

HEADQUARTERS
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 407

26 February 1948

UNITED STATES)
))
 V.)
Rudolf Adalbert BRACHTEL, et al.)

Case No. 000-30-2-103

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 24 November to 11 December 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Rudolf Adalbert Brachtel and Karl Zimmermann, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual (s) aiding in 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, willfully, deliberately, and wrongfully encourage, aid, abet and participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, 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 German Reich in exercise of belligerent control.

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

Particulars: In that Rudolf Adalbert Brachtel and Karl Zimmermann, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual (s) aiding in 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, willfully, deliberately and wrongfully encourage, aid, abet and 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, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such prisoners of war being unknown, but aggregating many hundreds.

III. DATA AS TO ACCUSED:

1. Rudolf Adalbert BRACHTEL

This accused was acquitted (R 689).

2. Karl ZIGNERMANN

This accused was acquitted (R 689).

IV. SUMMARY OF EVIDENCE: The accused BRACHTEL was a member of the SS (R 8) and a physician at the Dachau Concentration Camp from 17 April 1941 to February 1943 (R 528). He was in charge of a tuberculosis station for the inmates (R 66, 251, 319). Some of the evidence indicated that his treatment of the tubercular inmates was medically proper (R 414, 439, 534). The accused also performed many liver punctures on inmates who had jaundice (R 298, 299, 326, 328, 444, 490, 563, 565). He had previously received instruction in liver punctures (R 345, 559, 560). Liver punctures are accepted as a means for diagnosing liver disorders (R 92, 93, 105, 106, 288, 349, 350, 541, 651, 669; P-Exa 16, 25) as well as getting a picture of the prognosis of a disease involving a disorder of the liver (R 69, 562, 643, 644). The accused did perform about 80 such punctures during a jaundice epidemic at the Dachau Concentration Camp in 1942. The accused in his extrajudicial sworn statement and in his testimony admitted these punctures (R 388, 563, 565; P-Ex 16). He testified that he had the consent of the inmates upon whom it was performed (R 569) and that only one inmate died as a result (R 117, 571, 572). This man was a German (R 611). The liver punctures were performed on inmates of several nationalities (R 277, 567). All of the inmates were examined (R 567) and a local anaesthetic was administered before the puncture was made (R 299, 325, 444, 570). The punctures were beneficial for a decisive cure (R 353, 354). The accused did participate in malaric experiments (R 112, 113, 124, 319, 488, 551), but he said it was done for Dr. Schilling (R 551) and that Schilling had told him he was carrying on inoculation injections against malaric (R 584).

The accused ZIMMERMANN was an inmate of the Dachau Concentration Camp from 8 May 1937 to 15 July 1944 except for a period of a few months (R 268; P-Ex 11). He became the dispensary capo in December 1941 (R 64, 134, 351). On occasions the accused slapped inmates (R 65, 259) and kicked inmates who reported for medical treatment (R 136, 169, 170, 188, 301, 202, 213, 214, 230, 232, 291, 292, 293, 294, 295, 404, 659; P-Exs 19A, ^{20 A,} 21A, 22A, 23A). He also participated in and attended the execution of inmates by hanging (R 65, 87). In his extrajudicial sworn statements and in his testimony the accused admitted that he attended executions and participated in them because of orders (R 268, 269, 473; P-Exs 11, 12A). He admitted that he slapped inmates because it was necessary in order to enforce discipline (R 268, 269, 479; P-Exs 11, 12A) and in order to make inmates stay away from the dispensary who did not require medical aid (R 475). This is substantiated by eight witnesses (R 65, 128, 256, 332, 380, 404, 418, 419, 630; D-Ex 8A). The accused improved the conditions of the dispensary for the inmates (R 128, 242, 299, 300, 430, 433, 618, 619, 630, 622, 623, 633, 635; D-Exs 5A, 6A, 9A, 12A, 14A, 26A, 29) and helped to obtain additional space as well as baths for the sick inmates (R 300, 388, 389, 474, 625, 633, 635; D-Exs 18A, 26A, 29). The accused performed minor amputations but was not a doctor (R 335). He was required to do this (R 377, 378, 476).

The Court had jurisdiction of the persons 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.

FLOYD M. LUNDBERG
Major JAGD
Post Trial Branch

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

C. M. PHIPPS
Lieutenant Colonel, USAF
Acting Deputy Judge Advocate
for War Crimes