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HEADQUARTERS
EUROPEAN COMMAND
Office of the Judge Advocate

Case No. 000-50-5-48
U.S. vs. Heinz Bollhorst

1 June 1951

Accused: Heinz BOLLHORST

REVIEW OF THE WAR CRIMES BRANCH, JUDGE ADVOCATE
DIVISION, HEADQUARTERS, EUROPEAN COMMAND
APO 403, U.S. ARMY

TO: THE WAR CRIMES MODIFICATION BOARD, EUROPEAN COMMAND, APO 403, U.S. ARMY

1. THE RECORD OF TRIAL BY GENERAL MILITARY GOVERNMENT COURT, LEGALLY CONSTITUTED FOR TRIAL OF WAR CRIMES CASES, of the following named accused, together with all petitions and supporting documents, filed by and in behalf of said accused subsequent to the trial, having been examined and reviewed by me as to whether or not any modification of the sentence of said accused as heretofore approved should be made, I submit herewith my review summary, as specially authorized in War Crimes cases.

2. SYNOPSIS OF THE RECORD

a. Personal Data:

BOLLHORST, Heinz, German, Male
(Last Name) (First Name) (Nationality) (Sex)

Tried at Lachau, Germany, on 26 September - 1 October 1947. Date of original confinement under charges: 8 May 1945. Present Age: 27. Married: Yes. Children: 2. Other dependents: Unknown. Employment record: Blacksmith. Education: Elementary. Religion: Unknown. Prior Convictions: Unknown. Reputation in home community: Unknown. Military Record: Waffen SS - Army ? to Sept. '41. To concentration camp Jan. '42. Guard, block leader 1 year; roll call leader 3 months; detail leader. Technical Sergeant. Nazi Party Record: None. Health: Has injured knee and rheumatism.

b. Sentence:

Sentence adjudged by Court: On 1 October 1947, sentenced to life imprisonment.
Recommendation of DJA/WC : On 18 February 1948, recommended approval of sentence to life imprisonment.
Recommendation of WCRB#2 : On 24 March 1948, recommended approval of sentence to life imprisonment.
Recommendation of JA : Not applicable.
Action of Review Authority: On 31 March 1948, approved sentence to life imprisonment.
Recommendation of subsequent WCR Board and Appraisals : None.
Present recommendation : Reduction of sentence to time served.

*NOTE: The name of the accused under consideration is capitalized wherever appearing in this review.

CLASSIFICATION CANCELLED

By authority of JAG hr
dtd 1/19/50.

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3. EVIDENCE

a. Concerning the Case Generally:

(1) The accused Heinz BOLLHORST was tried under the usual concentration camp "common design" Charge and Particulars alleging participation in the Mauthausen Concentration Camp mass atrocity during the period 1 January 1942 to 5 May 1945. The evidence in this case principally concerns events in the main Mauthausen Concentration Camp. The accused pleaded not guilty (R 7).

(2) No mention was made of the Parent Case nor was it introduced in this case.

b. Prosecution Evidence Concerning the Accused BOLLHORST:

(1) Prosecution witness Max Wassner testified that he was 41 years old, was at Mauthausen from 8 January 1939 until the liberation in 5 May 1945, as a political prisoner. He first became acquainted with Sergeant BOLLHORST in the beginning of 1943. Wassner worked in the dental station (R 9, 10). Witness saw accused beat one group of four inmates and another of six. BOLLHORST used a club and his hand in beating four inmates. The beating took place on the road outside of the dental station from which the witness was observing (R 11). The inmates were beaten to such an extent that they had to be carried to the camp on a stretcher. Wassner heard that they died later (R 12). In January 1944, witness saw BOLLHORST shoot six inmates on the road outside of the dental station. All were killed. In both instances, the events took place about three or four meters distant from the window where the witness was standing. The inmates were Poles, Czechs, and Russians (R 13). BOLLHORST carried a pistol (R 14). Wassner wore a red triangle on his uniform and that signified that he was a political prisoner (R 16). The first beating took place in December at about 9 or 10 o'clock of a morning in connection with a stone carrying detail (R 17). Witness' attention was attracted to the incident by the yelling of inmates outside. The inmates had broken down under the weight of heavy stones and then were shot (R 18). Present at the incident were other SS men, detail leaders and guards in addition to BOLLHORST. BOLLHORST wore a SS uniform with "something white on his epaulets with one star". The epaulets were worn on his shoulders (R 19). Sergeants wore stars on the shoulder and also had insignia on the front of their tunics and another star. The stone quarry where this detail worked was about three to four hundred meters away from camp. The SS men wore caps (R 20). The beating the witness saw lasted perhaps five minutes (R 21). "Several were beaten because the guards beat and the SS. I, myself, saw four men being beaten." The stone carrying detail consisted of a thousand to twelve hundred inmates with one detail leader and many guards assigned to it (R 22). Wassner was always in the dental station prior to the time when the stone carrying detail left the roll call place. The stone carrying detail used to pass his window fourteen to seventeen times daily (R 23). On the day of the shooting, witness' attention was called to the incident by the sound of shooting. "When we heard the first shots, it was not BOLLHORST who shot, but when we came to the window, we saw him shooting." The witness saw BOLLHORST pull his pistol from his pocket and shoot. BOLLHORST was about four meters away from the witness at the time (R 25). "The prisoners collapsed with the stones...prisoners collapsed with the stone and he couldn't get up again and they began to kick and beat him at first and then they began to shoot and then BOLLHORST came with his pistol and fired more shots." The SS persons wore stars on their chests with a black and white insignia and also had that insignia on their shoulders (R 26). The witness was not a capo "there were no capos, only with the large details were there capos". The witness was a foreman (R 27). In 1939, the witness became stateless because of a trial in Berlin. Defense counsel brought out that in a prior trial, the witness had testified that he wore a green triangle when he was in Mauthausen. In reference to this, the witness replied, "Yes, at that time we used to exchange our triangles because they used to kill people with green triangles first and then those with red ones so that we exchanged them amongst each other, but later on, I wore my proper triangle again" (R 28). Witness further testified that he wore a red triangle at the time of the incident with BOLLHORST, but the other time, he wore a green triangle. Witness admitted that in the prior trial he testified that he

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wore a green triangle all the time at Camp Mauthausen (R 31). Witness testified he didn't think he had said "the entire time" (R 32). Wassner worked as a dental technician and made teeth (R 33).

(2) Prosecution witness Wilhelm Ornstein testified that he was 32 years old, a stateless person; that he had been in Concentration Camp Mauthausen from 10 August 1944 until 5 May 1945 as a racial inmate (R 34). Witness met the accused on 19 August 1944 and knew him as a SS sergeant who was the roll call leader. Ornstein testified he had witnessed some 100 executions including shootings, hangings, and gassings. Persons in charge of these were Ziercis, Bachmeier, Schulz, and Altfuldisch and BOLLHORST participated. The first execution Ornstein saw was on 25 August 1944, when six Poles were hanged (R 35). BOLLHORST took away the "thing which the prisoners were standing on". The witness observed this from a small look-out window in a refrigerator room three to four meters distant. In March 1945, BOLLHORST participated in an execution and put the rope around the victim's neck. Various execution duties were rotated among the SS men. The witness did not hear BOLLHORST give any orders (R 36). Witness saw the accused everyday except during the period of time when accused was sick which witness believed was from November 1944 until February 1945 or it could have been from the end of October until the beginning of March (R 37). Ornstein was a clerk at the crematory, assisted in lighting the furnaces and carrying bodies. Hangings were conducted in the last room after you came through the entrance of the building. The next room adjacent was the refrigeration room (R 38). Ornstein remained in hiding from 3 May 1945 until 5 May 1945 pending the arrival of the Americans. "I went out of hiding at 2:30 in the afternoon. That was exactly the time when the first American tank entered the camp and in camp I was designated as a hero of the camp" (R 39). Witness observed executions through the observation hole quite frequently (R 39). The spy hole consisted of "two holes in the wall in which there was some glass inserted in a metal frame and that was open constantly". It could not have been closed. There was a trap for the gallows which fell down when you pressed the pedal (R 41). Sometimes something was read or a notice was given to victims prior to their execution (R 42). The door in which the spy hole was located was made of wood and the witness could hear everything, but although he understood the German language well, he was unable to remember what these statements were which were read to the victims (R 43). There were always three working in the refrigeration room, but their membership changed frequently. There were twelve who worked there. Witness remembered the names of Zimmet, Nichtenberg, Juryczo, Kanduth and stated the only people who were still alive in that group were "those who were relieved from their crematory duty at an earlier date and Zimmet and I" (R 44). Ten of the people who worked in the crematory were executed on the third of May 1945. Witness could observe the room where inmates were kept prior to the executions through his spy hole. The door of that room was always open (R 45). The accused was standing at that door and would pull the inmates in and place them at the wall.

On cross-examination, in reference to his testimony that only Zimmet and himself remained alive of the crematory detail, the witness testified that Kanduth was not actually assigned to the crematory detail, but was assigned to the fireman detail and he did not count him in stating that only two were still living (R 47).

(3) Prosecution witness Dusan Nedimovic, 22 years old, a Yugoslav-Serb, testified that he was a student and had been in Concentration Camp Mauthausen from 1942 to 1945 as a political inmate. He knew the accused as a SS sergeant at Mauthausen from December 1943 on. The witness worked in the stone quarry. He thought BOLLHORST was the detail leader there (R 49). He saw BOLLHORST and other SS men mistreat inmates. BOLLHORST used a rubber hose "and later he used a pistol for shooting". The witness saw BOLLHORST beat five or six inmates. The inmates were Poles, Frenchmen, and Yugoslavs. The inmates fell to the ground when they were beaten and later witness saw a little cart with four bodies on it which was brought to the crematory. The bodies were the same he had seen beaten previously. In reply to a question as to what inmates he had seen BOLLHORST shoot, the witness replied, "Those same five or six prisoners who were later unable to get up and were thereupon shot" (R 50). This event took place in either December 1943 or January 1944. The witness was about 20 to 30 meters away from the

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incident and he was then 18 years old. The witness was a stone carrier on the detail, was not sure who his detail leader was nor did he know the name of his capt. He was on this detail from December 1943 until February 1944. BOLLHORST was always on the detail (R 51). BOLLHORST was not there everyday but was there most of the time. The witness carried stones from the pit at Weiner-Graben to the main camp. He had to go up 186 steps and then go between a kilometer to a kilometer and a half to the camp (R 52). There were 1,000 to 1,200 people on the detail. There were guards and the detail leader but the witness did not know who the detail leader was. In response to a question by the defense counsel concerning the fact that witness had earlier testified BOLLHORST was in command of the detail, the witness replied "Yes, but he was not there everyday, perhaps one week, then somebody else was in charge" (R 53). Witness believed BOLLHORST was the detail leader on the day of the beatings and shootings concerning which he had testified. BOLLHORST's uniform consisted of boots, riding breeches, SS blouse and service cap. He wore a sergeant's insignia which consisted of a white piece on each shoulder. The witness saw BOLLHORST real often as BOLLHORST was later the roll call leader. Witness testified that he saw BOLLHORST four or five times every week in the stone quarry and then testified that some weeks BOLLHORST was not there, that he was there every second or third week (R 54). Guards were assigned to walk with personnel from the stone quarry to the camp. The inmates walked in groups of about 500. There was a SS man every twenty meters (R 56). Concerning the shooting, the witness testified "After they shot those prisoners, we went down to Wiener-Graben and we came back again and while we were down there, there was a small cart from the crematory and they loaded the dead prisoners on the cart and they pushed it to the crematory". The beating and shooting took place inside the camp. He then testified that the exact location was approximately 50 meters outside the entrance to the camp. The witness' group was approaching the scene from the stone quarry. The inmates being beaten were about 20 or 30 meters in front of the witness and going in the same direction. The beating took about 20, 30, or 40 minutes. The inmates being beaten were not in the group but on the side of the road (R 56, 57). During the time the beating took place, the witness's group arrived near the gate of the camp and "we could hear the pistol shots and when we came back again we saw the prisoners lying there dead". It takes about half an hour to walk from the camp to the stone quarry and from the stone quarry to the camp it took 50 minutes (R 58). The witness was not sure how many shots he heard fired. The following exchange of questions and answers are quoted:

Question: "As a matter of fact, all you know about the shooting is the shots which you say you heard, isn't that correct, witness?"

Answer: Yes.

Question: You saw no one shot but you heard shots, isn't that correct?

Answer: Nobody else was there but BOLLHORST so nobody else could have fired the shots.

Question: Haven't you told this Court that there was at least a guard every 20 meters, witness?

Answer: Yes" (R 59).

The witness heard that BOLLHORST later became a roll call leader (R 60).

On redirect examination, the witness testified that he had seen BOLLHORST beat five or six inmates and that he looked back and saw him shoot five or six inmates (R 62). (NOTE: In a letter, subject, Unreliable Witnesses of War Crimes Trials, dated 2 April 1951, the Chief, War Crimes Branch, Judge Advocate Division, European Command, has listed witness Dusan Nedimovic as a person upon whom a study was made at the direction of the Deputy Judge Advocate which showed that his testimony is completely unreliable.)

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(4) Prosecution witness Karl Emil Geiger, 46 years old, a French National (R 63), an engineer by occupation, testified he was in Concentration Camp Mauthausen from the end of 1939 to the end of May 1943. He identified BOLLHORST as a person he had known at Mauthausen. One time he saw BOLLHORST and another man chase inmates through the chain of guards (R 64). 12 or 14 people were shot by the two guards at that time. They all died. This happened in May or beginning of June (R 65). The incident took place on the stone stairs in the stone quarry at Mauthausen. The witness saw the bodies of the men being transported to the crematory. The incident took place about 25 meters from the witness (R 66). The witness was at the stone quarry checking telephone cables or electrical lighting facilities at the time. There was a chain of guards going all along the stone stairs (R 67). The witness checked the electrical lines whenever he thought it necessary (R 69). He would go wherever he pleased on the pretext of checking electrical equipment but actually to observe what was going on. He never received an order from his superior to do any particular job (R 70). On the occasion of the shooting, the witness was on a hill at the end of the stone stairs which partly overlooked the stone quarry (R 71). The inmates who were later shot were chased into the woods (R 72). That event occurred in May 1942. The woods were about two meters sixty to two meters eighty away from the edge of the stone quarry. The witness was looking down toward the scene (R 73). He was about three meters higher than the place where the incident took place and about forty-two meters above the stone quarry (R 74). Upon being asked how far he could see, the witness replied "I could see the prepared place of the wire fence. I would like to point out there, that there was a prepared place, very well, from the place where I was standing". Before the inmates were shot, they were chased by BOLLHORST and the other guard with clubs to "their prepared opening in the wire fence" (R 75). (NOTE: In a letter, subject: Unreliable Witnesses in War Crimes Trials, dated 2 April 1951, from the Chief, War Crimes Branch, appears the name of Karl Geiger with a statement that his credibility must be seriously questioned and that any testimony from witnesses listed in this letter should be considered with caution and should be given little weight unless corroborated in detail.)

(5) Prosecution witness Johann Kanduth, in a pre-trial statement, stated that he was an Austrian National and was in Mauthausen Concentration Camp from 21 March 1939 until the liberation. He worked in the quarry, in the kitchen, in the punishment company, then in the crematory. He knew BOLLHORST in 1942 until the end and saw him take part in many executions in about 1942 and 1943. The execution place was near the locksmith shop at Mauthausen. He actually saw BOLLHORST and other SS men shoot inmates to death at that place. The inmates were Czechs, Poles, and Yugoslavs. Kanduth was about six meters away from the victims behind the SS men who fired. His duty was to run out and help remove bodies after the executions. He only saw BOLLHORST actually shoot once. On one occasion he heard shots from outside the cold room in the crematory and when he went inside the bodies of inmates lay dead on the floor and BOLLHORST had a pistol in his hand. The other SS men had their pistols in their holsters. He also saw BOLLHORST many times beat and kick inmates of various nationalities. BOLLHORST was block leader and later roll call leader. (NOTE: Kanduth is also listed by the Chief, War Crimes Branch, as an unreliable witness.)

c. Defense Evidence:

(1) The accused Heinz BOLLHORST was sworn and testified in his own behalf that he was born 25 February 1922, was by profession a blacksmith, attended elementary school and then was apprenticed to a blacksmith. He volunteered for the forces at the beginning of the war when he was 17½ years old. He was assigned to the regiment Nordland and went to Russia where he was wounded by grenade splinters. He left that regiment in September 1941 (R 87). He started service in concentration camps on 27 January 1942. He developed rheumatism in his legs and had difficulty in walking (R 88). On January 27, 1942, he was sent to Mauthausen. He was with a guard company for about one year and served in the protective custody a few weeks at that time, during which time he was the block leader of the third department (R 89). He was a block leader with the third department approximately one year during 1944 with the exception of the three months when he was at Camp Wiener-Neustadt in the fall of 1943, where he performed duty as roll call leader (R 90).

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In January 1944, he became the detail leader of the commando of 30 Spaniards. This commando was called the Poschacher. The Spaniards were young, 17, 18 and 19 year olds. Accused had this detail almost the whole time he was block leader at Mauthausen with the exception of the days when he had to do guard duty at the entrance of the camp. This period of time ran between Spring of 1943 to the Spring of 1944. The details started to work at 6:30 in the morning and returned at 6:30 in the evening (R 92). He was not a detail leader of any other group during that period. This detail had nothing to do with the stone quarry at Wiener-Graben. Accused never had anything to do with a detail working in the Wiener-Graben (R 93). In February 1944, accused was in a bomb disposal detail which worked at Steyr. That detail lasted about three weeks. In March of 1944, accused was with the bomb disposal detail at Bal-Hall for three weeks (R 95). After March 1944, he was a block leader for a month and a half and then became roll call leader, which job he retained until 4 May 1945 with the exception of about five months when he was hospitalized. He was in the hospital from 20 October or November until March, 1945 (R 96). Accused returned to duty at Mauthausen on 25 or 26 March. He had been asked for by the inmates, specifically by the camp eldest, because of the fact that his replacement was unable to keep order. At that time, the accused was still walking with a crutch (R 98). Just before the arrival of the Americans, his commandant put the accused on leave and he was eventually arrested at his home on the 8th of May by two American guards (R 99). Accused remained in American custody ever since with the exception of one week when he escaped from the hospital at Dachau and went home (R 100). In 1942, the accused shot three inmates who were trying to escape. He had participated in about four executions at Mauthausen. By participating, the accused meant he was required to be present as an observer (R 101). Accused testified that he had slapped the faces of inmates for disciplinary reasons. As an example, he testified, "I want to mention a very extreme case. One afternoon, I came to Camp and the camp eldest reported to me that one prisoner had stabbed another prisoner to death. This prisoner had stabbed the other prisoner while sitting at the table over there and this prisoner thereafter died of internal bleedings." The accused admitted that in a pre-trial statement he stated that he had assigned block leaders to search thirty American flyers who had been shot down (R 102). The accused claimed the statement had been taken from him under duress and that he refused to sign it (R 104, 105). Accused had been in the refrigeration room at the crematory to check the numbers of the inmates who had died and was present there at two executions (R 105). Accused was there at the executions to see that none of the inmates disappeared. There were always present at the executions Colonel Ziercis, Captain Bachmeier, and other staff personnel (R 106). Accused was unable to see who conducted the actual shooting or hanging. Statements were read to the inmates before they were executed. A person in the refrigeration room would not have been able to see or hear the reading of the statements to the condemned (R 107). There was a peep-hole in the door of the refrigeration room, which, although it could not be locked, had a swinging shutter which would cover it. The shutter was on the execution room side of the door (R 108). Accused did not recall the exact contents of the statement read to the condemned, but was sure that various courts were mentioned. The two executions that accused attended in the crematory took place in the summer of 1944 (R 110). The statement of Wassner, the dental technician who had appeared as a prosecution witness, "was grabbed out of thin air". The rank insignia that was mentioned was that of tech sergeant and the accused, at that time, was a sergeant (R 111). The accused knew Wassner, but had no dealings with him. The accused never wore breeches (R 112). Accused knew of no shootings taking place within the camp proper on the road inside of the camp. The detail Wassner was talking about was connected with the Wiener-Graben and the accused never belonged to that detail (R 113). There were no windows in the dental station on the side toward the road (R 114). In April 1944, the accused drove with a bus to Castle Hartheim. At that time, he thought he was taking inmates there for hospitalization, but later learned that they were gassed (R 118). He was present only as a guard. A senior sergeant was in charge (R 119). Accused denied the beatings charged against him by prosecution witness Nedimovic (R 120). The accused did not know prosecution witness Geiger at Mauthausen. Accused was a guard from Spring of 1942 until Spring of 1943 and did not know whether Dutch Jews arrived in the Spring of 1942 (R 122, 123). If he had been driving inmates up the stairs of the Wiener-Graben as alleged by prosecution witness Geiger and had driven them to the left, they would have

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come to a steep rocky hill, not a woods as alleged by Geiger (R 125). Accused had not heard of any such incident about the Dutch Jews, but said, "things did happen, of course, but I cannot say whether Dutch Jews were concerned about it". Accused testified that it would have been impossible for an inmate to work without instructions from a superior (R 126). The accused had been a guard in the chain of guards at Wiener-Graben. He was on duty in a guard tower and had nothing to do with the work inside the ditch or on the stairs (R 128). The accused knew Kanduth as a crematory capo (R 129). Inmates from the crematory detail were usually at the execution places (R 130). Kanduth was mistaken in his statement concerning the accused's participation in executions. The accused had not participated in the shootings or executions directly except in the shooting of the three inmates who were escaping (R 131). Inmates were not permitted in the open spaces during executions (R 132). He had slapped the faces of a few inmates, but had never beaten anyone with a rubber hose or anything similar (R 134).

On cross-examination, the witness reiterated that his replacement as roll call leader did not maintain sufficient discipline and he was asked to return. The accused did not appoint block leaders in Mauthausen (R 139). The detail of Spaniards the accused had did not pass by the dental station on the way to or from work. Accused became roll call leader in the Spring of 1944 (R 140). Accused was present at two executions in the crematory, one execution in the execution place, and one hanging which occurred in the Spring of 1942. The thirty odd American parachutists were turned over to the German air force (R 143). When executions were held on roll call square, the whole camp was present (R 148). The accused became a SS corporal in February 1942 and one year later was promoted to SS sergeant (R 150). He became a tech sergeant on 1 February 1945. His rise in rank was perfectly normal (R 150).

(2) Defense witness Walter Grueger testified that he was 44 years old, by profession a money collector, was employed from November 1939 to March 1945 at Mauthausen, first as a guard and commencing in 1942, as a clerk in the register office where he dealt with cases of unnatural death. Witness testified that after an inmate was shot while escaping, a report was made and pictures were taken (R 154). The incident would be then entered into the death book and a written report sent to the SS court in Vienna. The book contained all incidents where inmates tried to escape and were shot, but apparently not those that took place inside the camp (R 155). The witness had no knowledge of any incidence occurring in front of the dentist's barracks where inmates were beaten to death (R 156).

(3) Defense witness Franz Kiss testified that he was 45 years old, a farmer, and had been a corporal guard at concentration camp Mauthausen (R 157). He was acquainted with the camp construction area and testified there were many tall bushes behind the chain of guards. If any inmate got between the chain of guards and the bushes in the direction of the forest, the guard, according to instructions, was required to call three times to the inmate and then if the inmate did not stop, prevent the escape (R 158). Witness knew Sergeant BOLLHORST as a block leader at Mauthausen. BOLLHORST had difficulties with First Lieutenant Ganz because "I know the reason as far as Sergeant BOLLHORST was too good for the ideas of First Lieutenant Ganz who was a bad man and they couldn't get on together" (R 159). The witness knew BOLLHORST better in Wiener-Neustadt than he did in Mauthausen. He had never seen inmates mistreated at either Wiener-Neustadt or Mauthausen. As a guard, he was not permitted to enter the protective custody camp.

(4) Defense witness Karl Gieserriegel, 43 years old, a machine locksmith from Vienna, testified that he was a former SS sergeant who had been at Concentration Camp Mauthausen from 1 February 1940 until 5 May 1945 (R 161). A SS sergeant wore a star on his collar and on his shoulder. He had a silver strap but no stripes. A technical sergeant had a star on his shoulder. Non-commissioned officers wore long pants and leggings or short boots. Sergeants were not permitted to wear riding breeches. However, a sergeant Riegler who took over BOLLHORST's duties when the latter fell ill in November 1944 did wear riding breeches because he came from another camp (R 162). BOLLHORST was absent ill from November 1944 until March 1945 (R 163). Riegler was not popular with

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inmates or with other non-commissioned officers, but was well liked by the officers, particularly camp leader Captain Hochmeier. Riegler was unpopular with the inmates because he used to beat, and unpopular among his comrades because he was arrogant and stuck-up. The witness had been a block leader and a detail leader (R 165) which were the same duties BOLLHORST had when he first knew him. BOLLHORST had the Poschacher detail, so-called because he worked in a stone quarry owned by a man of that name (R 166, 167). BOLLHORST had that detail starting in January or February of the winter of 1943, 1944. The detail consisted of about 30 or 35 young Spaniards. As far as the witness knew, BOLLHORST had never been in charge of the detail Weiner-Graben (R 168). There was a large chain of guards which circled around the entire camp and Weiner-Graben but between the camp and Weiner-Graben there was only a single guard tower (R 169). The fence around Weiner-Graben was not electrified. During the year 1941, 1942, a large transport of Dutch Jews were exterminated at Weiner-Graben (R 170). The witness only knew of this by hearsay. He had never heard anything bad about BOLLHORST (R 171). The witness had seen inmates mistreated and beaten at Mauthausen but had never seen BOLLHORST beat anyone (R 174, 175).

(5) Defense witness Peter Baerens, 34 years old, a miner by profession (R 175), was in the Mauthausen Concentration Camp from the middle of 1943 to the end of the war in 1945 and knew BOLLHORST there. The witness was a block eldest for seven months in 1944 and 1945 (R 176) at which time he knew the accused. There were several roll call leaders during the time the witness was at the camp. BOLLHORST was gone from November 1944 until March or April (R 177). While BOLLHORST was gone, several people took his job. Among them were Trumm, Sergeant Glessler, Riegler and a Sergeant Kaduk, a former roll call leader from Auschwitz (R 178). Riegler did not have a good reputation and mistreated the inmates. He was on good terms with his superiors. Riegler used to wear riding boots and riding breeches. The witness never saw any non-commissioned officers wearing riding breeches and boots (R 179). As far as the witness knew, BOLLHORST always wore long pants. A SS sergeant wore a silver stripe on his epaulet, he didn't wear any stars. Things were much better in the camp when BOLLHORST was the roll call leader (R 180). BOLLHORST would beat people (R 181). Sometimes bread was stolen and the witness saw BOLLHORST slap an inmate's face who had stolen bread. Witness never saw BOLLHORST beat anyone in such a way that the person was injured. Witness worked on a bomb detail under BOLLHORST in February and March 1944 (R 182). BOLLHORST watched to see that no one ran away from the detail. Upon replying to a question as to whether or not BOLLHORST assisted in carrying out this work, the witness replied, "I cannot say that he helped us but we were contented and we did not talk much to him" (R 183). The witness saw executions in the camp (R 184). He did not recognize BOLLHORST as being present at such executions (R 188). During inspection in March 1945, BOLLHORST found a pistol among the inmates and did nothing about it although reporting finding of such a weapon probably would have resulted in severe punishment (R 189, 190).

(6) Defense witness Johann Haider, a former member of the SS who was in Mauthausen from October 1942 until 4 May 1945, testified that he had been convicted by an American court and sentenced to life imprisonment. He was employed in the office of the protective compound at Mauthausen where he was responsible for the files of all the inmates. He held the rank of master sergeant. SS sergeants wore a silver star on the top of their collars which were embroidered. The star was on the left part of the collar. It was only a small silver stripe on the shoulder, no star. All SS men up to the rank of sergeant had to wear long pants. From technical sergeant upward, they were permitted to wear riding breeches (R 192). Witness recalled that Sergeant Riegler, a first sergeant, and he himself wore riding breeches. Riegler was not supposed to wear them. Witness knew Sergeant BOLLHORST at Mauthausen. In 1943, BOLLHORST was a sergeant. At the end of 1944 or 1945, he was made a technical sergeant (R 193). BOLLHORST was hospitalized in 1944 and 1945 for three or four months. He returned in February or March 1945 (R 194). BOLLHORST was first a block leader and later, a roll call leader. BOLLHORST was a straight and correct being and the inmate working in the witness' office told him that BOLLHORST was a good character. During BOLLHORST's absence, witness believed Riegler took his place as roll call leader. There were also others who filled in at that job (R 195). There was a possibility of confusing BOLLHORST and Riegler (R 196). Master Sergeant Spstancker was the

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detail leader in Wiener-Graben from October 1942 until the end. Witness had no knowledge of BOLLHORST ever being detail leader of that detail (R 197). Members of the headquarters staff and members of the guard were required to participate in executions. Witness himself was never present during one but understood that the camp commander Ziereis was always present (R 198). In 1943, BOLLHORST put a request in through the witness' office to be returned to his former field unit. BOLLHORST was popular among his superiors (R 199). If an inmate had been caught with possession of a weapon, he would undoubtedly have been shot (R 200). Riegler had a bad reputation among the inmates as did Trumm and Buehner. All the roll call leaders mentioned with the exception of BOLLHORST had a bad reputation, but the inmates liked BOLLHORST. Witness and BOLLHORST were comrades. Upon being asked if they were friends as well as being comrades, witness replied, "no, I was only in Mauthausen during the day time; and at night time I was going home".

(7) Defense witness Paul Binzenbach, a former master sergeant (R 202), 55 years old, served in concentration camps Dachau and Mauthausen including outcamp Wiener-Neustadt, where, he testified, he knew BOLLHORST. Binzenbach was in Wiener-Neustadt from June 1943 until November 1943. In August or September, a transport of six hundred inmates arrived and BOLLHORST arrived with them (R 203). BOLLHORST was a roll call leader at Wiener-Neustadt and was a big improvement over the previous roll call leader. BOLLHORST stopped the beatings in camp. BOLLHORST had trouble with the camp leader, First Lieutenant Ganz, because Ganz thought BOLLHORST was too good to the inmates (R 204). BOLLHORST was a fine man and a good comrade and had the best reputation among the guards and the inmates. The witness and BOLLHORST both left Wiener-Neustadt in November 1943 (R 205).

(Reviewer's Note: After the defense rested, the prosecution requested permission to withdraw the statement of the witness Kanduth from the record. This was not contested by the defense and the president gave permission to withdraw the statement (R 208).

d. Petitions and Statements Concerning the Accused BOLLHORST:

Five items received since approval of the sentence are attached to the original of this review as Exhibit A, as follows:

(a) A petition from the accused was reviewed in the War Crimes Branch on 28 October 1948, in which he alleges mistreatment in his pre-trial confinement, and cites names of defense witnesses who were not called, although he requested them. Nothing in his statement adds to the evidence in the case.

(b) A statement, dated 5 August 1950, from Colonel Graham, Prison Director, who states: "During this period, Heinz BOLLHORST has at all times faithfully observed prison regulations and conducted himself in an exemplary manner. He has been working in the tailor shop since 29 December 1947 where he proved to be intensely interested in his work. His superior performance of duty and cooperation are likewise highly recommended.

(c) A medical certificate from Doctor Hoefle, prison physician, states that BOLLHORST is suffering from periostitis rheumatica.

(d) A lengthy petition from Doctor Georg Froeschmann, accused's attorney, attacking the credibility of the prosecution witnesses, and enclosing 15 statements from former guards and inmates who knew the accused and are convinced that he did not commit the beatings and shooting outside of the dental office as alleged by the prosecution witness, Wanner, and certifying to his general good behavior and kind treatment of inmates.

(e) In an undated petition from Willy Bollhorst, brother of the accused, which was received in this office on 4 May 1951, attacks the credibility of prosecution witnesses and also states: "Unfortunately I am not able to attach additional statements, perhaps even the most important ones since our attorney, Dr. Georg Froeschmann in Nurnburg, Wieland Strasse 6, still holds on to these statements. We had not been able to pay him his fee completely, therefore, he

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retains the documents." A letter to Doctor Froeschmann in regard to this matter is being sent from the War Crimes Branch.

4. CLEMENCY

a. Civilian Background:

Heinz BOLLHORST is now 29 years old. He entered the armed services at the age of 17½ and is married and has two children. He attended elementary school and was apprenticed to a blacksmith at the time he joined the service.

b. The Sentence:

(1) The specific misdeeds alleged to have been committed by the accused are here discussed:

(a) The accused beat four inmates outside the dental station in December 1943. Only one witness, Max Wassner, testified to this occurrence. Wassner's testimony is not convincing and his description of the accused's uniform and the type of insignia worn is contradicted by defense witnesses Haider, Geissriegl and the accused. These witnesses also deny that the accused was with the Wiener-Graben detail but rather was assigned to the Poschacher quarry detail and would not have passed by the dental building. In view of these contradictions and the lack of substantiating testimony in this particular incident, it is felt that the accused's guilt is not proved.

(b) The accused shot six inmates outside the dental station in January 1944. This again is testified to by witness Max Wassner and is not corroborated by any other witness. The same testimony by defense witnesses applies to this incident as applied to that listed in the paragraph above. It is felt that the incident is definitely not proved; that there is more than a reasonable doubt as to the guilt of the accused and that the doubt should be resolved in his favor.

(c) BOLLHORST participated in executions. This is testified to principally by witness Wilhelm Ornstein who testified that the accused on 25 August 1944 pulled "things which the prisoners were standing on" out from under inmates who were being hanged. Later on in his testimony, witness testified that there was a trap provided for hangings operated by a foot pedal. The witness further testified that the accused put the rope around the necks of convicted inmates in March 1945. Ornstein also testified that before the arrival of the Americans, he went into hiding and came out when the Americans arrived and then, "I was designated as a hero of the camp". Ornstein's testimony, taken as a whole, is not convincing and is quite contradictory. He does not, in any of his testimony incidentally, claim that the accused was in charge of any of the executions. Kanduth in his pre-trial statement stated that the accused was involved in hangings. He at one time found the accused with a pistol in his hand after inmates had been killed in the crematory. It is to be noted that Kanduth's statement was withdrawn by the prosecution and, therefore, is not actually considered as testimony and further that Kanduth is classed as a professional witness. The accused, himself, admits being present during four or five executions. He denies being in charge of any of them and testified he was present only under orders.

(d) BOLLHORST beat and shot five or six inmates in December 1943 or January 1944. This is testified to by only one witness Dusan Radimovic who has been thoroughly discredited as a witness and his testimony in this instance, even if it were acceptable otherwise, is certainly not credible.

(e) Accused chased 12 or 14 inmates through the chain of guard in May or June of 1942. Testimony concerning this incident was given only by Karl Emil Geiger, another discredited witness.

(f) The accused himself admitted shooting three escaping

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inmates. There is no evidence by the prosecution that such event took place and there is no reason to believe that if it did occur, it was anything other than a legal shooting.

(2) In reviewing the evidence in this case, it appears that the extent of complicity by the accused in this mass atrocity has been established as consisting only of participating under orders in executions and of minor slappings.

(3) Considering the case as a whole and comparing it with similar war crimes cases, it is felt that the sentence is excessive and that executive clemency is warranted to the extent of a reduction of the sentence to time served.

The accused was originally confined under charges on 8 May 1945.

5. RECOMMENDATION

It is, therefore, recommended that the sentence of the accused BOLLHORST be reduced to that of time served.

F. W. Hawksworth
F. W. HAWKSWORTH
Lt. Col. Armor

CONCURRING:

William J. Coleman
WILLIAM J. COLEMAN
Lt. Col. QMC

V. H. McClintock
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DA Civilian Attorney

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