

16.02
U

WAR CRIMES
and
CRIMES AGAINST HUMANITY

PART IV

CRIMES COMMITTED IN CONCENTRATION CAMPS

Prepared by

CAPTAIN EDGAR G. BOEDEKER

1st LT NICHOLAS R. DOMAN

PRESENTED BY SECTION IV

HARDY . . . HOLLERS,
Colonel, J.A.G.D.,
Chief of Section.

WILLIAM F. WALSH,
Major, A.C.,
Deputy.

CRIMES COMMITTED IN CONCENTRATION CAMPS

TABLE OF CONTENTS

	<u>Page</u>
A. References to Indictment.	1
B. Legal References.	2
C. Statement of Evidence.	
1. Conditions in Concentration Camps.	6
a. Transports to Concentration Camps.	7
b. Housing.	9
c. Food.	10
d. Clothing	13
e. Tortures.	14
f. Murder and Extermination.	18
2. Medical Experiments in Concentration Camps.	26
3. Statistical Data on Number of Inmates and Mortality Rate in Concentration Camps.	33
D. Argument and Conclusion	39
<u>Appendix.</u>	
1. Numerical List of Documents.	42
2. Documents Pertaining to Organizations.	47

A. References to Indictment.

COUNT ONE - THE COMMON PLAN OR CONSPIRACY

IV Particulars of the nature and development of the
Common Plan or Conspiracy.

(G) 2 on page 10

and

COUNT THREE - WAR CRIMES

VIII Statement of the Offense

(A) paragraphs 5 and 6 on page 12

(A) 1, paragraph 1 on page 12, paragraphs
3 and 4 on page 13

(A) 2, b, paragraph 20 on page 16

(B) paragraph 7, on page 17

(C) paragraph 1, on page 17

and

COUNT FOUR - CRIMES AGAINST HUMANITY

X Statement of the Offense

(A) paragraphs 1 and 2 on page 26

(B) paragraph 2 on page 26, paragraph 10
on page 27

B. LEGAL REFERENCES.

1. Charter - Article 6 (b):

"WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity."

2. Charter - Article 6 (c):

"CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian populations, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated."

3. Preamble to the 4th Hague Convention, 18 Oct 1907:

"Until a more complete code of the laws of war can be issued, the high contracting parties deem it expedient to declare that, in cases not included under the regulations adopted by them, populations and belligerents remain under the protection and rule of the law of nations, as they result from the usages established between civilized nations, from the laws of humanity and the public conscience."

4. Hague Convention No. 4 of 18 Oct 1907, Articles 4, 5, 6, 7, and 46:

a. "Article 4 - Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property."

b. "Article 5 - Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist."

c. "Article 6 - The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war."

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the state is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance."

d. "Article 7 - The Government into whose hands prisoners of war have fallen is charged with their maintenance."

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them."

e. "Article 46 - Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property cannot be confiscated."

5. Preamble to the 6th Hague Convention, 1907:

"It could not be intended by the high contracting parties that the case not provided for should, for want of written provision, be left to the arbitrary judgement of military commanders."

6. Geneva (Prisoners of War) Convention of 27 July 1929, Articles 2, 3, 4, and 66:

a. "Article 2 - Prisoners of war are in the power of the hostile Power, but not of the individuals or corps who have captured them.

They must at all times be humanely treated and protected, particularly against acts of violence, insults and public curiosity.

Measures of reprisal against them are prohibited."

b. "Article 3 - Prisoners of war have the right to have their person and their honor respected. Women shall be treated with all the regard due to their sex.

Prisoners retain their full status (civil)."

c. "Article 4 - The Power detaining prisoners of war is bound to provide for their maintenance.

Difference in treatment among prisoners is lawful only when it is based on the military rank, state of physical or mental health, professional qualifications or sex of those who profit thereby."

d. "Article 66 - If the death penalty is pronounced against a prisoner of war, a communication setting forth in detail the nature and circumstances of the offense shall be sent as soon as possible to the representative of the protecting Power, for transmission to the Power in whose armies the prisoner served.

The sentence shall not be executed before the expiration of a period of at least three months after this communication."

7. The lack of written law is only a formal deficiency. This view is represented among others in the writings of the following authoritative writers in the field of international law: Spiropoulos, *Theorie Generale du Droit International*; Le Fur: *"Precis du droit international public"* (Paris 1931), and Kelsen: *Das Problem der Souveranitaet und die Theorie des Voelkerrechts* (Tuebingen 1928, 2nd ed.). Anzilotti, *Corso di diritto internazionale* (French translation by Gidel, 1929, pp. 116-120).

8. Article 38 of the statutes of the Permanent Court of International Justice at the Hague explains unwritten law as follows:

"The Court shall apply -

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

2. International custom, as evidence of a general practice accepted as law;

3. The general principles of law recognized by civilized nations;

4. Subject to the provisions of Article 59, judicial decisions and the teaching of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law."

9. Georg Schwarzenberger - *War Crimes and the Problem of an International Court* (Czechoslovak Year Book of International Law, London, 1942, page 70.)

The unwritten laws of Warfare authorize the
"immediate death penalty" for those guilty
of violation of the Laws of Warfare.

C. Statement of Evidence.

1. Conditions in Concentration Camps.

Murder by shooting, beating, use of poison gas, drowning, starving, injections, stoning, exposure, burning, and choking of nationals of 23 nations - civilians and prisoners of war alike - had been practiced as a general policy in concentration camps. The prisoners confined to these camps had been engaged in slave labor, toiling in the camps and munitions factories. Many of them were exterminated when they could no longer be used in the interest of the German war effort. They subsisted on a starvation diet, received most inadequate clothing, if any. Their living conditions, together with lack of medical facilities, contributed to the high rate of mortality prevailing in the camps. They were beaten, tortured whenever their guards or other superiors felt like doing so.

These conditions are portrayed in every U.S. government report on individual concentration camps. The following reports are offered as sample evidence:

2176-PS, report of Investigation by Judge Advocate Section, Third United States Army, of Mauthausen Concentration Camp. FAA, . . . , 17 June 1945.

2222-PS, report of Investigation by the Office of the Judge Advocate General, Headquarters, 12th Army Group, of Nordhausen Concentration Camp. 25 May 1945.

2223-PS, report of Investigation by Judge Advocate Section, Third United States Army, of Buchenwald Concentration Camp.

2309-PS, report by Headquarters, Third United States Army, on Flossenburg Concentration Camp.

Hundreds of sworn statements, contained in these official government reports and other authenticated statements, give detailed descriptions on every phase

of life in concentration camps. The few typical statements quoted below illustrate transport, food, housing and clothing conditions, tortures and various means of murder.

a. Transports to Concentration Camps.

The suffering and the death of innumerable masses of inmates did not start on arrival at the concentration camp, but took place already on their way to it. Conditions during the transport of people committed to concentration camps are described in affidavits of the victims. A Ukrainian peasant who was taken in October 1943 from his home to the Buchenwald concentration camp describes his experiences as follows:

"On 27 October we were brought to the station and put into freight cars, 110 - 130 to a car. Many of us went mad or committed suicide. We are going to Germany. On small railway stations they used to shoot us. We were 480 men. The journey lasted for 22 days. As food we got only what people on the stations gave to us. During 22 days I had 2 kg. of bread and nothing more. They gave us no water, for trying to procure it you were beaten with the butt of a rifle and often killed for it. Our dead remained in the cars for days. During this journey 40 died of thirst and starvation, about 100 were shot, also women among them."

2223-PS, Report of Investigation of
Buchenwald Concentration Camp
by Judge Advocate Section, Third
United States Army. Exhibit 94,
affidavit of Trofim Krotenko;
23 April 1945, p. 1., par. 2.

A mason foreman working in the SS at Buchenwald describes how he saw a train with a transport of persons pass to the station of Buchenwald in the winter of 1943. He saw many half alive and many dead persons who lay on a layer of 7 cms. of calcium chloride. It was a mass murder, he says, of prisoners on transport from Mauthausen.

2223-PS supra, Exhibit 148, affidavit of
Frantisek Schlichts, 24 April 1945,
p. 1., par. 3.

An executive of a Polish coal mine who was confined in the Dachau concentration camp and worked there as bath master, describes the status of prisoners who arrived at Dachau from the Stutthof concentration camp in October 1943:

"The living were more or less half dead. They were absolutely out of strength, not a single one came walking in, but all of them were transported to the bath-house on carriages pulled by other prisoners. They came in cattle cars. The cattle cars had been wired around with barbed wire and were never opened until they reached Dachau. I have seen the bodies and washed them all myself. On 52 of the dead I found that all the muscular parts of the body, especially the muscles of the arms and upper shanks as well as the testicles, had been eaten away. I asked the living about that condition, and they told me that these parts of the bodies had been eaten up by the living prisoners.....and the living all had to be brought to the hospital right away, where 70% of them died. There were also 20 of the living who showed marks of that cannibalism."

2428-PS, affidavit of George Galenziak,
6 May 1945, pp. 11 - 12.

Another Pole who came on a prisoner transport from Buchenwald to Dachau in April 1945 describes that of this transport, lasting about three weeks (from 7 April 1945 to 28 April 1945), about 80 men died on the way, partly from hunger, partly from beating by the SS or being shot by the SS. The majority were Poles, there were also a few Russians and a few Frenchmen, and a few were Jews. When death occurred on the train the living were forced to sit or lie down on the dead. Prisoners were not allowed to go out of the train to relieve themselves and therefore sanitary conditions inside were absolutely unspeakable.

2428-PS supra, affidavit of Zenon Balcer,
20 May 1945, pp. 2 - 3.

b. Housing.

The deaths of many inmates were caused by crowded conditions, and lack of sanitary facilities in their barracks. For instance, a Mauthausen inmate states that four of them slept on a straw mat, and there were times when they could not even lie down and had to spend the whole night sitting up. There were 1,000 prisoners in barracks nos. 21 - 24. The sick slept six or seven deep on beds which were not roomy enough for two.

2176-PS, Exhibit 13, affidavit of Josef Styblo, 9 May 1945, p. 1.

Another prisoner in Mauthausen describes that at all times 600 to 700 prisoners were in the barracks of Block No. 23. The men were sleeping there on the ground without beds, living and dead on one pile. The death rate of this block alone was 60 - 90 prisoners daily.

2176-PS supra, Exhibit 31, affidavit of Drahomir Barta, 17 May 1945, pp. 5 - 6.

A Czech major of the infantry gives the following account of the quarantine in Buchenwald, in spring 1943:

"We were stuffed into boxes of $2\frac{1}{2}$ x $2\frac{1}{2}$ meters, 12 men in each. We slept on concrete without covers. There was no water during the whole $3\frac{1}{2}$ weeks of quarantine. If we wanted to wash our hands, we must do it with our urine."

2223-PS supra, Exhibit 143, affidavit of Jan Jelinek, 24 April 1945, p. 1., par. 2.

.. Russian prisoner of war describes his living conditions in the Sachsenhausen-Oranienburg concentration camp in October 1941 as follows:

"We were put 1,000 men to a barrack which was quite empty, no beds, no cots, no chairs or tables, no blankets. We slept on the ground, our wooden shoes as a cushion. We had to breed lice on our own bodies, they were making experiments with us, every one of us had about 300 lice on our body. Each morning we had to take off our shirt and pants and count them."

2223-PS supra, Exhibit 65, affidavit of prisoner of war Benjamin Lobedev, 22 April 1945, p. 1., par. 2.

. French doctor describes living conditions in the Dora concentration camp in the following words:

"From September 1943, the date of the foundation of the camp, until March 1944, 10 to 12,000 men slept in the tunnel where four unfinished galleries ending in a cul-de-sac were used as dormitories. There were wooden beds, four tiers high, with a mattress cover. The heat and the atmosphere were suffocating because the place had no ventilation. The noise was continuous because of the Kommandos moving in and out and the machines working in the nearby gallery, pneumatic drills, explosions of mines. In front of the door was a line of portable latrines which constituted all the toilet facilities. Not a drop of water for the four dormitories."

2222-PS supra, Exhibit EEE, affidavit of Dr. Louis Girard, 5 May 1945, pp. 1 - 2.

c. Food.

The quality and quantity of food received by inmates in all of the concentration camps well represent the attitude and policy of the German Government towards the unfortunate inmates. The insufficiency of food resulted in the starvation of many thousands of people. For instance, a Belgian journalist, a prisoner of war, who was arrested by the Gestapo on 5 July 1943 and sent to the concentration camp of Breendonk, describes his daily rations as follows:

"200 gms of bread and a watery soup, green and white cabbage. Daily I got a trifle of marmalade, sugar, marmalade of the worst quality, dry vegetables or cooked leaves. In a so-called porridge, which was very often mouldy, we found dead mice. Commissions which visited the kitchen were never surprised about the quality of the meals, often on the contrary. In the book about cooking can be found words of great praise."

2223-PS supra, Exhibit 32, affidavit of George Hebbelink, 20 April 1945, p. 1., par. 1.

A Czechoslovak student describes the food rations of Russian prisoners of war from 1939 to 1941. Many prisoners were seen dying off at the time of food distribution. The prisoners were beaten by the leaders of the kitchen with sticks and rubber hoses when reporting for their meals. Consequently they were afraid to go to fetch their food. If an undernourished prisoner took even one piece of carrot, he was immediately tortured by the SS men.

2223-PS supra, Exhibit 87, affidavit of Leon Kraus, 23 April 1945, p. 2., par. 2.

Often as punishment food was completely withheld from the prisoners. A Czechoslovak at Buchenwald related that, as a result of a missing pig in the pigsty all the prisoners had to stand at attention in the rainy cold weather for nine hours (17 November 1939). For several days they received no food at all. One day they received a cup of coffee and a thin slice of bread. On account of this several hundred prisoners died of starvation and inflammation of the lungs. An epidemic of diarrhoea broke out, and many hundreds of prisoners died. He saw an SS officer catching one of the inmates who, driven by hunger, stole a piece of vegetable, and how the SS officer bound the culprit by his tongue with a thin

wire to the pillar.

2223-PS supra, Exhibit 88, affidavit of Josef Jodas, 23 April 1945, p. 1., par. 2.

An American naval officer captured on 1 December 1944 and, after confinement at the Gestapo Headquarters in Vienna, brought to the concentration camp of Mauthausen and confined there, describes food conditions in that camp as follows:

"We were marched to the Mauthausen concentration camp on 29 March and were 48 hours without food or water."

Speaking of Mauthausen, he said:

"Food consisted of very dilute ersatz coffee (hot water) at five in the morning. Lunch was a liter of ersatz soup, supper was a 10th or a 17th of a kilo of black bread. The bread however was composed of wheat flour, potato peelings, sawdust and straw. The Jews were too weak to carry their own food."

2176-PS, Exhibit 3, affidavit of Jack H. Taylor, Lieut. USNR, 14 May 1945, p. 2., par. 4.

An officer in the Belgian Army who was taken to the concentration camp at Dora (also called the Mittelbau concentration camp) in February 1945, relates that the daily ration consisted of a liter of soup, about 350 grams of black bread with margarine or a spoon of jam, and a small piece of sausage. Many of his comrades died there, about 15 - 20 a day, most of them from starvation and diarrhea.

2222-PS supra, Exhibit 88. Affidavit of Captain John Schartert, 14 April 1945, p. 2., par. 1.

Another prisoner describes food conditions in the Osterhagen and Ellrich camps and the so-called Boelke Kaserne, Nordhausen, in 1945. The sick inmates at Ellrich were left to die from starvation.

At the Boelke Kaserne 8 inmates received one piece of bread of 1500 grams and 3/4 of a liter of watery soup each.

2222-PS supra, Exhibit DDD. Affidavit of George Pieper, 2 May 1945, p. 2., par. 1.

d. Clothing.

Clothing conditions were no better than housing and food conditions described above. A Russian prisoner of war relates for instance that, at the Sachsenhausen concentration camp on 1 December 1941, an order was given by the camp commander that all the Russian prisoners of war had to stand at attention before the barracks from 0800 to 1700 daily. They were clad in a jacket and a pair of trousers and clogs, without socks and underwear. These conditions lasted until 25 February 1942. During this period 4,300 men were frozen to death.

2223-PS supra. Exhibit 65, affidavit of Benjamin Lebedev, 22 April 1945, p. 1., par. 1.

In the Auschwitz-Birkenau concentration camp, according to a Dutchman who was taken to the camp in August 1943, clothing conditions were as follows: Clothing was pajamas in summer and winter, very few pullovers, no socks, wooden foot wear, only a few gloves. Greatcoats were only given out in winter, merely to outgoing squads. A great many frozen hands and feet ensued. Amputation was in most cases synonymous with death.

2223-PS supra. Exhibit 40. Affidavit of Serge Kaplan, 21 April 1945, p. 2., par. 2.

It is related by a political prisoner who was a

Deputy of the French Parliament that in the Mauthausen concentration camp there was no laundry and no change of clothing. At the time of the arrival of the American troops on 6 May 1945 many prisoners still had the shirt and the shorts on which they wore in September of the previous year.

2176-PS supra. Exhibit 16, affidavit of Jean Biondi, 17 May 1945, p. 5., par. 4.

A Yugoslav political prisoner, a medical doctor, who was taken to Dachau in September 1944 claims that in that camp clothing consisted of dirty shirt, no underwear, and very dirty trousers and jackets. No cap was issued in the camp, no shoes - only sandals - and no stockings.

2428-PS supra. Affidavit of Franz Mis, 1 May 1945, p. 3.

e. Tortures.

A Buchenwald prisoner who was in the camp since 1940 relates that all newcomers in the camp were ordered to swallow their religious souvenirs or holy badges. They were put face to the wall and their figures were knocked against the wall.

Prisoners suspended on trees in the forest with their hands tied on the back were beaten to death.

2223-PS supra, Exhibit 119, affidavit of Leon Gostinski, 23 April 1945, p. 1., par. 5.

A Czechoslovak General in reserve, former Minister of War, relates that in Dachau Jews were bound to the trees in the wood, thrown in sewers, covered with stones thrown at them, driven in gallop, beaten with clubs, etc. In March and April 1940 he himself was bound in irons, forced to stand on toes for three to five hours, whipped, slapped in the face, pricked with scissors, etc.

2223-PS supra. Exhibit 100, affidavit of General Otakar Husak, 23 April 1945, p. 1.

Another prisoner who was taken to Buchenwald in July 1942 relates that because of sitting too long in the lavatory he was forced to roll in the mud for 30 minutes. Inmates were thrown down the lavatory pit and laughed at by the SS men.

2223-PS supra. Exhibit 53, affidavit by Peter Kolbasov, 21 April 1945, p. 1., par. 2.

A German prisoner of war describes the following torture in Buchenwald: Prisoners were hanged from trees by their arms, which were tied behind their backs. 30 to 40 prisoners were hanged daily in this manner, leaving them swaying about one foot off the ground for several hours. Among the victims were men as old as 65 years, under the pain of their torture these old men would cry for their wives and children, some even for their mothers and fathers, in spite of their age and the fact that they were many of them grandfathers themselves. Others appealed to the Virgin Mary or to the Saviour. The SS men would walk among the trees making fun of the spectacle, and with their clubs they would smash the faces of the helpless victims.

This same man saw himself that Jews were taken into the wood, where they were forced to lower their trousers, relieve themselves, and then eat and swallow their own excrement. If a prisoner refused he was given 25 or 30 lashes on his bare back. He also saw how in the winter of 1939 all camp inmates were forced to stand at attention for 17 hours at a temperature of 25° below freezing point. Hundreds

dropped dead, and 700 to 800 men suffered frozen legs.

2223-PS supra, Exhibit 165, affidavit of
PW Andreas Pfaffenberger,
19 December 1944, pp. 3, 5, 6.

A Czechoslovak civilian relates the following story in Buchenwald:

"In December 1941 four Russian prisoners of war carried five or six potatoes in their pockets. A member of the SD found the potatoes in the possession of these Russians and, as punishment, made them do strenuous exercise for an hour, after which the four prisoners were given a plate of soup made of water, axle grease and soap, and made to eat this concoction. Two of the prisoners refused to eat the soup and were immediately kicked and beaten until they died. The other two ate part of the soup and as a result died a few days later."

2223-PS supra, Exhibit 63, affidavit of
Jan Leitner, 21 March 1945, p. 2.,
q. 13.

A Belgian Major gives the following examples of torture in the Breendonk concentration camp:

"Prisoners were suspended with their hands under a bridge crossing the fortress ditch, under which the sand lorries were passing. These lorries hit at full speed the feet of the prisoners and gave to the bodies a pendulum movement, incessantly renewed. The prisoners were forced to fight, to box, to beat each other, to kick themselves personally and reciprocally, to run their heads against a wall, to throw themselves against certain obstacles, etc. Lt. Praus emptied buckets full of human excrement on the heads of the prisoners or in the room, and forced them to collect with their hands."

2223-PS supra, Exhibit 73, affidavit of
Charles Hullebrock, 22 April 1945,
p. 3., par. 2.

According to a statement of two inmates of Nordhausen, who were at Camp Dora since August 1943, the prisoners were brutally beaten on account of the slightest mistakes, with cat-o'-nine-tails, wooden staves, shovel handles and iron rods.

2222-PS supra, Exhibit BBB, statement of Buschler and Webers, 24 April 1945, p. 1., par. 3.

In camp Dora, Nordhausen, each block commander had a particular system for torture. For example, 25 or 30 strokes on the buttocks, placing persons' heads into a bucket of human excrement until they were asphyxiated, placing a piece of wood through the cheeks of people and turning it until they tore apart.

2222-PS supra, Exhibit CCC, statement of Pierre Joseph Denis, 16 April 1945, p. 3., par. 2.

A Polish prisoner gives a description of beatings in the Boelke Kaserne at Nordhausen in spring 1945. He saw Russian prisoners beaten so badly that they had holes in their heads, and bled profusely.

2222-PS supra, Exhibit LL, affidavit of Yankel Leff, 2 May 1945, p. 1., par. 4.

A Belgian political prisoner who was confined at Mauthausen and Gusen relates that the prisoners were forced under showers which alternated from ice cold to boiling heat. Many died of exposure to the intemperate climate after standing outside hardly clothed or completely nude. A particularly effective method was drowning the inmates in a tub of water, in human excrement or in the remains of the victims.

2176-PS supra, Exhibit 27, affidavit of Lucien Vanherle, 9 May 1945, p. 3., par. 1.

A French political prisoner describes his beating by one of his superiors in Mauthausen in the following words:

"I was beaten with extreme violence in my face, stomach and belly. In a few moments I was covered with blood. Instead of stopping when I began to faint in this place he lifted me in his arms and threw me again on the ground, then he stamped on my swollen face, my hands and my feet. I could not stop crying from the pain. I rose with difficulty and went to the block exit. I bent down to lace my shoes and he kicked me violently in the kidneys, which threw me into the mud. He beat me several times more while I lay stretched out on the ground."

2176-PS supra, Exhibit 12, affidavit of Roger Pinchon, 12 May 1945, p. 1., par. 4.

Instruments used for torture and murder in Mauthausen concentration camp:

- (1) Speciment of poison gas used in gas chamber at Mauthausen and Gusen, number 1 and number 2. 2525-PS, referred to as Exhibit 216 of 2176-PS.
- (2) Rubber hose used by SS guards to beat prisoners in the Mauthausen chain of camps. 2524-PS, referred to as Exhibit 217 of 2176-PS.
- (3) Heavy whip used by SS guards to beat prisoners in the Mauthausen chain of camps. 2527-PS, referred to as Exhibit 218 of 2176-PS.
- (4) Cat-o'-nine-tails whip used by SS guards. 2526-PS, referred to as Exhibit 219 in 2176-PS.

f. Murder and Extermination

Murder was an every day occurrence in the concentration camps. The most common methods used for the killing of inmates were gassing, shooting, starving, hanging, beating and tearing apart by dogs.

In an affidavit, Isaak Egon Ochshorn, who was an inmate of various concentration camps from 2 October 1939, refers to the use of the gas chamber at Gross Rosen concentration camp during his stay there from 16 June 1941 to 16 October 1942 in the

following words:

"While at Gross Rosen, acting as Schreiber, I noted the number of persons who were gassed, since it was my duty as camp clerk to list the number of those who were done away with."

The same person also describes killings by gas in the Auschwitz-Birkenau concentration camp, where he was a prisoner in 1942, in the following words:

"It was at this camp that I witnessed from my pen in Block 27 the gassing of innumerable persons in the gas chambers. It was there that I witnessed the persons being driven into the entrance holes, lulled into it by statements that they were to bathe. There I saw the doors of the chambers close and the gas bomb dropped into the chamber."

2429-PS, affidavit of Isaak Egon Ochshorn, 5 September 1945, p. 4., pars. 16, 20.

In a statement contained in an official United States Army report of investigation, Ernst Martin refers to the gas chamber at the concentration camp Mauthausen in the following words:

"Prisoners who were sick, weak and not able to perform duty were from time to time gassed. Political prisoners were also treated this way. Up to 120 prisoners were pushed naked into the gas chamber and then gassed by Cyklon B. Death very often did not occur for hours. Through a spyhole in the door the SS murderers observed the incidents."

2176-PS, report of investigation by the Judge Advocate Section, Third United States Army, of Mauthausen-Gusen-Ebensee chain of concentration camps, 17 June 1945, statement of Ernst Martin, Exhibit 4, p. 2., Sect. 6. a.

In the testimony of Dr. Franz Blaha, a Czechoslovakian surgeon who was a prisoner at Dachau and practiced his profession there, the early operation of the gas chambers at the Dachau concentration camp is described. This gas chamber was finished early

in 1944 and Dr. Blaha personally examined seven people in the gas chamber who had been gassed. Of the seven, two were dead, two were unconscious, and three were alive and conscious. This occurred in the early spring of 1944. The gas used was chlorine or a chlorine derivative.

2428-PS, report of Investigation of Dachau Concentration Camp by Headquarters Seventh Army. Redirect examination of Dr. Franz Blaha, 18 May 1945, pp. 1 - 2.

Exmaples of killing by shooting in concentration camps: A prisoner at Auschwitz-Birkenau stated that in 1942 the following occurred:

"It was there at Auschwitz-Birkenau that I saw Hauptscharfuehrer Moll and five other SS men seize 386 Jewish children under 10 years of age by the hair and shoot them."

2429-PS, affidavit of Isaak Egon Ochshorn, 5 September 1945, p. 5., par. 23.

The sworn testimony of a prisoner at Dachau concentration camp contains the following description of the shooting of women at the camp in May 1942 before the eyes of the witness:

"I was there. I saw 400 to 500 women lined up in ranks 10 to 12 deep, all along the street towards the bathhouse and the dungeon at half past two in the morning. They were brought by motor cars and taken 10 by 10 to the rifle range, where they were shot by approximately 14 of the block fuhrers. They shot them with pistols until 400 to 500 women were dead."

2428-PS, report of Investigation of Dachau concentration camp by Headquarters Seventh Army. Statement of George Galenziak, 6 May 1945, pp. 18 - 19.

Persons were often forced to go into the chain of guards surrounding a work detail or camp, where they were instantly shot. Such victims were

listed as "shot while trying to escape."

2176-PS supra. Exhibit 4, statement of Ernst Martin, 8 May 1945, p. 1., sect. 1., a.

A Czech surgeon who was a prisoner at Dachau concentration camp from April 1941 until April 1945 performed autopsies on 7,000 bodies of deceased inmates of the camp. It was found from these autopsies that the majority of these people died of hunger and the rest of tuberculosis caused by hunger.

2428-PS supra. Statement of Dr. Franz Blaha, 3 May 1945, pp. 10 - 11.

Hanging was a method of execution common to all concentration camps. A prisoner at Buchenwald describes the use of the gallows in that camp in the following words:

"From 1939 until 1942 hangings in the camp were performed by two Poles, 19 and 22 years old. After each hanging the Poles were given two cigarettes and some bread sausage. I often saw them receive this reward from a Rapportfuehrer, SS/Scharfuehrer Hofschulte. The gallows stood near the kennels, outside the camp and near barracks No. 3. I and other prisoners saw dozens of hangings. In 1942 the gallows were brought back into the camp and erected next to the five furnace crematoria, where bodies were burned."

2223-PS supra, Exhibit 165, statement of PW Andreas Pfaffenberger, 19 December 1944, p. 4., par. 3.

A criminal prisoner who had been at Sachsenhausen and Dora from 1940 until August 1944 gives the following account of hangings at Dora:

"I saw groups of two and three men which would total approximately 60 hang for alleged sabotage. All the prisoners and workers were compelled to watch hangings, which occurred in April and May of 1944. The hangings were usually held on Sunday during roll call. These

people were mostly Poles, Russians and Czechs."

2222-PS supra, Exhibit WV, statement of Willie Zwiner, 6 May 1945, p. 1.

At Buchenwald the chief of a work group pushed a railway wagon into a group of Jewish internees who were working on the railroad. When the wounded cried they were beaten to death with the handles of shovels, and two German Bibelforschers were called out and beaten to death with a revolver.

2223-PS supra, Exhibit 148, statement of Frantisek Schlichts, 27 April 1945, p. 1., par. 1.

At Dachau a "beating by the minute" was regularly administered to prisoners after a prisoner had been late for a formation. While the camp band played, six SS men beat on the prisoners as fast as they could for a full minute. Approximately 200 blows were thus administered, and at the end of this punishment the prisoner was invariably dead.

2428-PS supra, statement of George Galenziak, 6 May 1945, pp. 23 - 24.

A prisoner at Buchenwald who was registrar of killed persons at Block 61 of that camp tells of the killing of new arrivals at the block who were sick. They were taken to the "chamber", where they were killed by means of the injection of Lysol into the brain. With the approach of the Allied army, sick prisoners were given poison to drink and were sent back to the block, where they soon died.

2223-PS supra. Exhibit 170, second statement of Karel Hrouda, 15 May 1945, p. 2.

The murder by exposure and beating of 300 prisoners at the concentration camp Mauthausen is

related by a member of the Hungarian Parliament, a brother-in-law of the U.S. Ambassador James Gerard, who witnessed the incident, in the following words:

"The second case I want to mention is the deliberate murder of some 300 prisoners who had arrived from one of the camps which had to be liquidated on account of the Allied advance. On the 16th of February these unfortunate men turned out.....not being in working condition they were condemned to be done away with and were left to stand without any clothing whatsoever all day and all night in the open with SS men throwing water over them in order to facilitate the consequences of their exposure. You could hear them wailing and screaming with pain, and unfortunately on one occasion they were brought for over an hour to stand quite close to our block, where we saw them and had to listen to their screaming. Later we found four or five dead bodies lying on our road. We heard that the rest of them who had not died were beaten to death by the SS men."

2176-PS supra. Exhibit 29, statement of Count Anthony Sigray, 11 May 1945, p. 2.

A prisoner who worked near the crematorium at Auschwitz-Birkenau in 1944 gives the following description of mass killings there:

"Now I will describe how I worked near the crematorium. There were five of them and two great pits. I saw with my own eyes how thousands of Jews were gassed daily and thrown by hundreds into these pits, where fires were burning. I saw how little children were killed with sticks and thrown into the fire. I have seen gutters with blood flowing in them. The SS were throwing Jews into them who tried to escape from the crematorium. They died there. I have seen how hundreds of Jews were taken from the trucks and throw into the fire alive."

2223-PS supra. Exhibit 95, affidavit of Peter Lazuka, 23 April 1945, p. 1., par. 2.

Prisoners who were disliked were often killed by special means. A former prisoner at Mauthausen states:

"Prisoners who were hated or who were earmarked when they arrived were gathered at the parade place, and dogs were let loose on them until they were literally torn apart. This happened several times in the prison bath or the jail."

2176-PS supra. Exhibit 4, statement of Ernst Martin, 8 May 1945, p. 3., Sect. 6. d.

A German prisoners of war relates that it was a daily occurrence in Buchenwald to see Jews driven into a latrine. This latrine was 2 metres wide and 4 metres long. They were forced to jump so that they would fall into the offal and drown.

From 1939 to 1940 many Jews were killed with a club and many more died a horrible death in the pigsty. There the Jews were forced to shovel off the top of a manure pile, then made to lie down on the rest. Other prisoners were compelled to shovel the manure back on top of their comrades, after which they were forced to do exercises on top of the complete pile while the victims buried underneath choked to death.

In 1939 all prisoners with tattooing were ordered to report to the dispensary. After examination, the ones with the best and the most artistic specimens were kept there and then killed by injections. In the pathological department the desired pieces of tattooed skin were detached from the bodies and treated. Lamp shades and other ornamental household articles were made out of them. The German prisoner of war says:

"I myself saw such tattooed skins with various designs and legends such as 'Hans'l and Gret'l, which one prisoner had on his knee. There I also saw the shrunken heads of two young Poles who had been arrested for having had relations with German girls. The heads were the size of a fist, and the hair and the marks of the rope were still there."

2223-PS supra, Exhibit 165, 19
December 1944, pp. 3, 6.

According to an eye witness at Buchenwald, "special treatment", i.e. murder, was performed in the following manner:

"It was also at Buchenwald on or about 1 January 1940 that Schober gave the order that all holders of doctor's degrees and clergymen, both Rabbis and others, should be specially treated. These persons were to be buried in a pit up to their necks and allowed so to perish. I heard Schober give this order and saw it carried out. About seventy or eighty persons who met this qualification were so treated over a period of some months."

2429-PS, affidavit of Isaak Egon Ochshorn
5 September 1945, p. 2., par. 8.

General conditions in concentration camps, such as housing, food, tortures, murders, medical experiments, are illustrated in a moving picture prepared by the U.S. Army Signal Corps. This picture shows scenes from several concentration camps, including Ohrdruf, Breendonk, Nordhausen, Buchenwald, Mauthausen, Dachau, and also from Bergen-Belsen.

This picture shows thousands of dead bodies in camps like Bergen-Belsen, where 17,000 bodies remained to be buried and bulldozers had to be employed to speed burials because sanitary conditions were appalling.

2430-PS, U.S. Army Signal Corps motion picture, with affidavit of Colonel Stephens, under whose direction the picture was made.

2. Medical Experiments in Concentration Camps.

In many concentration camps medical experiments were performed on the inmates. These experiments were not voluntary. Some documents suggest that sadistic and obscene motives played a large role in many of these research projects.

From German documents, interrogations and reports of witnesses, the following 16 types of experiments could be established as having taken place:

a. High altitude experiments, carried out by Dr. Sigmund Rascher in the concentration camp of Dachau, March - August 1942.

These experiments were begun in March 1942.

1581-PS, letter from Brandt to Sievers, re low pressure experiments on inmates of Dachau, 21 March 1942.

The experimental subjects were placed in a closed chamber in which air pressure could be increased or decreased. If the prisoners were placed in a vacuum, they were often kept there until their lungs ruptured. This experiment was frequently used as a method of execution. High pressure caused such extreme pain that the victims tore their heads and faces with their fingers and nails, beat the walls with their hands and screamed in an effort to relieve pressure on their eardrums.

2428-PS, Anton Pacholegg's testimony, 13 May 1945, pp. 2 - 3.
L-173, Dr. Soswinski's testimony, 1945, p. 3., par. 2.

That fatalities occurred is obvious from a letter

of Mrs. Rascher (13 April 1942) in which she asked for Himmler's permission to take colored photographs of "freshly autopsied human bodies" in Dachau.

1581-PS, letter from Mrs. Rascher to Dr. Brandt, 13 April 1942.

Also Dr. Rascher, on 20 August 1942, writes about releasing prisoners who assisted him in the experiments by performing autopsies.

1607-PS, letter from Rascher to Brandt, re high altitude experiments, 20 August 1942.

b. Experiments on intense chilling in ice-water, carried out in the concentration camp of Dachau by Dr. Sigmund Rascher, August - November 1942.

The final report of these experiments gives a detailed account about the procedure and the sufferings of the victims. The experimental subjects were immersed into water at temperatures from 36.1° to 56.6° (2.3° to .2 C°). The experimental persons were forced to spend several hours (up to 48) in the ice cold water. The victims felt as if an iron ring were drawn around their chests, they were unable to breathe or to speak, muscular rigidity and cramps set in and death occurred frequently.

L-171, report of Dr. Rascher on chilling experiments, October 1942, pp. 2, 4, 5. Charts 5, 13.

2428-PS, Franz Blaha's testimony, 3 May 1945, p. 27.

L-173, Dr. Soswinski's testimony, 1945, pp. 2 - 3.

It is impossible to ascertain how many people

were killed in these experiments. In the above mentioned charts 12 murders are illustrated. Also it is impossible to estimate the number of people used in these experiments. Rascher mentions a total of 200 experiments; however, the same subjects were sometimes used for several experiments.

1578-PS, Rascher's personal notebook
about chilling experiments.

According to a testimony, 100 to 120 people were subjected to the cold water treatment, two thirds of whom died.

2428-PS, Franz Blaha's testimony, 3 May
1945, p. 11.

The victims were withdrawn from the water and rewarmed by various methods. In one experimental series four girls were used for rewarming the chilled persons. These women were brought from Ravensbruck; the half-frozen bodies of the victims were placed between two women and the effects of intercourse were observed.

1583-PS, letter of Himmler to Pohl,
15 November 1945.

2428-PS, Anton Pacholegg's testimony,
13 May 1945, p. 5.

c. Chilling experiments on concentration camp inmates by exposure to dry cold, carried out by Dr. Rascher in Dachau in February 1943.

A letter by Dr. Rascher reports on experiments carried out on 30 inmates of Dachau. The prisoners were left outdoors naked until their body temperature fell to 80.6° (27°C). Their hands and feet were partly frozen white.

1616-PS, letter of Rascher to Himmler,
17 February 1943, re freezing
experiment

Naked men were put outdoors, mostly during the cold winter nights; they were forced to lie in metal carts for two to twelve hours until they fainted.

2428-PS, Anton Pacholegg's testimony,
13 May 1945, p. 5.

Rascher requested to perform similar experiments in Auschwitz and in Lublin, because the climate was colder there, and the camps were more spacious, so that the screaming of the frozen victims would cause less excitement. This request was granted by Himmler.

1616-PS, letter of Rascher to Himmler,
17 February 1943.

1580-PS, letter of Himmler to Rascher,
26 February 1943.

d. Operations performed on healthy prisoners by SS doctors performed various operations in the course of which about 25% of the patients died. Patients with hernia and appendicitis were castrated. Amputations were performed without anesthesia.

2428-PS, Franz Blaha's testimony, 3 May 1945,
pp. 8 - 9.

2428-PS, Anton Pacholegg's testimony, 13 May
1945, p. 6.

e. Liver punctures performed in Dachau, and by Prof. Neumann in Buchenwald, 1942 - 1943. These punctures caused much pain, terrible cramps, and led to a very high percentage of fatalities.

2428-PS, Dr. Franz Blaha's testimony, dated
3 May 1945, p. 33.

2428-PS, Herrmann Obenauer's testimony,
dated 23 April 1945, p. 1.

f. Malaria inoculation experiments conducted on inmates of the concentration camp of Dachau by Dr. Claus Karl Schilling, from February 1942 to March 1945. Healthy prisoners were injected with

the blood of patients suffering from malaria. These experiments caused directly or indirectly 100 casualties among the estimated 1,000 persons who were experimented upon.

2428-PS, Dr. Franz Blaha's testimony, 3 May 1945, pp. 33, 35 - 37.

2428-PS, Dr. Claus Karl Schilling's testimony, 7 May 1945, pp. 4 - 14, 16 - 20.

g. Injections with pus from phlegmone patients carried out in concentration camp of Dachau. About 800 people were injected with pus from phlegmone patients into the muscles or into the veins. An estimated 90% of these people died, the rest became crippled and were later killed.

2428-PS. Dr. Franz Blaha's testimony, 3 May 1945, pp. 9 - 10.

h. Artificial infection of male and female inmates with bacterial cultures at the Ravensbruck concentration camp, carried out by Dr. Karl Gebhardt and Dr. Fritz Fischer. Incisions were made into the legs and bacterial cultures of gas edema bacilli were implanted. These experiments frequently led to fever, sepsis and death in many cases.

Interrogations of Dr. Fritz Fischer, 19 September 1945, pp. 10 - 13, 20 September 1945, pp. 3 - 10, 21 September 1945, pp. 4 - 11, 25 September 1945, pp. 6 - 12.

i. Plastic surgery and bone transplantation performed on inmates of the Ravensbruck concentration camp under direction of Dr. Karl Gebhardt. In these experiments part of muscles were excised and shoulder bone removed. The victims became permanently crippled.

Interrogation of Dr. Fritz Fischer, 20
September 1945, pp. 13 - 15.
2170-PS, statement of Kurt Gerstein,
6 May 1945, p. 6.
2181-PS, testimony of Sylvia Marie
Girare, 28 July 1945, pp. 16 - 17.

j. Dietary experiments carried out in the
Mauthausen concentration camp. From 1 December 1943
to 31 July 1944, three different kinds of diets were
used on the experimental subjects:

Fruit Diet (A), consisting of fruit stew,
of 150 patients, 76 died.

Yeast Diet (B); of 110 patients, 33 died.

Regular Diet (C); of 110 patients, 46 died.

2176-PS, Exhibit 4, statement of Prof. C.
Busek, 13 May 1945, par. 9.

k. Injections with typhus serum in the Buchen-
wald concentration camp, performed by Dr. Schuler.
Several hundred patients were injected with typhus
serum. An estimated 80% of these died.

2222-PS, Exhibit RR, statement of Jean
Julien Dieutegarde, 16 April
1945, pp. 23, 24, par. 171,
and Exhibit SS, statement of
Paul Bennart, 16 April 1945,
p. 28., par. 196.

2223-PS, Exhibit 163, interrogation of
Erwin Schuler, 16 April 1945,
by CIC Det. 220, Hq. XX Corps,
p. 1., par. 2.

l. Castrations, artificial fertilizations, vivi-
sections, performed in Auschwitz. On boys of 18 - 21
years, who were picked out indiscriminately, castrations
and semi-castrations were performed. The SS men
watched whether one of the semi-castrated was able to
have sexual intercourse. Men and women were steri-
lized by means of X-rays. Cancer was implanted on the
uterus and artificial fertilizations were carried out.

2223-PS, Exhibit 69, statement of Solon Samonilidis, 22 April 1945, pp. 1 - 2; Exhibit 107, statement of Leo Eitinger, 22 - 23 April 1945, pp. 3 - 4; Exhibit 113, statement of Paul Heller, 23 April 1945, p. 1., par. 2.

m. Bone operations performed in Buchenwald by Dr. Eissele. Eissele took out bones and amputated arms and legs. Sick men who merely asked for a plaster or a pill were anesthetized, their heads, bowels etc. cut off.

2223-PS, Exhibit 116, statement of Herrman Obenauer, 23 April 1945, p. 1; Exhibit 115, statement of Waldemar Reiner, 23 April 1945, p. 1; Exhibit 114, statement of Ludwig Scheinbrum, 23 April 1945, p. 2.

n. Experiments with poisoned ammunition in Buchenwald. Prisoners were shot with poisoned ammunition; from a minor shot wound they died within a few hours.

2223-PS, Exhibit 34, statement of Gustav Wegerer, 19 April 1945, p. 1., par. 5.

o. Injections leading to blindness and severe wounds, performed in Natzweiler. Injections were given into the arms. Within a few minutes blindness set in, which lasted for several days; at the site of the injections severe wounds appeared which healed only with difficulty and crippled many victims permanently.

2223-PS, Exhibit 104, statement of Dr. Kurt Sitte, 23 April 1945, p. 2., par. 2.

p. Experiments on human skin performed by Dr. Richter in Gusen. Healthy prisoners were killed with injections and experiments were performed with their skin.

2176-PS, Exhibit 4, statement of Prof. Dr. C. Busek, 13 May 1945, Sect. 8, par. 3.

3. Statistical Data on Number of Inmates
and Mortality Rate in Concentration Camps.

Several million people were murdered in concentration camps. There are no figures available on the exact number of people killed, only estimates from persons who were members of the camp administrations or who were inmates confined to camps. No records were kept on those millions who were sent to Auschwitz and other camps for no other purpose but extermination.

In the concentration camp of Auschwitz alone, several million persons were put to death.

2324-PS, report of the Soviet Extraordinary State Commission for the Investigation of Crimes Committed by the Germans.

At least 4,000,000 people were gassed in this camp, according to the affidavit of Heinrich Neumann, a resident of Brussels, Belgium.

2222-PS supra, Exhibit Q, affidavit of H. Neumann, 13 April 1945, p. 1., par. 2.

According to the affidavit of Emile Worgul, 5,000,000 to 6,000,000 persons were put to death there.

2222-PS supra, Exhibit E, affidavit of Emile Worgul, 13 April 1945, p. 2., par. 5.

A member of the Polish Parliament, President of the Christian Workers' Union, says in his sworn statement that in Birkenau alone they burned 5,000 corpses daily and that 4,000,000 to 5,000,000 Jews burned there with wives and children.

2223-PS supra, Exhibit 76. Sworn statement of Kasimier Czystewski, 22 April 1945, p. 1.

A Dutch broadcast engineer who was in Auschwitz-Birkenau says the following in his sworn statement:

"There arrived in July 1944 at Birkenau about 600,000 Hungarian Jews. A bunch of 10,000 were killed every day. The roads and streets of Birkenau are made from the ashes and bones of the murdered."

2223-PS, Exhibit 40. Sworn statement of Serge Kaplan, 21 April 1945, p. 1.

At least 1,380,000 people were murdered in the Lublin-Majdanek concentration camp.

L-31, report of the Polish-Soviet Extraordinary Commission for the investigation of crimes committed by the Germans in the extermination camp at Majdanek in the town of Lublin, Sect. 6.

The last commander of the Mauthausen concentration camp, an SS Standartenfuehrer, estimates that in the eastern zone of operations alone 16 million people were killed.

1515-PS, protocol by the Commander of the Mauthausen Concentration Camp, SS-Standartenfuehrer Franz Ziereis, 6 October 1945, p. 8.

A report of Amtsgruppe D, SS Economic and Administrative Main Office, gives the following figures on the total number of living inmates in concentration camps as of 1 August 1944:

Strength

a. Male prisoners	379,167
b. Female prisoners	145,119
	524,286

New arrivals

a.	Hungarian Jews	90,000
b.	Lodz prison and ghetto	60,000
c.	Poles from GG.	15,000
d.	Eastern criminals	10,000
e.	Former Polish officers	17,000
f.	From Warsaw	400,000
g.	From France	20,000
		612,000

Total 1,136,286

1166-PS, copy of top secret strength report from Amtsgruppe D of the SS and Economic Administrative Main Office, signed Burger, Chief of Administration, 15 August 1944.

These official German figures represent a contrast to the much larger figure of inmates murdered in Auschwitz alone.

Here are a few additional data on the number of inmates in a few representative concentration camps:

a. Tabular survey of the numerical expansion at the Buchenwald concentration camp:

Year	Increase in No. of Inmates
1937	2,912
1938	20,122
1939	9,553
1940	2,525
1941	5,890
1942	14,111
1943	42,177
1944	97,867
1945	43,823

Total as of 31 Mar 1945 238,980

2171-PS, United States Government Report B-2833, 8 June 1945, p. 2.

b. In the report of an investigation conducted

under the auspices of the Third United States Army more than 100,000 names of persons are listed as having been inmates of the Flossenburg concentration camp. Up to 6 March 1944, 36.89% of the inmates died in this camp. The percentage of deaths after 6 March 1944 amounted to 2.34%.

2309-PS, Third United States Army Report on Flossenburg Concentration Camp, Vol. IV, p. 1335.

c. Meticulous death books were maintained in many of the concentration camps, including Mauthausen, Gusen and Dachau. At Mauthausen only, a total of 35,318 deaths from 7 January 1939 to 29 April 1943 were recorded.

493-PS, Death Books of Mauthausen Concentration Camp.

Separate books were kept on several thousand Russian PWs, many of whom were executed on superior orders.

495-PS, Prisoner of War Death Book of Mauthausen Concentration Camp.

The deaths recorded here do not include the deaths which occurred as a result of special action, as proven by the sworn statement of a former inmate of Mauthausen:

"The "K" action prisoners were mostly Russians, but there were others among them. It must be especially emphasized that all "K" prisoners were destined to die a martyr's death by starvation. Within the camp they were put into a special barrack, which was separated from the rest of the camp by a stone wall on top of which was an electrically charged wire fence. A normal German barracks is built to house about 200 persons. In this barracks however 1200 - 1500 prisoners were crowded. For further security measures 2 machinegun towers with double posts were overlooking the barrack. The prisoners of action "K" received so little food that starvation was their immediate cause of death. About 30 - 50 died daily. The naked corpses were then thrown in front of the barracks, from where other prisoners brought them to the

crematorium for burning. The prisoners of Action "K" did not appear on the strength report of the camp, that means they had no number and were not listed. They did not work nor did they leave this special block until death."

2176-PS, Exhibit W3 to Supplementary Report No. 1 to the Report of Investigation of the Judge Advocate Section, Third United States Army, 17 June 1945, p. 1.

d. In the concentration camp of Gusen the total number of deaths recorded from 1 June 1940 to 27 April 1945 amounted to 28,212.

494-PS, Original Death Books of Gusen Concentration Camp.

e. From 75,000 to 80,000 forced laborers had been kept in the Dora concentration camp alone.

2222-PS, report of Investigation by the Office of the Judge Advocate General, Headquarters, 12th Army Group. Exhibit A1, 13 May 1945, p. 6.

f. In the relatively small camp of Neuengamma, according to the quarterly report of the SS medical officer of that camp, an average of 40,393 inmates were confined in the reported quarter, plus an additional average of 11,768 female inmates. 6,224 deaths occurred during the quarterly period reported (from 26 December 1944 to 25 March 1945).

2169-PS, quarterly report of the SS medical officer of Neuengamma concentration camp, 24 March 1945.

A confession on the part of the Germans that appalling health conditions existed in these camps is contained in a letter of the SS Economic and Administrative Main Office, sent to camp doctors of 16 concentration camps. It can be read there that out of 109,861 inmates sent to concentration camps in the period of June to November 1942, 70,610 died.

2171-DS, Annex II to U.S. Government
report B-28333 on Buchenwald,
letter of the SS Economic and
Administrative Main Office,
28 December 1942.

D. Argument and Conclusion.

Concentration camps were implements that were utilized to the fullest extent in carrying out the avowed policies of the Nazi Party and of the German State. They were as much a part of the party and state program as the destruction of labor unions and the building of an army. The defendant conspirators could not have been unaware of this.

In flagrant violation of the basic principles of international law, the law of civilized nations, and the public conscience of mankind, the German Government, its affiliated State and Party organizations, committed in the concentration camps every act of violence against political prisoners, Jews, and members of other racial and religious groups.

They were filled with hundreds of thousands of persons deported from their homes and countries, there to be used as slave labor. Trainloads packed in open cattle cars passed over every railroad, columns trudged along the highways. The defendant conspirators could not have been unaware of this.

History has never known a greater massacre of people than these murders perpetrated by the agencies of the German government. Close to 10 million persons - including helpless women, old people, infants - were murdered in the most heinous way. The systematic extermination of millions perpetrated by the Nazis has no parallel in the history of mankind. The defendant conspirators could not have been unaware of this.

Prisoners of war were treated in this manner in large numbers. In clear violation of the provisions of the IV Hague Convention and the Geneva Convention of 1929, prisoners of war were maltreated, tortured, shot, gassed, frozen or starved to death. Orders for their execution were sent to the concentration camp commanders from high Reich government authorities.

The contempt felt by the Nazi system for human personality, dignity, and life, comes to expression in the thousands of medical experiments performed in concentration camps on unfortunate inmates. Most of the selected inmates died, while others survived after mutilation and torture to live as living testimony of the criminal spirit underlying the German system which lasted from 1933 until 1945.

The defendants and the defendant organization cannot claim immunity from law. They committed these war crimes and crimes against humanity by violating the fundamental principles and spirit of the legal system of all civilized nations. They threw overboard the tenets of the law of nations, they declared war against the criminal law of all nations as well as international law. There is no need to show that they violated this or that provision of international law or provisions of the legal system of any nation. It is evident from the presentation of facts in this statement of evidence that they trampled over everything that for thousands of years was known as law and lawful action in the eyes of God and man.

The individual defendants and the defendant organizations are responsible collectively for the heinous crimes committed, and, as emphasized earlier, their violations of law embrace the whole sphere and foundations of criminal law. Having violated the entity of the whole legal system of the civilized world, the punitive provisions of all the laws violated should be applied against them.

A P P E N D I X

1. Numerical List of Documents Cited in Brief:

<u>Doc. No.</u>	<u>Description.</u>	<u>Page No.</u>
<u>L-31</u>	Report of the Polish-Soviet Extraordinary Commission for the investigation of crimes committed by the Germans in the extermination camp at Majdanek in the town of Lublin.	34
<u>L-171</u>	Report of Dr. Rascher on chilling experiments, October 1942.	27
<u>L-173</u>	Dr. Soswinski's testimony, 1945	26
<u>493-PS</u>	Deathbooks (Totenbuecher) of the Mauthausen concentration camp.	36
<u>494-PS</u>	Original death books of the Gusen concentration camp.	37
<u>495-PS</u>	Prisoner of War Death Book of Mauthausen concentration camp.	36
<u>1166-PS</u>	Copy of top secret strength report from Amtsgruppe D of the SS Economic and Administrative Office, signed Burger, chief of Administration, 15 August 1944.	36
<u>1515-PS</u>	Protocol by the Commander of the Mauthausen concentration camp, SS-Standartenfuhrer Franz Ziereis, 6 October 1945.	34
<u>1578-PS</u>	Rascher's personal notebook about chilling experiments.	28
<u>1580-PS</u>	Letter of Himmler to Rascher, 26 February 1943.	29
<u>1581-PS</u>	Letter from Mrs. Rascher to Dr. Brandt, 13 April 1942.	27
	Letter from Brandt to Sievers, re low pressure experiments on inmates of Dachau, 21 March 1942.	26
<u>1583-PS</u>	Letter of Himmler to Pohl, 15 November 1942.	28

<u>Doc. No.</u>	<u>Description.</u>	<u>Page No.</u>
<u>1607-PS</u>	Letter from Rascher to Brandt re high altitude experiments, 20 August 1942.	27
<u>1616-PS</u>	Letter of Rascher to Himmler, 17 February 1943.	28, 29
<u>2169-PS</u>	Quarterly report of the SS medical officer of Neuen-gamme concentration camp, 24 March 1945.	37
<u>2170-PS</u>	Statement of Kurt Gerstein, 6 May 1945.	31
<u>2171-PS</u>	Annex II to U.S. Government report B-2833 on Buchenwald concentration camp. Letter of the SS Economic and Administrative Main Office, 28 December 1942.	35, 38
<u>2176-PS</u>	Report of Investigation by Judge Advocate Section, Third United States Army, of Maut-hausen concentration camp. 17 June 1945.	6
	Exhibit 3, affidavit of Jack H. Taylor, Lieut. USNR, 14 May 1945.	12
	Exhibit 4, statement of Ernst Martin, 8 May 1945.	19, 21, 24.
	Exhibit 4, statement of Prof. C. Busek, 13 May 1945.	32
	Exhibit 12, affidavit of Roger Pinchon, 12 May 1945.	18
	Exhibit 13, affidavit of Josef Styblo, 9 May 1945.	9
	Exhibit 16, affidavit of Jean Biondi, 17 May 1945.	14
	Exhibit 27, affidavit of Lucien Vanherle, 9 May 1945.	17
	Exhibit 29, statement of Count Anthony Sigray, 11 May 1945.	23
	Exhibit 31, affidavit of Drahomir Barta, 17 May 1945.	9
	Exhibit W3 of Supplementary Report No. 1, affidavit of Gerhard Kanthack, 18 June 1945.	37

<u>Doc. No.</u>	<u>Description.</u>	<u>Page No.</u>
<u>2181-PS</u>	Testimony of Sylvia Marie Girare, 28 July 1945.	31
<u>2222-PS</u>	Report of Investigation by the Office of the Judge Advocate General, Headquarters 12th Army Group, of Nordhausen concentration camp. 25 May 1945.	6
	Exhibit A1. 13 May 1945.	37
	Exhibit E, affidavit of Emile Worgul, 13 April 1945.	33
	Exhibit Q, affidavit of H. Neumann, 13 April 1945.	33
	Exhibit HH. Affidavit of Captain John Schartert, 14 April 1945.	12
	Exhibit LL, affidavit of Yankel Leff, 2 May 1945.	17
	Exhibit RR, statement of Jean Julien Dieutegarde, 16 April 1945.	31
	Exhibit SS, statement of Paul Bennart, 16 April 1945.	31
	Exhibit VV, statement of Willie Zwiner, 6 May 1945.	22
	Exhibit BBB, statement of Buschler and Webers, 24 April 1945.	17
	Exhibit CCC, statement of Pierre Joseph Denis, 16 April 1945.	17
	Exhibit DDD, affidavit of George Pieper, 2 May 1945.	13
	Exhibit EEE, affidavit of Dr. Louis Girard, 5 May 1945.	10
<u>2223-PS</u>	Report of Investigation by Judge Advocate Section, Third United States Army, of Buchenwald concentration camp.	6
	Exhibit 32, affidavit of George Hebbelink, 20 April 1945.	11
	Exhibit 34, statement of Gustav Wegerer, 19 April 1945.	32

<u>Doc. No.</u>	<u>Description.</u>	<u>Page No.</u>
2223-PS (cont.)	Exhibit 40, affidavit of Serge Kaplan, 21 April 1945.	13
	Exhibit 53, affidavit of Peter Kolbasov, 21 April 1945.	15
	Exhibit 63, affidavit of Jan Leitner, 21 March 1945.	16
	Exhibit 65, affidavit of Benjamin Lebedev, 22 April 1945	10, 13
	Exhibit 69, statement of Solon Samonilidis, 22 April 1945.	32
	Exhibit 73, affidavit of Charles Hullebrock, 22 April 1945.	16
	Exhibit 76, sworn statement of Kasimier Czystewski, 22 April 1945.	33
	Exhibit 87, affidavit of Leon Kraus, 23 April 1945.	11
	Exhibit 88, affidavit of Josef Jodas, 23 April 1945.	12
	Exhibit 94, affidavit of Trofim Krotenko, 23 April 1945.	7
	Exhibit 95, affidavit of Peter Lazuka, 23 April 1945.	23
	Exhibit 100, affidavit of General Otakar Husak, 23 April 1945.	15
	Exhibit 104, affidavit of Dr. Kurt Sitte, 23 April 1945.	32
	Exhibit 107, affidavit of Leo Eitinger, 22-23 April 1945.	32
	Exhibit 113, statement of Paul Heller, 23 April 1945.	32
	Exhibit 114, statement of Ludwig Scheinbrum, 23 April 1945.	32
	Exhibit 115, statement of Waldemar Reiner, 23 April 1945.	32
	Exhibit 116, statement of Herman Obenauer, 23 April 1945.	32

<u>Doc. No.</u>	<u>Description</u>	<u>Page No.</u>
<u>2223-PS</u> (cont.)	Exhibit 119, affidavit of Leon Gostinski, 23 April 1945.	14
	Exhibit 143, affidavit of Jan Jelinek, 24 April 1945.	9
	Exhibit 148, affidavit of Frantisek Schlichts, 24 April 1945.	8, 22
	Exhibit 163, interrogation of Erwin Schuler, 16 April 1945.	31
	Exhibit 165, affidavit of PW Andreas Pfaffenberger, 19 December 1944.	16, 21, 23
	Exhibit 170, second statement of Karel Hrouda, 15 May 1945.	22
<u>7309-PS</u>	Report by Headquarters, Third United States Army, on Flossenburg concentration camp.	6
	Report on Flossenburg concentration camp by Headquarters, Third United States Army, "1.	36
<u>2324-PS</u>	Report of the Soviet Extraordinary State Commission for the Investigation of crimes committed by the Germans.	33
<u>2428-PS</u>	Affidavit of George Galenziak 6 May 1945.	8, 20, 22
	Affidavit of Zenon Balcer, 20 May 1945.	9
	Affidavit of Franz Mis, 1 May 1945.	14
	Affidavit of Dr. Franz Blaha, 18 May 1945.	20, 21, 27, 29, 30
	Testimony of Anton Pacholegg, 13 May 1945.	26, 28, 29
	Testimony of Herrman Obenauer 23 April 1945.	29
	Testimony of Dr. Claus Karl Schilling, 7 May 1945.	30
<u>2429-PS</u>	Affidavit of Isaak Egon Ochshorn, 5 September 1945.	20
<u>2430-PS</u>	U.S. Army Signal Corps motion picture with affidavit of Col. Stephens, under whose direction the picture was made.	26

2. Documents Pertaining to Individual Organizations.

<u>Organization.</u>	<u>Document No.</u>
GESTAPO	: 2176-PS, 2222-PS, 2223-PS, 2309-PS, 2428-PS
SS	: L-171, L-173, 493-PS, 494-PS, 495-PS, 1166-PS, 1515-PS, 1580-PS, 1581-PS, 1583-PS, 1607-PS, 1616-PS, 2169-PS, 2171-PS, 2176-PS, 2181-PS, 2222-PS, 2223-PS, 2309-PS, 2428-PS, 2429-PS, 2430-PS, R-129
SD	: 1515-PS, 2223-PS