

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

10 February 1948

UNITED STATES)

v.)

Georg Walter DEGENET)

Case No. 000-Flossenburg-1

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 9-12 June 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Georg Walter DEGENET, a German national, did, at or in the vicinity of Muehlsen, Czechoslovakia, in or about December 1944, wrongfully encourage, aid, abet and participate in an assault upon an unknown non-German national, inmate of Muehlsen Concentration Camp, who was then in the custody of the then German Reich.

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

Particulars: In that Georg Walter DEGENET, a German national, did, at or in the vicinity of Oberschlema, Czechoslovakia, in or about April 1945, wrongfully encourage, aid, abet and participate in the killing of approximately 120 non-German nationals, while being evacuated from Muehlsen Concentration Camp, who were then in the custody of the then German Reich, the exact names and numbers of said victims being unknown.

(The particulars were amended during the trial, both as to Charges I and II, so as to read "Germany" instead of "Czechoslovakia", at 123.)

III. DATA AS TO ACCUSED:

1. Georg Walter DEGENET

This accused was acquitted (at 332).

IV. SUMMARY OF EVIDENCE: The accused was an SS second lieutenant in charge of subcamp Muehlsen of Flossenburg Concentration Camp from 28 July 1944 until the camp was evacuated (at 37, 48, 224). He was an accused in the parent Flossenburg Camp case (United States v. Becker, et al., 000-50-46), but a nolle prosequi was entered as to him in that case on 17 D
1946. When Subcamp Muehlsen was evacuated on 13 April 1945, the acc

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was in command of the evacuation march.

One witness testified in support of Charge I that shortly prior to Christmas 1944, the accused beat a Russian inmate in front of the toilet in the work shop of subcamp Muehlisen until the victim collapsed and then the accused kicked him (R 118, 119). The defense introduced evidence to show that the accused put a stop to beatings while in charge of subcamp Muehlisen (R 226). The chief capo of subcamp Muehlisen had no knowledge that the accused beat an inmate to unconsciousness in the work hall (R 177; D-Ex 4).

The witness first mentioned and two other witnesses testified in support of Charge II. They placed full responsibility upon the accused for the shooting of 120 sick inmates in the vicinity of Oberschlema, Germany, during the afternoon of the second day of the evacuation march. According to them, 120 sick inmates of Russian, Polish, French, Czech, Yugoslav, and Italian nationalities were taken to a little forest and there shot to death upon a specific order given by the accused. The witnesses learned the details of the massacre, which they vividly related to the Court, from one of three inmates who managed to survive (R 40-43, 111, 115). One of these witnesses testified that during the evacuation march from subcamp Muehlisen in April 1945 a Russian inmate, who had been shot and badly wounded while attempting to escape, was put to death upon order of the accused (R 42, 52, 91).

The shooting of a large number of inmates alleged in the particulars of Charge II was not denied but there was evidence showing that the accused was not responsible for this act and was not present when it occurred (R 119, 200, 239, 181; D-Ex 7). The accused denied that he ordered the wounded Russian inmate killed, even though a doctor had suggested that he be given a mercy shot (R 251). He provided aid for the victim (R 219, 250).

A portion of the testimony offered by the prosecution was discrepant (R 178; D-Ex 4, R 236). From a reading of the entire record it appears

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The Court had jurisdiction of the person 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.

Claudio Delitala
CLAUDIO DELITALA
attorney
Post Trial Branch *per*

Having examined the record of trial, I concur, this 19th
day of March 1948.

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

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