

DEPUTY JUDGE ADVOCATE'S OFFICE  
7708 WAR CRIMES GROUP  
EUROPEAN COMMAND  
APO 407

3 February 1948

UNITED STATES )  
                  ) )  
                  v. )  
Klaus Ferdinand HUELS )

Case No. 000-Buchenwald-36

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 31 October - 4 November 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS: .

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

Particulars: In that Klaus Ferdinand HUELS, a German national did, at or in the vicinity of Weimer, Germany, in or about March 1945, wrongfully encourage, aid, abet and participate in the killing of an unknown non-German national, an inmate of Buchenwald Concentration Camp, who was then in the custody of the then German Reich.

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

Particulars: In that Klaus Ferdinand HUELS, a German national, did, at or in the vicinity of Weimer, Germany, in or about December 1944, wrongfully encourage, aid, abet and participate in the killing of approximately three non-German nationals, inmates of Buchenwald Concentration Camp, who were then in the custody of the then German Reich, the exact names and numbers of such persons being unknown.

CHARGE III. Violation of the Laws and Usages of War.

Particulars: In that Klaus Ferdinand HUELS, a German national, did, at or in the vicinity of Weimer, Germany, in or about February 1945, wrongfully encourage, aid, abet and participate in committing an assault upon approximately three non-German nationals, inmates of Buchenwald Concentration Camp, who were then in the custody of the then German Reich, the exact names and numbers of such persons being unknown.

The Court granted a motion by the prosecution to amend the particulars under each charge as follows (R 54):

Charge I Substitute the phrase, "five unknown German nationals," for the phrase, "an unknown non-German national."

Charge II. Substitute the phrase, "an unknown number of non-German nationals," for the phrase, "three non-German nationals".

Charge III. Substitute the phrase, "an unknown number of non-German nationals," for the phrase, "three non-German nationals".

The particulars under each charge were further amended to read "at or in the vicinity of Weimer, Germany, to wit, at or near Halberstadt, Germany."

III. DATA AS TO ACCUSED:

Klaus Ferdinand HUELS

This accused was acquitted (R 107).

IV. SUMMARY OF EVIDENCE: A Polish witness testified that the accused beat two inmates with a pistol on the face and head and then with a stick, as a result of which they died and were carried back to camp and put on a pile of dead bodies (R 8, 13, 16, 17, 27, 28, 29). These inmates were non-German nationals (R 9). Other Polish and Dutch inmates were also beaten by the accused (R 9). Another Polish witness testified that he was struck by the accused with the handle of an axe twice in March 1945 (R 32, 33) and that the accused shot five inmates, one Dutch, the others of various nationalities, alleged saboteurs of a railroad train which turned over (R 33, 34, 42). He did not hear about the incident to which the first prosecution witness testified regarding the killing of the two inmates by the accused by beating with a pistol (R 47). Both prosecution witnesses testified that the perpetrator of the beatings and killings wore a moustache (R 12, 37, 43, 49, 50, 51). One of them testified also that, if the accused did not wear a moustache at Camp Zwioborger, he could not be the killer of the five inmates who were shot (R 50). Both witnesses further testified that they had not seen the accused from April 1945 until they saw him at Dachau in 1947 (R 39, 39); that they did not know his name, but learned it at Dachau (R 11, 32, 35, 36, 39); and that they had not mentioned the killings in written statements which they made (R 20, 30, 30, 37, 40, 41, 51, 53).

The accused was an assistant in charge of the guards

at Camp Zwieberger (R 13, 33, 45, 93) near Halberstadt, Germany (R 26, 32). In his testimony he denied beating, mistreating or killing any inmates at Camp Zwieberger (R 95, 96). He never entered the camp itself, not being permitted to do so (R 97). He denied that five inmates were killed at his camp as alleged by prosecution witnesses and denied beating any inmates with a pistol. He further testified that he was on furlough at the time the alleged incident took place, February 1945 (R 96). The accused testified that he did not wear a moustache while at Camp Zwieberger (R 95).

Three witnesses testified that they were at Camp Zwieberger when the accused was there between October 1944 and April 1945. They never saw the accused beat, mistreat or kill an inmate (R 59, 66, 74), nor did they ever hear of him committing such an act (R 59, 66, 77). They testified that the accused did not wear a moustache while he was at Camp Zwieberger (R 60, 65, 70, 77). One of them testified that he did not hear that the accused had shot five inmates (R 66).

The Court apparently concluded that the evidence produced by the prosecution was inadequate to sustain the Charges.

The Court had jurisdiction of the person 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.

WILLIAM R. COHEN  
Major Inf  
Post Trial Branch

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

C.W. PHIFER  
Lieutenant Colonel, USAF  
Acting Deputy Judge Advocate  
for War Crimes