

12 January 1948

UNITED STATES)
) v.)
Friedrich Christian LUTZ)

Case No. 000-Flossenburg-16

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 28-29 October 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

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

Particulars: In that Friedrich Christian LUTZ and divers other persons, German nationals or persons acting with German nationals, between about 18 April 1945 and about 22 April 1945, at or in the vicinity of Schwarzenfeld, Germany, and Stamsried, Germany, acting in pursuance of a common design to commit the acts hereinafter alleged, did wrongfully encourage, aid, abet and participate in a concentration camp inmate evacuation march from Schwarzenfeld, Germany, to Stamsried, Germany, the conducting of which evacuation march included the wrongful killing of approximately 100 unknown non-German nationals, inmates of Flossenbuerg Concentration Camp, who were then and there in the custody of the then German Reich.

III. DATA AS TO ACCUSED:

Friedrich Christian LUTZ

This accused was acquitted (R 75).

IV. SUMMARY OF EVIDENCE: Two witnesses testified that the accused was an SS noncommissioned officer (R 14, 23, 33) in charge of an evacuation march of 200 Flossenburg Concentration Camp inmates from Schwarzenfeld, Germany, toward Dachau, Germany, between 18 April and 22 April 1945 (R 9, 12, 14, 17, 21, 23, 26, 27, 33). One of these witnesses testified that during the march, the accused shot to death three Polish inmates (R 9, 10, 23). Many other inmates were shot to death on the march on orders of the accused (R 11, 12, 28, 30-32, 36).

The accused denied having participated in the inmate evacuation march described by prosecution witnesses (R 66, 67, 70, 71). One witness

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testified that the accused was with him during all of the period in question and that they never came across any inmate columns (R 55, 56, 59, 60, 61).

The Court had jurisdiction 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.

EMANUEL LEWIS
Captain, Inf
Attorney
Post Trial Branch

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

C. E. STRAIGHT
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes

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