

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

15 May 1947

UNITED STATES )

vs )

Jacob AU, Gustav ELBERT, Georg  
FLORIAN, Karl HLAWATY, Robert  
HEITNER, Boris Tobias ISERLIS,  
Johann REUFERT, August  
UEBERSCHZIG )

Case No. 000-50-2-14

1. TRIAL DATA:

Tried at Dachau, Germany  
Date: 4-5 November 1946  
Intermediate Military  
Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
AU, Jacob	Age 49 German national SS guard Rank - Technical Sergeant	2 years and 6 months confinement from 24 June 1945
ELBERT, Gustav	Age 24 German national SS guard	1 year and 6 months confinement from 22 May 1945
FLORIAN, Georg	Age 48 German national SS guard Rank - PFC	1 year and 6 months confinement from 7 May 1945
HLAWATY, Karl	Age 51 Czechoslovakian national SS guard Rank - PFC	2 years confinement from 2 May 1945
HEITNER, Robert	Age 46 German national SS guard Rank - sergeant	2 years confinement from 23 May 1945
REUFERT, Johann	Age 51 German national Yugoslavian citizenship SS guard Rank - Private	1 year and 6 months confinement from 3 May 1945
UEBERSCHZIG, August	Age 48 German national SS guard Rank - PFC	2 years confinement from 5 May 1945

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

Pleas Findings

PARTICULARS: In that Jacob AU, Gustav ELBERT, Georg FLORIAN, Karl HLAWATY, Robert HUETINER, Johann NEUFERT, August UEBERSCHTIZIG, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding 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, wilfully, deliberately and wrongfully participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, 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 then German Reich in exercise of belligerent control.

AU	NG	G
ELBERT	NG	G
FLORIAN	NG	G
HLAWATY	NG	G
HUETINER	NG	G
NEUFERT	NG	G
UEBERSCHTIZIG	NG	G

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

Pleas Findings

PARTICULARS: In that Jacob AU, Gustav ELBERT, Georg FLORIAN, Karl HLAWATY, Robert HUETINER, Johann NEUFERT, August UEBERSCHTIZIG, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding in the operation of the Dachau Concentration Camp, did, at or in the vicinity of Dachau, Germany, between about 1 January 1942 and about 29 April 1945, wilfully, deliberately and wrongfully 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, the exact names and numbers of such prisoners of war being unknown but aggregating many hundreds.

AU	NG	G
ELBERT	NG	G
FLORIAN	NG	G
HLAWATY	NG	G
HUETINER	NG	G
NEUFERT	NG	G
UEBERSCHTIZIG	NG	G

2. RECOMMENDATIONS: That the findings and sentences be approved.

3. EVIDENCE:

For the Prosecution: The Prosecution's case was based on extrajudicial sworn testimony as hereinafter indicated. Prosecution's Exhibit 1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp case (U.S. vs Weiss et al., 000-50-2 March 1946; R 8).

Prosecution's Exhibits 2 thru 8 consist of extrajudicial testimony of each of the accused with the exception of Boris Tobias ISERLIS whose name was deleted from the Charges and Particulars (R 4).

. It was shown that for considerable periods of time between 1 January 1942 to 29 April 1945 each of the accused was an SS guard at Camp Dachau and/or subsidiary camps thereto (P-Ex. 2 thru P-Ex. 8; R 9, 10, 11, 13, 14, 15 and 16; R 17 thru R 39).

For the Defense: Defense's case was based on oral testimony (R 17 thru R 39) and sworn extrajudicial testimony of the accused (P-Ex. 2 thru P-Ex. 8). Each of the accused testified in his own defense that no prisoners were beaten or mistreated by the accused (R 18, 20, 23, 27, 30, 33 and 36).

Accused AN was an SS guard at Kaufering III from June 1944 to 24 April 1945 (P-Ex. 2, R 9). Accused did duty as controller of the guards and as a detail leader (P-Ex. 2, R 18, 19). There were approximately 1500 prisoners including 100 women that worked for construction forms and in the kitchen of the organization Todt (P-Ex. 2, R 9). Accused, on 24 April 1945, participated as guard in prisoner march from Kaufering to Furstenfeldbruck. Approximately 900 prisoners were on the prisoner march (R 18).

In defense, accused never beat nor shot prisoners either at Kaufering or on the prisoner march, nor did he see prisoners beaten, mistreated, shot or that died of exhaustion at Kaufering or on the prison march (P-Ex. 2, R 9; R 18, 19).

Accused ELBERT was an Air Force and SS guard at outcamps Allach, Neu Aibling and Gernaring from 24 March 1944 to February 1945 (P-Ex. 3, R 10). On several occasions, when a tower guard, at Allach, saw prisoners beaten by capos (P-Ex. 3, R 10, 21). Also knew that two prisoners were hanged openly there (R 21). Commander of Camp Allach was JAROLIN who was convicted in the parent Dachau case (U.S. vs Weiss et al., 000-50-2 March 1946; P-Ex. 3, R 10).

In defense, accused never beat nor mistreated prisoners (P-Ex. 3, R 10, 20) nor reported them for punishment (P-Ex. 3, R 10). At camps Neu Aibling and Gernaring no prisoners were beaten (P-Ex. 3, R 10). He could not stop capos from beating prisoners as they were separated by three fences, one electric (R 21). He reported a beating once to the Sergeant-of-the-guard but was told it was none of his business (R 21).

Accused FLORIAN was an SS guard at Camp Mottenheim from August 1944 to May 1945 (P-Ex. 4, R 11). There were approximately 3000 prisoners of Polish, Hungarian and Greek nationalities which included approximately 400 women. Conditions

were bad as the food and clothing was insufficient. The prisoners wrapped their bodies, feet and heads in paper. Many prisoners had to be carried and dragged from work back to camp due to exhaustion (P-Ex. 4, R 11). Prisoners were beaten by capos (R 24). Camp oldest ROHR and other guards mistreated prisoners. All this caused the death rate to increase to such a degree that dead bodies were hauled from the camp daily (P-Ex. 4, R 11). Once a prisoner returning from work dropped his paper hat and was kicked by one of the guards (R 24).

In defense, accused never beat nor mistreated prisoners (R 23), nor reported any for punishment (P-Ex. 4, R 11). He allowed prisoners to pick up potatoes and gave them bread and helped them whenever he could (R 23). He reprimanded the guard that kicked the prisoner and warned him to never do it again (R 24). That once he complained about the treatment of prisoners to Master Sergeant EBERTL and was told to mind his own business (R 24).

Accused HLAWATY was an SS guard in outcamp Kaufering 11 from 6 August 1944 to 2 December 1944 and outcamp Kaufering XI from 2 December 1944 to 24 April 1945 (P-Ex. 5, R 14). At outcamps Kaufering 11 and XI there were approximately 1200 to 1300 male and female prisoners of various nationalities. Prisoners at Kaufering 11 were forced to live in earth dugouts (P-Ex. 5, R 14). Accused, on or about 24 April 1945, participated as a guard in prisoner march from Kaufering XI to Allach to Koenigsdorf. There were approximately 1200 male prisoners on the 4 to 5 day march (R 27, 28).

In defense, accused never beat or mistreated prisoners nor reported any prisoners for punishment in Kaufering 11, XI or on the prisoner march nor did he see prisoners shot, beaten or fall out from exhaustion on the prison march. Some of the prisoners did fall out during the march, but this was due to bad feet and those prisoners were placed on wagons or busses (P-Ex. 5, R 14; R 27 thru R 29).

Accused HUETNER was an SS guard at Kaufering VII from 27 October 1944 to 24 April 1945 (P-Ex. 6, R 15). His duties were NCO of the guard and in charge of small work details. There were approximately 1200 male and female prisoners of various nationalities. The prisoners were badly treated, insufficient food, work shoes and lived in earth huts (P-Ex. 6, R 15). Prisoners collapsed from exhaustion on work details (R 31). Many died from malnutrition and typhoid (P-Ex. 6, R 15).

Camp commanders were RICHELSTADTER and LITZBACH.

In defense, accused never beat nor mistreated prisoners (R 30). No prisoners were beaten on work details of which he was in charge, nor did he report any for punishment (P-Ex. 6, R 15). He allowed German women to give the prisoners on his detail food and bread and he allowed prisoners to go to the field and fetch potatoes and protect prisoners that pilfered gardens (R 30).

Accused NEUFERT was an SS guard at outcamp Kaufering I from 15 March 1945 to 25 April 1945 (P-Ex. 7, R 15). Accused guarded work details and prisoners to and from work and was also a camp guard (R 34, 35). On 27 April 1945 accused participated as guard in a prisoner transport from Kaufering to Camp Dachau (R 33). Company commander was MOIL who was convicted in the parent Dachau case (U.S. vs Weiss et al., 000-50-2, March 1946).

In defense, accused never beat nor mistreated any prisoners (R 33). The prisoners were treated well and none of them collapsed from working (R 34). Prisoners, by their faces, showed they were not undernourished (R 35).

Accused UEHERSEITZIG was an SS guard at Dachau from 10 October 1944 to 17 November 1944 and outcamp Landsberg, (Kaufering XI from 17 November 1944 to 24 April 1945 (P-Ex. 8, R 16). His duties were camp guard, work detail guard and guarding prisoners to and from work (P-Ex. 8, R 16). He participated as guard in prisoner march from Kaufering XI to Wolfretshausen. There were approximately 300 women and 700 men on the march (R 37, 38).

In defense, accused never beat nor mistreated any prisoners (R 36). He did not see prisoners mistreated at Kaufering XI (P-Ex. 8, R 16). On the prisoner march no prisoners fell out from exhaustion, nor died, nor did he see prisoners beaten (R 37, 38).

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and the offenses.

5. COMMENTS: Examination of the entire record fails to disclose any error or omissions which resulted in injustice to the accused. All of the accused were by their own admissions SS guards at Dachau and/or subsidiary camps thereto for considerable periods of time from 1 January 1942 to 29 April 1945 with varying ranks and duties (P-Ex. 2 thru P-Ex. 8, R 9, 10, 11, 13, 14, 15 and 16).

The Court was required to take cognizance of the decision rendered in the

parent Dachau Concentration Camp 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 "Trail of War Crimes Cases," 14 October 1946, letters superseded thereby, and U.S. vs Weiss et al., 000-50-2, March 1946). All of the accused were 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 they not only participated to a substantial degree but that the nature and extent of their participation was such as to warrant the sentences in sed.

6. CLEMENCY: There are no Petitions for Review or Petitions for Clemency.

7. CONCLUSIONS:

- a. It is recommended that the findings and the sentences be approved.
- b. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto should it meet with approval.

/s/ ELMER MOODY  
ELMER MOODY  
1st Lt. Inf.  
Post Trial Section

Having examined the record of trial, I concur.

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