized it as the second Regimental HQ.

Q.263 Did the Investigating Team also take you to the village of AUTHIE where you pointed out where you had seen certain bodies and where certain photographs were then taken?

A.263 Yes.

Q.264 Has anyone made any promises to you to induce you to give this evidence?

A.264 No I first told the story at my first interrogation in CHARTRES.

Q.265 And was anything promised to you then?

A.265 No promise at all.

Q.266 In fact you were being repatriated to Poland and had reached MARSEILLES before being stopped and brought back to give this evidence?

A.266 No that was in CHARTRES three days before I should go to MARSEILLES. We were sent to PARIS.

Q.267 Are you speaking of yourself only or of the rest of the POLISH prisoners being repatriated with you?

A.267 Others also. We were 3 men all told who went to PARIS. One was an Englishman, he had been born in England and he was in GERMANY when war broke out. The other was an Alsatian.

Q.268 Where you were brought back to PARIS, however, you had been taken from a large number of other POLISH prisoners who were being sent back to POLAND?

A.268 I heard that these POLISH prisoners should go to MARSEILLES.

Q.269 How many prisoners were in the party that left with you from CHARTRES?

A.269 We were a convoy of especially Polish of over 500 men.

Q.270 I will now show you certain photographs which I will ask you to identify. When I show you a photograph which will be marked Exhibit "P" for identification, will you tell us what that is?

A.270 This is the court of the Abbaye and here is the entrance to the stall where the Canadian prisoners were brought in.

Q.271 We will mark the entrance to this stall with the letter "A". Will you point to it again now please on Exhibit "P"?

A.271 Witness points out as requested.

Q.272 Now I show you another photograph which will be marked Exhibit "P". Is this a photograph of the same courtyard?

A.272 Yes.

Q.273 We will also mark on this Exhibit with the letter "A" the entrance to the stall in which the prisoners were confined. Is that right?

A.273 Yes.

Q.274 I now show you a photograph which will be marked Exhibit "P". Will you tell us what that is?
Q.262 Where were you when you first indicated to the members of this Investigating Team that the Ancient Abbey at ARDENNE was the second Regimental HQ?

A.262 It was as we turned NORTH on the road to MARCHEUILLE and AUTHIE that I saw the Abbey in the distance and recognized it as the second Regimental HQ.

Q.263 Did the Investigating Team also take you to the village of AUTHIE where you pointed out where you had seen certain bodies and where certain photographs were then taken?

A.263 Yes.

Q.264 Has anyone made any promises to you to induce you to give this evidence?

A.264 No. I first told the story at my first interrogation in CHARTRES.

Q.265 And was anything promised to you then?

A.265 No promise at all.

Q.266 In fact you were being repatriated to Poland and had reached MARSEILLES before being stopped and brought back to give this evidence?

A.266 No that was in CHARTRES three days before I should go to MARSEILLES. We were sent to PARIS.

Q.267 Are you speaking of yourself only or of the rest of the POLISH prisoners being repatriated with you?

A.267 Others also. We were 3 men all told who went to PARIS. One was an Englishman, (he had been born in England and he was in GERMANY when war broke out). The other was an Alsatian.

Q.268 When you were brought back to PARIS, however, you had been taken from a large number of other POLISH prisoners who were being sent back to POLAND?

A.268 I heard that these POLISH prisoners should go to MARSEILLES.

Q.269 How many prisoners were in the party that left with you from CHARTRES?

A.269 We were a convoy of especially Polish of over 500 men.

Q.270 I will now show you certain photographs which I will ask you to identify. First I show you a photograph which will be marked Exhibit "D" for identification, will you tell us what that is?

A.270 This is the court of the Abbey and here is the entrance to the stall in which the prisoners were brought in.

Q.271 We will mark the entrance to this stall with the letter "Y". Will you point to it again now please on Exhibit "D"?

A.271 Witness points out as requested.

Q.272 How I show you another photograph which will be marked Exhibit "M". Is this a photograph of the same courtyard?

A.272 Yes.

Q.273 We will also mark on this Exhibit with the letter "M" the entrance to the stall in which the prisoners were confined. Is that right?

A.273 Yes.

Q.274 I now show you a photograph which will be marked Exhibit "M". Will you tell us what that is?
1.3S7

A.274 That is the Chapel where the Commander was.

Q.275 By Commander do you mean Meyer?
A.275 Yes.

Q.276 Was it to this Chapel that the guard and yourself went after the prisoners had been placed in the stall.
A.276 No. One guard was left with the prisoner in the stall and the other guard went with me to the Chapel.

Q.277 And it was to this Chapel shown in Exhibit "P" that this guard went?
A.277 Yes.

Q.278 Was Meyer inside the Chapel or was he outside.
A.278 He was inside.

Q.279 And is it correct that there were vehicles and other officers and men in this Chapel at that time.
A.279 Yes.

Q.280 Is the point "A" which is marked on Exhibit "D" and "F" the same stall which is shown on Exhibit "A" marked "7 prisoners".
A.280 No. It should be here. (The witness indicates the stall to the WEST).

Q.281 Will you then mark on Exhibit "A" with the letter "A" the stall where the prisoners actually were?
A.281 Witness marks stall as requested.

Q.282 You referred in your previous evidence also to the Chapel which you marked on Exhibit "A" and you marked the position of Meyer with the word "MEYER". Is that the Chapel which is shown on Exhibit "P"?
A.282 Yes.

Q.283 In your previous evidence you also marked on Exhibit "A" a spot beside which was written the word "SENTRY" and the figure "2". Will you indicate on Exhibit "D" and "F" where sentry No 2 was standing?
A.283 Witness indicates as requested and the sentry's position is marked on Exhibits "D" and "F" with the words "SENTRY 2".

Q.284 You also marked on Exhibit "A" a position at which you stated another sentry had been posted. Was that outside the entrance to the stall you marked "A"?
A.284 Yes.

Lt-Col Macdonald:

We will write the word "SENTRY 1" on Exhibit "A" where you are now indicating and also the same words on Exhibits "D" and "F", where indicated.

Q.285 I now show you another photograph which we will mark Exhibit "G". Will you say what that is?
A.285 I am standing on the spot where the second sentry stood. (Witness indicating on photograph).

Q.286 Does this photograph also show the doorway through which you said the first prisoner tried to go when he was being led out to his execution?
A.286 No. The stall in which the prisoners were kept is to the left and the park to which they were led for the purpose of their execution was back to the left centre of the photograph. The door that the first prisoner tried to go into was here (witness indicating).
Lt-Col Macdonald:

We will mark that then with the word "doorway" and the passageway through which the prisoners were taken to the park with the word "Passageway to Park". We will mark on Exhibits "D" and "F" also the words "Passageway to Park" on the places on these photographs that you have indicated.

Q.287 Now will you mark on Exhibit "F" with a dotted line the route that the prisoners took to the place where they were executed in the park?
A.287 Witness marks Exhibit "F" as requested.

Q.288 Will you also mark the same on Exhibits "D" and "G"?
A.288 Witness marks Exhibits "D" and "G" as requested.

Q.289 I show you another photograph marked Exhibit "H". Will you tell us what is shown on that photograph?
A.289 Here are the graves where the prisoners were buried.

Q.290 Does this also show the park to which the prisoners were led to their execution?
A.290 Yes.

Q.291 There are five persons standing in various parts of this park. Will you indicate whether any of these five are standing in the position in which you saw the Unterscharfuhrer who executed the prisoners?
A.291 This is where the Unterscharfuhrer stood (the witness indicates on the Exhibit).

Lt-Col Macdonald:

We will mark this spot on the Exhibits and write in the word "executioner".

Q.292 And did you indicate that to the Investigating Team on the ground when this photograph was being taken, as being the position of the Unterscharfuhrer?
A.292 Yes.

Q.293 Will you point out on Exhibit "H" where you yourself saw the bodies lying in the park?
A.293 It would be where I am standing in the photograph.

Lt-Col Macdonald:

We will mark that with the words "position in which witness saw the 7 bodies".

Q.294 I now show you another photograph which will be marked as Exhibit "J". Is that a picture of yourself?
A.294 Yes.

Q.295 And at what are you pointing?
A.295 I am showing the place where the bodies of the prisoners were lying.

Lt-Col Macdonald:

We will mark that with the words "Witness indicates the position in which he saw the 7 bodies".

Q.296 I now show you a photograph which we will mark as Exhibit "K". Will you say what that is?
A.296 I am showing here a spot where other bodies were lying.

Q.297 And was that in the village of AUTHE?
A.297 Yes.
Q.298 How many bodies did you see in that particular place?
A.298 3 or 4, I do not know exactly.

Q.299 Did any of those bodies show signs of having been mutilated or damaged after death?
A.299 No, these bodies were not mutilated in any way. Close to this spot there was the body of a Canadian soldier that had been run over by tracks of a tank after death.

Q.300 I show you another photograph marked Exhibit "L" in which you are shown again to be pointing. At what are you pointing?
A.300 Here I also saw dead Canadians.

Q.301 Did any of these bodies show signs of having been mutilated or damaged after death?
A.301 No, these bodies were not mutilated in any way. Close to this spot there was the body of a Canadian soldier that had been run over by tracks of a tank after death.

Q.302 And the spot at which you are pointing in Exhibit "L" is that at the rear of the house shown in the photograph which I am now showing you which we will mark as Exhibit "M"?
A.302 Yes.

Q.303 And is that side of that same house shown in Exhibit "K"?
A.303 Yes.

Q.304 I now show you another photograph which will be marked Exhibit "H" in which you are again shown pointing at something. What are you pointing to?
A.304 Here I show also where dead Canadians were lying.

Q.305 How many did you see there?
A.305 5 or 6.

Q.306 And is that place across the street from the houses shown in Exhibit "K"?
A.306 Yes.

Q.307 I show you Exhibit "K11" contained in the "Report of the SHAEF Court of Inquiry respecting the shooting of Allied Prisoners of war by the German Armed Forces in the vicinity of LE MESNIL-PATRY, LES SAULLETS, BURON and AUTHIE, NORMANDY 7-11 June 1944". Will you tell me if the picture shown is of the intersection adjoining the house near which you told us this morning you had seen the bodies of the Canadian soldiers?
A.307 Yes.

Q.308 Will you say where it was that you saw the bodies which you described to us this morning?
A.308 One was directly on the cross-road and the others were here (witness pointing).

Q.309 Then to put into words what you are pointing out, was it at the point marked "M" where you saw the body mutilated by the tank?
A.309 Yes.

Q.310 And was it in the space marked with an oval marked "GM" that you saw the other bodies?
A.310 Yes.

Investigation adjourned at 1230 hrs.
Q.311 Looking at Exhibit "K7" I show you the point marked "N". Is that the same point at which you saw the mutilated body and referred to as "N" in Exhibit "K11"?
A.311 Yes.

Lt-Col Macdonald:
Will you cross examine now Major Fraser.

Major N.C. Fraser
Q.312 What was the name of your mother's first husband?
A.312 KOSZMIDEMI.
Q.313 So that would be the surname of your half brothers and sisters on your mother's side?
A.313 Yes.
Q.314 You told us the other day that you heard Standartenfuehrer Meyer say that no prisoners were to be taken and that this took place about a week before the invasion?
A.314 Yes.
Q.315 And you told us today what you heard Meyer say on the day that 7 prisoners were shot?
A.315 Yes.
Q.316 Did you on any other occasion ever hear any orders given by Meyer or anything said by him with respect to the treatment of prisoners?
A.316 In LeSap he gave the whole company a talk and said "we must not leave reprisal to reprisal weapons but we must make our own reprisal in the handling of English prisoners."
Q.317 Yes, but, you told of this the other day, of just one occasion of a company parade and Meyer made a speech or gave these words but today you have told us about the occasion when the 7 prisoners were shot. Apart from those two occasions did you ever hear Meyer give any orders or say anything as to the treatment of prisoners?
A.317 No.
Q.318 You also said the other day that in LeSap Coy Comd Von Bittner told you that when you went into action no prisoners would be taken?
A.318 Yes.
Q.319 Did Von Bittner on any other occasion give you any orders or instructions or say anything as to the treatment of prisoners?
A.319 I myself have not heard him because I was so much of the time away from the company.
Q.320 Apart from these three occasions which you have just mentioned did you ever hear any orders or instructions with respect to the treatment of prisoners from any other officers?
A.320 No.
Q.321 You said this morning that in the Chapel, on the day on which the 7 prisoners were shot you heard Meyer say that in future no prisoners would be taken. Is that correct?
A.321 Yes.
Q.322 That took place you said immediately after he had held a conversation which you could not hear with his officers?
A.322 Yes.
Q.323 Do you remember being questioned as to what took place at that time in the Chapel, the other day?
A.323 Yes.
I wish to direct your attention to the evidence which you previously gave starting at question 208:-

Q. 208 To whom did the guard make this report?
A. 208 He reported this to Meyer.

Q. 209 What did Meyer say?
A. 209 The exact words I don't remember but he said something along the following lines:- What could we do with these men, their only purpose is to eat our rations. By this time I had found my soap and towel and I went back towards the court-yard. As I was going out of the Chapel I saw an officer was standing with Meyer together with the guard. Together with Meyer were 5 or 6 other officers; one of these officers went to go with the guard towards the stall where the prisoners were. I can only assume that Meyer gave to the officer the order to shoot the prisoners.

Q. 210 Do you mean by reason of what you later saw?
A. 210 Yes.

Q. 211 Then you did not hear Meyer or any other officer order the prisoners to be shot?
A. 211 I did not hear the order; but the Command talked to the officers in a low voice.

Q. 212 Did you hear what he said to those officers?
A. 212 No, it was impossible to hear that.

Q. 213 What happened next?
A. 213 The officer and the guard went towards the prisoners. There were several comrades in the court-yard. I had a chat with them and as a result I cannot describe what happened; but I ....

Why did you not mention at that time that you had heard Meyer say "that in future no prisoners will be taken"?
A. 324 As far as I know I did say it.

Q. 325 You say do you that your evidence is not correctly reported in the transcript I have just read if it does not contain a reference to this statement?
A. 325 No, it is not correctly written if it does not contain a sentence by Meyer.

Q. 326 To what sentence do you refer?
A. 326 The sentence which came after the conversation with the officer which was "in the future no prisoners will be taken".

Lt-Col Macdonald states:

For purposes of the record and in fairness to the witness may I say that my recollection agrees with that of the witness. The interpreter did in the previous examination add further evidence which the witness volunteered with respect to something which Meyer stated and this was not followed up at the time. Through some misunderstanding the court reporter evidently failed to record this evidence. My recollection was that the witness said that the statement was made by Meyer at the time in the Chapel before the witness, the officer and the guard left. It was because this evidence did not appear in the transcript that I resumed the examination today just on that point.
Mr. Fraser continues examination:

Q. 327 I take it from your earlier evidence that before you were captured by the US Army that you had deserted from the German Army?
A. 327 Yes I deserted from the reinforcement battalion which had to pull back when American tanks broke through and the Staff left leaving only an Unterscharführer and the latter ordered me to go with him on his motorcycle sidecar and I told him I was staying.

Q. 328 And what do the SS usually do with deserters when they capture them?
A. 328 They are shot.

Q. 329 And you are also a Pole who has been serving in the German SS. That is correct isn't it?
A. 329 Yes.

Q. 330 And how do the Poles usually treat their people who have served in the German SS.
A. 330

Q. 331 The Poles at home?
A. 331 All the friends that I had at home knew that I was forced into the SS but those who did not know me thought I was "shit".

Q. 332 But how would the Allied Poles have treated you as a Pole having served with the SS?
A. 332 I would explain to them. I have a clear conscience. Why should I be anxious?

Q. 333 That wasn't the question. I want to know how you think they would have treated you?
A. 333 Why should I expect anything. So many Poles served in the German Army. They called up Poles inside Germany as though they were Germans, and as they called me up to the SS what could I do! My father was a member of the SOKOL and was well known for a loyal Pole. Because Upper Silesia was made a part of Greater Germany all Poles were treated in that area exactly the same as Germans and called up to all branches of the Force. There were two other Poles in my coy and others throughout the unit.

(THE WITNESS WITHDRAWS)
Hohnke Wilhelm

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UNITED NATIONS WAR CRIMES COMMISSION

CHARGES AGAINST Wilhelm MOHNKE

CHARGE No.67/C/30/19SS/2*

Name of accused, his rank and unit, or official position.

Standartenführer Wilhelm MOHNKE, commanding the 26 SS Panzer Grenadier Regiment, 12 SS Panzer Division (Hitler-Jugend) between the 7th and 17th days of June, 1944, and later believed to have commanded the 1st SS Panzer Division (LSS).

Date and place of commission of alleged crime.

During the month of June 1944 at various places in the Province of Normandy, France.

Number and description of crime in war crimes list.

(1) Murder.

(11) Breaches of the Laws and Usages of Warfare, especially the provisions of the Geneva Convention, 1929, "Relative to the Treatment of Prisoners of War".

SHORT STATEMENT OF FACTS.

Fontenay le Pesnel (8 June 1944)

On 8 June 1944, a party of approximately forty Canadians who had been captured in the vicinity of PUTOT-EN-BESSIN were marched to LE MESNIL-PATRY where the Headquarters of II Battalion, 26 SS Panzer Grenadier Regiment was located and thence Southward to a point near the CAEN-FONTENAY LE PESNEL road, where they were herded together and shot by their German guards. Five Canadian soldiers effected their escape as soon as the firing commenced, and these soldiers reported that the remainder of the party were killed. The mass graves containing thirty-five Canadian soldiers were discovered at MR 891678, CAEN Sheet 7F/1, 1:50000. Cause of death being established in each case as small calibre bullet wounds.

TRANSMITTED BY

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.
United Nations War Crimes Commission

Charges Against Wilhelm Mohrke, War Criminals

Charge No. 67/C/NO/12SS/2

Name of accused, his rank and unit, or official position:

Standartenführer Wilhelm Mohrke, commanding the 26 SS Panzer Grenadier Regiment, 12 SS Panzer Division (Hitler-Jugend) between the 7th and 17th days of June, 1944, and later believed to have commanded the 1st SS Panzer Division (LSS).

Date and place of commission of alleged crime:

During the month of June 1944 at various places in the Province of Normandy, France.

Number and description of crime in war crimes list:

(1) Murder.

(11) Breaches of the Laws and Usages of Warfare, especially the provisions of the Geneva Convention, 1929, "Relative to the Treatment of Prisoners of War".

SHORT STATEMENT OF FACTS.

Fontenay le Pesnel (8 June 1944)

On 8 June 1944, a party of approximately forty Canadians who had been captured in the vicinity of Putot-en-Bessin were marched to Le Mesnil-Paty where the Headquarters of 11 Battalion, 26 SS Panzer Grenadier Regiment was located and thence Southward to a point near the Caen-Fontenay le Pesnel road, where they were herded together and shot by their German guards. Five Canadian soldiers effected their escape as soon as the firing commenced, and these soldiers reported that the remainder of the party were killed. The mass graves containing thirty-five Canadian soldiers were discovered at NR 891678, Caen Sheet 7F/1, 1/50000. Cause of death being established in each case as small calibre bullet wounds.
Le Mesnil-Patry (8 - 16 June 1944)

The bodies of seven Canadian soldiers were found at MR 899697 on the southern outskirts of LE MESNIL-PATRY, near a building used by II Battalion of the 26 SS Panzer Grenadier Regiment as a Regimental Aid Post. Six of the bodies showed every indication of murder, there being small calibre bullet wounds of the head together with evidence of battle wounds. One of the soldiers was from the Cameron Highlanders of Ottawa and was last seen on 7/8 June 1944 at PUTOT-EN-BESSIN; two were from the Royal Winnipeg Rifles and were also last seen on 7/8 June 1944 at PUTOT-EN-BESSIN; two were from the 6th Canadian Armoured Regiment (1st Hussars) and were last seen on 11 June 1944 at LES SAULLETS; one was from the Queen's Own Rifles of Canada and was last seen on 11 June 1944 at LES SAULLETS; and the seventh body was from the 6th Canadian Armoured Regiment (1st Hussars), the body bearing fatal wounds not inconsistent with death by battle wounds.

Le Haut du Bosq (11 June 1944)

On 11 June 1944, at approximately 1630 hours, three Canadian prisoners of war were brought to Headquarters, 26 SS Panzer Grenadier Regiment for interrogation. The interrogation was carried out by OSBF (Standartenführer) MÖHNKE, in the presence of his Adjutant HSF KAISER and several other officers. The prisoners were escorted by two members of the Feldgendarmerie normally attached to the Regiment. The interrogation lasted fifteen to twenty minutes with MÖHNKE shouting and gesticulating the whole time. At its conclusion, the prisoners were thoroughly searched and all personal effects and means of identification including identity discs were taken away from them. They were immediately taken by the two guards (Feldgendarmerie) a distance of three hundred yards to a large bomb crater and shot with a machine pistol by one of the guards. The whole incident was watched by MÖHNKE and the officers at the Headquarters.

The prisoners were unarmed, made no effort to resist or escape, and the killing was without justification or excuse.

The bodies of these three soldiers were subsequently found in July 1945 in the bomb crater beside which they were shot.

Les Saullets (11 June 1944)

On 11 June 1944 three Canadian soldiers of 6 Canadian Armoured Regiment (1st Hussars), while attacking the village of LES SAULLETS were captured by German soldiers of either the 26 SS Panzer Grenadier Regiment or the 12 SS Pioneer Battalion and were placed under escort. They were taken to a German officer nearby who spoke to the guard and apparently ordered their evacuation. While being marched to the rear they were suddenly fired upon by the escort from the rear. One prisoner was killed. The other two, one of whom was wounded, by feigning death, eventually managed to escape independently to their own lines. The body of the soldier who was killed was found on 17 June 1944 with a bullet wound in the back of his head at the scene where the shooting had taken place.
PARTICULARS OF ALLEGED CRIME

FONTENAY-LE-PESNEL

1. During the night 7/8 June 1944, Royal Winnipeg Rifles Battalion took up positions on the NORTH side of the CAEN-BAYEUX Railway line in the vicinity of the village of PUTOT-EN-BESSIN, MR 9072, (THACON Sheet 37/16 NE 1:25000). They had under their command elements of 3 Canadian Anti-Tank Regiment RCA, whose guns were deployed in that area as well as some elements of Cameron Highlanders of Ottawa (MG).

2. About 1100 hours on 8 June 1944 the II Battalion of 26 SS Panzer Grenadier Regiment launched an attack against the village. The deployment of II Battalion for this attack was 5 Kompanie right, 7 Kompanie centre and 6 Kompanie left. The attack was successful and for some hours they held the village. In the course of the fighting many Canadian prisoners were taken by 7 Kompanie and by 5 Kompanie.

3. The prisoners taken by 5 Kompanie were collected at its temporary Headquarters in the house and stable of Mme LOJOILEN in the village of PUTOT-EN-BESSIN where they were kept under guard.

4. Early in the afternoon these prisoners, variously estimated between twenty and thirty-two all ranks including several wounded stretcher cases, were evacuated to the rear by guards from the forward troops. They were marched SOUTH across the railway level crossing along a trail until they came to an orchard, where a large number of German vehicles were parked. A short halt was made here where some first aid was rendered to some of the wounded. About this time a further group of about ten prisoners were added to the party and they were marched by trail and cross country to the house of George MOULIN in LE PESNEL FAIRY at MR 901990, which was being used as a Headquarters of some kind, which the witnesses thought was the equivalent of a Battalion Headquarters or possibly a Brigade Headquarters. The prisoners were put in a barn and were kept there for several hours, apparently without anyone being interrogated.

5. In the evening they were again marshalled in the courtyard in front of the MOULIN house, where a group of officers from the Headquarters "looked them over". They were then marched out and along a trail leading SOUTH towards the CAEN-FONTENAY LE PESNEL road. There were about forty prisoners all ranks including wounded. There were the same group of guards in charge as had brought them to this Headquarters, including a non-commissioned officer described as a "Feldwebel".

6. As they marched along they met an officer in a camouflaged vehicle of some kind, halted on the trail. The NCO halted the prisoners and spoke to the officer and appeared to be asking for instructions. The officer seemed very annoyed and pointed in a Southerly direction along the trail they were on.

7. When the party got within sight of the CAEN-FONTENAY LE PESNEL road they could see that a large column of vehicles including tanks and half tracks was passing through and some of the German guards exclaimed "Panzer! Panzer!"

8. They continued to march until they were within about 100 metres of the paved road where they were turned off to the right into an open grassy field adjacent to a grain field where, after going about 50 metres, they were halted and told to sit down facing EAST. Two of the guards remained close to them and kept crowding the prisoners up close together.
PARTICULARS OF ALLEGED CRIME

FONTENAY-LE-PESNEL (Cont'd)

9. A few minutes later, after the armoured column had gone past, a half-track vehicle pulled in off the paved highway and halted. Eight or nine soldiers dressed in camouflage uniforms and armed with "schmeisers" dismounted. One of the witnesses states that he saw two officers among the new arrivals. There was a short consultation with the guards, after which the guards who had rifles went to the half-track and took out "schmeisers" as well as a haversack containing magazines. Then the original guards and the new arrivals formed up in a line abreast and advanced towards the seated prisoners. When they were at a distance variously estimated from thirty to sixty yards they opened fire on the prisoners none of whom had made any effort to escape and thirty-five were killed. The bodies of the thirty-five were discovered in May 1945 at the scene of the atrocity. Thirty-one were in one mass grave and four were in single graves close by.

10. The bodies of these thirty-five prisoners were re-buried in the Canadian Permanent Military Cemetery at BENY-SUR-MER from which they were later exhumed and an autopsy was performed on each which disclosed a wide variety of fatal small calibre bullet wounds consistent with the manner in which they had been killed.
On or about 1 July 1944, members of 332/133 Fd Regt RA, whilst occupying gun positions, found seven partly buried bodies at a point SOUTH-WEST of LE MESNIL PATRY, NORMANDY, MR 898697 (CAEN Sheet 7F/1, 1:50000). Due to the exposed nature of the position, exhumation and proper burial were not possible and the bodies were hastily covered with earth.

On 27 July 1944, personnel of No. 3 Canadian Graves Registration Unit disinterred three bodies which were immediately re-buried when an examination of the wounds suggested that they had not been battle casualties.

On 30 August 1944, Lt-col R A MacKEEN, Royal Canadian Army Medical Corps, Pathologist, exhumed the seven bodies at MR 898697 and conducted an autopsy on each. The identity of the bodies, date of reported casualty and nature of wounds are as follows:

(i) Pte ANGEL, H S - Cameron Highlands of Ottawa - 7 Jun 44
   Two bullet wounds in head, one in abdomen and wounded left foot.

(ii) Rfn HOLNESS, F W - Royal Winnipeg Rifles - 8 Jun 44
    Two bullet wounds in head, fracture of skull.

(iii) Rfn BASKERVILLE, E C - Royal Winnipeg Rifles - 8 Jun 44
     Bullet wounds in head and flesh wound in left knee.

(iv) Tpr BOWES, A - 6 Canadian Armoured Regiment - 11 Jun 44
     One fatal bullet wound in head, one in heart.

(v) Tpr SCRIVEN, G H - 6 Canadian Armoured Regiment - 11 Jun 44
    Bullet wounds to face and skull, one at back of shoulder.

(vi) CSM FORBES, J - Queen's Own Rifles of Canada - 11 Jun 44
     Bullet wound to skull, possible chest wound.

(vii) Tpr PEDLAR, K O - 6 Canadian Armoured Regiment -
     Pathologist considers wounds to be that of normal battle casualty.

The body of Tpr PEDLAR was buried by itself in a grave not discovered until 30 August 1944, the grave being entirely distinct from either of the other mass graves containing the other six bodies.

It was established that Pte ANGEL, Rfn HOLNESS and Rfn BASKERVILLE, were last seen in action at or near PUTOT-EU-BESSIN on 7 or 8 June and that no fighting took place at that time closer than 3900 yards to the spot where the bodies were located. Similarly, it was established that the attack of the 6 Canadian Armoured Regiment (1st Hussars), supported by the two companies of Queen's Own Rifles of Canada on the village of LE MESNIL PATRY on 11 June was repulsed and that no fighting took place within from 500 to 800 yards of these graves and no infantry fighting within a substantially greater distance.
5. From 8 - 16 June 1944, the Headquarters of II Battalion, 26 SS Panzer Grenadier Regiment, was located in the village of LE MESNIL PATRY. The First Aid Post of this Battalion was also established on the outskirts of this village at MR 899698, less than one hundred metres from the location of these graves.

6. The Regimental Commander, Standartenführer MOHNKE was present in the village of LE MESNIL PATRY on 11 June 1944; he led the German counterattack on that day from the village.
PARTICULARS OF ALLEGED CRIME

LE HAUT DU BOSQ

1. About 1600 hours on 11 June 1944 three Canadian prisoners of war since identified as:

   B-142277 Spr IONEL J Royal Canadian Engineers
   B-25464 Spr BEICER GA Royal Canadian Engineers
   L105551 Rfn OWENS AR Royal Winnipeg Rifles

were brought to the Headquarters of 26 SS Panzer Grenadier Regiment, 12 SS Panzer Division (Hitler-Jugend), then situated in an orchard at Ferme du Bosq, Map Reference 904662 (CHEUX Sheet 37/16 SE 1:25000).

2. They were turned over to two members of the Feldgendarmerie -- a Hauptscharführer or Oberscharführer and an SS Sturmmann -- attached to the Regimental Headquarters.

3. They were taken to the entrance of the Regimental Headquarters where they waited a few minutes. They were then interrogated by the Regimental Commander, Obersturmbannführer Wilhelm MÖHNEKE, through an interpreter in the presence of the Regimental Adjutant, Haupsturmführer KAISER. The interrogation lasted from 15 - 20 minutes, after which the prisoners were searched and stripped of all personal possessions, including their identity discs, in the presence of these officers. During the interrogation Obersturmbannführer MÖHNEKE was shouting and gesticulating and appeared to be very angry.

4. From the Regimental Headquarters they were then marched, by the two members of the Feldgendarmerie, in the direction of the Allied lines to a very large bomb crater in a meadow about 300 metres away from the Headquarters which had been made a few hours earlier. To reach this bomb crater they followed a line of hedges.

5. When the prisoners were abreast of the bomb crater the non-commissioned officer of the Feldgendarmerie opened fire on them from behind and at very close range with his machine pistol. He fired about twenty to twenty-five rounds in a long burst and all the prisoners fell to the ground, and no further movement by them was observed. Further single shots were fired either by the non-commissioned officer or the Sturmmann or both and then they both ran back towards the Regimental Headquarters. The prisoners had made no attempt to escape at any time.

6. The officers of the Regimental Headquarters, including Obersturmbannführer MÖHNEKE, stood in front of the Headquarters and saw the prisoners being marched from the Headquarters to the bomb crater and watched them being shot by the Feldgendarmerie. Neither MÖHNEKE, nor any other officer, took any action whatever to intervene.

7. These events were watched by Obergrenadier Withold STANGENBERG, a member of the Motorcycle Platoon of Headquarters Company, 26 SS Panzer Grenadier Regiment. He states that four of his comrades, Unterscharführer Herbert SCHITZIG, Panzer Grenadier Helmut ROESSNER, SS Mann Erich STUTZOFF (STÜTZF), SS Mann Helmut SCHULTZ (SCHULZE) also watched from close behind him. SS Sturmmann Heinz SCHMIDT of the same platoon also saw the interrogation, search and march to the bomb crater, but not the actual shooting. He heard the shooting and was told by SS Sturmmann Wilhelm (Willi) SCHIEPERS, another member of this platoon, that the three prisoners had been shot.
8. Shortly after the shooting the Regimental Headquarters moved to a new location about 800 metres to the South West at Map Reference 888635.

9. STANGENBERG was taken prisoner on 26 June 1944 and was interrogated on 10 July 1944 (Exhibit 1) at which time he gave particulars of this atrocity. This information was further amplified by his answers to a questionnaire prepared by SHAEF Headquarters (Exhibits 2 and 3).

10. On 28 June 1945 STANGENBERG was examined in detail on oath (Exhibit 4) and he then stated he believed he could identify the Regimental Headquarters and scene of the shooting if he was taken back to Normandy.

11. STANGENBERG was taken to Normandy and on 19 July 1945 identified the Headquarters of 26 SS Panzer Grenadier Regiment and the scene of the shooting when in company with an interpreter, Captain I.T. BURR. The unhesitating identification of the place and matters of detail are recorded in his subsequent examination (Exhibit 5) and in the evidence of Captain I.T. BURR (Exhibit 6).

12. Lt Roger CLOUTIER, Concentration Officer of 2 Canadian Graves Concentration Unit, was taken to the area and instructed to organize a search for the bodies of the three Canadian soldiers and for their personal effects. (Exhibit 7).

13. On 25 July 1945 a member of Lt Roger CLOUTIER's search party found the identity disc of B-142277 Spr IONEL, J, in the exact spot where the Regimental Headquarters had been located at the time of the shooting. (Exhibit "B" to the evidence of Lt Roger CLOUTIER, Exhibit 7).

14. On 26 July 1945 the bodies of three Canadian soldiers were found in the bomb crater beside which STANGENBERG had seen them shot. The bodies were covered over with a layer of mud and, in order to exhume these bodies, it was necessary to pump out about 8 feet of water which had accumulated in the crater.

15. When the bodies were first located it was clear that no proper burial had taken place and there was absolutely nothing on the bodies by which their identity could be determined. Two wore Canadian battle dress uniforms on which were 3 Canadian Infantry Division patches with the letters "C.E." embroidered on them, and one wore Canadian battle dress uniform with the shoulder titles of the Royal Winnipeg Rifles and the patch of 3 Canadian Infantry Division.

16. The bodies of these three unknown soldiers were buried in BRETEVILLE-SUR-LAIZÉ Canadian Permanent Military Cemetery as 2GC/UNK/351, 2GC/UNK/352 and 2GC/UNK/353.

17. The Identification Section of 2 Canadian Graves Concentration Unit examined these bodies and an autopsy on all of them was performed by Captain B.B. WAGMAN, Royal Canadian Army Medical Corps. It was not possible to determine the cause of death of any of the three soldiers owing to the advanced stage of decomposition of the bodies. One Royal Canadian Engineer body had the skull fractured in many places, as well as many other bones fractured (Exhibit 10). The other Royal Canadian Engineer body had many fractured bones (Exhibit 11). There was no discernible injury to the body of the Royal Winnipeg Rifles soldier (Exhibit 9). Dental charts were taken in the two cases where there was any dental evidence.
18. The following information contributed to the identification of these bodies:

(a) the hexagonal identity disc of B-142277 Spr IONEL J, found in the Regimental Headquarters near where the prisoners were searched and their identity discs were taken away from them. This identity disc has a short piece of cord through one of the holes with the two ends of the cord showing clear evidence of having been cut with some sharp instrument.

(b) the report of Major T.R. MURPHY, O.C. 6 Canadian Field Company, RCE, to Cdn Sec GHQ 2 Ech, 21 Army Gp with respect to the posting as "MISSING" on 7 June 1944 of two members of his unit (Exhibits 12 and 13). This report indicates that when last seen at 2230 hours 7 June 1944, B-142277 Spr IONEL J, and B-25464 Spr BENNER, GA, were about five hundred yards South West of Grande Ferme, Map Reference 905705 and that they had been cut off from their line of withdrawal and were in imminent danger of being captured by the enemy. When last seen they were unwounded. These Sappers were working in company with a mine laying party of the Royal Winnipeg Rifles.

(c) In the report of the Royal Winnipeg Rifles Regiment to Cdn Sec GHQ 2 Ech Gp 21 Army Gp (Exhibit 14) re L-105551 Rfn OWENS, AR, reported "MISSING" on 7 June 1944, it appears that this soldier was last seen in the area of Map Reference 999716 (an obvious typographical error or indifferent map reading and should probably be 899706) on the evening of 7 June 1944, and was engaged in a mine laying operation (probably the same operation in which the two Royal Canadian Engineer soldiers were engaged). He was not seen again by his comrades after the enemy surprised them and opened fire on his party.

(d) The dental charts taken by the Dental Officer of the Identification Team make identification of body 2GC/UNK/353 as B-25464 Spr BENNER, GA, almost positive and it is corroboration in the case of 2GC/UNK/351 as L-105551 Rfn OWENS, AR. There was no dental evidence in the case of 2GC/UNK/352.

19. All of these soldiers were listed as "MISSING" on 7 Jun 44 by their units and were later recorded as "MISSING, PRESUMED KILLED".

20. Final identification of these bodies was recorded by Records, Canadian Military Headquarters, Acton, as follows:

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<tr>
<th>Number</th>
<th>Description</th>
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<td>Spr BENNER, GA</td>
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Exhibits 15, 16, 17, 18.
LES SAULLETS

1. At approximately 1420 hours 11 June 1944, 6 Canadian Armoured Regiment (1H) with under command two companies of the Queen's Own Rifles of Canada launched an attack from NORREY-EN-BESSIN against LES SAULLETS and LE BESNIL PATRY. The attack was unsuccessful. In the course of the battle a tank in which were B-61678 Sgt PAYNE, E.S., B-51454 Tpr PRESTON, H.L., and B-4037 Tpr McCLEAN, R.C., was knocked out near LES SAULLETS and they bailed out but were soon taken prisoners by the enemy. They were marched over to a company of Germans where they saw an officer with "black braid on the shoulder".

2. An escort was provided and the prisoners were marched Westwards along the road towards LES SAULLETS. While thus marching towards the village, the prisoners were fired on by their escort. Sgt PAYNE, who was wounded, laid low for five days and returned to his unit. Tpr McCLEAN, though wounded, feigned death and also made his way back. Tpr PRESTON is believed to have been killed instantly, his body being found at MR 905704 on 17 June lying in the ditch beside the road where the shooting had occurred. He had been shot in the back of the head. The prisoners were unarmed at the time they were fired on, and had done nothing whatever to justify their escort firing at them.

3. The German troops engaged on the LES SAULLETS sector at the time were II Bn 26 Panzer Grenadier Regiment, 12 SS Panzer Division under command of Standartenführer Wilhelm Mohnke.

4. Also engaged in the same area were troops of 12 SS Pioneer Battalion under command of SBF BREMER.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender’s own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)
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\*DATE CHECKED

INITIALS: R K D.M. J C.J.N.
UNITED NATIONS WAR CRIMES COMMISSION

CASE No. 67/CNO/3

Name of accused, his rank and unit, or official position.
Wolfgang ERDMANN, Lieut.-Gen.
Officer Commanding
7 Para Division, German Army.

Date and place of commission of alleged crime.
30 April 1945, GRISSEDE, Germany.

Number and description of crime in war crimes list.
(1) MURDER

SHORT STATEMENT OF FACTS.

On the evening of 30 Apr 45, Pte LANOUE, a captured Canadian soldier, was killed on the orders of the accused, before whom he had been brought immediately after capture.
PARTICULARS OF ALLEGED CRIME

On or about 30 April 1945, C-32355 Pte LANGE, C., of the Algonquin Regiment (Canada), was captured by German troops occupying the village of GRISTEDE, Germany. In the possession of LANGE was found a large number of rings, watches and other pieces of jewelry. This matter was reported to Lt-Gen EHUMANN, Officer Commanding, 7 Parachute Division, who, together with his staff officers, was occupying a house in the village. A German woman asked the General what would be done with the prisoner and received the reply that he would be killed. About twenty minutes later a soldier appeared at EHUMANN's house and reported to the General saying - "Your orders have been carried out". The General then told the officers present to divide up amongst themselves the articles of jewelry which had been taken from the prisoner LANGE.

A few days following the incident recounted above, the dead body of a Canadian soldier, identified as that of Pte LANGE, was found in a hastily dug grave in the woods some four hundred yards from the house occupied by EHUMANN. A pathologist examined the body five months after the estimated date of death and found that the head had been smashed to an unrecognizable pulp, there being no evidence whatsoever of bullet wounds on either the body or skull.
The following persons have been interrogated in connection with this atrocity.

Johannah OVIÉ, of GRISTEDE, Germany, the principal witness for the prosecution, whose house EHDMANN and his staff occupied and who was present when the announcement was made of the capture of the Canadian and to whom EHDMANN said that the prisoner would be shot.

Major W. V. RAE, RCAMC, the pathologist who conducted the autopsy on the body of Pte LANCÚE.

Wilhelm Hendrich Gerhard WEMKEN, of GRISTEDE, Germany, who saw Pte LANCÚE being first interrogated after his capture and saw a towel containing the jewelry taken from him.

Gerhard FICKEN, of GRISTEDE, Germany, who discovered the body of Pte LANCÚE partially buried in the wood adjacent to the house of Johannah OVIÉ.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

This case presents many difficulties which cannot be resolved until Gen ERDMANN has been apprehended and subjected to a careful interrogation. The UNWCC is asked to indicate at this time whether or not a prima facie case has been established.

There is no evidence to indicate the manner in which LANCUÉ came to be in possession of the jewelry nor is there any evidence as to whether or not General ERDMANN conducted an enquiry into the matter, however brief, which might give rise to the presumption of a summary trial. Should it develop that the accused did in fact conduct a hearing it is to be doubted if a charge of murder against him could be maintained. It is to be noted also that the principal prosecution witness proved to be a most reluctant informant during the interrogation at which time it was found necessary to treat her as a hostile witness.
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UNITED NATIONS WAR CRIMES COMMISSION

ONE

CHARGE AGAINST

ONE

WAR CRIMINALS

CASE No. 67/CNO/4

<table>
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<tr>
<th>Name of accused, his rank and unit, or official position.</th>
<th>KAISER, Gefreiter</th>
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<tr>
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<td>PW Guard at Kommando E 509, SCHONWALDE.</td>
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<table>
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<th>Date and place of commission of alleged crime.</th>
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<th>References to relevant provisions of national law.</th>
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SHORT STATEMENT OF FACTS.

On 4 Jan 44 a Canadian prisoner of war, A-21351 Pte THIBERT W, was attacked by the accused in a prisoner of war camp and wounded in the shoulder with a bayonet.

TRANSMITTED BY Canadian National Office
PARTICULARS OF ALLEGED CRIME

Whilst working in bad weather with Kommando E 509, on 4 Jan 44, in SCHONWALDE, Germany, A-21351 Pte THIBERT W, Essex Scottish Regiment (Canada) went on a "slow down" strike and a German guard, Gefreiter KAISER, apparently enraged, rushed at THIBERT and stabbed him in the shoulder with a bayonet. THIBERT retaliated with his fists and knocked the Gefreiter to the ground, for which he was duly court martialed but released due to lack of evidence.
PARTICULARS OF EVIDENCE IN SUPPORT

The victim of this atrocity, A-21351 Pte THIBERT W, 807 Albert Road, Windsor Ontario, Canada, is the only witness.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

It is altogether possible that the provocative attitude of the victim of this atrocity would weaken the prosecution case.
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1422
The Secretary General
United Nations War Crimes Commission
Lancashire House,
Sackford Square,
LONDON.

Ref used against war criminals

1. We enclose charges (in sextuplicate) against the undermentioned German nationals:

- 37/CR0/3 - Lt.-Gen Wolfgang Röhm
- 37/CR0/4 - General RISSIK
- 37/CR0/5 - Wilhelm JUNO
- 37/CR0/6 - Hubert GoENnUS
- 37/CR0/7 - Robert HöLLER
- 37/CR0/8 - Friedrich HERGERS et al
- 37/CR0/9 - Johann AULI
- 37/CR0/10 - Heinrich KUSZ

2. For your information the alleged perpetrators in charges 37/CR0/3 to 37/CR0/9 inclusive are in custody and will shortly be brought to trial. The commission will be advised immediately the date of trial is known.

3. The writer will be pleased to attend at the meeting of Committee I when these charges come up for consideration.

(\( F D S. \) Gordon) Maj
1 Can War Crimes Investigation Unit

☑ Two copies to be sent to Major Gordon.
UNITED NATIONS WAR CRIMES COMMISSION

One (1) WAR CRIMINALS CASE No. 67/CN0/5

Name of accused, his rank and unit, or official position.

1) WILHELM JUNG, formerly Burgomeister of OBERWEIER, Kreis RASTATT, Germany, in custody.
2) SCHUMACHER
3) ANSEL, Oscar

Date and place of commission of alleged crime.

29 JULY 1944, at OBERWEIER, Kreis RASTATT, Germany.

SHORT STATEMENT OF FACTS.

On the night of 23/29 July 1944, shortly after midnight, R198363 Flight Sergeant Conrad William MARTENS, a member of the crew of a bomber aircraft of the Royal Canadian Air Force, landed by parachute near OBERWEIER. He was immediately taken into custody by members of the village Landwacht and shortly thereafter placed under the control of the accused, then Burgomeister of Oberweier. The accused ordered a Wehrmacht soldier (the guard of the local prisoner of war workers) to shoot this airman. The latter was taken by this soldier and a civilian to the outskirts of Oberweier and there shot and killed by the soldier.
PARTICULARS OF ALLEGED CRIME

The accused Wilhelm JUNG, will be charged with

COMMITTING A WAR CRIME

in that he,

at the village of OBERWEIER, Kreis RASTATT, Germany, on or about the 29th day of July, 1944, in violation of the laws and usages of war, was concerned in the killing of Conrad William MARTENS, a member of the ROYAL CANADIAN AIR FORCE and a person entitled to be treated as a Prisoner of War.
SCHRÖER, Peter, will say: He took the airman to the Rathaus accompanied by August Hack. The airman 'was willing'. He handed the airman over to the accused at the Rathaus, and suggested that the airman should be handed over to the Military Authorities. The accused ordered August Hack to shoot the airman, stating that he had an order from the Kriegsleiter that this should be done. Hack refused to obey this order and went home.

HACK, August, will say: He accompanied Schröer and the airman to the Rathaus. The accused ordered him to shoot the airman stating that he had an order from the Kriegsleiter that this should be done. He refused and went home.

HOPFARTH, Karl, will say: The accused was leader of the Nazi Party in Oberpfalz. Witness saw the airman in the Rathaus. He will describe the airman and his documents. He saw the same HUNDRED DOCUMENTS and on the clothing of the airman.

LINDENBLITZ, Josef, will say: He saw the airman at the Rathaus and will describe him, his documents and clothing. The airman was left in an unlocked room. The accused ordered him to kill the airman. He refused and turned the accused against such an act. He heard the accused order the FW guard SCHUMACHER to kill the airman. He saw SCHUMACHER go to the telephone, then leave and return with his rifle and Oscar Kusmer. Then they returned an order to SCHUMACHER and then heard a rifle shot from that direction. He was later arrested and imprisoned for attempting to shoot the airman.

KUSTER, Anton, will say: He saw the airman at the Rathaus. Later he, Schumacher and Lodewyk were inside the Rathaus and went in to the telephone. Schumacher came to the Rathaus and witnessed how ordered him to kill the airman. He saw SCHUMACHER leave and return with a rifle. Later he and Lindenblitz saw SCHUMACHER with a girl and followed him in the road towards Wiedersdorf. Later he heard two shots from the direction of Wiedersdorf. Later he saw the airman in a grave in the village cemetery.

KAPPELREITER, Johannes, will say: Early in 1944 he was village clerk of Oberpfalz and was at the Rathaus when a captured Allied airman was brought in. He informed the Oberleutnant of this and took the airman with him. He informed the accused (the Burgomaster) who told him that next time the Kräfteführer was to be the first person to be informed. At the end of July 1944 another airman was captured. While in the office of the accused he saw the latter telephoning and heard him say to the occupants of the room twice to the effect that 'The Kräfteführer does not want to see that airman alive'. He informed Schröer that the airman should not be treated as he had treated the first airman.
April 14, 1944, will say: She is the wife of Oscar Ansley.

The office of Assessor in July 1944 but he joined the army and whose condition and location is unknown to her. Her husband told her that he had been ordered to go with the aircraft, and did go, and the aircraft had been shot by Schrunkler on orders from the accused.

December 20, 1944, will say: He is a grave digger and on 29 July 1944 at about 1000 hours was ordered by the accused to dig a grave for a pilot. The accused told him that the pilot was in the cemetery near the chapel. He dug a body in the grave indicated and will describe its clothing and condition and particularly a gunshot wound in its head. He buried this body and on the same day on orders from the accused, disinterred it to obtain its identity discs which he will describe as follows:

"The body was returned to the cemetery near the chapel. The accused told him that the body was in the grave indicated and that the pilot was in the cemetery near the chapel. He dug a body in the grave indicated and will describe its clothing and condition and particularly a gunshot wound in its head. He buried this body and on the same day on orders from the accused, disinterred it to obtain its identity discs which he will describe as follows:"

Ist Lt Marvin KUSCHELER, Medical Corp, Pathologist of War Crimes Investigation Team, #6. His signed report dated 30 July 1944 on the examination of a body at Oberursel cemetery, will be filed and read. The exhibits to this report includes: Spectacles (RAF type), "Cobra" shoulder flash, circle and wing insignia of RAF type with letters L3 (Air Gunner) in the circle; RAF type skirt collar with laundry tag "2869 86". This report concludes with the statement: "Due to the extreme state of decomposition of the body, it can only be stated that had the person been alive at the time he received the bullet wound evidenced by a wound of entrance on the left, and a wound of exit on the right, death would have been immediate. (The report referred to is elsewhere in this report as being a head wound)."

An RAF Medical Officer will be called to argue the official medical records of R30693 P/Sgt Conrad Willigcr, an RAF Air Gunner, at the Air Ministry. The report of the pathologist and it is anticipated that he will state that in his opinion the body described in the report was the body of the person described in these records; the head injuries described in this report were consistent with the body having suffered a gun shot wound through the head; injuries of this nature sustained by a living person would probably result in immediate death.

A letter (P42085/44/F/4/OA/SG) from Air Ministry to JAC dated 29 November 1944 will be filed and read. This letter states that: R30693 P/Sgt Masters, Conrad Willigcr, an RAF Air Gunner, was sent missing on 26/27 July 1944, during a raid on Strukow, and that a section of his aircraft was picked up by Oberursel. Attatched to this letter is a statement of extracts from official German documents filed to the effect that a Lancaster aircraft crashed on 27 July 1944 at Oberursel and that Oberursel was referred to, with items including C.J. Masters.
PARTICULARS OF EVIDENCE IN SUPPORT
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

(a) The accused acted in his official position as Burgomeister. He acted on his own initiative. He acted on orders from his superior in the Nazi Party (of which he was a local official) the Kreisleiter of Rastatt. He did NOT consult his official legal superior, the Landrat of Rastatt. The accused deliberately chose to consult his party superiors in preference to his legal superiors, disregarded the advice of local inhabitants, refused to follow a precedent already set in Oberweier for the treatment of captured airmen.

(b) The probable defence will be that he acted under orders from his Party superior.

(c) The case is ready for trial.

(d) SCHUMACHER and OSCAR ANSELMT are also guilty of a war crime as principals and probably Tiefenbacher for having ordered the crime to be committed. These persons have NOT yet been located. Wanted Reports have been submitted to CROWCASS and the various Allied agencies circularized. It is considered very improbable that these persons will be located within a reasonable time, if at all.
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### UNITED NATIONS WAR CRIMES COMMISSION

#### CHARGES AGAINST WAR CRIMINALS

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<th>References to relevant provisions of national law.</th>
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### SHORT STATEMENT OF FACTS.

The victim was one of 3 Canadian aircrew airmen who were brought to the municipal building at Opladen, Germany, at about 1030 hours on a day in the latter half of March 1945. All of the said airmen wore blue battle dress with "Canada" flashes on the upper sleeves. At about 1030 hours the victim was taken from the said municipal building by the accused, a Wehrmacht lieutenant (Lt. Schaefer) and a Cpl. Hoelter. The victim was placed in a car (driven by Cpl. Hoelter) and driven to a woods just south of Opladen. The victim was then made to walk into the woods where he was shot in the head with a revolver by the accused on the order of the said Lt. Schaefer. The accused in a confession admits shooting the victim and alleges that he did so only after being ordered to do so and threatened by the said Lt. Schaefer. The body of the victim has been disinterred and a pathologist's report shows death to have been caused by a bullet wound in the skull.

TRANSMITTED BY: CANADIAN NATIONAL OFFICE

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* Insert serial number under which the case is registered in the files of the National Office of the accusing State.
**UNITED NATIONS WAR CRIMES COMMISSION**

### CHARGES AGAINST WAR CRIMINALS

**CASE No. 37/CNo/6**

| Name of accused, his rank and unit, or official position. | 1) HUBERT BROCHILUS  
**Fto., Volkstum**  
**In custody**  
2) SCHAEFER |
|---|---|

**Date and place of commission of alleged crime.**

- **15 - 30 March 1945 at CPLEZEN**

**Number and description of crime in war crimes list.**

**References to relevant provisions of national law.**

**SHORT STATEMENT OF FACTS.**

The victim was one of 3 Canadian aerial crew members who were brought to the municipal building at Cplezen, Germany, at about 1530 hours on a day in the latter half of March 1945. All of the said airmen wore blue battle dress with "Canada" flashes on the upper sleeves. At about 1530 hours the victim was taken from the said municipal building by the accused, a Wachmann lieutenant (Lt. Schaefer) and a Sgt. Koelzer. The victim was placed in a car (driven by Sgt. Koelzer) and driven to a woods just south of Cplezen. The victim was then made to walk into the woods where he was shot in the head with a revolver by the accused on the order of the said Lt. Schaefer. The accused in a confession admits shooting the victim and alleges that he did so only after being ordered to do so and threatened by the said Lt. Schaefer. The body of the victim has been dissected and a pathologist's report shows death to have been caused by a bullet wound in the skull.

**TRANSMITTED BY**  
**CANADIAN NATIONAL OFFICE**

*Insert serial number under which the case is registered in the files of the National Office of the accusing State.*
UNITED NATIONS WAR CRIMES COMMISSION

CHARGES AGAINST WAR CRIMINALS

CASE No. 37/CNO/6

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Number and description of crime in war crimes list.

References to relevant provisions of national law.

SHORTH STATEMENT OF FACTS.

The victim was one of 3 Canadian aircrew airmen who were brought to the municipal building at Opladen, Germany, at about 1530 hours on a day in the latter half of March 1945. All of the said airmen wore blue battle dress with "Canada" flashes on the upper sleeves. At about 1630 hours the victim was taken from the said municipal building by the accused, a Wehrmacht lieutenant (Lt. Schaefer) and a Sgt. Koehler. The victim was placed in a car (driven by Sgt. Koehler) and driven to a woods just south of Opladen. The victim was then made to walk into the woods where he was shot in the head with a revolver by the accused on the order of the said Lt. Schaefer. The accused in a confession admits shooting the victim and alleges that he did so only after being ordered to do so and threatened by the said Lt. Schaefer. The body of the victim has been disinterred and a pathologist's report shows death to have been caused by a bullet wound in the skull.

TRANSMITTED BY CANADIAN NATIONAL OFFICE
PARTICULARS OF ALLEGED CRIME

The Accused will be charged as follows:

COMMITTING A WAR CRIME

in that he, near CLEVEN, Germany, during the month of March 1945, in violation of the laws and usages of war, did kill by shooting in the head with a revolver, an unknown Canadian airman, a member of the Royal Canadian Air Force, and a person entitled to treatment as a prisoner of war.
PARTICULARS OF ALLEGED CRIME

The accused will be charged as follows:

COMMITTING A WAR CRIME

in that he

near CLEDEN, Germany, during the month of March 1945, in violation of the laws and
usages of war, did kill by shooting in the
head with a revolver, an unknown Canadian
airman, a member of the Royal Canadian
Air Force, and a person entitled to treat-
ment as a prisoner of war.
1. Willi Ossenbach will give evidence as follows:

That he saw 3 Canadian aircrew airmen brought to the municipal building at Opladen, Germany, at about 1530 hours on a day between 20 - 26 March 1945. That all the said aircrew wore blue battle dress with "Canada" flashes on the upper sleeves. That at about 1830 hours the victim, one of the said three Canadian airmen, was taken from the said municipal building by the accused, a Wehrmacht lieutenant, (Lt Schaefer) and a Sgt. Hoelzer. That the accused Lt. Schaefer and Sgt. Hoelzer returned in about half an hour to the said municipal building without the said victim. That subsequently at an interrogation conducted by an American War Crimes investigation team the witness heard the accused admit that he had shot in the head with a revolver the Canadian airman whom he and the said Lt. Schaefer and Sgt. Hoelzer had taken from the municipal building, Opladen, about the 20 March 1945. The accused alleged that he had shot on the orders of the said Lt. Schaefer, after being threatened with a revolver by the said Lt. Schaefer.

2. Walter Weigel will give evidence as follows:

That he saw 3 Canadian aircrew airmen brought to the municipal building in Opladen, Germany at about 1530 hours on a day about the middle of March 1945. That all the said airmen wore blue battle dress with "Canada" flashes on the upper sleeves. That at about 1830 hours the victim, one of the said three Canadian airmen, was taken from the said municipal building by the accused, a Wehrmacht lieutenant (Lt. Schaefer) and Sgt. Hoelzer. That the accused, Lt. Schaefer and Sgt. Hoelzer returned in about half an hour to the said municipal building without the said victim. That subsequently at an interrogation by an American War Crimes Investigation Team witness heard the accused admit that he had shot in the head with a revolver the Canadian airman whom he and Lt. Schaefer and Sgt. Hoelzer had taken from the said municipal building. About the 20th March 1945. The accused alleged that he had shot on the orders of the said Lt. Schaefer, after being threatened with a revolver by the said Lt. Schaefer.

3. Josef Caspers will give evidence as follows:

That on the 16th or 22nd March 1945 3 Canadian airmen were brought to the municipal building in Opladen. That all of the said airmen wore blue battle dress with "Canada" flashes on the upper sleeves. At about 1800 hours on the same day one of the said three Canadian airmen (the victim herein) was taken from the said municipal building by the accused, a Wehrmacht lieutenant (Lt. Schaefer) and a sergeant (Feldwebel). In about half an hour the accused, Lt. Schaefer and the sergeant returned without the said Canadian airman.

The following day he accompanied the accused to a wood near Opladen where he saw the body of a Canadian airman. He recognized the body as that of the Canadian airman whom he had seen taken from the said municipal building on the previous day by the accused, Lt. Schaefer and a sergeant. The accused admitted to this witness that he had shot the said Canadian airman after being ordered to do so by the said Lt. Schaefer. Witness and the accused buried the body of the said Canadian airman.
Particulars of Evidence in Support (cont.)

4. Mathias Erfft will give evidence as follows:

That on the 22nd March 1945 he saw 3 airmen bale out of an Allied aircraft. The following day he was in the yard of the municipal building in Opladen when he saw the accused and another person digging two holes in the ground. That on asking why he was digging the hole the accused showed witness wooden buckets with clothes in them. The accused stated to him that the clothes belonged to two airmen who had been shot the day before on the order of the Kreisleiter. Witness will say that Lt. Schaefer was a Kreisleiter though not the Kreisleiter of Wupper Rhine Kreis (Opladen area) and that Lt. Schaefer was in Opladen at the time of the alleged shooting.

5. The affidavit of Eugene C. Ernst, 5. Enlisted, ASN 33833145, Interpreter, assigned to War Crimes Investigation Team 6830, Seventh Army, War Crimes Detachment, APO 768, US Army, which states:

That he was taken to the grave of the victim herein by Josef Caspers (Witness No. 3 above). That he subsequently directed Capt. Max Berg, a pathologist in the US Army, to the said grave and was present on the 25th September 1945 when the body of the said victim was disinterred under the direction of the said Capt. Max Berg, and an autopsy performed on the said body by the said Captain Max Berg.

6. The affidavit of Capt. Max Berg, O-350334, assigned to War Crimes Investigation Team 6830, Seventh Army War Crimes Detachment, APO 758, US Army, which states:

That he is a pathologist. That on 25th September 1945 he did perform an autopsy on the body of the victim herein. That the said body was badly decomposed. That the only injury found on the said body was a bullet wound of the skull. That the cause of death was a bullet wound of the skull caused by the penetration of one bullet in the left temporal region.

7. The confession of the accused in which he states:

That in the month of March 1945 he was a member of the Volkssturm. That about the 20th March 1945 he saw three airmen coming down by parachute in the vicinity of Opladen. That the said airmen were brought to the municipal building in Opladen about 1530 hours. That at approximately 1830 hours he, accompanied by Lt. Schaefer and Sgt. Hoelzer, took one of the said airmen from the said municipal building into a car driven by the said Sgt. Hoelzer and drove into a woods near Opladen. That the said airman was then made to get out of the car and to walk further into the woods. That the said Lt. Schaefer then ordered Sgt. Hoelzer to shoot the said airman and Sgt. Hoelzer refused and went back to his car. That the said Lt. Schaefer then ordered him (the accused) to shoot the said airman and when he refused the said Lt. Schaefer threatened him with a revolver and that he then shot the said airman with a revolver in the head. That he then returned to the said municipal building with the said Lt. Schaefer and Sgt. Hoelzer and that he returned to the scene of the shooting the following morning with Josef Caspers and buried the body of the said airman.
Particulars of Evidence in Support (cont.)

4. Mathias Erfft will give evidence as follows:

That on the 22nd March 1945 he saw 3 airmen bale out of an Allied aircraft. The following day he was in the yard of the municipal building in Opladen when he saw the accused and another person digging two holes in the ground. That on asking why he was digging the hole the accused showed witness wooden buckets with clothes in them. The accused stated to him that the clothes belonged to two airmen who had been shot the day before on the order of the Kreisleiter. Witness will say that Lt. Schaefer was a Kreisleiter though not the Kreisleiter of the Upper Rhine Kreis (Opladen area) and that Lt. Schaefer was in Opladen at the time of the alleged shooting.

5. The affidavit of Eugene C. Ernst, Tec 5, ASN 33063148, Interpreter, assigned to War Crimes Investigation Team 6830, Seventh Army, War Crimes Detachment, APO 765, US Army, which states:

That he was taken to the grave of the victim herein by Josef Caspers (Witness No. 3 above). That he subsequently directed Capt. Max Berg, a pathologist of the US Army, to the said grave and was present on the 25 September 1945 when the body of the said victim was disinterred under the direction of the said Capt. Max Berg, and an autopsy performed on the said body by the said Captain Max Berg.

6. The affidavit of Capt. Max Berg, O-363334, assigned to War Crimes Investigation Team 6830, Seventh Army War Crimes Detachment, APO 765, US Army, which states:

That he is a pathologist. That on 25th September 1945 he did perform an autopsy on the body of the victim herein. That the said body was badly decomposed. That the only injury found on the said body was a bullet wound of the skull. That the cause of death was a bullet wound of the skull caused by the penetration of one bullet in the left temporal region.

7. The confession of the accused in which he states:

That in the month of March 1945 he was a member of the Volkssturm. That about the 20th March 1945 he saw three airmen coming down by parachute in the vicinity of Opladen. That the said airmen were brought to the municipal building in Opladen at about 1830 hours. That at approximately 1930 hours he, accompanied by a Lt. Schaefer and Sgt. Hoelzer took one of the said airmen from the said municipal building into a car driven by the said Sgt. Hoelzer and drove into a woods near Opladen. That the said airman was then made to get out of the car and to walk further into the woods. That the said Lt. Schaefer then ordered Sgt. Hoelzer to shoot the said airman and Sgt. Hoelzer refused and went back to his car. That the said Lt. Schaefer then ordered him (the accused) to shoot the said airman and when he refused the said Lt. Schaefer threatened him with a revolver and that he then shot the said airman with a revolver in the head. That he then returned to the said municipal building with the said Lt. Schaefer and Sgt. Hoelzer and that he returned to the scene of the shooting the following morning with Josef Caspers and buried the body of the said airman.
PARTICULARS OF EVIDENCE IN SUPPORT
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

(a) The accused says he shot on the orders of his superior officer, and only after being threatened. There is no evidence to show that the accused showed any initiative whatever. However, considering the place and the manner in which the murder took place it must have been quite clear to the accused that the shooting was illegal and that it was in direct contravention of German Military Law. He obviously knew the purpose for which the murdered airman had been taken to this lonely location in the woods but even he does not suggest he made any objection when asked or ordered to go there.

(b) Probable defence - shooting under orders and under threat of his own life.

(c) The case is complete. The Wehrmacht lieutenant (Schaefer) cannot be located though the fullest possible search has been made for him.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

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**Name of accused, his rank and unit, or official position.**

(Not to be translated.)

| Name of accused, his rank and unit, or official position. | ROBERT HOLLER  
Sgt. Field Gendarmerie Search Patrol  
Military Town H.Q. Opladen in custody |

**Date and place of commission of alleged crime.**

15th - 30th March 1945 at Opladen, Germany

**Number and description of crime in war crimes list.**

**References to relevant provisions of national law.**

**SHORT STATEMENT OF FACTS.**

See Page Three
PARTICULARS OF ALLEGED CRIME

The accused will be charged as follows:

COLLUSING A WAR CRIME

in that he

near CULDEN, Germany, during the month of March 1945, in violation of the laws and usages of war, did kill by shooting in the head an unknown Canadian airman, a member of the Royal Canadian Air Force, and a person entitled to treatment as a prisoner of war.
The alleged victim was one of three Canadian airmen who were brought to the municipal building in Osnabrück, Germany at about 1830 hours on a day between 15th and 30th March, 1945. Persons saw the said airmen bale out of an aircraft over the area. All three of the said airmen wore blue battledress with "Canadian" flashes on their upper sleeves.

One of the said airmen was taken away from the said building in a motor car driven by the accused and carrying as other passengersWilli Jenebach & Walter Meier. A Wehrmacht officer followed in another car. The accused stopped the car on a deserted roadway in a woods near Osnabrück. The victim was removed from the car by the two passengers while held on the order of the accused and sliced on the ground. The Wehrmacht officer came up and asked the accused why he had not yet shot the victim and then told him to fire. The accused fired a revolver into the head of the victim. The Wehrmacht officer then fired the coup de grace into the head of the said victim.

The accused made a statement in which he admits the shooting and says he did it on the orders of the Wehrmacht officer.

The accused was a sergeant in the Field Gendarmerie Search Patrol and was stationed in the military headquarters at Osnabrück. The body of the victim was then moved further into the woods and covered with leaves and was buried the following morning.

The body was exhumed and the pathologist's report shows death to have been caused by bullet wounds of the skull, the result of penetration of two bullets.
accused why he had not yet shot the victim and ordered the accused to shoot the victim. The accused then shot the victim in the head with a revolver.

When first ordered to shoot the victim, the accused said his revolver had a stoppage and then pulled the trigger 3 or 4 times until it fired, shooting the victim in the right temple.

(c) The statement of the accused in his confession that he refused to shoot the victim and that he shot only after Lt. Schaefer threatened him with a revolver will be categorically denied by this witness who was standing within a distance of three to four meters from the accused at the time of the shooting. The witness will state that the only remark made by the accused after receiving the order to fire concerned a stoppage in his revolver.

(d) The accused then said he would give the victim the coup de grace and then shot the victim in the head with a revolver. The witness will state that the accused said: "Kill the victim, on Lt. Schaefer's order, then carried the body further into the woods and Lt. Schaefer covered it over with some leaves. That the witness and Willi Ossenbach returned the following morning and buried the body in the said woods.

J. The affidavit of Eugene Warn, Tec 3, 6630 Seventh Army, War Crimes Investigation Team 6630, Seventh Army, War Crimes Detachment, APO 756, U.S. Army, who states:

That he was taken to the grave of the victim herein by Willi Ossenbach (witness No. 1 above). That he was subsequently taken to the grave of the said victim by Walter Neigel (witness No. 2 above). That on or about the 26th day of September 1943 he accompanied Capt. Max Berg, a pathologist of the U.S. Army, to the grave of the said victim and was present when the body of the victim herein was disinterred, and examined by Capt. Max Berg, the pathologist.

K. The affidavit of Capt. Max Berg 0-360634, designated to War Crimes Investigation Team 6630 Seventh Army, War Crimes Detachment, APO 756, US Army, who states:

(a) That he is a pathologist. That he supervised the disinterment of the victim's body and made a pathological examination of the same on the 26th day of September 1943.

(b) That the body was clothed in blue wool trousers and blue cotton shirt of the type worn by the MP. That the body was badly decomposed.

(c) That the following injuries were found on the body - (1) bullet wound of the skull, (2) 6 fractured ribs, (3) spongey fracture left tibia, (4) simple fracture of left tibia. That the cause of death was bullet wounds of the head, the result of penetration of two bullets fired through the temporal region of the victim's head.

(d) That the injuries, apparent on body, other than bullet wounds in the skull, were not sufficient to cause death and such that recovery from same could be reasonably expected.
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PARTICULARS OF EVIDENCE IN SUPPORT
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender’s own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

(a) Although the accused says he shot on order of his superior officer he exercised considerable initiative in that he selected the place of shooting and ordered that the victim be taken from the car. The accused also persisted in pulling the trigger several times until his revolver had fired, notwithstanding that his gun had jammed and he had a good excuse for failing to fire, if he chose to avail himself of the excuse. The accused had been present less than an hour previously when another Canadian airman had been executed (at which time he says he refused to shoot the said Canadian) and must have known when he left the municipal building that the wounded Canadian, the victim herein, was also to be executed. It is considered he must be held personally responsible for this murder.

(b) The probable defence will be shooting under orders and under threat.

(c) The case is complete. The Wehrmacht lieutenant cannot be located although the fullest possible search has been made to locate him.
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<th>Date Submitted</th>
<th>Decision of Committee 1</th>
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1. Holborn

to q.
**CHARGES AGAINST WAR CRIMINALS**

**NAME OF ACCUSED, HIS RANK AND UNIT, OR OFFICIAL POSITION.**

(Not to be translated.)

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<thead>
<tr>
<th>CHARGES</th>
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<th>WAR CRIMINALS</th>
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<tr>
<th>Name of Accused</th>
<th>Rank and Unit, or Official Position</th>
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<tr>
<td>Friedrich Otto Adolph Kleimann</td>
<td>Criminal Special Officer</td>
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<tr>
<td>August Hoess</td>
<td>Criminal Executioner</td>
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<tr>
<td>Robert V. Hilse</td>
<td>Criminal Executioner</td>
</tr>
<tr>
<td>Otto Frank Gruber</td>
<td>Criminal Treasurer</td>
</tr>
<tr>
<td>Johannes Hermann Stasser</td>
<td>(Christian name unknown)</td>
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<td></td>
<td>All formerly of the Gestapo in the German, Germany.</td>
</tr>
<tr>
<td></td>
<td>Karl Taubner Alten</td>
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<tr>
<td></td>
<td>Johannes Hubert Schwoerdt</td>
</tr>
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<td>Formerly of the Waffen-SS, stationed in Riga, Estonia.</td>
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**DATE AND PLACE OF COMMISSION OF ALLEGED CRIME.**

RAGEN, GERMANY, 3 APRIL 1945.

**NUMBER AND DESCRIPTION OF CRIME IN WAR CRIMES LIST.**

**REFERENCES TO RELEVANT PROVISIONS OF NATIONAL LAW.**

**SHORT STATEMENT OF FACTS.**

R.267399 P/sgt SCOTT, Y. D., Royal Canadian Air Force, bombed out over RAGEN, Germany, on or about 17 March, 1945. He was confined in the RAGEN Civil Jail on the instructions of the accused ADOLF EICHMANN, from that time until 2nd April, 1945, when he was handed over to the Gestapo. The accused was placed SCOTT in a room in their Report Centre. Next day (3 April 1945), ten Hungarians were brought from the police prison BUCHENWALD, by the Reichsmarschall and placed in the same room as SCOTT. A few minutes later several Gestapo members took the Hungarians and SCOTT from the room, escorted them to a bunk crator and executed them.

**TRANSMITTED BY**

CANDIAN NATIONAL OFFICE

*Insert serial number under which the case is registered in the files of the National Office of the accusing State.*

**185141**

**W.P.3528**


**194149**

**W.P.1528.17 5.000 5.605**
PARTICULARS OF ALLEGED CRIME

The accused,.ruley; seoonsh, sacher; echen; von开朗; Gant; and Senken will all be charged with—

OMITTING A WAR CRIME

in that they

in or near the city of Dresden, Germany, on or about 3rd April, 1945, in violation of the laws and usages of war, were concerned in the killing of R.857399 F/Lt Scott, R.C.A.F., a member of the Royal Canadian Air Force and a person entitled to treatment as a prisoner of war.

NOTE:

The accused Scott, has not yet been located.
All of the accused persons have been interrogated and the following is a brief synopsis of the major and relevant parts of their evidence. The recorded evidence of the accused persons is approximately 40 to 60 pages of foolscap each.

HOLBORN

Holborn says he was the chief of the Gestapo at Hagen at the time of the shooting. He says that a few days prior to the shooting he attended the office of Zensen, the Wehrmacht commander at Hagen, in company with one Kurt Schmidt, who cannot be located. He says that at the interview with Zensen he, Zensen, told him the Canadian airman had been sentenced to death and asked that the Gestapo undertake his execution with the ten Hungarians. (The accused persons differ as to whether or not the ten persons whom they say were sentenced to death were Hungarians, Ukrainians or Jugoslavians. They all generally agree, however, that those persons were dressed in German uniforms and presumably had previously served in the Wehrmacht.) Holborn says that he instructed Wiggers to be in charge of the execution party and detailed the Gestapo officials, including all of the accused, to attend and participate. Holborn freely admits that he made no inquiries whatever as to who had sentenced the Canadian or what he had been sentenced for. He says that he had received an order from the Reich Security Office, Berlin shortly before the execution to carry out orders given by the Wehrmacht. He points out that Zensen was a captain in the Wehrmacht which, he says, was one rank higher than his own. In view of the order previously mentioned he felt obliged to carry out the order of request. He says that he consulted with a superior officer at Dortmund and he concurred that he, Holborn, should execute the people as requested by the Wehrmacht. He says he knew that the ten Hungarians had been sentenced to death by a Wehrmacht court for looting. The court was held in his own office building. He states that he had previously interrogated these people. He says that he told Wiggers that there were nine or ten Hungarians to be executed and one Canadian. He denies any dispute between himself and Wiggers following the execution respecting the inclusion of the Canadian. He is emphatic that Wiggers and he had no unpleasant conversation respecting this phase of the matter after the execution. He attributes the blame entirely to Zensen.

ZENSEN

Zensen, although not the senior Wehrmacht officer at Hagen, was acting as the commanding officer of the Wehrmacht garrison at Hagen at the time of the execution. He admits the interview with Holborn and Schmidt and says that he told Holborn that the ten Hungarians had been sentenced to death and made it clear that the Canadian had not been sentenced to death and, in fact, that no proceedings had been taken against him for anything. He says that the handing over of the Canadian to the Gestapo was discussed only because the civil garrison was pressing the Wehrmacht authorities to remove the Canadian so they could not supply him with food.
He says that the derhracht had no transport to move the Canadian prisoner of war in accordance with the proper procedure and knowing that one of the Gestapo officials had come from Dortmund where there was a Luftwaffe station, he thought the Gestapo might be able to move the criminal there. He says he handed him over for this purpose but before the arrangement was consummated he referred the matter to a Major Zispel, who was the Wohrmacht legal officer at Hagen and, in fact, the senior officer. He says that one of Zispel's main duties was the care and custody of prisoners of war and that he asked Zispel about the matter and Zispel said he would discuss it with the Gestapo. He does not say whether or not Zispel did this. He says a few days later Kurt Schmidt, who had accompanied Holborn on the previous interview, came to his office and indicated that the arrangement was complete for the handing over of the Canadian prisoner of war and the Hungarians. He says Schmidt asked for some revolver ammunition, which he gave him. On the day preceding the execution Zensen says the Canadian P.O.W., Scott, was brought from the civil gaol and left with the Wohrmacht. He does not recall whether he was annoyed and threatened the guards who insisted on leaving him but thinks it is possible. He directed one of his N.C.O.'s to place Scott in a vacant room in a school building used by the Wohrmacht as a records office. He clearly indicated the room to be used. A few days after the execution Kurt Schmidt told him that the Canadian had been executed with the Hungarians. He says he told Schmidt he was "disappointed" to hear this and that the Gestapo would be responsible for it. He has not been examined with respect to the statement made by Franz Domes to the effect that when he was interrogated some months after the execution he made a statement and immediately thereafter, when asked what idea he had in mind when he handed the Canadian over he replied "Frankly, I thought they would shoot him with the Hungarians". It is considered significant that Doerner, one of Zensen's N.C.O.'s, says he was instructed by Zensen to escort the Hungarians on the night of the execution to the same room in the school building as that in which he had instructed the Canadian to be placed. Likewise, this N.C.O. says that guards were only supposed to be on duty for two hours. When he told Zensen about six o'clock in the evening that he had put the Hungarians in the school and asked if he should make arrangements for a new guard at the end of the two-hour period, Zensen said this would not be necessary. Zensen says in his evidence that he did not know when the Canadian was taken away. It is considered significant that Zensen ordered both the Hungarians and the Canadian to be placed in the same room. From the fact that he considered no relief guard necessary he presumably knew that the Gestapo would come to the school to take away the persons who were to be shot. They were, in fact, taken away from the school at about seven o'clock in the evening on the night that the Hungarians were brought to the school. The Canadian had been put in the school the previous evening.
Wiggers says he received his instructions to be in charge of the execution party from Holborn and that he knew all of the persons who should have been allowed to participate in the execution. He says that Holborn did not indicate to him exactly how many people were to be shot but he merely mentioned the Hungarians of whom Wiggers knew. He says he knew that a number of Hungarians had been sentenced to death and the宛brought to the school where he happened to put his head in the door of the court when they were being tried and someone told him that these were the Hungarians who were being tried. Later he heard that they were executed as a last. He says he, along with all of the other accused, went to the school with the hungry they saw the Hungarians being marched down the road towards the school. The Gestapo party arrived at the school about ten minutes after the Hungarians. On entering the school he brought N.C.O., when he cannot identify or describe said "They are in here put them to death. He says it was dark in the room and that it was raining and he could not clearly see who was in the room. He says he made no inquiries as to whether or not these were the right people. He had no list of the persons to be executed. In fact, he did not know the number. He was content to rely upon this indication by the N.C.O. because everything had happened as far as Holborn had told him. He says this was the first time he had ever participated in one of these executions. Wiggers says all of the persons in the room were wearing uniforms and after having their heads tied up with cord they were taken out of the room. He counted them on leaving and there were 11. The persons to be executed were marched down the street and put into the woods where the prisoners were lined up around a bomb crater, facing into it and the Gestapo personnel arranged themselves behind the persons to be shot. Wiggers says he stood a short distance behind the other Gestapo officials and, being in charge of the party, he fired. He says that so far as he knew all of the persons present, which included all of the accused and others, shot at the persons around the bomb crater and that if any of them had failed to shoot he believes he would have noticed it and would, of course, have reported it. On returning to the Gestapo headquarters after the shooting he says all of the accused gathered in an office and that Holborn and Kurt Schmitz were there. He says Holborn said something to the effect "Oh, hell, I forget to tell you there was a Canadian in that lot". He says he protested violently but that Holborn immediately assured him that the Canadian was sentenced to death too. He accepted Holborn's assurance in this respect and says that he had further converse in the matter until some several months later when he learned or believed that he was being interrogated about this matter, that perhaps this Canadian had not been sentenced to death. He also says that he heard some several months later when he was in custody that all some retrospaced to have said at this meeting after the execution that he, Fischer, had shot the Canadian and that Horborn had fired the coup de grace. He says, however, that he does not believe that Fischer did shoot the Canadian and he thinks Fischer said this only to get another drink of schnapps from Holborn, which he understands he did. He says that immediately after he had protested to Holborn about this Canadian being included in those to be shot Holborn said "Oh, forget it. Have a schnapps" whereupon Holborn produced a bottle of schnapps and gave everyone a drink. Wiggers admits that he was deputy chief of the Gestapo at Hagen and that he had taken part in several discussions with Holborn about this execution prior to it taking place.
Karden admits he was an interpreter with the Hagen Gestapo at the time of the execution and that he attended the execution. At first he denied having fired any shots but later admitted that he fired at the person in front of him some time after the shooting by the others had started. He says that he had been instructed to tell the prisoners in Russian that, as they knew, they had been sentenced to death. He says one of them turned to him to say that they knew that. He says, as all of the other accused say, that the heads of the prisoners being shot were tied together. They were tied together in groups of two and three before he finished asking his statements about the sentence the Gestapo people started to fire. The persons being shot had been arranged around the bomb crater, facing into it, and were kneeling and just before the shooting started they were praying. He also admits shooting at some of the persons after they had fallen into the bomb crater and says that at this time he was clearly able to distinguish between persons in a uniform and those not in uniform. He could also see whether or not the persons had been shot by looking to see if they had blood on the back of their necks. He estimates that in all some 80 or 100 shots were fired. So far as he knows every person present at the execution fired and he thinks he would have noticed if any of them hesitated or failed to fire. He says Maggiers was in charge of the execution and gave the order to fire. (In this respect Maggiers says that he did not give an order to fire but that after Karden told about the sentence there was a short pause and the Gestapo took this as a signal to fire and commenced to fire). Karden participated in three more executions at Hagen at or about that time and mentions other of the accused who did likewise. This witness says he noticed at the execution that one of the persons executed was in civilian clothes and he was told he was a Jew. He does not know who told him this but it is his understanding and belief that the person who told him was not surprised at this and he assumed he knew this before the execution. This accused says he was instructed to participate in the execution by both Holborn and Wiggers and it is his recollection that Maggiers told him there were nine Hungarians to be shot. He knew they had been sentenced to death. He was surprised when 11 people arrived at the crater where he had gone in advance with the shovels. He says he said nothing about it and made no inquiries although he noticed that there were 11.

GROTHE

This accused admits having been present at the execution. He says he, with the other accused persons, went to the school building used by the Wehrmacht which was previously mentioned. He says that outside of the school building the Gestapo not the ten Hungarians who were in uniform. The Gestapo took them up to a room in the school building and in this room he saw one civilian person wearing a long blue pullover sweater with a rolled neck and wearing trousers, shoes and socks. He says the colour of the trousers worn by this person was the same as the colour of the trousers worn by one of the persons in the room when he was examined and pointed to an aerial wearing M.C. blue battledress. He says this civilian person was left standing apart from the other ten Hungarians.
He says all of these 11 persons were tied together by the wrists in groups of two and three. Wiggers was in charge of the execution. He says that Wiggers made the announcement about them being sentenced to death then gave the order to fire. He says he himself did not fire but that at the time that Wiggers was making the announcement about the sentence he moved off from the group to the woods to urinate. After this he moved back into the line-up and took his revolver out, although a lot of shooting had already taken place. He now found that he had a stoppage in his revolver. He did not observe any others who failed to shoot except Wiggers. He said Wiggers also had a stoppage in his revolver. He heard no unpleasant conversation or argument between Wiggers and Holborn at the meeting in the Gestapo office after the execution. He says that Fischer stood on the extreme left of the Gestapo personnel and that others present dressed in civilian clothes stood on the extreme left of the prisoners. He says that all of the other persons who were there wore wearing German uniforms except this one to whom he refers as a civilian. He says further that in the school-room when he noticed this civilian he, the Gestapo personnel, tried to find out what he was doing there but they could not succeed. One of the Gestapo officials asked this civilian where he was from and he just shook his head. He could not understand. He says he made no attempt to find out who this person was because Wiggers was aware that he had been turned over by the Wehrmacht and belonged to the group to be shot. He says that Wiggers gave orders that he should be tied up with the others. That satisfied him because the responsibility rested with Wiggers. This accused says his instructions from Holborn were to the effect that there were ten Jugoslavians to be shot. He says he first learned that this person whom he referred to as a civilian was a Canadian only after he had been in custody several months. He later says he recalls Wiggers said in the room in the school, referring to the civilian, "He goes along too".

**VON OHLER**

This accused admits having been present at the execution but says that he did not fire because he had a stoppage in his revolver. He says that another Gestapo official named Wiele, took the stoppage out later the night of the execution (Wiele, who has been examined, denies this and in fact denies that he ever examined a revolver for this accused). He says that all of the other persons present at the execution fired their revolvers. This accused says he was given his instructions to go to the execution by Kurt Schmidt and he did not know what people were to be executed. He says that all of the persons being shot except one, were wearing German uniform and that the other one was wearing civilian clothes. He recalls that this person to whom he refers as a civilian wore a blue pullover sweater. He says he did not know how many people were to be shot and admits that he did not care; he says he went to shoot them because he was told to do so. He got a direct order to do it. He says that after the first shots had been fired he tried to leave the bomb crater and walk out towards the road adjoining it but that several of the Gestapo persons called him back and made him shovel the earth over the bodies. He says that he told none of the other persons present at the execution that he had refrained from shooting and he believes they would be surprised to hear him now say that he did not shoot that night.
This accused was not present at the execution. He denies any knowledge of the execution or its occurrence. At first he denied any knowledge of the Canadian prisoner of war but when confronted with a letter bearing his signature addressed to the Hagen civil jail requesting admission of the prisoner, he readily acknowledged writing the letter and said he had forgotten. He denies any knowledge of the prisoner having been turned over to the Wehrmacht, particularly any suggestion that he discussed it with Gestapo officials or that Zensen mentioned it to him. He denies that it was one of his duties to insure the safe custody and evacuation of prisoners of war. He admits he was the legal officer at Hagen for the Wehrmacht but indicates that his job is more along the line of legal advice to take disciplinary action against persons who were absent without leave. He insists that his contact with the Wehrmacht office at which Captain Zensen was located was casual and unofficial. He denies any knowledge of the proceedings respecting the ten Hungarians although it will be noted in this respect that Fritz Stierer, Zensen's N.C.O., gives evidence that he recalls telling the proceedings to Zinsel respecting the ten Hungarians. This N.C.O. also confirms Zensen's evidence that it was one of Zinsel's main duties to look after prisoners of war and to arrange their evacuation. This accused denies that he was the legal officer for the Wehrmacht Headquarters at which Captain Zensen was located.

WITNESSES OTHER THAN ACCUSED PERSONS

This witness is a Gestapo official from Hagen. He was not present at the execution. He admits participating in other executions at or about the same time. He says that it was the duty of the person in charge of executions by the Gestapo to give the order to fire and to insure that all of the persons attending the executions participated in the shooting and that if they did not do so they were put before the SS and the police court and were sentenced to a term in a concentration camp. He says that it was a matter of indifference to the heads of the Gestapo why persons were executed, particularly towards the end of the war, when people who were shot without any particular reason, were just indicted in the records as "executed - special treatment". He says that many persons were executed for no particular reason other than perhaps the Officer Commanding decided that they should be executed. He says that it was the practice for the history of the case to be handled by specialists submitted to the Gestapo officer in charge of the Headquarters for decision, on that he then decided either "special treatment" or concentration camp or acquittal. He says that Habern, the Gestapo officer in charge of the Headquarters, reached this decision to execute many people without affording them a trial.
ZINSEL

This accused was not present at the execution. He denies any knowledge of the execution prior to its occurrence. At first he denied any knowledge of the Canadian prisoner of war but when confronted with a letter bearing his signature addressed to the Hagen civil jail requesting admission of the prisoner, he readily acknowledged writing the letter and said he had forgotten. He denies any knowledge of the prisoner having been turned over to the Wehrmacht, particularly any suggestion that he discussed it with Gestapo officials or that Zensen mentioned it to him. He denies that it was one of his duties to insure the safe custody and evacuation of prisoners of war. He admits he was the legal officer at Hagen for the Wehrmacht but indicates that his job is more along the line of legal advice than to take disciplinary action against persons who were absent without leave. He insists that his contact with the Wehrmacht office at which Captain Zensen was located was casual and unofficial. He denies any knowledge of the proceedings respecting the ten Hungarians although it will be noted in this respect that Fritz Berman, Zensen's N.C.O., gives evidence that he recalls mailing the proceedings to Zinapel respecting the ten Hungarians. This N.C.O. also confirms Zensen's evidence that it was one of Zinapel's main duties to look after prisoners of war and to arrange their evacuation. This accused denies that he was the legal officer for the Wehrmacht Headquarters at which Captain Zensen was located.

WITNESSES OTHER THAN ACCUSED PERSONS

TEPAS

This witness is a Gestapo official from Hagen. He was not present at the execution. He admits participating in other executions at or about the same time. He says that it was the duty of the person in charge of executions to give the order to fire and to insure that all of the persons attending the executions participated in the shooting and that if they did not do so they were put before the SS and police court and were sentenced to a term in a concentration camp. He says that it was a matter of indifference to the head of the Gestapo why persons were executed, particularly towards the end of the war, when people were shot without any particular reason, were just indicated in the records as "executed - special treatment". He says that many persons were executed for no particular reason other than perhaps the officer commanding decided that they should be executed. He says that it was the practice for the history of the case to be handled by specialists and submitted to the Gestapo officer in charge of the Headquarters for decision, and that he then decided either "special treatment" or concentration camp or acquittal. He says that Delbou, the Gestapo officer in charge of the Headquarters, reversed this decision to execute many people without affording them a trial.
He said this practice followed by Holborn was well known to all of the Gestapo members at Han. He says that prior to the month of February, 1946, these matters were normally referred to the next higher Gestapo formation but that commencing about February, 1946, these decisions were made by Holborn himself, and that this was well known to all of the Gestapo officials at Han. He says that the Gestapo personnel carried out Holborn's orders because they feared being sent to a concentration camp. He describes the manner of carrying out the executions that he attended and says that Gestapo executions were usually carried out in this manner. He says that the usual practice was to arrange immediately before the shooting which prisoners would be shot by various Gestapo personnel—in other words, when the Gestapo lined up behind the prisoners, it was agreed how many and which of the prisoners each Gestapo would shoot. This witness says that he knows that the accused, Fischer and Lorter, were at the execution in question because one night at the Gestapo Headquarters when the Gestapo personnel were talking shop, that Fischer said "the ten Hungarians had been executed". This witness then asked Fischer if anything else of interest had occurred and Fischer said "yes, there was one Canadian and I shot him". He says Lorter was standing beside Fischer and Lorter then said "I gave him the coup de grace". He said he believed then at the time of his examination what Fischer and Lorter had said. He says in his opinion those who took part in the executions must have known that a Canadian was included among those to be shot because there would have been general talk about it around the headquarters. This witness further says that Fischer, when speaking of the Canadian pilot who had been executed, he was one of those who had destroyed his home and that he seemed pleased about having the opportunity or privilege of having shot this Canadian. This witness says he would be surprised to find any Gestapo officials wanting to participate in a shooting even though they knew all of the circumstances and that the persons should not be shot because none of them would refuse to obey an order. He says he understood that in his opinion, all of the other Gestapo officials at Hanen understood that prisoners of war should not be executed without first having had a formal and proper trial.

ROBERT KLEIN
This witness will give evidence that F/Sgt Scott was admitted to Hanen civil prison on 17th November, 1946.

ADOLPH SPIELHAGEN
Former administrative inspector of Hanen civil prison will say Scott was turned over to the Wehrmacht by the civil prison on 2nd April, 1946. That from 17th March, 1946, when he was admitted, until 21st April, 1946, when he was turned over to the Wehrmacht, Scott was continuously confined in the said Hanen civil prison. That the warden of the Hanen civil prison, Backeier, who turned Scott over to the Wehrmacht told him that Hauptmann Lenzsen, was very annoyed and threatened to have a side fight against him (Spielhagen). He also had correspondence with Major Zimpel concerning Scott, and it was on Zimpel's written request that Scott was admitted to the prison.
ANTON BUCHHELDER

Former Wachtmeister of Hagen civil prison will give evidence that Scott was admitted to the civil prison during the month of March, 1946. That he was told to escort Scott to the Wehrmacht Headquarters and on 2nd April, 1946, did so. On reaching the Wehrmacht offices he was received by Hauptmann Zensen, who voiced annoyance at having the airman brought to him, and made threatening remarks and gestures concerning Spielhagen. Buchhelder left Scott with the Wehrmacht and reported back to Spielhagen. On the 10th May, 1946, he identified the dead body of Scott.

KARL BREITZER and EDUARD ROLTLEY

Will both give evidence that during May, 1946, they prepared the body of a Canadian airman for a post-mortem examination; and will describe the clothing covering this body and other things which enable this body to be identified as that of Scott.

DR. JOSEF ENGELBERT SCHEULEN

District medical officer for Hagen will give evidence that on or about the 14th May, 1946, he performed a post-mortem examination on the body of a Canadian airman, who he understood to be 7/Sgt Scott. He will say that in his opinion the cause of death was a bullet fired into the back of the head of Scott and that this bullet was fired by a person other than Scott.

GEORG KIRCH

Chief of Criminal Police, Hagen, will give evidence that on 16th May, 1946, he was present at a bomb crater on the outskirts of Hagen, from which eleven bodies were removed. He will describe the clothing covering the said bodies, by which it will be possible to show 7/Sgt Scott's body was one of the eleven as war up. Later he saw Mr. Scheulen performing a post-mortem examination on the body of Scott.

FRITZ DOLNER

Formerly Feldwebel of the Wehrmacht stationed in Hagen, Germany, will give evidence that on the 3rd April, 1946, a Canadian airman was brought to Wehrmacht Hospital, by two prison officials, that the said Canadian was taken to the Wehrmacht Depot Centre, about 200 yards distant, on Zensen's orders, and stayed there the night of 2-3rd April, 1946. That on the 3rd April, 1946, on the instructions of Zensen he escorted ten Hungarian Wehrmacht members from the police prison, Hagen, and put them in the same room as the Canadian airman. He will also say that it was the duty of Major Zimpel to arrange the evacuation of prisoners of war from the Hagen area. This witness says that when he took the Hungarians to the Wehrmacht school previously mentioned, it was quite light and that it remained light for at least an hour after he delivered the Hungarians to the school building. He saw the Canadian pilot in the room in the school building when he took the Hungarians there. He was clearly visible to him. There were also lights in the building - that it would have enabled anyone to see clearly.
ANTOHN Euchelder

Former Aufseher of Hagen civil prison will give evidence that Scott was admitted to the civil prison during the month of March, 1946. That he was told to escort Scott to the Wehrmacht Headquarters and on 2nd April, 1946, did so. On reaching the Wehrmacht offices he was received by Hauptmann Jensen, who voiced annoyance at having the airman brought to him, and made threatening remarks and gestures concerning Spielhagen. Euchelder left Scott with the Wehrmacht and reported back to Spielhagen. On the 18th May, 1946, he identified the head body of Scott.

Karl Bertram and Eduard Holtey

Will both give evidence that during May, 1946, they prepared the body of a Canadian airman for a post-mortem examination; and will describe the clothing covering this body and other things which enable this body to be identified as that of Scott.

Dr. Josef Emmerich Scheulen

District medical officer for Hagen will give evidence that on or about the 14th May, 1946, he performed a post-mortem examination on the body of a Canadian airman, who he understood to be P/O Scott. He will say that in his opinion the cause of death was a bullet fired into the back of the head of Scott and that this bullet was fired by a person other than Scott.

Georg Rahm

Chief of Criminal Police, Hagen, will give evidence that on 12th May, 1946, he was present at a bomb crater on the outskirts of Hagen, from which eleven bodies were removed. He will describe the clothing covering the said bodies, by which it will be possible to show P/O Scott's body was one of the eleven as laid up. Later he saw Dr. Scheulen performing a post-mortem examination on the body of Scott.

Fritz Dolnner

Formerly Feldwebel of the Wehrmacht stationed in Hagen, Germany, will give evidence that on the 2nd April, 1946, a Canadian airman was brought to Wehrmacht Hagen, by two prison officials, that the said Canadian was taken to the Wehrmacht report centre, about 300 yards distant, on Jensen's orders, and stayed there the night of 2-3rd April, 1946. That on the 3rd April, 1946, on the instructions of Jensen he escorted ten Hungarian Wehrmacht members from the police prison, Hagen, and put them in the same room as the Canadian airman. He will also say that it was the duty of Major Dingel to arrange the evacuation of prisoners of war from the Hagen area. This witness says that when he took the Hungarians to the Wehrmacht school previously mentioned, it was quite light and that it remained light for at least an hour after he delivered the Hungarians to the school building. He saw the Canadian pilot in the room in the school building when he took the Hungarians there. He was clearly visible to him. There were also lights in the building - that it would have enabled anyone to see clearly.
In his opinion, considering the time of the year and the light in the room as he clearly remembers it, there would be no possibility that a person going into the room within an hour after his delivery of the Hungarians there, being unable to clearly see everything and everyone in the room, his evidence completely discredit the evidence of Wiggers to the effect that he could not clearly see who was in the room.

Frank Dines and Eugene Morlinhaus

Both presently employed with SO Field Security Section, E.u.o., will both give evidence that Dines interrogated Zenson on 31st December, 1945, that after the interrogation was completed, a general conversation took place between Dines and Zenson, in the presence of Morlinhaus, in which Zenson, when asked what his idea was in handing over F/O Scott to the Gestapo, said that he frankly thought the Canadian airman would be shot along with the Hungarians.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)
It is considered that Holborn, Holzner, Zensen and Fischer are primarily responsible for the death of the airman. Holborn, as chief of the Gestapo at Düsseldorf, is considered the evidence to have known that the Canadian airman having the been sentenced to death. In any event, before direct 1, the execution, it is considered that he had a duty upon him to ascertain in some reliable way that the airman had been properly sentenced. It is not considered that a court will accept the defence raised by him, namely, that he acted on the advice of the Wehrmacht captain, Zensen, in good faith. It is considered that his conduct is open only to the interpretation that Zensen told him the airman had not been sentenced or that he (Holborn) did not care and ordered his execution, as the witness, Tegla, says he had done in the case of many others, without a proper trial. It is considered the most likely interpretation of the evidence by a court will be to the effect that both Zensen and Holborn agreed to the execution of the airman, both knowing full well that there was no legal basis for his execution.

On Zensen's own admission to the effect that he thought the airman would be shot when he handed him over to the Gestapo, it is considered that this alone is sufficient to make him responsible under the circumstances, bearing in mind that he was performing the function of the officer commanding the Wehrmacht garrison at Hagen. Again, it is considered that the most likely interpretation by a court of the evidence of Zensen and Holborn, will be to the effect that they both took each other into confidence, and agreed to the execution of the airman, notwithstanding the fact that there was no legal basis for this.

It is considered that the answer made by Wiggers is so obviously untrue that a court will be unwilling to accept his suggestion that he did not distinguish the Canadian from the Hungarian in the schoolyard and that in fact he must have seen clearly that this person was in a different uniform and that he was fully in Holborn's confidence about the matter. His evidence that of Fischer respecting the meeting which took place in the Gestapo headquarters after the execution has obviously been arranged between them. Fischer tries to say the same thing as Wiggers, but the discrepancy is obvious. In return for Fischer's co-operation in this respect, Wiggers volunteers the evidence that he did not believe Fischer shot the Canadian - he merely said to get another drink. Wiggers having been in charge of the execution, it was clearly his duty to know the identity of the persons being executed, and the proper authority. He was also Holborn's deputy, and it seems more than remotely unlikely that he did not know all of the facts. Added to this, is the evidence of Holborn that witnesses knew well that a Canadian was to be executed. There is no question of the part he played in the execution, and the defence suggested by him is considered so weak and as obviously untrue that a court can not reasonably accept it.
Fischer admits having shot the Canadian in the back at the time he killed it. In the room contemporated him. It was considered such a despicable thing to say in Allison's presence, presumably one other person would have claimed to have shot the Canadian if, in fact, Fischer had not done so. Tepas, who was also a Gestapo official, says he heard Fischer say this unhesitatingly. He says that Fischer was bitter in his feelings about Allied pilots because his house had been damaged by bombs. It is not clear from the evidence of Tepas whether he heard Fischer say this at the meeting at the Gestapo headquarters on the night of the execution, or at a later date, but from his evidence, the most reasonable time is the night of the execution, as described by the other witnesses. Tepas says further that Fischer acted pleased at the privilege and opportunity of shooting the Canadian and made reference to the fact that he was one of those who had bided his house or colleagues. Fischer is the only one who gives evidence to the effect that he did not shoot, and the fact that all of the other persons present at the execution say they think they would have noticed anyone who did not shoot, and they did not observe that Fischer did not shoot, seems to clearly discredit this suggestion by Fischer.

The other persons present at the execution will all allege that they attended the execution under orders. It is considered that the court can not accept the evidence of all these people that they did not shoot at any of the prisoners, and in view of the manner of execution and particularly the unique mode of execution as witnessed by the Gestapo at Dagen, that these persons acted in accordance with a plan and design dictated by the Gestapo to execute such persons as they may designate, even though there was no legal cause for it. The manner of execution and burial was most certainly in itself to indicate to them that this was not a proper execution, but a mass murder. The fact that these persons, acting under orders of the Gestapo or a civilian organization can not be accepted, it is submitted, on their behalf, while there is no evidence that they in fact shot the Canadian, they participated and contributed to the mass execution in which he was murdered. It is considered that evidence cannot be produced to rebut the claim of all of the alleged persons that the Poles, Russians, or Ukrainians, whatever they may have been, had been properly sentenced to death by a court of competent authority.

The evidence against Zimpel is considered somewhat weak. His defense will undoubtedly be to the effect that he knew nothing about the execution and had no part in it. The evidence of the witnesses is clear, however, that the execution of prisoners at Dagen, was one of his main duties. It is equally clear that the victim was confined to the civil jail on his written authority and that he knew of the total and sentence of the executions, although he denied this. The strongest evidence against him is that of reason to the effect that he referred the matter to Zimpel to determine whether the Canadian should be hanged over to the Gestapo.
As to whether or not the offence was carried out in obedience to orders or in accordance with the system approved by authority or a legal provision, it is considered that this is so as regards all of the accused except Holborn, Wiggers, Zensen and Engel. In the case of Fischer, however, who actually shot the Canadian, it is not considered that this is sufficient mitigation to warrant less than a capital punishment in the event of conviction. The Gestapo being a civilian police organization, it is not considered they possessed any authority whatever to execute prisoners of war on the oral advice of an army captain.
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United Nations War Crimes Commission

Two Charges against One War Criminals

Case No. 37/CW0/9

Name of accused, his rank and unit, or official position.

(Not to be translated.)

Joachim Mitz, formerly

Officer of Detachment 212, Searchlight Battery 14.
In custody.

Date and place of commission of alleged crime.

Wilhelmshaven, Germany
16 October 1944.

Number and description of crime in war crimes list.

Short Statement of Facts.

On 15 Oct 44 P/O R.A. Roman, RCAF, was shot down over Wilhelmshaven. He parachuted safely and made his way to a nearby lighthouse and surrendered himself as a prisoner of war to a lighthouse keeper. Next morning (16 Oct 44) the lighthouse keeper went ashore, reported Roman's presence to the nearest military unit, and returned to the lighthouse with Mitz. Mitz took charge of Roman, escorted him towards the shore, and on reaching the shore, shot him twice through the body.
The accused, JOHANN KEITZ, will be charged with wounding ROUDOLPH AMY ROMAN, Royal Canadian Air Force, with intent to kill, by firing two shots from his pistol into ROMAN's person.

There will also be an alternative charge of wounding by firing two shots from a pistol into ROMAN's person.
PARTICULARS OF ALLEGED CRIME

The accused, JOHANN HEITZ, will be charged with wounding PO RUDOLPH ANTHONY ROMAN, Royal Canadian Air Force, with intent to kill, by firing two shots from his pistol into ROMAN's person.

There will also be an alternative charge of wounding by firing two shots from a pistol into ROMAN's person.
Particulars of Evidence in Suit

TO R.A. ROMAN, the victim, will give evidence that he was shot down over Wilhelmshaven, 15 Oct 1944, that he baled out and landed safely, and made his way to a lighthouse near the shore, where he surrendered himself as a prisoner of war. He was unarmed at this time. He stayed in the lighthouse that night. Next morning, PAUL BORMERT, one of the lighthouse keepers, went ashore to report his presence to the nearest military unit and returned accompanied by NEITZ. NEITZ assumed control over him, searched him in the lighthouse, and then escorted him towards the shore. NEITZ was at all times covering him with a pistol while they walked towards the shore. After they had reached the shore, and a short distance from it, NEITZ took direct aim with his pistol and shot ROMAN twice clear through the body above the waist, once on the left side and once on the right side. From the conduct and action of NEITZ as observed by ROMAN, ROMAN will say NEITZ was undoubtedly attempting to kill him. ROMAN made no attempt to escape.

PAUL BORMERT, lighthouse keeper, will give evidence that during the evening of 15 Oct 44 ROMAN came to his lighthouse and surrendered himself as a prisoner of war. He searched ROMAN and satisfied himself that ROMAN was unarmed. Together with HERO ULFERTS, the other lighthouse keeper, they prepared a bed for ROMAN. ROMAN slept the night in the lighthouse. Next morning BORMERT went ashore and reported ROMAN’s presence to the nearest military unit, and returned to the lighthouse, accompanied by NEITZ. While walking towards the lighthouse NEITZ made known to BORMERT his intention to kill the person in the lighthouse (ROMAN) by shooting him at a bomb crater near the shore. On reaching the lighthouse NEITZ assumed control over ROMAN and searched him. NEITZ escorted ROMAN from the lighthouse towards the shore. BORMERT did not see NEITZ shoot ROMAN, but heard afterwards in the village of VOSLAPF that he had done so.

HERO ULFERTS, lighthouse keeper, will give evidence that ROMAN came to the lighthouse on the evening of 15 Oct 44 surrendered himself as a prisoner of war. ROMAN stayed the night in the lighthouse. Next morning BORMERT went ashore to report the incident and returned with NEITZ. NEITZ assumed control over ROMAN, escorted him towards the shore. ULFERTS did not see NEITZ shoot ROMAN, but heard afterwards that he had done so.

WILLI SAUERESSIG, aged 15, will give evidence that he was a 2nd class when he noticed NEITZ and a Canadian airman coming towards the shore, about midway between the dyke and the lighthouse. When they reached the shore, NEITZ yelled “Hands up” and then shot the Canadian airman. The Canadian airman at no time made any attempt to escape.

(over)
JOHANN LEITE, the accused, has been interrogated and has admitted the shooting and says he shot twice: the first time he says he did not intend to hit ROMAN and denies he did so; the second shot he says he intentionally aimed at a point in ROMAN's body about 3 inches above the waist and about halfway between the centre and right outside of the body. He says he fired at ROMAN because he failed to continue walking towards the dyke when told to do so.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

The accused is solely responsible for this crime. He acted on his own initiative in shooting FO ROMAN, and was not under orders of any kind to do so. The interrogation of the accused indicates that he has no defence; Roman at no time tried to escape or attack accused. The evidence conclusively points to the fact he intended to kill Roman, as evidenced by his conversation with BORBERT in which he indicated this, and by the deliberate and direct nature of the shooting itself.

This case is complete and ready for trial. HITZ is presently in custody at LSTIA, G.I.C. It is proposed to try this case approximately March 10th 46 at Aurich, the Court being convened by the ACC in C - RCAF, Overseas.
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(Mose)
**UNITED NATIONS WAR CRIMES COMMISSION**

<table>
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**Name of accused, his rank and unit, or official position.**

(Not to be translated.)

Heinrich Mose

**Date and place of commission of alleged crime.**

15 October 1944, DORDECHT Station, Holland.

**Number and description of crime in war crimes list.**

Mistreatment of prisoners of war contrary to the laws and usages of war.

**SHORT STATEMENT OF FACTS.**

J.26137 F/L W3T SMILEY, RCAP, was brutally beaten by a number of German guards, including the above named accused, following his unsuccessful attempt to escape at DORDECHT Station, Holland, on 15 Oct 44.

**TRANSMITTED BY**

CANADIAN NATIONAL OFFICE

*Insert serial number under which the case is registered in the files of the National Office of the accusing State.*

(W5884) 6.000 5.40 A.B. E-W.449, 89.448
(W57327) 6.000 11.40 10.40
J.26137 F/L WBT SMILEY, RCAP, was shot down over Holland on 13 October 1944 and was immediately placed with a group of Allied prisoners of war awaiting movement to Germany. Whilst at DORDSHOFF Station on 13 Oct 44 SMILEY attempted to escape alone by hiding in the station while the others were led away. The attempt was discovered and SMILEY was led out to the railway cars to which the other prisoners had marched. On the way he was kicked and hit with the rifles of the guards. When the railway cars were reached the Feldwebel in charge of the guard smashed SMILEY several times in the face knocking him down. As he fell a piece of lead pipe fell out of his pocket which occasioned a detailed search during which food, tobacco, penknife, and compass were found on SMILEY, some of which he had taken from the pockets of the Feldwebel. The German NCO and three guards then administered a severe beating to SMILEY. Alfred MUELLER and Walter MUELLER meanwhile standing by with Luger pistols aimed at the Canadian. The name of this NCO is not known, but one of the other guards who participated was Heinrich MOSE.

SMILEY was taken to the box car used by the guards where he was tied by the wrists to the bars of the windows. Later he was cut down but for a period of between ten and fifteen days his wrists and ankles were bound with wire. Injuries suffered by SMILEY were a broken nose, a badly kicked knee cap and body bruises.
J.26137 F/L WBT SMILEY, RCAF, was shot down over Holland on 13 October 1944 and was immediately placed with a group of Allied prisoners of war awaiting movement to Germany. Whilst at DORDrecht Station on 15 Oct 44 SMILEY attempted to escape alone by hiding in the station while the others were led away. The attempt was discovered and SMILEY was led out to the railway cars to which the other prisoners had marched. On the way he was kicked and hit with the rifles of the guards. When the railway cars were reached the Feldwebel in charge of the guard smashed SMILEY several times in the face knocking him down. As he fell a piece of lead pipe fell out of his pocket which occasioned a detailed search during which food, tobacco, penknife, and compass were found on SMILEY, some of which he had taken from the pockets of the Feldwebel. The German NCO and three guards then administered a severe beating to SMILEY. Alfred MUELLER and Walter MUELLER meanwhile standing by with Luger pistols aimed at the Canadian. The name of this NCO is not known, but one of the other guards who participated was Heinrich MOSLE.

SMILEY was taken to the box car used by the guards where he was tied by the wrists to the bars of the windows. Later he was cut down but for a period of between ten and fifteen days his wrists and ankles were bound with wire. Injuries suffered by SMILEY were a broken nose, a badly kicked knee cap and body bruises.
The principal evidence in support consists of that given by the victim himself, J.26137 Flight Lieutenant William S. T. SMILEY of the town of Perth, Ontario, Canada.

Ex-L.102606 Rfn Carl ARLITT, of the village of Loon Lake, Saskatchewan, Canada, was a witness to the beating of SMILEY and saw the latter on the following day. At that time his hands were tied. Twelve days later ARLITT saw SMILEY during detraining. SMILEY's hands were no longer tied but he was walking with a decided limp.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)
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CARDS CHECKED
UNITED NATIONS WAR CRIMES COMMISSION

CHARGES AGAINST GERMAN WAR CRIMINALS

CASE No. 67/26/11

Name of accused, his rank and unit, or official position.

(Not to be translated.)

1) Dr. Ferdinand LEP, senior medical officer of German military hospital at DIEST, Belgium.

(HOME ADDRESS: FRANCO II SOLO STREET)

Date and place of commission of alleged crime.

29 - 30 April 1944, St Joseph’s Hospital, DIEST, Belgium.

Number and description of crime in war crimes list.

Wilful neglect of wounded prisoner of war

References to relevant provisions of national law.

Geneva Convention

SHORT STATEMENT OF FACTS.

On 28 April 1944, Flying Officer C.T. BATT, R.C.A.F., crashed with his plane near AMBERKKE, Belgium, and was taken to a German military hospital at DIEST where he was denied all medical attention for three days after which time he died.

TRANSMITTED BY CANADIAN NATIONAL OFFICE.

(For the Use of the Secretariat)

Registered Number.

Date of receipt in Secretariat.

1477

516/CG/11

3 APR 1946

2756/CG/11

* Insert serial number under which the case is registered in the files of the National Office of the accusing State.
On 29 Apr 44 a Canadian bomber crashed in a field near YEBBECOL, Belgium. Of eight members of the crew, six were killed outright in the crash, the seventh escaped and the eighth, George John SMITH, was badly injured and taken to St. Joseph's Hospital, DUSK, a German military hospital under the command of Dr. Ferdinand KISR. Upon admission, SMITH was kept lying on the same stretcher for three days and nights. He was bleeding from the mouth, nose and ears and blood formed under him, which, in the unventilated room with windows closed, shades drawn and door locked, caused a nauseating smell. He was not given any food, nor drink, nor were his clothes taken off. His face was not washed nor was the pool of blood under him cleared away. SMITH died 30 Apr 44.

Dr. KISR was present at the hospital during the period SMITH spent at the hospital and is alleged to have ordered that the room in which SMITH had been placed be kept locked.

Also present at the hospital at all material times and sought through CROSSCLASS as witnesses are DOORNICK, a Dutch assistant to Dr. Kahr, Dr. Van Gey, a Belgian doctor and two German dentists, Drs. KUBLING and TITZMANN.
PARTICULARS OF EVIDENCE IN SUPPORT

ANTONIA IDE, Engelandstraat 18, D809, was an assistant cock at the hospital and managed to see the flyer once each day. According to this witness, on the orders of IDE, no medical attention was accorded the injured flyer.

JACEK NIES, 96 Straat 60, D453, who worked as a chimney sweeper in Engelandstraat, saw the flyer the first day he was brought in. He was lying on a stretcher and appeared to be unconscious.

Leon PROCHÁZKA, of PRAGOCZ, who was ordered to dig seven graves. Knowing only of six bodies, he asked Tomáš Hugo who replied there is a seventh flyer here in D407, he is not yet dead but he will be tomorrow morning and he will be buried in N advises with the others who are already dead.

Marie Henriette, 20 Rue Beide Altman 60, D407, who prepared the bodies of six deceased members of the crew for burial and who asked the town major the reason for the seventh coffin. D407 telephoned the hospital to find out from the doctor when the flyer would be dead.
NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g., was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

The probable defence is that persons suffering injuries such as those sustained by Mr. Wilson must be kept quiet and under no circumstances moved or otherwise interfered with. However, even if surgical interference might have not been considered advisable, there is ample evidence of gross negligence in the handling of the case.