

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 407

15 September 1947

UNITED STATES)
))
 v.))
))
Georg DEFFNER))

Case No. 000-50-2-65

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA. The accused was tried at Dachau, Germany, during the period 6-11 February 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Georg Deffner 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 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: Violation of the Laws and Usages of War.

Particulars: In that Georg Deffner 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 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 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, 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. SUMMARY OF EVIDENCE: During the period alleged in the particulars, the accused served as an SS guard and work detail leader at Dachau Concentration Camp and several of its outcamps. He committed many individual acts of cruelty and took part in three inmate marches and transports. Prosecution's P-Ex 3 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp case (United States v. Weiss, et al., 000-50-2, March 1946, DJANG, hereinafter referred to as the "Parent Case"; see Section V. post: R 104).

IV. EVIDENCE AND RECOMMENDATIONS:

1. GEORG DEFFNER

Nationality:	German
Age:	37
Civilian Status:	Unknown
Party Status:	Member NSDAP
Military Status:	SS Master Sergeant
Floa:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	3 years, commencing 13 July 1945

Evidence for Prosecution: The accused stated in his extrajudicial sworn testimony that he was assigned to Camp Dachau in January 1942 and served as chief of the postal section to which about 14 inmates were assigned. In August 1943 he was assigned as work detail leader to the newly formed outcamp Kempton, and in April 1944 he was transferred to outcamp Kottern where he served as commander. In February 1945 he became work detail leader at outcamp Kaufering I where he remained until the capitulation. He stated that at the time he was at Camp Dachau, about 14,000 inmates were confined there; that he heard rumors to effect that inmates were beaten and that public punishment and beating of inmates took place occasionally. At outcamp Kempton where he was a work detail leader there were between 110 and 650 inmates working in an armament plant. The accused admitted sleeping

inmates at that outcamp occasionally. He further stated that while he was in charge of outcamp Kottorn, about 700 to 1000 inmates of all nationalities were confined there; that living conditions were bad at outcamp Kottorn and considerable worse at outcamp Kaufering I; that inmates were beaten at outcamp Kaufering I and rations were insufficient; and that on 24 April 1945, he was in charge of an inmate evacuation march consisting of 1655 inmates from Kaufing I to Dachau (R 104; P-3x 2A).

Witness Rühle, a former inmate at outcamp Kompton, testified that he was a member of the original detail which established that outcamp and that the accused was the first camp commander (R 7); that civilian internees and prisoners of war were confined in that outcamp (R 14); and that the accused severely beat many inmates in addition to returning them to Camp Dachau for punishment (R 14, 18). Witness Brutschus, a former inmate at outcamp Kaufering I, testified that the accused beat him and other inmates (R 38; corroborated R 63); and that the inmates were of Lithuanian, French, Italian and Russian nationalities (R 38).

Witness Brunelli, a former inmate at outcamp Kottorn, testified that forms of punishment known as the stoh bunker (confinement in such a restricted position that they could neither sit nor stand) tree punishment (hanging by the wrists which were tied behind the backs of the inmates) and the twenty-five (25 blows with a heavy stick) were all administered to inmates during the period that the accused was in charge (R 56). Witness Carbone, another former inmate at outcamp Kompton, testified concerning the mistreatment of inmates at that outcamp while the accused was in charge (R 68-73; corroborated R 81-84, 86-88, 94-98). Witness Kunne, a former SS soldier who later became an inmate at Dachau Concentration Camp, testified that he saw the accused at the rifle range several times and that the accused was in the uniform of the guards who were performing executions (R 107-113, 120, 121). The accused in his testimony to the Court admitted being present at two executions of Russian partisans, and

load the coffins of those inmates who were executed (R 192). The accused also admitted taking part in three inmate transports (R 198).

Evidence for Defense: Witness Kublo, a former inmate and capo at outcamp Kempten, testified that the accused issued an order forbidding capos to beat inmates (R 22). Witness Geiger, a priest, who had been an inmate at Dachau Concentration Camp, testified that while he worked under the accused in the mail room the accused always treated politely, decently and even comradely, and that the accused never beat anyone (R 126; corroborated R 130). Witness Maschinenheim testified that the accused conducted himself properly toward inmates (R 147-150). The accused testified that while he was stationed at Camp Dachau he reportedly volunteered for front line duty but without success (R 172); that he never mistreated inmates at Dachau (R 174); that he sometimes punished inmates at outcamp Kempten by boxing them once or twice on the ear when they stole articles; that more severe punishment was ordered by the authorities at Dachau (R 174,175); and that he issued an order forbidding the beating of inmates (R 176).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

V. QUESTIONS OF LAW:

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

Application of Parent Case: The Court was required to take cognizance of the decision rendered in the Parent 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, Head-

subject: "Trial of War Crimes Cases", 14 October 1946, and the Parent Case). The accused was 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 proceedings case, in concluding as to him that he not only participated to a substantial degree, but that the nature and extent of his participation were such as to warrant the sentence imposed.

Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

VI. CONCLUSIONS:

1. It is recommended that the findings and the sentence be approved.
2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

GEORGE H. LENTZ
Captain, JAGD
Post Trial Branch

Having examined the record of trial, I concur, this _____ day
of _____ 1948.

C. E. STRAIGHT
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes