

11 August 1947

UNITED STATES)

v.)

Otto HERRLOSS, et al.)

Case No. OOO-50-2-59

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 4-9 April 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

FIRST CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Otto HERRLOSS, Alfred GORGE, Heinrich WITT, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual (s) aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately, and wrongfully encourage, aid, abet and participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such civilian nationals being unknown but aggregating many thousands who were then and there in the custody of the German Reich in exercise of belligerent control.

SECOND CHARGE: In that Otto HERRLOSS, Alfred GORGE, Heinrich WITT, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual (s) aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of members of the armed forces of nations then at war with the then Germany Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then Germany Reich, to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such prisoners of war being unknown, but aggregating many hundreds.

III. DATA AS TO ACCUSED:

1. OTTO HERRLOSS

This accused was acquitted (R 102).

2. ALFRED GORGE

This accused was neither served nor tried.

3. HEINRICH WITT

This accused was neither served nor tried.

IV. SUMMARY OF EVIDENCE: Accused HERRLOSS served in the German army from 7 September 1939 until 16 September 1944. On 14 June 1944 he was transferred to Kaufering III, an outcamp of Dachau Concentration Camp, and on 16 September 1944 he was transferred to the Waffen SS. The accused was a guard on the Moll detail, which worked out of outcamp Kaufering III (R 64), from 14 June 1944 to 15 July 1944, after which time he served as camp clerk until the capitulation. He was a guard on a transport of approximately 1000 inmates from Auschwitz Concentration Camp to outcamp Kaufering III on 14 June 1944 with 140 guards. He was also a guard on the inmate evacuation march from outcamp Kaufering III to Karlsfeld 23-27 April 1945 with 700 inmates under 70 guards (R 20; P-Ex 2). Accused HERRLOSS served as a guard on a burial detail for two days as a replacement for the regular guard (R 65). He testified to the effect that he never beat any inmates nor in any way mistreated them (R 67). Prosecution's P-Ex 1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp case (United States vs Weiss, et al., 000-50-2, March 1946 DWAC; R 20).

The Court apparently concluded that the evidence concerning the nature and extent of his participation in the mass atrocity operation was inadequate to form a proper basis for sentencing the accused.

V. JURISDICTION:

It is clear that the Court had jurisdiction of the person of the accused and of the subject matter.

VI. 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.

s/ Louie T. Tischer
t/ LOUIE T. TISCHER
Attorney
Post Trial Branch

Having examined the record of trial, I concur,
this 27th day of October 1947.

s/ C. E. Straight
t/ C. E. STRAIGHT
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes