

DEPUTY JUDGE ADVOCATE'S OFFICE
 7708 WAR CRIMES GROUP
 EUROPEAN COMMAND
 APO 407

18 November 1947

UNITED STATES)
)
 v.)
)
 Bernhard SCHLARP)

Case No. 12-1790

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 7-8 August 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Bernhard SCHLARP, a German national, did, at or near ISSSEL, Germany, on or about 15 January 1945, wrongfully encourage, aid, abet and participate in the killing of four members of the United States Army, who were then and there captured and surrendered prisoners of war in the custody of the then German Reich.

III. DATA AS TO ACCUSED: This accused was acquitted (R 33).

IV. SUMMARY OF EVIDENCE: About the middle of January 1945, four American soldiers, who were prisoners of war, were shot and killed by members of the SD at Issel, Germany, and their bodies thrown into the Mosel River. Accused SCHLARP was 15 to 20 meters away from the scene at the time of the shooting. At the order of the SD man in charge, he dragged one of the dead bodies to the river bank (R 6, 7; P-32, 2a, 3a).

The Court had jurisdiction of the person of the accused and of 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.

V. E. McCLINTOCK
 Attorney
 Post Trial Branch

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

G. E. STRAIGHT
Lieutenant Colonel, JAGC
Deputy Judge Advocate
for War Crimes