

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

29 July 1947

UNITED STATES )

v. )

Stefan KOCH, et al. )

Case No. 000-50-2-55

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 20-21 January 1947 before an Intermediate Military Government Court.

II. CHARGES AND PARTICULARS:

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

PARTICULARS: In that Mathias GRUNEWALD, Friedrich HOPMANN, Stefan KOCH, Anton KUCHNER, Karl August KUEHNER, Johann KURZ, Wilhelm KUESTERS, Franz LOBERMAYER, Emil MARKS, Ernst MAST, 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.

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

PARTICULARS: In that Mathias GRUNEWALD, Friedrich HOPMANN, Stefan KOCH, Anton KUCHNER, Karl August KUEHNER, Johann KURZ, Wilhelm KUESTERS, Franz LOBERMAYER, Emil MARKS, Ernst MAST, 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.

III. DATA AS TO ACCUSED:

1. MATHIAS GRUNEWALD

This accused was not tried.

2. FRIEDRICH HOFMANN

This accused was not tried.

3. STEFAN KOCH

This accused was acquitted (R 71).

4. ANTON KUCHNER

This accused was not tried.

5. KARL AUGUST KUEHNER

This accused was acquitted (R 71).

6. JOHANN KUEZ

This accused was acquitted (R 71).

7. WILHELM HUNSTERS

This accused was not tried.

8. FRANZ LOBERMAYER

This accused was acquitted (R 71).

9. EMIL MARKS

This accused was acquitted (R 71).

10. ERNST MAST

This accused was acquitted (R 71).

IV. SUMMARY OF EVIDENCE:

By their own admissions, all of the accused were members of the SS and stationed at Dachau Concentration Camp or its outcamps for considerable periods of time. Prosecution's P-Ex 1 is a certified copy of the charges,

particulars, findings and sentences in the parent Dachau Concentration Camp Case (U.S. v. Weiss et al., 000-50-2, March 1946; R 6). The Court apparently concluded that the evidence concerning the nature and extent of their participation in the mass atrocity operation was inadequate to form a proper basis for sentencing the accused.

V. JURISDICTION:

It is clear that the Court had jurisdiction of the persons of the accused and of the subject matter.

VI. 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.

/s/ Louis T. Fischer  
LOUIE T. FISCHER  
Attorney  
Post Trial Branch

Having examined the record of trial, I concur.

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