

DEPUTY JUDGE ADVOCATE'S OFFICE  
7703 WAR CRIMES GROUP  
EUROPEAN COMMAND

9 August 1947

UNITED STATES )

v. )

Alois Hackert. )

Case No. 11-23

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 12 August.- 17 October 1946, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws of War.

PARTICULARS: In that Alois HACKERT, German soldier, 61d, at or near VALOGNES, France, on or about 12 June 1944, wilfully and wrongfully encourage, aid, abet and participate in the killing of two unknown members of the United States Army, who were then unarmed, surrendered prisoners of war in the custody of the then German Reich.

III. DATA AS TO ACCUSED:

1. ALOIS HACKERT

This accused was acquitted (R 184).

IV. SUMMARY OF EVIDENCE: On or about 14 June 1944, near Valognes, France, the accused, leading a squad, of which he was in command, met three German soldiers, who were escorting three American prisoners of war, under orders to conduct them to Valognes (R 47, 49, 57, 107, 132; P-Ex 1, pp 8, 17; P-Ex 3, Bassa, p. 1; P-Ex 3, Engstle, pp. 1, 2; P-Ex 13, p. 4; P-Ex 15, p. 1). Two witnesses testified under oath, extrajudicially, that the accused told the members of the escorting group, the commander of which may have been of higher rank than himself, not to take the prisoners to Valognes but to kill them (P-Ex 3, Bassa, pp. 3, 9; P-Ex 3, Engstle, pp. 3, 9). The testimony of one witness, who testified before the Court, and of one witness, who testified under oath, extrajudicially, tended to support the testimony, above mentioned, that the accused told the members of the escorting group to kill the prisoners but neither of these two witnesses testified directly to that effect (R 50, 55, 55, 67; P-Ex 13, p. 6). Immediately after the meeting between the squad, led by the accused, and the group escorting the prisoners, and subsequent conversation

prisoners a short distance from the place where the two groups had met. One of the prisoners escaped. (R 52, 53, 175; P-Ex 3, Bassa, pp 4, 5, 6; P-Ex 3, Engstle pp 3, 4, 5; P-Ex 13, pp 6, 7). The accused, in his unsworn testimony before the court, stated that he could not recall having told members of the party escorting the prisoners anything to the effect that they should kill the prisoners. He did not, in his unsworn testimony, unequivocally deny having made any such statement (R 132). In his sworn testimony, taken extrajudicially before his trial, the accused denied that he had told members of the escorting party to kill the prisoners (P-Ex 1, p. 15). 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.

RAYMOND J. HEILMAN  
Major, Infantry  
Post Trail Branch

Having examined the record of trial, I concur.

/s/ C. E. STRAIGHT (26 Sept 47)  
Lieutenant Colonel, JAGC  
Deputy Judge Advocate  
For War Crimes