

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND

10 April 1947

UNITED STATES)
))
) vs.)
))
Josef GOMBKOTO, Anton HALTER,)
Michael JAUCH, Georg KATZIAN,)
Josef KOBEL, Josef THOMASETH,)
Franz Erich ZINGK)

Case No. 000-50-2-11

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried jointly at Dachau,
Germany
Date: 31 October 1946
Intermediate Military
Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
GOMBKOTO, Josef	Age 32 Czechoslovakian national SS Guard Camp Dachau and out-camps Rank - Corporal	2 years confinement from 1 May 1945
HALTER, Anton	Age 34 Yugoslavian national SS Guard Camp Dachau and out-camps Rank - Pfc.	2 years and 6 months confinement from 2 May 1945
JAUCH, Michael	Age 41 Yugoslavian national SS Guard at out- camps Landsberg and Ueberlurgen Rank - Private	Acquittal
KATZIAN, Georg	Age 33 Czechoslovakian national SS Guard at out-camps Friedrichshafen, Radracn and Ueberlingen Rank - Private	2 years confinement from 1 May 1945
KOBEL, Josef	Age 43 German national SS Guard Camp Dachau and out-camps Rank - Pfc.	3 years confinement from 2 May 1945
THOMASETH, Josef	Age 36 German national SS Guard Camp Dachau	Acquittal

ACCUSED
ZINGK, Franz Erich

DATA
Age 48
German national
SS Guard Camp Dachau
and out-camps
Rank - Sergeant

SENTENCE
2 years confinement
from 2 may 1945

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

PARTICULARS: In that Josef GOMBKOTO, Anton HALTER, Michael JAUCH, Georg KATZIAN, Josef KOBEL, Josef THOMASETH, Franz Erich ZINGK, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding 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, wilfully, deliberately and wrongfully participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, 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 then German Reich in exercise of belligerent control.

Pleas Findings

GOMBKOTO	NG	G
HALTER	NG	G
JAUCH	NG	NG
KATZIAN	NG	G
LOBEL	NG	G
THOMASETH	NG	NG
ZINGK	NG	G

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

PARTICULARS: In that Josef GOMBKOTO, Anton HALTER, Michael JAUCH, Georg KATZIAN, Josef KOBEL, Josef THOMASETH, Franz Erich ZINGK, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding in the operation of the Dachau Concentration Camp, did, at or in the vicinity of DACHAU, Germany, between about 1 January 1942 and about 29 April 1945, wilfully, deliberately and wrongfully participate in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, the exact names and numbers of such prisoners of war being unknown but aggregating many hundreds.

Pleas Findings

GOMBKOTO	NG	G
HALTER	NG	G
JAUCH	NG	NG
KATZIAN	NG	G
KOBEL	NG	G
THOMASETH	NG	NG
ZINGK	NG	G

2. RECOMMENDATIONS: That the findings and sentences be approved.

For the Prosecution. Prosecution's case was based on extrajudicial sworn testimony as hereinafter indicated. Prosecution's exhibit 1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau case (U.S. vs Weiss et al., OOO-50-2, March 1946; R 7). Prosecution's exhibits 2 thru 9 consist of extrajudicial testimony of each of the accused.

It was shown that for considerable periods of time between 1 January 1942 to 29 April 1945 each of the convicted accused was an SS guard at Dachau or one of the out-camps Friedrichshafen, Ueberlingen, Radrach, or Kaufbeuren (P-Ex 2 thru P-Ex 9, R 8, 10, thru 15). It was further shown that each of the accused participated in April 1945, in prisoner transports or marches (supra, P-Ex 2 thru P-Ex 9; R 8 thru 15).

For the Defense. Each of the accused took the stand and testified in his own defense that no prisoners were beaten or mistreated by the accused (R 16, 20, 21, 23, 24, 26, and 33).

Accused GOMEKOTO was a tower and work detail guard at Camp Dachau January 1943 to July 1943 (P-Ex 2, R 8). Accused then served as guard at out-camps Friedrichshafen until April 1944 and Radrach until October 1944. Out-camps Friedrichshafen and Radrach had approximately 1000 prisoners of different nationalities that worked at the Zeppelin plant. The Camp Commander for the first part of the accused's tour of duty at Friedrichshafen was Master Sergeant WELTER, who was convicted in the parent Dachau case (U.S. vs Weiss et al., OOO-50-2, March 1946).

Accused, from October 1944 to April 1945, was a guard at out-camp Ueberlingen. Approximately 700 prisoners were held there that were used in constructing tunnels. On 20 April 1945 all prisoners were transferred to KARLSFELD by train. On 25 April 1945, the accused participated as a guard in a prisoner march from KARLSFELD to WOLFRATSHAUSEN. During the prisoner march prisoners fell out from the ranks and remained behind. Some of these were those who were too exhausted to march (P-Ex 2, R 8).

In defense, the accused testified on direct examination that as a

saw any prisoners beaten or mistreated in any of the camps nor were any prisoners beaten or shot on the prisoner march of 25 April 1945 (P-Ex 2, R 8).

Accused HALTER was an SS guard at Dachau from December 1943 to July 1944 (P-Ex. 3, R 9). From July 1944 to September 1944 he was guard at out-camps Friedrichshafen and Radrach. From September 1944 to April 1945 he was guard at out-camp Ueberlingen (P-Ex. 3, R 9). Accused participated as a guard on prisoner transport from Ueberlingen to Karlsfeld. On prisoner march from Karlsfeld approximately 800 prisoners started on the prisoner march (R 20).

In defense, the accused testified on direct examination that as a guard he never beat or mistreated any prisoners (R 20). After 2 or 3 days on the prisoner march from Karlsfeld he deserted his unit due to the enemy being close at hand (R 20).

Accused KATZIAN was an SS guard at out-camp Friedrichshafen from the summer of 1943 to April 1944; at out-camp Radrach until September 1944, out-camp Ueberlingen until 20 April 1945 (P-Ex. 5, R11). On 20 April 1945 all prisoners and guards went by prisoner transport to out-camp Allach. After 3 days at out-camp Allach they proceeded to Starnberg. The prisoners consisted of Russians, Poles and Germans (P-Ex. 5, R 11).

In defense, the accused testified on direct examination that as a guard he never beat or mistreated any prisoners (R 23). He was forced to join the Waffen SS or become a prisoner in a Slovakian punishment camp; having a family to support he joined the SS (R 24). He only guarded outside the out-camps as he was not allowed on the inside of any of the camps (P-Ex. 5, R 11).

Accused KOBEL joined the party in May 1937 holding the position of zellenleiter (Precinct Leader) (R 25). From July 1944 to December 1944 he was an SS guard at out-camp Friedrichshafen (P-Ex. 6, R 12). He was guard in the Zeppelin's wharf where prisoners of all nationalities worked. In December 1944 he participated in prisoner transport

from Friedrichshafen to Nordhausen as a guard and also participated in a prisoner transport of approximately 700 prisoners from Dachau to Ueberlingen as a guard. He was a guard at Ueberlingen from December 1944 to April 1945. During this time approximately 20 persons died at out-camp Ueberlingen due to the bad food. On 23 April 1945 he participated as a guard in the transfer of all prisoners from Ueberlingen to Karlsfeld by prisoner transport and from Karlsfeld to Wolfbratshausen. Prisoners on the march fell out due to sickness (P-Ex. 6, R 12).

In defense, accused testified on direct examination that as a guard he never beat or mistreated any prisoners (R 24); he never saw any prisoners beaten or mistreated at Dachau or any of the out-camps or factories; and he never saw or heard of prisoners being beaten or shot on prisoner transports (P-Ex. 6, R 12).

Accused ZINGK was an SS sergeant of the guard and tower guard at out-camp Kaufbeuren from August 1944 to March 1945 (P-Ex. 8 and 9, R 14). During the month of October 1944, the accused was at Camp Dachau (P-Ex. 8, R 14); from March 1945 to April 1945 he was guard at out-camp Ueberlingen. In April 1945 accused participated in prisoner transport as a guard from Ueberlingen to Karlsfeld. The prisoner transport consisted of freight cars (P-Ex. 8, R 12) and lasted 2 days (R 24). Upon examination by the Court, defense witness WITTCHEN testified that prisoners were beaten at Kaufbeuren by the bad guards at work or on order of the Camp Commander (R 38, 39).

In defense, accused testified on direct examination that as a guard he never beat or mistreated any prisoners (R 33). During the prisoner transport prisoners were not locked in the cars and were permitted to get off at regular periods and no prisoners died. On the prisoner transport to Karlsfeld there was enough food, bread and canned meat (R 34). Defense witness WITTCHEN testified on direct examination that he was an inmate at out-camp Kaufbeuren from June 1944 to 9 April 1945 (R 35). Accused was considered to belong to the

to the prisoners (R 38).

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and the offenses.

5. COMMENTS: Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused. All of the accused were at some time during the period 1 January 1942 to 29 April 1945, by their own admissions, SS guards over prisoners at Dachau Concentration Camp and/or subsidiary camps thereof with varying ranks and duties and that they participated in prisoner transports and marches (P-Ex. 2 thru P-Ex. 9; R 8 thru R 15).

The Court was required to take cognizance of the decision rendered in the parent Dachau Concentration Camp case, including the findings of the Court therein, that the mass atrocity operation was criminal in nature and that the participants therein, acting in pursuance of a common design, subjected persons to killings, beatings, tortures, etc. and was warranted in inferring that those shown to have participated knew of the criminal nature thereof (Letter, Headquarters, United States Forces, European Theater, file AG 000.5 JAG-AGO, subject: "Trial of War Crimes Cases," 14 October 1946, letters superseded thereby, and U.S. vs Weiss et al., 000-50-2, March 1946). All of the convicted accused were shown to have participated in the mass atrocity and the Court was warranted by the evidence adduced, either in the parent case or in this subsequent proceeding, in concluding that they not only participated to a substantial degree but that the nature and extent of their participation was such as to warrant the sentences imposed.

After weighing the evidence accused JAUCH and THOMAGETH were acquitted by the Court. It appears from the record their connection with the operation of the concentration camps was too remote to warrant a finding of guilty and the Court was warranted in acquitting them.

6. CLEMENCY: There are no Petitions for Review. Consideration was given to Petitions for Clemency signed by the accused Josef GOMBKOTO,

undated, and accused Josef KOBEL, dated 2 February 1947 and on behalf of accused Josef KOBEL, signed by Wally KOBEL, his wife, dated 20 February 1947. No clemency is recommended.

7. CONCLUSIONS.

a. It is recommended that the findings and the sentences be approved.

b. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

/s/ Elmer Moody
ELMER MOODY,
1st Lt. Inf.
Post Trial Section.

Having examined the record of trial, I concur.

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

HEADQUARTERS
EUROPEAN COMMAND

AG 383 JAG

APO 757

SUBJECT: Execution of Sentence in the Case of the United States vs.
Josef GOMBKOTO, et al (Case No. 000-50-2-11).TO : Commanding General
First Military District
APO 1, U.S. Army

Reference is made to letter, Hq. USFET, file AG 383 JAG-AG
subject: "Designation of Prisons for War Criminals," 26 February
1947 and to the inclosed copies of the Order on Review in the above
entitled case as to accused Josef GOMBKOTO.

Upon compliance with the Order on Review the certificate
below will be completed and returned to the Deputy Judge Advocate
for War Crimes, 7708 War Crimes Group, APO 178, U.S. Army.

BY COMMAND OF GENERAL CLAY:

/s/ Wm. E. Bergin
Wm. E. BERGIN
Brigadier General, USA
Adjutant General

1 Incl:
1 Form No. 13 (in dup)

Frankfurt 2-2310

CERTIFICATE OF COMPLIANCE

The sentence covered by the above described Order on Review
was carried into execution at War Criminal Prison No. 1, Landsberg,
Germany, on _____ 1947, at _____.
(Date) (Hour)

The above named prisoner has
been discharged upon completion
of his sentence on 30 April 1947.

/s/ George T. Lagish
(Signature and Rank)
GEORGE T. LAGISH, Maj. Inf.
Prison Officer
War Criminal Prison Landsberg
(Organization)

/s/ Lloyd A. Wilson
Capt. CMP
(Countersignature and Rank)