

DEPUTY JUDGE ADVOCATE'S OFFICE  
7708 WAR CRIMES GROUP  
EUROPEAN COMMAND  
APO 407

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23 December 1947

U N I T E D S T A T E S )  
v. )  
Eduard DLOUHY, et al. )

Case No. 000-50-5-14

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 16-23 July 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Eduard DLOUHY, Wilhelm DULOVITS, Rudolf FLEISCHHACKER, Wilhelm GLISSMANN, Fritz MIROFF, Paul RICKEN, Karl STUMFOL, Ladislaus TURZER, German nationals or persons acting with German nationals, acting in pursuance of a common design to subject the persons hereinafter described to killings, beatings, tortures, starvation, abuses, and indignities, did, at or in the vicinity of the Mauthausen Concentration Camp, at Castle Hartheim, and at or in the vicinity of the Mauthausen Sub-camps, including but not limited to Ebensee, Gros-Raming, Gunskirchen, Gusen, Hinterbruehl, Lambach, Linz, Loiblpass, Melk, Schwechat, St. Georgen, St. Lambrecht, St. Valentin, Steyr, Vienna, Wiener-Neudorf, all in Austria, at various and sundry times between January 1, 1942, and May 5, 1945, wrongfully encourage, aid, abet, and participate in the subjection of Poles, Frenchmen, Greeks, Yugoslavs, Citizens of the Soviet Union, Norwegians, Danes, Belgians, Citizens of the Netherlands, Citizens of the Grand Duchy of Luxembourg, Turks, British Subjects, stateless persons, Czechs, Chinese, Citizens of the United States of America, and other non-German nationals who were then and there in the custody of the then German Reich, and members of the armed forces of nations then at war with the then German Reich who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such persons being unknown, but aggregating thousands.

III. SUMMARY OF EVIDENCE: All the convicted accused were shown to have been members of the SS at Mauthausen Concentration Camp and/or its subcamps for various periods of time within the dates

alleged and to have actively participated in various ways in the Mauthausen Concentration Camp mass atrocity. All of the convicted accused mistreated inmates by beating and abusing them by various methods. Accused MIROFF personally killed several inmates. Accused RICKEN participated in executions and was in charge of an inmate evacuation march on which many weak and sick inmates were shot to death. Accused MIROFF and RICKEN also personally beat and brutally mistreated many inmates. Prosecution's Exhibit P-Ex 6 (R 14) is a certified copy of the charge, particulars, findings and sentences in the parent Mauthausen Concentration Camp case (United States v. Altfuldisch, et al., 000-50-5, opinion DJAWC, February 1947, hereinafter referred to as the "Parent Case"; see Section V, post).

Not much weight was given to the testimony of witness Josef Hildner.

Unless otherwise indicated, an item referred to herein as a "Statement" is in the form of extrajudicial sworn testimony.

IV. EVIDENCE AND RECOMMENDATIONS:

1. Eduard DLOUHY

Nationality:	Austrian
Age:	38
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Sergeant
Plea:	NG
Findings:	G
Sentence:	3 years, commencing 8 May 1945

Evidence for Prosecution: The accused stated in an unsworn pretrial statement that he was a member of the Waffen SS from 7 September 1939 until 8 May 1945, having been promoted to the rank of sergeant in April 1944. He stated that he was a guard at Mauthausen Concentration Camp from 27 January 1942 to 14 March 1942;

at subcamp Brettstein from 15 March 1942 to 10 November 1942; at Mauthausen Concentration Camp from 11 November 1942 to 12 January 1943; at subcamp Linz from 12 January 1943 to 20 May 1943; and at subcamp Loiblpass from 20 May 1943 to 10 February 1944. He further stated therein that from 18 February 1944 to 18 August 1944 he was a supervisor at headquarters, Mauthausen Concentration Camp, and from 20 August 1944 to 8 April 1945 he was a supervisor and guard at subcamp Peggau (R 14; P-Ex 7A).

In September 1944 the accused, as an SS sergeant, roll call leader and assistant to the camp leader of subcamp Peggau, assisted in beating ten Russian inmates while the victims were hanging by their hands which were tied behind their backs. On 12 November 1944 he assisted in beating one Yugoslav inmate with a bull's "pizzle". The accused slapped and beat inmates of all nationalities with a rubber hose and an oxtail whip (R 32, 38, 15; P-Ex 8A).

Evidence for Defense: The accused did not testify nor was any testimony introduced in his behalf.

Sufficiency of Evidence: Austria was a co-belligerent of Germany.

The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

2. Wilhelm DULOVITS

This accused was served but not tried (R 1).

3. Rudolf FLEISCHHACKER

This accused was served but not tried (R 1).

4. Wilhelm GLISSMANN

Nationality: German

Age: 40

Civilian Status:	Unknown
Party Status:	Member Nazi Party 1932-1939
Military Status:	Waffen SS Sergeant
Plea:	NG
Findings:	G
Sentence:	3 years, commencing 5 May 1945

Evidence for Prosecution: In his Statement, the accused stated that he became a member of the Waffen SS on 7 November 1939; that he attained the rank of sergeant; that he was a guard at subcamp Gusen from February 1940 to May 1942; that from May to September 1942 he was assigned at subcamp Voecklabruck to a road construction detail; and that from September 1942 to March 1943 he was assigned to subcamp Tornberg for duty at a reservoir. The accused was Sergeant of the Guard at subcamp Wiener-Neudorf from March to October 1943. He was stationed at subcamp Aflens from October 1943 to 14 February 1945 and at subcamp Peggau from 15 February 1945 to 3 April 1945. In the last two subcamps he was assigned to a tunnel construction detail. The accused also stated therein that he participated in an inmate transport from subcamp Peggau to Mauthausen 3-6 April 1945 (R 16; P-Ex 9A).

The accused admitted in a second Statement that, while he was assigned to subcamp Peggau between February and April 1945, he slapped inmates and beat them with a stick about 50 to 60 centimeters long and about the thickness of his finger; that he participated in an inmate transport to Mauthausen Concentration Camp in April 1945; and that about 20 to 25 inmates died on this transport. He stated that he believed they died of exposure because he thought that the railroad car doors were open during the three day trip (R 16; P-Ex 10).

One witness, who was at subcamp Peggau from August 1944 to March 1945, testified that the accused escorted inmates from the camp to the construction site, where he guarded them, and



supervised their work. On four or five occasions the accused beat inmates with his hand and a stick approximately three-fourths of a meter long and somewhat thicker than a finger (R 30). A second witness testified that at subcamp Alfens the accused mistreated inmates in the armament factory two or three times. On one occasion he beat an inmate with a stick severely enough to require the wounds to be bandaged (R 85, 86).

Evidence for Defense: The accused did not testify nor was any testimony introduced in his behalf.

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

5. Fritz MIROFF

Nationality:	German
Age:	45
Civilian Status:	Unknown
Party Status:	Member of Nazi Party since 1931
Military Status:	SS First Lieutenant
Plea:	NG
Findings:	G
Sentence:	Death by hanging

Evidence for Prosecution: The accused testified that he entered the Waffen SS in 1933. He was transferred to subcamp Gusan of Mauthausen Concentration Camp in 1940 as an SS master sergeant, and was promoted to an SS lieutenant in 1941. He was then transferred to Mauthausen Concentration Camp in February 1942. In July 1942 he was transferred to subcamp Brettstein and served as camp leader until December 1942, when he returned to Mauthausen Concentration Camp. He was sent to subcamp Linz during the first days of January 1943 as camp leader. He remained at subcamp Linz until 3 or 4 May 1944, when he was transferred to

subcamp Leibnitz, also known by the name Aflens, as camp leader and remained there until July or August 1944. He was then transferred to subcamp Peggau and served as camp leader until 3 or 4 April 1945. Subcamp Peggau was evacuated on 3 or 4 April 1945 to Mauthausen Concentration Camp (R 192-195, 225).

In his Statement, 29 November 1946, the accused stated that on 10 October 1940 he was assigned to the SS Totenkopfsturmbann Gusen, and attached to a guard company as a trainer. Later he was platoon leader. He was deputy company commander for a period prior to March 1942. In Mauthausen Concentration Camp from March until July 1942, his duty was to maintain order in the brothel. He was camp commander of subcamp Brettstein from July to December 1942 and of subcamp Linz I from December 1942 to May 1944. In May 1944 he was transferred to subcamp Leibnitz and remained there until the last of August 1944. He then became commander of subcamp Peggau, which position he held until following its evacuation. The inmates were marched to Bruck and from there they were shipped in open box cars to Mauthausen Concentration Camp. He ordered eight or nine inmates, who were not able to stand the march, into a tunnel. He shot four of them and Technical Sergeant Nocky shot the remainder. Two to six inmates died on this evacuation march and transport to Mauthausen Concentration Camp (R 138; P-Ex 21A).

In a second Statement, 24 June 1947, the accused stated that he was assigned to subcamp Gusen from October 1940 to February or March 1942. He then went to Mauthausen Concentration Camp where he remained until July or August 1942. His duty in Mauthausen Concentration Camp was to maintain order in the brothel. He went from there to subcamp Brettstein and remained there until December 1943, when he returned to Mauthausen Concentration Camp. He had no duties there during the Christmas holidays and after the holidays he was transferred to subcamp Linz as camp commander. He remained in that assignment until May 1944. He was camp commander

of subcamp Leibnitz from May to August 1944 and of subcamp Peggau from August 1944 to March 1945. He held the rank of second lieutenant at Peggau. The accused admitted that he and Technical Sergeant Nocky each shot four inmates who were too weak to go on the evacuation march and that six or seven died on the transport, probably from exposure (R 138; P-Ex 22).

One witness testified that on the second day after Easter (1945) subcamp Peggau was to be evacuated between 2200 and 2230 hours. The accused ascertained from the camp physician that there were 15 inmates in the dispensary unable to go on the transport. The accused ordered the camp physician to give these inmates an injection, which the camp physician refused to do. These sick inmates, who were of various nationalities including French, Italian and Russian, were then led to a tunnel and shot. The witness, an orderly of the accused, did not see the shooting, but saw these sick inmates being led to a tunnel and later saw their bodies removed on stretchers to a place where they were buried directly in front of the camp, on the orders of the accused (R 31, 32).

A second witness testified that at about 2200 hours on the evening before the evacuation of subcamp Peggau about eight inmates who were not capable of making the march were chased into a tunnel by Technical Sergeant Nocky. The accused was seen at the tunnels. He gave an order to the block eldest of block 1 to dig holes to bury the bodies, which holes were to be dug in back of his bee hives. The block eldest refused to carry out this order. The next morning the witness heard the accused order a few inmates out of the evacuation march formation and tell them to get tools and go behind the bee hives. He saw them dig the holes there, throw a few bodies in the holes and then cover them up with earth and return to their places in the formation. The accused directed the camp eldest to communicate the order to the formation that anybody who was not capable of continuing the march



would be shot to death (R 143-145). This witness placed the date of the evacuation and shooting in February 1945 (R 146, 147).

In his Statement, Wolf stated that the accused declared on 2 April 1945 that subcamp Peggau would be evacuated by marching on foot to Mauthausen Concentration Camp; that those inmates who were not able to march would be taken by train to Mauthausen Concentration Camp; and that those who lagged behind on the march would be shot. Approximately 30 inmates reported they were unfit for the march. The same night these inmates were shot in a tunnel by the accused and Technical Sergeant Necky. Wolf did not see the shooting but he saw a detail burying the dead the next morning. Shots were heard repeatedly on the way from subcamp Peggau to Bruck on Mur where the inmates were loaded in wagons. The transport lasted from Monday until Saturday night of the same week with no food the entire time. Wolf estimated that more than 100 inmates died on the transport, the victims being Poles, Russians and inmates of various other nationalities. In this Statement, the witness described various beatings and killings in 1944 and 1945 by the accused or at his direction. The killings included such methods as shootings, beatings, executions, etc. (R 129; P-Ex 19A, p. 3).

A fourth witness testified that at noon on 4 April 1945, an order was given on the roll call square to march off from subcamp Alfens to subcamp Ebensee. The accused, in the presence of the entire camp personnel, ordered "Whoever cannot go along on the evacuation march will be bumped off" (R 72, 73, 76).

A fifth witness testified that in October 1943, when some food supplies from Mauthausen Concentration Camp arrived in subcamp Linz I, an inmate cobbler, Michael Capp, went over to the automobiles and put some turnips in his pocket. The camp eldest saw this and struck the inmate and "kicked six holes in his head." The victim became insane and could not work any more. A week later the camp eldest was ordered to do away with the victim. He made



him dress and start to work. The accused appeared and shouted to a guard, "Climb up into your tower, so that they won't see you standing in the chain of guards. The man has to be shot to death". The guard shot the inmate in his feet and thighs whereupon the victim fell down and screamed. The accused then fired two shots into the victim with his pistol while he was still in a sitting position. The body was removed and remained in the block with the witness for two days, after which it was sent to Mauthausen Concentration Camp crematory (R 140, 141).

A sixth witness testified that in subcamp Alfens two inmates were involved with an SS man in forming a plan to escape, which was made known to the accused who was then the camp leader of subcamp Peggau. The accused came to the roll call and asked these two inmates to fall out. He then drew his pistol and asked the chain of guards to come in and had the electrically charged gates opened, and said, "Let's see you disappear now. Get going". These inmates said, "Mr. Leader of the Protective Custody Camp, why should we go?" The accused asked them, "What's the matter? Are you scared to go? Are you afraid of the bullets?" They fell on their knees and begged for their lives. The accused called them cowards. They were pushed again and again but they did not go. Then he said, "You are going to be dead tomorrow anyhow". The inmates were forced to stand all night by the electric fence. They were sent to work the next morning and were shot to death by the SS men, about 300 meters from the armament factory. Their bodies were brought in on stretchers. The witness saw the bodies in the wash room and observed three shots in one body and four in the other (R 88, 89).

A seventh witness testified that the incident testified to by the sixth witness happened in August or September 1944. He corroborated most of the testimony by the sixth witness, but testified that after roll call the next morning the accused said to them at the work detail, "I don't want to see you any more. I don't want

to see you alive anymore!" The witness further testified that the two inmates realized that it was certain they would be killed. Consequently, both of them voluntarily went across the chain of guards. The witness saw the guards shoot these two inmates. He knew one by the name of Scherer from Saarland. The other was a Hungarian Gypsy named Weiss (R 153-155).

An eighth witness testified that on two or more occasions the accused participated in executions at Mauthausen Concentration Camp. He commanded the detail and these executions may have been in 1942 or 1943 (R 63, 67, 69). However, on examination by the Court the witness fixed the date as 1945 and fixed the number executed as approximately 40, being mostly Russian nationals (R 70).

One of the foregoing witnesses stated in a Statement and testified that on 12 November 1944 in subcamp Peggau a Yugoslav inmate, who had escaped, was returned to the camp by the police. The accused interrogated him and took a pair of pliers and pinched his private parts and beat him with a bull's "pizzle". The witness remained standing near-by while the accused pinched the victim several times and heard his outcries of pain. The victim told the witness later that he had been severely beaten (R 39, 15; P-Ex 81). In September 1944 10 Russian inmates were caught trying to escape from the construction site at subcamp Peggau. They were interrogated by the accused, hanged by their hands which were tied behind their backs, and beaten. They were returned to the block and given an escape point, and in the course of time nine were shot while escaping (R 38, 15; P-Ex 8A).

A ninth witness testified that there was a detail at Mauthausen Concentration Camp called the punishment company in which the inmates were required to carry stones from the quarry to the camp. In June or July 1942 the witness saw an inmate near the political department, who could not carry his stone any further. The accused took the inmate into the bath in the camp and had him given 25 blows. He then gave him a cold shower and struck the inmate across

the face and chest with an oxtail whip three or four times and sent him back to his detail. Inmates were beaten frequently by the accused at Mauthausen Concentration Camp. He used an oxtail whip or a stick ( R 148-151). A tenth witness testified that in subcamp Gusen in the first three months of 1943 the accused fired two shots from his pistol, killing an inmate who was hanging on an electrically charged fence begging to be removed (R 172, 173). An eleventh witness testified as to beatings by the accused (R 110, 111).

A twelfth witness testified that at Mauthausen Concentration Camp in April 1945 after an air raid on subcamp Linz, five captured American flyers were brought into camp by the accused and SS Captain Bachmeier. These flyers were placed against the wall to the right of the guard house at the gate. One of them was severely wounded and lying on the ground. After some interrogation and abuses by others, the accused forced them to face the wall and they were beaten by the block leader by bouncing their heads against the wall until their faces were bleeding very much. The accused stopped one flyer who tried to assist the wounded one and struck him in the back of the neck and kicked him in the buttocks. They were given no medical treatment and were forced to stand against the wall for four hours. The wounded flyer died in the bunker the witness learned later (R 158-160). A thirteenth witness, Josef Hildner, testified that in the summer of 1943 the accused was in charge of an execution in Mauthausen Concentration Camp in which 48 "partisans", two Czech intellectuals and two women were the victims. The execution took place next to the wall formed by the small end of the painter's barracks. The execution, including the presence of the accused, was observed by the witness from the painter's barracks at a distance of from five to six meters. An order was read, which was in substance, "On order of Reichsleader Himler, the following persons are sentenced to be shot as of today". The



witness gave other details, including names of individuals present, who read the order, etc. (R 166-171).

Thiem stated in his Statement that the accused was acting prison compound leader of Mauthausen Concentration Camp in 1942 and that he saw the accused hang an inmate called Lampe, by his hands, which were tied behind his back, in the orderly room to secure a confession concerning an attempted escape. When this method failed, the inmate's legs were tied up backwards so the victim was hanging like a suspension bridge. Then the accused, weighing over 200 pounds, pulled down on Lampe and broke his spine. He was then thrown into the street, showered with water and kicked in the groin by the accused. The victim died a painful death in the street ( R 129; P-Ex 20A).

Evidence for Defense: The accused testified that his concentration camp duties ended with the evacuation, about 4 or 5 April 1945. He knew nothing of an incident concerning American flyers in subcamp Peggau, but after becoming a prisoner he heard something about a flyer incident in Mauthausen Concentration Camp (R 195). He was under orders to help as far as possible accused RICKEN in his duties as camp commander of subcamp Alfens. The last time he was in subcamp Alfens was at the end of January or in February 1945. It was approximately 100 kilometers from subcamp Leibnitz to subcamp Alfens and he had no official car (R 196).

He received by telephone from SS Lieutenant Colonel Ziereis the following order: "I should march on foot from subcamp Peggau to Mauthausen", whereupon he reported that he had about 15 or 20 inmates who could not march and Ziereis ordered him to shoot those inmates who were not able to march. He then asked Ziereis how he should do that, to which Ziereis replied, "If you are too dumb for it, then take yourself some non-commissioned officers". He further said, "If one inmate falls into the hands of the Russians I'll have you court martialed" (R 197, 198). The accused then reported to



Ziereis that he had no vehicles with which to transport the sick inmates and again Ziereis told him to shoot those inmates who were too sick to march, and the accused finally answered Ziereis by saying "Yes" (R 200). He then ordered the block leaders and camp eldest to distribute all good clothing and shoes among the inmates; directed that each inmate take two blankets; and directed that sufficient rations for the march be distributed. The accused ordered that all sick inmates who could march must do so. Some of these were loaded in a horse drawn vehicle. He then tried to secure additional vehicles from the Gau leader in Graz, but was not successful, after which he decided to shoot eight of the sick Russian inmates (R 201, 202). He and Nocky took the eight sick inmates into the tunnel in the evening between eight and nine o'clock and shot them (R 202). In his need and anger he imagined that, if he failed to carry out the order of Ziereis, he would have been put before a field court and hanged. Ziereis had the worst possible reputation and the accused was afraid of him. The accused testified that in October 1940 at subcamp Gusen the entire battalion was restricted because the SS men wrote on the barracks during the night, "Long Live Adolf Hitler!" and, "Ziereis is a pig" (R 203). The accused decided and believed that Ziereis had a hidden hate for him because he had always avoided Ziereis and had never considered him an educated man, which Ziereis probably knew (R 203). The accused learned Ziereis' attitude toward him from actual experience in that he was more often punished by Ziereis than any other officer in Mauthausen Concentration Camp (R 204). Ziereis reprimanded him for taking a walk with the inmates after work hours and again he reprimanded the accused for sending an inmate, escorted by only one guard, to buy vegetables, and finally he confined the accused because on 1 May 1944, he did not force the inmates to work. Some time later Ziereis forced the wife of the accused, who was then eight months pregnant, to leave the camp without being accompanied by the accused (R 204).

Concerning the assertions made by Wolf in his statement (R 129; P-Ex 19A), wherein he stated that the accused left the inmates on the march without rations for a week, the accused testified that rations were distributed and that other food, except potatoes, was taken along by those in charge of the kitchen (R 205). The time estimated for the ride from Bruck to Mauthausen Concentration Camp was possibly one day and night, which was interrupted by air attacks and required three days (R 205). Under those circumstances food could not be obtained, but sufficient rations were at hand and bread, meat and butter were distributed three or four times. One time warm food was served (205). Only six or seven inmates and not approximately 100 died on the trip (R 206). The inmates had been in the dispensary and probably died from exhaustion (R 206).

The accused was not in subcamp Gusen in 1943 and could not have shot the inmate hanging on the electric fence as Folger had testified. The last time he was in subcamp Gusen was on 2 or 3 February 1942 and he did not return there in 1943 for any purpose (R 206).

The accused further testified that he never participated in any executions, except the one at Peggau. However, he admitted that he was a spectator at two others (R 206, 207). He was not in Mauthausen in the year of 1943 and could not, as Hildner testified, have participated in the execution of the 48 "partisans" (R 207, 208).

As to the incident of the 10 Russian inmates of December 1944 covered by Dodt in his testimony and Statement (R 15; P-Ex 8A), the accused testified that he received the report that six or eight Russian inmates planned to try to escape from the construction working site. They were lined up on the roll call square for interrogation to ascertain who instigated the plan. Beatings took place during the interrogation. They were not tortured. They were beaten but not hanged by their hands (R 209, 210).

The accused denied that he ever pinched the private parts of inmates with pliers (R 210).

The accused was not present when the Russian inmate was shot in subcamp Linz I as testified to by the witness, Bogdanski. The accused received a report that an inmate was shot at the construction site on the Danube while trying to escape. This inmate was brought into camp and sent to Mauthausen Concentration Camp. It is not true that the accused gave an order for the shooting (R 211).

The accused knew nothing about the participation of an SS man in a plan for two inmates to escape but received a report from inmates that these two inmates had intended to escape. They were made to report to the accused and he shouted at them and asked them why they wanted to escape. They did not reply. The accused warned them they would be hanged, if caught during an escape. To illustrate his point he told them that, if they passed the entrance, the guards would shoot. He had the gate opened and told them to try it, if they doubted that he was correct. These inmates possibly received some slaps but no mistreatment. He never gave an order to shoot these inmates and left subcamp Leibnitz the next day (R 212).

The accused testified that he did not know anyone by the name of Theim or Lampe. He denied breaking the back of Lampe or anyone else (R 213).

The accused further testified that he did not know a former inmate of Mauthausen Concentration Camp or subcamp Peggau, who was a Polish Jew named David Wolf and whose Statement (P-Ex 19A) was admitted in evidence (R 129) and in which a number of allegations are made against the accused. The accused never gave orders for any inmates to be shot, except the four mentioned previously. The guard or security measures at Peggau were not his affair, but that of a police officer by the name of Weber. Lieutenant Weber got his orders from and was under the command of Mauthausen



Concentration Camp (R 213-216). The accused denied the accusations of Wolf (R 213-219).

Accused RICKEN testified that this accused was not in subcamp Leibnitz when it was evacuated from there to subcamp Ebensee. He left subcamp Leibnitz in August 1944 and never appeared there after January or February 1945, but he still had official responsibility for the camp (R 239).

Concerning the evidence by the sixth prosecution witness as to shooting an inmate at the guard chain at Linz I, a former guard at subcamp Linz I testified that he was on guard at watchtower No. 1 at the work site of a cinder detail on 13 October 1943 when a Russian inmate, an elderly man, ran through the guard chain at the right of his tower. The witness called out "Halt" three times and the inmate did not stop. He then shot, which caused the man to fall to the ground but he was not dead. After two minutes the detail leader and a capo arrived and the witness reported the shooting to the detail leader. The detail leader and the capo went to where the inmate was lying. When they reached the place, the inmate suddenly got up and attempted to run away. The capo caught him and struck him several times on the mouth. The inmate fell unconscious. Then the detail leader and the capo called to the guard, "Shoot guard shoot!", which the witness did. The detail leader also fired some shots in the head of the victim. Accused MIROFF was not at the scene of this incident (R 269, 270). A second witness, who was an acquaintance of the preceding witness, heard of an incident involving the shooting of an escaping Russian inmate, but according to the report he received only the witness was involved in the shooting (R 272, 273).

Sufficiency of Evidence: The Court was warranted from the evidence concerning the extent and nature of his participation, in its findings of guilty.

It is clear that the accused did not act unwillingly or under immediate compulsion to any degree. It is also clear as to his



assertions as to superior orders that he failed to meet the burden of proof required by pertinent authorities discussed in Section V, post. The sentence is not excessive.

Petitions: No Petitions for Review were filed. Petitions for Clemency were filed by the accused's wife, Gertrud Miroff, 8 December 1947 and 30 December 1947; and Dr. Hans Fritz von Zwehl, 24 December 1947.

Recommendation: That the findings and sentence be approved.

6. Paul RICKEN

Nationality:	German
Age:	55
Civilian Status:	School teacher
Party Status:	Nazi Party since 1932
Military Status:	SS Master Sergeant
Plea:	NG
Findings:	G
Sentence:	Life imprisonment

Evidence for Prosecution: The accused testified that he entered the SS in November 1935 and that in August 1939 he was assigned to Mauthausen Concentration Camp. He was there until 8 February 1944. On that date he was transferred to the headquarters staff subcamp Leibnitz where he remained until the end of the war. In the main camp he was a bookkeeper in the guard regiment. Later he was a bookkeeper in the camp headquarters. In the spring of 1940 he was assigned to the office of the Bureau of Identification and took complete charge thereof in the summer of 1943 (R 228, 229).

In one of his Statements, the accused gave similar personal data, stating that he was deputy camp commander at subcamp Leibnitz to the end of the war (R 55; P-Ex 13A). Likewise, in a second Statement, the accused set forth similar personal data, stating that at subcamp Leibnitz he was deputy camp commander under accused SS Lieutenant MIROFF. Occasionally, by reason of

reports he ordered minor beatings by the camp eldest as punishments to keep order in the camp. On two occasions he caused inmates to be hanged by their hands for 20 minutes to secure confessions (R 59; P-Ex 16A). The accused made substantially the same statements in a third Statement (R 59; P-Ex 17).

A witness testified that he witnessed an execution in back of block No. 20; that in 1942 he saw the accused march to that place, the customary place for executions, in 1942, with an execution detail of eight SS men especially equipped with steel helmets and machine pistols; that they marched by the witness' place of work, which was barracks 21, to the execution place in the rear of block No. 20, approximately 30 to 40 meters; but that he did not see the accused shoot. The witness was not asked whether he heard the shots or saw bodies carried away (R 63-71).

A second witness testified that he had seen approximately 50 instances of mistreatment of inmates at the direction of the accused. The inmates were sent to the block of the block eldest where they received from five to 25 strokes with a stick. Some were hanged by their hands which were tied behind their backs. The witness saw some of the victims later in the dispensary. Some could not use their hands which were swollen. The arms of some were disjointed (R 84, 85).

A third witness saw the accused going to the place where executions took place at Mauthausen Concentration Camp on 30 to 50 occasions. He wore the usual steel helmet. Shots were heard (R 107). In 1943 the witness saw the accused in his office beating a Polish inmate into unconsciousness with an oxtail whip. He also saw the accused severely beat an inmate named Zwigli (R 105, 106). One of the functions of the accused in the Recognition Service was to falsify photographs of unnatural deaths to indicate a suicide or an attempt to escape (R 102-104). After the Americans liberated the camp, a "big pile" of negatives was found, many of which represented supposed suicides in the bunker.

However, the negatives disclosed that each suicide occurred in the same spot, using the same noose. The noose was on the same part of the neck of each victim and in each instance the noose was hung on the same heating apparatus in the bunker (R 103).

A fourth witness testified that on four or five occasions he saw the accused beat inmates with a stick over a meter long and about two centimeters thick so severely that many bled (R 114, 115).

A fifth witness, Hildner, testified that in the summer of 1943 the accused participated as one of eight members of an execution detail in the shooting of 48 "partisans". The execution took place on the wall formed by the small end of the painter's barracks. The execution was observed by the witness from a distance of five or six meters. The witness heard an order was read which was in substance, "On order of Reichsleader Himler, the following persons are sentenced to be shot as of today" (R 166-171).

In his Statement, a sixth witness stated that in July 1944 the accused forced him to stand for one day and night at the gate at subcamp "Leimnitz" without food. The accused beat him in the face with a whip during an interrogation. He then gave the witness 50 strokes with a stick in the orderly room and then made him stand two more days at the gate without food (R 58; P-Ex 15A).

A seventh witness testified that the order to evacuate subcamp Alfens to subcamp Ebensee was given on 4 April 1945 by accused MIROFF, who stated in the presence of the entire camp personnel, "Whoever cannot go along on the evacuation march will be bumped off". The transport was in command of this accused who was deputy commander of the subcamp. The witness learned from the burying detail that five or six inmates were killed during the march (R 72, 73, 75-77).

An eighth witness testified that he was on the evacuation march from subcamp Alfens to subcamp Ebensee as a member of the burial detail; that the accused was in command of the transport;



that at the outset it contained approximately 580 inmates and at arrival it contained approximately 490; that he saw 12 weak inmates were shot; that from his observations in connection with his detail, altogether 41 inmates were shot; and that he personally heard reports of these incidents made to the accused at roll call each morning (R 82-84, 96-99).

Evidence for Defense: The accused testified that he took photographs of unnatural death scenes and was not required to conduct any interrogation or make any reports as to the deaths. Such matters were the function of the Political Department (R 230, 232, 235). The accused never knowingly made falsification of photographs (R 232, 235). He could not enter the bunker, which was in charge of the SS men on duty there (R 232). The accused was called in the bunker when suicides happened, only at most three or four times (R 233).

The accused further testified that he never took part in any execution. He never carried a rifle and only had a pistol at Mauthausen (R 236). Konatz, a superior of the accused in the Recognition Section and who participated in an execution, was of about the same size and build, had similar facial features, and hair of similar color as the accused (R 236).

The accused was not ordered by anyone to shoot the weak inmates, who were not able to proceed on or during the evacuation march from subcamp Leibnitz to subcamp Ebensee (R 240). However, he admitted the existence of a rumor of such policy (R 261). The accused took the sick inmates along (R 240). The accused sought the advice of people as he passed through the country ahead of the marching column and made decisions for himself (R 240, 241). Roll calls were conducted in the presence of the accused by a sergeant twice daily, including reports on all missing or dead. However, no detailed reports on causes of death were made. The accused knew from reports by the doctor that certain inmates were very sick and the deaths did not exceed those he anticipated (R 241, 242). He left Alfens with about 500 inmates and arrived at subcamp Ebensee



with a little less than 450, with 47 escaping at one time and three at another. The accused did not hear that any of the inmates were shot until interrogated at Dachau in 1946 (R 243).

The accused, as deputy commander of subcamp Leibnitz, ordered inmates beaten with a piece of rubber hose when they violated the rules of the camp, when they had stolen something from the factory, or mishandled valuable material. Usually only five to 10 strokes were administered (R 59, 245-247, 262; P-Exs 16A, 17).

A witness, a former clerk in the political section in Mauthausen Concentration Camp, testified that after an inmate had been shot to death, the detail leaders made a report to the protective custody camp, which relayed the information to the legal section. The latter telephoned the information to the Recognition Service. If a committee were sent to the scene, the committee was comprised of the protective custody camp leader, the doctor, and the leader of the political section. The procedure and actions of such committees were the concern of the protective custody camp. The witness knew nothing of falsified photographs in such cases (R 282).

On the first four days of the inmate evacuation march from subcamp Alfens to subcamp Ebensee, eight wagons were secured and those inmates who were unable to walk were put in these vehicles. No inmates died after this time. The accused would give the marching order and then he would proceed on his motor cycle, sometimes returning once or twice during the day to give orders to his deputy. Sufficient rations were taken along from the camp for the entire three weeks and it was never necessary to secure food en route. The accused's duties kept him away from the marching column for the greater part of each day, which made it impossible for him to concern himself with all the details and this witness did not hear the accused give an order to shoot any inmate (R 78-81).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

7. Karl STUMFOL

Nationality:	Yugoslavian
Age:	22
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	SS Private First Class
Plea:	NG
Findings	G
Sentence	2½ years, commencing 3 May 1945

Evidence for Prosecution: In his Statement, the accused stated that he was a member of the Waffen SS from 14 September 1942 to 3 May 1945; that he attained the rank of private first class; that he served in subcamp Gusen from 15 February 1943 to 10 August 1943 as a guard; that he was assigned to subcamp Wiener-Neudorf from 10 August 1943 to 2 February 1944 in the "FOW" plants; that he served in subcamp Leibnitz from 2 February 1944 to 25 September 1944 in the limestone plant at Alfens; and that he was in the 13th SS Mountain Infantry Division, "Handha", as a rifleman in Croatia, Hungary, from 25 September 1944 to 14 December 1944. He was an escort guard on an inmate transport from subcamp Wiener-Neudorf to Mauthausen Concentration Camp with 200 inmates in February 1944, <sup>and</sup> on an inmate march from subcamp Gusen to subcamp Leibnitz with 200 to 300 inmates in February 1944 (R 18; P-Ex 11A).

One witness, who was in subcamp Wiener-Neudorf from August 1943 to April 1945, testified that he knew the accused as an SS guard in subcamp Wiener-Neudorf. The accused often left his guard post to hit inmates with his hands and he also beat them with his hands when his daily shift was over. On one occasion the accused rubbed his hands over a dirty machine and smeared the oil and dirt off his fingers on the face of some inmates. Similar incidents

were seen by the witness five or six times, in which were involved 20 to 30 inmates of various nationalities. During the night shifts the accused hit inmates with his fists and the butt of his rifle if they failed to march properly. These incidents were observed five to 10 times (R 21, 22-24).

Exhibit P-22 of the Parent Mauthausen Concentration Camp case, a death book containing a record of unnatural deaths at Mauthausen Concentration Camp and its subcamps, was introduced and extracts of lines 196, 266, 541 and 544 were certified and admitted in evidence (R 19, 20). These exhibits imply that as a guard, Karl Stummvoll killed a Russian civilian, Wasil Tatarenka, on 23 June 1943 (R 20; P-Ex 12A); that Karl Stumfohl killed a French Private, Arthur Duband, on 9 September 1943 at Wiener-Neudorf (R 20; P-Ex 12B); that Karl Stumfohl killed a Yugoslavian Private, Antonije Petrovic, on 22 July 1944 in Leibnitz (R 20; P-Ex 12C); and that Karl Stumfohl killed an "AZR" Gypsy, Johann Gussack, on 25 July 1945 in Leibnitz (R 20; P-Ex 12D).

Evidence for Defense: The accused did not testify nor was any testimony introduced in his behalf.

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

8. Ladislaus TURZER

This accused was served but not tried (R 1).

V. QUESTIONS OF LAW:

Jurisdiction: A question not raised during the course of the trial merits discussion, viz., did the Court have jurisdiction of accused STUMFOL, who is allegedly a national of Yugoslavia, a member of the United Nations?

War criminals, brigands, and pirates are the common enemies of all mankind and all nations have an equal interest in their



apprehension and punishment for their violations of international law. Concerning this question, it is stated in "Wheaton's International Law", Volume I, Sixth Edition, at page 269, that every independent state has the judicial power to punish "piracy and other offenses against the common law of nations, by whomsoever and wheresoever committed." Nationals of other United Nations were sentenced, which sentences have been approved and carried into execution, in the Parent Case, and in the Belsen Concentration Camp case, British Army of the Rhine, December 1945. Apparently, all concerned with the reviews and approvals in those cases considered the universality of jurisdiction over war crimes to be so well recognized that discussion was not necessary. Military Government Courts have jurisdiction over the nationals of any country, who are in the United States Zone of Occupation, except as to certain classes of American and other nationals, e.g., military personnel, which are not pertinent to the jurisdictional question here involved. Concerning jurisdiction over war crimes, no limitation is imposed. (See Section 5-300.2 and 5-300.3, Title 5, "Legal and Penal Administration" of "Military Government Regulations", published by Office of Military Government for Germany (US), 27 March 1947.) Concerning the general question of universality of jurisdiction over war crimes see "Universality of Jurisdiction Over War Crimes", by Cowles, California Law Review, Volume XXXIII, June 1945, No. 2, pp. 177-218.

It is clear that the Court had jurisdiction of the persons of the accused and of the subject matter.

Superior Orders: Accused MIROFF sought to justify his acts of shooting those inmates who were too sick and weak to go on the inmate evacuation march from Peggau to Mauthausen by offering evidence to show that he was acting in compliance with "superior orders." Compliance with superior orders does not constitute a defense to the charge of having committed a war crime (Trial of

Henry Wirz, 40th Congress, 2nd Sess., House of Representatives, Ex. Doc. No. 23, page 812; Vol. II, Sixth Edition, Oppenheim, "International Law," paragraph 253, page 453; Llandovery Castle Case, 16 American Journal of International Law, page 708; United States v. Thomas, opinion DJAWC, December 1945; United States v. Klein, et al., (Hadamar Murder Factory Case), opinion DJAWC, February 1946; and French Republic v. Wagner, et al., Court of Appeals, (France), July 1946). This rule is followed in Anglo-American jurisprudence (Mitchell v. Harmony, 13 How. 115, and "Manual for Courts-Martial, U.S. Army," 1928, paragraph 148).

Compliance with superior orders may, under certain circumstances, be considered in mitigation of punishment. However, an accused who seeks relief on such grounds assumes the burden of establishing (a) that he received an order from a superior in fact, directing that he commit the wrongful act, (b) that he did not know or, as a reasonably prudent person, would not have known that the act which he was directed to perform was illegal or contrary to universally accepted standards of human conduct, and (c) that he acted, at least to some extent, under immediate compulsion. Having satisfactorily established these elements, the amount to which his sentence should be mitigated depends upon the character and extent of the immediate compulsion under which he acted. (See London Agreement of 8 August 1945, Concerning Prosecution and Punishment of Major War Criminals of the European Axis; FM 27-10, War Department, U.S. Army, "Rules of Land Warfare," paragraph 345.1, Change No. 1, 15 November 1944; Oppenheim, "International Law", supra, and the Llandovery Castle Case cited therein; "Manual for Courts-Martial," supra; "Report to the President of the United States," 7 June 1945, by Mr. Justice Jackson, U.S. Chief Counsel for the Prosecution of Axis Criminality; Extract from Goebbels' "The Air Terror of Our Enemies," found in footnote, page 53, "Military Occupation and the Rules of the Law," by Ernst Fraenkel;

United States v. Bury, et al., opinion DJAWC, September 1945; United States v. Thomas, supra; and United States v. Beck, et al., opinion DJAWC, December 1946.)

Motion to Dismiss: The Court's denial of the defense's motion for findings of not guilty as to accused DLOUHY, GLISSMANN and STUMFOL after the prosecution rested, was proper (R 175, 177). It is not error for a war crimes tribunal to deny a motion for findings of not guilty made after the prosecution completes its case if it believes there is sufficient evidence to support the charge and that the accused should be required to answer it (Section 5-327.2, Title 5, "Legal and Penal Administration," of "Military Government Regulations," supra, and Section 501, page 409, "Manual for Trial of War Crimes and Related Cases," 15 July 1946). A similar practice is followed in courts-martial (Paragraph 71 d, "Manual for Courts-Martial, US Army," 1928). In the instant case the Court did not abuse its discretion in denying the motion.

Application of Parent Case: The Court was required to take cognizance of the decision rendered in the Parent Case, including the findings of the Court therein, that the mass atrocity operation was criminal in nature and that the participants therein, acting in pursuance of a common design, subjected inmates to killings, beatings, tortures, etc., and was warranted in inferring that those shown to have participated knew of the criminal nature thereof (Letter, Headquarters, United States Forces, European Theater, file AG 000.5 JAG-AGO, subject: "Trial of War Crimes Cases," 14 October 1946, and the Parent Case). The convicted accused were shown to have participated in the mass atrocity, and the Court was warranted by the evidence adduced, either in the Parent Case or in this subsequent proceedings, in concluding as to them that they not only participated to a substantial degree, but that the nature and extent of their participation were such as to warrant the sentences imposed.



Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

VI. CONCLUSIONS:

1. It is recommended that the findings and the sentences be approved.

2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

L. F. BENSON  
Major, FA  
Post Trial Branch

Having examined the record of trial, I concur, this \_\_\_\_\_ day  
of \_\_\_\_\_ 1948.

C. W. PHIFER  
Lieutenant Colonel, USAF  
Acting Deputy Judge Advocate  
for War Crimes

**MILITARY GOVERNMENT COURT**  
**MILITÄRGERICHT**

**Order on Review**  
**Verfügung nach Überprüfung**

Case No. 000-50-5-14  
 Strafsache Nr.

Order No.  
 Verfügung Nr.

Whereas one

Eduard DLOUHY

Name of Accused Name des/der Angeklagten

was convicted of the offence of participation in Mauthausen Concentration Camp mass atrocity

wegen der folgenden strafbaren Handlung Teilnahme an Massengreuelkeiten im Konzentrationslager Mauthausen

by the General

Military Court

Dachau, Germany

vom Oberen

Militärgerichte

at Dachau, Deutschland

and sentenced to imprisonment for three years, commencing 8 May 1945  
 schuldig erkannt und zu drei Jahren Gefängnis verurteilt mit Wirkung ab 8 Mai 1945

by Judgment dated the  
 durch Urteil vom

23 July 1947

23 Juli 1947

Date Datum

194 and

Whereas the case has now come before me by way of review and after due consideration and in exercise  
 Diese Strafsache ist mir zur Überprüfung vorgelegt worden und nach entsprechendem Studium des Sachverhaltes und in Ausübung

of the powers conferred upon me, I hereby order:  
 der mir übertragenen Befugnisse verfüge ich:

That the findings and sentence are approved. The Commanding General, First Military District, will confine Eduard DLOUHY in War Criminal Prison No. 1, Landsberg, Germany, for a period of three years, commencing 8 May 1945.

Dass der Befund und das Urteil bestätigt werden. Der Kommandierende General, vom Militärbezirk I, wird die Inhaftierung von Eduard DLOUHY in Kriegsverbrechergesängnis Nr. 1, Landsberg, Deutschland, fuer die Dauer von drei Jahren, mit Wirkung ab 8 Mai 1945, veranlassen.

Dated this  
 Gegeben am

13 April

1948

*Eduard Dlouhy*  
 Signature of Reviewing Authority Unterschrift d. nachprüf. Behörde

Title Titel

**MILITARY GOVERNMENT COURT**  
**MILITÄRGERICHT**

**Order on Review**  
**Verfügung nach Überprüfung**

Case No. 000-50-5-14  
 Strafsache Nr.

Order No.  
 Verfügung Nr.

Whereas one

Wilhelm GLISSMANN

Name of Accused Name des/der Angeklagten

was convicted of the offence of participation in Mauthausen Concentration Camp mass atrocity

wegen der folgenden strafbaren Handlung Teilnahme an Massengreultaten im Konzentrationslager Mauthausen

by the General Military Court

vom Oberen

Militärgerichte

at

Dachau, Germany

in

Dachau, Deutschland

and sentenced to imprisonment for three years, commencing 5 May 1945  
 schuldig erkannt und zu drei Jahren Gefaengnis verurteilt mit Wirkung ab 5 Mai 1945

by Judgment dated the 23 July 1947  
 durch Urteil vom 23 Juli 1947

Date Datum

194 and

Whereas the case has now come before me by way of review and after due consideration and in exercise  
 Diese Strafsache ist mir zur Überprüfung vorgelegt worden und nach entsprechendem Studium des Sachverhaltes und in Ausübung  
 of the powers conferred upon me, I hereby order:  
 der mir übertragenen Befugnisse verfüge ich:

That the findings and sentence are approved. The Commanding General, First Military District, will confine Wilhelm GLISSMANN in War Criminal Prison No. 1, Landsberg, Germany, for a period of three years, commencing 5 May 1945.

Dass der Befund und das Urteil bestäetigt werden. Der Kommandierende General, vom Militärbezirk I, wird die Inhaftierung von Wilhelm GLISSMANN im Kriegsverbrechergefängnis Nr. 1, Landsberg, Deutschland, fuer die Dauer von drei Jahren, mit Wirkung ab 5 Mai 1945, veranlassen.

Dated this  
 Gegeben am

19 April 1948

*Heinrich Kray*  
 Signature of Reviewing Authority Unterschrift d. nachprüf. Behörde

Title Titel



**MILITARY GOVERNMENT COURT**  
**MILITÄRGERICHT**

**Order on Review**  
**Verfügung nach Überprüfung**

Case No.  
 Strafsache Nr. 000-50-5-14

Order No.  
 Verfügung Nr. ....

Fritz MIROFF

Whereas one

Name of Accused Name des/der Angeklagten

was convicted of the offence of participation in Mauthausen Concentration Camp mass atrocity

wegen der folgenden strafbaren Handlung Teilnahme an Massengreueln im Konzentrationslager  
 Mauthausen

by the General Military Court

vom Oberen Militärgerichte at Dachau, Germany  
 in Dachau, Deutschland  
 Address of Court Anschrift des Gerichts

and sentenced to death by hanging  
 schuldig erkannt und zu Tod durch den Strang verurteilt

by Judgment dated the 23 July 1947  
 durch Urteil vom 23 Juli 1947 194 and

Date Datum

Whereas the case has now come before me by way of review and after due consideration and in exercise  
 Diese Strafsache ist mir zur Überprüfung vorgelegt worden und nach entsprechendem Studium des Sachverhaltes und in Ausübung  
 of the powers conferred upon me, I hereby order:  
 der mir übertragenen Belugnisse verfüge ich:

That the findings and sentence are approved. The Commanding General, First  
 Military District, will carry the sentence into execution at War Criminal Prison  
 No. 1, Landsberg, Germany, at a time to be determined by him.

Dass der Befund und das Urteil bestäetigt werden. Der Kommandierende General,  
 vom Militaerbezirk I, wird die Vollstreckung des Urteils im Kriegeverbrechengefaengnis  
 Nr. 1, Landsberg, Deutschland, zu einer von ihm festgesetzten Zeit, veranlassen.

Dated this  
 Gegeben am

13 April 1948

*Lucius D. King*  
 Signature of Reviewing Authority Unterschrift nachprüf. Behörde

Title Titel

**MILITARY GOVERNMENT COURT**  
**MILITÄRGERICHT**

**Order on Review**  
**Verfügung nach Überprüfung**

Case No. 000-50-5-14  
 Strafsache Nr. ....

Order No. ....  
 Verfügung Nr. ....

**Paul RICKEN**

Whereas one .....  
Name of Accused Name des/der Angeklagten

was convicted of the offence of participation in Mauthausen Concentration Camp mass atrocity

wegen der folgenden strafbaren Handlung Teilnahme an Massengreultaten im Konzentrationslager  
 Mauthausen

by the General Military Court

vom Oberen

Militärgerichte

at

Dachau, Germany

in

Dachau, Deutschland

Address of Court Anschrift des Gerichts

and sentenced to imprisonment for life

schuldig erkannt und zu lebenslänglicher Gefängnisstrafe verurteilt

by Judgment dated the 23 July 1947

durch Urteil vom 23 Juli 1947

194 and

Date Datum

Whereas the case has now come before me by way of review and after due consideration and in exercise  
 Diese Strafsache ist mir zur Überprüfung vorgelegt worden und nach entsprechendem Studium des Sachverhaltes und in Ausübung

of the powers conferred upon me, I hereby order:  
 der mir übertragenen Befugnisse verfüge ich:

That the findings and sentence are approved. The Commanding General, First  
 Military District, will confine Paul RICKEN in War Criminal Prison No. 1, Landsberg,  
 Germany, for the duration of his life.

Dass der Befund und das Urteil bestaetigt werden. Der Kommandierende General,  
 vom Militaerbezirk I, wird die lebenslaenglicher Inhaftierung von Paul RICKEN im  
 Kriegsverbrechergefaengnis Nr. 1, Landsberg, Deutschland, veranlassen.

Dated this  
 Gegeben am

13 April 1948

*Lucius D. Clay*  
 Signature of Reviewing Authority Unterschrift d. nachprüf. Behörde

LUCIUS D. CLAY  
 General, USA  
 Commander-in-Chief

MILITARY GOVERNMENT COURT  
MILITÄRGERICHT

Order on Review  
Verfügung nach Überprüfung

Case No. 000-50-5-14  
Strafsache Nr. \_\_\_\_\_

Order No. \_\_\_\_\_  
Verfügung Nr. \_\_\_\_\_

Whereas one Karl STUMFOL  
Name of Accused Name des/der Angeklagten

was convicted of the offence of participation in Mauthausen Concentration Camp mass atrocity

wegen der folgenden strafbaren Handlung Teilnahme an Massengreueln im Konzentrationslager  
Mauthausen  
by the General Military Court

vom Oberen Militärgerichte at Dachau, Germany  
in Dachau, Deutschland  
Address of Court Anschrift des Gerichts

and sentenced to imprisonment for two years and six months, commencing 3 May 1945  
schuldig erkannt und zu zwei Jahren und sechs Monaten Gefaengnis verurteilt, mit Wirkung ab  
by Judgment dated the 3 Mai 1945 23 July 1947  
durch Urteil vom 23 Juli 1947 194 and  
Date Datum

Whereas the case has now come before me by way of review and after due consideration and in exercise  
Diese Strafsache ist mir zur Überprüfung vorgelegt worden und nach entsprechendem Studium des Sachverhaltes und in Ausübung  
of the powers conferred upon me, I hereby order:  
der mir übertragenen Befugnisse verfüge ich:

That the findings and sentence are approved. The Commanding General, First  
Military District, will confine Karl STUMFOL in War Criminal Prison No. 1, Landsberg,  
Germany, for a period of two years and six months, commencing 3 May 1945.

Dass der Befund und das Urteil bestaetigt werden. Der Kommandierende General,  
vom Militaerbezirk I, wird die Inhaftierung von Karl STUMFOL im Kriegsverbrecher-  
gefaengnis Nr. 1, Landsberg, Deutschland, fuer die Dauer von zwei Jahren und sechs  
Monaten, mit Wirkung ab 3 Mai 1945, veranlassen.

Dated this 13 April 1948  
Gegeben am \_\_\_\_\_

  
Signature of Reviewing Authority Unterschrift d. nachfolgl. Behörde

LUCIUS D. CLAY  
Generaliste TUSA  
Commander-in-Chief



24 March 1948

MEMORANDUM FOR: Colonel Harbaugh

SUBJECT : US v Eduard DLOUHY, et al  
(Case No. 000-50-5-14)

1. An examination of the record of trial in the subject case reveals the following data:

a. A copy of the charges was served on the accused on 20 June 1947.

b. The case was referred for trial on 15 July 1947.

c. The personnel of the prosecution and the defense were appointed on 16 June 1947.

d. Trial was had 16 July 1947.

2. I concur with the recommendations of War Crimes Board of Review No. 2 and the Deputy Judge Advocate for War Crimes in this case.



HOWARD F. BRESEE  
Colonel AGD

Chief, War Crimes Board of Review branch