

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 207-1

5 August 1947

UNITED STATES)
))
) v.)
))
Otto WINTER))

Case No. 12-1022

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, on 21 May 1947, before an Intermediate Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

PARTICULARS: In that Otto WINTER, German national, did, at or near RUHEN, Germany, in or about the summer of 1944, deliberately and wrongfully encourage, aid, abet and participate in committing assaults upon an unknown member of the United States Army, who was then and there a surrendered and unarmed prisoner of war in the custody of the then German Reich.

III. DATA AS TO ACCUSED:

1. Otto WINTER

This accused was acquitted (R 35).

IV. SUMMARY OF EVIDENCE: The extrajudicial sworn testimony of three witnesses established that several American airmen parachuted from a plane in the vicinity of Ruhen, Germany, in June or July 1944 (R 6, 7, 8). Each witness implicated the accused to some extent in described beatings of the airmen. The accused denied the beatings or any other mistreatment of any airman but he admitted that acting in his official capacity as a country guard he did take an airman into custody on the day in question (R 12, 13).

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 a copy of this Review and Recommendations be forwarded to the Judge Advocate, European Command, for his information.

/s/ Maxwell S. McKnight
/t/ MAXWELL S. MCKNIGHT
Major MI
Post Trial Branch

Having examined the record of trial, I concur.

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