

MILITARY GOVERNMENT COURT

106
11/4

CASE RECORD

Pages 1646 - 1734

CASE NO. BUCHENWALD

PROSECUTOR MR. WILLIAM DENSON

* ~~SUMMARY~~
~~INTERMEDIATE MILITARY COURT~~
~~GENERAL~~

DEFENSE COUNSEL MAJ. CARL WHITNEY

Rudolf Nathanson

INTERPRETERS Herbert Rosenstock

Fred Stecker

PLACE Dachau, Germany

ALTERNATES Sally R. Hayett

DATE 9 May 194 7

Irving J. Hayett

Laegene Butler

WITNESSES

John G. McDonald

Paula Silverman

William F. Jones

Peter Di Curti

WILLY BÄHNER JOSEF ACKERMANN

WALTER HUMMELSHHEIM HERMANN OEHNAUER ROBERT LEIBRAND

ERNST BLANCK KURT LEBER ERIC KATHER

ACCUSED JOSIAS PRINCE ZU WALDECK et al

ADDRESS _____ SEX _____ AGE _____

FIRST CHARGE SECOND CHARGE

PLEAS _____

FINDINGS _____

PREVIOUS CONVICTIONS _____

IMPRISONMENT (TERM _____)
(BEGINNING _____ 194 _____)

SENTENCE FINE AMOUNT _____
TO BE PAID BEFORE _____ 194 _____
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

UNITED STATES versus JOSIAS PRINCE ED WALDECK, et al.

by

GENERAL MILITARY GOVERNMENT COURT

tried at

DACHAU, GERMANY BEGINNING 11 APRIL 1947

9 MAY 1947 Pages 1646 - 1734

6

TESTIMONY

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>COURT</u>
WILLY RAHNER	1646	1649			
WALTER HUMMELSHAIN	1654	1656			
ERNST BLANCK	1660	1668	1685	1686	
JOSEF ACKERMANN	1688	1692	1696	1697	
HERMANN OBNAUER	1701	1707			
KURT LEISSER	1712	1718			
ROBERT LEIBRAND	1722				
ERIC KATHER	1726	1728	1729		

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>RECEIVED</u>
P-33	Statement in German of Eric Kather	1731	
P-33-A	English translation	1731	
P-34	Statement in English of Edwin Marie Katzen-Ellenbogen	1733	1734

CAMP DACHAU, GERMANY
9 May 1947

MORNING SESSION

(Whereupon the court reconvened at 0900 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: May it please the court, let the record show that all the personnel of the court are present; all the personnel of the prosecution are present with the exception of Mr. Surowitz who is absent on business of the prosecution; all the personnel of the defense are present with the exception of Captain Groth who is absent on business of the accused; all the accused are present with the exception of Wolf. The interpreter and reporter are present.

If there are any spectators in the courtroom who expect to be called as witnesses in this case, they will please leave the courtroom.

The prosecution calls as its next witness, may it please the court, Willy Bahner.

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

DIRECT EXAMINATION

QUESTIONS BY MR. KUNZIG:

Q Would you state your name, please?

A Willy Bahner.

Q And your age?

A 34 years.

Q What is your nationality, Mr. Bahner?

A Czechoslovakian.

Q And your residence?

A Maerisch-Ostrau.

Q Will you state your profession, please?

(Bahner-direct)

A Lath-hand.

Q Were you ever at any time, Mr. Bahner, a prisoner in Buchenwald Concentration Camp?

A Yes.

Q At what time?

A Since November 1943.

Q What triangle did you wear in Buchenwald?

A Red one.

Q When you were in Buchenwald did you ever get to know a man by the name of Otto Dietzsch?

A Yes.

Q Would you look around the courtroom and see if you recognize Arthur Dietzsch here today and if so, would you point him out to the court?

A No, S.

MR. KUNZIG: Let the record show that the witness has properly identified the accused, Dietzsch.

QUESTIONS BY MR. KUNZIG:

Q Can you remember any particular incident involving the accused, Dietzsch, in the Fall of 1943 during your time in Buchenwald?

A Yes.

Q Would you please describe that to the court, Mr. Bahner?

A One day I received a white slip from the room eldest and with this slip I had to report to the prisoners' hospital. When I came there several other prisoners were there. We didn't know what it was all about since we had not reported sick at all. There were Jews, Russians, Frenchmen and also Germans. When our names were taken down at the office the capo Dietzsch came and took us over to Block 46. We didn't know what would happen to us. One of us looked at the others and we didn't know what it was all about. There we received a bath, received clean clothes, and were brought

(Bahner-direct)

up to the second floor. On the third day I and three others were called down and we received, through the capo Dietzsch personally, the injections. One of us came already ahead of us down to the station where all the men were who had spotted fever. I myself got the fever on the thirteenth day.

Q Mr. Bahner, how many prisoners were with you together in Block 46?

A Numerous prisoners. When I was sick there were between sixty-five and seventy men there.

Q And what triangles did these men wear, Mr. Bahner?

A The Russians were wearing red triangles, the Frenchmen, too and also the Jews.

Q Mr. Bahner, how did Dietzsch treat the prisoners?

A In no way I can say that Dietzsch treated the prisoners well. On the contrary, he gave them cynical remarks and answers and he treated them brutally.

Q Who inoculated you?

A He himself.

Q How were you treated by Dietzsch?

A I wasn't treated well either. If there wouldn't have been the other personnel, the other male nurse, and they would have helped me sometimes, he wouldn't have done it. He was a very brutal man.

Q Describe to the court exactly what Dietzsch did to you?

A When I was in bed with light fever I saw many prisoners die to my left and to my right. On the left side I saw a Russian major die. He had received many injections on one day.

Q How many?

A There were thirty-five to forty injections, also including taking of blood.

(Bahner-direct)

Q Who gave these injections, Mr. Bahner?

A He himself.

Q Who is "he"?

A The capo, Dietzsch.

Q Who inoculated the rest of the prisoners that you saw on beds left and right of you?

A All the injections were given by him himself. The SS doctor only took the report, he gave them.

Q Did these people whom Dietzsch gave injections, that you saw with your own eyes, did these same people you mentioned a few minutes ago, die?

A Yes.

Q You mentioned sixty-five to seventy people were in Block 46 with you. How many came out alive?

A I myself came with one single Frenchman, later on, to the convalescent block because we were unfit for work.

Q What happened to the other sixty-three or sixty-eight?

A All the years I spent in camp later on I didn't see any of them. Most probably they died later on, too.

Q How many did you see personally who died?

A Eight to twelve, approximately, before I fell in agency.

MR. KUNZIG: No further questions.

DR. HENNER: Cross examination on behalf of Dietzsch.

CROSS EXAMINATION

QUESTIONS BY DR. HENNER:

Q In which block were you billeted before you came to Block 46?

A I was in the Quarantine Station, 62.

Q Is that a block in the Small Camp?

A Yes, in the Small Camp.

(Bahner-cross)

- Q How many spotted fever injections did you get yourself?
- Q Before you came from Block 62 to Block 46 were you given a medical examination?
- A No, I did not receive a medical examination.
- Q Isn't it a fact that the discipline had to kept especially strict in Block 46 on account of the great danger of infection?
- A Yes, I know that. We were not allowed to sing, we had to keep quiet. Whenever he came in everybody was quiet because everybody was afraid of him.
- Q To which block did you come after you were released from Block 46?
- A To Block 61.
- Q You have testified on direct examination you saw how Dietzsch gave several injections on one day to a man who was lying in bed next to you.
- A All injections which were given were given personally by the capo, Dietzsch.
- Q I think you misunderstood my question. You have testified that you saw that Dietzsch gave several injections on one day to a man lying in bed next to you, is that correct?
- A Yes.
- Q Did you ever hear what were the contents of these injections?
- A Spotted fever.
- Q Isn't it possible that these drugs were not spotted fever injections but some means in order to strengthen the heart or in other ways to hurry up his reconvalescence?
- A No.
- Q How many spotted fever injections did you receive yourself?
- A I received the spotted fever injection on my fourth day in Block 46. I received it in my left arm.

Q How many spotted fever injections did you get yourself?

A One single.

Q How can you explain, then, that supposedly the man who was lying next to you on one day should receive thirty-five to forty spotted fever injections?

A I wasn't in agony yet. I think it was on the seventh or eighth day when the major died during the night.

Q I asked you whether you had seen that these were spotted fever injections?

A Yes.

Q How do you know that?

A Because I received the spotted fever injections from him myself and if he wouldn't have received these injections he wouldn't have gotten this strong fever so quickly. He received the fever already on the fourth day.

Q But you didn't see how Dietzsch took the contents for this syringe out of a glass container?

A In between these inoculations there was also taking of blood.

Q I was asking you right now about the inoculations. I request you to answer my question -- did you see yourself that Dietzsch took

this spotted fever serum from a glass container for his syringe?

A He opened the glass containers with the serum right on the table

in our room.

Q Do you know the contents of these glass containers?

A I can't say that definitely.

Q How do you know that the prisoner who was lying next to you was a Russian major?

A Because when we were upstairs all together there he had told us he was a Russian major.

(Ehner-cross)

Q Where did you come from before you came to Block 62, the Quarantine Station at Buchenwald?

A From Moor, Camp 7.

Q Where is Camp 7?

A In Esterwege.

Q Isn't it a fact that in Esterwege was a punishment camp?

A Yes.

Q Did it come to your knowledge on whose orders you were sent to Buchenwald?

A By the Gestapo.

Q That was the SS Reich Security Main Office in Berlin?

A I don't know about that.

Q Isn't it a fact that at the time you were sent to Block 46 only criminals were sent to Block 46?

A No.

Q Did you hear that the prisoners who received spotted fever injections later on received other injections in order to heal them again?

A It is possible but seldom one came through with the fever.

Q Do you know on whose orders Dietzsch gave the injections?

A No.

Q Who was the doctor in charge of Block 46?

A Schuling or Schuler.

Q Was the doctor present during the injections?

A No.

Q Didn't the doctor visit the patients at all?

A He visited them in the afternoon.

Q And what did the doctor find out during his visits?

A He listened to the reports which Cape Dietzsch gave him.

(Bahner-cross)

Q You testified that you did not hear or see anything of the prisoners who stayed in Block 46 after you left the block, is that correct?

A Yes.

Q Isn't it possible also that these prisoners, after their reconvalescence were sent on transports to out details?

A It is impossible because when we left Block 46 all the prisoners were absolutely unfit for any kind of work.

Q Isn't it a fact that the food in Block 46 was especially good?

A Yes.

Q And in spite of that you say that the men, after they left Block 46, could not have been sent on out details?

A It's impossible. For long months after I left the block I couldn't work at all, I couldn't even walk up the stairs, I had water in my feet.

Q But you can't say that you know that the prisoners were not sent out on out details?

A No, I can't say that.

Q Did Dietzsch beat you in any way?

A Yes.

DR. RENNER: No more questions.

MR. KUNZIG: The prosecution also has no more questions, sir.

PRESIDENT: No questions by the court. The witness is excused.

MR. KUNZIG: May this witness be excused from further attendance at this trial?

PRESIDENT: He may.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: The prosecution calls as its next witness,
may it please the court, Walter Hummelsheim.

WALTER HUMMELSHEIM, called as a witness by the prosecution,
being first duly sworn, testified as follows: (Whereupon the proceedings
were translated into the German language).

PROSECUTION: Mr. Hummelsheim, do you wish to testify in
English or German?

THE WITNESS: It doesn't make any difference to me.

PROSECUTION: Then will you please testify in English?

THE WITNESS: Yes.

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name?

A Hummelsheim, Walter.

Q Where were you born Mr. Hummelsheim?

A Barmen.

Q Now Mr. Hummelsheim, when were you born?

A The twenty sixth of May 1904.

PROSECUTION: Mr. Hummelsheim, please wait until the
interpreter has had a chance to translate my question before you answer.

Q What is your profession or occupation?

A At the present moment I am Landrat in the sector of Berncastle
in the French Zone.

Q And where were you educated Mr. Hummelsheim?

A In Barmen.

Q Were you ever a prisoner in Buchenwald Concentration Camp?

A Yes I was.

(Hummelsheim - direct)

Q When did you first come to Buchenwald as a prisoner?

A On the seventh of May, 1942.

Q And when did you leave Buchenwald as a prisoner?

A The eighteenth of April, 1945.

Q Now, prior to going to Buchenwald as a prisoner, have you had any occasion to serve in any capacity in the German Government?

A No, not as an official.

Q In what capacity did you serve?

A As an employee.

Q While you were at Buchenwald or prior thereto, did you have occasion to know one Prince zu Waldeck?

A Not prior, but after I got there yes.

Q Did you have occasion to see him at Buchenwald at any time?

A Yes, I saw him on several occasions from a distance in the camp and afterwards when I was Second Secretary to Sturmbannfuhrer Ding at Block 50, Prince Waldeck came to visit Block 50 late in the Summer of 1943.

Q Do you know what connection Prince Waldeck had with the Buchenwald Concentration Camp, if any?

A Prince Waldeck was SS Obergruppenfuhrer and General of the SS and at the same time Higher SS and Police Leader of the Province of Thuringia and other provinces of central Germany and as such ----

Q And as such what?

A And in that function Prince Waldeck was responsible for the security of the camps in that section, for the foundation of new camps and also partly responsible for the administration of those camps.

Q Would you indicate to the court please, on this map which is Prosecution Exhibit Number 9, the area over which Prince Waldeck exercised this supervision?

A I do not know the entire area, but I know that he had his headquarters in Kassel, that the area extended to the west of Kassel in the whole Province of Thuringia, including Weimar and Buchenwald and probably West -- that I don't know, but I do know that the whole area of subcamps of Buchenwald was under his supervision.

Q Now, you stated that you had seen Prince Waldeck in Buchenwald. What was the occasion for seeing Prince Waldeck there in Buchenwald?

A I saw him from a distance at several occasions during the construction of the armament factory and later on, I think it was in September of 1943, after Block 50 was constructed and inaugurated, Prince Waldeck came with several other high SS Leaders of the Camp, Schobert, Pister and Barnewald and others to Block 50 to visit the Block and I remember that they were closeted with Sturmbannfuhrer Ding for a certain time in his office.

PROSECUTION: No further questions sir.

DOCTOR AHEIMER: Cross examination on behalf of the accused Prince su Waldeck.

CROSS EXAMINATION

QUESTIONS BY DOCTOR AHEIMER:

Q Mr. Hummelsheim, what are you by profession?

A I exercise several professions. I was a book editor from 1923 up to 1932 and I joined a chemical concern in Berlin afterwards until 1939 up to my arrest and after my liberation from Buchenwald I was nominated by the French as Landrat in Berncastle.

Q Did you have anything to do with public administration in Germany before you came to Buchenwald?

A Yes. The installation of the camp and partly responsible for the administration of those camps.

(Hummelsheim - cross) 1656

A I do not know the entire area, but I know that he had his headquarters in Kassel, that the area extended to the west of Kassel in the whole Province of Thuringia, including Weimar and Buchenwald and probably West -- that I don't know, but I do know that the whole area of subcamps of Buchenwald was under his supervision.

Q Now, you stated that you had seen Prince Waldeck in Buchenwald. What was the occasion for seeing Prince Waldeck there in Buchenwald?

A I saw him from a distance at several occasions during the construction of the armament factory and later on, I think it was in September of 1943, after Block 50 was constructed and inaugurated, Prince Waldeck came with several other high SS Leaders of the Camp, Schobert, Pister and Barnwald and others to Block 50 to visit the Block and I remember that they were closeted with Sturmbannfuhrer Ding for a certain time in his office.

PROSECUTION: No further questions sir.

DOCTOR ANEIMER: Cross examination on behalf of the accused Prince su Waldeck.

CROSS EXAMINATION

QUESTIONS BY DOCTOR ANEIMER:

Q Mr. Hummelsheim, what are you by profession?

A I exercise several professions. I was a book editor from 1923 up to 1932 and I joined a chemical concern in Berlin afterwards until 1939 up to my arrest and after my liberation from Buchenwald I was nominated by the French as Landrat in Berncastle.

Q Did you have anything to do with public administration in Germany before you came to Buchenwald?

A Yes.

(Hummelsheim - cross) 1656

Q In what capacity?

A I was an assistant of the German Deputy Minister President Franz von Papen.

Q In your capacity as Assistant of the Deputy Minister President, Franz von Papen, did you ever see any law or administrative instruction in regard to the Higher SS and Police Leaders?

A No, as I said before, I had never seen nor heard of Prince Waldeck until I came to Buchenwald.

Q I think Mr. Hummelsheim that you misunderstood my question. My question referred in General to the Higher SS and Police Leaders and not to Prince Waldeck personally -- what I am asking is in general whether you had seen any German laws or administrative instructions in references to the authority of a higher SS and Police Leader?

A I don't remember.

Q How do you know then Mr. Witness that the Prince zu Waldeck in any way was responsible for the security of the Concentration Camp Buchenwald?

A Because it was common knowledge.

Q Where did this common knowledge come from?

A From SS Major Ding.

Q Did SS Major Ding-Schuler tell you at any time that he had ever seen any legal instructions and regulations in regard to the authority of a Higher SS and Police Leader?

A If the defense would examine the Diary of SS Doctor Ding they would know that Prince Waldeck was responsible not only for the security of the camps in connection with the camps, but also in connection with the installation of new camps and partly responsible for the administration of those camps.

Q Mr. Hummelsheim, would you be willing to give me this Diary of Doctor Ding-Schuler's to which you were referring just now?

A The defense doesn't believe that I am in the possession of the Diary of Doctor Ding.

Q Do you know in whose possession this Diary is?

A I have learned that the Diary is with the High Court in Nuernberg.

Q Did the prosecution tell you that?

A No. I think a witness told me that.

Q Who was that?

A I don't remember. I have seen so many witnesses during the last few days that I do not recall which one it was.

Q Isn't it a fact that Prince zu Waldeck was only the appointing and reviewing authority for the SS and Police Court?

A If Prince Waldeck had only exercised that function, he wouldn't have had any right to order the evacuation of Buchenwald shortly before the arrival of the American troops.

Q Please answer my question. Isn't it a fact that Prince Waldeck was only the appointing and reviewing authority for the SS and Police Court?

A If that was the case, I do not know why Prince Waldeck was so much interested in the establishment and construction of Ohrdruf and Dora and other subcamps of Buchenwald.

Q Doctor Hummelsheim, during your stay in Buchenwald, did you hear anything about the problems which concerned Koch?

A I have heard so much about the problems concerning the former SS Camp Leader of Buchenwald, Koch, who was Camp Commander in Buchenwald before my time, as anybody else who has stayed so long in Buchenwald. I do recall that at the very end I was told that Prince Waldeck ---
I do recall that Prince Waldeck ordered the prosecution of the former

Camp Leader Koch and his wife and I do actually recall that it was told in the camp that Prince Waldeck gave the order of the execution of the former Camp Leader Koch just before the American troops arrived.

Q Did you hear that Koch was sentenced to death twice?

A No, only once.

Q Did you hear that this execution of Koch took place on account of this death sentence?

A That is what was told in the camp.

Q Did you hear that even before the criminal investigations of Koch started, Prince Waldeck had Koch arrested before in 1942?

A No, I didn't.

Q Did you hear that as a result of the criminal investigations against Koch, a number of other criminal investigations took place against other SS leaders?

A I do recall that a number of other prosecutions took place for instance against Doctor Hoven and Sommer, but today I don't recall anymore whether it was in connection with Prince Waldeck.

Q But you know Mr. Landrat that the Prince zu Waldeck was the appointing and reviewing authority of the SS Police before which Koch was tried and sentenced?

A I never have denied that.

DOCTOR ANHEIMER: No more questions.

PROSECUTION: No further questions.

PRESIDENT: No questions by the court. The witness is excused.

PROSECUTION: We request that this witness be excused from further attendance at the trial, may it please the court.

DEFENSE COUNSEL: No objection.

PRESIDENT: He may be excused.

(Whereupon the witness was excused and withdrew.)

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

DIRECT EXAMINATION

QUESTIONS BY MR. KUNZIG:

Q Would you state your name?

A Ernst Blanck.

Q How old are you?

A Fifty.

Q Your residence?

A Hamburg.

Q Your nationality?

A German.

Q And your profession or work?

A Employee.

Q Were you ever at any time a prisoner at Buchenwald Concentration Camp?

A Yes.

Q When was that?

A From August 1938 until the end.

Q When you were at Buchenwald did you ever have an opportunity to know or to meet someone named Ilse Koch?

A Yes.

Q So far as you remember, would you describe any incident you recall concerning Ilse Koch that occurred in about 1941?

A Yes. I was once working in the heating plant of the garage building and I was returning to the heating plant of the headquarters building when I saw two Jews with a stretcher walking down the camp street. Mrs. Koch was walking up the camp street with her husband towards the headquarters building and then one of the Jews probably looked up and there Mrs. Koch made the following remark to her husband:

"Karl, this dirty Jew just looked at me." The then Camp Commander Koch himself jumped on this Jew and beat him. Both of them were rolling on the ground. The Jew was worked over with hands and feet.

Q What was Ilse Koch doing during this time that her husband was beating the Jew?

A She seemed to have great fun with it.

Q Did you see all this with your own eyes?

A I saw it with my own eyes. I was standing away from her about twenty meters.

Q Mr. Blanck did you ever, during the time that you were at Buchenwald, hear of a commando called Commando 99?

A Yes, very often.

Q What was your job while you were in Buchenwald?

A I had to take care of the steam heat in the headquarters building.

Q And as a fireman did you ever come in contact with people who were part of this Commando 99?

A Yes.

Q Would you describe to the court how this came about?

A Yes. My attention was drawn to the Commando 99 when the first Russian prisoners of war arrived. At the end of August or the beginning of September, 1941, the first small transports arrived. The first two small transports were taken to the adjutant's office. What happened to them later on I don't remember anymore, but I especially remember the third transport. There must have been twelve Russians. They were taken to the Political Department and during this time the working details had to move back to the barracks. We stayed outside, we didn't have to go back to the barracks and for this reason we could observe very well what happened. After at the Political Department the so-called

interrogation had taken place, which was never done without mistreatments, these Russian prisoners were chained one to another, then closely chained to each other around the building of the Political Department and they were taken in the direction of the DAW area. Then, although they were already chained to each other, they were pushed so that they would keep on moving and when these men were taken away a large part of the headquarters staff was standing on both sides of them. All these things I observed from the tower of the heating plant, that means from the place where the water boiler was kept. These men were taken into the DAW area to the shooting range. The prisoners who had fallen out on formation in the Roll Call Place had to sing, but still although I could not see the executions, one could still hear the shots and in the time thereafter these executions took place more and more often.

Q Did these always take place in the DAW area or was the area ever changed to another place?

A No, later on the transports became larger and then a special installation was created and later on the executions took place in the horse stables.

PRESIDENT: Court will recess for twenty minutes.

(Whereupon at 1000 hours the court recessed until 1030 hours.)

A Helwig, Koenig, Hauptstaatsanwalt.

Q Do you recall any others?

A Fleisner.

Q Then you spoke of executions being moved to the horse stables. So far as it lies within your knowledge, who was present of the SS men at these executions in the horse

Take 191 - Buch
5-9;-47;JOMeD:1

(whereupon the court reconvened at 1020 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: May it please the court, let the record show that all the personnel of the court are present; all the personnel of the prosecution are present with the exception of Mr. Surowitz, who is absent on business of the prosecution; all the personnel of the defense are present with the exception of Captain Groth, who is absent on business of the accused; and all the accused are present with the exception of Hans Wolf, who is absent.

The witness is reminded that he is still under oath.

If there are any spectators in the courtroom who expect to be called as witnesses in this case, they will please leave the courtroom.

ERNST BLANCK, 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 (continued)

QUESTIONS BY MR. KUNZIG:

Q Mr. Blanck, you spoke before about shootings in the LAW area. Which SS men did you see present at this specific occasion that you described?

A Helbig, Koenig, Haupttratshofer.

Q Do you recall any others?

A Pleissner.

Q Then you spoke of executions being moved to the horse stable. So far as it lies within your knowledge, who was present of the SS men at these executions in the horse stable?

(Blanck - Direct) 1663

(Blanck - Direct) 1664

Take 181 - Buch
5-9-47; JOMcD;2

A Yes.
A Helbig, Dietrich, Fleissner, Otto, Thaelmann,
Roscher, Koenig, and the officers Schobert, Schmidt.

Q How do you know that these people were part of
Commando 99?
A That was the SS Technical Sergeant Werker.

A I was working in the bathhouse. There these people
came to take a bath, and during the time they took their
baths or were together in the bathhouse they bragged about
their heroism.

Q Continue.
A One always knew exactly when executions had taken
place. These people couldn't keep their mouth shut.

Q What sort of things did you hear them say?
A They bragged a lot. They felt like heroes. One
always tried to exceed the other.

Q During what period of time did you work in the bath?
A In the bathhouse I worked from June 1941 until
May 1943.

Q You mentioned the names of various people who were
part of Commando 99 at the horse stable. Did any other
people join this group later on?

A As far as I can remember, always several others
were called, too.

Q Can you recall any further names, Mr. Blanck?
A I can remember, for instance, Heigel, who later
on took charge of the bunker and then also had to do with
this commando. I furthermore can remember a man named
Zinecker.

Q - Mr. Blanck, were you ever sent to any aussen
commando from Buchenwald?

(Blanck - Direct) 1866
1864

Take 191 - Buch
5-9-47; JGMD;3

A Yes.

Q What was this commando?

A Gustloff Works, Weimar.

Q Who was the commando leader there?

A That was the SS Technical Sergeant Merker.

Q Describe to the court the general conditions under which you lived in the Gustloff Works, Weimar.

A In February 1944 I was transferred to this detail.

There I had to find out that in the blocks hygienic conditions were terrible beyond all description. First of all, the men who had to do very dirty work at the Gustloff Works did not receive any towels and hardly any soap. I brought these conditions once to the attention of the camp leader.

I was terribly bawled out by him, and he told me that was none of my business.

Q Did you have beds to sleep in, Mr. Blanck?

A Originally everybody had his own bed, but the detail grew all the time and the beds were not sufficient anymore. We were forced to look for beds, and then we got beds which were full of bugs.

Q What were the sleeping conditions when you had these beds that were full of bugs?

A The men couldn't sleep at night. In addition to the bedbugs we had also very many fleas.

Q Mr. Blanck, how did the commando leader Merker treat the prisoners who worked there?

A Very bad.

(Blanck - Direct)

(Blanck - Direct)

Take 191 - Buch
5-9-4; JGMCD;4

Q Would you describe to the court any particular instance you recall as to his behavior towards the prisoners?

A Yes. The camp leader Merker was closely connected with the factory management. Merker was the tool without any will power of his own in the hands of this factory management. Every small, even the smallest infraction of rules was punished; for instance, when the prisoners had some breakage on the machines--small part of the machine broke.

Q How did Merker punish the people there, Mr. Blanck?

A He gave them, either with a stick or with a rubber hose, 25 on their back.

Q Did you ever have air raids down there at Weimar?

A Yes.

Q Where did the prisoners go during the air raids?

A In our camp we had built so-called air raid protection trenches, but these were in no way sufficient for security.

Q Did you ever discuss this with Merker?

A Yes.

Q What did he say?

A I brought this matter several times to Merker's attention. I told him if we ever have an air attack on the factory this camp has to be hit, because the camp was practically inside the factory, but all these things were shaken off just with a move of his hands, because the prisoners were of no value.

Q What was your position in the camp, Mr. Blanck?

(Blanck - Direct)

Case 191 - Buch
5-9-47; JGMCD;5
3-2-47; 5-2-47

A First I was in charge of a block, and later on I became camp eldest.

Q Was the Gustloff Works at Weimar commando ever struck by bombs?

A Yes.

Q When did that occur?

A On the 9th of February, at 12 o'clock noon.

Q Had you spoken to Merker about the air raid precautions at any time around that period?

A Only a few days before we had talked about it.

Q What did he say?

A He had the guard chains around the camp strengthened, and he had machine guns put into position and had given the order to the guards if and when the prisoners should try to break out they should start shooting at them with machine guns.

Q On this day that the bomb struck where were the prisoners at the time the bomb struck?

A Inside the camp.

Q Were any prisoners injured?

A Yes. We had 420 dead men and the same number of men injured.

Q If you were to see Merker in this courtroom today would you recognize him, Mr. Blanck?

A I think so.

Q Would you look around the courtroom and see if you recognize him, and if so point him out to the court?

A The one with the glasses (indicating).

(Blanck - Direct)

Take 191 - Buch
5-9-47;JGMD;6

Q What number is he wearing?

A Number 19.

MR. KUNZIG: Let the record show that the witness has properly identified the accused Merker. No further questions.

DR. AHEIMER: Cross examination on behalf of the accused Merker.

CROSS EXAMINATION

QUESTIONS BY DR. AHEIMER:

Q On which day, Mr. Blanck, did you come to the out-detail Gustloff Works, Weimar?

A In February 1944.

Q At that time was Merker already the detail leader?

A Yes.

Q Do you know how long Merker was the detail leader there?

A Until the end of February, beginning of March, 1945.

Q Do you know since when Merker was a detail leader at Weimar?

A Yes. I was there in February 1944. I don't know exactly when he came down there.

Q Is it not a fact that Merker did not build the camp the way it was at that time?

A Just a moment. I didn't understand this.

Q Is it not a fact that Merker did not construct the camp?

A No.

(Blanck - Cross)

ake 191 - Buch
5-9-47; JGMCD;7

Q So Merker cannot be made responsible for the fact that the camp was close by the factory; is that correct?

A But repeatedly we brought to Merker's attention that the location of the camp was impossible.

Q Weren't there two camps in Weimar at the time of the air attack?

A Yes.

Q Is it correct that there was the so-called old camp and the new camp?

A Yes.

Q Is it not a fact that the so-called new camp was started under Merker's supervision?

A Yes.

Q And is it not a fact that on the 9th of February the new camp was only partly finished and only partly men were billeted there?

A Yes.

THE WITNESS: What were all these questions about?

DR. ANSELMER: You have to leave that up to me.

Q Is it not a fact that washing materials for the prisoners were given out by the factory?

A I'd like to know when this was supposed to have happened.

Q Is it not a fact that regularly the factory gave washing materials for the washing of the work clothes?

A The laundry was washed in Camp Buchenwald.

Q Is it not a fact that Merker requested a washing machine in Buchenwald?

(Blanck - Cross)

Take 191 - Buch
5-9-47;JGMCD;8

A Yes, that is correct. That was at the time when we didn't get any laundry at all from Buchenwald anymore, and the danger of lice and the danger of epidemics was too great.

Q And is it not a fact that then this laundry was constructed at Weimar and started?

A But the amount of laundry washing there was so small that the prisoners could have washed their laundry-- could change their laundry only every two or three weeks.

Q Mr. Blanck, you testified that originally each prisoner had his own bed and that was changed later on. How large approximately was the prisoner complement in February 1944 when you came there?

A The number of prisoners in February 1944 was approximately 800.

Q And how large was the number of prisoners, approximately, in January 1945?

A Let's better say before the new camp was constructed. The number was more than twice that many.

Q And at the time when the new camp was partly already operating?

A Then we had over 2,000 prisoners.

Q Didn't all these prisoners have sleeping facilities in beds?

A All in beds? I have testified already that before the new camp was finished not everybody in the old camp had his own bed.

(Blanck - Cross)

(Blanck - Cross)

Take 191 - Buch
5-9-47;JCMED;9

Q And after this new camp started to operate, then each prisoner had his own bed?

A Yes, after one of the details had moved from the old camp to the new camp there were enough beds so that everybody could have his own bed. I'd like to mention something else.

Q Please.

A But at the end men got only one woolen blanket, so that they were freezing terribly in these beds.

Q Then it is a fact that under the leadership of Merker this condition about the beds was changed and improved?

A Of course, because this other condition could not be kept up at all any longer.

Q The situation about bugs was changed, too, after the new camp was operating?

A Yes.

Q Then this too was taken care of under the leadership of Merker?

A Yes, that is right. It was taken care of at that time.

Q Until the air attack on the 9th of February, 1945, did any prisoner die at Weimar?

A Yes. Two prisoners died, but not as a result of mistreatments but as a result of disease.

Q So, if I understand you right, during the time from February 1944 until the time of the air attack in February 1945 you had only two deaths through natural causes in camp?

(Blanck - Cross)

Take 191 - Buch
5-9-47; JGMeD; 10

A Yes, in camp. May I mention something else here? I'd like to mention the health condition. The number of cases of sickness in camp increased. The reason was that one tried to get out as much as possible out of these prisoners, but the food wasn't the way it should have been.

Q Mr. Blanck, didn't civilian workers also work at the Gustloff Works at Weimar?

A Yes.

Q Did these men get a very good food ration?

A I can't say anything about that.

Q So that you don't know whether this wasn't a general condition caused through the end of the war?

A I go from this basis: that if you ask people to do the impossible you have to give them at least enough food as they need to live.

Q On direct examination you testified that Marker was in close contact with the works management, and you said he was the tool without will power of his own in the hands of the works management; is that correct?

A I'd like to say the following in this respect.

Q Please answer the question yes or no.

MR. KUNZIG: May it please the court, I request the witness be permitted to answer the statement as he wishes.

DR. ARBIMER: I only asked the question that under direct examination the witness made a certain statement. He can answer this question yes or no.

Take 191 - Buch
5-9-47;JGMcd;11

THE PRESIDENT: The witness will answer the question yes or no if he can.

THE WITNESS: Yes.

QUESTIONS BY DR. AHEIMER:

Q Were you present during any meetings between Merker and the works management?

A No.

Q Did you have any opportunity to observe yourself any infractions of rules through the prisoners on their working places?

A Twice I had the opportunity on account of accusations made in camp to make an investigation of my own, and both times I found out that these accusations were baseless.

Q In these two incidents were the two prisoners punished?

A It was possible to have the punishment which was threatened to have retracted.

Q I know only from the foreman of the factory and some of the civilians work places in getting trouble for the foreign laborers.

Q You know this only from the stories of the prisoners, is that not correct?

A I would like to say here that the Japans would be able to best verify about that.

Q Please repeat by stating, you know this only from the stories of the prisoners?

A Yes.

(Blanch - Cross)

Q Please answer the question yes or no, in these two cases, were the two prisoners who were accused, punished or not?

A No.

Q Is it not a fact, that you as block eldest - that you were a block eldest and later on a camp eldest?

A Yes.

Q That you as block eldest did not have to work in the factory but were always in camp?

A I did not have to work in the factory.

Q So you do not know from your own observation whether the prisoners committed infractions of the rules in the factory?

A The Capos had the best judgment in this respect.

Q Were you yourself ever present during punishments by Merker as you have described?

A Yes. I saw it on the closest vicinity.

Q How often did this happen, once, twice, or three times?

A I cannot give you a number for that it was much too often.

Q But you do not know whether the prisoners who were punished in this manner at that time had not committed any infractions of the rules?

A I know only that the foremen of the factory and some of the civilians took pleasure in making trouble for the foreign laborers.

Q You know this only from the stories of the prisoners, is that not correct?

A I would like to say once more that the Capos would be able to best testify about that.

Q Please answer my question, you know this only from the stories of the prisoners?

A Yes.

(Blank-cross)

Q I have a few more questions with regard to the air attack of February 9, 1945. You testified on direct examination that shortly before the air attack of February 9 the machine guns were placed in positions around the camp?

A During each air raid alarm.

Q Then it is a fact that these machine guns were put in position against air attacks against low flying planes?

A No.

Q For what purpose then?

A The specific orders had been given that in case any prisoners should try to break out the machine guns had to be directed against them.

Q Is it not a fact that on February 9, 1945 the air raid alarm was given at 1155 and that the first bombings and first bombs were dropped approximately at 1225, so that approximately one half hour after the alarm it began?

A Yes, that may be correct.

Q You testified on direct examination that during the time the bombs were dropped the prisoners were not in the factory but in camp, is that correct?

A Yes.

Q Is it not a fact that ---

A I did not understand you.

Q Is it not a fact that the larger number of prisoners were killed in a slit trench inside the old camp?

A Yes.

Q How many barracks of the old camp were hit by bombs at that time?

A All the barracks but nobody was killed in the barracks, they had left the barracks.

(Black-cross)

(Black-cross)

ta 192 LJM 3
5/9 Buch

Q They were outside the barracks in the slit trench, is that right?

A Yes.

Q Is it not a fact that shortly thereafter the alarm was over and the clearing detail came from the bunker?

A It was approximately two hours later.

Q Is it not a fact that first of all the wounded prisoners were taken to Buchenwald and part of them also were hospitalized in Weimar?

A It took quite sometime before a prisoner was taken to Buchenwald.

Q But they were taken to Buchenwald?

A Yes.

DR. ANSTON: No further questions.

QUESTIONS BY CAPT. LEWIS:

Q Cross examination in behalf of the accused Schmidt, Schobert, Pleisner, Helbig, all in connection with Commando "99". You testified on direct examination that sometime in August or September 1941 you saw these Russian prisoners of war brought to the political department, did you observe the uniforms which these prisoners wore?

A Yes.

Q How do you know they were Russians?

A One can see that, one can even feel it by just seeing the uniform.

Q Had you ever seen a Russian uniform before that date?

A I can say no.

Q What was the color of these uniforms?

A Gray-green, something like that. Something similar to the English uniform material.

Q You could see all this from the tower of the heating building where you were?

A Yes. Originally, at the beginning from the political department through a window of the bathroom and after they were taken away, then from the tower.

(Blank-cross)

Q These people were supposedly shot the same day they arrived in Buchenwald, is that not so?

A Yes.

Q When you testified you saw the accused Fleissner, did you see him when you were standing up at the tower?

A Yes, I did.

Q Did he have any kind of weapon with him at that time?

A They all had sub-machine guns.

Q Did you see them while they were in the DAW works?

A You mean the DAW works? No, I did not.

Q The same is also true of Helbig at that time, is that not so?

A Yes.

Q So you cannot state definitely that Fleissner or Helbig actually went into the DAW works, is that not so?

A They went in there.

Q When you saw them go in they both had sub-machine guns, is that right?

A Yes.

Q Will you please take the pointer and step over to the chart of Buchenwald and show us where you were in the tower at the time you saw Helbig and Fleissner go into the DAW works?

A That is the Political Department and that is the Bath House, (Indicating).

CAPT. LEWIS: Let the record indicate that the witness pointed to building 25 as the Political Department and building 27 as the bath house on Prosecution Exhibit P-8 in evidence.

Q Is the tower in the building which you have designated as the bathhouse?

A Yes, here (indicating).

(Blank-cross)

ta 192 IJH 5
5/9 Buch

Q Is it not a fact that there are several other buildings between the bathhouse and the gate to the DAV works?

A Yes. Right behind the Political Department there was one barracks and then behind the bathhouse down there was the armory.

Q You were able to see through these buildings into the gate of the DAV works?

A Yes. Because these buildings were not tall and the tower was tall.

Q You testified also that you knew of several times when the detail "99" was employed at the horse stables and you testified that you saw several members of that detail, will you tell us whether you saw them at the horse stables? At any time, I mean?

A No, I did not say that.

Q You testified that you saw the accused Schobert as a member of Commando "99"? Where did you see him?

A I also said that I saw these people at the bathhouse.

Q Only because you saw Schobert at the bathhouse you then connect him up with detail "99", is that correct?

A I observed that each time after an execution these men came to the bathhouse to take a bath. From the talks these men had at the bathhouse I knew exactly that they were members of the Commando "99".

Q Is it your testimony then that every time detail "99" met at the horse stables thereafter these men of the detail came to the bathhouse and took baths?

A Correct.

Q Is it not a fact that detail "99" was employed at the horse stables only at night?

A No. They also worked during the daytime.

Q When they worked at night did you remain in the bathhouse until they returned?

(Blanc-cross)

to 192 IJH 6
5/9 Buch

A It was this way, in the morning we had to move out as the very first detail. Then in the beginning when we came to the gate in the morning then we could find out every time on the gate that there was a big spot of blood at the gate. We could find out that at the beginning when the first man who had been executed had been taken away that the necessary precautions had not been taken. The bodies were just thrown on the trucks and the blood was just dripping down to the ground. Very often we had to walk through this blood in the morning. Then shortly thereafter as soon as we were at the bathhouse the first gentleman came for their baths, overtired and drunk.

Q It was at this occasion that you saw Schobert and Schmidt in the morning taking a bath, is that correct?

A No. Schobert did not come for a bath.

Q Didn't you testify --

A It was known that the officers participated in the executions.

Q Didn't you testify that you saw Schobert in the bathhouse and you heard him bragging about his participation in the detail "99"?

A I did not speak about Schobert, I spoke in general.

Q So that it is a fact then that you never saw Schobert in the bathhouse, is that not so?

A No, no. I heard it only from the others.

Q Is the same not true about Schmidt?

A Schmidt very often came for a bath.

Q Did Schmidt also come in the morning after detail "99" had been in action and took a bath in the bathhouse?

A No. Never in the morning after the executions.

Q Did he ever come to the bathhouse to take a bath?

A Yes.

Q Did he ever brag about his participation in "99"?

A No. He was more cautious.

(Blank-cross)

to 192 LJM 7
5/9 -uch

Q Then you never heard Schmidt say he participated in "99", is that not so?

A No. I did not hear that. I heard it only from the others who bragged about it.

Q Did they mention Schmidt's name?

A No. I cannot say that but from their stories the names of the officers were mentioned.

Q In connection with "99"?

A In connection with "99".

Q Did they say what these officers had done in Commando "99"?

A No. They had to supervise.

Q Is it not a fact that in the bathhouse the bath tubs were in separate rooms and the people did not congregate?

A Yes. They did not speak to each other in the bathrooms, they talked to each other in the halls.

Q That is where you heard this?

A Yes.

Q You testified that you worked in the bathhouse from June 1941 until May 1943, was the bathhouse in the saws building where the tower was?

A Yes.

Q You testified a few minutes ago that when you came out of the gate in the morning you would see a pool of blood near the gate, did you sleep inside the prison compound at that time?

A Yes. Always in the protective custody camp.

Q What gate did you leave in the morning to go to your work in the heating plant?

A Through the main gate.

Q Is that gate Number 1?

A Gate Number 1.

Q Is it not a fact ---

(planck-cross)

A That was during the first time of the executions. Later on they were driving around this way, (indicating).

Q You always came out of Gate 1, is that not so?

A Yes.

Q Is it not a fact that Gate 1 was so low that a vehicle couldn't pass under it?

A Vehicles could go through it, of course, not big moving vans.

Q Cross examination in behalf of the accused Ilse Koch. You testified that you saw the accused Ilse Koch with her husband sometime in 1941, can you tell us what month that was?

A It was in the fall, it must have been October.

Q Tell me, while you were working at the bathhouse weren't you there all day long taking care of heating and cleaning the bathtubs?

A No.

Q You testified that you were walking towards the camp building when you saw Ilse Koch and her husband, were you walking in the same direction as the camp commandant and his wife?

A No. I would have crossed them.

Q Were these Jewish prisoners walking in the same direction as the camp commandant and his wife?

A No, they came from the opposite direction, they came towards them.

Q So you were walking diagonally to these people, is that not so?

A Yes.

Q How far were you from them when Koch started to beat these prisoners?

A Let's say twenty meters.

Q How far were you from them when you heard Mrs. Koch say something to her husband?

A It was approximately twenty five meters.

(Blank-cross)

ba 192 LJM 9
5/9 Rich

Q Did you hear Mrs. Koch tell her husband to beat these people?

A Yes, she said it in a very loud voice.

Q What did she say in a very loud voice?

A "Karl, this dirty Jew just looked at me".

Q Did you hear her tell her husband to beat the prisoners?

A I did not hear that.

Q Is it not a fact that you were a Cape at one time in Buchenwald?

A No.

CAPT. LEWIS: No further questions.

DR. HACKER: Cross examination in behalf of the accused Otto.

QUESTIONS BY DR. HACKER:

Q Do you know that Otto, during the time Thaelmann was a part of Commando "99", was clerk for Thaelmann?

A Yes.

Q How do you reach the conclusion that Otto was a part of Commando "99"?

A I knew it, I heard it.

Q From whom?

A At the bathhouse from his own men.

Q Was Otto present at the bathhouse?

A Otto always took his baths all by himself.

Q Then it was like this: whenever the other gentlemen came from the horse stable Otto was not present?

A At the beginning he was not present during the bath time when they took their baths.

Q Mr. Blanck, is it not like this, only because you saw Otto often with Thaelmann and Heeffler you drew the conclusion that he too was a member of detail "99"?

(Blanck-cross)

ta 192 IJH 10
5/9 Buch

A I know especially that Otto was a member of Commando "99".

Q How do you know that?

A I just told you, from the talk of the other SS men.

Q What did you hear there?

A I heard individual names and first of all I heard when these gentlemen bragged about these executions.

Q When Thaelmann perhaps there mentioned the name of Otto do you know whether he mentioned his name there not as his clerk but as a member of detail "99"?

A Thaelmann and Otto were one and the same.

Q Are the clerk and the men who take care of the job the same?

A Later on, after Otto - after Thaelmann, Otto became the acting 1st Sgt. and as such you might say he was in charge of the commando "99".

Q In May, 1942,

Q What was Thaelmann's position at that time?

A Until the beginning of 1943 I think Thaelmann was with the guard detachment.

Q Did you ever see Thaelmann after execution in the morning together with the others?

A No.

Q Did you ever see Otto in connection with the detail SS through West Wall which took place at the railroad?

A I heard the name of Thaelmann later on.

Q By what did you hear this name later on?

A I heard his name from prisoners.

Q What's the name of Thaelmann mentioned to you in connection with detail SS only here in Buchenwald?

A No.

(Witnesses)

(Blank-cross)

Q Mr. Blanck, you yourself have never seen what anybody did at detail 99 and you take everything from talks of these men and there you draw your conclusions, is that correct?

A We had no authority, no right, to observe the deeds of these men at the horse stable.

DOCTOR HACKER: No further questions.

DOCTOR REINER: A few more questions on behalf of the accused Zinecker.

QUESTIONS BY DOCTOR REINER:

Q Isn't it a fact that Zinecker always on Saturday or Sunday morning between 9 and 10 o'clock came for his bath?

A That is correct.

Q Then were you transferred from the bathhouse?

A In May, 1943.

Q What was Zinecker's position at that time?

A Until the beginning of 1943 I think Zinecker was with the guard battalion.

Q Did you ever see Zinecker take a bath after execution in the morning together with the others?

A No.

Q Did you hear the name of Zinecker in connection with the Detail 99 through these talks which took place at the bathhouse?

A I heard the name of Zinecker later on.

Q By whom did you hear this name later on?

A I heard his name from prisoners.

Q Wasn't the name of Zinecker mentioned to you in connection with detail 99 only here in Dachau?

A No.

(Blanck-cross)

DOCTOR BENNER: No more questions.

DEFENSE COUNSEL: No further cross examination.

MR. BARRIS: NO REDIRECT EXAMINATION

QUESTIONS BY MR. KUEZIG:

Q Mr. Blanck, I am returning to your testimony about the Gustloff Werke in Weimar. You stated on cross examination that there was a half hour in between the time the alarm went off and the time the bombs started falling in the well known air raid on the Gustloff Werke?

A Yes.

Q Where did the SS go for safety during this time before the bombs fell; except those who were on guard?

A On this day I saw the camp leader Merker until the time when he prisoners moved back to their barracks. That was shortly before 12 o'clock, close to the gate. Starting with this time until quite sometime after the air raid, I didn't see Merker anymore.

Q So far as it lies within your knowledge, where did the SS usually go in the air raids, in the previous air raids which took place on Weimar?

A The SS men who were not on duty went out into the open with the civilians.

Q How in this half an hour opportunity to seek safety which you spoke of, did the SS in any way guide the prisoners to a safe spot?

A No.

Q You said, on cross examination, that two men died while you were at the Gustloff Werke. How many men were killed because, as you said, they were kept in the camp by guards with machine guns during this air raid?

A I don't know whether anybody was hit there. I know only that after the first air attack when the prisoners felt the urge to leave the camp one guard was shooting all the time.

(Blanck-gross)

Redirect

Q How many people were killed in the air attack of February 2, 1945?

A In my camp over 400 or 400 and some 20.

MR. KUNZIG: No further questions.

DOCTOR AHEIMER: Recross examination on behalf of the accused
Marker.

QUESTIONS BY DOCTOR AHEIMER:

Q Mr. Blanck, you just spoke about some 420 men killed. Isn't it
so that some of the men who were considered dead later on were found alive
again?

A These 4 hundred and some twenty men killed were the final results,
the final figure.

Q This includes, therefore, also these men who first were wounded
and then later on died as a result of their wounds?

A The ones who died later on at the hospitals at Buchenwald have to
be added to this number.

Q Is it not a fact that also 11 SS men were killed during this air
attack?

A I know only about one SS man and one member of the factory
police force.

Q But you can't exclude the possibility that additional SS men were
killed?

A I know only about one SS man and one member of the factory police
force. I don't know about anymore.

Q You testified before that SS men together with civilians went out
into the open during air raid alarms. Do you know an SS man named Hugo
Friedrick Herr?

A I can't remember his name.

Q An SS Master Sergeant?

A I can't remember that name.

Q Who was the prisoner supply man with the number 450?

A I know his first name was Walter. Right now I can't remember his family name. Can I give you his name later on. I will remember it later on.

Q Isn't it a fact that this prisoner supply man with the number 450 was buried under earth together with this SS Master Sergeant Herr?

A I know that this prisoner with the number 450 was very often with Herr.

Q But you don't know anything about his fate during the air attack?

A Once more please?

Q But about his fate during the air raid of February 9 you don't know anything?

A They all came through alive.

Q Weren't they first buried under debris?

A I don't know that.

Q After the air attack did you see any SS officers from Buchenwald in Weimar?

MR. KUNZIG: I object to this question as exceeding the scope of recross examination. This matter was not brought up on redirect.

DOCTOR AHRIMEN: I think it was said that no SS men were present there. The prosecutor asked the question.

PRESIDENT: Objection overruled.

THE WITNESS: Yes.

QUESTIONS BY DOCTOR AHRIMEN:

Q Whom?

A The SS Senior Colonel Pister, Schobert. There was a doctor there, I think his name was Schiedlowski.

Q Mr. Blanck, isn't it a fact that the prisoners did not expect an air attack at all on the factory because just on account of the fact that the camp was located so close to the factory?

A We expected an air attack.

Q Was this the general opinion?

(Blanck-recross)

A It was the general conviction.

Q You spoke about Merker himself on the 9th of February, 1945. Isn't it a fact that from 1030 in the morning until approximately 1400 in the afternoon Merker was at Tiefurt?

A I said already before that during the time the details moved back to camp Merker was standing next to the gate.

Q When was that?

A Until around 12 o'clock. Then I didn't see him for quite some time after the air attack.

DOCTOR AMBIMER: That is all.

MR. KUNZIG: Prosecution has no further questions, may it please the court.

PRESIDENT: No questions by the court, the witness is excused.

(Whereupon the witness was excused and withdrew.)

MR. KUNZIG: May this witness be excused from further attendance at the trial to return to Hamburg.

DEFENSE COUNSEL: We would like to keep him to interrogate him and release him as soon as we can.

MR. KUNZIG: You wish to interrogate him. You want him to stay here today. Can you say when he will be able to go back?

DEFENSE COUNSEL: He will be finished this afternoon.

PRESIDENT: Permission is granted to keep him here.

MR. KUNZIG: The prosecution calls as its next witness Mr. Josef Ackermann.

JOSEF ACKERMANN, called as a witness by the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY THE PROSECUTION:

Q State your full name to the court please.
(Ackermann-direct)

A Josef Ackermann.

Q Where do you live Mr. Ackermann?

A Munich. Holland Street, 3.

Q What is your occupation or profession?

A I am a manager of the city information center and message center.

Q Is that the city of Munich?

A Yes.

Q Were you ever a prisoner in Buchenwald Concentration Camp?

A Yes.

Q When did you first come there as a prisoner?

A In September, 1939 I came to Buchenwald. Until January '44 I stayed at Buchenwald and then I was transferred to the Camp Dora where I had to stay until the end of the war.

Q While you were in Buchenwald Mr. Ackermann did you ever have occasion to hear of what was known as "Invalid Transports" or "Heaven Transports"?

A Yes.

Q What were these transports Mr. Ackermann?

A These transports were the unloading of prisoners who were unable to work.

Q How were these transports gotten together?

A These transports were gotten together in this manner: That the Labor Statistic, the Political Department and the camp physician received the order to organize transports.

Q After the order had been received to organize these transports, how were the names of the prisoners gotten together for these lists?

A The lists of names were first put together in the Labor Statistics. They were confirmed by the Political Department and then the camp physician took care of the final examination.

(Ackermann-direct)

Q How did the labor statistics get the names of prisoners

A The labor statistics use the detail leaders and the capos.

Q What part, if any, did the Labor Allocation or the Labor Service leaders play in the composition of these lists?

A The Labor Allocation Department got the names of all the prisoners who, in view of their physical condition, could not be considered anymore one hundred percent fit for work.

Q Under whose direction or under what department was the Labor Statistics Section?

A The Labor Statistics until approximately 1942 was under the supervision of the SS Captain Grime, First Lieutenant Grime.

Q How while you were there in Buchenwald did you ever work in the Pathological department?

A Yes from the end of 1939 until the 4th of January, 1944. I worked as the physician's clerk in the pathological department.

Q As a part of your duties as a physician's Clerk did you have occasion to make entries concerning the deaths of prisoners in Buchenwald?

A I made the records in regard to all corpses.

Q As a part of making these records concerning the corpses did you have occasion to make any entries concerning the causes of death?

A I was present at each post mortem and I had to make the post mortem report in accordance with the physicians dictations.

Q You say "in accordance with the physicians dictations". Were those dictations in accordance with the facts or not?

A Usually they were not confirming with the facts.

Q In what respect did they not conform to the facts Mr. Ackermann?

A For instance when a man was lying on the post mortem table and it was obvious that this man had received a death injection by Hector Biele, (Ackermann-direct)

then the physician, the doctor of the pathological department would say, "Death through heart and blood circulation troubles on account of lung tuberculosis."

Q What entries were made down there as the cause of death when persons who had been shot, but not fatally wounded, in the quarry or in other sections of the camp?

A Even when they had shot only at a man and he was not shot to death and he died later on through death injections the post mortem report said shot while trying to escape and the shot wounds were given as being in the back and in the front.

Q Where in fact were the shot wounds Mr. Ackermann?

A Very often the wounds were so small that after giving a small emergency bandage the prisoners could have continued to work.

PROSECUTION: No further questions.

PRESIDENT: The court will recess until 1:30.

(Whereupon the court recessed until 1:30.)

AFTERNOON SESSION

(Whereupon the court reconvened at 1330 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: May it please the court, let the record show that all the personnel of the court are present; all the personnel of the prosecution are present with the exception of Mr. Kunzig and Mr. Gurowitz who are absent on business of the prosecution; all the personnel of the defense are present with the exception of Captain Groth who is absent on business of the accused; all the accused are present with the exception of Hans Wolf who is absent. The interpreter and reporter are present.

The witness is reminded he is still under oath. If there are any spectators in the courtroom who expect to be called as witnesses in this case, they will please leave the courtroom.

DR. ABEIMER: Cross examination on behalf of the accused, Biele.

JOSEF ACKERMANN, called as a witness by the prosecution, resumed the stand and testified further through an interpreter as follows:

CROSS EXAMINATION

QUESTIONS BY DR. ABEIMER:

Q Director, what kind of a triangle were you wearing in Buchenwald?

A I was wearing a red triangle.

Q In Buchenwald did you find out anything about an illegal camp organization?

A Yes.

Q Did you belong to that illegal camp command?

A No.

Q Do you know one Dr. Egon who also was in Buchenwald?

A Yes.

(Ackermann-cross)

Q Did you hear about the fact that Dr. Kogon testified here that, depending on the status of the fight between red and green in camp, these particular prisoners would be eliminated?

A The way the question is put does not get to the point. It was not a fight existing between red ones and green ones but rather between decent and non decent prisoners.

Q What was the cause of death recorded for such prisoners who were eliminated in the course of this fight between decent and non decent prisoners?

A The SS doctor who would happen to be in charge of the Pathological Department would not know whether the dead body he had before him was a red or a green prisoner nor would he know whether this prisoner had been eliminated or injected by an SS doctor or by other prisoners, hence in all cases he would write "heart failure due to pneumonia".

Q Were the dissections not performed by prisoner physicians who had been admitted to medical practice?

A From the beginning until about 1943 dissections were performed only by SS doctors. Later, on by instruction of the camp physician, prisoners were also authorized and ordered to perform dissections.

Q Were all the dead bodies for whom the cause of death was stated in the record by the Pathological Department actually dissected?

A Until 1943 almost all the prisoners would be dissected, maybe up to ninety per cent of them.

Q In your opinion, from the mere fact that a wound of an injection is to be found on a dead body, can it be concluded that a deadly injection had been given or whether it had been a medicinal one?

Q Did you hear about the fact that Dr. Kogon testified here that, depending on the status of the fight between red and green in camp, these particular prisoners would be eliminated?

A The way the question is put does not get to the point. It was not a fight existing between red ones and green ones but rather between decent and non decent prisoners.

Q What was the cause of death recorded for such prisoners who were eliminated in the course of this fight between decent and non decent prisoners?

A The SS doctor who would happen to be in charge of the Pathological Department would not know whether the dead body he had before him was a red or a green prisoner nor would he know whether this prisoner had been eliminated or injected by an SS doctor or by other prisoners, hence in all cases he would write "heart failure due to pneumonia".

Q Were the dissections not performed by prisoner physicians who had been admitted to medical practise?

A From the beginning until about 1943 dissections were performed only by SS doctors. Later on by instruction of the camp physician, prisoners were also authorized and ordered to perform dissections.

Q Were all the dead bodies for whom the cause of death was stated in the record by the Pathological Department actually dissected?

A Until 1943 almost all the prisoners would be dissected, maybe up to ninety per cent of them.

Q In your opinion, from the mere fact that a wound of an injection is to be found on a dead body, can it be concluded that a deadly injection had been given or whether it had been a medicinal one?

A He, that cannot be concluded solely from the wound of an injection but it can be concluded from the symptoms that can be found on a body that had been injected to death.

Q What symptoms are you talking about?

A I am talking about the external appearance. In the first place the fixation of the eyes is of a very special intent nature. Furthermore, the heart is contracted spasmodically and furthermore, if a body, a dead body is in a fairly good state of nutrition and none of the organs of the body show any injury or disease but the heart shows that spasmodical contractions have taken place, then it can be concluded that a deadly injection has been administered. I'd like to add one more thing -- the SS doctor, Hans Mueller, who was in charge of the Pathological Department in 1941 would talk to me quite openly when dead bodies who had been injected were sent to the Pathological Department. He would ask me, "What should we put down for a cause of death?" Upon that I would answer, "The injection of Dr. Eisele." Upon that Dr. Mueller said, "That is true and correct all right but we can't put that down." "In that case," I said, "we'll put heart failure due to pneumonia."

Q Dr. Ackermann, did you study medicine?

A No.

Q Could you tell by the looks of a body that had been injected that it had been injected by Dr. Eisele?

A That, of course, you cannot say but if only one SS doctor is present and his name happens to be Dr. Eisele, then you can assume that the body had been injected by him.

Q Did you know a man named Dr. Eoven when you were in Buchenwald?

A I knew him.

(Ackermann-cross)

ta 194 Bu wfj/4

Q When was Dr. Hoven in Buchenwald?

A Dr. Hoven, I believe, was camp physician until 1943 or thereabouts. He came to Buchenwald, if I am not mistaken, in 1941.

Q And when was Dr. Eisele in Buchenwald?

A Dr. Eisele was in Buchenwald until about 1942.

Q Beginning when, please?

A Since 1941, I think.

Q Can you state the date of his arrival in Buchenwald with greater precision?

A I cannot give the date but I do remember very well that at the time of his arrival a fundamental change took place in the hospital.

Q How long was Dr. Eisele working in the Buchenwald Camp?

A To my estimate, at least one year.

Q Is it not a fact that Dr. Eisele did not work in Camp for more than two and a half months?

A That comes as a surprise to me.

Q I mentioned Dr. Hoven a while ago. Is it not a fact that Dr. Hoven was the first camp physician and that at the same time Dr. Eisele was in Buchenwald?

A Yes.

Q Did you hear about the fact that Dr. Hoven is standing trial in Nuernberg?

A Yes.

Q Was Dr. Hoven Dr. Eisele's superior?

A Yes.

Q So Dr. Eisele was working under Dr. Hoven, is that right?

A Yes.

(Ackermann-cross)

Q Did you not hear about the fact that Dr. Haven himself testified in Nuernberg that he was performing the so-called Euthanasia in Buchenwald?

A I did not hear about that.

DR. ACKERMANN: No further questions.

CAPTAIN LEWIS: Cross examination on behalf of the accused, I see.

CROSS EXAMINATION (continued)

QUESTIONS BY CAPTAIN LEWIS:

Q Mr. Ackermann, you testified you worked in the Pathology for approximately four or five years. During your time there did you have occasion to see any tattooed skins?

A Yes.

Q Isn't it a fact that Dr. Mueller was writing a medical treatise on tattooed skin at that time?

A Not Dr. Mueller, Dr. Wagner was writing a paper.

Q And isn't it a fact that he was collecting these samples of tattooed skin for the paper he was writing?

PROSECUTION: I object to this line of questioning as exceeding the scope of cross examination, may it please the court. We did not go into any activities of pathology other than the entrance of the death record.

PRESIDENT: Objection sustained.

CAPTAIN LEWIS: No further questions.

DEFENSE COUNSEL: No further cross examination.

PRESIDENT: Anything further by the prosecution?

PROSECUTION: One question.

REDIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q You stated there was a fundamental change which took place in the hospital during Eisele's time. What was that fundamental change?

(Ackermann-redirect)

A The fundamental change consisted of a severe policy being entered in the hospital. For instance, Dr. Eisele would issue the order that Jews were no longer to be treated. We had to bandage Jews secretly in our Pathological Department. Further, Dr. Eisele would go through the various details in camp and would pick out prisoners, which prisoners would usually die very soon thereafter.

Q Was there any difference in the number of deaths during the period of time that Eisele was there present at Buchenwald among the prisoners and the time when Eisele was not present there at Buchenwald?

A Yes, there was a striking difference. One example -- for instance there would be no dead bodies coming in one day instead of twenty or thirty as usual, only two or three would come. I asked the SS Dr. Mueller, "Did Dr. Eisele perhaps break his syringe?" Dr. Mueller answered, "No, he just got a furlough for a few days."

Q Who just got a furlough for a few days?

A Dr. Eisele.

PROSECUTION: No further questions.

DR. ANSELMER: Recross for Dr. Eisele.

RECROSS EXAMINATION

QUESTIONS BY DR. ANSELMER:

Q What is the first name of this Dr. Mueller?

A Dr. Hans Mueller, 1st Lt. of the SS.

Q Do you know where he is now?

A Unfortunately, no.

Q Did you ever, with your own eyes, see Dr. Eisele pick somebody out of a block?

A I saw with my own eyes that Dr. Eisele went to a work detail that was a sock mending detail, writing down the numbers of prisoners there and ordering them to report to the hospital.

Q Did you hear anything about a tuberculosis block in Buchenwald?

A Yes.

Q When was this tuberculosis block founded?

A It was founded in 1942.

Q Where was that block located?

A That block was first located in Block 46 and was later on moved to a side building of the hospital in the hospital area.

Q Was the name before this block where the tuberculosis patients were lying "Auf der Alm"?

A Yes.

Q Was this tuberculosis block founded before or after Dr. Eisele's time?

A This tuberculosis block was founded after Dr. Eisele's time.

Q Is it not a fact that it was during Dr. Eisele's time that all of the tuberculosis patients were examined for acute tuberculosis?

A I can't say today. At any rate, the tuberculosis station was not due to Dr. Eisele's initiative but due to the initiative of certain prisoners.

Q During the time that Dr. Eisele was in Buchenwald were there not some tuberculosis patient prisoners already in this block, Auf der Alm?

A It is possible that there were some tuberculosis patients lying in that block by then but the tuberculosis block practice as far as I know was founded there only after Dr. Eisele.

Q Are you quite sure or might you perhaps be making a mistake in your timing?

A I have given the best of my recollection but it is entirely possible that I may be making a mistake in my time.

(Aekersmann-recross)

Q On redirect examination, Doctor, you said that Dr. Eisele had issued an order that Jews were not to be treated in the hospital. Did you yourself see that order?

A The Pathological Department was under the hospital administration and was, therefore, in very close contact with the hospital and one day it was officially announced there by order of Dr. Eisele that Jews would no longer be treated in the hospital and also Jews would no longer be admitted into the hospital. The prisoners in charge there stated that those were the order from Dr. Eisele.

Q So you never saw a written order from Dr. Eisele to that effect nor did you hear Dr. Eisele give that order verbally?

A Such orders were given verbally by Dr. Eisele and never reduced to writing.

Q So, if I understand you correctly, Dr. Ackermann, no Jews were ever treated in the hospital during the time Dr. Eisele was there, is that right?

A No, there was a time limit to this prohibition. It was issued several times. The first time it was for six weeks, that Jews were not to be treated in the hospital and later on they were permitted to come in again.

Q Why did you not say before in redirect examination by the prosecutor, that there was a time limit?

A That perhaps was an omission on my part but certainly what I said did not cause anyone to draw the conclusion that there was a basic permanent order for Jews not to be treated. Occasionally Eisele would issue an order that from time to time Jews were not to be treated.

Q As a matter of fact, did Dr. Eisele have any power of command at all in view of the fact that Dr. Heven was the first camp physician?

(Ackermann-recross)

A During the time that Dr. Eisele was camp physician in camp, the first physician, Dr. Heven, was performing his duties in a very perfunctory manner and would usually be on trips to his paracours.

Q Director Ackermann, did you read the book of Dr. Kogon, "The SS State?"

A Yes, I was off limits to him for weeks.

Q Do you personally or by name know a Dutch Jew named Max Hebig?

PROSECUTION: I object to this as being immaterial and irrelevant.

DR. ANHEIMER: My next question will show that this is very material in view of what the witness stated in redirect examination.

PRESIDENT: Objection overruled.

THE WITNESS: I don't know the name of the Jew, Max Hebig. It is possible I did know him but the name doesn't sound familiar today.

QUESTIONS BY DR. ANHEIMER:

Q Did you read in Dr. Kogon's book that Dr. Eisele himself performed a stomach resection on Max Hebig?

PROSECUTION: May it please the court, it is utterly immaterial and irrelevant whether this witness read Dr. Kogon's book or did not read it.

LAW MEMBER: Are you making an objection?

PROSECUTION: Yes, I object on the grounds it is immaterial.

PRESIDENT: Objection sustained.

QUESTIONS BY DR. ANHEIMER:

Q Is it not a fact that Dr. Eisele performed a stomach operation on this Jew, Max Hebig, in the Camp Buchenwald hospital?

A I can't tell, it is entirely possible that Dr. Eisele was doctoring around this Jew, Max Hebig. He was using many persons for the improvement of his rather inexperienced medical skills.

(Ackermann-recross)

Q How do you know he made experiments, as you put it?

A Because we repeatedly received dead bodies upon which Dr. Eisele had performed experimental operations.

Q So Jews were treated in the hospital after all?

A I didn't say that. All I said was that for certain periods of time the hospital was off limits to Jews for weeks.

DR. ANHEIMER: That is all.

PROSECUTION: No further questions.

PRESIDENT: No questions by the court. The witness is excused.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: Request this witness be excused from further attendance at this trial.

DEFENSE COUNSEL: He lives in Munich, I don't want to excuse him from the trial, but I don't want to keep him in Dachau.

PROSECUTION: Prosecution calls as its next witness, Hermann Obenauer.

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

DIRECT EXAMINATION

QUESTIONS BY MR. RUMZIG:

Q Will you state your name, please?

A Hermann Obenauer.

Q Your address?

A Klein-Rosenburg 49.

Q Your age, Mr. Obenauer, please?

A Forty-five years old.

Q Your nationality?

A German.

(Obenauer-direct)

ta 194 Bu wfj/11

Q And your profession or business, please?

A White collar worker.

Q Were you ever a prisoner at any time at Concentration Camp
Buchenwald?

A Yes.

Q During what time?

A From the 7th of October 1939 until the 20th of September 1942 and
from the 21st of October 1943 until the liberation.

Q While you were at Buchenwald, Mr. Obenauer, did you ever know a
man by the name of Dr. Eisele?

A Yes.

Q Do you recall any specific instance concerning this man, Dr.
Eisele in the year of 1941?

A Yes.

Q Would you describe that to the court?

A After November 1939 I was a male nurse in the prisoners' hospital.
About the end of February or perhaps March 1941 one Dr. Eisele came to the
hospital.

Q What did you see Dr. Eisele do?

A Dr. Eisele attracted our attention due to the fact that he had
what you might call a particular weakness for the operating knife.

Q Did you ever see him perform an operation, Mr. Obenauer?

A Yes.

Q Will you describe an operation, please?

A After seeing three other SS doctors operate in the SS hospital --
their names were Sahel, Dr. Blies and Dr. Kceberich -- I noticed in the
manner of operating of Dr. Eisele that he would start out by making the cuts
very large in comparison.

(Obenauer-direct)

Q Will you describe any specific operation ~~conducted~~ therefrom?

A Dr. Bisele would first pick up all camp inmates who were suffering from hernia. These prisoners would be ordered to the prisoners' hospital through the medical clerk. There they would be told by Dr. Bisele, "You cannot expect any light work or any convalescent period if you will not permit yourself to be operated upon for hernia."

I remember one forty-nine year old Polish owner of an estate named Pzedpelski. I think that is the correct spelling. I wrote that name every day for almost two weeks, that is why I remember it so well. This prisoner was sent to me in sickroom No. 5 and was to be prepared for an operation. The man asked me tearfully to release him but I was not permitted to do so because Dr. Bisele had ordered him in for an operation. The physical condition of this prisoner was very much weakened. Nevertheless, he was operated on the next day and twelve or fourteen days later he had died.

I remember a Pole who had on his lower leg an infection of the veins of very great proportions. These veins were treated in the prisoners' hospital at first together with Dr. Bisele, with injections. Dr. Bisele was the first doctor in Camp Buchenwald who treated these veins by removing the entire vein from the lower part of the leg from the top to the bottom from the feet.

Q What happened to this prisoner, Mr. Obenauer?

A During the operation even you could tell that this prisoner had his whole leg infected with phlegmonlike infections. After a few days which this prisoner had spent in the hospital and during which time the leg had become very severely infected, Dr. Bisele decided upon amputation of the lower part of the leg and I remember that this prisoner died a short time -- no, that this prisoner died several days after the amputation of this leg.

(Obenauer-direct)

*Lipinski
ally*

*Lipinski
69
J
P*

*Rauing =
Wron*

Q Mr. Obenauer, did you ever see Dr. Bisele give injections to prisoners?

A Yes.

Q Would you describe these injections and the results therefrom?

A One morning I was in the operating room in order to bandage some of my patients, with Dr. Bisele who had come in from the office. I entered the operating room and there were several prisoners outside waiting in the room. They were called into the operating room one by one.

Q What happened to these prisoners when they came in one by one?

A These prisoners, and they were, as you could tell from the personal belongings which remained lying outside in the waiting room, Poles and Jews, these prisoners had to lie down on the operating table and Dr. Bisele took a glass container out of one of the pockets of his doctor's coat. He put the contents of this into a syringe and gave the prisoner who was lying on the operating table an intra venous injection and about half a second later death would occur.

Q Mr. Obenauer, were you present in Buchenwald on the 25th of April 1945?

A Yes.

Q Who was the commanding officer of Buchenwald at that time?

A Hoyer.

Q To your recall, was Hoyer in command on the 25th of April 1945?

A Yes, I remember that very distinctly. I well remember that shortly after midnight the commandant suddenly put his finger to his lips and said "shh" and the lights went out. I remember that he was the commandant and he was very nervous that he would go to the directions he would give.

(Obenauer-direct)

Tk # 105 -srh-5/9
Buch-1
Buch-2

Q How many prisoners did you see Dr. Eisele treat in this fashion?

A I myself on one morning had to help carry seven such dead prisoners out of the operating room and drive them into the bathroom.

Q Did you see Dr. Eisele inject each one of the seven prisoners?

A Every single one of those seven prisoners.

Q Did you see that with your own eyes, Mr. Obenaus?

A I saw that with my own eyes and I had to help cart them out.

Q As far as you are able to do so, will you please give us the physical condition of these men before they were injected by Dr. Eisele?

A I remember that they were men who did not have a look as if they were about to die soon.

Q Were they very sick or can you give any further description?

A If they were sick then they certainly were in a very minor way because these persons took their own clothes off and they climbed up the operating table without any help from anybody.

Q Mr. Obenaus, were you present in Buchenwald on the 8th of April 1945?

A Yes.

Q Who was the commanding officer of Buchenwald at that time?

A Pister.

Q Do you recall any specific occurrence on the 8th of April involving the commanding officer Pister?

A Yes, I remember that day particularly well because that morning about ten o'clock the commandant suddenly had his voice booming from the radio or from the P.A. system, that is. I knew that he was the commandant because every time that he would go to the microphone he would say,

(Obenaus-Direct)

"Here is the camp commandant speaking."

Q What did Pister say over the microphone on this occasion?

A Pister bid the whole camp to fall out on the formation square for evacuation.

Q Did the people come out?

A The prisoners, who on account of the transports, had been coming in, realized that any evacuation would probably be tantamount to death and had made up their minds not to obey any order for evacuation.

Q Did Pister then speak again over the loud speaker?

A Pister then had the camp oldest, Hans Bitas called over to him and told him that the prisoners would first receive their lunch and then would have to fall out in a group on the formation square. Instead of the expected lunch, the gates suddenly opened and the SS came in and fell in on the formation square, wearing steel helmets, carrying rifles, machine pistols and all kinds of weapons.

Q Did Pister speak again over the loud speaker system?

A Pister had stated before the time that he called the SS into camp, "If the prisoners will not fall out on the formation square voluntarily I shall order the SS to come into camp with armed force."

Q After the SS came into the camp as you just described, what happened?

A Some non-coms, I think four of them, first ran into Block 14. There they beat the prisoners in such a manner that they jumped out the windows in order to save themselves from being beaten by the SS. After this block had been cleared out and after this block was out on the camp street, the prisoners decided to disperse again in the camp and that was the occasion when the first shots were fired by the SS. There were four cases of death on that Sunday.

Q Mr. Obenauer, during this period at the end of your confinement in Buchenwald, did you ever hear of a man by the name of Waldeck?

A I frequently heard about Waldeck but I never saw the man.

Q Would you describe to the court, Mr. Obenauer, exactly what it was that you heard about Waldeck?

A At one meeting of the illegal camp command, of which I myself was a member -- I believe that meeting took place on the day before the public address of the camp commandant -- I think it was Saturday, the 7th -- in the course of that meeting we were told by the chief of the illegal camp command that in spite of the issuance of the order by the camp commandant Pieter, the camp would be evacuated for the reason that according to the intelligence system received by the prisoners illegal organization the Prince of Waldeck had given the camp commandant the order to evacuate the Camp Buchenwald in its entirety, with all its prisoners.

MR. KUNZIG: No further questions.

DEFENSE COUNSEL: I would like a short recess in place, please.

PRESIDENT: Recess in place.

(Thereupon a short recess in place was taken.)

(Thereupon court reconvened.)

PRESIDENT: Court will come to order.

DEFENSE COUNSEL: Dr. Aherner.

DR. AHERNER: Cross examination on behalf of the accused Dr.

Eisele.

CROSS EXAMINATION

QUESTIONS BY DR. AHERNER:

Q Mr. Obenauer, on direct examination you were talking about the operation of a Polish estate owner whose name you spelled for us. Is it not a fact that this man was suffering from severe rupture of the testicles and that his whole intestine had already penetrated the testicles?

(Obenauer-Cross)

A No, this Pole had a so-called hydrocele.

Q Did you ever have any medical training?

A I am a layman.

Q Is it not a fact that after the operation had succeeded, part of the treatment of this Pole was up to the hospital capo Kraemer?

A This particular Pole was treated only by Dr. Eisele. In fact, Dr. Eisele had even taken pictures, photographic pictures of the success of that operation.

Q Is it not a fact that Kraemer constantly interfered with the subsequent treatment of that Pole?

A Dr. Eisele would never tolerate anybody on his side and even towards the other doctors he would always vigorously give orders as to what he himself was doing.

Q Who at that time was the chief camp physician?

A I don't exactly remember whether it was Dr. Bliss or Koerberich.

Q In that case these two doctors would have been the superiors of Dr. Eisele, would they not?

A I did not investigate the relationships of superiors and inferiors within the SS.

Q Had you never heard the name of Dr. Hoven while you were working in the Buchenwald hospital?

A Yes.

Q Was Dr. Hoven not the superior of Dr. Eisele since Hoven was the first camp physician?

A As far as I remember, at the time of Dr. Eisele, Dr. Hoven was still the doctor for the troops and not the camp doctor.

Q Is it not a fact that Dr. Hoven had been in Buchenwald for a long time before Dr. Eisele ever got to Buchenwald?

(Obenauer-Cross)

A I don't know when Dr. Hoven and Dr. Eisele came to Buchenwald.

Q You mentioned operations for hernia, Mr. Obenaus. Is it not a fact that it is a demand even of health insurance companies that a person to be insured, even from hernia, is operated upon?

A In my opinion, in order to perform an operation the person to be operated upon has to agree to it.

Q But you do not know whether even health insurance companies demand operations of hernia?

A I cannot state anything concerning that.

Q To the best of your recollection, how long in all was it that Dr. Eisele was working in camp?

A I am now talking only about the time he spent in the prisoners hospital, -- that was from about the end of February or perhaps March, until approximately the beginning of September 1941, that is, about the beginning of fall, 1941, Dr. Eisele was no longer seen in the prisoners hospital.

Q Did you know one Dr. Jung in Buchenwald?

A I think the name sounds familiar.

Q How did this man look compared to Dr. Eisele?

A Dr. Eisele was such a man in the prisoners hospital that if you saw him once in your life you would never forget him, and I am sure that I shall never in my life be able to confuse Dr. Eisele with any other person in this world. Dr. Eisele is sitting over there. (Indicating)

MR. KUNZIG: Let the record show that the witness has properly identified the accused Dr. Eisele.

QUESTIONS BY DR. ARNHEIM:

Q What number is Dr. Eisele wearing?

A Dr. Eisele is wearing number 6 and he is sitting over there. (Indicating)

(Obenaus-Cross)

Q You were talking about an operation of a vein in February or March. Are you not confusing Dr. Eisele with Dr. Jung in that case? I will withdraw the question. Do you know one Dr. Blancke?

A I know that name too.

Q Was it not Dr. Blancke who performed this operation of a vein on a person's leg that you described on direct examination?

A With my eyes closed I could enumerate every one of the deeds for which Dr. Eisele and no other doctor is responsible.

Q Did you see Dr. Blancke operate?

A I don't remember exactly.

Q Did you see Dr. Jung operate?

A I did see Dr. Jung operate.

Q Is it not a fact that it was Dr. Jung particularly who was operating with long incisions?

A In that case they both were, but Dr. Eisele in particular was the man with a knife.

Q You mentioned seven prisoners who were injected by Dr. Eisele one day. Are you sure those prisoners were not ill?

A They could be suffering from an angina.

Q Are you sure these persons were not seriously ill?

A I am sure they were not seriously ill.

Q Had you seen these prisoners before?

A Since all these prisoners had to wait out in the waiting room and since we as male nurses had to look into the waiting room frequently, I would see these prisoners before they were injected and since a person who is seriously ill does not sit up and take off his

(Obenaus-Cross)

own clothes but rather would lie down and since such a person does not walk over to the operating table and put himself or lie down on top of the table by himself, these persons could not have been seriously ill, that is, not seriously ill enough so that you could imagine that they would have to say goodbye to their lives in the near future.

Q During the time that Dr. Eisele worked in the hospital, Dr. Obensauer, were Jews treated there too?

A Yes. The Jews to be usually treated there were the ones where the subsequent treatment by Dr. Eisele would take place, where he would complete the injection. Repeatedly Dr. Eisele would issue orders that Jews would be excluded for treatment for three or four or more weeks.

Q Was it not up to Dr. Hoven to issue that type of order?

A To me it was obvious that if Dr. Hoven issued orders for a certain thing that he too would be a man responsible for it, because particularly during the time of Dr. Eisele it occurred that the post physician would not be present for days.

DR. ANSWER: That is all.

DEFENSE COUNSEL: No further cross examination.

MR. KUNZIG: No further examination by the prosecution.

PRESIDENT: No questions by the court. The witness is excused.

MR. KUNZIG: May the witness be excused from further attendance at this trial to return to his home?

DEFENSE COUNSEL: Not from further attendance at this trial. He lives in the American Zone.

PRESIDENT: He may be excused subject to further call.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: Prosecution calls as its next witness, may it please the court, Mr. Kurt Lesser.

(Obensauer- cross)

KURT WILHELM LESSER, called as a witness for the prosecution, being first duly sworn, took the stand and testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

Q What is your full name, please, sir?

A Kurt Wilhelm Lesser.

Q Where do you live, Mr. Lesser?

A Miltenberg-on-the-Main.

Q What is your occupation or profession?

A Merchant.

Q Were you ever in Buchenwald Concentration Camp?

A Yes.

Q When did you first enter there as a prisoner?

A On the 23rd of September 1938.

Q How long did you remain there as a prisoner?

A Until the liberation, on the 11th of February 1945.

Q While you were there did you have occasion to know a man by the name of Hackmann?

A Yes.

Q Would you be able to recognize Hackmann if you were to see him in the courtroom today?

A I think I would.

Q Look around the courtroom and point him out if you see him.

A Number 10.

PROSECUTION: Let the record show, may it please the court, that the witness has identified the accused wearing number 10 as Hackmann.

(Lesser-Direct)

Tk 195-arh-May 9
Buch-9

QUESTIONS BY PROSECUTION: [unclear] was a [unclear].

Q What position did Hackmann hold there in the camp while you were there?

A The adjutant of the camp leader, of the camp commandant.

Q How did Hackmann treat the prisoners after September 1939?

A I know of only one actual incident, that was in the spring, when the first Frenchmen, the first Belgians were in camp. We came back from the stone quarry carrying the water kettles from the punishment company and we passed by the ordnance building where the latrine was located. The first two prisoners, Roger de Lhose and a Dutchman named Professor Thalus, or something, I don't know exactly, put their kettles down and went to the latrine. Suddenly Hackmann arrived from somewhere and started beating those two persons with a whip which he was always carrying.

Q To what extent did he beat these prisoners with a whip?

A He just kept beating very energetically. He just kept on beating.

Q What was the size of the whip that he was using at that time?

A About that long. (Indicating)

Q When you said "about that long", describe to the court in meters or centimeters the length of it.

A About one meter twenty.

Q What was it made of, if you know?

A I think leather strips sewn together or something.

Q Where were you at the time you saw this beating take place?

A I was just coming out of camp about twenty meters away.

Q What was the nationality of the prisoners that were beaten?

(Lessor-Direct)

(Lessor-Direct)

A delhose was a Belgian and Thalus was a Dutchman.

Q While you were a prisoner there did you ever have occasion to go to the pathology section?

A Yes, I worked as a disinfecter and I came to the pathology section two or three times a week.

Q LAW MEMBER: Mr. Denson, on this incident about Hackmann, will you fix the date?

PROSECUTION: Yes, sir.

QUESTIONS BY PROSECUTION:

Q Mr. Lesser, you testified concerning this incident with respect to Hackmann and the Belgian and the Frenchman. Will you give the court in your best judgment the approximate date when this incident took place?

A delhose and Thalus were the first foreigners who came to the punishment company after Holland and Belgium were occupied. I cannot give you the exact date. I was imprisoned for too long a time.

Q Approximately what was the year?

A 1941.

Q Do you remember when Germany moved into Belgium and into France?

CAPTAIN LEWIS: We object to that question as irrelevant.

An attempt is being made to impeach the witness who has clearly answered the question.

PROSECUTION: May it please the court, I believe he has given more than one date and I am attempting to clarify the approximate time that it took place by these questions. If I recall from his first testimony, he stated in the spring of a different year from what he has just said.

(Lesser-Direct)

PRESIDENT: Objection overruled.

THE WITNESS: I don't know. It must have been 1941.

QUESTIONS BY PROSECUTION:

Q I will ask you this question. How long was it after the German troops moved into Belgium and into France was it that these prisoners came to the punishment company at Buchenwald?

A About a month after the occupation.

Q When you went to the pathological section there at Buchenwald did you have an occasion to see any tattooed skin?

A Yes, quite frequently.

Q Did you ever know any prisoner whose skin you later saw there in the pathological section?

A Yes.

Q What was the name of that prisoner?

A Josef Collinette.

Q Did you know Josef Collinette in his lifetime?

A Yes.

Q What kind of tattoo did he have on him during his lifetime?

A He had a big boat on his back; he had his legs tattooed up to about here, about his knee, arms and the chest was full of tattoos as well.

Q When was the last time you saw Josef Collinette alive?

A I still saw him on Friday and the next week, on Thursday I saw the skin, in the pathological department with Josef Wegerer. He was the chief of the pathological department.

Q Do you know what the condition of Josef Collinette's health was at the time you saw him?

A He was very healthy. Might I remark something here?

Q Yes, what is it?

Tk 195-srh-Way 9
Buch-12

A One time Josef Collinette was called by Dr. Mueller to the hospital from the bath. I was quite surprised because this Dr. Mueller wanted to write a book about tattoos. Two days later I saw him standing up at the gate and he told me he had had to move out and a short time thereafter the skin was lying at Wegerer's place in the pathological department that I had last seen on Friday and on Thursday he was there.

Q Do you know what disposition was made of the skin of Josef Collinette?

A That was put on the lampshade where the leg was, on that leg.

PROSECUTION: No further questions.

PRESIDENT: Court will recess until three-thirty.

(Whereupon at 1500 hours the court recessed until 1530 hours.)

Ta 196, Buch
5/9, idb-1

(Whereupon the Court reconvened at 1530 hours.)

PRESIDENT: The Court will come to order.

PROSECUTION: May it please the Court, let the record show that all the personnel of the Court are present; all the personnel of the Prosecution are present with the exception of Mr. Surowitz, who is absent on business of the Prosecution; all the personnel of the Defense are present; and all the accused are present with the exception of Hans Wolf, who is absent. The witness is reminded that he is still under oath. If there are any spectators in the court room who expect to be called as witnesses, they will please leave the court room.

May it please the Court, the reporter who took the last session informed me that there was a misunderstanding with reference to the particular date of the liberation of the camp. I would like to ask one further question on direct examination as to that matter.

LAW MEMBER: Is that the one where the witness said "February"?

PROSECUTION: That is correct.

PRESIDENT: Permission granted.

KURT LEESER, 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

QUESTIONS BY THE PROSECUTION:

Q Mr. Leaser, what was the date that you were liberated from Buchenwald?

A On the 11th of April the Americans came, and on the 11th of May I was liberated from the camp.

(Leaser-Direct)

1717

T_B 196, Buch
5/9, 1db-2

Q And when you stated February before, you were in error, were you not, with respect to that date? As to the date of the liberation of the camp?

A I have papers which state we were liberated on the 11th of April and released from camp on the 8th of May.

PROSECUTION: No further questions.

CAPTAIN LEWIS: Cross examination on behalf of the accused Hackmann.

CROSS EXAMINATION

QUESTIONS BY CAPTAIN LEWIS:

Q Mr. Leaser, I want you to walk over and take another look at the man you have identified as Hackmann and tell me for certain if that is the man you saw in the Spring of 1941 in connection with the beating of two prisoners?

A Yes, you can't fix the year, is that right?

Q And as far as you can recall, that was in the Spring of 1941?

A Yes, is that correct?

Q You are also quite certain that these two prisoners were of Belgian and Dutch nationality, is that right?

A Yes, I was the table eldest, and they were sitting at my table in the punishment company.

Q Do you know what rank the accused Hackmann held at that time?

A No.

Q Did you notice whether or not he wore the braid of the adjutant of the camp?

A I don't know that.

(Leaser-Cross)
(Leaser-Cross)

1718
1719

Ta 196, Buch
1cb-3

Q If he had worn it, you would have seen it, isn't that
so?

A No, I didn't look for that. One always looked straight
ahead, because one was afraid to look at him.

Q Had you seen him before that?

A Yes, very often.

Q Had you seen him after that incident?

A Yes.

Q When was the next time you saw him in Buchenwald?

A I cannot state the date exactly.

Q Can you tell us what year?

A I only know that when I saw him for the last time he
was walking with the Camp Commander Koch arm in arm with him up
the street.

Q But you can't fix the year, is that right?

A No.

Q In any event, it was some time after this incident in
the Spring of 1941, is that correct?

A Yes.

Q How much after that?

A We had no conception of time in the camp. We didn't
have any Sundays or holidays. It was all the same for us.

CAPTAIN LEWIS: Cross examination on behalf of the
accused Koch.

QUESTIONS BY CAPTAIN LEWIS:

Q You testified about this incident with your friend
Josef. When did this happen?

(Leeser-Cross)

Ta 196, Bush
1db-4

A Shortly after Dr. Mueller had taken over the pathological.

Q Can you tell us what year that was in?

A I don't know that either.

Q You testified that you saw the skin of your friend.

Where did you see that skin?

A In the pathological department in the glass container
in which they were watered.

Q Did you see the lamp shade on which the skin was?

A Yes, five meters away.

Q Where was this? Also in the pathological department?

A Yes.

Q And you recognized the skin on the lamp shade as being
the skin of your friend, is that correct?

A Yes.

Q Can you tell me how large was this ship that your friend
had tattooed on his back?

A It was on top; you could only see the sides.

Q How large was this ship in size?

A There were flowers from the arms on the sides about
this big (indicating).

Q Can you tell us how big the ship was in centimeters?

A The width of the back of a normal man.

Q And how many centimeters would you say that was?

A I assume 40 centimeters.

Q How tall was it?

A Perhaps 35.

Q This ship covered the whole back of your friend, isn't
that so?

A The upper part of the back.

Ta 196, Buch
1db-5

Q And this lamp shade that you saw with the ship on it, also had a human leg on it, is that correct?

A Yes, the bones.

Q Do you remember how many masts this ship had?

A I only saw the ship on the back and not on the lamp later on.

Q Didn't you just testify that you saw the lamp shade with the ship on it?

A No, I stated that I saw the skin in that thing, but I stated that I saw the arm tattoos on the lamp shade.

Q So that you never saw a lamp shade with a ship on it, is that right?

A Since Dr. Mueller was in the room, and I was standing in the door, I could not go near it, because I was five meters away from it.

Q So you never saw a lamp shade with a ship on it, did you?

A Not the ship, only the arm tattoos.

CAPTAIN LEWIS: No further questions.

DEFENSE COUNSEL: No further cross examination.

PROSECUTION: No further questions.

PRESIDENT: No questions by the Court; the witness is excused.

PROSECUTION: May we ask that this witness be excused from further attendance at the trial, if it is agreeable with the Defense Counsel?

DEFENSE COUNSEL: Not from further attendance at the trial; only temporarily excused.

(Whereupon the witness was excused and withdrew.)

Ta 196, Buch
idt-6

PROSECUTION: The Prosecution calls as its next witness Robert Leibrand.

ROBERT LEIBRAND, called as a witness by the Prosecution, being first duly sworn, testified through an interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. SURONITZ:

Q What is your name, please?

A Robert Leibrand.

Q Your age?

A 46 years old.

Q Where do you live?

A Stuttgart.

Q And your nationality?

A German.

Q What is your present profession or occupation?

A Editor.

Q Editor of what?

A Of a magazine.

Q Were you ever a prisoner at Buchenwald?

A Yes.

Q From when to when?

A From September, 1939, until the liberation by the American troops.

Q Mr. Leibrand, what work did you do as a prisoner at Buchenwald, and what were the periods of time that you did such work?

A First I was in the carpenter shop; then I was sick for a period of time; then as of the beginning of 1943, I worked

(Leibrand-Direct)

Ta 196, Buch
10b-7

in the detail Gustloff works.

Q While you were in Buchenwald, did you get to know a man by the name of Zinecker?

A Yes.

Q What position did he hold at Buchenwald?

A He was labor service leader.

Q And during the time that you were at Buchenwald about how many times did you come in contact with this Zinecker?

A During the time while I was a clerk in the detail Gustloff works almost daily.

Q Did you on such occasions have an opportunity to observe his treatment of prisoners?

A Yes.

Q Tell the Court, please, Mr. Leibbrand, how did Zinecker treat prisoners?

A Zinecker was feared by the prisoners; he was very rough and mistreated prisoners very often.

Q When you say "mistreated them" just what do you mean?

A He beat them.

Q With what?

A Very often he had a stick--at times, also with blows from his fist.

Q When he hit them with a stick, what was the size, approximately of that stick?

A It might have been a meter, a meter twenty.

Q And how severely did he beat these prisoners when he beat them with a stick or with his fist?

A I cannot recall any specific cases any more, because I saw many cases, but at one time I recall a case where he beat a
(Leibbrand-Direct)

Ta 196, Buch
1db-8

prisoner until a prisoner bled. I could observe it very closely because I was standing close by. I took that prisoner down to the medic on the work detail.

Q In general, what were the nationalities of the prisoners beaten by Zinecker either with a stick or with his fist?

A Those were prisoners of all nationalities. In the last case which I have related he was a Frenchman.

Q Approximately during what period of time did these beatings take place?

A Mainly in 1944.

Q Can you describe to the Court, if you have any recollection of it, the approximate months that such beatings occurred?

A No.

Q In what part of the camp did such beatings occur?

A At the gate.

Q Do you know why these prisoners were beaten by Zinecker?

A He had all kinds of reasons--for instance, when, in his opinion prisoners were not marching out of the gate in good order, or unless prisoners did not take down their caps fast enough, or if they couldn't get to their details fast enough. In the case which I have related, prisoners were needed in the Gustloff works from the Gustloff detail to perform a certain kind of work. Prisoners were called by the communication system, and this Frenchman evidently didn't come fast enough.

Q In this specific instance of this prisoner's being beaten by Zinecker, how far were you from Zinecker and the prisoner when this instance occurred?

(Leibrand-Direct)

Ta 196, Buch
1cb-9

A Perhaps five meters.

Q And in general how far were you from the beating incidents in which Zinecker was involved when they did occur?

A That varied, but often in the proximity of 10 to 15 meters.

Q If you saw Zinecker in the court room today, do you think you could recognize him?

A I think so.

Q Take a look around in the court room, please, and show to the Court the man you knew at Bucherwald as Zinecker?

A Number 31.

MR. SUBOWITZ: Let the record show, may it please the Court, that the witness had correctly identified the accused Zinecker. The prosecution has no further questions.

DEFENSE COUNSEL: No cross examination.

PRESIDENT: No questions by the Court. The witness is excused.

MR. SUBOWITZ: May the witness be excused from further attendance at the trial?

DEFENSE COUNSEL: No objections.

PRESIDENT: He may be.

(Whereupon the witness was excused and withdrew.)

PROSECUTION: The Prosecution calls as its next witness, may it please the Court, Er. Eric Kather.

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

DIRECT EXAMINATION

QUESTIONS BY MR. SUBOWITZ:

Q State your name, please.

(Kather-Direct)

1725

Ta 196, Buch
1db-10

A Eric Kather. an incident involving at the park of

Q When were you born while the prisoners were filled out?

A 13 July 1908. on that incident.

Q What is your usual residence?
A Goettinger.

Q What is your nationality, please?
A German.

Q And your profession?

A Physician.

Q Were you ever on duty at Buchenwald Concentration Camp,
doctor?
A Yes.

Q In what capacity did you serve at Buchenwald?
A PRESIDENT: Was he an inmate of the camp?

MR. SUROWITZ: Yes, sir. Does the Court desire to
advise him of his rights?

A PRESIDENT: At this time I desire to inform the witness
that he does not have to answer any question that would tend to
incriminate him. Proceed.

WITNESS: I was in Buchenwald twice. During the first
14 days I served in the prisoners' hospital; and for the other
five months I was in charge of the medical welfare of the troops.

QUESTIONS BY MR. SUROWITZ: This second period, doctor, from when to when was it?

A From 30 October 1944 until 11 April 1945.

Q Then you were in Buchenwald on the 10th of April, 1945,
weren't you?

A Yes.

(Kather-Direct)

1726

72-177-1a 196, Buch
1db-11

Q Do you recall an incident occurring at the gate of Buchenwald Concentration Camp while the prisoners were filing out?

A I would like to ask what incident.

Q Did you ever notice any mistreatment at that time and at that place of any prisoners?

A As I recall it, I saw two instances whereby prisoners were beaten. That was during the time they left the camp.

Q Well, how were they beaten?

A As far as I can recall it, with a stick.

Q Who beat them?

A I didn't know the man, and I wouldn't be able to recognize him again. He was a non-commissioned officer.

Q Did the prisoner beaten fall on the floor, or did he remain upright, or what?

A These prisoners remained standing.

Q What time of the day was this?

A Approximately 12:30.

Q Did you notice whether the Camp Commander Pister was there?

A During that time he stayed there.

Q Do you know whether Waldeck was there?

A Yes.

Q Was he standing there together with Pister at that time at that place?

CAPTAIN BROTH: If the Court please, the question is leading--a very suggestive question and not to be permitted.

PRESIDENT: Objection sustained.

(Kather-cries)

(Kather-Direct)

Q Was he standing there together with Pister at that time and that place?

CAPTAIN GROTH: If it please the court the question is leading and not to be permitted.

PRESIDENT: Objection sustained.
Q How far were Waldeck and Pister from this incident that you have just described?

A It could have been approximately 15 to 20 meters.

Q About how many prisoners were marching out of the gate at that time?

A As far as I can remember they came out of the gate individually in a single file.

Q How far were you yourself from Waldeck and Pister at that time?

A I was standing on the other side. It might have been away a distance of 30 meters.

Q How long did you observe Waldeck and Pister as being there at that place?

A Perhaps five to ten minutes.

Q Then did you go away or did they go away?

A I don't recall anymore.

MR. SUBRITZ: No further questions.
DIRECTOR WACKER: Cross examination on behalf of the accused Pister.

CROSS EXAMINATION

QUESTIONS BY DIRECTOR WACKER:
Q Do you know whether Pister had anything to do with the beating of the non commissioned officer?

A No.

Q Did you see whether Pister observed it?

A I can't ascertain that.

(Kather-cross)

DOCTOR WACKER: No further questions.

DOCTOR AHRIMER: Cross examination on behalf of the accused Prince su Waldeck.

QUESTIONS BY DOCTOR AHRIMER:

Q Did you notice whether Prince Waldeck observed the beating of this prisoner?

A I cannot answer that question. I didn't speak to them about it and I don't know whether he noticed it.

DOCTOR AHRIMER: That is all.

REDIRECT EXAMINATION

QUESTIONS BY MR. SUROWITZ:

Q These prisoners were filing out of the gate at that time weren't they?

A Yes.

Q There were Waldeck and Pister looking at that time?

A As far as I can recall it they were conversing with each other.

MR. SUROWITZ: May it please the court, at this time the prosecution asks that the witness be declared a hostile witness on the basis of statements that he previously made to wit on the 12th of June, 1945--statements duly sworn to both in German and in English and a statement, furthermore, written in his own handwriting. I would like to cross examine the witness on the basis of the statements he made at that time with respect to this particular incident.

DOCTOR WACKER: I object to that. It is not the correct redirect examination.

MR. SUROWITZ: It is not intended as redirect. It is our intention to declare him as a hostile witness and as a hostile witness to declare him as a defense witness.

(Kather-redirect)

This is an SS Doctor who has made a statement two years ago. I can attempt to refresh his recollection by showing him a statement he wrote and then if that does not refresh his recollection at that point I request the right to denominate him as a hostile witness.

DEFENSE COUNSEL: The contention of the defense is that the prosecution has lost the opportunity to declare a hostile witness. It is to be done on direct examination and not on redirect examination.

MR. SUROWITZ: If it please the court, as a principle of law that is utterly incorrect. The prosecution never knows whether or not a witness will go back on the statements previously made until he does actually go back on them and at that point it has an opportunity to declare him as a hostile witness. As a matter of fact the inference which was left at the end of the direct examination was that both Waldeck and Piater witnessed such an incident described by the witness. However, cross examination made it appear that the witness himself controverts the inference which he created. Consequently, I respectfully submit to the court that the witness first should be requested to refresh his recollection with the statement written in his own handwriting and sworn to by him and secondly if at that time he states that it does not refresh his recollection he should be declared a hostile witness and deemed as such and cross examined by the prosecution on this particular incident.

DOCTOR WACKER: This questions should have been cleared by the prosecution from the beginning. It is not the fault of the defense that the prosecution has not done so. However, it is being objected to as not being the right redirect.

LAW MEMBER: You maintain that this witness made statements in writing or otherwise to the prosecution prior to his taking the witness stand.

MR. SUROWITZ: This witness, as maintained by the prosecution,

plc-197-4

made a statement in his own handwriting on the 12th of June, 1945, by
duly competent American authorities and that his statement was subscribed
and sworn to by the American authorities both in German and in English,
and it is furthermore stated that such a statement---

LAW MEMBER: On what date?

MR. SUDOWITZ: The 12th of June, 1945. Furthermore, it is stated
for the record that on an interview with the prosecution the witness stood
by the statement he had made two years ago, but now on the witness chair
he has absolutely contradicted the statement he made two years ago when
his recollection was certainly more fresh. Consequently, we couldn't
anticipate a hostile witness at that time.

LAW MEMBER: Subject to objection by any member of the court
the law member will make the ruling for the president.

The court considers this an impeachment on the part of the
prosecution. The objection of the defense is sustained.

QUESTIONS BY MR. SUDOWITZ:

Q I ask you Doctor Fether whether or not you made this statement
on the 12th of June, 1945 and whether your signature appears thereon.

CAPTAIN GROTH: That is objected to unless it is first submitted
to the defense counsel.

MR. SUDOWITZ: I show this document to the reporter and ask that
it be marked as prosecution exhibit for identification 33 and the English
translation thereof as 33-A for identification.

(The documents referred to were marked Prosecution
Exhibits 33 and 33-A for identification.)

QUESTIONS BY MR. SUDOWITZ:

Q Doctor Fether, is this your signature on prosecution exhibit for
identification 33?

A Yes.

(Fether-redirect)

Q Doctor Kather were all of these papers on prosecutions exhibit 33 for identification written by you in your handwriting?

A Yes.

Q Doctor Kather I ask you to read this paragraph on prosecutions exhibit for identification 33 (indicating) to your self.

DOCTOR AHNIMER: May it please the court, I object to this on the basis of the ruling which has been made before by the court and---

PRESIDENT: Chief defense counsel take up this matter and handle it and not have all the defense counsels on it.

MR. SUROWITZ: I maintain that the paragraph should be read by the witness to himself.

DEFENSE COUNSEL: May it please the court the defense objects to the witness reading this piece of paper on redirect examination. He has not shown any loss of memory. He has testified very positively concerning his knowledge of the incident and it is not proper to refresh his memory in order to contradict him.

LAW MEMBER: It is proper for the witness to read the paper. The court doesn't know what this paper is all about yet. We will make a ruling on the question that follows.

QUESTIONS BY MR. SUROWITZ:

Q Have you read that Doctor Kather?

A Yes.

Q Doctor Kather, after reading the paragraph that I have just shown you on prosecutions exhibit for identification 33, is your recollection refreshed concerning the incident which you have just described to the court?

DEFENSE COUNSEL: That question is objected to on the basis that the witness did not show any loss of memory over that incident and therefore it is not proper.

PRESIDENT: Objection sustained.

(Kather-redirect)

QUESTIONS BY MR. SOROWITZ:

Q Doctor Kather was your memory of the incident which you have previously described to the court better on the date that you made this document than it is today?

DEFENSE COUNSEL: Objected to on the basis that he is trying to impeach his own witness. That question has already been ruled on by the court.

PROSECUTION: May it please the court, I would like to be heard for just one moment. With respect to a witness having made a prior contradictory statement. It is perfectly permissible for the witness to be asked whether or not on such and such a date he made a statement which was inconsistent with his present testimony for the purpose of showing solely that he had made a previous inconsistent statement. Of course that statement cannot be used by the court to interpret the truth or falsity of the issues in the case, but for the purpose of showing that he did make that previously inconsistent statement.

LAW MEMBER: That is correct, but not with respect to your own witness.

PRESIDENT: Objection sustained.

MR. SOROWITZ: No further questions by the prosecution.

DEFENSE COUNSEL: No further questions by the defense.

PRESIDENT: No questions by the court, the witness is excused.

PROSECUTION: I hand the reporter a document and ask that it be marked prosecutions exhibit number 34 for identification.

(The document referred to was marked Prosecutions Exhibit 34 for identification.)

PROSECUTION: We offer in evidence, may it please the court, the signed sworn statement of the accused Edwin Marie Katzen-Ellenbogen which has been marked Prosecutions Exhibit Number 34 for identification.

DEFENSE COUNSEL: No objection.

PRESIDENT: Prosecutions Exhibit Number 34 for identification will be received in evidence and made a part of the record.

(The document heretofore marked Prosecutions Exhibit Number 34 for identification was received in evidence as Prosecutions Exhibit Number 34, is attached hereto, and made a part of the record.)

PROSECUTOR: We ask permission to read prosecutions Exhibit Number 34 to the court at this time.

PRESIDENT: Permission granted.

(Whereupon the prosecution read Prosecutions Exhibit Number 34, the English statement of the accused Edwin Marie Katzen-Ellebogen, into the record.)

(Whereupon the interpreter translated the aforementioned Exhibit into the German language.)

ACCUSED KATZEN-ELLENBOGEN: If it please the court, May I make a short statement?

PRESIDENT: At the proper time you can make a statement.

The court will recess until Monday morning at 0900.

(Whereupon at 1650 hours the court recessed.)