

27 January 1946

UNITED STATES )  
                  ) )  
                  v. ) Case No. 000-Buchenwald-2  
                  ) )  
Wilhelm HINDERER, et al. )

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, on 27 August 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Wilhelm HINDERER, a German National, and Josef POSTL, Austrian National, did, at or in the vicinity of Ludwigslust, Germany, in or about April 1945, wrongfully encourage, aid, abet and participate in the killing of an unknown non-German national, an inmate of Buchenwald Concentration Camp, who was then in the custody of the then German Reich.

III. DATA AS TO ACCUSED:

1. Wilhelm HINDERER

This accused was acquitted (R 63).

2. Josef POSTL

This accused was acquitted (R 63).

IV. SUMMARY OF EVIDENCE: On 11 April 1945, inmates left Camp Schoenebeck, an outcamp of Buchenwald Concentration Camp, on an evacuation march, and proceeded in the direction of Oranienburg. There were six to seven hundred inmates on the march and the accused served as guards on the march (R 9). On about 26 April 1945, when the column rested and some of the inmates were in a barn, the accused fired several pistol shots at an eggshell lying on the ground a short distance from the foundation wall of the barn. As a result of this pistol fire, an inmate, said to have been a Frenchman, was shot and killed (R 9-11, 22-24). Austria was a co-belligerent of Germany.

The Court had jurisdiction of the persons of the accused and of

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Age: 52  
Civilian Status: Country Inspector for Insurance Agency  
Party Status: Member Nazi Party from 1939  
Military Status: SS Master Sergeant  
Plea: NG Charge I; NG Charge II;  
NG Charge III  
Findings: G Charge I; G Charge II;  
G Charge III  
Sentence: 15 years, commencing 2 May 1945

Evidence for Prosecution: The accused offered a plea of guilty to all charges and particulars, except that he stated in Court that he did not know whether the inmates assaulted were non-German nationals (R 8). He admitted that he beat and kicked inmates (R 9). The Court refused to accept the plea of guilty and entered a plea of not guilty for the accused (R 11).

One witness stated in his Statement that the accused, an SS master sergeant and detail leader at Buchenwald Concentration Camp, together with SS Technical Sergeant Schmidt, carried out a reign of terror among inmates in the detail; that there was not a day that members of the detail were not mistreated with a thick club by Schmidt or with a knotted stick entwined with steel wire by the accused (R 28; P-Ex 9A). Another witness stated in his Statement that in the early winter months of 1944, the accused, a master sergeant and detail leader at the Gustloff Works, beat Russian, Belgian and French inmates viciously in the lavatory of hall 1 and that he saw the accused beating inmates in the jaws with his clenched fists (R 29; P-Ex 10A). A witness testified that the work place of the accused's detail was the construction site for railroad station Buchenwald, which was later on the Gustloff Works factory (R 20).

Defense witness Kramarz stated in his unsworn pretrial statement that he was an inmate of Buchenwald from March 1943 until April 1945 and that he knew the accused there as an SS noncommissioned officer and detail leader in the Gustloff Works factory (R 30; D-Ex 1A).

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the subject matter.

V. CONCLUSIONS:

It is recommended that the record of trial be filed in the records of this office and that a copy of this Review and Recommendations be forwarded to the Judge Advocate, European Command, for his information.

E. LLOYD MEYER  
Captain GMP  
Post Trial Branch

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

C. E. STRAIGHT  
Lieutenant Colonel, JAGD  
Deputy Judge Advocate  
for War Crimes