

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

28 January 1948

U N I T E D S T A T E S )

v. )

Case No. 000-50-2-113

Heinz THORENZ )

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 11-12 September 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Hans Fischer, Wilhelm Rieth, Heinz Thorenz, Korbinian Attenberger, Konrad Grissmer and Paul Emil Fritz Schoenke, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual(s) aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such civilian nationals being unknown but aggregating many thousands who were then and there in the custody of the German Reich in exercise of belligerent control.

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

Particulars: In that Hans Fischer, Wilhelm Rieth, Heinz Thorenz, Korbinian Attenberger, Konrad Grissmer and Paul Emil Fritz Schoenke, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual(s) aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, including killings, beatings, tortures, starvation,

abuses and indignities, the exact names and numbers of such prisoners of war being unknown, but aggregating many hundreds.

III. SUMMARY OF EVIDENCE: The accused was, by his own admission, a member of the SS at Camp Dachau and its outcamps for a considerable period of time between the dates alleged, in the capacity of a dog leader and guard, and was shown to have participated in the Dachau Concentration Camp mass atrocity. Prosecution's Exhibit P-Ex 2 is a certified copy of the charges, particulars, findings and sentences in the Parent Dachau Concentration Camp case (United States v. Weiss, et al., 000-50-2, opinion, DJAC, March 1946, hereinafter referred to as the "Parent Case"; see Section V, post; R 7).

IV. EVIDENCE AND RECOMMENDATIONS:

1. Hans FISCHER

This accused was served but not tried.

2. Wilhelm RIETH

This accused was served but not tried.

3. Heinz THORENZ

Nationality:	German
Age:	24
Civilian Status:	Carpenter
Party Status:	Unknown
Military Status:	SS Corporal
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	5 years, commencing 21 May 1945

Evidence for Prosecution:

The accused testified that he was at Camp Dachau from October 1942 to 29 April 1945, except for four months spent at outcamp Kampten and a total of about four weeks spent at outcamps Allach and Friedrichshafen (R 109, 110); that he trained with his German police dog at Salzburg for duty on the eastern front, but at the end of 8 weeks training period he and his

and that he and his dog were sent to outcamp Kempton at the end of October 1944. He served four months as guard and dog leader at outcamp Kempton (R 93). He testified further that the dog was trained to obey every command of the accused and to run after the inmates when they broke formation, stop them, and not permit them to move from the spot (R 101, 102).

One witness testified that the number of inmates at outcamp Kempton varied from 410 to 540, this number being composed of Polish, Spanish, Russian and Italian nationals, some of whom were prisoners of war (R 9, 13). A second witness testified that the inmates of Kempton were of various nationalities, including Poles, Russians, Czechs and Hungarians (R 33). One of these witnesses testified that at Kempton he saw the accused beat and kick inmates on various occasions (R 11, 12, 14). He also beat the inmates in the latrines either with the dog leash or with his fists (R 16). Another witness testified that he saw the accused kick a Russian inmate causing him to fall onto a sharpening wheel injuring him (R 41, 42). A fourth witness testified that at Kempton inmates were beaten, bitten by dogs, given the cold water treatment as well as the usual "25" strokes, and put on punishment details (R 56). A fifth witness, a former Italian inmate, testified that the accused set his dog upon another Italian inmate in the kitchen at Kempton resulting in a wound 4 to 5 centimeters long on his leg, which later became infected. This witness testified further that inasmuch as there was no hospital at Kempton, the inmate was sent to Camp Dachau. This witness was told by other inmates returning from Camp Dachau that the injured inmate had died there as a result of the infection (R 66-68).

Another witness, Grain, a former inmate at Kempton, stated in an extrajudicial sworn statement, that he saw the accused beat inmates often. On one occasion the accused beat and kicked an inmate who bent over the fence of the dog kennel to pick up

a piece of bread. He further stated that the accused set his dog on inmates who stepped out of line in the marching column in order to pick up cigarette butts (R 10; P-Ex 3).

Evidence for Defense: The accused testified that while he was at Camp Dachau he and one Fritz Walter were classified as unfit physically for front line duty. They went to the hospital for a physical examination with a view of returning to active duty, but they were shouted at and thrown out of the hospital (R 93). This is corroborated by the stipulated testimony of one witness (R 91; P-Ex 2). The accused testified further that while his dog jumped at the inmates and it was possible he bit them slightly, the bites never caused bleeding; that he was friendly toward the inmates and that he helped them to get extra food (R 97). He denied the accusation of witness Grein that he beat an inmate as he bent over the dog's kennel to get a piece of bread, inasmuch as he never fed his dog bread. The wire enclosing the kennel reached to the roof and the door was always locked, making it impossible for the inmate to have reached into the kennel (R 98).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

4. Korbinian ATTENBERGER

This accused was served but not tried.

5. Konrad GUISMER

This accused was served but not tried.

6. Paul Emil Fritz SCHOENKE

This accused was served but not tried.

V. QUESTIONS OF LAW:

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

Application of Parent Case: The Court was required to take cognizance of the decision rendered in the Parent Case, including the findings of the Court therein that the mass atrocity operation was criminal in nature and that the participants therein, acting in pursuance of a common design, subjected persons to killings, beatings, tortures, etc., and was warranted in inferring that those shown to have participated knew of the criminal nature thereof (Letter, Headquarters, United States Forces, European Theater, File AG 000.5 JAG-AGO, subject: "Trial of War Crimes Cases", 14 October 1946, and the Parent Case). The accused was shown to have participated in the mass atrocity and the Court was warranted by the evidence adduced, either in the Parent Case or in this subsequent proceeding, in concluding that he not only participated to a substantial degree, but the nature and extent of his participation were such as to warrant the sentence imposed.

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.

LOUIS T. FISCHER  
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