

15 August 1947  
OFFICE OF THE DEPUTY JUDGE ADVOCATE

UNITED STATES )  
v. )  
Donatus KOESSSEL )

Case No. 000-50-2-82

REVIEW AND RECOMMENDATIONS

TRIAL DATA: The accused was tried at Dachau, Germany, on 29 April 1947 before a General Military Government Court.

CHARGES AND PARTICULARS:

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

PARTICULARS: In that Donatus KOESSSEL, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual 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 Donatus KOESSSEL, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual 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. DATA AS TO ACCUSED:

DONATUS KOESSEL (The surname correctly spelled KOESSL, R 23)

This accused was acquitted (R 32).

IV. SUMMARY OF EVIDENCE: The accused, a German national, was a laborer at the BMW plant (Bavarian Motor Works), Kaufbeuren, an outcamp of Dachau Concentration Camp, from 14 July 1944 until May 1945. One prosecution witness testified he saw KOESSL beat a Polish inmate with a shovel, and another inmate with a piece of wood, and that he was generally considered as a beater in the camp (R 8, 9). It was shown by the defense, however, that the accused was denounced by his accusers as a result of personal ill-feeling which arose long after the liberation of the outcamp (R 11, 25, 26). Prosecution's P-Ex 2 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp Case (United States v. Weiss et al., OOO-50-March 1946; R 6).

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.

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 with the record 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  
LOUIE T. TISCHER  
Attorney  
Post Trial Branch

Having examined the record of trial, I concur.

/s/ C. E. Straight  
C. E. STRAIGHT (13 Sept 47)  
Lieutenant Colonel, JAGD  
Deputy Judge Advocate  
for War Crimes