

10 December 1947

UNITED STATES)

v.)

Adam ANKENBRAND)

Case No. 000-Buchenwald-17

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, on 13 October 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Adam ANKENBRAND, a German national, did, at or in the vicinity of Weimar, Germany, in or about September 1944, 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.

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

Particulars: In that Adam ANKENBRAND, a German national, did, at or in the vicinity of Weimar, 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.

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

Particulars: In that Adam ANKENBRAND, a German national, did, at or in the vicinity of Weimar, Germany, in or about April 1945, wrongfully encourage, aid, abet and participate in the killing of approximately five non-German nationals, inmates of Buchenwald Concentration Camp, who were in the custody of the then German Reich, the exact names and numbers of such persons being unknown.

III. SUMMARY OF EVIDENCE: The incidents covered by Charges I through III will hereinafter be referred to as "incident number 1", "incident number 2", etc.

The accused, an SS technical sergeant, was in charge of one of the guard details at Camp Schlieben, a subcamp of Buchenwald Concentration Camp. The inmates of subcamp Schlieben worked in a nearby factory which manufactured antitank rockets. One night in the month of September 1944

an explosion occurred in the factory. The inmates of the subcamp were ordered by the guards to assemble in an adjoining field. While the inmates were lying on the ground, the accused deliberately shot and wounded one of them. Upon the latter's outcry, the accused shot and killed another inmate lying close by, incident number 1. In April 1945 during an inmate evacuation transport from subcamp Schlieben to Theresienstadt, an inmate left the train to search for food. The accused, one of the assistant transport leaders, shot and killed this inmate, incident number 2. There were cars in this same inmate evacuation transport which contained the bodies of inmates who had died of starvation during transport. While the transport was at a halt, a burial detail consisting of about 20 inmates was ordered to an adjoining forest to dig a mass grave to bury the bodies. While the detail was engaged in its work, five of the inmates walked off to pick grass to eat. The accused, who was one of the guards on this detail, shot and killed all five of them, incident number 3.

IV. EVIDENCE AND RECOMMENDATIONS:

Adam ANKNERLAND

Nationality:	German
Age:	59
Civilian Status:	Laborer
Party Status:	Unknown
Military Status:	Wehrmacht from 9 February 1942 to June 1944; Waffen SS from June 1944 to 8 April 1945; SS Technical Sergeant from 25 February 1945.
Plea:	NG, Charge I; NG, Charge II; NG, Charge III
Findings:	G, Charge I; G, Charge II; G, Charge III
Sentence:	Death by hanging

Evidence for Prosecution: The accused was an SS technical sergeant in charge of one of the guard details at Camp Schlieben, a subcamp of Buchenwald Concentration Camp. He had previous service as a guard at Mauthausen and Buchenwald Concentration Camps (R 8, 11, 70, 71; P-Ex 6).

Eye-witness Hufnagel, an inmate of Camp Schlieben, testified that the inmates of this camp worked in a nearby factory which manufactured anti-tank rockets (R 11, 12).

Incident No. 1. One night in September 1944 an explosion occurred in the factory. Hufnagel testified that, together with the other inmates in the camp, he went to an adjoining field which was placed under guard. The accused was a member of this guard detail (R 12, 13). While the inmates were lying on the ground, the accused deliberately shot and wounded one of them. Upon the latter's outcry, the accused shot and killed another inmate lying next to the witness (R 13, 19, 20, 29). The dead inmate was identified as a Polish Jew, one Klinger (R 14).

Incident No. 2. On or about 7 April 1945, because of the approach of the allied armies, an inmate evacuation transport left Camp Schlieben for Theresienstadt. The transport arrived at Theresienstadt about 20 April 1945 (R 54, 63, 67). During the transport the train was halted because of a bombing attack (R 32). The accused was an assistant transport leader on this transport (R 9; P-Ex 7A). Eye-witness Slama, an inmate evacuee on this transport, testified that the inmates were ordered out of the train and into a field at about 1400 hours. One of the inmates, who was from the same town in Poland as the witness and who rode in the same car with the witness, ran off to pick some grass to eat. The accused thereupon shot and killed him with a carbine from a distance of about 40 meters while the inmate was running (R 32, 33, 35). The dead inmate was identified as a Polish Jew, one Bernstein. The witness and two other inmates buried the victim within one hour after the killing. The burial took place in a small wooded area (R 32, 33). In his extrajudicial sworn statement, another inmate evacuee on this transport stated that the accused told the transport leader as to the shooting of an inmate that he had shot "the dog". However, this killing apparently took place at about 0700-0800 hours at a point at a considerable distance from the train (R 10; P-Ex 8A). The accused in his unsworn pretrial statement admitted killing a Polish Jew inmate during this particular transport but stated that he shot him "shortly before the end".

of a village while in the act of escaping (R 9; P-Ex 7A). Another inmate evacuee on this transport, one Kerschenberg, testified that he heard that the accused had shot an inmate who had gone for food (R 63-65).

Incident No. 3. The same inmate evacuation transport had cars which contained the bodies of inmates who had died during the transport. The deaths were caused by starvation and bad food (R 54, 55). Eye-witness Trieb, an inmate evacuee on this transport, testified that the transport came to a halt for a period of about four days (R 55). During this period the inmates were not fed (R 56). Sometime during this halt a burial detail of about 20 inmates including this witness, was ordered to go to the nearby woods and dig a mass grave for the purpose of burying the inmates who had died during the transport. The accused was one of the guards on this detail (R 41, 42). While the inmates were digging the mass grave, five of them walked off to pick grass to eat. They were about five meters from where the grave was being dug. The accused shot and killed them with a pistol. They were buried in the mass grave, together with the other inmates who had died during the transport. The five victims were identified as Hungarian and Polish Jews (R 42, 45, 50). Witness Kerschenberg, also an inmate evacuee on the same transport, testified that the two inmates who were selected from his car for the burial detail told him that the accused had shot and killed five men from this detail (R 59, 61). The killing of the five men from the burial detail occurred after the killing of the inmate involved in incident number 2 (R 64, 65). The witness further testified that the accused had a bad reputation for cruelty and brutality (R 61, 62).

A neuropsychiatric examination of the accused revealed that, although he was a neurotic, he was capable of distinguishing between right and wrong and of adhering to the right (R 74, 75; P-Ex 9).

Evidence for Defense: The accused testified that from February 1945 he was an SS technical sergeant in Camp Schlieben in charge of a guard detail (R 70, 71). Regarding incident number 1, he testified that he could not say with certainty whether he shot an inmate in the field in September

1944 (R 71). However, he further testified that the account of the shooting by the witness must have been true; otherwise, the latter would not have testified to its occurrence (R 72). He admitted killing an inmate near the village during the time the transport was halted, incident number 2 (R 72, 73). Concerning incident number 3, he admitted shooting people but could not remember the circumstances surrounding the same (R 73, 74). He further testified that because of his neurotic condition he is easily excited and becomes unconscious of his actions. He was treated twice in an institution for neurotics (R 72, 73).

Sufficiency of Evidence: The guilt of the accused as to the offenses alleged in Charges I and II is not satisfactorily established. His guilt is satisfactorily established as to the killings alleged in Charge III. The Court was warranted in concluding from the evidence adduced that the accused, irrespective of his neurotic condition, was capable of distinguishing between right and wrong both at the time of the offenses alleged and at the time of the trial and that he was able to aid in his own defense.

The findings of guilty as to Charge III are warranted by the evidence. The sentence is not excessive.

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

Recommendation: That the findings as to Charges I and II be disapproved and that the findings as to Charge III and the sentence be approved.

V. QUESTIONS OF LAW: It is clear that the Court had jurisdiction of the person of the accused and of the subject matter.

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

VI. CONCLUSIONS:

1. It is recommended that the findings as to Charges I and II be disapproved; that the findings as to Charge III and the sentence be approved.

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

DONALD DADAMIO
2nd Lt. Inf
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