

Q Are you sure you weren't there in April of '45?

A The end of March I was transferred to the newly organized regiment, but my duties were such that in the evening I could return for eating and sleeping purposes back to camp. My assignment was to make the telephone connections from the regiment headquarters to the headquarters of the various companies. On the 15th of April 1945 I left the camp completely.

Q So that you were in camp for one-half of April, 1945, is that correct?

A In the evening I returned.

Q And did you hear of any gassing of prisoners about that time?

A No, I didn't hear anything.

Q Did you hear of any gassing of prisoners at all while you were at Gusen?

A Nothing about gassings, I heard about delousings.

Q When did the delousings by gas take place?

A One I can still remember where also our barracks was gassed. That must have been in 1941 to 1942.

Q When were the others?

A I don't remember anything about that.

Q Were there any delousings by gas in 1945.

A Whether delousings were done by gas I don't know. I know only that the delousing station was next to the kitchen but I never entered.

Q Do you know or have you heard of delousings by gas in the barracks?

A No.

Q You never heard of gas being released inside barracks?

A I cannot remember that.

Q From what date to what date were you on duty in the quarry?

A From March, April, 1943 until Fall of 1944.

Q During that time did you see any beatings take place in the quarry?

A No, I didn't see any beatings.

Q In all that period of over a year you never saw any beatings in the quarry?

A No, I didn't see any. I wasn't there every day. I had other duties also.

Q Did you ever see any dead bodies in the quarry?

A No, I saw that a man had an accident, that I saw.

Q How many times did you see accidents?

A I can remember one accident in Gusen which I have mentioned already before and in Unterbruch, that was all.

Q Outside of those two accidents you have never seen any dead bodies in the quarry?

A No.

Q When the details came back from the quarry did you ever see them carrying dead bodies with them?

A No, I didn't see it.

Q Did you ever beat any prisoners?

A Yes.

Q How frequently?

A It didn't happen often. I can remember only one single case that happened in the stone quarry in Gusen. A prisoner had falsified my signature in order to receive for the second time the additional ration which they received from the post office. I remember this case very well.

Q When was that?

A I cannot give you the time.

Q Can you give the year?

A It must have been in 1944.

Q Where did this beating take place?

A In front of the work shop of the stone cutters in Gusen.

Q Did you ever see any other beatings take place in front of the work house in the stone quarry in Gusen?

A Beatings by whom?

Q By anybody?

A Yes, the prisoners beat each other once in awhile, that I saw.

Q Other than the prisoners beating each other did you ever see any other beatings?

A Yes, where were the beatings supposed to have happened?

Q Tell the court all the places where you saw beatings?

A I cannot say much because I didn't see much.

Q Well, tell the court what beatings you did see and where they took place?

A When the prisoners returned to camp it happened, or at noontime when the food was given out in the stone quarry itself. Otherwise I wouldn't know anything.

Q Didn't you just tell the court a while ago you didn't see any beatings in the stone quarry?

A Beatings, yes beatings, that is always a big word.

Q Didn't you just tell the court that you didn't see any beatings take place in the quarry?

A Large scale beatings I didn't see.

Q You saw many small scale beatings, is that it?

A Yes.

Q Did you ever see any killings in the quarry?

A Through beatings?

Q Any kind of killings other than accidents?

A No, no.

Q Did you ever see any small scale killings other than accidents?

A I do not understand the small scale killings.

Q You understand small scale beatings though, don't you?

A Beatings, yes.

Q Did you ever see any prisoners shot in Gusen?

A Yes.

Q When was that?

A It happened to me.

Q You mean that you shot a prisoner?

A Yes, I had to take care of a transfer of a prisoner from Gusen II to Gusen I.

Q Did you kill him?

A No, I didn't kill him. I used my weapon but he was already dead.

Q You mean you shot him after he was dead, is that your testimony?

A No, that was this. I already signed a statement about this incident and there I gave the whole incident in detail.

Q I am asking you if you killed a prisoner by shooting?

A No.

Q Did you shoot a prisoner?

A At that time during the transfer of the prisoner from Gusen II to Gusen I.

Q Did he die subsequent to your shooting him?

A No, he was dead right away.

Q You mean that he was dead before the bullet from your gun hit him?

A Yes.

Q You got the credit for killing him though, didn't you?

A Yes.

PROSECUTION: No further cross examination.

REDIRECT EXAMINATION

QUESTIONS BY DEFENSE COUNSEL:

Q Who actually did shoot that prisoner, Hartung?

A The SS Sergeant Poweleit

Q Was there an investigation of that shooting?

A Yes.

Q What was the result of that investigation?

A After the incident had happened we were ordered to the political department and we reported to the political department. The SS technical sergeant who was on duty there, I cannot remember his name any more, said that only one of us two was necessary to prepare the written statement.

Q Which one of you prepared the written statement?

A I made the written statement in my own name and in the name of Foweleit.

Q What kind of a prisoner was this that was shot?

A It was a German, I mean Austrian green man, that means a professional criminal.

Q Do you know why he was being transferred from Gusen II to Gusen I?

A Yes, I found out about this only a few days ago.

Q What did you find out?

A I was told that this prisoner during a drinking party - it happened sometimes that alcohol was smuggled into the camp - had started a fight with other co-prisoners and that he had stabbed one of them during this fight. This prisoner died the same night.

Q Why was he being transferred to Gusen I?

A He wasn't to be brought to Gusen I, he was supposed to be transferred back to Mauthausen from where he had come before.

Q While you were transporting him from Gusen II, just what happened?

(Hartung - redirect)

A I was in the garage building and I was ordered to the roll call leader and I received there the order to escort this prisoner together with Poweleit.

Q Did you do that?

A Yes, Poweleit and I grabbed a rifle, as it is customary when prisoners are transferred, and we went to Gusen II. That is approximately 600 meters away from Gusen I. At the Jour-house of Gusen II the prisoner was handed over to us and there I saw the prisoner for the first time.

Q And did you start back to Gusen I?

A Yes, we started moving from Gusen II in the direction of Gusen I. When one leaves Gusen II one is outside the chain of guards. After one has marched about two-thirds of the way one returns automatically into the guard chain of Gusen I. Shortly after we had left Gusen II and had just finished about one-third of our march, all of a sudden the prisoner jumped to the right into the area which leads to the Danube River. For a moment we are surprised and called him several times, "halt" and we started right away to follow him. Poweleit shot first. I was also ready to shoot but my rifle was still secured because all this happened to us much too quickly. When I shot I saw the prisoner already falling to the ground.

Q Do you know where the round from Poweleit hit the prisoner?

A I don't know that, probably he shot him in the back.

Q Where the prisoner was shot, was that inside or outside of the guard chain?

A The spot is outside of the guard chain. If the prisoner wouldn't have tried to escape there we would have made only another 15 meters and we would have been again in

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the next guard chain of Cusen I, and that was his last chance to escape at all.

DEFENSE COUNSEL: No further questions.

PRESIDENT: Court will adjourn until 0900, 24 June 1947.

(Whereupon at 1550 hours the court recessed until 0900 hours 24 June 1947.)

MORNING SESSION

(Whereupon the court reconvened at 0900 hours.)

PRESIDENT: Court will come to order.

PROSECUTION: May the record show that all the members of the court, the prosecution, the defense, the accused and the court interpreter who were present at the previous sessions are present now and there is a new court reporter to be sworn.

PRESIDENT: The court has appointed Miss Mitzi Rogers as court reporter. She will be sworn.

(Whereupon Mitzi Rogers, U. S. Civilian, was sworn as court reporter.)

PROSECUTION: If the court please, the accused Hartung was on the stand at the close of the last session. Will the court please remind him that he is still under oath?

ACCUSED HARTUNG: Yes, sir.

PROSECUTION: Have you finished your redirect?

DEFENSE COUNSEL: Yes.

PRESIDENT: Any recross?

PROSECUTION: Yes, sir, I have a few questions.

HERBERT HARTUNG, an accused, voluntarily resumed the stand and continued to make the following sworn statement through an interpreter:

RECROSS EXAMINATION

QUESTIONS BY PROSECUTION:

Q What was the name of that prisoner whom you shot?

A Leitzinger.

Q Do you know his first name?

A No, I don't know it.

Q Will you know it if I refresh your recollection?

A Josef or Johann.

(Hartung-Recross)

Q What was the date that he was shot?

A 16 January 1945.

Q What time of the day?

A That must have been the forenoon, around 10:00.

Q You stated on cross examination that he died that evening. Is that correct?

A No, the co-prisoner whom he had stabbed during the argument, that's the one who died in the evening.

Q In your interrogation you stated that you shot him to death. Isn't that true?

A No, I didn't say that.

PROSECUTION: I ask the court reporter to mark this Prosecution Exhibit No. 17 for identification.

(The document referred to was marked Prosecution Exhibit No. 17 for identification.)

QUESTIONS BY PROSECUTION:

Q I show you Prosecution Exhibit No. 17 for identification and I ask if this is your signature.

A Yes, that's my signature.

Q I ask you to read the questions and the answers beginning at this place I have checked, beginning here, and you may stop here where I have the check mark. Read it now aloud.

DEFENSE COUNSEL: If the court please, I am going to object to any further questioning along this line pertaining to this prisoner Leitzinger on the grounds that this court does not have jurisdiction. This man was an Austrian national. He was a professional criminal and does not come within the scope of the charge sheet because the charge sheet says non-German nationals. I believe the court can take jurisdictional notice of the situation between Austria and Germany before 1939. I am objecting that the court does not have jurisdiction.