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Report No. WOIU/LBO/1275(a)-MFC/HV

CONFIDENTIALJAG's Ref MD/JAG/FS/22/2(2A)VOLUNTARY STATEMENT BY PWLD 1496 Civilian Walter BREITHAUPT

2.2.1908 Born in WOLFERSTEDT, Kreis APOLDA
 1914-1922 Attended Secondary School (Burgerschule) in ERFURT
 1922-1926 Apprentice at Machine-factory "ERFORDIA" in ERFURT and after that journeyman-examination
 1926-1927 Employment as mechanic in ERFURT.
 1927 Entered the Police-School in BURG b. MAGDEBURG as police candidate for the Regular Police. (Schutzpolizei)
 1928 Regular Police HALLE. Training as driver and acceptance into the transport service of the Regular Police.
 1933 Regular Police FRANKFURT a/M. as a driver.
 1940 Joined the Party on 1.6.1940.
 1941 Transfer as candidate for the career of the automobile-technical administrative service to the Gestapo in LINZ.
 1942-1945 Technical Secretary of the automobile service of the State Police SAARBRUCKEN.

It was within the sphere of my duties in SAARBRUECKEN to see to the carrying out of the necessary maintenance and repair work on the vehicles and the execution of repairs in our own existing workshops.

I lived in a small room in the building of the garage above the vehicle repair workshop.

I was wakened by the then Head of the Office, Dr SPANN in spring 1944 early one morning in my room. It might have been at about 4 o'clock. He told me to prepare the car for a journey, I believe he said to MANNHEIM. Escaped Prisoners of War were to be returned to a PW Camp in the interior of the Reich. I got up, dressed and got the car ready. After that I opened the garage door and drove up in front of the entrance to the Gestapo office. Immediately upon this Kriminalsekretär Emil SCHULZ came up to me in the car and said that he would drive along too. When asked what was the matter, SCHULZ told me that a few days ago a large number of British airmen had escaped from a PW Camp in the east of the Reich. If I remember correctly SCHULZ said something about 40 men. Two of these had been arrested by the criminal police in a train in the neighbourhood of SAARBRUCKEN. These two men were to be returned to a camp in the Reich. They were still with the criminal police. I was doubtful whether the fuel would last out. But he thought it would suffice. SCHULZ then returned into the building to phone the criminal police to ascertain if the two prisoners were ready to be collected. I then returned again to the garage and fetched a 20 litre canister of fuel which I put into the luggage space of the car. After a time SCHULZ came again out of the office building and told me we were to collect the two prisoners from the LERCHESFLUR prison. In the room from which SCHULZ collected the prisoners they were standing ready with their luggage. SCHULZ finished the handing-over formalities with the prison official i.e. he signed forms. It all went very quickly. SCHULZ and I then returned with the prisoners to the office. Here an official from the criminal police was waiting for us, who probably had to hand over additional luggage of the prisoners, and who went away afterwards. The two prisoners were wearing mufti. On arrival in the office building SCHULZ told the two prisoners and me to wait in the lobby on the ground floor. The two prisoners put their suitcases down. SCHULZ went upstairs. I presume that he reported his arrival to Dr SPANN. When SCHULZ was away the two prisoners spoke together. I could not understand anything as I do not speak the English language. After a while SCHULZ returned and showed

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them by signs that they were to follow him with their luggage. We went out through the door and SCHULZ made the two sit in the car, which was standing in front of the door. I remember that I put the two suitcases of the prisoners into the luggage-space of the car. Dr SPANN came shortly afterwards.

Whilst I was standing by the car, Dr SPANN and SCHULZ went through the still open door into the garage yard. They remained there for some time. I could not see them from the car, nor did I hear what they perhaps said. After a few minutes the two of them returned to the car. Dr SPANN went again into the office-building, whilst SCHULZ fastened the hands of each prisoner in front of the body with handcuffs. During this I heard for the first time that one of the prisoners spoke German. It was the bigger of the two. He said to SCHULZ that this was not compatible with the honour of an officer. To this SCHULZ replied while going away (he went back again into the office building) that it was an order. After a short while Dr SPANN and SCHULZ came out of the building again and got into the car. SCHULZ sat between the two prisoners on the back seat. Dr SPANN sat in the right front seat next to me. The car had left-hand drive. Dr SPANN then gave the order to drive off.

We drove from the office building to the left along the Tal Strasse, then turned to the left over the Saar and then came into Mainzer Strasse, which runs from SAARBRUECKEN in direction HOMBURG and on to KAISERSLAUTERN. Dr SPANN and SCHULZ wore their SS uniforms. I myself wore civilian clothes and possessed no uniform.

From SAARBRUECKEN we drove first to HOMBURG, that is 30 km, and then a further 10 km on the Reichsstrasse in the direction of KAISERSLAUTERN. We then turned left onto the Autobahn and drove in the direction of MANNHEIM-LUDWIGSHAFEN. Nobody spoke during the drive. I now remember that SCHULZ or possibly Dr SPANN said to the prisoners before we left that they were to be transferred to a Prison Camp in the Interior of the Reich. During the drive on the Autobahn Dr SPANN said to me only once: "Don't drive so fast, we have still plenty of time".

After having driven on the Autobahn for about 4 to 5 km Dr SPANN stopped the car. He got out of the car with SCHULZ, they both lit cigarettes and went back on the roadway out of hearing and conversed with one another. I could not hear what they said. When I turned round to them after some while, they beckoned to me. I went up to them. Dr SPANN explained to me that he had received the order by teleprint from BERLIN to shoot the prisoners. He had the teleprint in his hand. I did not read it. One of them, but I cannot remember now who it was, then said: remember what happens to our wives and children during the air raids on our cities. Then they returned again towards the car. I also returned to the car, and remained standing on the left beside the car by the driving seat. Dr SPANN and SCHULZ also came to the car. One of them, I can no longer remember today who it was, said to the prisoners that they could get out and relieve themselves. The bigger of the prisoners thereupon pointed out his manacled hands. SCHULZ thereupon received the order from Dr SPANN to remove the handcuffs. I still well remember today that this happened, as both prisoners got out of the car and recovered from sitting still by moving their arms. Dr SPANN and SCHULZ both had their pistols in their hands and Dr SPANN pointed out to them that shots would be fired immediately if they tried to escape. The prisoners then both stood in the grass about 5 m behind the car and about 2 m off the roadway to relieve themselves. Dr SPANN and SCHULZ stood a little behind the prisoners, so that, as seen from my position SCHULZ stood to the left and Dr SPANN to the right. When both raised their hands with the pistols I had to look away. I heard the 2 shots immediately which sounded almost like one. When I looked again the two prisoners were lying in the grass between small bushes. I did not hear any sound or cry from the prisoners. Dr SPANN and SCHULZ then bent over the prisoners lying

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on the ground. I then turned the car around on the roadway. Dr SPANN then got into the car and gave the order to return to the office in SAARBRUECKEN. SCHULZ remained behind along with the dead men. Dr SPANN did not speak during the drive. Only once did he tell me that I was not allowed to talk to anyone about what had actually taken place. Should anyone ask me about the whereabouts of the prisoners, I was to say that they had been shot whilst escaping or whilst trying to escape. Before he got out of the car at SAARBRUECKEN he also told me that the two bodies were to be collected with the lorry. I was to see whether there was any duty driver who could come along. As Driver Peter SCHMIDT just crossed the garage yard, I drew Dr SPANN's attention to his presence. He then told me that SCHMIDT was to come too. But before we left I was to send SCHMIDT to him.

I then sent SCHMIDT to Dr SPANN. After he returned we collected from the cellar of the office building a big coffin-like wooden box of which Dr SPANN had spoken before he got out of the car. This we loaded on the lorry. It was a lorry with a closed roof. SCHMIDT drive the vehicle. During the drive SCHMIDT asked how all this had happened. I do not remember this conversation word for word today. The gist of this conversation was approximately the following: After I had asked SCHMIDT first what Dr SPANN had wanted from him, he said to me that Dr SPANN had ordered him to collect with me the corpses of two prisoners who had been shot during an attempted escape. Further he had ordered him not to talk to anyone about it. I explained to SCHMIDT that I could not say anything more than that the two prisoners had been shot whilst escaping.

Upon arrival where SCHULZ was we put the two bodies into the box and loaded it onto the lorry. After the return SCHULZ reported to Dr SPANN. The lorry was standing during this in the garage yard. After about two hours SCHULZ came back to the garage and said to SCHMIDT and me that we were to drive the bodies to the working camp NEUE BREMM. He himself came along again. The camp was about two kilometres from SAARBRUECKEN. On arrival at the camp SCHULZ got out and entered the camp. SCHMIDT and I waited with the lorry on the road in front of the camp. After some time SCHULZ and the Camp Commandant an SS Untersturmfuehrer SCHMOLL came out. We were to drive with the lorry into the right part of the camp from the road. There he pointed out an empty space where we put the case with the bodies. SCHMIDT and I again returned to the lorry. After the arrival of SCHULZ who had been speaking with SCHMOLL, we drove back to the office on the Schlossplatz. I still remember that I asked during the drive what was to happen to the bodies. SCHULZ replied thereupon that they were to be cremated later on in the crematorium of the main cemetery. On the same day during the afternoon, or it may have been on the next day, SCHULZ came again to me in the garage yard and reminded me earnestly, probably on order of Dr SPANN that I was not allowed to talk to anyone about the whole affair, as I otherwise would have to face a death sentence.

Kriminalsekretaer Emil SCHULZ: 38 years old; 1.73 m tall; short, medium fair hair; slim. Comes from the SAAR, living at corner Saargemuenderstr/Julius Kiefer Strasse.

I have made the above statement volutarily and without compulsion.

(Sgd) Walter BREITHAUPT.

Signed in my presence : (Sgd) M.F.CORNISH, Capt.

L.D.C.,
10 Aug 46.

Distribution :-	Engl.	Ger.	Engl/Ger.
J.A.G.	2	1(Sgd)	-
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Report No: WCIU/LDC/1294(a) - APS/WMPB.

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J.A.G. Ref: MD/JAG/22/2(2A)

VOLUNTARY STATEMENT BY PWID 1511 Civilian Emil SCHULZ.Life story:

17.8.1907: born at MITTELBEKBACH, Kreis HOMBURG/SAAR.

1914 to 1921: Elementary school.

After finishing school I worked on the parental farm. Three years continuation school, once a week for three hours.

1922 to 1/28: miner, BEKBACH/SAAR mine.

1928: Policeschool at BONN/RHINE for one year's training as regular policeman. Afterwards practical police service at ESSEN/RUHR, MÜNCHEN/GLADBACH, RHEYDT, HANAU and SAARBRÜCKEN.

1938: I entered for the criminal investigation service and was called up in March 1938 to the State Police Office at SAARBRÜCKEN. Here I was promoted to Assistant, after attending a course at BERLIN, later to Chief Assistant and eventually to Kriminalsekretär. My office at the Stapo was always the State Police Office at SAARBRÜCKEN.

1934: I married Angela LAMBERT, born 23.6.1909 at FRANKENHOLZ, Kreis HOMBURG/SAAR. Two children, 10 and seven years old. My wife with my children live at my mother-in-law's at FRANKENHOLZ/SAAR.

1938: I became member of the National Socialist Party. By joining the Stapo automatic admittance to the SS. SS Sturm-scharführer since 1943.

LONDON 19.8. 1946.

Report:

On the 29 March 1944 on a Wednesday - I could not remember the date, I was told of it today - the following incident occurred, which I will discuss now.

During the night of the 28.3. to 29.3. 1944 I was on night duty with Kriminalsekretär Ludwig WEISS at the State Police Office in SAARBRÜCKEN. At about 2300 hrs the teleprinter PAUL came and explained that the Chief of the Office at that time, Dr. SPANN was urgently required. The latter was fetched from his flat to the office by a driver. Dr. SPANN immediately went into the teleprint room. After some time Dr. SPANN came to the guard room and instructed the man on duty Kriminalsekretär WEISS, to order Kommissar DEICHEL to the office immediately. The latter was not to be found. Dr. SPANN ordered me to his office. When I entered I found that he had a teleprint in front of him on the desk. I could not read anything. Dr. SPANN asked me first whether I had been in action. I replied in the negative. Hereupon he said words to the effect, "What I am telling you now, remains between us". There are two English RAF Officers in the LERCHESFLUR prison at SAARBRÜCKEN, who had escaped. These are to be shot on orders of the Reichssicherheitshauptamt. Thereupon I made some remark that that was not correct, whereupon Dr. SPANN said: "You are acting on my orders and will follow my instructions." SPANN asked me whether I know a suitable place. It may be possible that I mentioned the Reichsautobahn; I do not know for certain. Dr. SPANN also said that we had to save fuel or something to that effect. During this conversation a telephone call came in. Dr. SPANN spoke with head of the Criminal Police Office at that time at SAARBRÜCKEN, Kriminaldirektor DINGERMANN. Dr. SPANN said that the two Officers had to be handed over to him for transport back to their former camp. I think DINGERMANN objected,

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whereupon Dr. SPANN said for certain that it was an order of the Reichs-sicherheitshauptamt and he could not alter it. Dr. SPANN therefore asked for an official to be instructed to report on the 29.3.44 at about 4.30 hrs to the guard room of the State Police Office at SAARBRUECKEN with the necessary release papers.

About that time I was instructed to drive to the LERCHESFLUR Prison with the official of the Kripo office, to take over both the officers, to fasten their hands behind their backs, to take the party to the office and report to Dr. SPANN.

Dr. SPANN then also talked with the Technical Chief of Transport, BREITHAUPT. I was not present there, so that I cannot say what the talk was about.

About the time ordered the official of the Kripo office reported to the guard room. As far as I know the name of the official is INSTINSKE. He, BREITHAUPT and I drove to the LERCHESFLUR Prison and acted as ordered. When we arrived at the office I reported to Dr. SPANN. He accompanied me to the car and told both the officers, that they would be taken to the camp. In case of an attempt to escape firearms would be used. Dr. SPANN got in, in front with BREITHAUPT, I sat on the rear seat between the two officers.

We drove from SAARBRUECKEN via HOMBURG on the Reichsautobahn. After driving for about one kilometre on the Reichsautobahn Dr. SPANN ordered "stop". He, BREITHAUPT and I got out of the car and moved about a little on the Reichsautobahn. At the same time Dr. SPANN asked whether this was the suitable place. I do not know whether BREITHAUPT and I replied, I know that both officers asked to have their handcuffs taken off and to be allowed to move about a bit. Dr. SPANN said "later" and ordered everyone to get in. We drove slowly along the Reichsautobahn for about four to five km. It was already light but there was little traffic.

Dr. SPANN ordered "stop" and told me to take the handcuffs off the officers. Dr. SPANN got out of the car and went a little way from it on to the grass. He had a pistol in his hand. BREITHAUPT also got out of the car and stood on the Autobahn, level with the right front wheel. He also had a pistol in his hand. I still sat between the two officers when I took off the handcuffs of the smaller of them, SCHEIDHAUER, who had bent forward a little and was sitting on the right beside me. Then he got out on the right and went on the grass. Then at my order the bigger officer BUSSELL leant forward a little and I undid his handcuffs. I let him slip past me and get out on the right as well. He also went onto the grass. I got out of the car backwards on the left hand side, put the handcuffs on the rear seat, took my pistol from my pocket and went round the back of the car as at that moment several shots were fired. I also saw ~~the offset~~ shots in the direction of the bigger officer. I do not know whether and how I hit him. I saw both officers collapse. SCHEIDHAUER fell on his face. I think BUSSELL crumpled up, fell somewhat on his right side and in lying there turned on his back. On approaching closer I noticed the dying man was in convulsions. I lay on the ground and shot him through the left temple, whereupon death took place immediately.

In my view the position of Dr. SPANN or rather the distance of Dr. SPANN from the officers at the time of the shots being fired was about three to four metres. The distance between BREITHAUPT and the officers at the time of shooting was also about three to four metres.

I was still standing on the Reichsautobahn behind the car about level with the right rear wheel, when the series of shots were fired and I fired my first shot. The distance between me and the officers at the time of my first shot was about five to six metres.

I do not know whether BREITHAUPT fired. Dr. SPANN now ordered me to remain with the corpses and drove off with BREITHAUPT in the direction SAARBRUECKEN. After about two hours BREITHAUPT came back with a lorry (Opel-Blitz). He was accompanied by a second driver by the name of SCHMIDT. They fetched a big box of saw-dust from the lorry and put both corpses in it. When the corpses were put in I believe I saw traces of blood on the chest of the smaller officer SCHEIDHAUER. I helped both of them to lift the box on the lorry and we all drove back to the office in SAARBRUECKEN. There I reported to Dr. SPANN. He told me I was finished with the matter and everything else would be done by Kommissar TREUSS. I went to my office.

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After a short time Dr SPANN ordered me to remain in the office, as there was a possibility that I should have to drive to a camp with the corpses (NATZWEILER, if I remember correctly, I do not know for certain). Later - it may have been after about two hours - I was told by Dr SPANN, that I was not needed for the business of taking the corpses to the camp and that I could go home.

I saw the corpses for the last time when they were put in the box by BREITHAUPT and SCHMIDT.

Duty Journey to BERLIN.

A long time later after the incident on the Reichsautobahn - it may have been June, I do not know - I was called late in the evening to the office. In the guard room I was told that I should report to Dr SPANN. Dr SPANN told me that I was to travel with the first train next morning to BERLIN in connection with a "Top Secret" matter (Geheim Reichssache) concerning the shooting of the British Air Force Officers. He said also that he would get the "Top Secret" matter ready and deposited in a sealed envelope in the guard room. I was to collect it there next morning before the departure of the train and deliver it to Gruppenfuehrer MUELLER in person at the Reichssicherheitshauptamt in BERLIN, Prinz-Albrecht-Strasse 8. As far as I remember Dr SPANN said something about a commission of the International Red Cross calling at the Reichssicherheitshauptamt.

As instructed, I began my duty journey, taking the "Top Secret" matter left by Dr SPANN in the guard room. I was late in arriving but reached BERLIN in the evening and went to the Reichssicherheitshauptamt. At the guard room I was told that Gruppenfuehrer MUELLER was no longer in the office and had given instructions to leave the report there and report to him next morning at 10 o' clock. Next day at 10 o' clock I was admitted to Gruppenfuehrer MUELLER's ante-room. The Gruppenfuehrer came later. As far as I remember there were three other members of Gestapo offices from the Reich there on the same matters. One of these persons was from MUNICH. I do not know his name. If confronted, I think I would recognize him again. A second person was from a Gestapo office from AUSTRIA (former OSTMARKE). I do not know from which Gestapo office. The name of this person is also unknown to me. If confronted, I think I should recognize him too. Both persons were in civilian clothing.

The third person was, like me, in the uniform of a Sturmabteilungsfuehrer and as far as I remember from the Gestapo office KARLSRUHE. I do not know the name of this man either, but would recognize him again if confronted. I had a short talk with this man about the shooting of the officers when we went to the lavatory and ascertained thereby that our opinions were the same.

I did not talk to the other persons about the shooting. I never saw any of these three persons again afterwards.

After the arrival of MUELLER we were called in one after the other. He explained to me that the incident was badly described and dictated headings to me showing how to present the matter afresh which was to be brought to him by courier in two days at the latest.

I left BERLIN in the evening and only arrived at SAARBRUECKEN on the next day about 1400 hrs because of air raids. Dr SPANN was not in SAARBRUECKEN, but at the Gestapo branch office in NEUSTADT on the WEINSTRASSE. I informed him by teleprint of Gruppenfuehrer MUELLER's new instruction, whereupon Dr SPANN gave orders for the affair to be put on paper according to MUELLER's instructions and to make a corresponding sketch. This was to be presented to him for signing on his return about 1800 hrs.

/ -/- As instructed . . .

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As instructed. Dr SPANN's secretary at that time, Frau SCHWANGS, gave me the "Top Secret" matter, in which I could read approximately that the officers were to be shot under the pretence of an escape.

Dr SPANN arrived at 1800 hrs and signed. Another courier took the new report to BERLIN.

SUPPLEMENT.

I seem to remember that Dr SPANN shouted something at the time of firing the series of shots; what, I do not know.

The distance from me to the big officer lying on the ground, at the time of firing my second shot from a lying position was about two metres.

I have made the above statement voluntarily and without compulsion.

(sgd.) Emil SCHULZ

Signed in my presence : (sgd.) A. P. Scotland, Lt. Col.

L.D.C.,
22 Aug 46.

<u>Distribution</u>	<u>Eng</u>	<u>Ger</u>	<u>Eng/Ger</u>
JAG	2	1sgd	-
AG3(VV)	-	-	1
File	-	1sgd	5

Report No: WCIU/LDC/1275(b) - MFC/HFF

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JAG Ref: MD/JAG/FS/22/2(2A)

FREIWILLIGE AUSSAGE DES KRIEGSGEFANGENENLD 1496 Zivilist Walter BREITHAUPT

2. 2. 1908 In WOLFERSTEDT Kreis APOLDA geboren.
 1914 -1922 Besuch der Bürgerschule in ERFURT.
 1922 -1926 Lehrling in der Maschinenfabrik "ERFORDIA" in ERFURT
 und anschliessend Gesellenprüfung.
 1926 -1927 Beschäftigung als Maschinenschlosser in ERFURT.
 1927 Eintritt als Polizeiamwärter für die Schutzpolizei auf
 der Polizeischule in BURG b. MAGDEBURG.
 1928 Schutzpolizei HALLE. Ausbildung als Kraftfahrer und
 Übernahme in den Kraftfahrdienst der Schutzpolizei.
 1933 Schutzpolizei FRANKFURT/M. als Kraftfahrer.
 1940 Eintritt am 1. 6. 1940 in die Partei.
 1941 Versetzung als Anwärter für die Laufbahn des kraftfahr-
 technischen Verwaltungsdienstes zur Staatspolizei nach LINZ.
 1942 -1945 Technischer Sekretär des Kraftfahrdienstes der
 Staatspolizei SAARBRÜCKEN.
 Zu meinem Aufgabenbereich gehörte in SAARBRÜCKEN die Durch-
 führung der nötigen Pflege- und Instandsetzungsarbeiten
 für die Kraftfahrzeuge und Durchführung von Reparaturen
 in der vorhandenen eigenen Werkstatt.
 Ich wohnte in einem kleinen Zimmer in dem Garagengebäude
 über der Kraftwagenreparaturwerkstatt.

Im Frühjahr 1944 wurde ich früh morgens durch den damaligen Leiter der Dienststelle, Dr SPANN in meinem Zimmer geweckt. Es mag etwa gegen 4.00 Uhr gewesen sein. Er sagte zu mir, ich solle den Wagen für eine Fahrt, ich glaube noch er sagte nach MANNHEIM, fertig machen. Es seien entflohen Kriegsgefangene wieder in ein Gefangenenlager ins innere des Reiches zu bringen. Ich stieg dann auf, zog mich an und machte den Wagen fertig. Nachdem öffnete ich das Garagentor und fuhr mit dem Wagen am Eingang der Staatspolizeistelle vor. Gleich darauf kam der Kriminalsekretär Emil SCHULZ zu mir an den Wagen und erklärte mir, dass er mitfahren würde. Auf meine Frage, was eigentlich los sei, erzählte mir SCHULZ, dass vor einigen Tagen aus einem Kriegsgefangenenlager im Osten des Reiches viele englische Flieger entflohen seien. Wenn ich mich noch richtig erinnere, sagte SCHULZ etwas von 40 Mann. Davon seien 2 Mann durch die Kriminalpolizei in einem Zuge in der Nähe von SAARBRÜCKEN festgenommen worden. Diese 2 Mann sollten wieder in ein Lager im Reich gebracht werden, sie befänden sich noch bei der Kriminalpolizei. Ich hatte noch Bedenken, ob der Betriebsstoff reichen würde. Er meinte aber, er würde schon reichen. SCHULZ ging dann wieder in das Dienstgebäude hinein, um bei der Kriminalpolizei telefonisch anzufragen, ob die beiden Gefangenen zum Abholen fertig wären. Ich ging dann nochmal zur Garage und holte einen 20 L Kannister mit Betriebsstoff, den ich im Kofferraum des Kraftwagens packte. Nach einer Weile kam SCHULZ wieder aus dem Dienstgebäude und sagte zu mir, wir sollen die beiden Gefangenen vom Gefängnis LERCHESFLUR abholen. In dem Raum, in dem SCHULZ die Gefangenen abholte, standen diese schon mit ihrem Gepäck bereit. SCHULZ erledigte mit dem anwesenden Gefängnisbeamten die Übergabeformalitäten, d.h. er unterschrieb Formulare. Es wickelte sich alles rasch ab. SCHULZ und ich fuhren dann mit den Gefangenen wieder zur Dienststelle zurück. Hier wartete auf uns ein Beamter von der Kripo, der wohl restliches Gepäck der Gefangenen zu übergeben hatte und später wegging.

/-2- Die beiden

Die beiden Gefangenen hatten Zivilkleidung an. Im Dienstgebäude angekommen, hiess SCHULZ die beiden Gefangenen und mich im Hausflur im Parterre zu Warten. Die beiden Gefangenen stellten ihre Koffer ab. SCHULZ ging die Treppe hinauf. Ich nehme an, dass er Dr. SPANN seine Ankunft meldete. Als SCHULZ fort war, sprachen die beiden Gefangenen zusammen. Ich konnte aber nichts verstehen, da ich die englische Sprache nicht beherrsche. Nach einer Weile kam SCHULZ wieder, deutete den beiden Gefangenen an, dass sie mitkommen sollten mit ihrem Gepäcke. Wir gingen zur Tuer hinaus und SCHULZ liess die beiden sich in den Wagen setzen, der vor der Tuer stand. Ich erinnere mich noch, dass ich die beiden Koffer der Gefangenen in den Kofferraum des Kraftwagens packte. Kurz danach kam Dr. SPANN.

Während ich bei dem Wagen stehen blieb, gingen Dr. SPANN und SCHULZ durch das noch offene Tor in den Garagenhof. Sie blieben dort einige Zeit. Ich konnte sie von dem Wagen aus nicht sehen und habe auch nichts gehoert, was sie vielleicht gesprochen haben. Nach einigen Minuten kamen beide wieder zum Wagen zurueck. Dr. SPANN ging noch einmal in das Dienstgebäude hinein, während SCHULZ mit Handfesseln die Haende jedes Gefangenen vor dem Koerper umschloss. Dabei hoerte ich das erstemal, dass einer der beiden Gefangenen deutsch sprach. Es war der groessere von beiden. Er sagte zu SCHULZ, dass sich dies nicht mit der Ehre eines Offizieres vereinbaren wuerde. SCHULZ erwiderte hierauf im Weggehen, er ging auch noch einmal in das Dienstgebäude hinein, es sei Befehl. Nach kurzer Zeit kamen Dr. SPANN und SCHULZ wieder aus dem Gebäude heraus und stiegen in den Wagen. SCHULZ setzte sich zwischen die beiden Gefangenen auf dem hinteren Sitz. Dr. SPANN setzte sich vorn rechts neben mich. Der Wagen hatte Linkssteuerung. Dr. SPANN gab dann den Befehl zur Abfahrt.

Wir fuhren vom Dienstgebäude nach links in die Talstr., bogen dann nach links ab ueber die Saar und kamen in die Mainzer Str., die von SAARBRUECKEN in Richtung HOMBURG und weiter nach KAISERSLAUTERN fuehrt. Dr. SPANN und SCHULZ trugen ihre SS-Uniform. Ich selbst hatte Zivilkleidung an und besass auch keine Uniform.

Von SAARBRUECKEN aus fuhren wir zunaechst bis HOMBURG, das sind 30 km, dann etwa noch weitere 10 km auf der Reichsstrasse in Richtung KAISERSLAUTERN. Dann bogen wir nach links auf die Autobahn ein und fuhren in Richtung MANNHEIM-LUDWIGSHAFEN. Gesprochen wurde während der Fahrt nichts. Ich erinnere mich jetzt, dass SCHULZ oder auch Dr. SPANN vor der Abfahrt noch zu den Gefangenen sagte, sie wuerden wieder in ein Gefangenenlager im innern des Reiches ueberfuehrt. Während der Fahrt auf der Autobahn sagte Dr. SPANN nur einmal zu mir, fahren sie nicht so schnell, wir haben noch viel Zeit.

Nachdem wir etwa 4-5 km auf der Reichsautobahn zurueckgelegt hatten, liess Dr. SPANN den Wagen halten. Er stieg mit SCHULZ aus dem Wagen, zuedeten sich beide eine Zigarette an und gingen etwas auf der Fahrbahn ausser Hoerweite zurueck und unterhielten sich. Ich konnte nichts hoeren, was sie sprachen. Als ich mich nach einiger Zeit mal nach ihnen umsah, winkten sie mir. Ich ging zu ihnen. Dr. SPANN erklarte mir, dass er den Befehl durch Fernschreiben von BERLIN erhalten habe, die Gefangenen zu erschliessen. Das Fernschreiben hatte er in der Hand. Gelesen habe ich es nicht. Weiter sagte einer von beiden noch, ich erinnere mich aber jetzt nicht mehr wer es sagte, denken sie daran, wie es unseren Frauen und Kindern bei den Fliegerangriffen auf unsere Staedte ergeht. Dann gingen sie wieder in Richtung nach dem Wagen zurueck. Auch ich ging wieder zum Wagen zurueck und blieb links neben dem Wagen in Hohe des Fuehrersitzes stehen. Dr. SPANN und SCHULZ kamen auch zum Wagen. Einer von beiden, wer es sagte weis ich mich heute nicht mehr zu erinnern, sagte zu den Gefangenen, dass sie aussteigen und austreten koennten. Der Groessere der beiden Gefangenen deutete dabei auf seine gefesselten Haende. SCHULZ erhielt darauf von Dr. SPANN die Anweisung, die Handfesseln abzunehmen. Ich erinnere mich heute noch genau, dass dies geschah, denn die beiden Gefangenen stiegen aus dem Wagen und erholten sich durch Bewegung der Arme von dem Stillsitzen. Dr. SPANN und SCHULZ hatten jeder seine Pistole in der Hand und Dr. SPANN

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ma. te sie darauf aufmerksam, dass bei einem Fluchtversuch sofort geschossen werde. Die Gefangenen stellten sich dann beide nebeneinander etwa 5 m nach hinten vom Wagen entfernt und etwa 2 m neben der Fahrbahn in das Gras um auszutreten. Dr. SPANN und SCHULZ standen etwas hinter den Gefangenen, und zwar von mir aus gesehen stand SCHULZ links und Dr. SPANN rechts. Als beide ihre Haende mit den Pistolen dann erhoben, musste ich wegsehen. Ich hoerte gleich darauf die beiden Schuesse, die sich fast wie einer anhoerte. Als ich wieder hinsah, lagen die beiden Gefangenen im Gras zwischen kleinen Straeuchern. Irgendeinen Laut oder Schrei habe ich von den Gefangenen nicht gehoert. Dr. SPANN und SCHULZ beugten sich dann ueber die am Boden liegenden Gefangenen. Ich wendete dann mit dem Kraftwagen auf der Fahrbahn. Dr. SPANN stieg darauf ein und befahl nach der Dienststelle in SAARBRUECKEN zurueckzufahren. SCHULZ blieb bei den Toten allein zurueck. Waehrend der Fahrt sprach Dr. SPANN nicht. Nur einmal sagte er zu mir, dass ich ueber das tatsaechlich Vorgefallene zu niemanden sprechen duerfe. Sollte mich doch jemand nach dem Verbleib der Gefangenen fragen, so haette ich zu sagen, dass diese auf der Flucht erschossen oder bei einem Fluchtversuch erschossen worden seien. Bevor er in SAARBRUECKEN aus dem Wagen stieg, sagte er noch zu mir, dass die beiden Toten mit dem Lastwagen geholt werden muessten. Ich sollte mal nachsehen, ob schon ein Kraftfahrer zum Dienst da sei, der mitfahren koenne. Da gerade der Kraftfahrer PETER SCHMIDT ueber den Garagenhof ging, machte ich Dr. SPANN auf dessen Anwesenheit aufmerksam. Er sagte darauf zu mir, dass SCHMIDT mitfahren solle. Bevor wir aber wegfuehren, sollte ich SCHMIDT noch zu ihm schicken.

Ich schickte SCHMIDT dann zu Dr. SPANN. Nachdem er wieder zurueckkam, holten wir aus dem Keller des Dienstgebaeudes eine sargaehnliche grosse Holzkiste, von der Dr. SPANN noch gesprochen hatte, ehe er ausstieg. Wir luden diese dann auf dem Lastwagen. Es war ein Wagen mit geschlossenem Verdeck. SCHMIDT steuerte das Fahrzeug. Waehrend der Fahrt erkundigte sich SCHMIDT, wie denn das alles passiert sei. Ich erinnere mich heute nun nicht mehr woertlich genau auf diese Unterhaltung. Der Inhalt dieses Gespraches war ungefaehr folgender: Nachdem ich zuerst SCHMIDT frug, was Dr. SPANN von ihm gewollt habe, erklaerte er mir, dass Dr. SPANN ihm befohlen habe mit mir die Leichen zweier Gefangenen zu holen, die bei einem Fluchtversuch erschossen worden seien. Weiter habe er ihm befohlen, mit niemanden darueber zu sprechen. Ich erklaerte SCHMIDT darauf, dass ich auch nicht mehr sagen koenne, als dass die beiden Gefangenen auf der Flucht erschossen worden seien.

Bei SCHULZ angekommen, legten wir die Toten in die Kiste und luden diese auf dem Lastwagen. Nach der Rueckkehr meldete sich SCHULZ bei Dr. SPANN. Der Lastwagen stand so lange auf dem Hof der Garage. Nach etwa 2 Stunden kam SCHULZ wieder zur Garage und sagte zu SCHMIDT und mir, dass wir die Leichen nach dem Arbeitslager NEUE BREMM fahren sollten. Er selbst fuhr auch wieder mit. Das Lager befand sich etwa 2 km von SAARBRUECKEN entfernt. Am Lager angekommen, stieg SCHULZ aus und ging in das Lager hinein. SCHMIDT und ich warteten mit dem Wagen auf der Strasse vor dem Lager. Nach einiger Zeit kamen SCHULZ und der Lagerkommandant, ein SS-Untersturmfuhrer SCHMOLL, wir sollten mit dem Wagen in den rechten Teil des Lagers von der Strasse fahren. Dort bezeichnete er einen leeren Raum, wo wir die Kiste mit dem Toten abstellten. SCHMIDT und ich gingen wieder zum Wagen zurueck. Nachdem SCHULZ kam, der mit SCHMOLL noch gesprochen hatte, fuhren wir wieder zur Dienststelle am Schlossplatz zurueck. Ich erinnere mich noch, dass ich waehrend der Fahrt gefragt hatte, was mit den Leichen geschehen wurde. SCHULZ erwiderte hierauf, dass diese spaeter im Krematorium des Hauptfriedhofes eingeaschert wurden. Am gleichen Tage nachmittags oder es kann auch am naechsten Tage gewesen sein, kam SCHULZ noch einmal zu mir auf den Garagenhof und erinnerte mich ernstlich, wahrscheinlich im Auftrage von Dr. SPANN noch einmal daran, dass ich ueber die ganze Angelegenheit mit niemanden sprechen duerfe, da ich sonst die Todesstrafe zu gewaertigen habe.

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Return by (06/08)

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Krim.Sekt. Emil SCHULZ : 38 Jahre alt; 1.73 m. gross; kurzes, mittelblondes
Haar; schlank; Saarländer; Wohnung an der Ecke
Saargemünderstr./Fulius Kieferstr.

Ich habe die obige Aussage vollkommen freiwillig und ohne jeden Zwang gemacht.

(Gez.)
Walter BREITHAUPT

Unterschrieben in meiner Gegenwart :-

(Gez.)
M.P. CORNISH, Capt., WCIU.

LONDON,
10. Aug 46.

FIFTEENTH DAYFriday, 18th July, 1947.

(At 1000 hours the court re-assembles pursuant to adjournment, the same President, members and Judge Advocate being present)

(The accused are again brought before the court)

THE ACCUSED, E. SCHULZ resumes his place in the witness-stand and his examination by Dr. MEYER LA BASTILLE is continued as follows:-

- Q At the end of yesterday's interrogation you said that Dr. Spam, Breithaupt and two prisoners had got out. Did you get out too? A. Yes. When the last prisoner had slipped past me I got out on the right -- I got out to the left and backwards.
- Q Did you think when you got out that the prisoners were to be shot here and now as they were? A. No.
- Q What did you hear then? A. When I had got out suddenly a number of shots fell which were very surprising to me.
- Q Who had fired? A. The chief.
- Q And what did you say? A. When the shots fell there was shouting at the same time and I looked over the top of the car when I saw two prisoners collapse.

shout.

- Q So what you said in your statement is false? A. That is false.
- Q Now we will carry on with your drive; was there any conversation on the way? A. No.
- Q By the way, before you left did Dr. Spann give any instructions with regard to revolvers or pistols? A. No.
- Q Do you normally carry your pistols? A. Yes.
- Q Including drivers? A. That was the regulation.
- Q Do you all have holsters? A. The driver was a civilian so that I cannot say whether he had a revolver or not because if he were one he would have it covered by his jacket.
- Q Do you always carry them loaded? A. Yes.
- Q Safety catch on or not? A. With the safety catch on.
- Q Now you are on the autobahn and you have made a pause? A. Yes.
- Q How many pauses were there on the autobahn -- will you answer how many, one two or three, without making a long speech? A. One.
- Q Why was it you said in your statement at London that there were two and you also said in your statement to Squadron Leader McKenna that there were two; you know you said there were two in both those statements, do you not? A. Yes.
- Q Why did you say on two occasions that there were two pauses when there was only one? A. That was a mistake on my part because I knew exactly that I took the hand-cuffs off the officers in a sitting position; I thought that we had started off once more.
- Q I do not quite follow you; let us try and sort it out a bit. There is no doubt about it that in both of your earlier statements you say that there were two pauses? A. Yes.
- Q And at the first pause Breithaupt and Spann were together -- this is according to your statement, -- and you were there as well? A. Yes.
- Q And Spann asked you whether this would be a suitable place?

THE JUDGE ADVOCATE: I think you have put a "you" in.

COL. HALSE: I meant the two of them; I did not mean Schulz himself. (To the witness) And Spann asked you and Breithaupt whether it would be a suitable place? A. At first I was alone with Spann. Whether Breithaupt had already been present at the moment when Spann put the question I do not know any more.

- Q Then what happened? A. When Breithaupt was not present yet Spann asked me whether I could imagine how the shooting was to be carried out.
- Q You see, I am suggesting to you, Schulz, that you have changed your story completely and in your evidence here you have made one pause instead of two in order to try and let Breithaupt out. A. No, that is not my intention.
- Q Why have you suddenly decided at this stage that there was only one halt when on both occasions before when you were interrogated you said there were two? A. It is not clear to me why I should alter my story with reference to Breithaupt.

- Q That is to say after the first shooting? A. Yes, after the series of shots.
- Q And you had not got your pistol out of the holster before the series of shots? A. No.
- Q When you say in your two previous statements that you took it out as soon as you had taken the hand-cuffs off that is wrong, is it? A. That is wrong.
- Q You know that is what you said, do you not, on two occasions? A. I must again refer to the fact that I tried to agree my second statement with my first statement. I was of the opinion that everything would be cleared up by Dr. Spann's interrogation and in a quite different way from the way I have heard here.
- Q Were you hoping that Dr. Spann would turn up from the grave, because he was dead some time when you were apprehended? A. I did not know that.
- Q So your story is that you took no part in the shooting until after both officers had been shot by Spann? A. Yes.
- Q Do you know if Breithaupt fired? A. No, Breithaupt cannot have shot.
- Q Why do you say Breithaupt cannot have shot? A. Because all the shots came from one direction.
- Q Is that the only reason why Breithaupt could not have shot -- yes or no? A. There are more reasons for that.
- Q What other reasons? A. When I looked over the car after the shooting and the shouting and the collapse of the officers then I could see from Spann's entire gesticulation that it was only him who could have fired.
- Q Is that the only other reason? A. I cannot say any more.
- Q You have left out the reason that he had not got a revolver in his hand, according to your story now; is that not because he had got one in his hand? A. I cannot state under oath that Breithaupt had a pistol in his hand previous to that.
- Q You know what Breithaupt says about this little incident, do you not? A. Yes.
- Q The long paragraph, Page 2: "Dr. Spann and Schulz both had their pistols in their hands and Dr. Spann pointed out to them that shots would be fired immediately if they tried to escape. The prisoners then both stood on the grass about five metres behind the car and about two metres off the roadway to relieve themselves. Dr. Spann and Schulz stood a little behind the prisoners so that as seen from my position Schulz stood on the left and Dr. Spann to the right. When both raised their hands with the pistols I had to look away. I heard the two shots immediately which sounded almost like one. When I looked again the two prisoners were lying in the grass between small bushes". That statement puts you right in it, does it not Schulz, as one of the people shooting? A. No, the statement is wrong.
- Q But that is what Breithaupt said about you. A. Even at the time of the interrogation in Rintel when the interrogating officer put to me a sketch with the position of the officers and our position, I recognised even then that this description was completely wrong.
- Q It was the one the Breithaupt drew or got drawn for him, was it not? A. I do not know; I only know that it was wrong.

Q A picture with some fir trees and you and Spann holding revolvers in your hand with two prisoners just in front of you? A. It was not like that.

Q We shall hear about that from Breithaupt, I have no doubt.

DR. JONAS: May I put a question? I hear of a drawing which Breithaupt is supposed to have made. This sketch is not known to me.

THE JUDGE ADVOCATE: Where is the sketch?

COL. HALSE: Here, Sir.

THE JUDGE ADVOCATE: What is it attached to?

COL. HALSE: It is a statement I have not put in to the court made by Breithaupt. I may not use it; I do not know.

THE JUDGE ADVOCATE: You can show it to counsel.

COL. HALSE: Yes. (To the witness) What shooting do you say you did? A. I fired twice.

Q In what way did you fire? A. One shot without taking aim after the officers had already collapsed and one coup de grace.

Q I think you said you thought when you fired the coup de grace the man was already dead? A. Yes.

Q In your statement in London you said, "I also fired one shot". I am afraid I did not make a note of that.

THE PRESIDENT: "I also fired one shot in a series of shots in the direction of the bigger officer".

COL. HALSE: "I also fired one of these shots in the direction of the bigger officer. I do not know whether and how I hit him. I saw both officers collapse". A. Yes.

Q That must have meant you aimed at him, does it not? A. No, in my interrogation at Rintel the interrogating officer asked me how I had done it. I was ashamed to admit the excitement in which I had found myself at the time to this officer; I could not have aimed at the officers when they were collapsing because the car was between us.

Q Just let us look at what you said to Squadron Leader McKenna. "I saw both officers falling to the ground. Then I fired a single shot from my pistol at the tallest of the two officers. I could not be sure if my shot hit the officer but the two officers fell to the ground". A. I have seen it.

Q In that you are saying that you actually fired at the officer, as he was falling apparently. Why did you say that if it was not true? A. That in my opinion has the same meaning. All I can say is that the officers collapsed and that as a result of the shock I fired a shot of which I can give no account and of which I could not give any account at the time.

Q And I think you said that when you fired the coup de grace the man you fired at was dead or you thought he was dead. A. At the moment or just before I gave the coup de grace I saw a twitch but at the actual moment when Dr. Spann said, "Give him the coup de grace" I thought he was dead. At any rate he was drawing his last breaths.

Q Let us see what you said to Squadron Leader McKenna about it. "The smaller one fell face downwards and the taller one on his right side slowly turning over on his back. He drew up his legs and made a groaning sound".

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THE JUDGE ADVOCATE: Now unless there is an application we shall proceed with the case of Dr. Jonas for Breithaupt.

DR. JONAS: I will call my client.

THE ACCUSED, WALTER BREITHAUPT is sworn, takes his place in the witness-stand and is examined by Dr.

JONAS as follows:-

- Q Will you give your personal data to the court please ? A. .Walter Breithaupt.
- Q And your age ? A. Thirty-nine years of age.
- Q Are you married ? A. Yes.
- Q What trade did you learn ? A. I was a fitter.
- Q When were you transferred to the police ? A. In 1927.
- Q What did you serve in there ? A. First of all in the uniformed police.
- Q And then ? A. And that was in the Schupo with the Motor Transport.
- Q When were you transferred to the Gestapo ? A. At the end of 1940 or the beginning of 1941.
- Q Did you volunteer for the Gestapo ? A. To start with we were detailed.
- Q And then ? A. And then after two years we were posted.
- Q So you did not get into the Gestapo as a result of a request ? A. No.
- Q And you came to the Gestapo in Saarbrücken ? A. First of all to Linz, and then I was posted to Saarbrücken.
- Q When did you get to Saarbrücken ? A. In the Spring of 1942.
- Q What was your job in Saarbrücken ? A. First of all I was on probation as a motor technician; the period of probation finished in the course of the year 1942 and I then became Technician Sekretar.
- Q What was your work as such ? A. I dealt with the traffic accidents of the unit, maintenance of motor transport in our own workshops and after in charge of the workshops.
- Q Did you have anything at all to do with the police functions of the Gestapo ? A. No.
- Q Did you ever receive a membership card or a certificate of acceptance from the S.S. ? A. I was not taken over into the S.S.
- Q During the period in question, that is March or April 1944, did you possess an S.S. uniform ? A. No.
- Q Where was your place of work in Saarbrücken ? A. The M.T. office of the Gestapo in Saarbrücken was accommodated in a building next to the office building.
- Q Was the Kripo Gazette on view in the M.T. office ? A. No.

THE JUDGE ADVOCATE: Was the what on view ?

THE INTERPRETER: The Kripo Gazette.

THE JUDGE ADVOCATE: What is the Kripo Gazette ?

- Q Do you say that this despatch case was handed over to Dr. Spann? A. Yes, as far as I remember, to Dr. Spann.
- Q Did you then drive off? A. Yes, the drive started later on.
- Q Did Dr. Spann take part in the drive? A. Yes, he was sitting in front on my right.
- Q What did he tell you where you were to drive to? A. I did not understand the question.
- Q What did he tell you where you were to drive to? A. He gave the signal to start and he said, "Well, you know the way; the autobahn".
- Q Is this the direction of Mannheim? A. Yes.
- Q What happened when you drove onto the autobahn? A. After four or five kilometres Dr. Spann gave the signal to halt. He got out and Schulz got out too. Since it was still pretty cold on that morning they got warm by walking up and down. I got out of the car too and remained in the immediate vicinity of the car.
- Q On that occasion did you hear anything of the conversation between Dr. Spann and Schulz? A. The distance was too great; I could hear nothing.
- Q Did you yourself go there too? A. I remember that when Spann and Schulz were walking in the direction of the car he gave a sign motioning me to come there either by hand or by nodding his head.
- Q Did you then go up to Spann? A. Yes, I went up to him.
- Q And what did Spann want of you? A. After I had come to him Dr. Spann said to me, "Breithaupt, I have received the order from Berlin to shoot those two men, by a teleprint message".
- Q Did he give you this teleprint message to read? A. No, but I remember quite clearly that he was holding a piece of paper in his hand which was like a teleprint message, which was folded.
- Q Was this the first time that you heard that the airmen were to be shot? A. This was the first time.

THE PRESIDENT: Would you remind everybody that the court will sit at 9.30 on Monday? The court will not sit tomorrow.

(At 1700 hours the court is adjourned until 0930 hours, Monday, 21st July 1947.)

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Q That is what I am asking you. Just listen to the question. Did Spann tell you when he told you of the order from Berlin that you were not to speak about it and that if you did you would be sentenced to death? A. Not at that moment; it was later.

Q And did Spann go on to say, either Spann or Schulz, say to you, "You don't have to be frightened, just think of what happens to our wives and children during an air-raid"? A. When Spann told me about the killing of the airmen I was very greatly shocked. I do not know whether he could see that. As a result he then said to me, "Do not be shocked, think of what happens to our wives and children during an air attack". I cannot be certain whether he used the words "You need not be shocked"; it is possible but I am not certain.

(At 1115 hours the court adjourns until 1130 hours)

- Q Now you know, do not you, from the statements of Schulz that he said before he came to this court there were two stops on the autobahn? A. I recall that.
- Q You say there was only one stop? A. I must stick to that.
- Q Did you hear any discussion between Schulz and Spann as to whether this was a suitable place for the shooting? A. Schulz and Spann got out and went towards the back of the car and got further away. What they spoke there, I could not hear in front in the car.
- Q Did Spann say anything to you on the way? Did he appear to be looking for a convenient spot to stop or did he suddenly say to you "Stop"? A. Whether I noticed that Spann was looking for a suitable spot?
- Q Did you notice that Spann appeared to be looking for a suitable place to stop? A. I cannot remember that.
- Q Did he suddenly say to you "Stop"? A. When we came to the spot shortly before the bridge, he said "Stop".
- Q You told us of this conversation you had with Spann; did you get back into the car? A. After I returned from the conversation with Spann?
- Q Yes. A. I stood by the side of the car at the level where my driver's seat was.
- Q Did you know then that the shooting was going to take place? A. Well, after I returned from Spann he had told me about it, whether he wanted to shoot them there I did not know. I saw it from signs, of course.
- Q And you assumed that that was the time the shooting was going to take place? A. I had to assume it. I was so excited and Spann talked to me in so excited a manner, and from this I concluded that something would happen now.
- Q Was Schulz in the car then? A. Schulz was sitting in the car next to the prisoners. He was bending over the prisoners, first to the right and then to the left.
- Q When you got back he was bending over the prisoners? A. When I came back to the car there was Schulz sitting inside the car, bending over the prisoners, and at the same moment Spann returned. He said, "They can get out and they can relieve themselves".
- Q So when Schulz left you and Spann he did not know that the shooting was going to take place, otherwise he would not be sitting in the car? A. I do not know.
- Q It is obvious if he knew the shooting was going to take place he would not go back and sit in the car with the prisoners, would he? A. I am sorry, I am altogether confused.
- Q I thought you would be. You are the same as Schulz; you do not know which story you are telling, the one that happened or the one you agreed to tell. Is not it quite obvious Breithaupt - - - - - A. I just did not understand the question.

- Q Is not it quite obvious that there were two stops and that Schulz was sitting between the prisoners when you stopped the second time and Spann said, "The prisoners can get out now"? A. I know for certain that we only stopped once because I only got out of the car once. Schulz must have made a mistake; there is no other explanation I can think of.
- Q We will get to another matter. You say that the men's handcuffs were taken off them? A. Yes.
- Q You saw the handcuffs being taken off them, did you? A. Yes, of course.
- Q Just look at Number 13. You are talking about after they had been killed, "At this moment the bodies were not handcuffed. The handcuffs were not taken off in my presence". Well now, that does not agree with what you saw now. There you are saying that you did not see the handcuffs taken off. Now you say you saw the handcuffs taken off - I am reading from the other statement, sir. A. May I make a short explanation?
- Q Yes. At the time when I made my first deposition it was very difficult for me to remember the details of things which I had only noticed in a very short space of time and great excitement. The serjeant kept putting the questions and I kept answering and then I would write down what he said I should write down and I did not do a lot of thinking about it and at the time I tried to write down the details as well as I could remember with the assistance of the serjeant. In the meantime, since I have seen Schulz's statement and even in London I kept getting closer and closer to the business and I wrote it down more accurately.
- Q Another thing; do you say that you ever saw Schulz with a pistol in his hand before the actual shooting. It can be "Yes" or "No". Did you see him or not? A. Well, I think when he got out of the car he had his hand on his holster. Whether he actually got it out, I cannot say for certain.
- Q Did you ever see a pistol in Schulz's hand before the shooting, "Yes" or "No"? A. No.
- Q Now, listen to this, number 9 first: "The two prisoners went followed by Spann and Schulz each with a pistol in his hand to the bushes a few metres on the right and rear of the car". We will go a little bit further, 10, "I saw how both prisoners as what I guessed were just unbuttoning their trousers. Spann and Schulz were standing about one metre behind the prisoners with their pistols in their hands when I think it was Spann gave a sign, whereupon Spann and Schulz each fired one shot at the same time in the neck of both prisoners". Would you like to explain how you came to say that? First, is it true? A. No, things happened a bit different.
- Q Were you trying to make quite certain that Schulz was convicted of this crime? You are saying there, are not you, that Schulz had a pistol behind one of the people? A. When I had to write this I was asked in the first place how did this particular incident at the autobahn take place and when I said the word, well, I remember the answer was immediately, "Well then, you must have seen it", and so we went step by step and finished this report, and now I can say with absolute certainty when I was standing by the car I saw how Schulz was taking the handcuffs off the prisoners and how he then got into the car, so it is quite different from what I have said in the report.
- Q You ever drew a picture, did not you? A. The drawing was made by the serjeant and he kept saying "Was it like this?" and I tried as best as I could and I did see the two prisoners and that Spann was standing behind one of them. I saw that too.
- Q Just look at the plan, it is there. (Handed) You wrote this against it, did not you, in your own handwriting and signed it, "The above sketches give the incident of the shooting in the form of a picture and I now approximately remember it", and that shows the two prisoners standing with their hands in front of them and that Spann and Schulz standing behind them with their pistols raised pointing at the nape of their neck. A. It was not like this.





