

19 November 1947

UNITED STATES )

v. )

Rudolf DIRWAGEL, et al )

Case No. 12-1449

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 11-13 August 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Rudolf DIRWAGEL, Kurt MARTIN, and Hans FIETSCH did, at or near Bamich, Germany, in or about July or August 1944, wrongfully encourage, aid, abet and participate in the killing of five unknown members of the United States Army, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich.

III. DATA AS TO ACCUSED:

1. Rudolf DIRWAGEL

This accused was acquitted (R 155).

2. Kurt Wilhelm MARTIN

This accused was acquitted (R 124).

3. Hans FIETSCH

This accused was neither served nor tried (R 1).

IV. SUMMARY OF EVIDENCE: In July, August or September 1944, following an air raid over Bamich, five or six Americans bailed out of their disabled bomber and were captured (R 67; P-Ex 8). After being interrogated by accused DIRWAGEL, commanding officer of the SS flak training regiment, they were supposedly turned over to one Captain Looschnieck, commanding officer of the first battalion, with the understanding that the prisoners would be taken to air force headquarters at Schleissheim (R 129, 130). The incident may have occurred in October 1944 (R 34; P-Ex 11) or there may have been two incidents (R 66;

P-Ex 7). The bodies of two Americans were found in a bomb crater near the airport (R 46) on or about 6 March 1945, and autopsies were performed by one Professor Holzer (R 49). The cause of death in each case was given as gunshot wound of the neck (R 50, P-Exs 12, 13). There was virtually no evidence against the accused MARTIN who was acquitted (R 124) on motion of the prosecutor (R 123)

The Court had jurisdiction of the persons 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 that a copy of this review and recommendations be forwarded to the Judge Advocate, European Command, for his information.

HERMAN FLATT  
attorney  
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