

Landesarchiv Berlin  
B Rep. 057-01

Nr.: 4235



LEITZ

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KL III e/3

Buchenwald

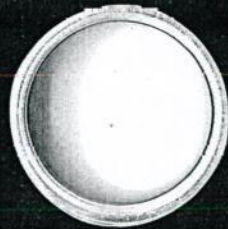
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Landesarchiv Berlin  
B Rep. 057-01

Nr.:

385

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1) Deckblatt

2) Inhaltsverz.

(2. Bl.)



# MILITARY GOVERNMENT COURT CASE RECORD.

Legal Form No. 8

Case No. 000-Buchehewald-50

Prosecutor Col Abraham H. Rosenfeld

\*Summary

Defence Counsel Mr William C. Miller

\*Intermediate Military Court.

Stan Feldman, Rudolph Nathanson,

\*General

Interpreter Arthur Bieler, William Velte,  
Ester Eames, Fred Fleischmann.

Place Dachau, Germany

Reporter Roger F. Clark,  
William J. Rust,  
Vera D. Carter.

Date 25 Nov - 3 Dec, incl 1947

Members of Court: WITNESSES:

Marian Zgoda	Hermann Helbig	Waldemar Hoven
Franz Mueller	Ernst Planck	Jans Janssen
Max Schoebert	Otto Barnewald	Philipp Grimm
Wolfgang Otto	Wiegand Hilberger	Horst Ernst Dittrich
Josef Bresser	Werner Alfred Berger	Herbert Moeckel
Helmut Bergt		

Accused WERNER ALFRED BERGER, ET AL

Address Sex Age

	First Charge	Second Charge
Pleas		
Findings		
Previous Convictions	<b>CLASSIFICATION CANCELLED</b> By authority of JAG ltr dtd 4 Aug 1950.	

Sentence	Imprisonment	Term	NO PAPERS SHALL BE PLACED IN THIS FILE UNTIL A COPY OF THIS CASE HAS BEEN DISPATCHED TO THE ATTORNEY GENERAL'S DIVISION 194
		Beginning	WASHINGTON, D. C.
	Fine	Amount	15 July 1948 m.m.k.
		To be paid before 194 or in case of default of payment to serve a *further term of imprisonment.	

Charge Sheet and Record of Testimony are annexed hereto.

(Signature of member of court.)

REVIEW

Action of Reviewing Authority

(Signature of reviewing authority)

\*Strike out words not applicable.



RECORD OF TESTIMONY

in trial of

THE UNITED STATES

versus

WERNER BERGER, ET AL

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY

25 Nov thru 3 Dec 1947, incl

Interrogation of accused as to name, age,  
residence, nationality, and status:

Page 4

Arreignment:

Page 13

Pleas:

Page 13

TESTIMONY

<u>Witnesses</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>	<u>Court</u>
Marian Zgoda	14	33			
Herman Helbig	41	58	67	70	
Waldemar Hoven	71	75			
Franz Mueller	83	87			
Ersnt Flanck	91	93			
Jans Janssen	112	114			
Max Schoebert	116	121	128	129	129
Otto Barnewald	129	131		136	135
Philipp Grimm	137	139			
Wolfgang Otto	139	143	152		
Wiegand Hilberger	156	160	169/256	169	169
Horst Ernst Dittrich	171	175	191/195	192	195
Josef Bresser	197	200			
Werner Alfred Berger	211	214	230/263	231/263	232
Herbert Moeckel	233	239	249		
Helmuth Bergt	250	252			

EXHIBITS

<u>Number</u>	<u>Description</u>	<u>Marked</u>	<u>Rec'd in Evidence</u>
P-1	Orders appointing Court		2
P-2	Charge Sheet		2
P-3	Letter of Reference for Trial		2
P-4	Letter of Assignment of Counsel		2
P-5	WOG Form 38 on Werner Berger		8
P-6	WOG Form 38 on Helmuth Bergt		8
P-7	WOG Form 38 on Josef Bresser		89
P-8	WOG Form 38 on Horst Dittrich		10
P-9	WOG Form 38 on Wiegand Hilberger		10
P-10	WOG Form 38 on <del>XXX</del> Herbert Moeckel		11
P-11	Courtroom Diagram of Commando 99	16	77 (photo and
P-12	Reproduction of Height Gauge at Commando 99	18	77 tituted



EXHIBITS  
( continued )

<u>Number</u>	<u>Description</u>	<u>Marked</u>	<u>Rec'd in Evidence</u>
P-13	Excerpt from testimony of Ludwig Gehr	77	78
P-14	Express letter from Chief of Security Police	80	80
P-14A	English translation of P-14	80	80
P-15	Interrogation of Horst Dittrich	94	94
P-15A	English translation of P-15	94	94
P-16	Interrogation of Werner Berger	95	95
P-16A	English translation of P-16	95	95
P-17	Statement of Wiegand Hilberger	96	96
P-17A	English translation of P-17	96	96
P-18	Statement of Herbert Guenter Moeckel	96	97
P-18A	English translation of P-18	96	97
P-19	Deposition of Hermann Pister (Eng)	98	98
P-20	Statement of Dr. Romand Haedelmayer	106	107
P-20A	English translation of P-20	106	107
P-21	Excerpt from statement of Hermann Pister	259	260
P-21A	English translation of P-21	259	260
D-1	Statement of Hermann Pister	154	155
D-1A	English translation of D-1	154	155

Findings: Page 266

Sentences: Page 270

\* \* \* \*



# ATTESTATION

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970

*Joseph B. Conboy*

JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



Übersetzung

## BEGLAUBIGUNG

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



KL III e13

Heft 2

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000-Bü-50

Fotos der

Angeklagten

(Vor- + Rückseiten  
des Pers. Bogens)

P5 Berger

P6 Bergt

P7 Bresser

P8 Dittrich

P9 Hilberger

P10 Moeckel

**UNITED STATES ARMY**  
**DEPUTY THEATER JUDGE ADVOCATE'S OFFICE**  
**7708 WAR CRIMES GROUP**  
**EUROPEAN COMMAND**

\* ACCUSED IDENTIFICATION SHEET

BERGER	WERNER	ALFRED	29-16189
<del>BERGER</del> (Last name)	(First name)	(Middle name)	(Serial number)
Organization <u>Waffen SS</u>			
Place of birth <u>Konstanz/Bodensee/Germany</u>		Date of birth <u>22 Feb 1901</u>	
Age <u>46</u>	Height <u>1,81m</u>	Weight <u>65 Kg</u>	Comp
Hair <u>brown</u>	Eyes <u>blue-grey</u>	Build	Sex <u>male</u>
Scars and marks <u>Scar lower lip.</u>			


**AFFIDAVIT**

I, Abraham H. ROSENFELD, Colonel., Chief Prosecutor, having been by me duly sworn, upon his oath, states as follows to wit:

That the photograph affixed on the reverse side hereof is a true and correct picture of BERGER, WERNER ALFRED (fill in name of accused), as he appeared on 12 Nov 47 (date); and that the fingerprints appearing on the reverse side hereof are his; \*\* and that the foregoing personal data is correctly recorded as given to me by him and as obtained from pertinent records).

  
Chief Prosecutor

Subscribed and sworn to before me, the undersigned authority, on this 17<sup>th</sup> day of Nov, 1947

  
(Signature of Officer administering oath)  
JAN FENIJN, Allied Civ.

Jan Fenijn, Allied Civ. CWS 7, Examiner.  
(Name, Grade, Branch, ASN, and Official Capacity)  
IDENTIFICATION SECTION.

\* All spaces provided on this Form for written information will be filled in by typing or printing plainly.

\*\* Delete portion between asterisks and insert appropriate language, if personal data obtained from identification tags.



273

**PHOTOGRAPH**



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**PRINT IMPRES**

**RIGHT HAND**

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

**LEFT HAND**

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

Four fingers taken simultaneously

Four fingers taken simultaneously

**LEFT HAND**

Left thumb

Right thumb

**RIGHT HAND**

Note Amputations



DEPUTY THEATER JUDGE ADVOCATE'S OFFICE  
7708 WAR CRIMES GROUP  
EUROPEAN COMMAND

## BERGT

(Last name)

HELMUTH

(First name)

FRIEDRICH

ARNO

(Middle name)

29-7442

(Serial number)

Organization ..... Waffen SS

Place of birth Rochlitz/Saxony/Germany

Date of birth . . . . . 6 October 1911

Age ..... 36

Height 1,75m

**Weight** ..... 70 Kg

**Comp**

Mr. blond

Eyes blue

## Build

Sex male

### Scars and marks

I, Abraham H. ROSENFELD, Colonel

, Chief Prosecutor, having been by me duly sworn,

upon his oath, states as follows to wit:

That the photograph affixed on the reverse side hereof is a true and correct picture of **BERGT, Helmut Friedrich**

(fill in name of accused), as he appeared on

(date); and that the fingerprints appearing on the reverse side hereof are his; \*\* and that the foregoing personal data is correctly recorded as given to me by him and as obtained from pertinent records).

Chief Prosecutor

Subscribed and sworn to before me, the undersigned authority, on this

of

194

**day**

(Signature of Officer administering oath)

JAN FENIJN, Allied Civ.

Jan Fenijn, Allied Civ. CWS 7, Examiner.

(Name, Grade, Branch, ASN, and Official Capacity)

Identification Section.

- \* All spaces provided on this Form for written information will be filled in by typing or printing plainly.

HOTOGRAPH



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PRINT IMPRE

**RIGHT HAND**

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

**LEFT HAND**

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

Four fingers taken simultaneously

Four fingers taken simultaneously

**LEFT HAND**

Left thumb      Right thumb

**RIGHT HAND**

Note Amputations



DEPUTY THEATER JUDGE ADVOCATE'S OFFICE  
7708 WAR CRIMES GROUP  
EUROPEAN COMMAND

BRESSER,		Josef	Balthasar	29- 1831
(Last name)		(First name)	(Middle name)	(Serial number)
Organization	Waffen SS			
Place of birth	Cologne/Rhineland/Germany		Date of birth	3 December 1901
Age	46	Height	1,83m	Weight 70 Kg
				Comp
Hair	turning-grey	Eyes	blue-grey	Build
				Sex
Scars and marks	male			

## WCG Form No 38 (21 March 1947)

HOTOGRAPH



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PRINT IMPRES

**RIGHT HAND**

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

**LEFT HAND**

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

Four fingers taken simultaneously

Four fingers taken simultaneously

**LEFT HAND**

Left thumb Right thumb

**RIGHT HAND**

Note Amputations



**UNITED STATES ARMY**  
**DEPUTY THEATER JUDGE ADVOCATE'S OFFICE**  
**7708 WAR CRIMES GROUP**  
**EUROPEAN COMMAND**

\* ACCUSED IDENTIFICATION SHEET

DITTRICH (Last name)	HORST (First name)	ERNST (Middle name)	ADOLF (Middle name)	29-6902 (Serial number)
Organization <u>Waffen SS</u>				
Place of birth <u>Leipzig/Saxony/Germany</u>		Date of birth <u>6 August 1911</u>		
Age <u>36</u>	Height <u>1,90m</u>	Weight <u>80 Kg</u>	Comp	
Hair <u>brown</u>	Eyes <u>brown</u>	Build	Sex <u>male</u>	
Scars and marks <u>Scar on right leg.</u>				

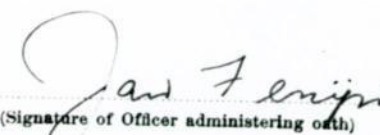
**AFFIDAVIT**

I, Abraham H. ROSENFE LD, Colonel, Chief Prosecutor, having been by me duly sworn,  
upon his oath, states as follows to wit:

That the photograph affixed on the reverse side hereof is a true and correct picture of DITTRICH, Horst Ernst  
(fill in name of accused), as he appeared on 12 Nov 47  
(date); and that the fingerprints appearing on the reverse side hereof are his; \*\* and that the foregoing personal data is correctly recorded  
as given to me by him and as obtained from pertinent records).

  
Chief Prosecutor

Subscribed and sworn to before me, the undersigned authority, on this 17<sup>th</sup> day  
of Nov, 1947

  
(Signature of Officer administering oath)

JAN FENIJN, Allied Civ.

Jan Fenijn, Allied Civ. CWS 7, Examiner.

(Name, Grade, Branch, ASN, and Official Capacity)

IDENTIFICATION SECTION,

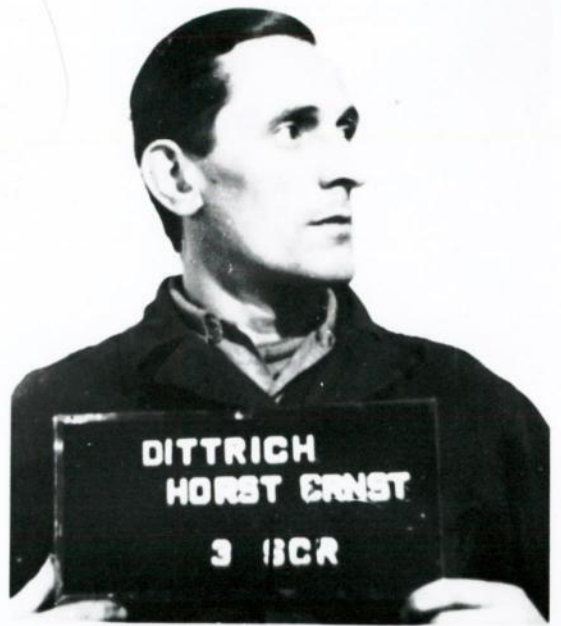
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HOTOGRAPH



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PRINT IMPRE

RIGHT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

LEFT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

Four fingers taken simultaneously

Four fingers taken simultaneously

LEFT HAND

Left thumb    Right thumb

RIGHT HAND

Note Amputations

AUGUST COMMUNITY PRINT SHOP



**UNITED STATES ARMY**  
**DEPUTY THEATER JUDGE ADVOCATE'S OFFICE**  
**7708 WAR CRIMES GROUP**  
**EUROPEAN COMMAND**

\* ACCUSED IDENTIFICATION SHEET

HILBERGER (Last name)      Wiegand (First name)      (Middle name)      29-7154 (Serial number)

Organization Waffen SS

Date of birth Wetter/Hessen/Germany      Date of birth 8 September 1908

Age 39      Height 1,72m      Weight 70 Kg      Comp.      Sex male

Hair brown      Eyes grey-brown      Build      Sex

Scars and marks None

**AFFIDAVIT**

I, Abraham H. ROSENFELD, Colonel, Chief Prosecutor, having been by me duly sworn, upon his oath, states as follows to wit:

That the photograph affixed on the reverse side hereof is a true and correct picture of HILBERGER, Wiegand (fill in name of accused), as he appeared on 12 Nov 47 (date); and that the fingerprints appearing on the reverse side hereof are his; \*\* and that the foregoing personal data is correctly recorded as given to me by him and as obtained from pertinent records).

  
Chief Prosecutor

Subscribed and sworn to before me, the undersigned authority, on this 17th day of Nov, 1947

(Signature of Officer administering oath)

JAN FENIJN, Allied Civ.

Jan Fenijn, Allied Civ. CWS7, Examiner.

(Name, Grade, Branch, ASN, and Official Capacity)

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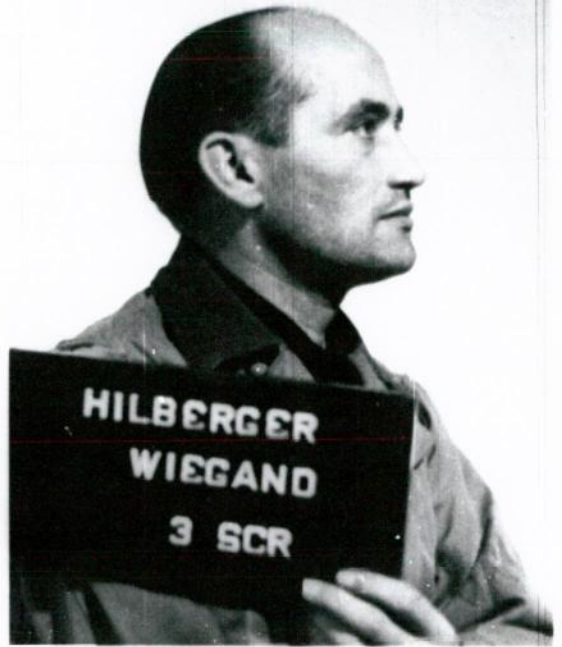
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PHOTOGRAPH



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RIGHT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

LEFT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

Four fingers taken simultaneously

Four fingers taken simultaneously

LEFT HAND

Left thumb Right thumb

RIGHT HAND

Note Amputations

87

2.5



**UNITED STATES ARMY**  
**DEPUTY THEATER JUDGE ADVOCATE'S OFFICE**  
**7708 WAR CRIMES GROUP**  
**EUROPEAN COMMAND**

\* ACCUSED IDENTIFICATION SHEET

MOECKEL, Herbert Guenther 29-16207  
(Last name) (First name) (Middle name) (Serial number)  
Organization Waffen SS  
Place of birth Plauen/Vogtland/Germany Date of birth 4 December 1914  
Age 33 Height 1.72m Weight 74 Kg Comp             
Hair blond Eyes blue Build            Sex male  
Scars and marks Scar on neck.

**AFFIDAVIT**

I, Abraham H. ROSENFELD, Colonel, Chief Prosecutor, having been by me duly sworn,  
upon his oath, states as follows to wit:

That the photograph affixed on the reverse side hereof is a true and correct picture of MOECKEL, Herbert Guenther  
(fill in name of accused), as he appeared on 12 Nov 47  
(date); and that the fingerprints appearing on the reverse side hereof are his; \*\* and that the foregoing personal data is correctly recorded  
as given to me by him and as obtained from pertinent records).

*Abraham H. Rosenfeld*  
Chief Prosecutor

Subscribed and sworn to before me, the undersigned authority, on this 17<sup>th</sup> day  
of Nov, 1947

*Jan Fenijn*  
(Signature of Officer administering oath)  
JAN FENIJN, Allied Civ.

Jan Fenijn, Allied Civ. CWS 7, Examiner.  
(Name, Grade, Branch, ASN, and Official Capacity)

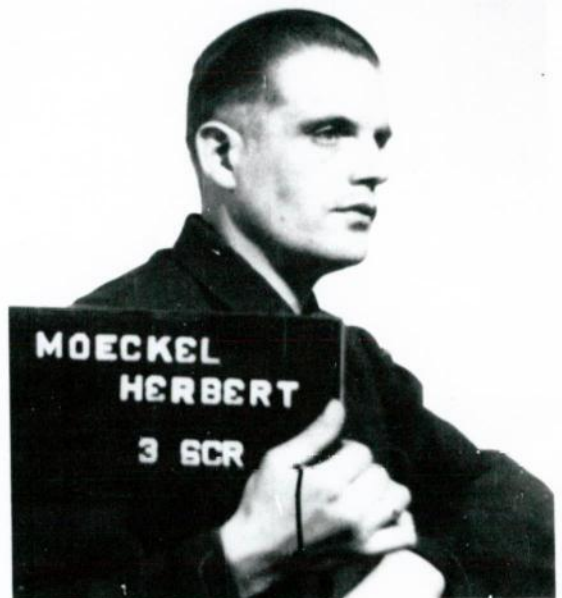
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PHOTOGRAPH



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PRINT IMPRES

RIGHT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

LEFT HAND

Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger

Four fingers taken simultaneously

Four fingers taken simultaneously

LEFT HAND

Left thumb

Right thumb

RIGHT HAND

Note Amputations



# A T T E S T A T I O N

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970



*Joseph B. Conboy*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

## B E G L A U B I G U N G

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



KL III e13 (Bu)

Heft 3

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000-Bu-50

Anklage



MILITARY GOVERNMENT COURT  
(Militaergericht)

CHARGE SHEET  
(Anklageschrift)

000 - Buchenwald-50

Dachau, Germany  
(Dachau, Deutschland) [REDACTED]  
4 November 1947  
(date)  
(4. November 1947)  
(Datum)

NAMES OF THE ACCUSED:  
(Namen der Angeklagten:)

Werner Alfred BERGER ✓  
Helmuth Friedrich BERGT ✓  
Josef BRESSER ✓  
Horst DITTRICH ✓  
Wiegand HILBERGER ✓  
Herbert Guenther MOECKEL ✓

are hereby charged with the following offences:  
(werden hiermit wegen folgender strafbarer Handlungen angeklagt:)

CHARGE I: Violation of the Laws and Usages of War.

Particulars: In that Werner Alfred BERGER, Helmuth Friedrich BERGT, Josef BRESSER, Horst DITTRICH, Wiegand HILBERGER and Herbert Guenther MOECKEL and divers other persons, German nationals or persons acting with German nationals, between the 1st of January 1940 and the 30th of June 1943, at or in the vicinity of Weimar, Germany, acting in pursuance of a common design to commit the acts hereinafter alleged, did wrongfully encourage, aid, abet and participate in a Buchenwald Concentration Camp operation, commonly known as "Kommando 99", which operation included the wrongful killing of approximately 800 unknown non-German nationals, who were then and there in the custody of the then German Reich.

ANKLAGE I: Verletzung der Gesetze und Gebrauche des Krieges.

Einzelheiten: Dadurch, dass Werner Alfred BERGER, Helmuth Friedrich BERGT, Josef BRESSER, Horst DITTRICH, Wiegand HILBERGER und Herbert Guenther MOECKEL und verschiedene andere Personen, deutsche Staatsangehoerige oder Personen, die mit deutschen Staatsangehoerigen zusammenwirkten, in der Zeit vom 1. Januar 1940 bis zum 30. Juni 1943 in oder in der Umgebung von Weimar, Deutschland, indem sie in Verfolg eines gemeinsamen Planes zur Begehung der nachstehend behaupteten Taten handelten, rechtswidrig zu einem Unternehmen des Konzentrationslagers buchenwald, das allgemein als "Kommando 99" bekannt war und sich auf die rechtswidrige Toetung von etwa 800 unbekannten nichtdeutschen Staatsangehoerigen erstreckte, die sich damals dort im Gewahrsam des damaligen Deutschen Reichs befanden, angestiftet, dabei geholfen, darin unterstuetzt und daran teilgenommen haben.

OFFICER PREFERRING CHARGES:  
(Der die Anklage erhebende Offizier:)

*Richard F. Frank*  
Richard F. FRANK  
Capt. FA

P2  
11/25/47  
RFE

(Saemtliche hier enthaltenen deutschen Uebersetzungen dienen ausschliesslich zur Information des Angeklagten und dessen Verteidigers.)

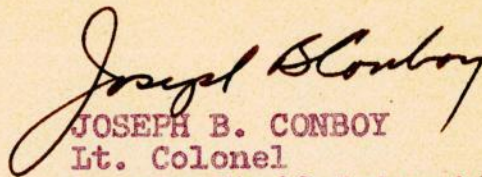


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JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

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Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate





KL III e/3

Heft 4

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000-Bu-50

Vern.:

Zgoda

S. 14-41

PRESIDENT: How do you plead?

ACCUSED BERGT: Not Guilty.

PRESIDENT: Josef Bresser, do you understand?

ACCUSED BRESSER: Yes.

PRESIDENT: How do you plead?

ACCUSED BRESSER: Not Guilty.

PRESIDENT: Horst Dittrich, do you understand?

ACCUSED DITTRICH: Yes.

PRESIDENT: How do you plead?

ACCUSED DITTRICH: Not Guilty.

PRESIDENT: Wiegand Hilberger, do you understand?

ACCUSED HILBERGER: Yes.

PRESIDENT: How do you plead?

ACCUSED HILBERGER: Not Guilty.

PRESIDENT: Herbert Moeckel, do you understand?

ACCUSED MOECKEL: Yes.

PRESIDENT: How do you plead?

ACCUSED MOECKEL: Not Guilty.

PRESIDENT: The accused will resume their seats.

(Whereupon the accused did as directed.)

PRESIDENT: Does the prosecution desire to make an opening statement?

(Whereupon the prosecution made an opening statement to the court.)

PROSECUTION: The prosecution calls as its first witness Marian Zgoda.

MARIAN ZGODA, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name?

A Marian Zgoda.



Q Where do you live?

A Munich. Number 10, Grottenmuehelstrasse.

Q Were you a prisoner of war in the Buchenwald Concentration Camp?

A Yes.

Q When?

A From the 16th of December 1939 until the end, the 11th of April 1945.

Q What was your status in Buchenwald, that of a prisoner or a prisoner of war?

A I was sent there as a prisoner of war and I was changed into a prisoner.

Q What is your nationality?

A Pole.

Q While you were a prisoner at Buchenwald did you know the activities in the so-called horse-stable?

A Yes, from 1941.

Q Will you tell the court the nature of those activities?

A I worked as a stretcher bearer of corpses at the horse-stable beginning with November 1941.

Q Now did the activities in the horse-stable, or were the activities in the horse-stable known by some other name among the prisoners and staff of the camp?

A Yes, it was called, "Detail 99".

PROSECUTION: Does the defense have any objection to our calling it throughout the case, "Commando 99"?

DEFENSE COUNSEL: With the one qualification that it was only known as Commando 99 due to the telephone number.

PROSECUTION: Prosecution requests in order to keep the matter clear that the interpretation be, "Commando 99".

DEFENSE COUNSEL: No objection.

(Zgoda - Direct)

Q Now what took place in that horse-stable?

A Russian prisoners of war arrived at the horse-stable and were killed there.

Q When did the first Russian prisoners of war arrive at the horse-stable?

A As far as I can remember it was the 23rd of November 1941.

Q How did you know they were Russian prisoners of war?

A Because they were wearing Russian uniforms.

PROSECUTION: The prosecution requests that the reporter mark this large exhibit Prosecution's Exhibit P-11 for identification.

(The document referred to was marked Prosecution Exhibit P-11 for identification.)

Q Mr. Zgoda look at the diagram which has been enlarged in the courtroom, (indicating P-11) and tell the court if you know what that represents?

A That represents the horse-stable.

Q Will you indicate to the court by means of that diagram where the Russian prisoners of war first entered the horse-stable?

(Whereupon the witness walks over to exhibit P-11.)

A These are the horse-stables and they were unloaded over there at that door, that is the center gate.

PROSECUTION: Witness indicates a swinging door in the center of the upper portion of the diagram.

Q Where were the Russian prisoners of war led after they entered that door?

A They went through here and they entered this room here.

PROSECUTION: Witness indicates a large room on the right side of the diagram.

Q What happened when they entered that room?

A When they entered the room a small table was set up here with a Russian General who was to tell the Russian prisoners of war that they should

(Zgoda - Direct)



undress.

PROSECUTION: Indicating a table on the left side of the room in the right area of the horse-stable.

Q What happened after the Russian General told the prisoners of war what to do?

A They undressed and they stayed sitting until the execution by shooting took place. They were led out here one by one and SS men were placed here. They were placed along here one by one.

PROSECUTION: Indicating from left to right along the center of the horse-stable.

Q When the prisoners of war were undressed in this undressing room were there any doctors present?

A One doctor was present. It was Doctor Schidlavsky or Doctor Hofen or Doctor Platzer.

Q How were the other SS men in that room dressed?

A They were all dressed as doctors, they were all wearing white coats.

Q Were there any charts on the walls of that room?

A There were some pictures on the walls of this room containing a nude body of a man and there was one chart there with figures on it, an A-B-C-D-E and so on.

Q When the Russian prisoners of war were led down the hall, where were they then taken?

A They were taken to the examination room.

PROSECUTION: Indicates on P-11 for identification a room, so-called counseling room, on the left-hand side of the diagram.

Q What happened in the counseling room?

A The Russian prisoners of war had to stop in that counseling room and were examined, they had to open their mouths and say, "Ah", and then he was led on.

(Zgoda - Direct)

Q Who examined the Russians?

A That was one of the non-commissioned officers. I don't know whether it was Berger, Bresser, or Dittrich.

PROSECUTION: The prosecution wishes to make correct the translation. I believe the witness said, whoever was there.

THE WITNESS: They were present there, Berger, Dittrich, Bresser, Hilberger, and Bergt.

Q When the prisoners of war were brought into the consulting room were they brought in in groups or one at a time?

A They were taken in there one by one.

Q And when they were taken in there and examined one by one by the various persons you have mentioned were any of those persons doctors?

A No.

Q How were they dressed?

A White coats, SS cap and boots.

Q After the Russian prisoners of war were examined in the consulting room where were they then taken?

A Then they were taken to the height gauge so their height could be measured and then they should be taken to be bathed into the bathroom.

Q Where was the height gauge located?

A The height gauge was located here.

PROSECUTION: Request that this exhibit be marked Prosecution's Exhibit P-12 for identification.

(The exhibit referred to was marked Prosecution Exhibit P-12 for identification.)

PROSECUTION: The witness has indicated a portion on Prosecution's Exhibit P-11 on the lower side, lower left-hand side of the consulting room.

Q Now Zgoda, come over here a minute?

(Whereupon the witness does as directed.)

Q What does this represent?

A That represents the height gauge.

(Zgoda - Direct)



Q Now when the prisoners of war were led from the consulting room to the height gauge, where were you?

A I was here in this room.

PROSECUTION: Indicating a position directly to the left of the height gauge.

Q Did you see the height gauge all the time?

A Yes, whenever I entered this room in order to drag out the prisoners of war who had collapsed.

PROSECUTION: Now will you come over to Prosecution's Exhibit P-12 for identification?

(Whereupon the witness did as directed.)

Q Now will you tell the court what that represents?

A That is the height gauge and the little cabin where the SS men were standing behind.

Q Will you attempt to demonstrate to the court how the Russian prisoners of war were brought up to the height gauge?

A I don't know whether Berger, Bresser, Moeckel, or Hilberger were present, one of the accused took them there from this side.

PROSECUTION: There is another correction of the translation. I believe the translation should be, whoever was there.

INTERPRETER: I believe that is the same thing.

PROSECUTION: No it isn't because they were not all there at the same time. Will the reporter read back the question please?

(Whereupon the reporter read back the last question.)

THE WITNESS: They were led by the hand and whenever they entered through this gate they were led along here with their backs to this instrument.

PROSECUTION: The witness has moved from left to right across the front of Prosecution's Exhibit P-12 for identification, with his back to the exhibit stopping directly in the center of the exhibit.

(Zgoda - Direct)

Q When the prisoner of war reached the position in which you are now standing what happened?

A The SS man who was standing next to him would tap against the wall with his foot.

PROSECUTION: The witness has demonstrated by tapping the bottom of exhibit P-12 for identification with his foot.

Q What would happen then?

A And at that moment the shot was fired and the prisoner would collapse.

Q From where was the shot fired?

A Through the slit.

Q And by whom was the shot fired?

A Whoever was on duty there, meaning Moeckel, Hilberger, Dittrich, Bergt, or one of the others.

Q Were you in a position to see who was on duty behind the slit?

A Yes, when we entered the room out of which the prisoners were dragged I could see that Berger was in there, or Dittrich, or Bresser and I could also see them when they left the room, when they relieved each other and I could see that they were still wearing cellophane shields in front of their foreheads.

Q Why did they wear the cellophane shield in front of their foreheads?

A So the blood wouldn't splurge into the face of the SS man.

Q Now returning to Prosecution's Exhibit P-11 for identification, when the corpse would collapse, indicating again the height gauge, what would you do?

A We went in there together with two men and we took them by the arms and legs and we dragged them out into this room.

PROSECUTION: Indicating the room labeled way of the corpses.

Q What did you do then?

A Then we waited for another shot to be fired so we could drag the next victim out.



Q How many victims were dragged into that one room at a time, the room called "The Way of the Corpses"?

A There were 30 to 35 men at a time and then the car would arrive and then they were loaded up there.

PROSECUTION: You may be seated.

(Whereupon the witness resumed his seat.)

Q When these prisoners of war collapsed, after they had been shot in the back of the head, did they usually die immediately?

A Various ones of them, yes and others did not die.

Q What happened to those who did not die directly as a result of the shot in the back of the head?

A They had a knife and they were stabbed by means of that knife and some of them were given a mercy shot.

Q Do you know the accused Werner Alfred Berger?

A Yes.

Q Is he in the courtroom at the present time?

A Yes.

Q Will you indicate him to the court?

A The first man sitting there.

PROSECUTION: Will the court designate numbers for these various accused?

DEFENSE COUNSEL: The defense objects until after the identification by the witness.

PROSECUTION: Well he has now identified him.

PRESIDENT: The court will designate number one for the accused Berger who has just been identified.

Q Did you know Helmuth Friedrich Bergt?

A Yes.

(Zgoda - Direct)

Q Which is he?

A The second one.

PROSECUTION: Indicating the second from the left as Bergt.

Will the court designate a number?

PRESIDENT: The court will designate number two for the accused Bergt.  
other

Q Do you know the/accused in the dock?

A Yes.

Q From left to right who are they?

A Moeckel.

PROSECUTION: Indicating the accused on the right. Will the court designate a number for Moeckel?

PRESIDENT: Number six.

Q Who else do you know?

A The second one, Hilberger.

PROSECUTION: Indicating the second one from the right. Will the court designate a number?

PRESIDENT: The court will designate number five to Hilberger.

Q Do you know one Horst Dittrich?

A Yes.

Q Which is he?

A The black one.

PROSECUTION: Indicating the third from the right. Will the court designate a number?

PRESIDENT: The court will designate number four for Dittrich.

Q Do you know Josef Bresser?

A Yes.

Q Is he in the courtroom?

A Yes, he is.

Q Which one is he?

A The third from the left side.



PROSECUTION: Indicating the third accused from the left. Will the court designate a number?

PRESIDENT: Number three for the accused Bresser.

PROSECUTION: Let the record show that the accused has properly identified the six accused as they now are seated in the dock.

Q When the Russian prisoners of war were brought into the horse-stable from where were they received?

A They came to Buchenwald from Weimar.

Q Were they taken directly into Concentration Camp Buchenwald, or to the horse-stable?

A They were taken directly to the horse-stable.

Q How were they taken?

A They were driven to the horse-stable by a truck.

Q Now referring to the accused Berger, did you ever see him at the horse-stable?

A Yes.

Q When did you first see him at the horse-stable?

A Berger I saw in April 1942.

Q Did you ever see Berger in the examination room?

A Yes.

Q How was he dressed?

A White coat, SS cap and boots.

Q Did you ever see Berger behind the wall of the height gauge?

A Yes.

Q Did you ever see Berger shoot any of the Russian prisoners of war that were brought in before that height gauge?

A Yes.

Q To your knowledge how many times did you actually see Berger behind that wall?

A I saw Berger behind that wall six or seven times.

Q Was there anyone else behind the wall with Berger when he was there?

A No, Berger was alone.

Q And while Berger was there were prisoners of war shot?

A I do not understand that.

Q While Berger was behind the wall were any of the prisoners of war shot in the back of the head?

A Berger was standing behind the wall and Dittrich led that man in front of the height gauge.

Q Was there one or more prisoners of war shot by----

P  
DEFENSE COUNSEL: The defense objects to the interjection of the words, prisoners of war. Up to this time there has been no mention of prisoners of war in the charge sheet and I do not think the testimony of the witness up to this time is definite enough to ascertain that they were prisoners of war. We can at least stick to the charge.

PROSECUTION: I think he answered to the question, "How did you know they were prisoners of war?", "Because they wore Russian uniforms".

PRESIDENT: Objection overruled.

Q Approximately how many prisoners of war were shot during one operation by Berger, if you know?

A If there were many, 700, 500, or 300 people there they relieved each other, but each time when Berger was standing behind that wall 30 to 35 were shot.

Q Where you present near that height gauge when this took place to carry out the bodies?

A Yes.

Q Did you ever see Helmuth Bergt at the horse-stable?

A Yes.



Q When did you first see him?

A Bergt I saw in November 1941.

Q Did he take part on occasion in the examination room?

A He was at the examination room and he was also present at the other room.

Q What do you mean by, other room?

A Behind the height gauge.

Q How was he dressed?

A That shield, cap, white coat and boots.

Q Did you see Bergt take part in any of the shootings?

A Yes.

Q From when to when did you see him in these various shootings?

A I saw Bergt from November 1941 until January or February 1942.

Q Were you present near the height gauge when Bergt was there for the shooting?

A Yes.

Q And did you carry out the bodies?

A Yes.

Q Now going back to Berger, how long a period of time did you see Berger in and about the horse-stable?

A I saw him from April 1942 until May 1943.

Q Now referring to one Josef Bresser, did you ever see him in and about the horse stable?

A Yes.

Q Did you ever see him in the examination room?

A Yes.

Q How was he dressed?

A SS uniform, white coat, cap and boots.

Q Did you ever see Bresser behind the height gauge?

A Yes.

Q From when until when?

A From April 1942 until 1943.

Q Did Bresser do anything else besides participate in the activities inside the horse-stable?

A He drove the bodies from the horse-stable to the crematory.

Q When you say he drove, what do you mean?

A He drove the corpses by means of a truck to the crematory.

Q Will you describe that truck to the court?

A That was a five-ton truck.

Q Will you describe the body of the truck?

A It was the same as trucks have generally only there was a special box inside the truck.

Q For what purpose was this box used?

A So the blood would not be dripping out of the truck because that truck was plated with zinc plates.

PRESIDENT: Court will recess for twenty minutes.

(Whereupon court recessed at 1040 hours.)



(Whereupon court reconvened at 1055 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show that all the members of the court, prosecution, the defense and the accused are present. There is a new interpreter and a new reporter to be sworn.

PRESIDENT: The court has appointed Mr. W. E. Velte as court interpreter. He will be sworn.

(Whereupon Mr. W. E. Velte, U.S. Civilian, was sworn as court interpreter.)

PRESIDENT: The court has appointed Mr. William Rust as court reporter. He will be sworn.

(Whereupon Mr. William Rust, U.S. Civilian, was sworn as court reporter.)

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

If there are any persons in the courtroom who expect to testify here either on behalf of the prosecution or the defense, they will leave the courtroom immediately.

MARIAN ZGODA, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, continued to testify through an interpreter as follows:

DIRECT EXAMINATION (continued)

QUESTIONS BY PROSECUTION:

Q On the occasions when you saw Bresser behind the height gage, did you see him do any shooting?

A Yes.

Q And on that occasion or on those occasions did you carry out the bodies?

A You will have to speak more slowly. Yes, I carried the bodies away.

(Zgoda-Direct)

Q Did you ever see Horst Dittrich in and about the horse stable?

A Yes.

Q When until when?

A From November of '41 until February 1942.

Q Did you see him there on many occasions?

A He was there every day. He was present every time the transport arrived.

Q Did you ever see him in the examining room?

A Yes.

Q How was he dressed?

A In a white coat, boots, and a visored cap, and he had a celluloid shield in front of his forehead.

Q Did you ever see him behind the wall of the height gage?

A Yes.

Q Did you ever see him shoot any of these prisoners of war?

A Yes, I saw that.

Q Did you carry out the bodies?

A I carried the bodies away.

Q Was there anyone else present behind the wall when Dittrich was there on the occasion of these shootings?

A No.

Q Did you ever see Hilberger in and about the horse stable?

A Yes.

Q Did you see him in the examining room?

A Yes.

(Zgoda-Direct)



Q How was he dressed?

A The same way as all the others, white coat, boots and visored cap.

Q Did you ever see him behind the height gage?

A Yes.

Q Did you ever see him do any shooting?

A Yes.

Q Did you carry out the bodies afterward?

A Yes.

Q From when to when did you see Hilberger about the horse stable?

A From November '41 until February or March '42.

Q Did you ever see Moeckel—the accused Moeckel—in and about the horse stable?

A Yes.

Q Did you ever see him in the examining room?

A Yes.

Q How was he dressed?

A White coat, boots, and visored cap.

Q Did you ever see him behind the height gage?

A Yes.

Q Did he do any firing?

A Yes.

Q Did you carry out the bodies afterward?

A Yes.

Q Was anyone present behind the height gage when Moeckel was there?

A No.

Q From when to when did you see Moeckel in and about the horse stable?

A From November '41 until January or February '42.

(Zgoda-Direct)

Q Now will you step over to Prosecution's Exhibit P-11 for identification again please.

(Whereupon the witness did as directed.)

Q Were there any medical charts on the walls of any of the rooms in that horse stable?

A Here in this space (indicating).

PROSECUTION: Indicating the consulting room.

Q What was the nature of those medical charts?

A They were pictures of the human body naked and then there was a chart there with letters—A, B, C, and so on.

Q Now referring to that consulting room, is that the room in which you saw all six of the accused now before the court at one time or another?

A In this space here. That's the consulting room.

Q You may return to your chair.

(Whereupon the witness did as directed.)

Q You referred in your testimony earlier this morning to the mercy shots. Did any of these accused at any time give a mercy shot?

A Yes.

Q Which one?

A Dittrich.

Q Did you see that?

A Yes.

Q When the bodies were piled up in the room which is mentioned as "way of the corpses" on Prosecution's Exhibit P-11 for identification, the mercy shots were given to those who were still alive, is that not a fact?

A Yes, those who were on the top of the pile. Those who were underneath the pile were still alive.

(Zgoda-Direct)



Q Were there some bodies taken from the horse stable still alive?

A Yes.

Q Where were those bodies taken?

A They loaded them on the truck and they were driven to the crematory.

Q In the horse stable when the Russian prisoners of war would be brought in, was any music playing?

A Yes.

Q What was the nature of the music?

A Everything that came by way of radio, and the SS people would sing to the music.

Q Where were the radio loud-speakers located? You may go to Prosecution's Exhibit P-11 for identification.

A There is one here (indicating).

PROSECUTION: Indicating the loud-speaker marked as such in the right-hand room of the horse stable.

Q Were the loud-speakers anywhere else?

A There is one over here too, in the consulting room.

PROSECUTION: Indicating the upper right-hand corner of the consulting room.

Q Was the music soft or loud or medium?

A No, the music was played very loud.

Q What was the purpose of the music, if you know?

A I assume that the purpose of the music was to prevent those who who were coming up to the spot one by one to hear the groaning and cries of the people who were there in the pile of corpses.

Q Will the witness please answer the question. What was the purpose of the music, if you know?

A The purpose was to prevent those who were coming up to the spot to find out--to hear that others had been shot to death.

Q If you know, were any especial awards given to those who participated in the activities in the horse stable, either in the examining room or behind the height gage?

A For all those who were present in the horse stable something was given. They all got something.

Q Well, what did they get?

A They got bread and sausage, and they also drank coffee and "shnapps" and got cigars and cigarettes.

Q Now was that part of the regular ration or was it in addition to the regular ration?

A That was an extra ration.

Q Were any of those who participated in the activities in the horse stable, either in the consulting room, the examining room, or behind the height gage, decorated?

A Yes, they got Iron Cross No. 2.

Q Were any of the accused awarded a decoration?

A Yes.

Q Which ones?

A Hilberger, Dittrich, Bresser and Berger.

Q During the shootings in the horse stable, did you ever hear any order read with respect to the prisoners of war?

A No. There was no other list at hand except the war list with the war numbers of the Russian prisoners of war--the numbers which the prisoners were wearing.

(Zgoda-Direct)



Q Were there any officers present during these shootings?

A Yes, the adjutant was there. That was the Adjutant Schmidt and the leader of the protective custody camp Schubert or Guss.

Q Were they all present on all occasions, or was there just one officer there at a time?

A One was there.

Q Did the officers take part in any of the shootings?

A No.

Q The Russian General Kushnir Kushnaref, was he a member of the camp staff, or was he a prisoner in the camp?

A He was a prisoner in the camp.

Q Now what was his duty--as an interpreter?

A He was interpreter. He was interpreter for the captive prisoners of war--the Russians.

Q How many times did you see Bergt actually take part in shootings?

A Two or three times.

PROSECUTION: You may cross examine.

#### CROSS EXAMINATION

#### QUESTIONS BY DEFENSE COUNSEL:

Q Zgodaj, you have identified this exhibit here and you state that it is a correct reproduction, is that correct, of the horse stable at Buchenwald?

A Yes, the horse stable.

Q And from here to here (indicating) is where your duties were all the time that you worked in the horse stable, isn't that correct?

A No, I also worked inside the consulting room as well.

Q You mean this room right here (indicating), is that correct?

A Yes.

Q Is that the only other place in the horse stable that you worked?

A No, we also even went farther than that.

Q What was your station of duty in the horse stable during executions—your official station of duty?

A This line here from up there down to the measuregag (indicating).

Q Here (indicating)?

A Yes.

Q You were a capo at Buchenwald, weren't you?

A No.

Q Did you have a pass during the executions to be over in this room (indicating)?

A No.

Q How many times were you in this room right here (indicating)?

A I was there every time an execution took place.

Q If you were here every time an execution took place, how could you carry out your duties of carrying the bodies away from the shooting here (indicating)?

PROSECUTION: Objected to as being argumentative, if the court please.

PRESIDENT: Do you want to reframe that question?

QUESTIONS BY DEFENSE COUNSEL:

Q You state that your station of duty at the horse stable was from here to here (indicating), is that correct?

A Yes, but I also had to carry out corpses from over there (indicating).

(Zgoda-Cross)



Q What corpses did you carry out from over here (indicating)?

A Those who had parts of their body amputated and were shot to death from there.

Q You meant to tell us that they executed prisoners over in that room also, is that correct?

A Those who had no legs and no arms or couldn't walk, they were shoved down to the floor with their face downward, then shot to death, and then we had to carry their bodies out of that room.

Q Were you the only man on duty here carrying bodies from this point to this point (indicating)?

A No, four of us worked there.

Q Now, isn't it true that this room right here (indicating) was totally dark?

A Yes.

Q And do you state yet that this is the correct measurement of the hole where the prisoners were shot through?

A This slot is too small. The original slot was bigger--was longer.

Q And you meant to tell us here today that if this was all darkened behind this slot and you were standing approximately here where I hold this stick that you could tell and identify a person behind that wall where it was dark, is that correct?

A Yes, because they approached the wall from behind with their faces so closely that you could see them clearly.

Q Isn't it correct that the only entrance through this room right here (indicating) was right here (indicating)?

A Yes.

(Zgoda-Cross)

Q What month and year did you see Bergt at the horse stable?

A From November '41 until February '42 I saw Bergt.

Q What did this Russian officer that was stationed out in the room on the right of the chart--what did he translate to these Russian prisoners as they were brought into the stable?

A He merely told them to take off their clothes and to deposit their valuables and their papers next to them on the table.

Q Did you ever see that same Russian officer in the so-called consulting room on the chart?

A No.

Q How many times did you say you saw Bergt at the horse stable?

A I saw Bergt from November '41 until February '42.

Q Didn't they still keep horses in the horse stable in November 1941, in Buchenwald?

A No, there weren't any more horses there then.

Q When did they take the horses away?

A I don't know.

Q Were you shown pictures of the accused that are in the dock here today before you came to the courtroom here?

A No.

Q You were never confronted with the accused at any time previous to trial?

A Not before the beginning of the trial.

Q You never appeared here as a witness in the line-ups that were conducted here at Dachau?

A Yes.

(Zgoda-Cross)



Q Weren't you confronted with these accused on such an occasion?

A Yes.

Q Were you able to identify each one of these men on that occasion?

A Yes.

Q Was anything said to you on that occasion when these men were paraded across the stage that they were members of Commando 99?

A No.

Q How many SS men besides the accused here in the dock do you remember seeing around the horse stable?

A All those who are sitting here on the bench.

Q In addition to these sitting here in the dock.

A I saw Fleissner, Koenig, Kott, Warmstedt, Stubel, Helbig, Hofen. Now I'm talking about the doctors, and Schudlowski, and Dr. Rogge and Dr. Platzner and Schubert, leader of the protective custody camp, and Gust, second leader of the protective custody camp, and Florstedt, I saw him also, and I once saw Koch in the horse stable, and Sarno from the political division.

Q Now Koch was the commandant at Buchenwald, at that time when you saw him there, wasn't he?

A Yes.

Q Do you recall the name of the legal officer that was present there during these executions?

PROSECUTION: Objected to as not being cross examination. I don't think anything has come into the case yet stating that a legal officer was present.

(Zgoda-Cross)

DEFENSE COUNSEL: You asked him whether there were officers present and I think he might not have gone all the way.

PROSECUTION: Ask him that question,--whether any other officers were present.

DEFENSE COUNSEL: Does the court wish me to reframe the question?

PRESIDENT: Yes.

QUESTIONS BY DEFENSE COUNSEL:

Q Do you recall any other officers being present?

A No.

Q Was any one of these officers present a legal officer?

A Adjutant Schmidt.

Q Adjutant Schmidt was known as the legal officer at the execution, is that correct?

A Schmidt was present every time an execution took place.

Q How many executions did you attend?

A I was there from '41 until May of '43.

Q Didn't you testify on direct examination that a number of these SS men working there at the stable wore shields over their eyes, is that correct?

A Not all. Only those who stood behind the wall there and did the shooting.

Q Isn't it true that a number of these Russian prisoners were carrying typhus when they were brought in there at the stable on these occasions?

A That isn't true at all. The SS merely talked them into believing that they had typhus.

(Zgoda-Cross)



Q How large was this dagger that you testified about that was used to give the "coup de grace"?

A The blade was 10 to 15 centimeters long.

Q You stated that the truck that carried the bodies away was driven by Bresser, is that correct?

A Yes.

Q Then you stated that it was a five-ton truck, is that correct?

A Yes, that was a five-ton truck.

Q Isn't it true that they only had 2½-ton trucks in your motor pool at Buchenwald?

A Well, I'm not so sure about that. I'm not sure whether there were only two-ton trucks or only five-ton trucks there.

Q You are not positive about that then, is that correct?

A Whenever we talked about it, it was always mentioned that that was a five-ton truck.

Q That is just your guess, or do you know definitely?

A I heard that from the other prisoners who always said that that was a five-ton truck.

Q How do you know the accused here in the dock received decorations?

A Because I saw that they were called to the office of the Adjutant Schmidt and that they there received their decoration, an Iron Cross 2nd Class. I saw them wearing it.

Q As a corpse bearer here in this stable on this chart shown in the courtroom, where did you enter the stable when you came there for duty?

A I came from this side here when I went to work.

Q Will you go over to the chart and show us where you entered.

(Whereupon the witness did as directed.)

A Here was the entrance (indicating).

Q You may return to your seat.

(Whereupon the witness did as directed.)

Q Now you stated that you were not at any time while you were at Buchenwald a capo, is that correct?

A Yes, that's right.

Q Do you recall the Eisenach detail at Buchenwald?

A I merely heard that there was an Eisenach--than an Eisenach existed.

Q You never worked on that detail?

A No.

Q Did you ever hear that this detail ever performed any executions?

A I believe that hangings to death--executions by the noose took place on that detail some time or other.

Q How do you know hangings took place on that detail?

A Because Bresser was a driver of the motor pool, he drove out there with a truck to get the capo of the crematory and Warrant Officer of the SS Helbig to pick up bodies.

Q Isn't it true that you were on this detail one time and participated in a hanging?

A No.

Q You deny ever being on that detail at any time?

A That's right.

Q Did you have any sort of special permission to roam around the stable while you were on duty there at the executions?

A Yes, when we were called to the horse stable in the evening, we had to take care of our work and then we had to go into the room at the other end and to clean up and wash--clean up blood which was sprayed around, and had to load up the clothes of the people who had been shot to death.



# A T T E S T A T I O N

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970



*Joseph B. Conboy*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

## B E G L A U B I G U N G

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



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Q Were you not an internee here at Dachau at one time?

A No.

Q As a matter of fact, during the line-up didn't you ask Bergt whether or not he was ever in Buchenwald?

A No.

DEFENSE COUNSEL: No further questions.

PRESIDENT: Redirect?

PROSECUTION: No further questions on redirect.

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

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

PROSECUTION: The prosecution calls as its next witness Hermann Helbig. If the court please, the witness has been brought over here involuntarily by the prosecution from the War Crimes Prison at Landsberg where he is under sentence of death for his participation in the Buchenwald Concentration Camp--for his activities in the camp and in the horse stable. It therefore may become necessary during the course of the examination to declare this witness a hostile witness.

HERMANN HELBIG, called as a witness by the prosecution, being first duly sworn, testified through an interpreter as follows:

#### DIRECT EXAMINATION

#### QUESTIONS BY PROSECUTION:

Q What is your full name?

A Hermann Helbig.

Q Where and when were you born?

A On the 7th of June, 1902, in Muehlberg on the Elbe River.

Q What is your nationality?

A German.

(Helbig-Direct)

Q In November and December 1941 were you on duty at the Buchenwald Concentration Camp?

A Yes.

Q What were your duties at that time?

A I was put in the guard chamber in 1941. Starting at the end of 1942 I had duty in the crematory and starting with 1944 I left Buchenwald.

Q What was your rank from November 1941 until May 1943?

A Warrant officer, SS.

Q Do you know of the so-called Commando 99?

A Commando 99 is a title given an apparatus but actually it was an execution detail.

Q And where did this execution detail function?

A They performed their duties in a horse stable.

Q Come over here to the wall and look at Prosecution's Exhibit P-11 for identification and tell the court what it represents.

(Whereupon the witness did as directed.)

A That is the point of the horse stable exactly. The installations up here are copied exactly from the installations at Oranienburg and Sachsenhausen. The horse stable was split up into two sections, and in one big space all the commissars and the political people were brought to the horse stable by the political police. These commissars were brought by railroad up to Weimar and from there they were brought to Buchenwald under guard of the Wehrmacht or the police. The record-keeper of the—a Staff Sergeant would usually take care of receiving these prisoners at the camp, and the prisoners were turned over here in the stall.

PROSECUTION: Indicating the room on the right of the diagram.

A (continuing) The commissars were driven up on this side here. They were unloaded here and went through this door (indicating) and went



into this big room. At the same moment that these commissars entered this room, two guards were placed there with machine pistols for security purposes. That's the same way it occurs here everyday in Dachau now. There was a guard here at this door and a guard at this door, and besides that there were three extra guards for security purposes outside of the building on this side and up front there on that side, and there was a special guard for security purposes there at the middle door, there at that entrance (indicating).

PROSECUTION: Indicating the door in the middle top portion of Prosecution's Exhibit P-11 for identification.

Q Before you go any further, what type of uniform did these prisoners have that were led into that room?

A At the beginning these commissars were usually clothed in uniforms of the German police or Wehrmacht and later on they were clothed in rags, many of them.

Q What other types of uniform did they wear?

A A uniform with the color of the Russian prisoners of war. The commissars had caps, grey with a red stripe.

Q How many of them were brought in there at a time?

A It all depended how the transports arrived. Sometimes ten at times, sometimes 15, and sometimes 25; sometimes 50.

Q Were there any times when there were more than 50?

A I can't remember.

Q For how long a period of time were they brought into the horse stable? From when to when?

A These commissars were usually brought in in the evening.

(Helbig-Direct)

Q From where were they brought?

ukey  
A According to the tales which the German police people and the soldiers of the Wehrmacht told me, these people, these commissars, had been picked out of various camps for Russian prisoners of war where they had been hiding in disguise. They were picked out of the prisoners of war by their own comrades--other prisoners of war--and reported to the leader of the camp and told that they were commissars. In that way their identity was revealed.

PROSECUTION: Take your seat over there.

(Whereupon the witness did as directed.)

Q The information which you have just told the court is what you heard, is it not?

A No.

Q How do you know it of your own knowledge?

A You mean that they were commissars?

Q The information you have just given the court in reply to the last question. All right, how do you know they were Russian commissaries?

A As a result of the order from Berlin.

Q Did you see the order?

A Yes.

Q What did the order say?

A I didn't say anything more about this order for the reason that the keeper of the record and because the Adjutant was simultaneously court officer and the record-keeper was 1st Sergeant and they were accused in the Buchenwald case.

Q Did you see the order from Berlin?

A Yes.

(Helbig-Direct)



Q What did the order say?

A That was a document from the main office of the National Security Service. In the letter head on the left side on the top there was the word "secret" printed there in black. Underneath that stood the "National Office for National Security, Berlin", and the official mark for the letter, and to the right, the date, and the text is as follows: The following Russian political commissars whose names are mentioned below are to be executed as soon as the transport arrives. Receipt of execution asked for. And then the names of the commissaries were mentioned--listed: the first name, date of birth, and below a signature. I can't remember the signature any more.

Q How many times did you see such an order?

A I saw it once.

Q How many times did you take part in executions in the horse stable?

A I personally was there about 40 times.

Q Was the same execution order read each one of the 40 times?

A I can't say that because I wasn't there, but I know that the names were compared.

Q On the 30 to 40 occasions you were there, was an execution order read?

A I was <sup>not</sup> there when the prisoners were turned in, that is, not always.

Q On the 30 to 40 occasions when you were there in the horse stable at the executions, did you hear an execution order read. It can be answered yes or no.

A Yes.

Q Did you hear it on each of the 40 occasions?

A I can't remember that because I wasn't always there, but I can remember that on one occasion it was read by the 1st Sergeant Thalmann.

PRESIDENT: The court will recess until 1315 hours.

(Whereupon the court recessed at 1155 hours.)

(Whereupon the court reconvened at 1315 hours.)

PRESIDENT: The court is open.

PROSECUTION: Let the record show that all the members of the court, the prosecution, the defense and the accused are present in court. If the court please there is a new interpreter and a new reporter to be sworn.

(Whereupon Stanley Feldman, U.S. Civilian, was sworn as court interpreter, and Miss Vera D. Carter, British Civilian, was sworn as court reporter.)

PRESIDENT: If there are any persons in the court who expect to testify, will they please leave the court room.

HERMANN HELBIG, called as a witness by the prosecution, resumed the stand and being reminded that he was still under oath, testified further through an interpreter as follows:

DIRECT EXAMINATION (Ctd.)

QUESTIONS BY PROSECUTION:

Q We will go back to exhibit P-11 for identification. Now when the prisoners were taken from the room where they undressed, where were they taken and how?

A From the room in which they indressed they went through this door. At this place there was a guard, from this door they were led to the double door, this door was opened by a guard, then the Russian was led through this way (indicating) to this room (Indicating the so-called Consulting Room).

Q What took place in the room to which you have just pointed, shown on the exhibit as the Consulting Room?

A This room - the Consulting Room?

Q What did it contain?

A There was a table with a telephone. This telephone had the number 99, on the walls were three pictures, one with a skeleton of a human being, and the other pictures on contaminating diseases.

Q Were there any SS men in that room?

A Yes, sir.

Q How many?

A At this time there was a report<sup>er</sup>, whose name was Thalmann, later on the job which was done by Thalmann was done by Hupfer.



Q What other SS men were in that room?

A Then there was an SS man who performed the so-called examinations, then the presence of an SS physician, who was always an officer.

Q Were the SS men who performed the so-called examinations, medical men?

A No, but there was a physician present who gave the directives.

Q What type of examination was given the Russian POW who was present in that room?

A They looked at his chest, his mouth and sometimes into his eyes, and whether if he had lice on him.

Q How many Russian POWs were examined in that Consulting Room at one time?

A Always one at the time.

Q From there, where was the Russian POW taken?

A From this room he was led through a door. There was a part of the wall like this one (indicating prosecution exhibit P-12 for identification.)

Q How were the SS men who were in the consulting room dressed?

A All members of this detail were bound to wear white coats, the white coats were impregnated.

Q When the Russian POWs were brought from the Consulting Room to the section of the wall which you say looked like prosecution exhibit P-12 for identification, what happened?

A There was always an SS non-commissioned officer who took the Russian by his right arm and put him with the back of the Russian towards the wall.

Q Will you indicate to the court just how the Russian stood?

A (Indicating) With his back to the wall, the feet next to the wall, the Russian was kept by his arm, he leaned with his head on the wall, and over his head there was an apparatus for measuring. After the Russian was put there, the SS man who kept the Russian by his arm, gave then a sign and the man who stood behind the wall shot the Russian through his neck. After the shot was fired the Russian collapsed mostly in the direction from the wall.

Q During this procedure was there any music being played in the horse stable?

(Helbig-direct)

A Yes, sir.

Q Where was the music being played?

A The small room, which was next to the big room (indicating radio room on prosecution exhibit P-11 for identification and also indicating loud speakers in the large room on the right of the horse stable as shown in prosecution exhibit P-11 for identification). There was a big radio in this room which could be used as a phonograph at the same time. From this radio there was a connection by wire to two loud speakers which were located on both sides of the door. The radio played so loud that one could not hear from the big room where the Russians were being undressed, the shots fired over there (indicating the part of the diagram showing the height of the gauge).

Q What was the purpose of the music?

A So that the shots could not be heard.

Q What was the purpose of the examination which was conducted in the Consulting Room?

A That I cannot tell because the physician was present.

Q What was the normal method of signalling to the SS man behind the wall so that he might shoot?

A He knocked with his head or with his foot on the wall.

Q As a POW was shot and he fell forward, did he die immediately?

DEFENSE COUNSEL: I object to this question to this particular witness. This witness has never testified that these prisoners were POWs. This witness has only called them commissars.

PROSECUTION: I will reframe the question.

QUESTIONS BY PROSECUTION:

Q When this Russian was shot and fell forward, did he die immediately?

A The first moment not, besides one couldn't find that out.

Q Was it necessary at any time to administer mercy shots?

A Yes, that happened from time to time.

Q Approximately how many different SS men took part in the operations at the horse stable during the period of time you were there?

A The strength of the detail was approximately 21. It happened



often that one of the non-commissioned officers was assigned to this detail and could not come because he was on duty somewhere else, - anyway, there was always the necessary number present.

Q To what branch of the staff of Buchenwald concentration camp did these various members of the Commando belong?

A Most of them belonged to the department No. 1, departments 4 and 5 and some of them belonged to department 3.

Q Were they all members of the administration staff of Camp Buchenwald?

A With the exception of departments 3 and 1, they belonged to the administration of the camp.

Q Were they all members of the so-called headquarters staff of Camp Buchenwald?

A Yes, sir.

Q What were the usual ranks of those SS who participated in the operations at the horse stable?

A Since the end of 1941 till the middle of 1942, all of them had the high rank of SS Tech Sergeant.

Q After that?

A And after some of the members of the detail were transferred to Lublin or were sent to the Front, some of the members of this detail were SS Sergeants.

Q Were extra rations received for participation in the activities of the horse stable?

A At the beginning from time to time bread, butter and sausage was issued, from time to time cigarettes. I admit that I got myself from time to time 20 cigarettes for my work.

Q Any Schnapps?

A Then every man got a fifth of a liter of schnapps.

Q Did you ever receive any reward in marks for your participation or did the others receive any reward in marks for your participation in the activities in the horse stable?

A I do not know whether the other NCOs got any money. I got 50 marks for Xmas 1942. I signed a receipt at the SS First Sergeant's.

Q Just to refresh your memory, did anyone else in detail 99 besides yourself, receive marks?

A That I do not know.

Q Do you remember making a statement on the 21st February 1947 in this camp?

A Yes, sir.

Q Do you remember being asked this question, "How much money did you get?"?

A Yes.

Q Do you remember making this answer, "Detail 99 received 50 marks for Xmas"?

A If that is written there, then I must have said it. (Looks at statement) Yes, that's correct.

Q And do you remember being asked this question, "When at Xmas did you receive 50 marks?"?

A Yes, sir.

Q And do you remember giving this answer, "Every Xmas"?

A Maybe I have made a mistake in my statement.

Q Do you know the accused Dittrich?

A Yes, sir.

Q Did you ever see Dittrich participate in the activities of Commando 99?

A Yes, sir.

Q How many times did you see Dittrich participate in the activities of Commando 99?

A He belonged to this detail quite a time until he left Buchenwald.

Q Look around the court room and see if you can see Dittrich in the court room?

A No. 4.

PROSECUTION: Let the record show that witness has correctly identified the accused No. 4, being the accused Dittrich.

QUESTIONS BY PROSECUTION:

Q Did you ever see Dittrich participate in the shooting?

A Yes, sir.

(Helbig - direct)



Q How many times?

A It may have been once, twice, maybe three times, but I could not tell the exact number.

Q What type of weapon did he use?

A Standard pistol calibre 7.65.

Q How far from Dittrich were you standing when he fired?

A I saw him enter, I was at a distance of about 6 or 8 meters, then I was together with him in the room where he fired the shots.

Q Did you actually see him fire shots?

A Yes.

Q How many shots did he fire?

A There are two clips, every clip has 7 rounds.

Q Would there normally be one or two men behind the wall which looked like prosecution P-12 for identification?

A That depends, sometimes there were two men and sometimes only one.

Q But you were actually there when Dittrich did some shooting?

A Yes, I saw him when he fired the shots.

Q Do you know Wiegand Hilberger?

A Yes, sir.

Q Is he here in this court room?

A No. 5.

PROSECUTION: Let the record show that the witness has properly identified the accused No. 5 as being Wiegand Hilberger.

QUESTIONS BY PROSECUTION:

Q Was Hilberger a member of Commando 99?

A Yes, he belonged to this detail.

Q How many times did you see Hilberger around the horse stable?

A Hilberger was there only a short time because he was all the time sick.

Q How many times did Hilberger shoot, if you know?

A I didn't see Hilberger fire shots.

Q Did you see him in the vicinity of the horse stable while the operations of the horse stable were in progress?

A Yes, sir.

Q What kind of uniform was Hilberger wearing?

A He had the grey uniform.

Q Did he ever wear a white coat?

A Yes, he also had a white coat.

Q Did you see him in the Consulting Room?

A That may be, I do not remember that, but anyway when the detail was there on duty, he was there.

Q How often did the detail go on duty while you were a member of the detail?

A I myself was there approximately 40 times, and since in the meantime I was on transports to the out camps I was not there all the time, and how many times detail 99 was there on duty, I do not know.

Q Now from when to when were you on duty with detail 99?

A From the end of 1941 till the shooting ceased, that means till the middle of 1943, although the detail existed till 1944.

Q Do you know Werner Berger?

A Yes, sir.

Q Is he in the court room?

A No. 1.

PROSECUTION: Let the record show that the witness has correctly identified No. 1., being the accused Werner Berger.

QUESTIONS BY PROSECUTION:

Q Was he a member of the detail Commando 99?

A Yes, sir.

Q Did you see him in and around the stable during the activities of the horse stable?

A Yes, sir.

Q Did you ever see Berger participate in the shooting in the horse stable behind this section of the wall known as prosecution 12 for identification?



A Yes, sir, I myself was present there.

Q How many times did you see Berger shoot?

A At any rate he fired shots once when I was present, whether he fired shots otherwise that I do not know.

Q- How many shots did he fire at the time you were present?

A There were two clips, 14 rounds.

Q 14 rounds in each clip or 14 rounds altogether?

A 14 shots altogether.

Q Now there was only one shot fired at each Russian, is that correct?

A Yes, sir, only one.

Q Now when was the occasion when you were present and Berger did the shooting?

A It must have been in the second half of 1942.

Q During the entire period of time when you were a member of commando 99, approximately how many Russians were shot in the horse stable by the method you have described?

A According to my estimate 3000 to 4000, the reporter Otto said something else, this is only my estimate.

Q Do you know Josef Bresser?

A Yes, sir.

Q Is he in the court room?

A No. 3.

PROSECUTION: Let the record show that the witness has correctly identified No. 3. as being the accused Bresser.

QUESTIONS BY PROSECUTION:

Q Did you ever see Bresser in or about the horse stable during the activities at the horse stable?

A Yes, sir.

Q What kind of a uniform was he wearing?

A He had a grey uniform and usually he was driving the car with the corpses.

Q Did you ever see him with a white coat?

A Yes, I saw him when he was wearing his white coat.

Q How many times did you see him when he was wearing the white coat?

A I think it was once or twice, he was assigned on duty there and he didn't drive the car.

Q Do you know Herbert Guenther Moeckel?

A Yes, sir, No. 6.

PROSECUTION: Let the record show that the witness has correctly identified No. 6 as being the accused Moeckel.

QUESTIONS BY PROSECUTION:

Q Was he a member of Commando 99?

A Yes, sir, for a short time, I believe he left in 1942 for Lublin.

Q Did you see him in and about the horse stable during the activities of the horse stable?

A Yes, sir.

Q How was he dressed?

A He had a grey uniform and a white coat.

Q How many times did you see him around the horse stable?

A I could not tell exactly, it might have been five or six times.

Q Step over here for just a minute. Now, when the Russian was standing in that position (indicating) and the SS man was behind the wall, did the SS man behind the wall wear any special article of clothing or equipment?

A No, he only had this white coat.

Q Did he wear any article of equipment on his face or head?

A He had something to protect his eyes.

Q Now, why did he wear this shield to protect his eyes?

A It happened several times that when the shot was fired blood or brains came out and so this protection was supposed to prevent the blood or brains entering the eyes of this SS man.

Q How far from the back of the head of the Russian was the pistol when it was fired by the SS man behind the wall?

A That depended on the man who fired the shot.

Q Approximately?

A 20 to 25 centimeters in order to shoot through the head.



Q During what part of the day did these executions take place?

A Always in the evening.

Q More than one SS man actually fired shots during the course of one of these executions in an evening, isn't that a fact?

A No, there was always one who fired the shots, if there were two at the same time behind the wall, there was always one who fired the shot.

Q Assuming there were 50 Russians to be shot during one night, did one SS man shoot all 50?

DEFENSE COUNSEL: I object as no foundation has been laid for that question.

PROSECUTION: I will reframe the question. I do not think he understood the original question, that is the point. I will withdraw that question.

WITNESS HELBIG: It would be impossible for two men to fire shots through this slot.

QUESTIONS BY PROSECUTION:

Q During the course of an evening's shooting, how many Russians would be shot?

A That depends, sometimes up to 50. I do not know if any other time there were bigger shootings.

Q When there were 50, would one SS man shoot all 50?

A No.

Q How many SS men would participate in the shooting of that particular group?

A There were at the beginning two very well known marksmen, they did all the shooting, unfortunately both of them are dead. One should not talk badly about the dead but that is the truth - those were SS Master Sergeants Plank and Taufratshofer.

Q Who determined which SS man was to do a shooting on a given night?

A That was decided by the First Sergeant, at first by Thalmann then by Hupfer, it also happened that they agreed who will do the shooting, that means they agreed among themselves.

Q The SS non commissioned officers agreed among themselves who would do the shooting?

A Yes, that was so at the beginning.

Q Was it always required that members of Commando 99 be present at the executions?

A Yes, sir, a certain number of them was needed.

Q Were you ever notified to attend an execution and you did not attend it?

A Yes, sir, once.

Q Were you punished for not attending it?

A I was not punished.

Q Were there any other occasions that members of commando 99 were informed to appear for an execution and they did not appear?

A I know that SS Sgt. Schichtholtz, he got a reprimand, but I do not know what kind of reprimand he got.

Q Was Commando 99 and the activities in the horse stable, a secret operation?

A On the letter there was a stamp "secret".

Q Were the activities of the horse stable, that is the method by which the Russians were brought in and executed, were those methods and those activities "secret"?

A How am I to understand it?

Q Were you never told never to divulge what happened in the horse stable?

A We were not told that.

Q Was the activity in the horse stable considered a secret in the camp?

A Yes, sir. Everybody was supposed to keep it for himself.

Q Did you take a special oath with respect to that?

A No, we did not take an oath on that.

Q To Refresh your memory I quote again from your statement of 21 February 1947, weren't you asked this question, "Did you render a special oath?"?

A Yes, sir.

(Helbig-direct)



Q And didn't you answer "Yes"?

A That is possible.

Q And was not this question asked you, "Who took this oath from you"?

A If that is written here, I must have said it.

Q And didn't you answer, "The SS Commandant Colonel Koch"?

A That is possible.

Q And weren't you asked this question, "Is it not a fact that these names were reported to Berlin as every one of these non-commissioned officers had to take an oath on Detail 99"?

A Yes, they were reported to Berlin.

Q Now, as a result of their activities and the activities of the members of Commando 99, were any decorations awarded?

A I have got a War Merit Cross in 1942, but I do not know if it was for my activities with Commando 99. Other non-commissioned officers got this same medal.

Q Now in your examination of the 21st February 1947, weren't you asked this question and didn't you give this answer: Q: "Isn't it a fact that all members of detail 99 either received it with you in April 1942 when you got yours or had already received it or received the War Merit Cross at a later time?", and didn't you give this answer, "Almost all"?

A Yes, that is what I said, also the other non-commissioned officers.

Q Was that true?

A Yes, sir.

Q In giving the so-called mercy shot to the Russians who had not quite died after they were shot, was anything used other than a pistol?

A There were two incidents which have happened there about which I actually know. One with Master Sergeant Hupfer, a Russian who was shot run out of the room. I was then doing duty with the water hose and I ran after him and when I came out I saw that Hupfer stabbed a Russian with a dagger.

Q What type of dagger was it?

A It was a dagger about 25 centimeters long, the sharp part was about 10 or 15 centimeters long.

Q Did you ever see the dagger used on any other occasion?

A I should like to mention that on this day I quarreled so much with Hupfer that I left, that was the case where I did not go there but I was not punished. The second incident was one in which an inmate was involved, his name was Janzen. Since I was in charge of the inmates because of the crematory I mostly took care of the inmates myself, because they lived there absolutely independently, mostly without supervision. It was at the moment that the truck came, the so-called corpse truck; the corpses were supposed to be loaded on the truck. I heard outside in the room a noise, the inmates quarreled, when I opened the door I saw the inmate Janzen who cut the throat of one Russian who was not dead yet. I hit him down so that he fell down.

Q The first Russian you talked about who was shot and ran away, was that a Russian by the wall in P-12 for identification?

A Yes, sir.

PROSECUTION: You may cross examine.

CROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q On direct examination you testified that when you were talking about the assignment of the job of shooting on the commando detail, that they decided among themselves and you just mentioned the names of Thalmann and Hupfer, when you mentioned "they", is that whom you mean?

A No, Thalmann was the Master Sergeant and Hupfer continued his work as his deputy, that means that they assigned the people to all the jobs which were to be done by non-commissioned officers.

Q They decided who would be placed in the rifleman's chamber as shown on the chart is that correct, on the days of execution?

A Yes, they assigned everybody.

Q Who was the superior of the six accused in the dock at the horse stable?

A I had the highest rank there, but I was not in charge of them, and I was not their superior, I was just one of the people who executed orders.

Q- Who was in charge of the NCOs at the horse stable during an execution?

(Helbig-cross)



A Thalmann or Hupfer.

Q How did these 6 men here in the dock know that they were to report to the horse stable for duty at any given time?

A At first they were notified by loud speakers, they were told "Detail 99 to the Office", later on everybody was notified by telephone.

Q If anyone of these men had refused to have reported to the stable after they had been notified either by the loud speaker or telephone, what would have happened?

A I believe they would be punished.

Q You testified here this morning on direct examination about an order that was sent down from the higher security office setting forth that an execution was to take place, do you recall whether or not that was stated the manner in which an execution was to be carried out?

A No, only that they were to be executed.

Q Do you recall any other orders which were sent to the stable which stated the fashion or the manner in which the execution was to be carried out?

A I believe there were one or two cases where hangings took place.

Q Now these executions that took place in the horse stable, where did the officials who were in charge there, get their orders to carry out the executions in this manner?

A It was done the same way as it was done in Oranienburg.

Q Do you know where the order came from which set forth that these executions in the horse stable were to take place in the same fashion as those at Oranienburg?

A It came from Oranienburg from the SS leaders' main office, that was the highest office as far as concentration camps were concerned.

Q Do you recall a prisoner at Buchenwald that worked around the horse stable by the name of Zgoda?

PROSECUTION: The prosecution objects to testimony to any reference to the witness Zgoda only and until he is used as a witness for the Defense. There was not not any mention of this in the examination. It is not cross examination.

DEFENSE COUNSEL: I think on cross examination if I make it clear (Helbig-cross)

that my aim in asking this question is to imperil the credibility of the witness Zgoda it would be permissible, but I think this question is beyond that - the question where the defense is attempting to attack the credibility of the witness Zgoda - because the question I am<sup>asking</sup> is one with relationship to a question that was put to Zgoda this morning.

PRESIDENT: It is the opinion of the court that since that was not a subject on direct examination, we will probably recall him as a witness for the defense.

QUESTIONS BY DEFENSE COUNSEL:

Q Do you recall any executions taking place at Eisenbach?

A Yes, sir.

Q Did you ever attend any executions at Eisenbach?

PROSECUTION: Same objection.

DEFENSE COUNSEL: I have not mentioned the witness Zgoda's name.

On direct examination you remember that this witness stated that he was away on an occasion at two executions at other places.

PRESIDENT: Reframe the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Did you ever attend any executions other than those in the stable?

A Yes.

Q Where?

A Because I was on duty in the crematory, I performed executions by hanging, these were regular sentences which had to be executed, and I did not see any reason why I should not perform these executions.

Q Do you recall who were present at these executions?

A At the executions which were performed at the crematory, always the adjutant and camp judge advocate were present, besides that a physician, a reporter and one protective custody camp leader.

Q Were there any prisoners present there, any capos?

A Yes, sir, there were always two inmates present.

Q Do you recall the names of any of the capos or inmates who were at these executions you have just testified about?

A Yes, sir.



Q Who were they?

A Capo of the crematory Mueller, besides the fireman Roder, then some other inmates from the detail of the corpse carriers, one of them had the first name of Nicki, I do not know his last name.

Q Do you recall a man by the name of Zgoda being present at these executions?

PROSECUTION: I suppose I ought to get up and object...

DEFENSE COUNSEL: I will withdraw the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Is the size in the slit in this gauge over here the exact size of the one that was in the horse stable at Buchenwald?

A It is approximately the same thing, the cut.

Q Was it dark in that room behind that slit?

A Yes.

Q Could a man standing on the outside look through that hole and identify a man on the inside of that room?

A No, he was too far away.

Q These executions that took place there in the stable, did you consider these legal executions.

A PROSECUTION: I object.

DEFENSE COUNSEL: On cross examination the latitude I have on a question like that is unlimited.

PROSECUTION: It calls for a conclusion on the part of the witness.

PRESIDENT: The objection is not sustained, it may be answered.

WITNESS HELBIG: According to my opinion these executions were surely legal. We know perfectly well that on the Russian radio it was said all the time that there is no protection given to the SS. For this reason the Germans made reprisals. The men who incited the Russians to kill the SS like wild animals were the commissars and the Politruks, and those men were shot by the Germans.

QUESTIONS BY DEFENSE COUNSEL:

Q At the executions you attended was there a legal officer present?

A I myself did not see them there.

Q Did you see the camp commander there?

A I should like to mention that at the time that Koch was the C.O. of the camp, he was there pretty often, also with the then adjutant and legal officer Biegler; together with Koch was often <sup>Police</sup> President of the Wehrmacht Hennecke, and therefore there was no reason for us to doubt the illegality of the executions inasmuch as so many superior officers were present.

Q Was there a doctor present?

A Yes, sir, the custody camp leader and the physician.

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed 1445 hours.)

(Helbig-cross)



(Whereupon court reconvened at 1505 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show that all members of the court, prosecution, defense, the accused, and the reporter are present. If the court please, there is a new interpreter to be sworn.

PRESIDENT: The court has appointed Mr. Rudolph Nathanson as court interpreter. He will be sworn.

(Whereupon Mr. Rudolph Nathanson, U.S. Civilian, was sworn as court interpreter.)

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

If there are any persons in the courtroom who expect to testify either on behalf of the prosecution or the defense, they will leave the courtroom immediately.

HERMANN HELBIG, called as a witness by the prosecution, resumed the stand, and being reminded that he was still under oath, continued to testify through an interpreter as follows:

CROSS EXAMINATION (continued)

QUESTIONS BY DEFENSE COUNSEL:

Q Did you ever see the accused Bergt whom you have identified as Number 2 in the dock in the horse-stable during any of these executions in question?

A Never.

PROSECUTION: If the court please, I don't believe this witness identified Bergt on direct examination.

DEFENSE COUNSEL: I will withdraw the question, but I will ask another question.

QUESTIONS BY DEFENSE COUNSEL:

Q Do you know Number 2 in the prisoners dock here?

A Yes, sir. That's Bergt.

Q Did you ever see him at the horse-stable where the executions took place?

A No, and he was never a member of the detail.

Q Isn't it true that during the war the Merit Cross was received by practically every German soldier who had done anything in the Army or in any capacity?

A That was all over, not only in the Wehrmacht, but also in civilian life.

Q Did you ever see the accused Bresser in this room here <sup>where</sup> (indicating)?

A No.

Q Did you ever see the accused Moeckel in this room right here <sup>where</sup> (indicating)?

A No.

Q Did you ever see the accused Hilberger in this room right here <sup>where</sup> (indicating)?

A No.

Q Did you ever know of Dittrich being in this room?

A Yes.

Q And of Berger?

A Yes, Berger was in there together with me.

DEFENSE COUNSEL: Let the record show the defense indicated the riflemen's chamber shown on Prosecution's Exhibit P-11 for identification.

Q Do you know who ordered Dittrich to enter the room known as the riflemen's chamber?

A He certainly received this order from Thalmann or Hupfner.

Q Do you know whether or not Dittrich volunteered for this job?

A There can be no question of volunteering. I don't think that any soldier would ever volunteer for an execution.

(Helbig-Cross)



Q Do you know who ordered Berger into the riflemen's chamber?

A He also can have received this order only from Hupfner or Thalmann, of course.

DEFENSE COUNSEL: If the court please, I would like a five-minute consultation with my accused.

PRESIDENT: There will be a recess in place for five minutes.

(Whereupon the court recessed in place at 1512 hours.)

\* \* \*

(Whereupon the court reconvened at 1516 hours.)

PRESIDENT: Court will come to order.

QUESTIONS BY DEFENSE COUNSEL:

Q Do you know who Hupfner and Thalmann got their orders from with respect to these executions?

A I have to assume that they received these orders from the Adjutant and the Adjutant from the commandant--from the commander.

Q Were these the orders which stated that the executions were to be carried out in the same order as those at Oranienburg?

A Yes.

Q Would an inmate working as a corpse-bearer in this vicinity here-- I will start from the wooden walls down through the "way of corpses" as indicated on Prosecution's Exhibit P-11--would an inmate working in this vicinity during the execution be permitted to enter this room, which is known as the consulting room, or would he also be permitted to enter the room known--where the candidates had to undress?

A No.

(Helbig-Cross)

Q Did you ever see an inmate by the name of Zgoda in the consulting room as shown on the Prosecution's P-11?

A I have to say the following about that. When winter was on and it was so cold--I would like to show it on the map. The prisoners were in this end room over here and through the winter when it was cold and the construction work was still going on, after the corpses were loaded, I personally took the prisoners here into this consulting room and had them sit next to the others so that they could warm up, and once in a while even they got a cigarette; because they were members of my detail, I gave them cigarettes. And when the executions continued, then they had to leave the room again. The door was closed and then they were in this end room over there.

Q Where did they go then?

A Back again in this end room, and between them none of the prisoners would enter this room any more.

Q During these executions in the horse-stable did you ever know an inmate by the name of Zgoda?

A Yes, he was there too.

Q Would Zgoda have had an opportunity to have known at the time of the executions who was standing guard here or here, as indicated on the Prosecution's Exhibit P-11?

A I can't explain that.

Q Would he have been permitted at any time to have gone anywhere else besides this area here or in here by the stove as you have described in your testimony?

A To the oven he only could go when I told them, "Go to the oven and warm up." Or it could happen that during a recess they would enter the room in order to heat some water on the stove, because they had to disinfect their hands in the same manner as anybody else.



Q Isn't it true that the orders for the execution of these Russian prisoners were brought in by the transport leader from the outside?

A Yes, sir.

Q This question may be repetitious, Helbig, but I want to be sure that I understood your original and previous answer. Was it common knowledge among all the members of the Commando-detail 99 that these executions were legal?

A Without any doubt.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q Helbig, you just said that Thalmann and Hupfner ordered Berger to shoot. Was Berger in the first group who did shooting in the horse-stable or was he in the second group who did shooting in the horse-stable?

A Berger came only later.

Q Now when did Thalmann leave the horse-stable? When did he leave Buchenwald?

A I don't know it exactly any more. Around the beginning of January 1943. It might have been later, too.

Q When did Hupfner leave Buchenwald?

A Hupfner was still there when I left in '44.

Q Who was 1st Sergeant of the Headquarters Company after Thalmann and Hupfner?

A First Thalmann was 1st Sergeant and then Hupfner was his deputy. If and when Thalmann could not leave his other duties, then Hupfner took care of the horse-stable. One of these two was always present, anyway.

Q Who was the 1st Sergeant after those two?

A After Thalmann it was Otto.

(Helbig-Redirect)

Q Did Otto ever order Berger to shoot?

A I can't say that. I don't know that.

Q How do you know that Thalmann and Hupfner ordered Berger to shoot?

A Because Thalmann and Hupfner--one of them were always present back there and at the same time Hupfner was also sometimes the deputy of Otto there.

Q Now were you present when Hupfner ordered Berger to shoot?

A I was there but when and whether Hupfner gave the order to Berger to shoot, I don't know that. It might have been Thalmann. Because I wasn't standing there when they received <sup>the</sup> orders. I was doing something else, too.

Q You don't know definitely whether they ordered him to shoot or not, do you?

A They definitely received the order for the shooting.

Q Did you hear them give Berger the order to shoot--either one of them?

A No.

Q Did you ever give Berger an order to shoot?

A I had no right to do so.

Q Weren't you in charge of Commando 99 at one time?

A Never.

Q Now if I were to tell you that Berger testified in the parent Buchenwald case at which you were present that you ordered him to shoot, what would you say?

A He was lying.

Q If I were to tell you that Berger said in the parent Buchenwald case in answer to a question was either he in charge of was Helbig in charge of Detail 99 and his answer was, "I assume he was," what would you say to that?

A If he only assumed so, it's his own business but for me it's still a lie.



Q Now, to return to your statement of 21st of February 1947, on page six do you remember being asked this question: "Who determined how often non-commissioned officers would shoot during one evening? and who determined the order in which **they** shot?", and did you not give this answer: "Nobody determined that. The men made their own arrangements among themselves."?

A That's what I said. That's correct.

Q Were you asked this question: "In other words, these men went behind those boards on their own initiative?", and you gave this answer: "Yes."

A That is the same what I have said here again.

Q Will you look over here a minute. Did any Russian prisoners ever die in this room, indicating the large room on the right of the horse-stable on Prosecution's Exhibit P-11 for identification?

A Russian commissaries and political commissaries.

Q Who carried those bodies out of there?

A The prisoners carried out the corpses.

Q Were the corpse bearers who were here also on duty over in the left end of the stable?

A There were no corpse carriers on this side of the horse-stable.

Q Will you answer my question. Were the same corpse carriers over here who carried the corpses from this area--indicating the left side of the stable?

A I do not understand the question. There were only three corpse bearers present and they were always here on the left side. Here in this one room.

Q When the prisoners died here and the corpses had to be carried out, who carried them out--indicating the room on the extreme right?

A The three from over there.

Q Was Zgoda one of those?

A Yes, sir.

PROSECUTION: No further questions.

RECROSS EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q While you were around the horse-stable or Commando 99, who assigned the various men to their various posts of duty?

A Thalmann or Hupfner did it.

Q Whatever SS man was located in the riflemen's chamber, who ordered him to take that particular position at any particular execution?

A As I said before, Thalmann or Hupfner, but there were also days when they agreed among each other. For instance, they said, "Today I'm going to do the shooting." As I mentioned at the beginning, Blanc and Taufratshofe.

Q But among the accused here in the prisoners dock, did you ever know of any of them with the exception of Dittrich and Berger being assigned to the riflemen's chamber as shown on Prosecution's Exhibit P-11?

A No.

DEFENSE COUNSEL: No further questions.

PROSECUTION: No further questions.

PRESIDENT: Questions by the court? Apparently not. The witness will be excused.

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

PROSECUTION: The prosecution calls as its next witness  
Dr. Waldemar Hoven.

(Helbig-Recross)



# A T T E S T A T I O N

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970



*Joseph Blouby*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

## B E G L A U B I G U N G

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



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Vern.:

Schobert

S. 116-129



(Whereupon the court reconvened at 1315 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court with the exception of Colonel Dunning, who is ill, are present, the prosecution, the defense, the accused and the interpreter and reporter are present.

DEFENSE COUNSEL: The defense calls as its first witness Max Schoebert.

MAX SCHOEBERT, called as a witness by the defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What is your name?

A Max Schoebert.

Q Were you ever at the Buchenwald Concentration Camp during the last war?

A Yes.

Q What was your rank at that time?

A I came to Buchenwald as a 1st Lt. of the SS, that was in the year 1940, in April or May 1942 I became a captain of the SS, and on the 30th January, 1945 I became a major of the SS.

Q Do you remember the so-called horse stable at Buchenwald where executions were carried on?

A Yes.

Q Did you attend any of the executions in this horse stable?

A Yes.

Q Who ordered you to go to this horse stable?

A I received that order from the commandant.

Q Who was that commandant at that time?

A First it was Colonel of the SS Koch and later it was General of the SS Pister.

Q Will you tell us what manner or fashion Koch gave you the order to come to the horse stable?

A That order came from Colânel Koch via the executive officer, and there was a written order there from Berlin which the commandant had with him and in that the manner of execution was determined, but I did not see that order personally but I heard it from the then executive officer and from SS officer Florstedt.

Q Do you know what happened to that original order that came from Berlin?

A I do not know what happened to it.

Q Do you know why the execution was carried out in the manner that it was in the horse stable?

A I do not know the real reason for which Berlin gave that order, I assume that the reason was that those executions also took place in Berlin.

Q Will you look at the chart over there on the wall and tell us if you were ever in the so-called consulting room on that chart? If the witness would like to come over closer, please do so.

A Yes.

Q Now would it have been possible for a man standing in this section to see who was in this section here (indicating)?

A No, that is impossible.

DEFENSE COUNSEL: Let the record show that the defense was pointing from the room designated in P-11 "The way of the corpses" to the room on the same exhibit known as the "Rifleman's Chamber".

QUESTIONS BY DEFENSE COUNSEL:

Q If I tell you that a witness for the prosecution by the name of Zgoda said he could identify people from that rifleman's chamber, was he right or wrong?

A He was wrong, that is impossible, because that room was completely darkened, and there was only one very small slit there, the width of  $1\frac{1}{2}$  to 2 centimeters approximately, so the barrel of the pistol could go through.

Q Is this opening on prosecution P-12 exactly as it was in the horse stable when you were present at the executions?

(Schoebert-direct)



A It is far exaggerated.

Q You mean smaller or larger?

A It was much smaller.

Q Now will you tell us after you were ordered to be present at an execution here in the horse stable, what steps came after that in order to carry out the executions, will you tell us step by step, if you remember?

A The original order from Berlin which the whole manner of execution was described in the commandant had with him, and there was a separate order together with the transports which arrived from time to time. That order said approximately the following: "The Commissars and Polytruks which are mentioned by name in here, have to be executed". That order was given to the leader of the execution at that time by a Gestapo Official and that man in charge of the execution read that aloud once.

Q Can you recall approximately or give us to the best of your knowledge, what that order contained which you heard read?

A As I stated before: "The Commissars and Polytruks mentioned by name have to be executed", and it was signed by SS General Mueller at Berlin.

Q Was every step of the execution there in the horse stable ordered?

A Yes.

Q Did any of the members or the non-commissioned officers of that detail volunteer to be present there at any execution?

A No, I would like to know that soldier who volunteers for an execution, I hardly believe that the soldiers and officers at Landsberg volunteer for an execution, because it weighs heavily on the soul of each soldier, and a refusal to obey such an order would have been senseless and without a purpose, because during a war each soldier is under martial law, and in case he refuses to obey an order he has to face a court martial, and no leader or commandant like Colonel Koch or Pister would have let anybody refuse to obey one of their orders. Once in the year of 1941 toward the end of the year of 1941, I spoke to Colonel Koch and I asked him to free me of that execution detail, and he asked me whether I was insane and that he would put me in front of a court martial and he threw me out.

Q Do you know of any example back in camp Buchenwald where any man refused to carry out any order and if so, what happened to him?

A I remember one case and that was the case of a certain 1st Lt. of the SS Triml, that man had uncovered an act of cheating by the Colonel of the SS Koch and he did not go through the ordinary channels in reporting and he went to Berlin during night and fog using a back-handed way, and he tried to obtain protection with the then Inspector General of the SS, General Glueska, because he was supposed to be put in front of a court martial.

Q What was the Reich Security Main Office, what did it mean to you at the time you were at Buchenwald?

A The Reich Security Main Office is the highest executive echelon of the Gestapo and of the Criminal Police.

Q The times you were at the horse stable, what non-commissioned officer was in charge of the activities there?

A 1st Lt. of the SS Bungeler was in charge and then a master sergeant Thalmann was put in charge, and then master sergeant of the SS Hupfer, was put in charge.

Q Now, when the detail reported to the horse stable for an execution, who assigned these various non-coms to their posts of duty?

A That distribution of duties was made by the commandant or by the executive officer.

Q Did you ever see these non-commissioned officers or hear them discuss the matter as to who was going to do the shooting at any particular execution on any particular day?

A No, and I hardly think that any one of them would have dared to do so.

Q Do you know any of the accused in this case?

A I know No. 1 Berger; I know Bergt No. 2; I know Bresser No. 3; Hilberger No. 5; Dittrich No. 4; Moeckel No. 6.

DEFENSE COUNSEL: Let the record show that the witness properly identified each of the accused in the prisoners' dock.

(Schoenbert - direct)



QUESTIONS BY DEFENSE COUNSEL:

Q Did you ever see the accused No.2 at the horse stable?

A Bergt? No.

Q There has been some testimony in this case that the participants in the activities of the horse stable wore white coats, can you tell this court why these people wore white coats?

A White coats? Those were white protective coats impregnated protective coats. During the first time none of those was worn, but after a few cases of typhus had occurred that was ordered to be done by the physician.

Q Were all the prisoners brought to the horse stable for execution brought from within the camp or from without?

A What do you mean?

Q The prisoners who were executed, were they inmates of Buchenwald or were they brought from some other camp?

A No, those weren't concentration camp inmates at all, but they all came from the outside. In no case of executions at Buchenwald were there inmates of a concentration camp executed, they all came from the outside, with the exception of one case, which was either in the year 1942 or 1943, he was a prisoner from an outside detail who had escaped and who during the time that he had been away had broken into some houses and had committed murder in doing so. He was sentenced to die by a court.

Q Do you recall what personnel accompanied the prisoners when they were brought to the horse stable or when they were brought to Buchenwald?

A They were brought by members of the Wehrmacht and by members of the Police.

Q Did you ever see the Police President of the Wehrmacht called Hennicke present at any of these executions?

A I cannot recall that.

Q Do you know whether or not any of the accused present in the prisoners' dock or any members of the detail that worked at the horse stable, ever received a decoration for their work at the horse stable?

A That is not known to me.

Q Did you ever give any of the non-commissioned officers there on that detail an order to administer the coup de grace?

A No.

Q Will you come over to the chart please? Would it have been possible for a prisoner helper working in this sector here (indicating) according to Prosecution exhibit F-11, to have had the liberty to have roamed all over the horse stable?

A No, and certainly not during an execution.

DEFENSE COUNSEL: You witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Thalmann was the sergeant major in charge of the horse stable, was he not?

A Thalmann received the order from the commandant, and after Bungeler had left he took over the job from him.

Q Hupfer succeeded Thalmann in the very same duties?

A Yes.

Q Who succeeded Hupfer?

A Nobody.

Q Who was Otto?

A Otto was first sergeant under Pister.

Q Didn't Otto take Hupfer's place after Hupfer left?

A Hupfer stayed in that job until the time no executions were taking place any more.

Q Now, do I understand by that that under Otto no executions took place in the horse stable?

A There were executions only in the beginning of 1943. Yes, Otto was first sergeant at that time but Hupfer stayed in office as before.

Q But Otto was in charge 1943 at the horse stable, was he not?

A He was not in charge, orders came from the commandant via the executive office.

Q But he was the senior in the horse stable in 1943 who received the orders from the commandant, was he not, answer yes or no.

A Who?



Q Otto.

A I never saw Otto back there.

Q You never saw Otto in the horse stable?

A No.

Q Now you received the order from Pister to go to the horse stable yourself, didn't you?

A I?

Q Yes.

A Yes, via the executive officer.

Q And Pister used to come down there too, didn't he?

A I personally didn't see him go there; when I was there he was not there.

Q When Pister was the commandant, didn't you say on direct examination that he, as commandant, went down to the horse stable with the written order?

DEFENSE COUNSEL: I object to that question, I do not think that was on direct examination.

PRESIDENT: Objection overruled, the question may be answered.

WITNESS SCHOEBCRT: Pister was not back there, I didn't say Pister was back in the horse stable, I only said that Pister, the commandant, had the order in his personal possession.

QUESTIONS BY PROSECUTION:

Q Where did he have it - in the headquarters building?

A Yes, those secret orders from Berlin, the commandant personally kept locked up.

Q Now the orders with respect to the execution of these prisoners were secret, were they not?

A Those orders from Berlin, the original order.

Q Were they or were they not secret?

A That is a matter of course, each execution order is a secret order.

Q Now the activities in the horse stable were secret, were they not?

53 SS



A Yes, all of that was secret.

Q The men who took part in those executions at the horse stable were all members of the administration headquarters, were they not?

A That varied, members of various departments, that was interchanged frequently, and now and then members of the Regimental Complement were there also.

Q They were usually non-commissioned officers who were very dependable, isn't that a fact?

A What do you mean - dependable? I did not know all of these non-commissioned officers. I did not know whether they were dependable or not dependable.

Q Look at the 6 accused - they were all non-commissioned officers, weren't they?

A I could not tell exactly any more whether they already were non-commissioned officers at that time.

Q They were members of the headquarters staff, weren't they?

A Yes.

Q All of the accused here?

A Yes, also.

Q You were Pister's deputy, were you not?

A I was supposed to be used but practically I didn't have that office, in practice the executive officer had that office.

Q Now when Pister left the camp, he turned the papers over to you, did he not?

A No.

Q Who did he turn the papers over to?

A Most likely the executive officer, not to me. Pister went away frequently without my knowledge, all of the interior writing work he gave over to his executive officer.

Q How many executions did you attend in the horse stable?

A I, approximately 10 to 15.

Q And approximately how many people were executed during those 10 to 15 executions?

A I could not give you the exact number, that changed, sometimes there were 10, sometimes 15, sometimes 20 men during one execution.

Q Now I understood you to say on direct examination that the prisoners executed were Russian Commissars or Partisans, is that correct?

A Yes.

Q Weren't they Russian soldiers?

A No, according to the order they were Commissars, Russian Commissars and Politruks.

Q You were one of the accused in the Parent Buchenwald case, is that correct?

A Yes.

Q And during the course of the trial one of your statements was introduced into evidence as exhibit P-48 and P-48A, is that not a fact?

A Yes.

Q I am going to quote from that statement and you answer me whether or not the statement I am quoting is the truth. "Executions by shooting which were carried out chiefly on Russian soldiers took place in the horse stable and went under the detail designation 99". Did you write that statement?

A I cannot recall that any more, it is quite possible if that is my statement, yes.

Q Is that your signature?

A Yes, and during that interrogation the interrogator dictated that to a girl and each time, even during my interrogation at Freising in 1945, I kept emphasizing the fact that they were Commissars, but the interrogators seemed to like the expression Prisoners of War or soldiers, so I told them, "All right", and in order to avoid further disputes with them I just gave in.

Q Now when you took the stand in the Parent Buchenwald case, did you also tell the court the same thing about your statement, about this statement I am talking about, the statement I am quoting from?

A I could not tell you exactly any more what I answered to that.

Q As a matter of fact you never said anything about how the statement was taken to the other court, did you?



A That is possible, it is possible that I did not say anything in regard to that statement.

Q When these men to be executed in the horse stable were taken into the room and undressed, they were given the impression that they were going to get a medical examination, is that correct?

A What room?

Q The consulting room in the horse stable?

A The consulting room in the horse stable? I assumed that; from the looks of the room I assumed that.

Q Those SS men wore white doctors' robes, didn't they?

A Doctors' robes? No, I did not see any, those were long protective coats; during the first days they didn't wear any at all.

Q And there were medical instruments on the tables to make it look more like a medical examination, were there not?

A Instruments? I cannot recall the fact that instruments were lying there.

Q Let me refresh your memory by reading from your statement of February 27, 1947, taken here at Dachau, same paragraph, "The idea was to give the impression that this was going to be a medical examination, the SS men who were engaged in these executions wore white doctors' robes and there were medical instruments on the tables to give the event an air more of a medical examination"?

A That is possible.

Q Is it true or is it not true?

A That must be true if this is my statement. I cannot tell you exactly any more today what I wrote at that time.

Q Would you say that you witnessed about 300 executions in the horse stable?

A Not at the horse stable altogether.

Q Now, in the ante-room there was a loud speaker, was there not?

A In one room there was a loud speaker.

Q And that was going at full blast in order to drown out the noise of the shooting, was it not?

A That went on full blast.

Q Now were the prisoners told ahead of time that they had been sentenced to death and that they were to be executed?

A I do not know that.

Q Well, didn't you say on direct examination that there was an execution order?

A Yes.

Q Was the execution order read to the prisoners?

A That is not known to me.

Q The same paragraph again from your statement of February 27, 1947, "These prisoners were not previously told that they had been sentenced to death and that they were going to be executed", now is that true or is it not?

A That might be true; I am telling you I don't know whether anything was read to them.

Q Now the next sentence, "I was present at about 300 executions", is that true?

A Yes, that's true, altogether 300 men, and that includes all executions, hangings and executions by shooting.

Q Do you mean executions which you attended or executions which took place?

A Those are executions at which I was present.

Q In the horse stable?

A No, not only at the horse stable, I emphasize especially that fact that that included all types of executions, hangings and shooting.

Q Now look over here at prosecution exhibit P-11 for a moment. Look at this large room to which I am pointing on the right of the exhibit, some of the prisoners died in that room, did they not?

A No.

Q You don't know any of them that died in that room, is that right?



A No, I don't know anything of that.

Q Look over here a moment on the left hand side of the picture, pointing to the room "The way of the Corpses", you had corpse bearers in here who were prisoners of the camp?

A Yes.

Q Now the job of these corpse bearers was to take the corpses out from the Cully and pile them up in front of the truck, did you not?

A It was their duty to carry out the dead from that one room the back way to the other room.

Q If there were any dead in this room the corpse bearers would go over there to carry out the dead, would they not? (Prosecution; Indicating the large room on the right of the diagram)

A I am sure that they would have been called for after the execution, but that is impossible.

Q Did you know Helbig?

A Yes.

Q He was also tried with you in the Parent Buchenwald case, was he not?

A He was in the main case, yes.

Q What was Helbig's job at the horse stable?

A I believe it was his duty to clean the room.

Q Which room?

A The shooting room down front there.

Q This room?

A No, that room. (Prosecution; indicating the room directly in front of the height scale)

Q Who cleaned up the blood on the floor of that execution place?

A I believe that was Helbig, I do not know whether it was he in all cases.

Q Didn't Helbig as a matter of fact, have charge of the detail on several occasions?

A I do not know anything about that.

Q Didn't Helbig do some of the shooting in the executions on occasions?

A I didn't see that, I cannot remember.

Q How many times were you in the horse stable altogether?

A Approximately 10 times.

Q Now, while you were down there on those 10 occasions, did you remain in the horse stable during the entire course of the evenings executions or did you just stay there a few minutes?

A I didn't stay there all the time, sometimes I was outside and sometimes I left.

Q Did you receive any extra rations for your part in the execution?

A Sometimes, yes, I received it sometimes.

Q Did you ever receive any extra cigarettes for your part in the executions?

A Yes.

Q On how many occasions did you receive the cigarettes?

A I could not say that any more, that was an order which came from Berlin, it covered the whole German Reich.

PROSECUTION: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q On cross examination you were asked if a loud speaker was not going at full blast, and you answered "Yes", was that not your testimony?

A Yes, I said it played loudly.

Q Is it not true that the medical examination, the type of the execution, the loud speaker playing, was all the result of an order affecting these executions at the horse stable?

PROSECUTION: Before we proceed any further with this line of questioning, are you cross examining your own witness? I object to it on that ground.

PRESIDENT: Objection overruled.

WITNESS SCHOEVERT: Yes, it was the result of an order.

QUESTIONS BY DEFENSE COUNSEL:

Q No further questions.

(Schoevert-redirect)



PROSECUTION: Nothing further.

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q You stated on direct examination by the defense counsel that when these people arrived that were to be executed, they were accompanied by a Gestapo man, did you not?

A Yes.

Q And he had an order to carry out the executions?

A He had the written order, he took it along with him.

Q And you previously stated this order was read once, was it not?

A Yes.

Q Who was present when the order was read?

A In that so-called consulting room Thalmann read the order and there were several non-commissioned officers present who took part in the execution.

Q Were the people to be executed present?

A No.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q I would like to clear up a question by the court. In addition to the Gestapo men who accompanied these people/<sup>there</sup>were members of the Wehrmacht present, were there not?

A The transport was brought in by Wehrmacht or by Policemen, that varied, and the orders were always carried by Gestapo men who delivered the transport.

PRESIDENT: Any further questions? There appear to be none, the witness will be excused.

(Whereupon the witness was excused and withdrew.)

DEFENSE COUNSEL: The defense calls as its next witness Otto Barnewald.

OTTO BARNEWALD, called as a witness by the defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What is your name?

(Barnewald-direct)



# A T T E S T A T I O N

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970



*Joseph Blouby*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

## B E G L A U B I G U N G

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



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CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

7 Q You were one of the accused who was tried and convicted in the parent Bucherwald case--tried this past spring here at Dachau, were you not?

A Yes.

Q This same accused Bergt came before that court and testified on your behalf, did he not?

A Yes.

PROSECUTION: No further questions.

DEFENSE COUNSEL: No further questions.

PRESIDENT: Any questions by the court? Apparently not. The witness can be excused.

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

DEFENSE COUNSEL: The defense calls as its next witness Otto.

WOLFGANG OTTO, called as a witness by the defense, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What is your name?

A Wolfgang Otto.

Q Where are you now residing?

A At Landsberg.

Q Were you ever in Bucherwald Concentration Camp during the last war?

A Yes.

Q What was your rank?

A My last rank was Technical Sergeant of the SS.

(Otto-Direct)



Q What was your job at Buchenwald?

A Which period of time are you referring to, please?

Q From approximately 1940 to 1943.

A In 1940 I reached the rank of a Corporal of the SS, and in November 1941 I became a Sergeant of the SS.

Q What type of work did you do at Buchenwald?

A The first half year as a guard. During the next period of time until November '41 as an accountant.

Q Did any of the orders pertaining to the operation of the camp ever pass through your hands?

A Not while I had the duties which I have described so far. Only later.

Q From 1941 to 1943 what were your duties?

A From 1941 to 1943 I was used as a clerk at Headquarters, Department 1-A.

Q Did any of the secret orders from the Reichs Security Main Office ever pass through your hands?

A Yes.

Q Did you ever see any orders that pertained to the executions of Russians at the horse-stable?

A Yes.

Q Will you tell us to the best of your own knowledge what that order said.

A It could be gathered from that order that Russians were to be executed, and I had given the literal order--the exact words of it in the great Buchenwald trial.

(Otto-Direct)

Q Can you give us now approximately what the order contained to the best of your recollection?

A Do you only desire to know the contents or the other statements also?

Q Just the contents of the order.

A It stated that Russians were mentioned by name in lists attached and it further stated that these Russians were to be executed, and immediately after the execution, a report was to be made to the Reichs Security Main Office.

Q Do you recall who signed that order?

A Most of the time the signature was Mueller, General of the SS.

Q Who was Mueller?

A The chief of the Reichs Security Main Office.

Q At that time what did the Reichs Security Main Office mean to you with respect to authority in Germany?

A That was the highest police echelon which we ordinary people could imagine.

Q Do you recall whether or not there was a roster of SS non-commissioned officers which were to be used in a detail at the horse-stable?

A I couldn't state that exactly. I do not believe so.

Q You knew that there was a detail that operated at the horse-stable though, didn't you?

A Yes.

Q How were the men chosen for that detail?

A As far as I know, they were appointed by the then SS Colonel and Camp Commandant Koch.

(Otto-Direct)



Q What would have happened if any one of these non-commissioned officers had refused to report to the horse-stable for duty?

A I can only judge from my own experiences. As far as I know, Koch would certainly have brought that man before a police court because of being detrimental to the Wehrmacht. He wanted to do the same thing when I wanted to report for front line duty. That had happened in the year 1939 immediately after I was drafted.

Q Did you ever hear that a secret order had come down from Berlin as to the manner in which the executions in the horse-stable were to be carried out?

A I knew that from hearsay.

Q Do you know what happened to that original order that came to Koch?

A I never saw the original and I believe that it fell under the Army service regulations, according to which certain secret orders had to be destroyed immediately after they had been received--after they contents had been made known.

Q Do you know what the nationality of the prisoners was that were executed in the horse-stable?

A All of them were Russians.

Q Do you know from where these Russians came?

A From so-called prisoner of war internment camps.

Q Who delivered these transports to Buchenwald?

A I didn't learn that at that time. I only learned about it during my confinement--while I was confined.

(Otto-Direct)

Q What did you learn then?

A I was told that the Russian soldiers had reported their commissars to German authority.

Q Otto, was there any doubt in your department or in your mind as to whether or not these executions were legal that took place in the horse-stable?

A No, in no manner. An order which originates from the highest Reichs office cannot be disputable for us any more. When I mean all of us, I mean men who can be called soldiers.

Q Do you mean non-commissioned officers?

A That too.

DEFENSE COUNSEL: Your witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q All those men who participated in the activities at the horse-stable were members of the Headquarters Staff, were they not?

A Only.

Q And they were older, experienced men too, were they not?

A How shall I understand that--older?

Q They were experienced men--they were not new men, young boys?

A All of those people who were used for that purpose were men who were at least 25 to 28 years of age.

Q Now Thalmann was a Sergeant Major ahead of you, was he not?

A Yes.

Q And he was in charge of the preparations and the arrangements at the horse-stable while he was Sergeant Major, is that not a fact?

A He was given that through Koch.

(Ott-Cross)



Q Now Hupfer relieved Thalmann, did he not?

A Yes.

Q Now that was during Pister's time, wasn't it?

A Yes.

Q Who relieved Hupfer?

A There was a brief span of time of approximately one month when there was no one there.

Q Then who took charge?

A A certain Beckmann.

Q Did you ever issue orders with respect to executions which were to arise at the horse-stable?

A I had no authority to issue any orders.

Q Did you ever get in touch with Helbig and tell Helbig to arrange for an execution at the horse-stable?

A I stated that to the court, because there was always a "maybe"—"perhaps"—standing there.

Q Now these Russians who were shot in the horse stable were Russian prisoners of war, weren't they?

A I said not only so in that letter.

Q Well, let's refer to your statement, since you seem to want to testify in English—your statement of 31 March 1947, and see if this is what you said, which is known as Exhibit P-45A in the exhibits of the parent Buchenwald case. Do you want to testify in English or do you want to testify in German?

A German.

Q Then answer in German so that all of those accused can hear what you've got to say right now. Did you make this statement: "After

(Otto-Cross)

my entry into the office 1-A, I observed that certain sub-leaders received special orders by the commandant, at that time SS Standartenfuehrer Koch. I came to know then that it was a question of shooting Russian prisoners of war to be executed in an empty horse-stable." Now did you or did you not make that statement?

A Yes.

Q Did you also say this in the same paragraph:

DEFENSE COUNSEL: If it please the court, the prosecution hasn't shown any contradiction up to this point in the witness' testimony. I therefore object to this line of questioning. They're reading something, trying to phrase something different than what the witness has testified to, but there is not any contradiction and therefore in my opinion to impeach the witness with a document he must show contradiction and in the last statement he didn't show that at all.

PROSECUTION: On direct examination this witness said they were Russian commissars and Russian politruks. Now there is the reason.

DEFENSE COUNSEL: I don't think that this witness had testified to that. He didn't say politruks and commissars in his direct examination.

PRESIDENT: The objection is overruled. I think this has a direct bearing on the direct examination. You may proceed.

QUESTIONS BY PROSECUTION:

Q Now were these Russians Russian prisoners of war? Yes or no.

A That cannot be answered in that manner, yes or not. According to our opinion they allegedly were Russian prisoners of war, but not according to the facts which stood, because the Reichs security main office and the offices connected with it had no authority over prisoners of war. That should have been done by the Wehrmacht.

(Otto-Cross)



Q Is this statement correct or isn't it correct—the statement which you made on the 31st of March 1947 where you positively said: "I came to know then that it was a question of shooting Russian prisoners of war."

A The sentence is perfectly correct because I gave that in a statement which was based on my knowledge of that time, and at that time I did not know yet that commissars and prisoners of war were two different things.

Q Well, when you shot, you shot at Russian prisoners of war in your own mind at that time, didn't you?

A I didn't fire.

Q You never took part in any execution at all?

A I did not take part in any at the horse-stable.

Q How many times were you in the horse-stable?

A Once.

Q Look over there at the accused and tell me if you saw any of them when you were there?

A I can only recall that Bresser was to be seen there, but I don't know which function he had.

Q Now do you mean Bresser was to be seen or that you saw Bresser there?

A I saw him there.

Q Were you ever called upon to make up lists of the names of these Russian prisoners of war?

A I wrote out lists of the executed.

(Otto-Cross)

Q After they were executed or before?

A After.

Q Now when you were present in the horse-stable, how many of these prisoners of war were executed?

A I do not know the exact number. There were a little more than 12 but not more than 18.

Q How many SS men took part in the shooting?

A I do not know exactly either.

Q Did you see Bresser in the horse-stable at the time of this execution?

A When I saw him there was a moment of peace.

Q But you saw him in the stable, didn't you?

A Yes.

Q You didn't like the activities down in the stable, did you?

A No.

Q Why didn't you like them?

A I do not know who could be pleased with them.

Q Well, why? Why didn't you like the activities in the horse-stable? What was there about that activity that made you dislike it?

A I can only say if one sees all those executions, that is no pleasure.

Q Now, on one occasion or more than one occasion, you did telephone Helbig, didn't you, to prepare the stable for an execution?

A I can only state the following to that: I have been interrogated continuously on that topic by Mr. Kirschbaum, and indeed I could not recall each detail of those occasions.

Q Did you on any occasion telephone Helbig to prepare the horse-stable for an execution?



A I do not know that. I said that the possibility exists that I notified him of that, but I do not know, and that is contained in the record in the same manner in which I have just stated.

Q In your statement of 31 March 1947, page four, let me read you this sentence: "It is correct that I, after having been informed by the Adjutant Schmidt or the Commander Pister of a proposed execution, telephoned to Sturmscharffuehrer--acting Sergeant--Helbig in the crematory and told him to make the necessary arrangements in the horse-stable." Now did you make that statement?

A That is the translation. I do not know whether I said that in German in the same manner.

Q I will hand you the German version of the statement and ask you to read this portion out loud.

(Whereupon the witness read from a document in German.)

Q Now is that true?

A Yes.

PROSECUTION (To interpreter): That is the correct German for the English which I read, is it not?

INTERPRETER: Yes.

QUESTIONS BY PROSECUTION:

Q When prisoners were executed and were to be cremated, a special death certificate had to be signed by the Camp Commander, isn't that true?

DEFENSE COUNSEL: Just a minute, the defense objects to this question. It's irrelevant. It's not charged in the Charge Sheet. There were no charges pertaining to the crematory.

PROSECUTION: It's a preliminary question and I think the court will see the relevancy in a few minutes.

DEFENSE COUNSEL: There is nothing preliminary about it. The crematory came afterwards and not before.

PRESIDENT: The objection is overruled.

THE WITNESS: I cannot give you any exact information about that.

That had nothing to do with my testimony.

QUESTIONS BY PROSECUTION:

Q In order to be cremated, a prisoner had to have a special type of death certificate, did he not?

DEFENSE COUNSEL: I will renew my objection as to the use of that phrase cremation, which is outside the charges in this case.

PRESIDENT: Objection is overruled. The question may be answered.

THE WITNESS: I want to point out the fact that I know that that was the case with camp inmates.

QUESTIONS BY PROSECUTION:

Q Now do you know whether or not that was the case with these prisoners who were shot in the horse-stable?

A I do not know that. I don't believe so because they were not camp inmates.

Q Some months after Thalmann left, wasn't it necessary for you to make up a list of 400 of those prisoners who were shot in the horse-stable and were later cremated?

A During the time that I had dealings with that, I never composed a list of more than one page.

Q How many names were on the one page?

A I remember that I tried to fill that page as well as possible. In the cases where there were only 15, I used much space for one name. In cases where there were 50, I wrote narrow lines. When I speak of a page, I'm speaking of two sides of the page, not just one page.

Q On direct examination you were asked a question whether or not you believed the executions were legal and your answer was that you believed they were legal, is that so?

A Yes.



Q Now I'm going to refer to your testimony in the parent Buchenwald case, page 4484, where you were asked this question on direct examination: "Did you question--did you have any doubts in your mind concerning whether or not this execution might not be justified or legal?" Were you asked that question?

A Yes, that was possible. I do not know the connection.

Q And did you give this answer: "I thought about it but I always came to the conclusion that this had a direct connection with the Russian warfare and the thought of reprisals I am sure was a justified one."

A I stated that during that trial, but so many questions are being put to me without any direct connection being established that I'm not sure of anything.

Q Did you say that during the trial? That's all I want to know.

A Yes.

Q Now when you were in the horse-stable, did you hear the loud-speakers?

A I heard one.

Q The music when you were there stopped, didn't it, on that occasion?

A I played around that radio and I looked for music.

Q Oh, did you play the radio?

A I looked around there--I looked here and there on that occasion and I also played around with that set, and everybody will be able to confirm that I know very much about radio sets and that I played with that set at that time.

(Otto-Cross)

Q Occasionally during the night the loud-speaker system at the camp would announce that Commando 99 was wanted down in the horse-stable, wasn't it?

A That is somewhat exaggerated--the expression from time to time. Those expressions are exaggerated.

Q They had to stop announcing it over the loud-speaker system of the camp though, didn't they?

A From one side--I don't know from whom--it was stopped.

Q And it was stopped because the activities in the horse-stable were a secret activity, isn't that correct?

A Yes.

Q And because it was a secret activity, you didn't like it, did you?

A It wasn't upon my orders that it was secret activity. It was ordered in that manner that it would be secret.

Q But you didn't like it, did you?

A I also had dealings with other matters. Those were secret also.

Q You didn't like the activity in the horse-stable, did you?

A After I had taken personal sight into that, I expressed my dislike over it, yes.

Q Because you didn't like the manner in which those people were being killed, did you?

A I cannot judge that today. I cannot judge that.

Q But you couldn't quite make up your mind they <sup>were</sup> legal. You just thought it was reprisals against the Russians for the Russian attack of 1942, didn't you?

A Those were orders. I as a Technical Sergeant of the SS--how could I revolve great thoughts in my mind whether that was legal or not?

(Otto-Cross)



I was a soldier and how can I be held responsible for something that originated from the highest echelons of the German Reich. Why don't you hold responsible those who issued those orders.

Q Now in response to a question by your defense counsel you said the executions were legal, didn't you?

A I said literally that we as non-commissioned officers and as human-beings had to regard them as legal because of the fact that they came from the Main Reichs Security Office.

Q Now do you know how a legal execution is conducted?

A No.

PROSECUTION: No further questions.

REDIRECT EXAMINATION .

QUESTIONS BY DEFENSE COUNSEL:

Q Could the Commandant of Buchenwald have said to one of these transports when they arrived, "We're not executing Russians today; bring them back next week"?

A Every soldier could have refused to bear arms in that case and we would not have had to start the war at all.

Q Were you not once a prisoner of war whose status was changed to that of a war crimes status, losing your original status as a prisoner of war?

A My losing of the status of a prisoner of war resulting in my being at Landsberg now has such a great difference from the other thing that I don't want to discuss it at all.

DEFENSE COUNSEL: No further questions.

PROSECUTION: Nothing further by the prosecution.

DEFENSE COUNSEL: If it please the court, I have one more question to ask the witness.

PRESIDENT: Proceed.

QUESTIONS BY DEFENSE COUNSEL:

Q Otto, isn't it a fact that the people who were picked for the execution squad of the Administrative Staff--that was because of a secret order, wasn't it?

PROSECUTION: Objected to on the first--

DEFENSE COUNSEL: I will reframe the question.

QUESTIONS BY DEFENSE COUNSEL:

Q You stated on cross examination that the people on the detail were members of the Administrative Staff, is that correct?

A Not the Administrative Staff but the Headquarters Staff.

Q Did the order from the Reichs Security Main Office state that they were to be picked from the Headquarters Staff--the members of the execution squad?

A Nothing was contained in that order about that.

Q I believe you did state on cross examination that the orders for the executions in the horse-stable were marked "secret"?

A Even secret Reichs matter.

Q Can you tell us why they were marked "secret"?

A I do not know.

DEFENSE COUNSEL: No further questions.

PROSECUTION: No questions by the prosecution.

PRESIDENT: The witness will be excused.

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

DEFENSE COUNSEL: If it please the court, that exhausts our witnesses at the present time. We will have more by 0845 tomorrow morning.

PRESIDENT: The court will adjourn to meet at 0845 hours on 2 December 1947.

(Whereupon the court adjourned at 1615 hours, 1 December 1947.)



# A T T E S T A T I O N

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Berlin, 18. Februar 1970



*Joseph B. Conboy*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

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Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



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(Whereupon the court reconvened at 0915 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court, with the exception of Colonel Dunning, are present. Colonel Dunning is ill. The prosecution is present, the defense, all of the accused, together with the official reporter, and if the court please, there is a new interpreter to be sworn.

(Whereupon Fred Fleischmann, U.S. Civilian, was sworn as court interpreter.)

DEFENSE COUNSEL: I hand the reporter two documents and request that they be marked defense exhibits D-1 and D-1A for identification.

(The documents referred to were marked defense exhibits D-1 and D-1A for identification.)

DEFENSE COUNSEL: If the court please, the defense offers into evidence exhibit marked for identification D-1, which is a signed and sworn statement in German of Hermann Pister, taken 18 November 1947, and the English translation D-1A for identification, and I ask permission to read same.

PROSECUTION: If the court please, normally there should be no objection of any statement like this, but this statement is a statement taken by the investigator for the defense on the 18th November 1947. On the 28th November 1947, by special arrangement, both the counsel for the defense and the prosecutor, together with investigators of both sides, took a deposition from this same Hermann Pister. In that deposition there was ample opportunity for a cross examination on behalf of the defense if they had wanted to question Mr. Pister on matters which are not in the deposition, and I feel that it is not the best evidence - Pister could have been cross examined in the presence of both sides.

PRESIDENT: The objection is overruled, at the same time the court would like to know why....

DEFENSE COUNSEL: If the court please as an explanation on behalf of the defense, we did not arrive at Landsberg until 3 or 3.15, this man was in bad condition at that time, and during the course of the deposition he had

now want to testify?

ACCUSED HILBERGER: Yes.

PRESIDENT: Do you wish to testify under oath or an unsworn statement?

ACCUSED HILBERGER: Under oath.

WIEGAND HILBERGER, an accused, voluntarily took the stand in his own behalf and made the following sworn statement through an interpreter:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What is your name?

A Hilberger, Wiegand.

Q How old are you?

A 39 years.

Q What is your nationality?

A German.

Q Were you ever in the Buchenwald Concentration Camp during the last war?

A Yes.

Q When did you first go there?

A Since 1939.

Q When did you leave?

A December 1942.

Q Where did you go when you left there?

A To the Front.

Q You have heard the testimony here with reference to the horse stable at Buchenwald, have you not?

A Yes.

Q You have heard the testimony presented by the various prosecution witnesses?

A Yes.

Q You have heard testimony to the effect that most of the men who worked at the horse stable were from the headquarters staff, did you not?

A Yes.



Q Hilberger, how do you explain the fact that all the men who worked at the horse stable when you did, were chosen from the headquarters staff?

A As a non-commissioned officer I do not know that, I assume because the headquarters company with the headquarters staff is to be compared with a regiment and that these people were not asked to do night or guard duty and because of that they called upon these people first.

Q Did you live in the camp all the time?

A Yes, I lived in the camp.

Q You stayed there at night?

A Yes.

Q You have heard testimony here with reference to the manner in which the executions were carried out in the horse stable, have you not?

A Yes.

Q Can you give any reason from your own knowledge as to why these executions were carried out in the manner, as they were?

A When I found out about this method, I once asked Master Sergeant Thalmann, the adjutant 1st Lt. Bungeler also was present and heard my question, and he said, "Don't you worry about it, these are orders from Berlin"

Q You have heard testimony here by the prosecution to the effect that no command was ever read to any of the prisoners, have you not, that were to be executed?

A I cannot say that, once I was standing as a guard in the central hallway where the deputy camp commander, Captain Florstedt was, and 1st Lt. Bungeler and Thomlin came out of the first part of the stable and Captain Florstedt had papers in his hand and remained standing in the door and read to the prisoners in a language which I did not understand, and after that he turned these papers over to the master sergeant who called out the names. So I assume that the order was read to them.

Q Did it appear to you that he was reading from this paper?

A Yes.

Q And when you said that he turned it over to the master sergeant, by that whom do you mean?

(Hilberger-direct)

A Thalmann.

Q And what happened to the prisoners then, where did they go?

A After that they singly went through the central hallway to the front hall.

Q You have heard testimony with respect to the so-called mock physical examination at these executions, have you not?

A Yes.

Q Can you give us any explanation for that?

A I do not know that but I assume there was an order to that just like there was an order to this method.

Q Did the Fuehrer issue an order regarding soldiers who did duty in the interior?

PROSECUTION: I have been sitting here for about ten minutes listening to a continuous stream of leading questions - the entire group of questions which have been asked has been leading.

DEFENSE COUNSEL: I will reframe the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Did you ever receive any order with respect to your duty in the interior?

A A Fuehrer Order came out for all of the German people, and especially for parts of the Army, that the soldiers in the homeland came just as much under the laws of war as the people on the Front.

Q Will you come over to the chart a minute please. Will you show the court where your posts of duty were every time you were at the horse stable?

A Once I stood here inside the building (indicating), I once had to stand here upon orders of 1st Lt. Bungeler (indicating) and then I once had control here over the four inmates who worked as corpse carriers. Here I have to say that on the sketch a door is missing here and also at this place (indicating) no door is marked.

Q What was your job in this room (indicating)?

A Only to watch the inmates, supervise the inmates.



Q You have heard the testimony by the prosecution witnesses that when a man was shot right here he was taken out through this door, is that correct?

A Yes.

Q Was this door closed when a prisoner was taken through it?

A It was always closed before the shot, and after the man had fallen down the door was open and the corpse was taken out and the door was closed again.

Q You stated you were in charge of four inmates there carrying the bodies out, is that correct?

A Yes.

Q How long were those prisoners in this room here to get the body?

A That was only a matter of moments.

Q Was the door closed each time the prisoner went out?

A The door was always closed again, yes.

Q You heard the testimony of prosecution witness Zgoda?

A Yes.

Q In your estimation, could Zgoda identify anybody in the rifleman's chamber as shown on prosecution exhibit P-11?

A Never.

Q Do you recall the approximate date of your first duty at the horse stable?

A That was in December 1941.

Q Who ordered you there? *but not what to do*

A I went there upon orders of the commandant through 1st Lt. Bungeler.

Q Were these written orders or oral orders?

A By telephone I was ordered through the adjutant and there the order was given to me orally.

Q Did you have any knowledge as to what was going to take place in the horse stable previously?

A None.

DEFENSE COUNSEL: Your witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q How many times were you at the horse stable Hilberger?

A I was present four times at executions.

Q What was your duty the first time?

A I had to lock the door and had to watch the back door.

Q What was your duty the second time?

A The second time I had to lock the door in the center.

Q What was your duty the third time?

A I cannot say exactly whether the third time I was in the corpses' chamber or at the center door.

Q And what was the fourth time?

A I said, the third I was either over here (indicating) or there (indicating) - the fourth time the same thing.

Q By 'here' do you mean the room "The Way of the Corpses"?

A Yes. (Prosecution; Indicating the "Way of the Corpses")

Q By 'there', do you mean the Consulting Room?

A I was not there, I only passed through there.

Q How many prisoners were shot the night you were on duty in the room called "The Way of the corpses"?

A 12.

Q Do you know who shot them?

A I cannot say, that I did not see.

Q You were on duty in that room, were you not?

A I didn't do any duties in that room, I was outside in the room of the corpses.

Q Did you wear a white coat?

A No.

Q Why didn't you wear a white coat?

A Why? Because when I was standing outside I didn't need a white coat, besides I didn't have any orders to wear a white coat, besides that I



didn't come into contact with the prisoners so that no danger existed to contact lice.

Q You heard Helbig testify here, did you not?

A I heard that.

Q You heard Helbig say you wore a white coat?

A He said that, yes.

Q Was he right or wrong?

A No.

Q What do you mean, was he right or was he wrong?

A Wrong.

Q Now, didn't you come in contact with prisoners when you were over there in the receiving room on the right hand side of the stable?

A I didn't come into contact with them because only a few men were allowed in there, it was only a few minutes.

Q- Didn't you come into contact with the bodies where the bodies were taken out?

A I had nothing to do with the corpses, I was away from them.

Q How big is that room?

A It could be 4 x 4 or 3 meters, I cannot say exactly.

Q Point that out, give a description in this room?

A It is hard to show that in this room.

Q Is it the size of one of those squares in that ceiling?

A Yes, about that.

Q And there were 12 bodies carried out and put in that room the night you were there, is that it?

A 12 corpses were carried to this room.

Q And you didn't come in contact with them at all?

A I had nothing to do with it, I only had to control the inmates.

Q Now on the night the 12 prisoners were shot, how many SS men were on duty in the horse stable?

A I cannot say how many SS people were there.

Q How many of the people from your headquarters staff were on duty?

A I cannot say that because I didn't check with the other people,

and I didn't know what their duties were. I received my orders, was put there and I followed these orders.

Q Did you see Dittrich there?

A I saw Dittrich once there, but I myself was not there that time, I only had the orders to pick up the accompanying people of that transport, they were Wehrmacht members of the transport who accompanied that transport, and on that occasion I saw Dittrich, otherwise I knew nothing.

Q On the night you were in the corpse room, was it not necessary to administer the so-called mercy shot to some of those corpses?

A I did not give any mercy shots.

Q I did not ask whether you did, but did you see anyone else do it?

A I saw that Plank fired a mercy shot.

Q And was that the only person who fired a mercy shot?

A I saw no other person who could have fired any mercy shot.

Q Where is Plank today?

A I cannot say that, I left Buchenwald in 1942 and where they came from or stayed since that time I do not know. I have no connection with Buchenwald any more after I left.

Q You didn't like your duties at Buchenwald, did you?

A I would like to see the man who would like such duties.

Q When did you first become an SS man?

A I came to be an SS man in 1933.

Q And particularly you didn't like your duties down at the horse stable, is that not so?

A I didn't like the whole life at Buchenwald.

Q Did you ever apply for a transfer before you finally went to the Front in 1942?

A I applied for that frequently, it was always turned down with a notation saying that I should pay attention to the Fuehrer's orders, which says everybody has to do his duty no matter where he is placed. All people who were able to do Front duty would be called for that duty when the time came. After I had made such an application twice I was told if I would do



it again I would be put in front of a court martial because of dissention.

Q But you did go to the Front, didn't you?

A Yes, after I went to the Front.

Q How did you happen to go to the Front if you did not apply for it?

A I always tried, but those orders were from the Leadership Main  
Offices

Q Who was camp commandant while you were there?

A Colonel Koch, and after that Lt. Col. Pister.

Q And how long did you know Koch?

A I knew Koch since Buchenwald but before that I knew him also  
because he was in my home regiment.

Q As a matter of fact you knew him since 1934 didn't you?

A I cannot say 1934, but in 1935 I saw him at a roll call, at that  
time he was not known to me personally.

Q Why was it necessary for a mercy shot to be administered to some  
of these corpses?

A Because they still showed some signs of life.

Q How were they shot originally?

A I cannot say how they were shot and so forth because I did not  
kill them.

Q You heard testimony in the court here as to the manner in which  
they were shot?

A I assume that was the way.

Q You saw the demonstration in front of prosecution exhibit P-12,  
did you not?

A Demonstration? I didn't see that.

Q Didn't you see somebody come up here and show the manner in  
which the prisoners were shot?

A I can remember and I know that somebody was standing in front  
there.

Q Did you see a wall that looked something like this in the horse  
stable?

A The wall was there, but this slit in it was much smaller.

Q Tell me how big was the slit?

A I cannot say exactly because I didn't look too closely, but at least a half smaller.

Q Come up to the prosecution exhibit P-11 and show me where that wall was?

A Here (Prosecution: indicating the heights gauge of prosecution P-11)

Q After these four occasion when you were at the horse stable, didn't you receive extra rations of bread, meat and wine?

A I never received wine, once I received a piece of bread and liver sausage.

Q How about Schnapps?

A I never received Schnapps.

Q How about cigarettes?

A Once I received 6 cigarettes.

Q Now as a matter of fact, on one of these occasions when you were at the horse stable, Dittrich was there, was he not?

A When I was there, no.

Q Didn't you tell me a few minutes ago that you saw Dittrich at the horse stable?

A I said that but in a different connection.

Q You were both together, you were all there?

A We were not both there, I came in order to pick up the accompanying personnel of the transport, I reported there and after that I left again, and on that occasion I saw Dittrich.

Q On that occasion, didn't you and Dittrich receive your extra rations right there in the horse stable?

A I said that I only received additional rations once.

Q Just answer my question. Is it not a fact that you and Dittrich received extra rations in the horse stable at the same time?

A No, I never received my ration which I was due in the horse stable.

Q Now didn't you on one occasion see Hupfer administer mercy shots?



A No.

Q You never saw Hupfer administer a mercy shot in the horse stable is that right?

A No.

Q These men who were shot, what was their nationality?

A Russians.

Q What type of Russians?

A I cannot say that because I was only told Russians.

Q Now you had orders to pick up the accompanying people with the transport, is that right?

A Yes, I had that order because they remained in Buchenwald over night.

Q Now, who were they?

A Members of the Wehrmacht.

Q Did they tell you who the prisoners were?

A I asked the transport commander who they were and he said they were Russians who carried out illegal acts on the Front against German soldiers, injured prisoners and so forth. He refused to give me any more precise information.

Q Now, who again were the persons who accompanied the transport?

A Members of the Wehrmacht.

Q And who is the man who told you who these prisoners were?

A Upon receiving the orders from the adjutant, I was told already that they were Russians.

Q Now, who told you?

A The adjutant - the first time when I was ordered to do it.

Q Now did the adjutant tell you that they were Russian prisoners of war?

A He said Russians.

Q What is the name of the adjutant who told you?

A Bungeler.

Q And he didn't tell you that they were Russian prisoners of war?

A I cannot say anything else, he said Russians to me, I never found out anything more precise.

Q Do you remember making a statement on the second day of April 1947 to Mr. Kirschbaum, an investigator in this case?

A Yes, I can remember that.

Q Do you remember being asked this question, "These were the corpses of Russian POWs" and do you remember giving this answer, "Yes..... we were told that they were Russian POWs". Do you remember being asked that question and giving that answer?

A I cannot say that they were Russian POWs, and I must say that if I put that down then it is because I was put under quite a bit of pressure during the interrogation by Mr. Kirschbaum.

Q Is that your signature?

A Yes.

PROSECUTION: Witness indicated signature on statement typed in German dated 2 April 1947 entitled "Interrogation of Hilberger at WCE 29, April 1947".

QUESTIONS BY PROSECUTION:

Q Is that statement which you swore to there correct or the statement which you make today correct?

A I cannot say that they were Russian POWs or Russian commissars as they were called, I can only say they were Russians.

Q In the very next question in the same statement after you answered that you were told they were Russian POWs, were you asked the following question "Who told you so?" and did you make the following answer, "The adjutant told us at that time"?

A That they were Russians.

Q Now were they Russians or Russian POWs?

A I only know that they were Russians.

Q Now, on the first page of the same statement were you asked the following question, "Do you know the horse stable of concentration camp Buchenwald?" and did you make the following answer, "I do"?

A Yes.

Q Now were you asked the following question, "In what connection?" and did you make the following answer, "In the connection with the (Hilberger-cross)



shooting of Russian POWs"?

A I cannot say that, whenever I went to give an answer in front of Mr. Kirschbaum I was shouted at in such a manner that I could not give a clear answer.

Q Did you read that statement before you signed it?

A I would like to say, as I said before, that my condition was so low after the interrogation by Mr. Kirschbaum that I signed it just to be finished with the matter.

Q Now look at the next question, were you asked this question, "How do you know they were Russian POWs" and did you give the following answer, "Judging by the uniform"?

A I know that this question was asked about uniforms, and I answered that they were Russian uniforms.

Q Now were you asked the following question, "In what year were Russian POWs shot in the horse stable at Concentration Camp Buchenwald?" and did you give the following answer, "At the end of 1941 and beginning of 1942 as far as I know"?

A As far as I know, yes.

Q Now a few moments ago you said you believe they were Russians who had committed illegal acts against the German soldiers on the Front, do you believe these killings in the horse stable were taken by way of reprisal?

A I cannot say that, I was only a non-commissioned officer.

Q How do you know then that they were brought there to be shot against acts they had committed against German soldiers on the Eastern Front?

A As the transport commander explained to me that they had committed acts against wounded German soldiers.

Q And as a result of that they were being shot in reprisal, is that it?

A I cannot say that, I do not know it.

Q Did you hear an execution order read?

A I cannot say that an order was read, I didn't read one, I can

(Hilberger-cross)

\$4.50



only say that as I was standing over there Captain Florstedt read something in a language which I didn't understand.

Q Now, you heard Schobert testify yesterday, one of your defense witnesses?

A Yes.

Q And in reply to questioning by the court you heard him say that nothing was read to them, didn't you?

A Yes.

Q All right, now do you believe there was an execution order or not?

A I must assume that.

Q You must assume what?

A That one existed, I got my orders from 1st Lt. Bungeler who gave it to me upon orders from the commandant, and there it was explained to me that the orders came from the Reich Main Security Office in Berlin.

Q Who orders you to attend these various sessions in the horse stable?

A 1st Lt. Bungeler.

Q Did they ever come down to check up to see if you were on duty?

A How am I to understand that, check on it?

Q Did Bungeler come down to see if you were there?

A Bungeler was present himself as adjutant and court officer.

Q Was he there on every occasion when you were there?

A When I was there, he was there each time.

Q And who personally got in touch with you and told you to report to the horse stable, is that right?

A I was not ordered to report there.

Q Did he personally order you to report for duty, that is the question, answer yes or no.

A He personally ordered me there, I had to report to Bungeler.

Q How did he do it, by telephone or did he ask you to come to the office?

A I was called to Bungeler's officer over the telephone, I had to report to him.

Q Just one other question. As you were going through this area, through the Consulting Room through The Way of the Corpses (Prosecution: indicating from right to left of prosecution exhibit P-11), did you see medical charts and medical instruments in the so-called Consulting Room?

A I did not see any instruments, only charts.

Q What kind of charts were they?

A They were instruction charts concerning the human body.

PROSECUTION: No further questions.

#### REDIRECT EXAMINATION

##### QUESTIONS BY DEFENSE COUNSEL:

Q This order that you testify about and you assumed was an order which you heard read, was this the room where you heard it read by Florstedt?

A Yes. (Defense: indicating P-11 known as the room where the death candidates had been undressed.) I was standing over here and they walked up to here.

Q Didn't you hear how Schobert testified yesterday that he was always in the so-called Consulting Room?

A Yes, that was what Schobert said.

#### RECROSS EXAMINATION

##### QUESTIONS BY PROSECUTION:

Q Now when Florstedt was reading this order, in what language was he reading it?

A I explained that it was a foreign language which I did not understand.

Q Was there not a Russian General present with the person speaking in that foreign language?

A Not when I was there.

Q Did you ever see a Russian General on the four occasions when you were giving instructions to the prisoners?

A No.

#### EXAMINATION BY THE COURT

##### QUESTIONS BY MEMBERS OF THE COURT:

Q When you got this extra ration after you had been on duty, where  
(Hilberger-redirect-recross-court)



did you get it?

7 A At the office of the adjutant in the headquarters building.

Q Who gave it to you?

7 A Master Sergeant Thalmann.

Q And who else got an extra ration at the same time?

A I cannot say that. I only received it the next day.

PRESIDENT: Any further questions? There appear to be none, the accused will return to the dock.

(Whereupon the accused was excused and resumed his place in the dock.)

PRESIDENT: The court will recess for 20 minutes.)

(Whereupon the court adjourned 1020 hours.)



# A T T E S T A T I O N

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970



*Joseph B. Conboy*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

## B E G L A U B I G U N G

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



KL III e/3

Heft 9

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000-Bu-50

Vern.:

Dittrich

S. 171-196

(Whereupon the court reconvened at 1040 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show all members of the court are present, defense, accused, prosecution, reporter and interpreter are present.

DEFENSE COUNSEL: The defense calls as its next witness the accused Horst Dittrich.

PRESIDENT: You may make a sworn or an unsworn statement, on which you may be cross examined. You are advised that the court may draw such inferences as the circumstances justify from your refusal to answer or from your failure to take the stand in your own behalf. Are you now willing to testify?

ACCUSED DITTRICH: Yes.

PRESIDENT: Will you make a sworn or an unsworn statement?

ACCUSED DITTRICH: Under oath.

PRESIDENT: You will be sworn.

HORST DITTRICH, an accused, voluntarily took the stand in his own behalf, being first duly sworn, and made the following sworn statement through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What is your name?

A Horst Dittrich.

Q How old are you?

A 36 36 years.

Q What is your nationality?

A German.

Q Were you at Buchenwald Concentration Camp during the last war?

A Yes.

Q You have heard testimony here with respect to the horse-stable, have you not?

A Yes.

(Dittrich - Direct\*



Q You heard testimony with respect to executions that were carried out there?

A Yes.

Q How many times were you at the horse-stable for executions?

A Four times.

Q Will you show us on Prosecution's Exhibit P-11 where you were stationed the four times you were at the horse-stable?

A In this room and this room over here.

DEFENSE COUNSEL: Let the record indicate the witness pointed to the so-called consulting room on exhibit P-11 and the rifle room.

Q How many times were you in the rifle room?

A Three times.

Q And how many times in this room, the consulting room?

A Here I was every time, four times.

Q Who ordered you to appear at the horse stable?

A The first order I received by telephone through the adjutant, Schmidt.

Q Dittrich back to that first question, do you mean to say that you were four times in the consulting room and twice, in the rifleman's chamber, or did you mean to say two times---

PROSECUTION: Before it is even translated prosecution objects to putting the words right into that witness' mouth.

DEFENSE COUNSEL: I'll withdraw the question and reframe it for you.

Q Dittrich will you please come back to the exhibit?

(Whereupon the witness approaches Prosecution's Exhibit P-11.)

Q How many times were you in this room?

A Three times.

Q How many times were you at the horse-stable for executions?

A Four times.

Q How many times were you in the consulting room?

A Four times.

(Dittrich - Direct)

Q Now when you were in this room did you also perform duties in this room at the same time?

A Yes.

Q Who ordered you to appear at the horse-stable?

A First Lieutenant Schmidt.

Q What type of an order did you receive to appear at the horse-stable?

A SS First Lt. Schmidt called me over the phone one afternoon and he said, "Dittrich you can't leave the camp tonight. The Russians are coming and you will receive further orders."

Q What does the Reich Security Main Office mean to you?

A For me the Reich Security Main Office was my highest superior headquarters.

Q You stated that you worked three times in the consulting room.

PROSECUTION: No, he said four times.

Q How many times did you work in the consulting room?

A I was in that room four times.

Q While you worked in that room did you ever see any orders from superior officers?

A Yes.

Q Will you tell us what that order had on it?

A I read the order which SS acting First Sergeant Thalmann handed over to me and this order originated from the Reich Security Main Office.

Q How did you know it originated from the Reich Security Main Office?

A It was printed on the upper left-hand corner of the letter.

Q You have heard testimony here in this case that the participants in the detail at the horse-stable were all from the headquarters staff, have you not?

A Yes.

(Dittrich - Direct)



Q Can you tell us why the men from the headquarters staff were chosen for the work at the horse-stable?

A If the commander of the camp received his order to carry out executions from Berlin then of course he would use his headquarters staff because he had these men right on his hands.

Q What do you mean by, right on his hands?

A They were in his area, that was his staff.

Q You have heard testimony here with respect to the manner in which these executions were carried out, have you not?

A Yes.

Q Can you give any explanation as to why the executions were carried out in this manner?

A Why it was carried out in this manner I don't know. I asked the acting First Sergeant Thalmann why and he told me that directives had come from Berlin which described in detail the manner in which the executions had to be carried out.

Q Did you know Florstedt at camp?

A Yes, I knew him.

Q Could Florstedt speak Russian?

A Yes, as far as I know and also Polish.

Q You have heard testimony here to the effect that these executions were proceeded by mock physical examinations, have you not?

A Yes.

Q Can you give us any explanation as to why that was done?

A No, I can not give you this explanation. Since I have heard from SS Sergeant Thalmann that the manner in which the executions had to be carried out by order of Berlin I assume that also had been ordered by Berlin.

(Dittrich - Direct)

Q When did you leave Buchenwald?

A I don't know the exact date, but around the middle of December 1942.

Q Where did you go to from Buchenwald?

A From Buchenwald I went to Prague.

Q Did you live in the camp all the time Dittrich?

A I lived on the post, yes.

Q You have seen Prosecution's Exhibit P-12 here, have you not?

A Yes.

Q And you heard the prosecution's witness testify that this opening in this gauge is correct, have you not?

A Yes.

Q Is it correct?

A No.

Q Will you tell us why it is not?

A This slit is much too wide.

Q Referring to the room known as Riflemen's Chamber on Prosecution's Exhibit P-11 where you stated you were present two or three times, was this room always dark during an execution?

A It was absolutely dark.

Q Could any man standing out here in this room which is marked, Way of the Corpses, have identified any man in this rifleman's chamber?

A No.

Q Could any man on the outside of the rifleman's chamber look over it?

A No, he could not.

DEFENSE COUNSEL: Your witness.

#### CROSS EXAMINATION

#### QUESTIONS BY PROSECUTION:

Q Dittrich, Prosecution's Exhibit P-11 is a true diagram of the horse-stable, is it not?

A It is a reproduction of the horse-stable, but I cannot say a correct one.

(Dittrich - Cross)



Q Do you recall testifying with respect to the diagram of the horse-stable in the parent Buchenwald case?

A Yes.

Q And do you recall testifying that that particular diagram which was Prosecution's Exhibit P-29 was a correct reproduction?

A I said that it was a reproduction of the horse-stable, but I also pointed out the mistakes on it.

Q And what were the mistakes you pointed out?

(Witness walks over to Prosecution's Exhibit P-11.)

A I do not know these rooms over here.

PROSECUTION: Indicating Dressing Rooms and Dining Room of the SS and the Empty room, in the center portion of the diagram.

A (Cont'd.) And here there was originally a door. The door was open but still part of the door was still there. This wall was not straight all the way, but a little was sticking out.

PROSECUTION: Indicating the opening between the consulting room and the cully on P-11.

A (Cont'd.) Here too was a door and this door was closed.

PROSECUTION: Indicating the opening between the cully and the way of the corpses.

A (Cont'd.) I do not know this table over here and I don't know what this is supposed to be. I don't know that there was a stove there.

Q Now these last discrepancies that you have pointed out to me and the doors between the cully, consulting room and way of the corpses, did you tell the court in the Parent Case that there were mistakes in that diagram?

A No.

Q Why didn't you tell the court about those changes at that time?

A It came into my mind only later.

(Dittrich - Cross)

✓ Q Oh, you remembered it after you had testified in the Parent Buchenwald Case, is that it?

✓ A Yes.

Q Now look at Prosecution's Exhibit P-12, was the partition just about that high?

A It was an entire wall up to the ceiling.

Q Now you have heard testimony that the height scale which the prisoners were shot through was approximately two meters high, is that correct?

A Yes, it was marked in this manner on the wall.

Q How was it marked on the wall, come over to this wall and show us how it was marked?

(Whereupon the witness walked over to Exhibit P-12.)

✓ A For instance this was the entire height of the room. Up to a height of two meters the various centimeters and meters were marked on the wall and inside these notations was a little slit.

Q Then this doesn't represent the wall in front of which the prisoners stood, is that correct?

A Why shouldn't it have looked like this.

PROSECUTION: Resume your seat.

(Whereupon the witness did as directed.)

Q You heard testimony here by Helbig and Zgoda that the wall was approximately two meters high and one meter eighty wide. Now did that mean the wall or did that mean a line on the wall?

✓ A That was referring only to the marked part of the wall.

✓ Q Was there actually a line drawn on the wall at a height of two meters and 1.80 meters on each side?

A Yes.

Q What was the purpose of that line?

A I don't know that.

(Dittrich - Cross)



Q In this room which is referred to as the cully there is a statement, "Floodlights". Where were the floodlights in the cully?

A On the ceiling was a large light.

Q Were they rather powerful lights?

A Yes, it was a strong light.

Q Now on the first occasion when you did some shooting, how many Russians did you shoot?

A Eight approximately.

Q Was that on one of the nights when you also were on duty in the consulting room?

A Yes.

Q Did you do the shooting of these prisoners before you were in the consulting room or after you were in the consulting room?

A After I had been in the consulting room.

Q Who did you relieve in the rifleman's chamber when you went in to do the shooting?

A SS Sergeant Thalmann ordered me to relieve Baier.

Q Now was Helbig in there on any of the occasions when you did some shooting?

A I can't remember that.

Q When you were in the consulting room what did you do there?

A I was sitting there on the table and then I received the written order from Thalmann and then I checked off the names of the men he had called.

Q Were you wearing a white coat?

A Yes.

Q How many more SS men were in the consulting room while you were in there wearing this white coat?

A Approximately six men were present.

(Dittrich - Cross)

Q What were the other SS men doing?

A I can't tell you in detail what they did.

Q Well were they conducting physical examinations on these prisoners?

A Yes.

Q Well what were they doing, was someone examining the eyes?

A No he didn't examine the eyes, he made more of a general examination.

Q Did he examine the throat and mouth?

A Yes.

Q Did someone examine their hearts?

A No.

Q Did they tap their chests?

A No.

Q Did they raise their hands over their heads?

A Yes.

Q What was the purpose of that?

A To see under their shoulders to see whether they had lice.

Q What were the names of some of those SS men who were in the consulting room with you?

A There were officers and non-commissioned officers present.

Q Name them.

A The camp commander Pister.

Q Did you see Barnewald there?

A Yes, and Doctor Hofen.

Q Was the Barnewald you saw there the same Barnewald who was a witness here on the stand yesterday as a defense witness?

A Yes, the same.

Q Did you hear him deny that he was there?

A I heard that. They are doing this now all the time.

(Dittrich - Cross)



Q Was he right or was he wrong?

A He was wrong, he was present.

Q Did you see Hilberger in that room?

A Once I saw him there.

Q What was Hilberger doing?

A I can't tell you that, he was present only for a short time.

Q Did Hilberger wear a white coat?

A Yes, I think so.

Q When you reported for duty at the horse-stable did you report alone or did you walk down there with some other SS men?

A I went over there alone.

Q How did you get the call to go down there?

A Every time I was informed by telephone.

Q Who telephoned you?

A The adjutant Schmidt or Thalmann.

Q Now on the four occasions on which you say you took part in the activities at the horse-stable, did you report there alone?

A Yes, every time I got there most of the others were usually present.

Q When you left did you leave in the company of others, or did you leave alone?

A I went alone because I had an entirely different route to take.

Q Where did you pick up the extra rations?

A I didn't pick up any.

Q Didn't you ever receive any extra rations for your duty at the horse-stable?

A Yes, I got them.

Q Well where did you receive them and when?

A I received them right in the horse-stable after the executions were carried out.

(Dittrich - Cross)

Q And on one of those occasions didn't Hilberger receive rations at the same time you did?

A I couldn't say that.

Q Now were there not two or more bottles of schnapps standing right there in the room after the executions were over?

A There might have been two bottles.

Q And why these executions were going on occasionally one of the SS men, maybe yourself, would have a drink, is that right?

A Not during the execution.

Q After the execution?

A Yes.

Q And you all got together and talked the thing over didn't you?

A What was to be talked about there.

Q What was the nationality of these prisoners who were shot?

A Russians.

Q Were they Russian prisoners of war?

A Yes.

Q How do you know they were Russian prisoners of war?

A Because it said so in the order.

Q What order?

A In the order which the acting First Sergeant Thalmann handed to me.

Q Now is that the order that had the heading of the Main Security Office on it?

A Yes.

Q You have heard a lot of other witnesses here say that they were not Russian prisoners of war and that order did not say that?

A The order which I read said that they were Russian prisoners of war.

Q How many times did you read an order of that type?

A Three times when I was present I had it in my hands.

(Dittrich - Cross)



Q Now when the witness Otto said yesterday that they were Commissars and Politruks and so listed in the order he was wrong, wasn't he?

DEFENSE COUNSEL: If it please the court, I object to the question because I don't believe the testimony would show that he said, in the order. He said, Commissars and Politruks, but I think you should delete the words, in the order.

PRESIDENT: Objection is overruled.

A That was a mistake by Otto.

Q Was Otto incorrect when he said, the order from the Reich Security Main Office listed these prisoners as Commissars and Politruks?

A He might have read an order of such type, I don't know about that.

Q But the order you read said, prisoners of war?

A Yes.

Q Who ordered you into the rifleman's chamber on the occasion when you shot these prisoners?

A SS acting First Sergeant Thalmann.

Q Will you go over to the chart and point out the route you took to get into the rifleman's chamber?

(Whereupon the witness approached exhibit P-11.)

A I was sitting here on this table.

PROSECUTION: Indicating a table in the lower portion of the consulting room on Prosecution's Exhibit P-11.

A (Cont'd.) After I had received the order from Thalmann I walked out of the room this was, around here to the right, and walked in through this door here.

PROSECUTION: Indicating a route into the rifleman's chamber below the consulting room.

Q Now when you entered the rifleman's chamber what happened?

A Then I shot.

Q How did it come about that you would shoot?

A I shot after I received a knocking sign.

Q Will you come over here to exhibit P-12 and indicate to the court just how that came about?

(Whereupon the witness approached P-12.)

A I need another man for that.

(Whereupon Mr. Kirschbaum approached P-12.)

A (Cont'd.) One of the ss men who brought the Russian prisoners of war from the consulting room over to this room and put him in front of this wall, took him by his arm and put his back against the wall and then with his foot he gave a knocking sign. After this knocking sign was given then the rifleman shot through this slit.

Q Of what material was the wall made?

A I can't remember that right now.

Q Well was it a thick wall?

A No, I really can't remember.

Q Was it made of wood?

A I think it was made out of wood, but I cannot tell you for certain because I really don't remember.

Q Well it was thin enough so that if someone kicked on the wall with his foot it would make a sound that you would hear on the other side, is that right?

A Yes, one would hear it.

Q When you left the consulting room to go into the rifleman's chamber, someone would come out of the rifleman's chamber and relieve you in the consulting room wouldn't he?

A It was also possible that he had left the room before.

Q When you went to the rifleman's chamber you continued wearing your white coat, didn't you?

A Yes, I don't think I took it off.

(Dittrich - Cross)



Q That was the same type of white coat which is usually worn by doctors, isn't it?

A Yes, the same form and cut.

Q When you entered the rifleman's chamber you also put a cellophane mask over your face, did you not?

A No.

Q Well didn't you wear some type of mask over your face as you shot?

A No.

Q When these Russian prisoners of war were led up in front of the wall would the SS man who was on duty with the corpse bearers lead them up to the wall also?

A I don't know who was in charge there.

Q Well whoever was there, would he assist in placing the prisoner in front of the slot?

A Yes, one of the SS men put him against the wall.

Q And it might be anyone of them in that group, is that right?

A Anyone, it could have been.

Q On how many different nights did you shoot at prisoners of war?

A On three.

Q How many did you shoot the first night?

A Eight.

Q How many were shot altogether that night?

A 36 to 40.

Q How many did you shoot the second night?

A Sixteen.

Q And how many were shot altogether on that night?

A Around forty.

Q How many did you shoot the third night?

A 14 to 16.

(Dittrich - Cross)

Q And how many were shot altogether on the third night?

A Around forty.

Q How many shots are there in that type of pistol, in the clip, which you used?

A Eight shots in one clip.

Q Who shot the prisoners of war other than those you shot on the nights when you did some shooting?

A Baier, Fischer and Lehnert.

Q Are they the only persons who did shooting on the nights when you did shooting?

A No, these are the ones I know about.

Q How did you know that they did the shooting?

A Because the first time SS acting First Sergeant Thalmann told me I should relieve Baier. The second time I saw myself that Fischer left the room and the same day I also observed that Lehnert went into the room after I left.

Q In other words the SS men who were working in and around that area could easily see who came in and went out of that chamber, couldn't they?

A No, otherwise I would have been able myself to see.

Q How many SS men were present during an evening shooting?

A In this room approximately six to eight members of the SS.

Q And how many in the entire horse-stable during these evenings of shooting?

A I don't know that.

Q Well didn't you move around through the horse-stable on evenings when you went down there?

A No.

Q And when you were on duty, for instance in the consulting room, you didn't know there were SS men around the hallway and in the entrance room where the prisoners undressed?

A I only saw one man standing there at the door.

(Dittrich - Cross)



Q How do you know that this room, indicating dressing room on Prosecution's Exhibit P-11, was constituted as it is?

A I never said that it was like this.

Q Well didn't you say that is an accurate diagram of the horse-stable?

A Yes, certainly it was a horse-stable.

Q Well then, how do you know this room had two rooms in it, indicating two rooms, one for straw and one for horse fodder and how did you know there were two loudspeakers in the room?

A That was a horsestable before, I had seen it when there were still horses in it and I knew it therefore.

Q Were there loudspeakers in that room when the horses were still there?

A I heard the loudspeakers, I never saw them.

Q When the horses were in the stable?

A No, not at that time.

Q How did you know that this dressing room of the SS was not there?

A There was no room at all.

Q How do you know?

A Because I do not remember that there was a room.

Q Well did you go into that room?

A Yes, certainly I went in there.

Q Did you see any SS men on duty when you came over there?

A Only one fellow was standing at the door.

Q Which door, this one here?

A Yes, on that door.

PROSECUTION: Indicating the door above the room entitled, "Lavatory", in the central portion of P-11.

Q Now in view of the fact that there were eight shots in each clip and approximately forty men were shot on a night, how many SS men did the shooting?

A Three.

Q And they were usually in the consulting room before they did the shooting or after the same as you were, were they not?

A Yes, I assume so.

Q And then they went from their duty in the consulting room to the rifleman's chamber to shoot, is that correct?

A Yes, whenever I had the order to do so I did.

Q Now did every man in the consulting room have to take his turn in the rifleman's chamber?

A How should I know that?

Q Wasn't it the usual practice that the man<sup>was</sup> in the consulting room first and then he would go into the rifleman's chamber to shoot?

A I don't know that.

Q Well you were in the consulting room before you shot?

A Yes.

Q And then after you finished your duty in the consulting room you went into the rifleman's chamber, didn't you?

A I wasn't finished with my work. Someone else had to take over my job and I then had to do this.

Q And the someone else that took over your job had probably come from the rifleman's chamber, hadn't he?

A I wasn't in the room then anymore, I don't know what he would be doing.

Q There is no doubt in your mind that the physical examination which took place in the consulting room was just a fake, isn't that so?

A I asked why this was done in this manner the next day after I had been there for the first time and Thalmann told me that the entire manner in which this place was set up and the executions were carried out in accordance with a sample in the Concentration Camp Oranienburg and that it had been ordered to do it in the same manner.

(Dittrich - Cross)



Q Now you recall testifying in the Parent Buchenwald Case, don't you?

A Yes.

Q Do you remember being asked this question by the court, quoting from page 1279 of the Buchenwald record of trial. Question: "Why then in your opinion was it necessary to have this so-called fake physical examination and all the other pantomime that went on?" And do you remember giving this answer, "In my opinion it was necessary, but I don't know why it was done".

A Yes, because it had been ordered. That is the reason it was necessary.

Q You didn't tell the court at that time though, did you?

A No.

Q You didn't say anything to the court about an order from Berlin at that time did you, when the court itself asked you the question?

A Of course I talked about this order from Berlin.

Q In your testimony before the other trial?

A Yes, I talked about this order from Berlin.

Q Wasn't that with respect to the order that prisoners of war were to be executed, but not in the manner in which they were to be executed and not with respect to the physical examination?

A The details were not mentioned in this order, but reference was made in this order to the instructions which had been given as to the manner in which the executions would have to be carried out.

Q So the order from Berlin didn't say anything about the physical examination at all?

A I don't know that because I did not read the instructions which ordered the details in regard to the manner in which the executions had to be carried out.

Q As a matter of fact this fake examination was somewhat of a game you were playing with the prisoners, wasn't it?

A It had been ordered and had to be done in this manner.

Q Do you remember making a statement on the 11th of March 1947?

A Yes, that is possible.

Q And do you remember being asked this question, "This was a game which the non-commissioned officers had during these executions, is that correct?". And do you remember giving the following answer to the questions, "Yes"?

A I don't remember this but if it is written there it may be.

Q Now going back to the rifleman's chamber for a minute. Could you see who was doing the shooting behind that wall, if you were standing outside?

A No.

Q In your statement of 24 February 1947, do you remember being asked this question? "You saw how Helbig pulled the slide back on his pistol?" and you gave this answer, "This could not be seen"?

DEFENSE COUNSEL: If it please the court, please connect this up with what your talking about so the witness will understand.

THE WITNESS: I don't know in which connection I was supposed to have seen that.

Q Now I'll ask you the next question. Did you---

DEFENSE COUNSEL: If it please the court, I ask that the prosecution lay more foundation so the man will know what he is talking about. I have no objection if he connects this up with what object he is working the slide on. What did you see and that is all he asks him.

QUESTIONS BY PROSECUTION: (Cont'd.)

Q Question: "What did you see?" And did you make this answer: "I saw that he was behind the wall and I heard that there were shots fired".

A That I heard that shots were fired?

Q Did you make that answer to that question?

A Yes, certainly somebody was behind the wall when shots were fired. Somebody had to be behind it.

(Dittrich - Cross)



Q And the next question, "And you saw how the Russian prisoner of war who was standing with his back to the wall collapsed?"

A Yes.

Q And did you answer, "Yes"?

A Yes.

Q Were you asked this question: "Could not two members of the SS stand behind the wall"? And did you answer, "No, for this was too narrow".

A Yes, that is correct.

Q Were you asked this question, "Were there ever two NCO's standing behind the wall?" and did you give this answer, "No".

A Yes, that is correct.

Q Were you asked this question, "Was the horse-stable illuminated during the time the shooting took place?" and did you give this answer, "Yes, the rooms were illuminated. In the rear where the man was standing who shot, that is the other room, it was dark and through the embrasure the light was shining in."

A Yes, that is correct.

Q Now does that mean the light was shirfing in through this embrasure, indicating opening in Prosecution's Exhibit P-12?

A Yes, certainly. Which other way should the light get into the other room if not through the slit.

PROSECUTION: No further questions.

PRESIDENT: Court will recess until 1315 hours.

(Whereupon court recessed until 1315 hours.)

(Dittrich - Cross)

AFTERNOON SESSION

(Whereupon the court reconvened at 1335 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show that all the members of the court, the prosecution, the defense, all the accused, the interpreter and reporter are present.

The witness will resume the stand. The witness is reminded he is still under oath.

HORST DITTRICH, an accused, voluntarily resumed the stand, and being reminded he was still under oath, continued to make the following sworn statement through an interpreter:

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Dittrich, who gave the order to go into the riflemen's chamber?

A Master Sergeant Thalmann.

Q Did Thalmann ever discuss with you anything about the so-called prisoners of war?

A Yes.

Q Will you tell us what that discussion was about?

A Thalmann explained to me that these Russian PWs were sentenced to death by a court in Berlin.

Q Were you once a prisoner of war yourself?

A Yes.

Q What type of prisoner are you now?

A A civilian internee accused of a war crime.

Q Do you know where Thalmann got his orders?

A Directly from the Adjutant.

(Dittrich-Redirect)



Q Speaking of Prosecution's Exhibit P-12 over there in the corner of the courtroom, will you tell the court whether or not you can see through that slit and identify a man behind it?

A The way it's standing there now, yes.

Q But if it were dark on the inside, could you see a man behind it?

A No.

Q Will you come over here a minute, Dittrich.

(Whereupon the witness did as directed.)

Q Will you show the court approximately how far behind this gage you were standing when you fired the shots?

A About this far.

DEFENSE COUNSEL: Let the record indicate that the accused Dittrich stood approximately a meter and a half behind the slit in the height gage, Prosecution's Exhibit P-12.

No further questions.

#### RECROSS EXAMINATION

#### QUESTIONS BY PROSECUTION:

Q You mean to tell the court then that you stood a meter and a half behind that wall and you fired through a slit which was half as wide as that slit and shot a man in the back of the neck?

A Yes.

Q Did each one of the men you hit die immediately?

A Yes.

Q They didn't need any mercy shots?

A I don't know. I did not see it.

Q Well, how do you know they died immediately?

A They collapsed.

(Dittrich-Recross)

Q Could you see them collapse from where you were?

A Yes.

Q You could see the prisoners collapse from where you were standing, is that right, from behind the wall?

A Which inmates?

Q The ones you shot.

A Yes, of course I could see that.

Q Now I heard you say in one of your statements this morning that you saw Helbig and you recognized Helbig behind the wall.

A I can't remember to have said anything like that.

DEFENSE COUNSEL: Is that in reference to the direct examination this morning or the statement made by the accused?

PROSECUTION: Cross examination by the prosecution of the statement of the 29th day of March 1947.

QUESTIONS BY PROSECUTION:

Q The last question on page six, were you asked this question: "What did you see?" and did you make this answer, "I saw that he was behind the wall and I heard that there were shots fired." Now is it true or isn't it that you saw Helbig behind the wall?

A That is not correct.

Q Is that statement false then?

A In that statement it says that somebody was standing behind the wall and I heard that shots were fired. Nothing was said of Helbig.

Q Is that your signature?

A Yes.

(Dittrich-Recross)



Q Read this question and this answer, referring to page 7 of the statement of the 11th of March 1947, the fifth question and answer.

(Whereupon the witness read from a document tendered by the prosecution.)

A Question: You saw how Helbig drew his pistol? Answer: One couldn't see that.

Q What's the next question and answer?

A Question: What did you see? Answer: I saw that he was behind the wall and I heard that shots were fired.

Q Now is that true?

A Yes, of course, that's correct.

Q When you fired that pistol from the distance of a meter and a half behind the wall, was your hand extended in front of you?

A Of course.

Q And how far was the front of the pistol barrel from the slit when you fired the shot?

A Fifteen to 20 centimeters.

Q Indicate by the use of your hands just how far the front of that pistol barrel was from the slit.

A This far away (indicating).

PROSECUTION: Indicating a distance of approximately eight inches.

No further questions.

#### REDIRECT EXAMINATION

#### QUESTIONS BY DEFENSE COUNSEL:

Q Dittrich, will you explain your statement a little further about Helbig that you answered to the prosecution's question. What did you mean by that statement?

A That Helbig was standing behind the wall and that I heard a shot fired.

(Dittrich-Redirect)

Q But you didn't see him when the shot was fired, did you?

PROSECUTION: If the court please, that is another question where the words were put right in the witness's mouth. He has answered it three or four times from the statement. It is objected to.

PRESIDENT: That is a leading question. Will the defense reframe the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Will you explain that statement then in your own words, Dittrich.

A I knew that Helbig was standing behind the wall because I saw him enter through the other door, but I never looked through the slit because that was impossible.

Q Will you show the court on Prosecution's Exhibit P-11 where you saw Helbig enter the rifleman's chamber.

A Helbig entered through this door.

DEFENSE COUNSEL: Let the record show that the witness pointed to the rear entrance to the room known as the riflemen's chamber.

THE WITNESS: And I also heard the shot when I was in this room.

DEFENSE COUNSEL: That's all.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the court?

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q You stated that two or three--probably three--people took part in the shooting every time you were there?

A Yes.

(Dittrich-Court)



Q And you stated that you relieved Fischer and Lehnert?

A Fischer and Baier.

Q And Lehnert?

A Once Lehnert entered after me.

Q Well, who entered before or after you to make up the number of people that participated in the shooting?

A The first time I was the last one that shot. The second time Lehnert entered after me and the third time I don't remember exactly whether I was the last rifleman, but I believe I was.

Q Now the first time do you know who was in there before Baier was there?

A No, I don't know that.

PRESIDENT: Any further questions? The witness will return to the dock.

(Whereupon the witness was excused and returned to the dock.)

DEFENSE COUNSEL: Defense calls as its next witness the accused Bresser.

PRESIDENT: The accused Bresser will approach the bench.

(Whereupon the accused did as directed.)

PRESIDENT: Bresser, you are advised that you may make a sworn or an unsworn statement on which you may be cross examined. You are advised that the court may draw such inferences as the circumstances justify from your refusal to answer or from your failure to take the stand in your own behalf. Are you now willing to testify?

ACCUSED BRESSER: Yes.

PRESIDENT: Make a sworn or an unsworn statement?

ACCUSED BRESSER: Under oath.

(Dittrich-Court)



# ATTESTATION

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 8. Februar 1970



*Joseph B. Conboy*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

## BEGLAUBIGUNG

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



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JOSEF BRESSER, an accused, voluntarily took the stand, and being first duly sworn, made the following sworn statement through an interpreter.

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What is your name?

A Josef Bresser.

Q How old are you?

A Forty-six years.

Q What is your nationality?

A German.

Q Were you in the Bucherwald Concentration Camp during the last war?

→ A From February 1942 until April 1945.

Q You have heard the testimony presented by the prosecution with respect to the activities in the horse-stable, have you not?

A Yes.

Q When did you first hear that executions were taking place at the horse-stable?

✓ A In November 1942.

Q Were you ever at the horse-stable during any execution?

A Not inside the horse-stable.

Q How many times were you at the horse-stable?

✓ A I was not in the horse-stable.

Q How many times were you down outside the horse-stable or near it while an execution was taking place?

✓ A Twice.

Q And what was your duty that caused you to be there at that time?

✓ A I received an order from the Adjutant to drive the truck with the corpses to the crematory.

(Bresser-Direct)



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Q Were you a member of the Headquarters Staff, Bresser?

A In a disciplinary manner I was subordinated to the Administrative Staff and otherwise I was subordinated to the motor pool of the motor replacement regiment.

Q What were your duties at Buchenwald?

A I was a driver and driving instructor.

Q You stated that you were ordered to go to the horse-stable twice, is that correct?

A Yes, I received that order twice.

Q And what were your duties on those two occasions?

A I both times drove the vehicle to the crematory.

Q Do you know why members of the Headquarters Staff were chosen to work around and about the horse-stable?

A I don't know that because as a driver I didn't know anything about these things, but I can explain it in the following way because the Commander of Buchenwald, who at the same time was commander of the Buchenwald community, would first also look upon his staff because his staff was the same thing to him as a headquarters company is to a regiment or to another unit.

Q Do you know why you were chosen to drive the truck to the horse-stable?

A On that evening I was the duty driver for that night, and the night driver had to drive anything which had to be driven after duty hours.

Q Do you recall who in the Adjutant's office spoke to you or ordered you to the site of the execution?

A As I, the first time in November 1942 or the beginning of December of that year received the order with a small truck to drive to the Headquarters

(Bresser-Direct)



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Building, the foreman, SS Sergeant Otto and 1st Lieutenant Schmidt, who was the Adjutant, and the court officer, were present. Thereupon I received the order to drive to the horse-stable with my truck. Upon my question what was going on there, SS Sergeant Otto told me that an order from Berlin from the Main Security Office was here that Russians had to be executed, and he showed me the order in this manner.

Q Do you recall what that order said?

A Not verbally, only the sense of it.

Q Will you give us what you remember of it.

A It was an order from the Reichs Security Main Office which was in the upper left of the page. On the right side was the date and on top it said "Order." It further stated that the sense of it was that the following named Russians will be executed upon orders from the Reichs Main Security Office. Then the names followed and on the bottom there was a concluding sentence which I do not remember exactly. Among other things, it said there were two lines underneath the names and it said there that reply is to be made.

Q Do you recall whose name was signed to this order?

A It was signed by either a Major or Colonel. I could not read the name. Thereupon I again received the order from the Adjutant to drive to the horse-stable with my truck immediately.

Q Will you tell us what your activities were when you arrived at the horse-stable the two times you were there and what happened when you left.

A Both times I drove this truck as far as shown on the left side of this chart and drove it to the crematory.

(Bresser-Direct)



Q Was that the only activity you had around the horse-stable the two times you were there?

A That was my only duty I performed there.

DEFENSE COUNSEL: Your witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Bresser, you remember Helbig testifying in this court last week?

A Yes.

Q Remember when Helbig said you were wearing a white coat in the horse-stable?

A I can't remember that and Helbig did not say that.

Q Are you saying now on the stand that Helbig did not say that you wore a white coat, in this courtroom last week?

A I can't remember that Helbig said that in this court.

Q You remember making a statement on the 5th day of November 1947 to Mr. Reitzer, American civilian investigator?

A I made a statement. I don't know the name of the man who took it from me.

Q Do you remember in that statement denying that you even knew that there was such a thing as Russian prisoners down at the horse-stable?

A How am I to understand that?

Q This way. Did you know anything about the activities in the horse-stable when you were first called to go there?

A Not before that.

Q Did you know anything about Commando 99?

A No.

(Bresser-Cross)

Q Did you ever hear it announced over the loud-speaker system in the concentration camp?

A What was announced there?

Q Anything with respect to Commando 99?

A I knew nothing about that. What was to be announced there?

Nobody went around with a bell.

Q There was a loud-speaker system in Buchenwald, wasn't there?

A Not where I lived I don't know of any.

Q Did you live on the post?

A I lived in a wooden building where the vehicles were standing.

Q Was that part of the post?

A It belonged to the post.

Q Now wasn't there a loud-speaker in there over which numerous announcements used to come from Headquarters?

A I knew nothing about it. There was no such thing at my place.

Q When you were Pister's chauffeur, you got around the camp quite a bit, didn't you?

A Not in camp. I only drove Pister outside of the camp. Pister drove himself inside the camp.

Q Just once more before I show you this statement to refresh your memory. Were you ever inside the horse-stable at Buchenwald?

A Not during an execution.

Q When were you there?

A I was there perhaps in 1944 or 1945.

Q I have before me your signed statement, the 4th of April 1947. Were you asked this question: "What was happening inside the horse-stable?" Do you remember that question?

A Not in that fashion, pulled out of the entire interrogation. I must read it in some connection. Here I've got the question, "What was happening in the horse-stable?" Underneath it says, "No answer."



Q That's right. Do you remember that question being asked?

A Yes, I can remember it in connection with this statement.

Q And you made no answer is that correct?

A Perhaps I paused for a while and because of that "No answer" was written down. I don't know exactly any more.

Q Now tell me what happened in the horse-stable?

A Now I know that executions of Russians took place in the horse-stable.

Q When you first went to the horse-stable, you were ordered to take a truck over there, weren't you?

A To go there with a truck and to get the corpses and drive them to the crematory. I was told that Russians were being executed there, and I saw the order which was shown to me by SS Sergeant Otto.

Q Now go over to the diagram P-11 and show me where your truck was located.

A Upon orders I received, my vehicle was standing there, just the way it is shown here and I received the order to back it up right up to this place.

Q What year was that?

A That was 1942.

Q What part of 1942?

A The end of 1942, November.

Q Otto was Master Sergeant at that time, wasn't he?

A No.

Q Who was the Master Sergeant?

A Master Sergeant? I don't know. Otto was not a Master Sergeant.

(Bresser-Cross)

Q Was he Sergeant Major?

A Whether Otto was ever a Sergeant Major I don't know, but I don't believe so.

Q Now did Otto issue this order to you to take the truck over and get the corpses?

A No, the Adjutant and Court Officer, the former 1st Lieutenant Schmidt.

Q Didn't I understand you to say a few minutes ago that Otto gave you the order?

A No, Otto only showed me the order from the Reichs Main Security Office from Berlin.

Q And he didn't tell you to take the truck to the crematory with the corpse?

A The order from 1st Lieutenant Schmidt to me said that I should Take the truck to the horse-stable and drive the corpses to the crematory.

Q Did Otto issue any instructions to you in the meantime besides showing you the order?

A No, no other.

Q Now when your truck was backed up to the horse-stable, what did you do?

A I remained seated in the front of the truck or was standing near the front of the truck.

Q What happened?

✓ A What should have happened?

Q That's what I'm asking you. What happened when you were sitting in the truck and the truck was backed up to the horse-stable the first time?

✓ A Then the corpses were loaded.

(Bresser-Cross)



Q Who loaded the corpse?

A As far as I could determine from the vehicle, they were loaded by inmates. From what I could see, I recognized them by the pants--their inmate clothing.

Q How many bodies were put on the truck?

A I don't know exactly--15, I estimate.

Q What did the body of the truck look like?

A It was a truck of intermediate size, a 2½-ton Mercedes.

Q Mercedes or an LKW?

A It was a small LKW and it was a Mercedes. The technical name for it was LO-2000.

Q Now didn't it have a special construction on the body to gather the blood of the corpses while the truck was in motion?

A Not on the vehicle.

Q Wasn't there a special lining in that truck to keep the blood from running out on the highway?

A There actually was nothing changed on the vehicle.

Q You're quite sure that inmates loaded the corpses onto the truck?

A I could see that they wore the striped inmate clothing. I could see up to here from my vehicle.

Q Where were you standing when you saw them load the truck?

A I was either sitting in the vehicle or standing outside. In any case, close to the vehicle.

Q In your statement of November 5th, do you remember this question being asked of you: "Question: Who loaded the corpses into the car?", and did you make this answer: "Answer: That I do not know."

A I don't know who it was. I only knew that they were inmates, but I don't know who the inmates were.

(Bresser-Cross)

Q Was anyone with you on the truck this first time?

A The first time when I came to the horse-stable Captain Schobert and an unknown 1st Lieutenant was standing in front of the horse-stable. The unknown man was from the Gestapo.

Q Did anyone go with you when you drove the corpses from the horse-stable to the crematory the first time?

A Yes.

Q Who drove with you?

A The 1st Lieutenant from the Gestapo.

Q Why did he go with you?

A I don't know. He went along with me or drove with me to the crematory and again drove back to the horse-stable with me.

Q You were in the habit of giving driving instructions while you were a chauffeur at Buchenwald, weren't you?

A My civilian profession is a driving instructor.

Q Did you give driving instructions to this Gestapo Lieutenant when you were driving from the horse-stable to the crematory and back?

A No.

Q On the second occasion when you drove the truck, who gave you your order to drive it?

A First Lieutenant, Court Officer, and Adjutant Schmidt.

Q Anybody ride with you when you went from the horse-stable to the crematory?

A Yes.

Q Who rode with you?

A As far as I can remember, Tec Sergeant or Master Sergeant Pleissner went with me that time.

(Bresser-Cross)



Q Did he give you any instructions when you were proceeding from the horse-stable to the crematory?

A He did not give me any instructions. He drove along in order to see that everything was done properly at the crematory.

Q Going back to your first trip to the crematory, did the 1st Lieutenant give you any instructions while you were on the way to the crematory?

A I said before, as the truck was loaded at the horse-stable, I received the order from Captain Schobert to drive to the crematory, and the Lieutenant went along and I assume that he went along to check that everything went along all right at the crematory.

Q Just answer the question. Did that 1st Lieutenant give you any instructions on that trip between the horse-stable and the crematory?

Yes or no.

A We didn't talk on the way from the horse-stable to the crematory and therefore I received no instructions.

Q He was a stranger in Buchenwald, wasn't he?

A I assume so. As far as I know, he was a stranger. Otherwise I don't know.

Q In your statement of November 5, 1947, do you remember being asked this question, page four: "Question: What did the 1st Lieutenant say to you during the ride?" and do you remember giving this answer: "Answer: He gave me the instructions where to drive." Now did you make that answer to that question?

A If I made the answer in that way, then it was not quite meant this way. What I meant is that he supervised the trip and also the unloading at the crematory. I certainly can't give any orders to a 1st Lieutenant.

(Bresser-Cross)

Q Did he give you instructions? I'm not saying what instructions you gave him. Did he give you any instructions on that trip?

A Whether he gave instructions to me?

Q Yes.

A What kind of instructions should he have given to me? I knew where I had to go and he only supervised that the trip and the unloading went properly.

Q Did he give you any instructions where to drive?

A No.

Q Why did you answer that way in your statement of just three or four weeks ago?

A What should I have said there?

(Whereupon the prosecution handed a document to the interpreter who read therefrom in the German language, and then interpreted as follows:)

INTERPRETER: "He gave me instructions on where to go but actually I knew where to go."

QUESTIONS BY PROSECUTION:

Q Now he was a stranger to you and he gave you instructions where to go, is that it?

A Whether he knew Buchenwald or whether or was known in Buchenwald or not, I don't know. He was a stranger to me.

Q A few minutes ago you said there was no conversation on the trip. Which do you mean?

A During the trip there was no conversation between us.

Q You were also in charge of the motor-pool down there, weren't you?

V A Only from November or December 1943, and at that time I was only acting on that job. Only starting April 1944 I actually received that job.

(Bresser-Cross)



Q Now on which occasion did Captain Schmidt give you the orders of what to do?

A What should he have told me what to do?

Q You testified here that he gave you some instructions. Now when did he give you those instructions, on the first time or on the second time?

A This question wasn't asked of me. I did not say that he gave me any instructions.

Q Now I will ask you. Did Captain Schmidt give you any instructions?

A In November or December 1942 1st Lieutenant Schmidt gave me the orders to drive the truck to the horse-stable and from there to drive it with the corpses to the crematory.

Q And did he tell you what you were going to do when you got there?

A I was to report there to Captain Schobert.

Q For what purpose?

A It was shown to me in the order that Russians were being executed at the horse-stable?

Q Just how did Schmidt express himself when he told you that?

A How did Schmidt express himself? It was just a military order. It said, "Sergeant, drive the truck to the crematory and from there drive the truck to the horse-stable and from there drive it to the crematory with executed Russians. That's all. You can go."

PROSECUTION: There was an omission by the interpreter of part of the statement by the witness.

INTERPRETER: "On orders from the Reichs Main Security Office."

(Bresser-Cross)

QUESTIONS BY PROSECUTION:

Q That's what Schmidt told you?

A Yes.

Q And he allowed you to see the secret order, is that right?

A That was the sense of it. I couldn't give it to you verbally.

Q Did he allow you to see this order?

A Of course, yes. Sergeant Otto showed it to me in his presence because I had doubts about it.

Q Sergeant Otto showed you the secret order in the presence of Lt. Schmidt because you had doubts about it, is that what you're saying?

A Yes.

Q Now in your statement of November 5th do you remember being asked this question: "Question: How did he express himself? Answer: you are hereby ordered to go to the riding hall and to drive the car from the riding hall to the crematory." Were you asked that question and did you give that answer?

A The sense of it is the same as the answer I just gave.

Q Then were you asked this question: "Question: Then he gave no indication at all that there were corpses in the truck?" And did you give this answer: "Answer: That I do not know. When I left 1st Lieutenant Schmidt at the Adjutant's office, there were no corpses in my vehicle." Were you asked that question and did you make that answer on the 5th of November 1947? Yes or no.

A What question is that again? But the other question are connected with this one.

Q Did you give that answer to that question?

A That is in connection with the other questions.

(Bresser-Cross)



Q Answer me yes or no. Did you give that answer to that question on the 5th of November 1947?

A I can't answer it with yes or no. I can only say that it is in connection with the other matter.

Q But did you say that?

A I cannot answer it with yes or not.

Q All right, I will ask you a next question. "Question: Then he gave you no instructions at all what it was all about? Answer: I do not know any more." Now did you give that answer to that question?

A These questions are in connection with the whole interrogation.

Q Did you give that answer to that question on the 5th of November 1947? That's all I'm asking you.

A I cannot answer it with yes or no.

PROSECUTION: No further questions.

DEFENSE COUNSEL: No further questions.

PRESIDENT: No questions by the court. The witness will return to the dock.

(Whereupon the witness was excused and returned to the dock.)

PRESIDENT: The court will recess for 20 minutes.

(Whereupon the court recessed at 1435 hours.)

(Bresser-Cross)



# A T T E S T A T I O N

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970



*Joseph B. Conboy*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

## B E G L A U B I G U N G

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



Leichenfahrer

Pleissner vgl. Anzeige Hilbergs S. 11. 47

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Vern:

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(Whereupon the court reconvened at 1500 hours.)

PRESIDENT: The court will come to order.

PROSECUTION: Let the record show that all the members of the court, the prosecution, the defense counsel and all the accused, the interpreter and the reporter are present.

DEFENSE COUNSEL: The defense calls as its next witness the accused Berger.

PRESIDENT: You are advised that you may make a sworn or unsworn statement on which you may be cross examined. You are advised that the court may draw such inferences as the circumstances justify from your refusal to answer or from your failure to take the stand in your own behalf. Are you now willing to testify?

ACCUSED BERGER: Yes.

PRESIDENT: Will you make a sworn or unsworn statement?

ACCUSED BERGER: Under oath, please.

WERNER ALFRED BERGER, an accused, voluntarily took the stand in his own behalf and made the following sworn statement through an interpreter:

DIRECT EXAMINATION

QUESTIONS by DEFENSE COUNSEL:

Q What is your name?

A Werner Berger.

Q How old are you?

A 46.

Q What is your nationality?

A German.

Q Were you ever in the Buchenwald concentration camp during the last war?

A Yes.

Q You have heard testimony with respect to the activities of the horse stable at Buchenwald, have you not?

A Yes.

Q When did you first hear that executions were taking place at the horse stable?

A In December 1942.

(Berger-direct)

Q How many times were you present at executions in the horse stable?

A Once I participated actively in the executions, once I was standing back there on the door and on another occasion I had to leave again.

Q When you participated actively, will you show on prosecution exhibit P-11 over there on the wall, what room you were located in?

A Here (indicating).

DEFENSE COUNSEL: Let the record show the witness is pointing to the room known as the rifleman's chamber on prosecution exhibit P-11.

QUESTIONS BY DEFENSE COUNSEL:

Q What were your duties at the horse stable the first time you reported there?

A On the first occasion I was called over the loud speaker, of which there was one in each room, by Aeder, that I should come to the headquarters office. There I received the order from the SS master sergeant Thalmann to go with the truck to the railroad in Weimar, a transport of Russians would arrive there. I went down with these trucks, there were two of them, Police escorts arrived and they brought with them a transport of Russians. They were loaded on these trucks and driven back to Buchenwald to the horse stable. After the Russians had been unloaded there SS master sergeant Thalmann sent me away.

Q What kind of Police were these that accompanied the transport?

A As to my knowledge they must have been members of the Order Police.

Q The other time you went to the horse stable, I believe you stated your duties were in the rifleman's chamber, is that correct?

A No. There again I had to drive to the railroad station and had to pick up another transport of Russians, and there again an escort detail arrived, I do not know any more, then I think there were members of the Wehrmacht or the Police, and there again I drove back to the horse stable and there I received the order this time to stay there. Then I received my instructions from SS Master Sergeant Thalmann what I was supposed to do.

Q What did he order you to do then?

A I had to be on guard at the center door.

Q Will you go to the chart and point out?



A That is the place where the Russians were unloaded, then an officer in charge of the escort detail of the transport together with Thalmann and me went through the room and then I had to take up my guard post right here, and here I received a white coat, this coat must have been here in this room which is marked as dining room.

Q Now the next time you came to the horse stable what were your duties?

A On that occasion I was picked up in my room by Thalmann who was living in the same hallway as I did.

Q What did Thalmann say to you then?

A I have to mentioned first that with him there was another SS sergeant and an SS Tech Sergeant and then we came in through this swing door over there, and when I came I heard the loud speaker playing. Then we came up to here down into this room. Over there SS Captain Schobert was standing, SS 1st Lt. Schmidt and as far as I can still remember also the physician Dr. Schidlausky - I do not know whether he was SS captain or Major at that time.

Q What were your duties on that occasion?

A Thalmann had in his hand a sheet of paper, in my opinion it was an order and he told us three men that Russians were to be executed, that was an order from the Reich Security Main Office, that these were Russians who had committed crimes on the Front or had killed wounded soldiers. Then he picked me out for the shooting, then I had to go into this rifleman's chamber and here on the door I met Helbig. Helbig had in this room two pistols, they were two Walter pistols 7.65. I had to take up my position here. After some time a naked prisoner came up to this slit. I could make out this person approximately as far down as half of his back. Before that Helbig had given me already instructions what I would have to do if this man would walk up to the slit and he gave me the pistol and I had to shoot.

Q How many times were your duties in the rifleman's chamber Berger?

A Once.

Q How many prisoners do you recall shooting through that slit?

A I shot 12 to 14 times.

Q Berger, you were a member of the headquarters staff, is that true?

A Yes, sir. I was employed in the administration of the prisoners'

money.

Q Can you explain why members of the headquarters staff were chosen for duty at the horse stable?

A It is my opinion that the members of the headquarters staff could be most easily reached by the commander.

Q Did you live in the camp all the time Berger?

A Yes, sir.

Q You slept there at night?

A Yes, sir.

Q You have heard testimony here in this case with respect to the manner in which these executions were carried on in the horse stable, have you not?

A Yes, sir.

Q Can you give us any explanation as to why these executions were carried out in this manner?

A I was upset about this myself, I asked SS acting first sergeant why it was done in this manner and then I was told that this had been ordered by Berlin in accordance with the sample existing already in Oranienburg.

Q Have you made any statements previously with reference to your activities at the horse stable?

A Yes, sir.

Q Did you make them willingly?

A Yes, sir.

DEFENSE COUNSEL: Your witness.

#### CROSS EXAMINATION

#### QUESTIONS BY PROSECUTION:

Q Berger, in connection with your activities in the finance office, you also were custodian of paper money taken from the prisoners of war as they came into the horse stable, weren't you?

A No.

Q Did you ever see any of the prisoners of war money?

A No.

(Berger - cross)



Q Is it not a fact that prisoners of war had a special type of scrip which was issued to them?

A I do not know that.

Q Is it not a matter of fact that you had to send money from prisoners of war to a special office to get that type of money exchanged for Reichmarks?

A That is not known to me.

Q And you never did that?

A No.

Q When was the first occasion when you were called to the horse stable?

A It must have been December 1942.

Q When did you first arrive in Buchenwald?

A I came to Buchenwald on the 20th January 1941.

Q What was your rank when you first came to Buchenwald?

A SS private.

Q And what was your rank when you first went to the horse stable?

A SS sergeant.

Q When you arrived at the horse stable did you go first to the consulting room?

A No.

Q Where did you go - directly to the rifleman's chamber?

A Yes, right in front of the door to the large room I was taken care of by SS master sergeant Thalmann.

Q Will you come to prosecution 11 and point to the exact spot where you entered the building on your first occasion?

A During the first occasion back here, I walked through this room up to here (indicating the large undressing room on the right of prosecution exhibit P-11).

Q Now the second time you came into the stable where did you go?

A Up here (indicating swing door in the middle of the upper portion of prosecution exhibit P-11.)

(Berger - cross)

Q Where did you go then?

A Through this door up to here (indicating a path through the hallway to the left at the entrance of the consulting room).

Q On the third occasion when you went into the horse stable which way did you enter?

A Only twice I was in the horse stable.

Q From your observation of the horse stable would you say that prosecution exhibit P-11 is an accurate discription of the floor plan of that horse stable?

A I was inside the horse stable only for such a short period of time that I could not state it for certain but I know that there was a room up here (indicating the radio room), because when I was standing here at the center door I could see this other room.

Q Now you testified in the Parent Buchenwald case last Spring, did you not?

A Yes, sir.

Q And you also made several statements with respect to Buchenwald and Commando 99 before and subsequent to that time, did you not?

A Yes, sir.

Q Now is it not true that in every one of these statements or in your testimony before the other court, you said that the diagram which was shown to you and which was prosecution P-29 on the former occasion, was an accurate discription of the horse stable floor plan?

A That is quite possible, I did not look at it so closely.

Q Now look at this portion, was there a door across the lower left hand area of the consulting room?

A I could not tell you that because I did not come up to this place.

Q Was there a door across the lower right opening of the Way of the Corpses?

A I do not know this either, I did not walk up there.

Q Were you ever in the consulting room?



A No.

Q How did you enter the rifleman's chamber?

A From here I walked over there, I was standing next here right of the entrance. (Prosecution: indicating a path from the right hand entrance of the consulting room to the right hand entrance of the rifleman's chamber.)

Q Now, when you were standing at the door how did it come about that you came into the rifleman's chamber?

A I had to walk around this room to get into the rifleman's chamber.

Q Now at any time while you were there, were you present at one of these mock physical examinations where the SS men stood around in white coats?

A I could see this only on the occasion when I was standing on the door, on the door through which you have to enter the large room.

Q Did you see SS men standing around in long white coats?

A Yes, sir.

Q And did you see the mock physical examination taking place?

A Yes, sir, it looked to me to be a mock examination.

Q Do you know the reason why that mock examination was given?

A No.

Q Whom did you see among the SS men in that consulting room?

A Thalmann was there, Hupfer as far as I can remember, also Taufkratshofer, and I think also SS Tech Sergeant Schaefer, and then the officers.

Q Did you ever see Bresser in the horse stable?

A Not in the horse stable, but I saw him standing outside.

Q Now I am going to refresh your memory by reading a question and answer from your statement of 18 April 1947. You were asked this question, "Who was present together with you at the first execution at the same time in the horse stable", you answered, "Thalmann, Helbig, Bresser, Eichler and one named Schultz" - then you were asked, "Is that answer correct?" and you gave this answer, "Yes, that's correct".

Q Yes, sir, but this has to be explained. I could have mentioned

(Berger-cross)

even more names because I understood under this question that I should give the names of all people who were together in the entire horse stable.

Q Well then, let me hear you mention more names now?

A Perhaps I expressed myself incorrect at that time. Mr. Kirschbaum asked me who was present there in the horse stable, and then the expression "in the horse stable" I thought it meant "at the horse stable".

Q Now to refresh your memory once more, we will read the original question in German on the statement which you signed. (The following was read in German and English) "In your statement of 26 March 1947 in reply to my question 'who was present together with you at the first execution at the same time in the horse stable', you have answered as follows, 'Thalmann, Helbig, Bresser, Eichler and one named Schultz' and your answer was, 'Yes, that's correct' ".

Q Now, did you ever see Hilberger at the horse stable?

A No.

Q Did you ever see Dittrich?

A No.

Q But you know that they regularly went to the horse stable, don't you?

A I don't know that.

Q Well now, from your statement of 18 April 1947, let me refresh your memory by reading you this question and answer. Question, "Your predecessor Otto Eichler, he was never present at executions", answer, "only a regular non-com, Hilberger for instance, or Dittrich, I cannot know that".

A That's correct, yes.

Q So Hilberger and Dittrich were regulars at the executions weren't they?

A No, that is a misunderstanding, they were active members of the troop and it meant that since they were active members of the troop, whenever the active members were called they had to know ahead of the reserves.

(Berger-cross)



Q By active members of the troop you mean active members of Commando  
99?

A No.

Q What do you mean by troop?

A Active soldiers, regular soldiers.

Q In other words the regular army soldiers were used ahead of the  
reserves?

A Yes, sir.

Q And by regular army you mean the regular army SS men were used  
ahead of the reserve men?

A Under active soldier I mean a professional soldier.

Q A professional SS soldier?

A Yes, sir.

Q Now Berger, you attended an execution at one time where an SS man  
was shot, did you not?

DEFENSE COUNSEL: I object to that as being beyond the scope of  
any direct examination or the charge in this case.

PRESIDENT: Objection overruled.

ACCUSED BERGER: Yes, sir.

QUESTIONS BY PROSECUTION:

Q Now was that execution the same type of execution which took place  
in the horse stable?

A- No.

Q At that execution a regular order of execution was read was it not?

A Yes, sir.

Q And there was a regular firing squad, was there not?

A Yes, sir.

Q And it took place at a regular execution ground, did it not?

A Yes, sir.

Q The accused was notified that he was being executed and why he was  
being executed, was he not?

(Berger - cross)

A Yes, sir.

Q And that was a legal execution, was it not?

A Yes, sir.

Q A member of the court which sentenced that particular SS man was present at the execution, was he not?

A Yes, sir.

Q Now bearing in mind that you were a member of an execution squad at a legal execution, was the type of execution which took place in the horse stable legal?

DEFENSE COUNSEL: I object to the question. It has not been established that he was a member of that firing squad of that SS execution.

PROSECUTION: I will withdraw the question and put it this way.

QUESTIONS BY PROSECUTION:

Q Were you a member of the firing squad?

A Yes, sir.

Q Now bearing in mind that you were a member of the firing squad of a legal execution, was that the same type of execution which took place in the horse stable?

A As far as I was concerned, yes.

Q In other words, the manner in which you shot these prisoners in the back of the head was the same in effect as the manner in which you acted as a member of a legal firing squad executing an SS man?

A Yes, sir. I did not have the right to question the commander or adjutant how the execution had to be carried out or to ask him why the execution had to be carried out at all.

Q Was a member of the court which allegedly sentenced these Russian prisoners present at the time you shot them?

A No, only the legal officer, the court officer was present, and for me he was the proper authority. If the protective custody camp leader, the court and legal officer, the acting first sergeant of the SS, and the physician are present, then I did not have the least doubt that this was a legal execution.

(Berger-cross)



Q Just answer my question. Was a member of the court which allegedly sentenced these Russian prisoners to be shot present at the time you shot them?

A No, I did not see it.

Q Was an order read to the prisoner or prisoners telling them that they had been sentenced to death and why they had been sentenced to death?

A I did not see it or hear it.

Q Did you ever hear of any order telling the prisoners that they had been sentenced to death and why they had been sentenced to death?

A I heard it from acting first sergeant of the SS Thalmann.

Q Now, when you were summoned to go to the horse stable, what would have happened to you if you had not gone?

A If I had not gone there certainly I would have been brought before an SS Police Court.

Q Let me refresh your memory on that. When you testified in the Parent Buchenwald case on the 2nd May 1947, and I am quoting from page 1311 on cross examination, you were asked this question, "What would have happened to you if you did not appear at this detail?" and didn't you give this answer, "I do not know"?

A That is possible.

Q Well, did you or did you not, if you remember?

A I do not know exactly any more whether I gave this answer or not.

PROSECUTION: If the court please the prosecution quotes directly from the testimony in the Parent Buchenwald case, page 1311, the last question and answer on that page: Q: "What would have happened to you if you did not appear at this detail", A: "I do not know".

QUESTIONS BY PROSECUTION:

Q Now Berger, as a soldier in the German Army, didn't you receive a handbook of rules and regulations?

A I did not receive it.

Q When did you first join the Army?

A I was drafted on the 10th April 1940, and on the 28th August 1940 I was discharged again.

Q How long were you in the SS?

A In the Waffen SS or the Allgemeine SS?

Q First start with the Allgemeine SS.

A Since 1st August 1933 I was in the SS Cavalry Battalion at Mannheim until I was drafted into the Army.

Q When were you a member of the Waffen SS?

A From the 10th April 1940 until 28th August 1940 and from the 20th January 1941 until the 11th April 1945.

Q Now, do you mean to tell this court that you were drafted in the Waffen SS in the year 1940?

A Yes, sir.

Q Now is it not a fact that the Waffen SS didn't draft anyone until 1943?

A No, that is not known to me.

Q What process did they go through when they drafted you into the Waffen SS in 1940?

A I received my draft call.

Q What did the draft call say, and what did you do as a result?

A That I had to report to Wiesbaden.

Q And in the meantime you were in the Cavalry Battalion of the Allgemeine SS, is that correct?

A Yes, sir.

Q So that one day you were in the Allgemeine SS and the next day you were in the Waffen SS, is that correct?

A Yes, sir.

Q When was the Waffen SS formed?

A I do not know that.

Q What was the Waffen SS?

A I was drafted into the Waffen SS through the regular draft order.

Q The Waffen SS in other words was a military organization, was it not?

A Yes.

Q Now as a part of that military organization you received



instructions of the rights and regulations of the Army and of the Waffen SS, did you not?

A No.

Q You never received any instructions at all in the laws of courts-martial, the rules and regulations of soldiers and legal and illegal acts?

A No.

Q Returning now to the rifleman's chamber when you had to do some shooting.

A Yes.

Q How were you dressed?

A I was wearing a white coat.

Q Is that similar to the white coats that doctors wore?

A Yes, it was a white overcoat.

Q Did you have any shield over your face?

A Not a mask, but a cellophane shield.

Q What was the purpose of the cellophane shield?

A In my opinion protection for the eyes.

Q How did it act as protection for the eyes?

A I figure it out this way, that whenever I shot that blood should not come into my eyes.

Q Look at prosecution exhibit P-12 for a moment and tell me whether or not it actually represents the slot in the height gauge in the rifleman's chamber?

A This is a little bit wider here.

Q How wide was the slot in the height gauge?

A I figure 5 to 6 centimeters.

Q How wide is the slot that you are now looking at in prosecution exhibit P-12?

A How wide it is?

Q Yes.

A I figure it to be 8 to 9 centimeters.

Q And again, how wide did you say the actual slot was?

A Approximately wide at this. (Indicating 6 centimeters).

Q Now how far back of that slot were you standing when you fired the shot at the prisoner who was in front?

✓ A At least one meter 20, to one meter 50.

Q And did you extend your hand in front of you?

✓ A Yes, sir.

✓ Q So that how far was the barrel of the pistol from the slot when you fired?

A Approximately 20 to 30 centimeters.

Q And you say that standing the distance you were standing from that slot, it was still necessary to wear a cellophane shield over your eyes as a protection against blood which may spatter through a 6 centimeter slot and hit you in the face, is that right?

A Yes, because when you shoot you bend over a little bit forward and you do not bend back or stand up straight.

Q When you shot these prisoners, did they die immediately?

A Yes, sir.

Q Did you see that?

✓ A He collapsed and I had to assume that he was dead.

Q Could you see him collapse?

A Yes, he got down.

Q And at no time on the occasion when you did the shooting, was it necessary to administer a mercy shot to any of those prisoners?

A I could not decide this from inside the chamber, the doctor had to decide this who was standing out there.

Q Where was the doctor standing?

A I would like to show you. He was standing over here, he was able to look into this room there. (Prosecution: Indicating the position of the doctor in the upper left hand corner of the consulting room looking through an open place directly in front of the height gauge.)

(Berger-cross)



Q So that the doctor from the position you indicated could see whether or not the man was dead after he had been shot by you, is that correct?

A Yes, of course I could not see from inside the chamber whether the doctor went over there or not.

Q Now, was there not supposed to be a door across this area?  
(Prosecution: Indicating the lower left hand opening of the consulting room).

A I did not see it, I did not go over there.

Q About how often did another body appear in front of you to be shot on the night you did the shooting?

A I think it took only two to three minutes.

Q Just about a regular interval of two to three minutes between each shot, is that right?

A Yes.

Q Who took the bodies out after they were shot?

A I could not see that.

Q Well, during this intermission between time you would shoot one man and the next one would be brought up in front, did you look through the slot to see what was going on?

A No.

Q How do you know a doctor was stationed up here? (Prosecution: indicating upper left hand corner of the consulting room.)

A Because I saw it, the location, when I was standing there at the entrance at the door.

Q How long did you stand at the door?

A Until the order was read to me.

Q In other words you were standing at this door (Prosecution: indicating the door on the right hand side of the consulting room), you looked in that room and you saw the doctor standing up in the upper left hand side of the consulting room who was watching the bodies being shot down, here, is that right?

(Berger-cross)

A He was standing here, the adjutant was standing in the middle and Schobert was standing here over to the right. (Prosecution: indicating positions just above the words "So-called consulting room".)

Q As a matter of fact Taufratshofer was participating in the execution of these prisoners who were in that room, was he not?

A I did not see that.

Q And you don't know whether or not he went over to look at the prisoners after they were shot, do you not?

A No, I don't know that either.

Q Will you just again fix the date of the occasion when you did the shooting?

✓ A That must have been January or February.

✓ Q Of what year?

A 1943.

Q And you are certain that Dr. Schidlausky was present at the time you did the shooting, is that right?

✓ A Yes, I assume it was Dr. Schidlausky.

Q Now, if I were to tell you that Dr. Schidlausky did not become a camp physician until July or August of 1943, would that refresh your memory?

A I assumed it was Dr. Schidlausky.

Q You did not know it was Dr. Schidlausky?

✓ A I knew a doctor was present, I said it might have been Dr. Schidlausky or Dr. Bender, I do not know who.

Q Was it Dr. Hofen?

A It might have been Dr. Hofen, but I think that Dr. Hofen was not in that camp any more - it might have been Dr. Platzner.

Q When was Dr. Hofen arrested by the Americans?

A I do not know that.

Q What was the nationality of these prisoners who were shot?

✓ A Russian.

✓ Q Were they prisoners of war?



✓ A Yes, prisoners of war , as far as I was concerned they were prisoners of war.

Q Approximately how many different SS men were members of Commando 99 during the period in which you participated in the activities of the horse stable?

✓ A I do not know that because I was not a member of the detail 99.

✓ Q Well, the horse stable detail then?

A I do not know how many participated there, there were many.

✓ Q They were all non-commissioned officers, weren't they?

✓ A Yes, SS sergeant, SS tech sergeant or staff sergeant.

Q And they were very reliable SS men weren't they?

A I do not know that, I do not know whether they were reliable or not.

Q Do you remember making this statement on the 17th February 1947, "It is known to me that only reliable SS men were ordered to participate in shootings" ?

A It is quite possible that I said so.

Q Did you or did you not say so?

✓ A I said so because I really assumed that only reliable SS were taken for this job, you cannot pick out men for this detail who right after would go to a Tavern and tell everyone that they had just shot a Russian.

✓ Q As a matter of fact this whole detail was a very big secret, was it not?

A I do not know that, I was with the detail only for such a short period of time I was not able to keep it a secret.

Q When you testified in the Parent Buchenwald case were you asked this question on cross examination, and did you give this answer - I am quoting from page 1313 of the record of trial of the Parent Buchenwald case. Question: "Was detail 99 a secret in camp?", answer, "That was a secret"?

✓ A It was such a secret that nearly all prisoners knew about it.

Q Now on several occasions the loud speaker system in Buchenwald called for certain men to go to the horse stable, didn't it?

A I never heard it.

Q You never heard the loud speaker system in Buchenwald announce that certain men were to go to the horse stable?

A Horse stable? No, I didn't hear it.

Q All right, did the loud speaker ever say the detail 99 should gather together and go on duty?

A I do not know this any more.

Q Is it not a fact Berger, that the reason for stopping putting the announcement over loud speaker system was because the prisoners caught on to what was going on at the horse stable and the commandant no longer wanted them to know about it?

A That is quite possible.

Q Now you just said that all the prisoners knew about it, so it is a fact that every person that went to the horse stable knew what went on there?

A I didn't understand this.

Q Every person who went to the horse stable knew what was going on in the horse stable, didn't he?

A No, for instance, I didn't know.

Q As a matter of fact you had a detail of prisoners working for you on the morning you participated in an execution, didn't you?

A That I had a work detail? I don't get you.

Q You were working in an office, weren't you?

A Yes.

Q And you were in charge of a group of prisoners, weren't you?

A Yes, sir.

Q And these prisoners would know when you were called down to the horse stable, would they not?

A No.

Q Why - because you kept it a secret from them?

A I was called to the horse stable by SS acting first sergeant Thalmann, and my detail was working inside the camp and there was nothing



known inside the camp what was going to happen, I was called in the evening, not from my office.

Q Do you know Taufratshofer?

A Yes, sir.

Q And did he receive a medal?

V A I think so, yes.

V Q Was he a member of detail 99?

V A I think so, yes.

Q What was your reaction when you knew he received a medal?

DEFENSE COUNSEL: I don't think he received one as a member of Commando 99...or that he was a member of Commando 99.

PROSECUTION: Let the witness answer.

PRESIDENT: The court will accept this for whatever probative value the court thinks fit - the question may be answered.

V ACCUSED BERGER: I assume that he received this medal on account of his office, that he kept his office in a proper order.

QUESTIONS BY PROSECUTION:

V Q Was he a member of detail 99?

V A Taufratshofer?

Q Yes.

V A I never saw him in the horse stable, whether he was a member of the detail 99, I do not know.

Q Will you repeat your answer?

V A I just said that I do not know whether Taufratshofer was a member of detail 99 - that he was in the horse stable I know.

Q Now, on the night that you did the shooting, how many Russian prisoners were shot altogether?

V A I do not know that, after I had shot 12 or 14 times I was sent away and then I went back to my room.

Q How many prisoners did you shoot that night?

A I shot 12 to 14 times.

Q About what time of the night was it when you shot?

(Berger across)

A It must have been 10 or 11 o'clock.

Q Were any prisoners shot before that?

A I do not know that.

Q Were any prisoners shot after that?

A I do not know that either because I was not present at the stable any more.

PROSECUTION: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Did the members of the headquarters staff receive any military training?

A Yes, I think so.

Q When did you first see Bresser at the horse stable?

A That must have been in February 1943.

Q Inside or outside the horse stable?

A Outside the horse stable.

Q How many other times did you see him at the horse stable?

A Not at all.

Q Will you tell the court now what would have happened to you if you had refused to take part in the execution at the horse stable?

A If I would have refused to carry out an order which I had received from Thalmann or the adjutant or the camp commander respectively, I would have been brought before the SS Police Court.

Q Did you ever receive any decoration for your participation in the execution at the horse stable?

A No.

Q Was there any further explanation given to you as to the reason for the execution of the Russian prisoners?

A Yes, sir.

Q Will you please tell us what that explanation was?

A SS master sergeant Thalmann told me that these men were Russians who had committed crimes against German soldiers on the Front, and who had

(Berger-cross)



been sentenced to death by a court martial.

Q Berger, when you were in the rifleman's chamber and you shot, did you have any qualm in your mind as to the legality or the nature of your duty?

A No.

DEFENSE COUNSEL: No further questions.

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q In your testimony in the Parent Buchenwald case on cross examination, page 309 of the transcript of testimony, were you asked this question in answer to the question were they supposed to be proper executions, "What makes you think they were?" and you answered, "Because what was said, that they were saboteurs and looters", and the next question, "Who said so?" and your next answer "That was common talk, I do not know who said so". Now, which is correct, your testimony in the Parent case which I have just read, or the testimony you have just given?

A The statement which I just made here in court. I would like to explain why under cross examination in the first Buchenwald trial I testified as it was just read to me. I was discharged as a prisoner of war with a weight of 96 lbs, I was in three camps in France, and when I came home my wife is not there, she is in the Russian Zone, my entire home is destroyed through air attack, and I could not go back to my parents' home because their home too was destroyed from air attacks, then I had to work for a farmer, then through a denunciation I was brought to Dachau. Right away I was brought to Mr. Kirschbaum, so you can understand the thoughts I had. My entire life I have not been for a single hour in a bunker or prison cell, I was never before a court as a witness much less as a defendant, so you can understand my thoughts and the status of my mind, and when you have to undergo a cross examination you don't know any more what you are saying.

Q That is why you made the statement you did, under oath, in the Parent Buchenwald case, and made a different statement under oath in this case, is that true?

(Berger<sup>re-</sup>-cross)

A In the Buchenwald trial I meant approximately the same, perhaps the term saboteur was picked out not correctly.

PROSECUTION: No further questions.

EXAMINATION BY THE COURT

QUESTIONS BY MEMBERS OF THE COURT:

Q Did you receive any extra rations or cigarettes or Schnapps after this execution?

A Yes, sir.

Q Where did you get them?

A In the kitchen of the headquarters building.

Q Who else got some at the same time?

A SS acting first sergeant Otto made a list of the men who had participated in this execution and then after a period of two or three days one could go to the kitchen and pick out the stuff.

Q Were any other of the accused in this case on that list?

A No.

PRESIDENT: No further questions, the accused will resume his place in the dock.

(Whereupon the accused resumed his place in the dock.)

PRESIDENT: The court will recess until 0845 tomorrow morning.

(Whereupon the court recessed at 1630 hours.)



# A T T E S T A T I O N

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970

*Joseph B. Conboy*  
JOSEPH B. CONBOY  
Lt. Colonel

Deputy Staff Judge Advocate

Übersetzung



## B E G L A U B I G U N G

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



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MORNING SESSION

(Whereupon court reconvened at 0845 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: Let the record show all members of the court, prosecution, defense, all the accused, reporter and interpreter are present.

DEFENSE COUNSEL: The defense calls as its next witness the accused Moeckel.

PRESIDENT: The accused Moeckel will approach the bench.

(Whereupon the accused did as directed.)

PRESIDENT: Moeckel, you may make a sworn or an unsworn statement on which you may be cross examined. You are advised that the court may draw such inferences as the circumstances justify from your refusal to answer or from your failure to take the stand in your own behalf. Are you now willing to testify?

ACCUSED MOECKEL: Yes, I am willing to testify.

PRESIDENT: Will you make a sworn or unsworn statement?

ACCUSED MOECKEL: Under oath, please.

HERBERT GUENTHER MOECKEL, an accused, voluntarily took the stand in his own behalf, and being first duly sworn, made the following sworn statement through an interpreter:

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What is your name?

A Herbert Moeckel.

Q How old are you?

A Thirty-two. years.

(Accused Moeckel-Direct)

Q What is your nationality?

A German.

Q Were you in the Buchenwald Concentration Camp during the last war?

A Yes, sir.

Q Where do you now reside?

A My residence now is in Camp Dachau here.

Q Did you ever appear in what is known as the line-up here in Camp Dachau?

A Yes.

Q Will you describe your consultation with the witness Zgoda at this line-up.

A My first interrogation took place with Mr. Kirschbaum in the office room. After I was in the room for practically three minutes, a gentleman was brought in. When Mr. Kirschbaum pointed to me with his hand, this gentleman only shook his head. Then this gentleman took a seat next to the desk. Then I was interrogated. In the meantime I heard that the name of this gentleman was Zgoda. The second occasion was a consultation during the line-up which took place in camp around the end of April. In reply to Mr. Kirschbaum's questions whether I had shot in the horse stable, he denied it. Since that occasion I was not confronted with Mr. Zgoda.

Q Did Mr. Kirschbaum ask Zgoda if he had ever seen you in the stable?

A He only asked whether I had shot since he had been present during my interrogation and knew that I had admitted right away that I was present in the horse-stable.

Q Were you ever tried before and SS court in Lublin?

A Yes.

(Accused Moeckel-Direct)



Q Will you describe your experience before this SS court and what happened.

A One day a prisoner came to me and asked me I should try to get a typewriter for the prisoner clerk's office. He gave me two pieces of jewelry and also two pieces of gold money. Since I was in contact already for some length of time with a Polish family, it was possible for me to fulfill this request. I bought also from these Poles a fur coat for my wife. When I was interrogated by an SS officer from where I had gotten these valuables, I told them I had found them. It was obvious to me that I would be punished anyway and therefore I wanted to keep the prisoners out of it. Then I was sentenced for having kept things which I had found, furthermore for violation of the money exchange laws and furthermore because I was politically unreliable. I was sentenced to 13 months in prison. I was excluded from the party and the SS. From the third of January 1944 until June of 1944 I was in the penal camp Matsgau near Danzig. Around the end of June 1944 I was then transferred to the Navy, the so-called "K Unit". The "K Unit" was the abbreviation for the unit of the small fighting ships. This unit consisted of one-man torpedoes, explosive boats, the so-called swimmers, and the marine special action units.

Q Moeckel, what punishment would you have received if you had refused to have gone to the horse-stable for duty?

A I certainly would have been sentenced to death.

Q Who first gave you the order to appear at the horse-stable?

A I received the order through the SS Tec Sergeant Kenn who at that time was roll-call leader.

(Accused Moeckel-Direct)

Q Will you describe to us what you saw when you first got to the horse-stable.

A I had received the order from the SS Tec Sergeant, then roll-call leader, Kern to go to the armory to receive there a machine pistol and to report to the SS Master Sergeant Thalmann, at that time Acting First Sergeant Thalmann, in the horse-stable. When I came here, the two vehicles were standing here and around these vehicles approximately six to eight members of the order police were standing. I reported there to the SS Acting Sergeant Thalmann.

DEFENSE COUNSEL: Let the record indicate that the witness is pointing to a space north of the diagram on Prosecution's Exhibit P-11 as to where the two trucks were located.

A (continuing) And I received the reply I had to remain there-- I had to go on guard duty there. On these trucks were Russians. Through a police officer these men were handed over to Thalmann. I also saw that the police officer handed an envelope to Thalmann and Thalmann took papers out of this envelope. Then in accordance with this list Thalmann called out the names of the Russians and the Russians fell out in formation over here. After the Russians were handed over, we marched over here. Here the door was unlocked through the SS First Sergeant Helbig.

DEFENSE COUNSEL: Let the record indicate that the accused Moeckel entered through the door which is noted on Prosecution's Exhibit P-11 as "Batch Truck".

A (continuing) Then the Russians marched in here on this place. After the door had been locked again, I received the order to be on guard duty here on this spot.

(Accused Moeckel-Direct)



Q Now what spot do you mean?

A On this spot here next to the door.

DEFENSE COUNSEL: Let the record indicate the accused pointed to a spot next to the door at the entrance of Prosecution's Exhibit P-11.

A (continuing) Opposite to me on this door over there another guard was standing, the SS Sergeant Schichtholz. After approximately 15 minutes to 30 minutes had passed, Thalmann came, said a few words to the Russians, and gave them signs which indicated they should undress. At that time the loud-speaker started to get going. The music was pretty loud. Approximately 35 minutes later Thalmann returned again and in accordance with his list he picked up the first Russian.

DEFENSE COUNSEL: That is all. Come back to your seat.

(Whereupon the accused did as directed.)

QUESTIONS BY DEFENSE COUNSEL:

Q Now how many times were you assigned to the horse-stable for duty?

A Twice.

Q You mentioned that you reported to Thalmann, is that correct?

A Yes.

Q What did Thalmann say to you with respect to these Russians when you reported to him?

A He told me that I would have to go on guard duty and when we were inside the horse-stable, I asked Thalmann what would be done with these Russians. He told me they were sentenced to death, but I cannot remember any more, whether he told me also at that time that they would be shot.

Q Moeckel, you see the room which is labeled as the undressing room on Prosecution's Exhibit P-11 over there?

A The large room, yes.

(Accused Moeckel-Direct)

Q Now that is where the prisoners were brought in, is that correct?

A Yes.

Q Did you ever see any amputees, sick prisoners, killed in that room?

A Not in the two transports where I was present.

Q Were you ever promised any rations for your duties at the horse-stable?

A None were promised to me.

Q Did you ever receive any?

A I didn't receive any but after the first occasion when I had been on duty in the horse-stable, I was at the canteen in the evening. Thalmann was there with several other non-commissioned officers and Thalmann had a bottle standing in front of him which contained "schnapps", furthermore, a pack of cigarettes was lying on the table. Thalmann offered me one or two shots of "Schnapps", furthermore one or two cigarettes, I don't know exactly anymore, and after half an hour I got up again and I went to one of the other rooms.

Q What were your duties in the horse-stable the second time you were there?

A The same duty.

Q Did you see any executions in the undressing room on Prosecution's Exhibit P-11, the second time you were there?

A No.

Q Did you see the police officers the second time you were there?

A Police officers were present, yes.

(Accused Moeckel - Direct)



Q Was Thalmann in the undressing room the second time you were there as guard?

A Yes.

Q Did these police officers give Thalmann any paper of any kind?

A That was when the men were handed over in front of the horse-stable.

Q Not in the undressing room?

A No.

Q Did you see any officers at the horse-stable the second time you were there?

V A The second time when I was there, I saw the SS Major Schobert or SS Captain Schobert, respectively, there.

Q Moeckel, did you ever see any of the accused here in the dock at the horse-stable ?

V A No.

Q Were you ever in the so-called consulting room on Prosecution's Exhibit P-11?

A No.

Q Did you wear a white coat while you were on duty in the undressing room?

V A I didn't wear a white coat.

DEFENSE COUNSEL: Your witness.

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Moeckel, when did you leave Buchenwald for Lublin?

A End of March 1942.

(Accused Moeckel-Cross)

Q That was about the same time the other members of the Koch unit left Buchenwald for Lublin, wasn't it? The Koch clique?

A I don't know anything about a clique or band.

Q Well, when did Koch leave Buchenwald?

A In my opinion he left around the end of 1941.

Q And you left a few weeks afterwards, didn't you?

A End of March 1942.

Q Who was the Commanding Officer at Buchenwald after Koch left?

A Temporarily SS Captain Florstedt and then SS Major or later on SS Colonel Pister came.

Q And then you went to Lublin which was the same place to which Koch and his clique had been transferred, is that not a fact?

A I was transferred to Lublin.

Q When you were tried by an SS court in Lublin you were tried for looting and black-marketing, were you not?

A I was sentenced by the court because I had kept things which I had found, was politically unreliable and had violated the money exchange laws.

Q Two of those articles were, number one, a typewriter which you used in the office, and number two, a fur coat which you gave your wife, is that not a fact?

A Yes.

Q Now by politically unreliable do you mean that you helped the Polish under-ground?

A No.

(Accused Moeckel-Cross)



Q What do you mean by politically unreliable?

A An order had been issued by the Reichs Fuehrer of the SS Himmler. It was strictly forbidden to have any personal contact with Poles.

Q And the contact with the Poles you had was the contact you had involving the looting and the exchange of these goods which you have just talked about, is that it?

➤ A I had contact with the Poles already before that. I lived at the Pole's house.

Q Now what did you do when you lived at the Pole's house which caused you to be politically unreliable?

A When the order was issued, I had to move out.

Q Well, you did move out, didn't you?

A Yes.

Q Well then what else did you do that made you politically unreliable?

A I kept private relations with Poles.

Q Those private relations involved the exchange of these goods and money, didn't they?

A There wasn't a permanent exchange. Only these two things which I have mentioned before.

7 Q Did you go to the Polish meetings?

A No.

7 Q Did you go to conferences at which Polish under-ground members attended?

A No.

Q Did you ever visit with the Poles except on occasions when you were exchanging goods?

A Yes.

(Accused Moeckel-Cross)

Q What was the occasion?

A Where I lived at the house of this one woman, she had a lot of friends and on account of this I was invited here and there from some of these people.

Q Now was that before or after the order was issued forbidding you to visit with Poles?

A That was before and after.

Q Now as I understand, you just acted as a guard on two occasions in the horse-stable in the large undressing room, is that correct?

A Yes.

Q Do you know what happened to the prisoners after they left that room?

A I don't know that.

Q Do you today know what happened to those prisoners after they left that undressing room?

A Yes. I knew it already at the second occasion.

Q Oh, at the second occasion you knew it. Well, what happened to them if you knew it at the second occasion?

A They were shot.

Q Now do you know why they were shot?

A As I heard from Thalmann, they had been sentenced to death. Why and what for, I did not know.

Q What nationality were they?

A Russians.

Q What type of uniform were they wearing?

A They had grey overcoats.

(Accused Moeckel-Cross)



Q Now you heard Helbig testify in this courtroom last week. Do you recall Helbig said he saw you in the horse-stable in a white coat?

A I heard it.

Q Was Helbig wrong?

A He was wrong. Helbig's testimony was based on the order that everybody in the horse-stable had been ordered to wear a white overcoat. Nobody gave me an order to this effect.

Q Did you ever see Helbig in the horse-stable?

A Yes.

Q And did you see Helbig there on both occasions when you were there?

A Both times. On both occasions he unlocked the door.

Q As a matter of fact, he was in charge of the proceedings on those two occasions, wasn't he?

A I don't know that.

Q Did he give you any instructions?

A No.

Q When you went down to the horse-stable, did you go alone or did you go with some of the other SS men who were on duty there?

A I went there alone.

Q By whom were you ordered to go there?

A SS Tec Sergeant Kern who at that time was roll-call leader.

Q Now how long had you been at Buchenwald when you were first ordered to go to the horse-stable?

A I was in Buchenwald with the troops since November 1938 and January of 1939 I was transferred to Headquarters Staff.

(Accused Moeckel-Cross)

Q What was your rank when you first went to the horse-stable?

A SS Tec Sergeant.

Q Now before you went to the horse-stable on that first occasion didn't you hear among the other men--members of the Headquarters Staff-- of the activity down there?

A No, I did not because from January 1941 until the middle of February 1942 I was in the troop area as an instructor.

Q Now you got together at your non-commissioned officers club with the other SS non-commissioned officers, didn't you?

A No.

Q You never associated with the other SS non-commissioned officers at the SS non-commissioned officers club?

A No.

Q Well now you went there after one of these executions, didn't you, and had an extra glass of beer and a couple of glasses of whiskey, didn't you?

A Yes.

Q And the other SS men were there, weren't they?

A Yes.

Q And you discussed the activity in the horse-stable, didn't you?

A No.

Q Well, was that after the first or second time that you were in the horse-stable that you went with the other SS men to the club?

A After the first occasion.

Q How long was it between the first and second occasion?

A The second time was probably the middle of March.

(Accused Moeckel-Cross)



Q Now that is how many weeks after the first occasion?

> A Approximately two weeks.

Q So that for approximately two weeks after you had been at the horse-stable and after you had gotten together with the other SS men there you still didn't know what was happening to the Russians in the horse-stable, is that a fact?

> A I knew it.

Q Well now a few minutes ago you knew on the second occasion but you didn't know until then.

A I knew it.

Q You knew it the first time you went there, didn't you?

> A When I was inside and asked Thalmann what was the matter with the Russians, he told me that they had been sentenced to death and then furthermore he probably explained also but I cannot remember this for certain any more that they would be shot.

Q Now he told you that on the first occasion, is that right?

A Inside the stable when I asked him the question.

> Q So now it's very definite that you knew what was going on at the horse-stable the first time you were there?

A Yes.

Q Now how many other SS men were present on the first occasion when you were at the stable?

> A I saw the SS Sergeant Schichtholz , Thalmann, Helbig, and Schumann.

> Q Now there were some SS guards on duty there, weren't there?

> A I didn't see any of them.

(Accused Moeckel-Cross)

Q Now look at Prosecution's Exhibit P-11 for a moment and I am pointing to the spot known as the undressing room. Are we to understand that there were no SS guards in that room at all where those prisoners were undressing?

A I was on guard duty and the SS Sergeant Schichtholz was on guard duty.

Q In other words, the guards in that room were not ordinary SS men but they were SS non-coms like yourself and like the men in the dock, is that right?

A Yes.

Q Now, did any of the other men wear white coats?

A I didn't see any, with the exception of Thalmann.

Q Now during the period of time that you were in charge of training courses, did you ever hear of the activities at the horse-stable?

A No.

Q Now did you hear anything during that period of time?

A I didn't hear anything.

Q Now to refresh your memory, I am going to quote a question and an answer from your statement of the 25th of March 1947, from page 7: "Question: What happened in this horse-stable? Answer: Above all I must say that when I was in charge of the training courses in 1941, that is, when I was with my unit, there was talk once in awhile that executions took place there and that these were people who had been condemned to death." Now did you make that answer to that question?

A I cannot remember that anymore.

Q Well, I will ask you once more. Did you know about the activities in the horse-stable when you were in charge of training?

A No.

(Accused Moeckel - Cross)



Q And the first time you heard about it was the day you went  
down there to go on duty, is that so?

A Yes.

Q And what time of the day did you go down there?  
or five

A That must have been between four/o'clock in the afternoon.

Q How long did you stay there on the first occasion?

A Until 5:30 or six o'clock. I cannot give you the exact time.

Q How many Russian prisoners came in at that time?

A Once there were around 20 and another occasion around 40.

Q Well, in other words, on the two occasions you say you were there,  
there were approximately 60 Russians in all brought in to be shot, is that  
right?

A Yes.

Q Now just once more I want to show you a statement which bears  
your signature, dated the 25th of March 1947, and I refer you to the first  
question and first answer on that page and ask you whether or not you made  
that answer to that question. "What happened in this horse-stable? Answer:  
First I have to mention when I was in charge of the training courses, that  
means in '41, when I was up there with the troops, there was talk that once  
in a while executions took place there and that these were people who had  
been sentenced to death." Now did you make that answer to that question?

A I cannot remember it any more. It happened such a long time ago,  
but if it is written there, I must have said so.

Q Now this statement is dated March 25, 1947. Is that your  
signature at the bottom of the page?

A That is my signature.

(Accused Mosckel-Cross)

Q Now how many times were you examined by Mr. Kirschbaum?

A What do you mean, the interrogation which was put down in writing later on or just a consultation?

Q How many times did Mr. Kirschbaum interrogate you around the table or in consultation or in any other manner?

A I cannot give you the exact figure but I estimate approximately fifteen times, including the consultation.

Q And about when in this course of 15 examinations was the consultation?

A The consultation was my second one. The first interrogation was with Mr. Kirschbaum and at the same time there was a consultation with Zgoda. And my very first interrogation was with Dr. Leitz.

Q When in period of time did the consultation with Zgoda take place?

A The first consultation was in the middle of March; anyway, it was in March, and the other one was in April.

Q Of what year?

A This year.

Q Now the consultation with Zgoda was before any of these statements was written, was it not?

A This consultation and this statement were made only after my first interrogation by Mr. Kirschbaum.

Q But the consultation with Zgoda took place prior to your signing any written statement, did it not?

A Yes.

Q Now you remember very definitely almost all the conversation which took place in the consultation, don't you?

(Accused Moeckel-Cross)



A I had to say something in reply to the last question. The first interrogation with Dr. Leitz was already put down in writing and then came the consultation.

Q Now you remember all the details of the consultation, don't you?

A Remember I can say only what I said before.

Q But you don't seem to be clear about what you put down in the statement--in the statement you signed on March 25th 1947, is that so?

A What I put down, what I wrote down then, it must be correct.

PROSECUTION: No further questions.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Moeckel, can you account for the fact that you were chosen to go to the horse-stable as a guard twice?

A It is my personal opinion because I was in easy reach and then I was ordered to do it.

DEFENSE COUNSEL: No further questions.

PROSECUTION: No further questions.

PRESIDENT: Any questions by the court? There appear to be none.  
The witness may return to the dock.

(Whereupon the accused was excused and returned to the dock.)

DEFENSE COUNSEL: The defense calls as its next witness the accused Bergt.

PRESIDENT: The accused Bergt will approach the bench.

(Whereupon the accused did as directed.)

PRESIDENT: You may make a sworn or an unsworn statement on which you may be cross examined. You are advised that the court may draw such inferences as the circumstances justify from your refusal to answer or from your failure to take the stand in your own behalf. Are you now willing to testify?

(Accused Moeckel-Redirect)



## A T T E S T A T I O N

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This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970



JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge

Übersetzung

B E G L A U B I G U N G

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Die Übereinstimmung dieser Ablichtungen mit den in den Akten  
- Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird  
hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



KL III e/3

Heft 13

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AOO-Bu-50

Bergt

S. 250-255

ACCUSED BERGT: Yes.

PRESIDENT: Make a sworn or unsworn statement?

ACCUSED BERGT: Under oath.

HELMUTH FRIEDRICH BERGT, an accused, voluntarily took the stand in his own behalf, and being first duly sworn, made the following sworn statement through an interpreter.

DIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q What is your name?

A Helmuth Bergt.

Q Your age?

A Thirty-six years.

Q Your nationality?

A German.

Q Were you at Buchenwald Concentration Camp during the last war?

A Yes.

Q What was your job there?

A First I was detail leader, then block leader, and at the end I was labor vice-leader.

Q Did you live in Camp Buchenwald?

A Until shortly after Easter 1941 I lived in Buchenwald.

Q And after that where did you live?

A After that I lived in Weimar.

Q Did you go to Weimar every night?

A Every evening after office hours I drove to Weimar.

Q Was your wife in Weimar?

A Yes.

(Accused Bergt-Direct)



Q Was your apartment in Weimar?

A Yes.

Q Then after 1941 you were never in the camp at night, is that correct?

A No.

Q Did you ever pull guard at the camp at night?

A I had nothing to do with guard duty in Buchenwald.

Q You have heard the prosecution witness Zgoda testify here before this court he had seen you at the so-called horse-stable shown on Prosecution's Exhibit P-11. What do you have to say to this?

A I can say only that I met Zgoda for the first time here in Dachau.

Q Where did you see Zgoda for the first time here in Dachau?

A In the special camp in Barracks Number 35.

Q Did you mean he was an internee?

A Yes.

PROSECUTION: We have listened to a constant string of questions - -

DEFENSE COUNSEL: If he thinks they are leading questions, object. I will reframe the questions.

PRESIDENT: Reframe the question.

QUESTIONS BY DEFENSE COUNSEL:

Q You stated you saw Zgoda here in Camp Dachau, is that correct?

A Yes.

Q How was he dressed?

A I can't remember anymore whether he was wearing civilian clothes or old not any more used Army clothes.

(Accused Bergt-Direct)

Q Was he a prisoner?

A Yes.

Q Were you ever a part of Commando 99 at Buchenwald?

A No.

Q Would your superior officer have known if you were part of Commando 99?

PROSECUTION: Objected to again, same reason.

DEFENSE COUNSEL: I will reframe the question.

QUESTIONS BY DEFENSE COUNSEL:

Q Who was your superior officer?

A That was the SS 1st Lieutenant Grimm.

Q Did you ever know anything about the executions at the horse-stable?

A I knew that executions took place in the horse-stable.

Q You stated that Grimm was your superior officer, is that correct?

A Yes.

Q Did you see a man by the name of Grimm appear here as a witness here in this case?

A Yes.

Q Was that the man that was your superior officer?

A Yes.

DEFENSE COUNSEL: Your witness:

CROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q Bergt, you testified in the parent Buchenwald case a few months ago, didn't you?

A Yes.

(Accused Bergt-Cross)



Q Now you testified on behalf of Grimm, did you not?

A Yes.

Q Tell me this, how long were you at Buchenwald?

A I was transferred to Buchenwald around the middle of '37 and in January '43 I was transferred from Buchenwald to a front-line unit,

Q Now during the years that you were at Buchenwald, you were a block leader on occasion, were you not?

A Yes.

Q Did you ever see any prisoners beaten at Buchenwald?

DEFENSE COUNSEL: The defense objects. This is outside the scope of the direct examination. There is no charge of beating in the charge made by the prosecution in this case.

PROSECUTION: That is not the reason for the question.

PRESIDENT: Objection overruled.

DEFENSE COUNSEL: If the court please, I am not objecting to the question as block leader but I am objecting to any testimony as to <sup>any</sup> beatings. That is my objection.

THE WITNESS: I didn't see it.

QUESTIONS BY PROSECUTION:

Q How long were you a block leader?

A I was block leader from the middle of '38 until the beginning of '40.

Q And for that year and a half you never saw a single prisoner beaten at Buchenwald?

A With the exception of official corporal punishments.

(Accused Bergt-Cross)

Q What was the official corporal punishment?

A The corporal punishment consisted in blows with a stick.

Q Was the corporal punishment administered by anyone with a stick or was it official?

A I didn't understand this question. What do you mean by this?

Q Could any guard just go out and beat a prisoner with a stick or did there have to be a special reason and be a hearing before he was beaten with a stick?

DEFENSE COUNSEL: If it please the court, I renew my objection. It is beyond the scope of the charge and the direct examination both, even if it is only an opinion.

PRESIDENT: Objection overruled.

THE WITNESS: I report was supposed to be made.

QUESTIONS BY PROSECUTION:

Q And every question that you have answered here today is just as true as the last two answers with respect to the beating of prisoners, is that correct?

A I didn't understand the question. I don't know what is meant.

Q All of your testimony which you have given here this morning before this court is true, just as true as the questions involving the fact you never saw a prisoner beaten except officially?

A Yes. What do you mean by seen, seen by others?

Q Seen by you.

A May I ask you a question in connection with that?

Q Yes, go ahead.

A May I ask you whether I am accused here of having beaten prisoners or whether I am accused here of some activity in connection with Detail 99?

(Accused Bergt-Cross)



Q You are simply asked to answer a question under oath. You are very familiar with the charges in this case. The question is being asked to impeach you as a witness and to test your credibility.

A I understand that.

Q Now I will ask you one final question. Did you ever see a prisoner beaten at Buchenwald other than the official beatings which you have just testified to?

A I did not see it of any comrades.

Q Did you ever see it? Yes or no.

A I cannot answer this question with yes or no.

PROSECUTION: No further questions.

DEFENSE COUNSEL: No further questions.

PRESIDENT: Any questions by the court? There appear to be none. The accused will return to the dock.

(Whereupon the accused was excused and returned to the dock.)

PRESIDENT: Court will recess for 20 minutes.

(Whereupon the court recessed at 1000 hours.)

(Accused Bergt-Cross)



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Berlin, 18. Februar 1970



*Joseph B. Conboy*

JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

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Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate



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Heft 14

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Urteile

Heft 3

(Whereupon court was opened at 1525 hours.)

PRESIDENT: Court is open.

PROSECUTION: Let the record show that all the members of the court, prosecution, the defense, all of the accused, the reporter and the interpreter are present.

#### FINDINGS

PRESIDENT: Each accused will stand as his name is called.

Werner Alfred Berger, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds you:

Of the Particulars of the Charge: Guilty.

Of the Charge: Guilty.

You may sit down.

(Whereupon the accused did as directed.)

\* \* \*

PRESIDENT: Helmuth Friedrich Bergt, the court acquits you of all the Particulars and the Charge.

The accused Bergt will be removed from the courtroom.

(Whereupon the accused Bergt was escorted from the courtroom.)

\* \* \*

PRESIDENT: Josef Bresser, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds you:

Of the Particulars of the Charge: Guilty.

Of the Charge: Guilty.

You may sit down.

(Whereupon the accused did as directed.)

\* \* \*



PRESIDENT: Horst Dittrich, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds you:

Of the Particulars of the Charge: Guilty.

Of the Charge: Guilty.

You may sit down.

(Whereupon the accused did as directed.)

\* \* \*

PRESIDENT: Wiegand Hilberger, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds you:

Of the Particulars of the Charge: Guilty.

Of the Charge: Guilty.

You may sit down.

(Whereupon the accused did as directed.)

\* \* \*

PRESIDENT: Herbert Moeckel, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds you:

Of the Particulars of the Charge: Guilty.

Of the Charge: Guilty.

You may sit down.

(Whereupon the accused did as directed.)

\* \* \*

PRESIDENT: The court will hear evidence of previous convictions and of any extenuating circumstances.

PROSECUTION: There is no evidence of previous conviction.

PRESIDENT: Werner Berger, do you desire to introduce evidence of extenuating circumstances or to make any further statement to the court?

ACCUSED BERGER: No.

PRESIDENT: Josef Bresser, do you desire to introduce evidence of extenuating circumstances or to make any further statement to the court?

ACCUSED BRESSER: I would like to give a short statement.

PRESIDENT: You may.

ACCUSED BRESSER: I would like to take the court into consideration that at the time when I did or lived through these acts I asked my conscience whether I wasn't doing a wrong thing. As the holy Antonio says in his book, "Thd Gods State", that the death penalty is not always necessary for the killing of a human being. Since four years I haven't seen my family and my mother any more. Lost everything in the war, and ask the court today on my 47th birthday for a fair judgement.

PRESIDENT: Horst Dittrich, do you desire to introduce evidence of extenuating circumstances or to make any further statement to the court?

ACCUSED DITTRICH: No.

PRESIDENT: Wiegand Hilberger, do you desire to introduce evidence of extenuating circumstances or to make any further statement to the court?

ACCUSED HILBERGER: A statement.

PRESIDENT: You may proceed.

ACCUSED HILBERGER: I would like to tell the high court that I was a soldier at the front and was only ordered to do these executions at Buchenwald, and as I was a non-commissioned officer, I had to obey orders of my superiors, and since my superiors, and even my very high superiors, knew of these orders, I was of the opinion that the things which went on there, these executions, were just and correct. I only did my



duties and obeyed the orders I received. Then I would like to add that in 1943 I lost my wife through a bombing attack and I lost everything except my old mother, which I still have. I ask the court for a fair sentence.

PRESIDENT: Herbert Moeckel, do you desire to introduce any evidence of extenuating circumstances or to make any further statement to the court?

ACCUSED MOECKEL: No.

DEFENSE COUNSEL: If it please the court, I would like to call your close attention to the Trial Manual, page 304, to be used in mitigation—Justice Jackson's report to the President, the latter part of that.

PRESIDENT: For the purpose of the record, the court has dates that the accused came under military control as the 8th of February 1947 for Berger; the 8th of May 1945 for Bresser; the 11 th of May 1945 for Dittrich; the 8th of June 1945 for Hilberger; and the 8th of May 1945 for Moeckel. Is that acceptable to both counsel?

PROSECUTION: It is acceptable to the prosecution.

DEFENSE COUNSEL: It is acceptable.

PRESIDENT: Court will be closed.

(Whereupon court was closed at 1535 hours.)

\* \* \* \*

(Whereupon court was opened at 1615 hours.)

PRESIDENT: Court is open.

PROSECUTION: Let the record show that all the members of the court, prosecution, defense, the reporter, and the interpreter are present.

SENTENCES

PRESIDENT: The accused Berger will approach the bench.

(Whereupon the accused did as directed.)

PRESIDENT: Berger, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring, sentences you, Berger, to life imprisonment commencing forthwith at War Crimes Prison No. 1, Landsberg, Germany, or such other places as may be designated by competent military authority.

The prisoner will be escorted from the courtroom.

(Whereupon the prisoner was escorted from the courtroom.)

PRESIDENT: The accused Bresser will approach the bench.

(Whereupon the accused did as directed.)

PRESIDENT: Bresser, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring, sentences you, Bresser, to be imprisoned for a term of fifteen (15) years at hard labor commencing 8 May 1945 at War Crimes Prison No. 1, Landsberg, Germany, or such other places as may be designated by competent military authority.

The prisoner will be escorted from the courtroom.

(Whereupon the prisoner was escorted from the courtroom.)

PRESIDENT: The accused Dittrich will approach the bench.

(Whereupon the accused did as directed.)

PRESIDENT: Dittrich, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring, sentences you, Dittrich, to life imprisonment commencing forthwith at War Crimes Prison No. 1, Landsberg, Germany, or such other place as may be designated by competent military authority.

The prisoner will be escorted from the courtroom.

(Whereupon the prisoner was escorted from the courtroom.)



PRESIDENT: The accused Hilberger will approach the bench.

(Whereupon the accused did as directed.)

PRESIDENT: Hilberger, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring, sentences you, Hilberger, to be imprisoned for a term of twenty (20) years at hard labor commencing 8 June 1945 at War Crimes Prison No. 1, Landsberg, Germany, or such other places as may be designated by competent military authority.

The prisoner will be escorted from the courtroom.

(Whereupon the prisoner was escorted from the courtroom.)

PRESIDENT: The accused Moeckel will approach the bench.

(Whereupon the accused did as directed.)

PRESIDENT: Moeckel, the court in closed session, at least two-thirds of the members present at the time the vote was taken concurring, sentences you, Moeckel, to be imprisoned for a term of twenty (20) years at hard labor commencing 8 May 1945 at War Crimes Prison No. 1, Landsberg, Germany, or such other places as may be designated by competent military authority.

The prisoner will be escorted from the courtroom.

(Whereupon the prisoner was escorted from the courtroom.)

PRESIDENT: Is there anything further to be presented to the court?

PROSECUTION: There is nothing further to be presented to this court.

PRESIDENT: Before closing, I would like to compliment the guards on their military appearance and manner of performance of their duty. They have been a credit to the organization and to the military service.

The court will adjourn subject to call by the president.

(Whereupon the court adjourned at 1625 hours, 3 December 1947.)



# A T T E S T A T I O N

The foregoing, attached to this attestation, are true photostatic copies of the originals which are on file in the World War II Reference Branch, Washington National Records Center (NCWN), in the Case No. 000-Buchenwald-50 vs. Alfred Berger and others.

This is to verify that above photostatic copies conform to the original records as contained in the official file of documents pertaining to Case No. 000-Buchenwald-50.

Berlin, 18. Februar 1970



*Joseph Conboy*  
JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate

Übersetzung

## B E G L A U B I G U N G

Die vorstehenden Fotokopien, die mit dieser Urkunde verbunden sind, sind Originalablichtungen aus den bei der World War Reference Branch, Washington National Records Center (NCWN), aufbewahrten Akten - Case No. 000-Buchenwald-50 - gegen Alfred Berger u.a.

Die Übereinstimmung dieser Ablichtungen mit den in den Akten - Case No. 000-Buchenwald-50 - befindlichen Schriftstücken wird hiermit beglaubigt.

Berlin, den 18. Februar 1970

gez.: JOSEPH B. CONBOY  
Lt. Colonel  
Deputy Staff Judge Advocate