

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

FIL/ic

WCT Rpt #558
UNITED STATES

13 November 1947

v.

Case No. 6-55

Ludwig Johann Michael ENGELHARD

REVIEW AND RECOMMENDATIONS

I. TITLE DATA: The accused was tried at Dachau, Germany, 24 June 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Ludwig Johann Michael ENGELHARD, a German national, did, at or near HOMBURG, Belgium, on or about 27 May 1944, wrongfully kill an unknown member of the United States Army, who was then and there in the act of surrendering himself to the then German Reich.

III. DATA AS TO ACCUSED:

Ludwig Johann Michael ENGELHARD

This accused was acquitted (A 67).

IV. SUMMARY OF EVIDENCE: On 25 May 1944 an American flier parachuted to safety in the vicinity of Hombourg, Belgium (A 6, 7, 16, 17; P-Exs 3, 4). The accused and Wilhelm Schnitz got on a postoffice car and started towards the area where the flier had landed (A 7, 34). The accused saw the flier land in the road, take off his parachute, place the parachute on the hedge nearby (A 34) and climb over the hedge (A 35). When the accused and Schnitz arrived they could not see the flier so they yelled several times. The flier then stood up behind the hedge which was approximately chest high. The accused and Schnitz then ordered the flier to put up his hands, also indicating by motions what they meant. The flier did not obey this command but moved as though to pick up something from the ground (A 7, 35). The accused shot the flier and he died immediately (A 7, 16, 17, 20, 36; P-Exs 3, 4, 6). The flier did not offer to surrender (A 11). The accused testified that the flier started to run away and that before firing at him he yelled for him to

halt but he continued to run (A 35, 36). The Court had jurisdiction of the person of the accused and of the subject matter.

V. CONCLUSIONS:

It is recommended that the record of trial be filed in the records of this office and that a copy of this Review and Recommendations be forwarded to the Judge Advocate, European Command, for his information.

FLOYD H. LUNDBERG
Major JAGD
Post Trial Branch

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

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