

Age:	26
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Corporal
Plea:	NG
Findings:	G
Sentence:	20 years, commencing 5 May 1945

Evidence for Prosecution: The accused, a member of the Waffen SS since 1940 (R 69; P-Ex 1, D-Ex 2), served at Mauthausen Concentration Camp and two of its outcamps, Gusen and Gross Raming, for a period of approximately five years (R 73). He performed duty as a dog leader at Gross Raming from April 1943 to May 1944 (R 69), and was serving in that capacity in or about the month of June 1943 (R 69, 70) when a Yugoslav inmate by the name of Illic escaped. Following his recapture the inmate was publicly beaten by the SS men and several inmates in the presence of the remainder of the inmates and all of the SS men of the camp. The accused was present but did not participate in the beating (R 10, 38, 39, 70).

Following the beating the Yugoslav inmate was led away toward his block. Approximately three or four minutes later he was thrown into an electrically charged fence by two SS men named George Sephan and Nikolas Graf (R 40). This, however, was not fatal. He was then taken by another inmate to an area between Block 4 and the wash room (R 40). Shortly thereafter SS Second Lieutenant Schoppler, the camp commander, and protective custody leader Reigler appeared on the scene (R 40) and were immediately joined by three dog leaders, Hilger, Doblbgats and the accused, together with their dogs (R 41). Schoppler then gave the order "Release the dogs" (R 41). The dogs, including the

accused's dog, were immediately released and thereupon attacked the Yugoslav inmate, tearing open his chest, face, stomach (R 41) and the sexual organs (R 18, 41, 84). The accused urged his dog to attack by gesturing, and was present during the entire incident (R 17, 18, 42). The Yugoslav inmate died the same day (R 19, 45) and his body was placed in a coffin in the wash room (R 4).

Evidence for Defense: The accused testified that he was drafted into the Waffen SS in 1940 after having volunteered for police duty (R 69; D-Ex 2); that he was present at the time of the beating of the Yugoslav inmate but did not participate therein (R 71); that he left the camp thereafter to visit his mother in the town of Gross Raming and did not return to the camp until 2145 to 2200 hours; and that he did not see the Yugoslav inmate after the beating in the roll call square (R 72).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The Court could properly conclude from all the evidence that the actions of the accused in causing the attack on the Yugoslav inmate by his dog directly contributed in bringing about the death of the victim. The Court in considering the evidence apparently chose not to believe the alibi of the accused. This it could properly do. The sentence is not excessive.

Petitions: A Petition for Review was filed by Mr. Claudio Delitala, defense counsel, 1 May 1947. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

V. QUESTIONS OF LAW:

Jurisdiction: It is clear that the Court had jurisdiction of the person of the accused and of the subject matter.

Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

VI. CONCLUSIONS:

1. It is recommended that the findings and sentence be approved.

2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

GORDON O. BERG
Lt. Col., AC
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