

It is not claimed by the prosecution, nor was it stated by the Tribunal, that Bobermin personally maltreated anyone, but it has been established that he took a consenting part in the commission of war crimes and crimes against humanity. It has been demonstrated beyond a reasonable doubt that he participated in a program of spoliation and plundering and that he authorized the use of concentration camp labor in the plant at Golleschau.

Defense counsel has pleaded that even if it be admitted that Bobermin was somewhat to blame for what transpired under his jurisdiction, the sentence imposed on him was too severe. There is this to be said in this connection. In Nuernberg the offenses of spoliation and slave labor have not been punished uniformly. Tribunals have differed on the measure of punishment meted out to those convicted of these offenses.

While not attempting to adjust the sentence in this case to what may have been imposed in any other cases, the Tribunal is satisfied, after a review of all the evidence, that the term of imprisonment to which Bobermin was sentenced should be reduced.

Order Confirming or Amending Original Judgment and Sentences

UNITED STATES MILITARY TRIBUNALS
SITTING IN THE PALACE OF JUSTICE, NURNBERG,
GERMANY

AT A SESSION OF MILITARY TRIBUNAL II
HELD 11 AUGUST 1948, IN CHAMBERS

The United States of America

vs.

Oswald Pohl, et al., defendants.

Case No. 4

Order Confirming or Amending Original Judgment and Sentences

The Tribunal, having this day filed with the Secretary General its written opinion and supplemental judgment in this cause, in conformity therewith:

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Oswald Pohl be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947

as to the defendant Franz Eirenschmalz be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Karl Sommer be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant August Frank be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Karl Mumenthey be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Hans Loerner be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Erwin Tschentscher be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Hermann Pook be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Hans Baier be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Leo Volk be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment heretofore entered and the sentence heretofore imposed on 3 November 1947 as to the defendant Hans Hohberg be and they are hereby confirmed in all respects.

It is ordered and adjudged that the judgment of the Tribunal entered on 3 November 1947 and the sentence imposed on said date as to the defendant Georg Loerner be and it is hereby amended as follows:

It is ordered and adjudged that the judgment of 3 November 1947 finding said defendant Georg Loerner guilty as charged in counts two, three, and four of the indictment is hereby in all

respects affirmed. The sentence of said defendant on said date is hereby reduced from death by hanging to life imprisonment.

It is ordered and adjudged that the judgment of the Tribunal entered on 3 November 1947 and the sentence imposed on said date as to the defendant Max Kiefer be and it is hereby amended and modified as follows:

It is ordered and adjudged that the judgment of 3 November 1947 finding said defendant Max Kiefer guilty as charged in counts two, three, and four of the indictment is hereby in all respects affirmed. The sentence of said defendant on said date is hereby reduced from life imprisonment to 20 years imprisonment.

The judgment of the Tribunal entered on 3 November 1947 and the sentence imposed on said date as to the defendant Heinz Karl Fanslau be and it is hereby amended and modified as follows:

It is ordered and adjudged that the judgment of 3 November 1947 finding said defendant Heinz Karl Fanslau guilty as charged in counts two, three, and four of the indictment is hereby reduced from 25 years imprisonment to 20 years imprisonment.

It is ordered and adjudged that the judgment of the Tribunal entered on 3 November 1947 and the sentence imposed on said date as to the defendant Hans Bobermin be and it is hereby amended and modified as follows:

It is ordered and adjudged that the judgment of 3 November 1947 finding said defendant Hans Bobermin guilty as charged in counts two, three, and four of the indictment is hereby in all respects affirmed. The sentence of said defendant on said date is hereby reduced from 20 years imprisonment to 15 years imprisonment.

It is further ordered and adjudged that the time within which said defendants may petition the Military Governor of the United States Zone of Occupation for review of the judgment and sentences herein set forth under the provisions of Control Council Law No. 10 shall begin to run from the date on which a copy of the supplemental judgment shall be filed in the German language with the Office of Defense Information and not before.

[Signed] ROBERT M. TOMS
Presiding Judge

[Signed] FITZROY D. PHILLIPS
Judge

[Signed] MICHAEL A. MUSMANN
Judge