

HEADQUARTERS
EUROPEAN COMMAND
Office of the Judge Advocate

War Crimes Board of Review No. 1

7 April 1948

UNITED STATES

v

Richard HAMMER, et al

Case No. 12-1307

: 7708 War Crimes Group APO 407
:
: Trial by General Military Government
: Court convened at Dachau, Germany
: during the period 28 March - 4 April
: 1947. The Court sentenced each of the
: accused as follows:

Richard HAMMER: Life imprisonment
Hans GERT: 1 yr imprisonment commencing
1 May 1946
Hans WAHLB: Acquitted
Gotthard PARZYK: Death by hanging
Willi VOIGHT: 10 yrs imprisonment
commencing 1 July 1945
Paul DOOSE: 3 yrs imprisonment
commencing 1 July 1945
Ernst HACHETIER: Life imprisonment
Otto GIESE: Life imprisonment
Christian SCHUTT: Acquitted
Friederich LEHNSICK: 3 yrs imprison-
ment commencing 7 May 1945
Karl NEEB: 2 yrs imprisonment
commencing 14 May 1945
Herthe STAPPELDT: 21 mos imprisonment
commencing 20 August 1945
Karl JENTZ: Neither served nor tried
(FNU) HOHEN: Neither served nor tried
August DOOSE: Neither served nor tried
Paul SACK: Not proessed

Report of War Crimes Board of Review No. 1

DWIGELL, BERMAN and KLEIN

II DISCUSSION: On or about 13 August 1944 several American flyers parachuted successfully in the neighborhood of Lubeck-Siems, Germany. One landed in a field near the autobahn. He was captured by German military personnel. The pilot was beaten by civilians. A helmet, fist, keys and feet were used in the assault. Shortly thereafter seven to ten shots were heard, the figure varying according to the witness. A German physician who examined the body shortly after death found seven or eight bullet wounds with one through the neck the fatal wound. The visible bruises could not have been the cause of death in his opinion.

Sixteen persons were charged with a violation of the laws of war in that they did wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of an unknown member of the United States Army who was then an unarmed surrendered prisoner of war in the custody of the German Reich.

JENTZ, (FNU) HOHN and August DOOSE were not served nor tried. The case against SACK was nolle prossed. SCHUIT and WAHLS were acquitted.

Each of the accused were present during the beatings and shootings. HAMMER and HACHEMEIER beat the flyer with a helmet. STAPELFELDT beat with helmet and keys. The three last named and GIESE helped drag him into the field where PARZYK participated in the shooting. In his review the Deputy Judge Advocate for War Crimes recommends that the findings and sentence in case of Paul DOOSE and NEEB be disapproved. This Board concurs in this recommendation. Each of the accused except LEHMENSICK denied participation and knowledge of participants. LEHMENSICK admitted use of his fists.

III CONCLUSIONS: The Court was legally constituted and had jurisdiction of all the accused and the offense. No errors or irregularities were committed during the trial resulting to any injustice to any accused.

The Board of Review is of the opinion that the evidence in the record of trial is legally sufficient to support the findings of the Court with

respect to the accused HAMMER, OHRT, PARZYK, VOIGHT, HACHMEIER, GIESE, LEHMENSICK and STAPELFELDT, but it is legally insufficient to support the findings with respect to Paul DOOSE and NEEB. The sentences of the accused HAMMER, OHRT, PARZYK, VOIGHT, HACHMEIER, GIESE, LEHMENSICK and STAPELFELDT, recommended for approval by the Deputy Judge Advocate for War Crimes are legal, fair and just.

The review of evidence submitted by the Deputy Judge Advocate for War Crimes is accurate and complete and fully sets forth all material facts.


The petition and statements received by the Board of Review subsequent to the review of the Deputy Judge Advocate for War Crimes raised no issues not previously considered by the Deputy Judge Advocate for War Crimes and set forth no mitigating or extenuating facts that would justify clemency.

IV RECOMMENDATIONS: It is recommended

- a. That the sentence of Richard HAMMER to life imprisonment be approved.
- b. That the sentence of Hans OHRT to imprisonment for 1 year commencing 1 May 1946 be approved.
- c. That the sentence of Gotthard PARZYK to death by hanging be approved.
- d. That the sentence of Willi VOIGHT to imprisonment for 10 years commencing 1 July 1945 be approved.
- e. That the sentence of Ernst HACHMEIER to life imprisonment be approved.
- f. That the sentence of Otto GIESE to life imprisonment be approved.
- g. That the sentence of Friederich LEHMENSICK to imprisonment for 3 years commencing 7 May 1945 be approved.
- h. That the sentence of Herthe STAPELFELDT to imprisonment for 21 months commencing 20 August 1945 be approved.
- i. That the sentence of Paul DOOSE to imprisonment for 2 years

j. That the sentence of Karl NEEB to imprisonment for 2 years commencing 14 May 1945 be disapproved.

k. That the petitions received by this Board subsequent to the review of the Deputy Judge Advocate for War Crimes be denied and filed with the allied papers in this case to be considered if and when a clemency program is adopted.


JOHN S. DWINELL, LT COL, JAGD
Chairman


WILLIAM BERMAN, LT COL, USAF
Member


PRESSLEY B. KLEIN, MAJOR, FA