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Trial against
Michael Kripps
+
four others.

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Army Form A 3688

MILITARY COURTS FOR THE TRIAL OF WAR CRIMINALS

D.J.A.G's Case No. 19/837

Name of Accused (including Rank, if any)	Arm or Former Arm of the Service	Age	Date and Place of Trial
Wachmeister Michael KRIPPS Leonhard MOSER Rudolf MORANDELL Josef TRIBUS Josef SCHENK	German National (Italian Nationals))		1 and 2 April 1946. BOLOGNA Convened by Commander, No. 2 District, CMF.

CHARGES

JOINT CHARGE. COMMITTING A WAR CRIME in that they near RONCEGNO in or about the month of March 1945 in violation of the laws and usages of war were concerned in the killing of a British Officer believed to be Major J.P. WILKINSON, RA.

President and Members of the Court (except Legal Member)	Judge Advocate/Legal Member
Lt-col. N.G. WYNDE Major J.J.C. CAMP R.A.S.C. RASC.	Major L.J. GHOST, R.A. Solicitor.

Pleaded	Finding
<u>All accused.</u> Not Guilty	<u>KRIPPS</u> Guilty <u>MOSER</u> Guilty <u>MORANDELL</u> Not Guilty <u>TRIBUS</u> Not Guilty <u>SCHENK</u> Not Guilty

Sentence and Minute of Confirmation

KRIPPS and MOSER
Death by Shooting.

Findings and sentences confirmed by Supreme Allied Commander, Mediterranean Theatre, 13 May 1946, who commuted KRIPP's sentence to 17 years imprisonment and MOSER's sentence to 7 years imprisonment.

When and where Promulgated :—

29 May 1946 (both accused)

Date of Receipt	To whom sent	Date sent	Purport

E-4(Br)

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GENERAL REPORT ON THE PROCEEDINGS OF A
WAR CRIMES TRIAL

Held at BOLOGNA
on
1 - 2 Apr 46

ACCUSED : Michael KRIPPS
Leonhard MOSER
Rudolf MORANDELL
Josef TRIBUS
Josef SCHENK.

CHARGE : < COMMITTING A WAR CRIME

in that they near RONCEGNO, in or about the month
of March, 1945, in violation of the laws and usages
of war, were concerned in the killing of a British
Officer, believed to be Major JP WILKINSON, RA. >

PLEA : All Accused - Not Guilty

PROSECUTION :

The Prosecuting Officer, in his opening address, after referring
to the Laws and Usages of War expounded in Chapter XIV MML, briefly detailed
the facts of the case.

Early in March 1945 a patrol of thirty or forty men of 8 Coy 2 Bn
Police Regt SCHLANDERS, under the command of Lt NAVJOK, was in operations
against partisans in the hills. On or about 10 March a Section under KRIPPS
comprising eleven men, sighted a man coming out of a cave, dressed in civilian
clothes and carrying an automatic weapon. A second man dressed in civilian
clothes, who is now known to have been going under the name of 'Major FRECCIA',
was then sighted : when the man was about sixty metres away KRIPPS shouted to
him to put his hands up and to come to him. The man raised his left hand and
made as if to put his right hand in his pocket. The evidence as to whether the
man attempted to escape was inconclusive. KRIPPS gave the order to fire and
MORANDELL fired one shot bringing the man down. The wounded man was then
searched and found to be in the possession of a pistol, live hand grenades
and various documents. KRIPPS then ordered MOSER to shoot him, saying that
he was a bandit. MOSER carried out this order.

1st Witness : Revieroberwachmeister KRONTHALER

Witness was medical orderly to Lt NAVJOK's patrol. Four or five
days after the event KRIPPS had told him that the victim had turned and run
away, whereupon KRIPPS had given the order to fire, after his own Tommy gun
had jammed. It was later learned that the man was a British Major
WILKINSON. In re-examination witness stated it would have been possible to
carry the wounded man back to the patrol's laager area.

2nd Witness DALLA VIA

Witness was a partisan and knew 'FRECCIA'. He had friends in the
TRENTINA police, who were a mixture of Germans and Italians commanded by
German officers and was told that 'FRECCIA' had been shot by them. 'FRECCIA'
dressed in civilian clothes. Other witnesses testified to the finding of
FRECCIA's body about 6 kilometres from the village, where a doctor was
available : it would have been possible to get a cart to the spot.

/to sheet two

Statement by Accused KRIEPS

In his statement produced to the Court KRIEPS said that when the man turned to run away he tried to fire but his gun jammed. He did not order anyone else to fire, and although he heard shots he did not know who fired them. The man fell. When he found two grenades in the man's rucksack he said 'This man is a partisan', whereupon MOSER fired more shots, killing him. On returning to the spot with the patrol, after having reported to Lt NAVJOK, they were fired on by partisans. It was then that KRIEPS learned that the dead man was a British Officer.

Statement by accused MORANDELL

In his statement produced to the Court MORANDELL stated that when the man turned to run away, KRIEPS gave the order 'Fire' and he fired a shot bringing the man down. After searching the man KRIEPS said he was a bandit and had to be shot.

Statement by Accused MOSER

In his statement handed to the Court MOSER stated that the patrol orders were to arrest partisans: if they attempted to escape they were to be shot. When challenged the man turned and ran away. After the man had been shot down KRIEPS ordered MOSER to shoot him, saying that if he did not he would be reported for disobedience.

The remainder of the accused, in statements handed to the Court, bore out the facts as detailed by the prosecutor in his opening address, maintaining that the man turned to run away before being shot down and stressing the operational nature of the patrol and the danger from partisans.

The Defence

1st Witness : KRIEPS

Witness stated that the patrol orders were that all civilians who were suspicious or who ran away were to be shot. His words after the man had been shot down by MORANDELL were 'He is a bandit and will be shot'.

Questioned by the Court KRIEPS said he thought the man was beyond medical aid after the first shot.

2nd Witness : MOSER

Witness maintained he received a direct order from KRIEPS to shoot the man. He accepted KRIEPS' word that he was a bandit.

The remainder of the accused, in evidence, corroborated that their orders were to take offensive action against partisans and to shoot all those who resisted or refused to surrender.

6th Witness Oberst Dietrich BEELITZ

Witness was senior staff officer on KESSELRING's staff. He produced a statement setting out the orders issued by KESSELRING in 1944 designed to combat the increasing danger from partisans : all commanders were to take immediate and severe action against partisan uprisings, all captured partisans were to be executed without trial; failure to take these measures on the part of commanders might be in itself a capital offence.

/to sheet three

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The Defending Advocate for KRIPPS addressed the Court pointing out the dangerous nature of the operation in which the patrol was engaged and the clear and decisive orders passed down from higher authority for dealing with partisans. The accused was entitled to believe 'FRECCIA' was a partisan since he wore civilian clothes : subsequently large stores of arms were found in the area where the victim was shot.

The defending Advocate for MORANDELL addressed the Court, pointing out that in the first instance he fired under orders in order to effect the arrest of an escaping partisan and that in the second shooting incident, he had no part whatever.

The Defending Advocate for MOSER addressed the Court, pointing out MOSER's extreme youth, that he acted on KRIPPS orders and that he admitted no wrong in German Law. He submitted that 'FRECCIA' had lost all right to protection by being dressed as a civilian.

The Court considered its finding and sentence :

KRIPPS	Guilty	Death by shooting
MOSER	Guilty	Death by shooting
MORANDELL	Not Guilty	
TRIBUS	Not Guilty	
SCHENK	Not Guilty.	

On 13 May 46 the Supreme Allied Commander confirmed the finding and sentence of the Court but commuted the sentences of death passed on KRIPPS and MOSER to, in the case of KRIPPS seventeen years imprisonment, and, in the case of MOSER seven years imprisonment.

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