

DEPUTY JUDGE ADVOCATE'S OFFICE
7768 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 407

29 January 1948

UNITED STATES)

v.)

Ferdinand LEMKE)

Case No. OOO-Buchenwald-49

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 20-31 November 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

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

Particulars: In that Ferdinand Lemke, a German national, did, at or on the vicinity of Weimar, Germany, in or about July 1944, wrongfully encourage, aid, abet and participate in the killing of approximately three unknown non-German nationals, inmates of Buchenwald Concentration Camp who were then in the custody of the then German Reich.

III. DATA AS TO ACCUSED:

Ferdinand LEMKE

This accused was acquitted (R 39).

IV. SUMMARY OF EVIDENCE: In July 1944 the accused was an SS noncommissioned officer and a guard at Buchenwald Concentration Camp (R 10, 11, 16). The accused and another SS man were seen shooting in the direction of the woods where some inmates were resting. Two or three inmates fell and the accused gave a "mercy shot" to one (R 11, 12). There was no proof of the nationality of the victims or that they were non-Germans. The Court properly granted the motion made by the prosecution for a finding of not guilty which motion was concurred in by the defense (R 36, 39).

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 for-

warded to the Judge Advocate, European Command, for his information.

E. LLOYD MEYER
Captain CMP
Post Trial Branch

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

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