

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

27 May 1947

UNITED STATES )

vs )

Case No. 000-50-2-18

Johann BATOHA, Ludwig BRUNNER, )  
Josef GEHRKE, Hans HAHN, )  
Herrmann MACK, Josef MATZE, )  
Fritz POHLERS, Adolf ROCKENMAYER )

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried jointly at Dachau, Germany  
Date: 15 November 1946  
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
BATOHA, Johann	Age 47 Austrian national SS Guard Rank: Unknown	2 years confinement from 27 April 1945
GEHRKE, Josef	Age 26 German national SS Guard Rank: Unknown	Acquitted
HAHN, Hans	Age 52 German national SS Guard Rank: Unknown	2 years 6 months confinement from 15 May 1945
MACK, Herrmann	Age 40 German national SS Guard Rank: Unknown	2 years confinement from 8 May 1945
MATZE, Josef	Age 46 German national SS Guard Rank: Unknown	Acquitted
POHLERS, Fritz	Age 46 German national SS Guard Rank: Corporal	2 years 6 months confinement from 2 May 1945
ROCKENMAYER, Adolf	Age 55 German national SS Guard Rank: Corporal	3 years 6 months confinement from 2 June, 1945

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



**PARTICULARS:** In that Johann BATOHA, Ludwig BRUNNER, Josef GEHRKE, Hans HAHN, Herrmann MACK, Josef MATRE, Fritz POHLERS, Adolf ROCKENMAYER, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at, or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, wilfully, deliberately and wrongfully participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, the exact names and numbers of such civilian nationals being unknown but aggregating many thousands who were then and there in the custody of the then German Reich in exercise of belligerent control.

	<u>Floas</u>	<u>Findings</u>
BATOHA	NG	G
BRUNNER	NG	Nol. Pro
GEHRKE	NG	NG
HAHN	NG	G
MACK	NG	G
MATRE	NG	NG
POHLERS	NG	G
ROCKENMAYER	NG	G

**SECOND CHARGE:** Violation of the Laws and Usages of War.

**PARTICULARS:** In that Johann BATOHA, Ludwig BRUNNER, Josef GEHRKE, Hans HAHN, Herrmann MACK, Josef MATRE, Fritz POHLERS, Adolf ROCKENMAYER, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding in the operation of the Dachau Concentration Camp, did, at or in the vicinity of DACHAU, Germany, between about 1 January 1942 and about 29 April 1945, wilfully, deliberately and wrongfully participate in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, the exact names and numbers of such prisoners of war being unknown but aggregating many hundreds.

BATOHA	NG	G
BRUNNER	NG	Nol. Pro
GEHRKE	NG	NG
HAHN	NG	G
MACK	NG	G
MATRE	NG	NG
POHLERS	NG	G
ROCKENMAYER	NG	G

2. RECOMMENDATIONS: That the findings and sentences be approved.

3. EVIDENCE:

For the Prosecution. The prosecution's case is based on extrajudicial sworn or certified testimony as hereinafter indicated. Exhibit P-1 is a certified copy of the charges, particulars, findings, and sentences in the parent Dachau Concentration Camp Case, US vs Weiss et al., 000-50-2, March 1946, hereinafter



judicial sworn or certified testimony of the accused introduced by the prosecution and a testimonial on behalf of accused ROCKENHAYER by one Michael Zimmerman (P-Ex 2-9, R 0-14, D-Ex 1, R 10).

Accused BATONA was taken over from the Wehrmacht to the Waffen SS in May 1944 and after a training period at Camp Dachau was transferred to outcamp Augsburg. He stayed there as a guard until 12 December 1944 except for an intermission from August to November 1944. From 12 December 1944 to 4 April 1945 he was stationed at outcamp Burgau. From 4 April 1945 to 20 April 1945 he was a guard at outcamp Tuerkheim (P-Ex 2, R 0).

In defense, BATONA claimed that he never saw prisoners being beaten or mistreated in any way in the outcamps of Camp Dachau. He stated that he never beat prisoners or reported them for punishment (P-Ex 2, R 0; R 530 Parent Case).

Accused HAHN volunteered for the Waffen SS on 28 December 1939. He served as a guard at Flossenburg Concentration Camp, Camp Dachau, and outcamps Radolfzell, Gendorf, Fischhorn, Muehlendorf and Reimer Flughafen. He also acted as guard on various outer details. For a period of time at outcamp Gendorf, K/Sgt Kirm (Kirm), who was sentenced to death in the Parent Case, was camp commander (P-Ex 119, R 036 Parent Case). T/Sgt. Josef Kirsch (Johann Viktor Kirsch), who was sentenced to death in the Parent Case, was detail leader on outer detail Mittagars working out of Camp Muehlendorf (P-Ex 109, R 042 Parent Case). Accused HAHN admits having seen Kirsch repeatedly beat two prisoners severely. HAHN did guard duty during March and April 1945 at Reimer Flughafen; the camp commandant was Franz Xaver Trenkle, who was sentenced to death in the Parent Case (P-Ex 92, R 789 Parent Case). At this camp, HAHN was supervisor of the guards. He was second in command of the third column on the prisoner march which left Riem airport 29 April 1945 and arrived at Bad Teulz on 1 May 1945. The entire prisoner march dissolved at this point. He admitted that during the march, many prisoners collapsed and were left on the side of the road without care.

In defense, HAHN denied ever beating prisoners or reporting them for punishment. It was stipulated and agreed by and between the prosecution, the accused, and the defense counsel that if Adolf Schlegel, a former prisoner at Camp



Dachau, were called as a witness on behalf of the accused and placed under oath, he would testify that he had known the accused in Camp Dachau and that he had, at no time, seen him mistreat any prisoners and that he knew of no mistreatment under his direction (P-Ex 5, R 10, 15).

Accused MACK was detailed from the Army to the SS drivers' school and on 30 September 1944 was taken into the Waffen SS. He served as a guard at Camp Dachau and at outcamp Kaufbeuren until 26 April 1945. In outcamp Kaufbeuren there were 560 prisoners of Russian, Polish, French and German nationalities who were engaged in armament work. On 26 or 28 April 1945, he served as guard on a prisoner march, consisting of 6,000 prisoners, from Camp Dachau to Valley Gatz. SS Captain (Major) Degelow, who was sentenced to death in the Parent Case, which sentence was later commuted to ten years' imprisonment at hard labor, was in charge of the prisoner march (P-Ex 98, R 809 Parent Case). In the beginning all of the prisoners were able to march. Later, however, they suffered from exhaustion. The prisoners who could no longer walk were picked up and taken to Koenigsdorf (P-Ex 6, R 11).

In Defense, MACK claimed that he never saw any prisoners beaten at Camp Dachau or at outcamp Kaufbeuren. He denied that prisoners were beaten, shot or died of exhaustion on the prisoner march at the time of the evacuation of Camp Dachau. He stated that he never beat prisoners or reported them for punishment (P-Ex 6, R 11). It was stipulated and agreed by and between the prosecution and the defense that if Karl Hildebrandt, a former prisoner at Dachau, were called as a witness he would testify that he knew of no mistreatment of any prisoners by accused nor of any mistreatment of prisoners under his direction. A further stipulation was entered into that if Arthur Preis were called as a witness, in his behalf, he would testify that he knew of no mistreatment of any prisoners under his direction (P-Ex 6, R 11, 16, 17).

Accused FOHLERS was drafted into the Waffen SS 18 November 1942. He was sent to Camp Dachau and acted as a guard from November 1942 to July 1943. He was a guard in charge of a detail consisting of 10, 12, or a maximum of 15 prisoners. He served as a guard at outcamps Friedrichshafen and Saulgau from June or July 1943 to 23 April 1945. At outcamp Friedrichshafen 800 to 900



the great hall for the zeppelins.

In defense, POHLERS stated that he never saw prisoners mistreated at any of the camps where he acted as guard (P-Ex 8, R 13).

Accused ROCKENMAYER was a member of the Nazi party and the regular SS since May 1933. On 1 September 1939, he was sent to Camp Dachau. He acted as a guard at Camp Dachau, Concentration Camp Mauthausen and its outcamp Gusen from September 1939 to July 1944 except for the period of March 1940 to 17 June 1943 when he was food ration supply man at Camp Dachau. He also acted as a guard at Ebensee (apparently a work detail) for months. In May 1944 he was in charge of the guards with several details within the camp. In July 1944, he was transferred to the motor pool at Camp Dachau as a driver and worked there until 28 April 1945 (P-Ex 9, R 14).

In defense, ROCKENMAYER stated that he had never beaten, kicked, or reported any prisoners for punishment and he never made use of his weapon (P-Ex 9, R 14). A sworn statement by Michael Zimmermann, dated 13 November 1946, stated that he knew ROCKENMAYER from autumn of 1940 until September 1944 and he knew him to be a decent person. He also stated that ROCKENMAYER procured food stuffs and tobacco for the inmates in his charge (D-Ex 1, R 18). It was stipulated and agreed by and between the prosecution, the accused, and the defense counsel that if Steffie de Rister were called as a witness she would testify that she knew of no mistreatment of the prisoners by the accused that, at times he got additional food for the prisoners and he allowed her to prepare the food for them (R 16).

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and of the offenses.

5. COMMENTS: Examination of the entire record fails to disclose any errors or omissions which resulted in injustice to the accused.

All of the convicted accused were, by their own admissions, members of the SS at Camp Dachau and/or its outcamps for considerable periods of time between the dates alleged (P-Ex 2-8, R 8-14).

The Court was required to take cognizance of the decision rendered in the parent Dachau Concentration Camp Case, including the findings of the



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

After weighing all the evidence the Court acquitted accused GEMME and MATHE (R 26).

Upon motion of the prosecution, the case against accused BRUNNER was Nolle Prosequi (R 25).

6. CLEMENCY: Petitions for Review, dated 24 January 1947, were filed on behalf of accused Johann BACHA, Hans HAHN, Hermann MACK, Fritz POHLERS, and Adolf ROCKENMAYER by assigned defense counsel Lieutenant Colonel J. L. Konloss, QMC. There are no Petitions for Clemency.

7. CONCLUSIONS:

- a. It is recommended that the findings and the sentences be approved.
- b. Legal Forms Nos. 13 and 16 to accomplish this result are attached heret should it meet with approval.

/s/ MURRAY J. ANDROVETIE  
Attorney  
Post Trial Branch

Having examined the record of trial, I concur.

/s/ C. E. STRAIGHT  
Colonel JAGD  
Deputy Judge Advocate  
for War Crimes