

MILITARY TRIBUNALS

CASE No. 4

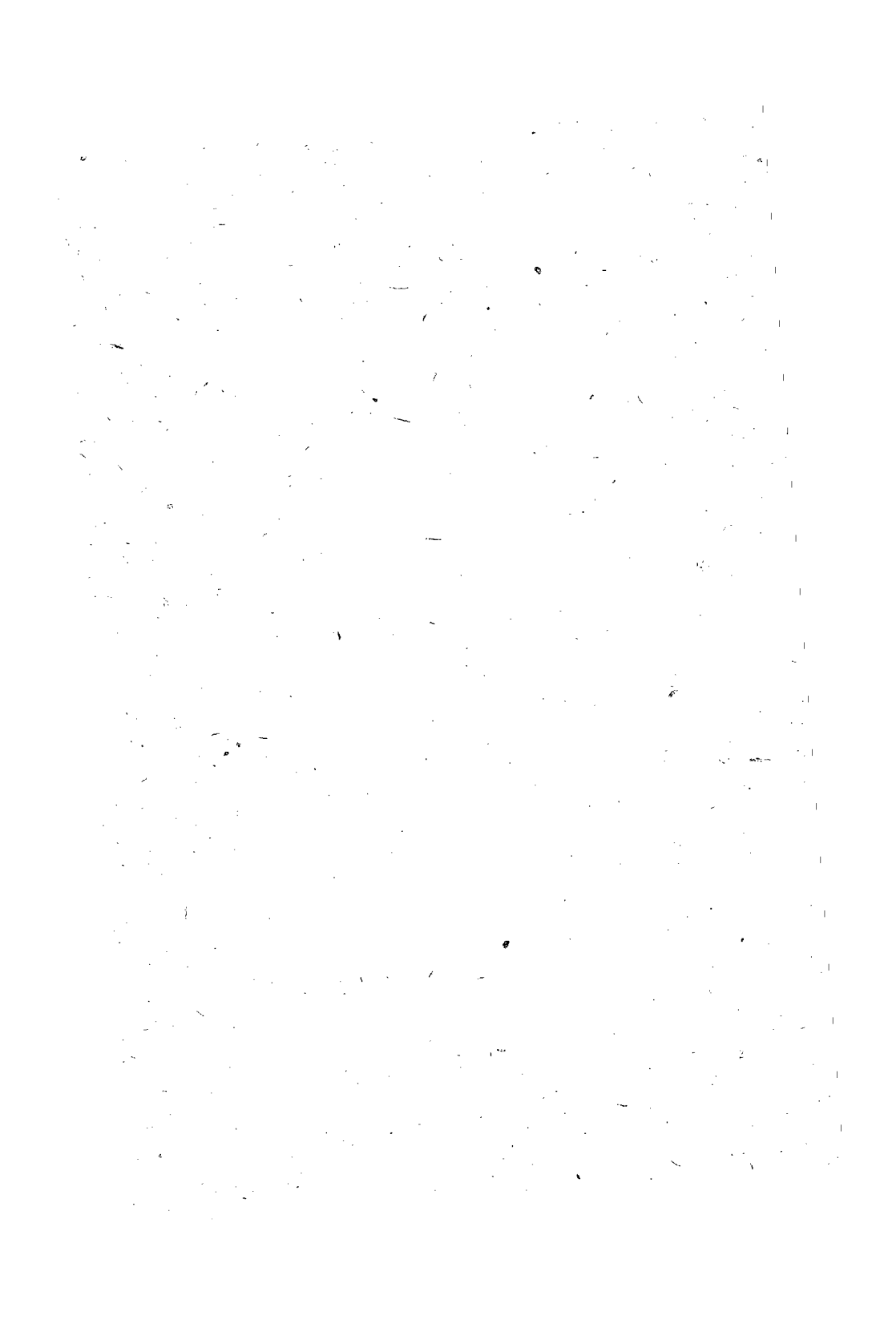
THE UNITED STATES OF AMERICA

— against —

**OSWALD POHL, AUGUST FRANK, GEORG LOERNER,
HEINZ KARL FANSLAU, HANS LOERNER, JOSEPH
VOGT, ERWIN TSCHENTSCHER, RUDOLF SCHEIDE,
MAX KIEFER, FRANZ EIRENSCHMALZ, KARL SOM-
MER, HERMAN POOK, HANS BAIER, HANS HOH-
BERG, LEO VOLK, KARL MUMMENTHEY, HANS
BOBERMIN, and HORST KLEIN,**

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US
NURNBERG 1947



*und Verwaltungshauptamt, commonly known
as "WVHA") and Chief of*

INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein participated in a Common Design or Conspiracy to commit and did commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, deportations, enslavement, forced labor, plunder of property, and other inhumane and unlawful acts, as set forth in Counts One, Two, and Three of this Indictment. All but one of the defendants herein are further charged with membership in a Criminal Organization, as set forth in Count Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

OSWALD POHL — Obergruppenfuehrer in the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and General of the Waffen-SS (Lieutenant General); Chief of the SS Main Economic and Administrative Department (SS Wirtschafts-~~the "SS"~~) and General of the Waffen-SS (Lieutenant General); Chief of Division W of the WVHA.

AUGUST FRANK — Obergruppenfuehrer in the SS and General of the Waffen-SS (Lieutenant General); Deputy Chief of the WVHA and Chief of Division A of the WVHA.

GEORG LOERNER — Gruppenfuehrer in the SS and Generalleutnant of the Waffen-SS (Major General); Deputy Chief of the WVHA, Chief of Division B of the WVHA, and Deputy Chief of Division W of the WVHA.

HEINZ KARL FANSLAU — Brigadefuehrer in the SS and Generalmajor of the Waffen-SS (Brigadier General); Chief of Division A of the WVHA.

HANS LOERNER — SS Oberfuehrer (Senior Colonel) and Chief of Office I of Division A of the WVHA.

JOSEPH VOGT — SS Standartenfuehrer (Colonel) and Chief of Office IV of Division A of the WVHA.

ERWIN TSCHENTSCHER — SS Standartenfuehrer (Colonel); Deputy Chief of Division B and Chief of Office I of Division B of the WVHA.

RUDOLF SCHEIDE — SS Standartenfuehrer (Colonel) and Chief of Office V of Division B of the WVHA.

MAX KIEFER — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office II of Division C of the WVHA.

FRANZ EIRENSCHMALZ — SS Standartenfuehrer (Colonel) and Chief of Office VI of Division C of the WVHA.

KARL SOMMER — SS Sturmbannfuehrer (Major) and Deputy Chief of Office II of Division D of the WVHA.

HERMANN POOK — Obersturmbannfuehrer (Lieutenant Colonel) of the Waffen-SS and Chief Dentist of the WVHA, of Office III, Division D.

HANS HEINRICH BAIER — SS Oberfuehrer (Senior Colonel) and Amtschef Stab (Executive Officer) of Division W of the WVHA.

HANS HOHBERG — Amtschef Stab (Executive Officer) of Division W of the WVHA.

LEO VOLK — SS Hauptsturmfuehrer (Captain), personal advisor (Persoenlicher Referent) on Pohl's staff, and head of the legal section (Leiter der Rechtsabteilung) in the Executive Office of Division W of the WVHA.

KARL MUMMENTHEY — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office I of Division W of the WVHA.

HANS BOBERMIN — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office II of Division W of the WVHA.

HORST KLEIN — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office VIII of Division W of the WVHA.

COUNT ONE

THE COMMON DESIGN OR CONSPIRACY

1. Between January 1933 and April 1945 all of the defendants herein, acting pursuant to a common design, unlawfully, wilfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, Article II.

2. Throughout the period covered by this indictment all of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of War Crimes and Crimes against Humanity.

3. It was a part of the said common design, conspiracy, plans, and enterprises

to formulate and carry out ways and means for financing the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and each of its various purposes, functions, activities, and enterprises;

to establish, maintain, operate, and administer throughout Germany and other countries concentration camps and labor camps in which thousands of persons, including prisoners of war, German civilians, and nationals of other countries, were unlawfully imprisoned, enslaved, tortured, and murdered;

to formulate and carry out plans to supply the labor and services of the inmates of concentration camps to various industries, enterprises, and undertakings throughout Germany and other countries;

to furnish human subjects for criminal medical, surgical, and biological experimentation and to assist in formulating and carrying out the plans for such unlawful experiments;

to carry out the policies and purposes of the German Reich with reference to the extermination of the Jews;

to carry out the policies and purposes of the German Reich with reference to the sterilization and castration of certain groups of peoples;

to carry out the policies and purposes of the German Reich with reference to the unlawful treatment of prisoners of war;

to carry out the so-called "euthanasia" program of the German Reich; and

to deport the citizens of countries occupied by the armed forces of the German Reich, plundering their property and impressing their services and labor for the German Reich.

4. Throughout the period covered by this indictment all of the defendants herein were associated with the Main Economic and Administrative Department (Wirtschafts- und Verwaltungshauptamt, commonly known as the "WVHA"), which was one of the twelve main departments of the SS.

5. The defendant Oswald Pohl was the head of the WVHA and the defendants August Frank und Georg. Loerner were his deputies. The

WVHA was divided into Amtsgruppen (office groups or divisions), which were inter-related in their operations, purposes, and functions.

6. Amtsgruppe A, among other things, discharged the responsibility for financial matters of the SS, including those relating to its concentration camps. This Amtsgruppe was sub-divided into five offices or Aemter, which were charged with responsibility for certain parts of the entire financial administration. The defendants August Frank and Heinz Karl Fanslau were, successively, heads of Amtsgruppe A. The defendants Hans Loerner, August Frank, Joseph Vogt and Heinz Karl Fanslau were heads of offices or Aemter within this Amtsgruppe A.

7. Amtsgruppe B, among other things, was responsible for the supply of food and clothing for inmates of the concentration camps, and of food, uniforms, equipment, billets, and camp quarters for the members of the SS. It was sub-divided into five offices or Aemter. The defendant Georg Loerner was the chief of Amtsgruppe B, and the defendant Erwin Tschentscher was his deputy and chief of one of the offices or Aemter within this Amtsgruppe B. The defendant Rudolf Scheide was head of an office or Amt within this Amtsgruppe B.

8. Amtsgruppe C, among other things was charged with the construction and maintenance of houses, buildings, and structures of the SS, the German Police, and of the concentration camps and prisoner of war camps. It was sub-divided into six offices or Aemter. The defendants Max Kiefer and Franz Eirenschmalz were heads of Aemter or offices within this Amtsgruppe C.

9. Amtsgruppe D, which prior to March 1942 was known as the Inspectorate of Concentration Camps, was responsible, among other things, for the administration of the concentration camps and of the concentration camp inmates. It was responsible for the food, clothing, housing, sanitation, and medical care of the concentration camp inmates, and of the order, discipline, and regulation of the lives of the inmates. It was charged with the supply of the forced services and labor of the concentration camp inmates to public and private employers throughout Germany and the occupied countries. It was sub-divided into six offices or Aemter. The defendant Karl Sommer was the deputy chief of one of the offices or Aemter of Amtsgruppe D, responsible for the supply of the services and labor of concentration camp inmates. The defendant Hermann Pook was in charge of matters relating to dentistry affecting the concentration camp inmates.

10. Amtsgruppe W, among other things, was responsible for the operation and maintenance of various industrial, manufacturing, and service enterprises throughout Germany and the occupied countries. It was also responsible for providing clothing for concentration camp in-

mates. In the operation of the enterprises under its control, this **Amtsgruppe** employed many concentration camp inmates. It was sub-divided into eight offices or **Aemter**. The defendant Oswald Pohl was the head of **Amtsgruppe W**, the defendant Georg Loerner was his deputy, and the defendants Hans Hohberg and Hans Baier were his executive assistants. The defendant Leo Volk was personal adviser on the staff of Oswald Pohl and head of the legal section of the Executive Office of **Amtsgruppe W**, and the defendants Karl Mummenthey, Hans Bobermin, and Horst Klein were heads of offices or **Aemter** within this **Amtsgruppe**.

11. All of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowing participated as leaders, organizers, instigators, and accomplices in the formulation and execution of the said common design, conspiracy, plans, and enterprises to commit, and which involved the commission of War Crimes and Crimes against Humanity, and accordingly are individually responsible for their own acts and for all acts performed by any person or persons in execution of the said common design, conspiracy, plans, and enterprises.

12. The said common design, conspiracy, plans, and enterprises embraced the commission of War Crimes and Crimes against Humanity, as set forth in Counts Two and Three of this Indictment, in that the defendants unlawfully, wilfully, and knowingly encouraged, aided, abetted, and participated in the commission of atrocities and offenses against persons and property, including plunder of public and private property, murder, extermination, enslavement, deportation, unlawful imprisonment, torture, persecutions on political, racial and religious grounds, ill-treatment of, and other inhumane and unlawful acts against thousands of persons, including German civilians, nationals of other countries, and prisoners of war.

COUNT TWO — WAR CRIMES

13. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed War Crimes, as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses against persons and property, including, but not limited to, plunder of public and private property, murder, torture, illegal imprisonment, and enslavement and deportation to slave labor of, and brutalities, atrocities, and other inhumane and criminal acts against thou-

sands of persons. These crimes embraced, but were not limited to, the particulars set out in Paragraphs 4 to 10, inclusive, of this Indictment, which are incorporated herein by reference and the acts charged in Paragraphs 14 to 22, inclusive, and were committed against the civilian populations of occupied territories and prisoners of war.

14. The concentration camps were the principal means through which the defendants committed the crimes charged. The WVHA took over jurisdiction of the concentration camps in Germany and the occupied countries and territories in the spring of 1942, and was charged with their operation, maintenance, and administration, and the establishment of new concentration camps. It was responsible for the food, clothing, housing, sanitation, and medical care of the inmates, and for the order, regulations, and discipline of their lives, and had power to exact the death penalty for infraction of its rules.

15. The WVHA discharged the responsibility for the supply of the forced labor and services of concentration camp inmates and the allotment of such supply to public and private employers throughout Germany and the occupied countries and territories. It also forced thousands of concentration camp inmates and other persons into employment in the various industrial, and commercial enterprises which it operated.

16. The established policy of the WVHA was to extract from the inmates of the concentration camps the greatest possible amount of work with the smallest possible amount of food, clothing, housing, sanitation, medical and surgical services, and other necessary provisions or facilities. This policy resulted, foreseeably, in the deaths of thousands of people from disease or sheer physical exhaustion. For the vast majority of inmates, there was no provision for eventual release from the concentration camps, except through death, and little or no provision or plan for sustaining life in those incapable of work. Epidemics of disease were treated by killing those afflicted. As a result of this policy, the disposal of bodies of the dead became a problem of insurmountable proportions.

17. Concentration camp inmates were transported from one camp to another as the demands for labor and other circumstances might require. Thousands died on these transports from over-crowding, suffocation, hunger, thirst, cold, disease, physical exhaustion, and treatment by the SS guards. They were often forced to march long distances in cold weather with inadequate shoes and clothing.

18. The murders, torture and ill treatment charged were carried out by the defendants by divers methods, including gassing, shooting, hanging, whipping, beating, gross over-crowding, systematic under-nourishment, systematic imposition of labor tasks beyond the strength

of those ordered to carry them out, medical, surgical, and biological experimentation on involuntary human subjects, criminal sterilization and castration of involuntary human subjects, inadequate provision of surgical and medical services, inadequate clothing, housing and sanitation, exposure to cold, over-work, and grossly inadequate facilities for transporting persons to and from concentration camps and labor camps.

19. In Poland, Russia, and other countries the defendants assisted in planning and carrying out the plunder, spoliation, and confiscation of real and personal property of Jewish, Russian, Polish and other private owners, of churches, communities, towns, cities, and states, the deportation to slave labor and other purposes of civilians there resident, and the resettlement of such regions by peoples asserted by the Nazis to be Aryans. The defendants systematically confiscated the personal property of living and deceased inmates of concentration camps.

20. Civilians and prisoners of war from all the countries of Europe were deported from their homelands and herded into the concentration camps; some of which were fitted with special installations, such as gas-chambers and sealed buses, for their mass execution. Countless Jews, Poles, and Russians, upon their arrival into the concentration camps, were immediately driven from the transport trains and trucks into the waiting gas-chambers, where they were exterminated. Throughout the administration of the concentration camps, the worst treatment was systematically given Jews of all nationalities and Poles and Russians.

21. The defendants assisted in planning and carrying out plans for the subjugation and extermination of entire "races" and nationalities considered inferior by the Nazi hierarchy. Clergymen, attorneys, intellectuals, and other persons were hunted down and transported to the concentration camps, where they were subjected to a calculated process of murder, torture, and ill treatment which the defendants perfected and were ever ready to administer. Experiments were carried out to determine how most efficiently to use the labor and services of the living members of undesired "races" and nationalities and to insure that such persons would be unable to propagate their kind. Inmates of concentration camps were forced to undergo castration and sterilization and to submit to experiments whose purpose was to ascertain a method by which mass sterilization of "undesirable persons" might be effected. Countless persons, including nationals of occupied territories, were murdered in the so-called "euthanasia" program of the German Reich.

22. The defendants assisted in planning and carrying out medical, surgical and biological experiments upon hundreds of involuntary human subjects, without regard to the lives of such subjects, resulting in the murder, torture, and ill treatment of hundreds of persons.

23. The said War Crimes constitute violations of international conventions, particularly Articles 3, 4, 5, 6, 7, 14, 18, 23, 43, 46, 50, 52, 55, and 56 of the Regulations respecting the Laws and Customs of War on Land, annexed to the Hague Convention of October 18, 1907, and Articles 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 36, 42, 46, 47, 48, 50, 51, 54, 56, 57, 60, 62, 63, 65, 66, 67, 68, 76, and 77 of the Prisoners of War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

COUNT THREE — CRIMES AGAINST HUMANITY

24. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed Crimes against Humanity as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, illegal imprisonment, torture, persecution on political, racial and religious grounds, and ill-treatment of, and other inhumane and criminal acts against thousands of persons. These crimes embraced, but were not limited to, the particulars set out in Paragraphs 4 to 10, inclusive, and the acts charged in Paragraphs 14 to 22, inclusive, of this Indictment, which are incorporated herein by reference, and were committed against German civilians and nationals of other countries.

25. The said Crimes against Humanity constitute violations of international conventions, including the Articles of the Hague Regulations, 1907, and of the Prisoners of War Convention (Geneva, 1929) enumerated in Paragraph 23 of this Indictment, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

COUNT FOUR
MEMBERSHIP IN CRIMINAL ORGANIZATION

26. All of the defendants herein, except defendant Hohberg, are charged with membership, subsequent to September 1, 1939, in the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"); declared to be criminal by the International Military Tribunal and Paragraph 1 (d) Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

TELFORD TAYLOR

Brigadier General, U. S. Army
Chief of Counsel for War Crimes

Acting on Behalf of the United States of America

Nurnberg, 13 January, 1947