

victims together with members of the armed forces from other parts of the British Commonwealth and Empire, but that the Union Government did not want a charge to be brought where only South Africans were involved.

Mr. Kent proposed the adjournment of the case and it was so decided.

(d) The French case 947 (Staff of Militärbefehlshaber in France): In the discussion regarding the French charge No. 947, M. de Baer said that as a whole he was very much in agreement with Doc. I/10. Colonel Hodgson said that List 7 stood by itself. He would be very reluctant to depart from the practice of Committee I that a prima facie case was necessary and that the National Offices had to submit not only lists, but charges. A change of policy would require careful reflection. If we did not require prima facie evidence, it would reflect on our lists in general.

Monsieur Malézieux declared that the French National Office wanted the people arrested and interrogated.

Mr. Beaumont entirely agreed with the moral and practical reasons adduced by Colonel Hodgson. He thought that the persons listed in the document should be put on a list of administrative officials.

M. de Baer said that the French National Office certainly could furnish the Committee with thousands of instances of looting in France.

Colonel Hodgson added that if the French National Office would furnish the Committee with evidence, he would hasten to put the persons involved on A or S.

Colonel Oldham thought that it would not be difficult for the French National Office to prepare some charges.

M. Malézieux expressed the view that it was a question of principle which should be submitted to Committee II.

Colonel Hodgson replied that it was not a matter of enforcement and that the question fell within the competence of this Committee (I).

Mr. Beaumont added that the object of the French National Office seemed to be rather to list the organisation as a criminal conspiracy than to list the individuals.

Mr. Oldham said that the list of suspects should be in the possession of the military as soon as possible in view of the impending partial demobilisation of the German army.

Colonel Wade referred to similar problems arising in connection with the Concentration Camp personnel.

Mr. Schwelb explained that he fully agreed with the legal arguments of Colonel Hodgson and Mr. Beaumont against listing the persons concerned on A or on S. He had himself pointed out in his report I/10 (Para ii) that none of the persons listed in the document was charged with a particular crime and that their listing would be possible only in applying the "precedent" set by producing Lists 7 and 9. He also drew attention to the fact that the organisation was not only a "looting organisation" but that it covered the whole of a state machinery, comprising all administrative departments excepting police and armed forces.

Colonel Hodgson again stressed the difference between Lists 7 and 9 and this case. He said that Lists 7 and 9 had been compiled on the Commission's own initiative and while the present case was a charge by the French National Office implying the request for handing the accused over to France. No such request by a National Office was implied in the case of the Key-men lists.

Mr. Litawski, Legal Officer, thought that the French National Office could give a general report on what happened in the different spheres of

economic life in France. The principals could be put on the keymen list which was being presented to the Committee (see below). 150

M. Malézieux said that it would be easy to prove that France had been looted. But it was, in his opinion, necessary to explain what was the position of the Commission towards the German administration in the occupied countries. The furnishing of concrete details would take rather a long time, approximately a month.

It was decided to adjourn the case 947 until the Committee gets the additional information from the French National Office.

(e) The Yugoslav case against Italian Courts personnel: The supplementary memorandum submitted by the Yugoslav National Office to the charge No. 940 (see Notes No.15 of 20th June 1945) was distributed and the consideration of the case adjourned.

2. CLOSING OF A LIST OF ITALIANS, HUNGARIANS AND BULGARIANS

On the motion of Colonel Hodgson it was decided to propose to the Commission that afternoon to close a List of the Italians, Hungarians and Bulgarians.

3. CHARGES OF ITALIANS AGAINST ITALIANS AND OF ITALIANS AGAINST GERMANS

Colonel Wade asked for a ruling of Committee I on how to deal with charges sent to the Commission by an American Regiment stationed in Italy.

After discussion it was decided to ask Colonel Wade to write to the appropriate authorities with a view to obtaining further information.

4. LIST OF KEY MEN

Dr. Litawski, Legal Officer, distributed the Draft List of Key-men and proposed the setting up of a subcommittee for its examination. It was decided to consider the list in the next meeting.

UNITED NATIONS WAR CRIMES COMMISSIONNotes of Meeting of Committee I

held on

4th July, 1945 at

10.30 a.m.

Chairman: M. de BAER (Belgium)

There were also

present:

Members of Committee I & their Deputies

| | |
|------------------|----------------------------|
| Lt.-Col. HODGSON | - United States of America |
| Captain WOLFF | - " " " " |
| Lt.-Col. OLDFAM | - Australia |
| Dr. MAER HARTING | - Czechoslovakia |
| Mr. BRADWORTH | - United Kingdom |

Members of the Commission, not members
of Committee I, and Representatives of
National Offices

| | |
|-------------------|------------------------------|
| Lord WRIGHT | - Chairman of the Commission |
| M. GOLITSKIN | - Belgium |
| M. MALZIEUX | - France |
| Commander MEYTON | - Netherlands |
| Dr. Van den BERGH | - " |
| Mr. KENT | - United Kingdom |
| Dr. MARKWIC | - Yugoslavia |

1. PROCEEDINGS IN INDIVIDUAL CASES

The Committee decided upon 1 Dutch case (No. 960) and upon three British cases (961, 962, 963). It adjourned the case 964 submitted by the United Kingdom National Office, the Czechoslovak case 952 and the French case 947. It decided upon 14 Yugoslav cases (Nos. 965 to 973 and 975 to 979) and adjourned two (Nos. 940 and 974).

(a) The Czechoslovak Ossiecim case: The Czechoslovak case 952 was discussed because the members of the Committee had not had the opportunity to study Amendments received on July 2nd, 1945 and the Report Doc. I/11.

(b) Investigations through Cross-examination: When the British case 961 was discussed, it was decided that - until another arrangement would be made - Mr. Schwelb should in similar cases write to Cross-examination (the Central Register of War Criminals and Security Suspects) G-1 Division, S.H.A.E.F., A.P.O., 8000, in order to try to establish the identity of the accused.

(c) A South African case: When the case 964 (concerning manslaughter by neglect, committed against the members of the Union of South Africa Forces) was brought up, the Legal Officer (Mr. Schwelb) asked Mr. Kent whether it was submitted by the United Kingdom National Office on behalf of the South Africa.

Mr. Oldham said that he was informed that the Union Government considered that cases should be dealt with where South African soldiers were in

times together with members of the armed forces from other parts of the British Commonwealth and Empire, but that the Union Government did not want charge to be brought where only South Africans were involved.

Mr. Kent proposed the adjournment of the case and it was so decided.

(d) The French case 947 (Staff of Militärbefehlshaber in France): In the discussion regarding the French charge No. 947, M. de Baer said that as a whole he was very much in agreement with Doc. 1/10. Colonel Hodgson said that List 7 stood by itself. He would be very reluctant to depart from the practice of Committee II that a prima facie case was necessary and that the National Offices had to submit not only lists, but charges. A change of policy would require careful reflection. If we did not require prima facie evidence, it would reflect on our lists in general.

Monsieur Malézieux declared that the French National Office wanted the people arrested and interrogated.

Mr. Beaumont entirely agreed with the moral and practical reasons advanced by Colonel Hodgson. He thought that the persons listed in the document should be put on a list of administrative officials.

M. de Baer said that the French National Office certainly could furnish the Committee with thousands of instances of looting in France.

Colonel Hodgson added that if the French National Office would furnish the Committee with evidence, he would hasten to put the persons involved on A or B.

Colonel Oldham thought that it would not be difficult for the French National Office to prepare some charges.

M. Malézieux expressed the view that it was a question of principle which should be submitted to Committee II.

Colonel Hodgson replied that it was not a matter of enforcement and that the question fell within the competence of this Committee (I).

Mr. Beaumont added that the object of the French National Office seemed to be rather to list the organisation as a criminal conspiracy than to list the individuals.

Mr. Oldham said that the list of suspects should be in the possession of the military as soon as possible in view of the impending partial demobilisation of the German army.

Colonel Wade referred to similar problems arising in connection with the Concentration Camp personnel.

Mr. Schwellb explained that he fully agreed with the legal arguments of Colonel Hodgson and Mr. Beaumont against listing the persons concerned on A or on B. He had himself pointed out in his report 1/10 (Para ii) that none of the persons listed in the document was charged with a particular crime and that their listing would be possible only in applying the "precedent" set by producing Lists 7 and 9. He also drew attention to the fact that the organisation was not only a "looting organisation" but that it covered the whole of a state machinery, comprising all administrative departments excepting police and armed forces.

Colonel Hodgson again stressed the difference between Lists 7 and 9 and this case. He said that Lists 7 and 9 had been compiled on the Commission's own initiative ~~and~~ while the present case was a charge by the French National Office implying the request for handing the accused over to France. No such request by a National Office was implied in the case of the Key-man lists.

Mr. Litwinski, Legal Officer, thought that the French National Office could give a general report on what happened in the different spheres of

economic life in France. The principals could be put on the keymen list which was being presented to the Committee (see below).

M. Malézieux said that it would be easy to prove that France had been looted. But it was, in his opinion, necessary to explain what was the position of the Commission towards the German administration in the occupied countries. The furnishing of concrete details would take rather a long time, approximately a month.

It was decided to adjourn the case 947 until the Committee gets the additional information from the French National Office.

(e) The Yugoslav case against Italian Courts personnel: The supplementary memorandum submitted by the Yugoslav National Office to the charge No. 940 (see Notes No.15 of 20th June 1945) was distributed and the consideration of the case adjourned.

2. CLOSING OF A LIST OF ITALIANS, HUNGARIANS AND BULGARIANS

On the motion of Colonel Hodgson it was decided to propose to the Commission that afternoon to close a list of ~~the~~ Italians, Hungarians and Bulgarians.

3. CHARGES OF ITALIANS AGAINST ITALIANS AND OF ITALIANS AGAINST GERMANS

Colonel Wade asked for a ruling of Committee I on how to deal with charges sent to the Commission by an American Regiment stationed in Italy.

After discussion it was decided to ask Colonel Wade to write to the appropriate authorities with a view to obtaining further information.

4. LIST OF KEY MEN

Dr. Litawski, Legal Officer, distributed the Draft List of Key-men and proposed the setting up of a subcommittee for its examination. It was decided to consider the list in the next meeting.

SECRET

163
No. 16

UNITED NATIONS WAR CRIMES COMMISSION

Notes of Meeting of Committee I
held on
27th June, 1945, at 10.30 a.m

Chairman: M. de Baer (Belgium)

There were also present:

| | | |
|------------------|---|----------------------------|
| Lt.-Col. Hodgson | } | - United States of America |
| Capt. Wolff | | |
| Lord Wright | | - Australia |
| Dr. Mayr-Harting | | - Czechoslovakia |
| Mr. Beaumont | | - United Kingdom |

Members of the Commission, not members of the Committee,
and Representatives of National Offices:

| | |
|--------------|------------------|
| M. Golstein | - Belgium |
| M. Malézieux | - France |
| Mr. Kent | - United Kingdom |
| Dr. Zivkovic | - Yugoslavia |

1) Proceedings in individual cases

The Committee decided upon 11 British cases (new cases and addenda), and adjourned three British cases (Nos. 944, 945 and 946). It decided upon one French case (949) and further adjourned the French case No. 947.

The Committee adjourned the Czechoslovak case No. 952, and decided upon 6 Yugoslav cases and addenda.

In the British case 840, Mr. Kent gave the following particulars of the accused whose name has been found out:

Gefreiter Alfons Rebhahn, born Hassfurth-am-Main,
joined Army 1942, Unit 1012, Landschutz Battalion,
age about 20.

In the French case 947, the Legal Officer (Mr. Schwelb) ² informed the Committee that according to its decision of June 20th he had made an analysis of the German Military Administration in France as it appeared from the document submitted by the French National Office, and that his paper would be circulated to the National Offices as an enclosure of Col. Wade's Summary of Information. Capt. Wolff asked that it should also be circulated to the members of Committee I.

³ <The case was adjourned until next week and M. Malézieux will - with the collaboration of the Legal Officer - submit to the Committee a proposal as to how to deal with the persons mentioned in the document.>

In the Czechoslovak case No. 952, it was decided to adjourn it until next week. Dr. Mayr-Harting will - in consultation with Col. Wade and Mr. Schwelb - make proposals particularly as to how to limit those items in the charge where all officials or the whole staff of certain offices are accused.

In the Yugoslav case 956, (Italian military courts in Cetinje). Dr. Zivkovic explained that the acts which formed the subject of the trials by the Italian courts were done at a time when the country had

not been occupied. The people were free, were not under occupation, they carried arms openly and fought back, as they were entitled to do. Dr. Zivković referred to the Article of the Hague Regulations defining the status of belligerents (Article 1).

This explanation satisfied the Committee and it was unanimously decided to put all the accused on 'A.'

2) Lists of Key men

The Legal Officer (Dr. Litawski) reported on the preparation of a list of Italian key-men.

Colonel HODGSON expressed doubts as to whether the considerations which were applicable in the case of the German Key-Men Lists Nos. 7 & 9 were applicable in the present case. While the Commission, when producing the two lists of German Key-men, had had before it a very great number of particular charges against Germans, preferred by the National Offices concerned, the Commission had, so far, dealt only with comparatively few cases against Italians. He proposed to defer the decision about the production of a list of Italian Key-men.

Lord WRIGHT was in full agreement with Col. Hodgson's view, and doubted whether the Italians were as systematic in atrocities as the Germans have been. He pointed out that we had got to get a sufficient number of individual cases before producing a list of key-men.

Dr. ZIVKOVIC, while answering in the affirmative the question whether the Italians had been as systematic in atrocities as the Germans, did not oppose the proposal to defer the question of a list of Italian Key-men, and it was so decided nemine contradicente.

Dr. LITAWSKI reported on the preparations with regard to a list of Hungarian key-men, and out of the reasons explained in Doc. I/9, proposed not to produce such a list. This was agreed to. Dr. Litawski finally reported that a further list of German key-men would be prepared for the next meeting of the Committee.

3) Minutes of Meeting held on 20th June, 1945 (No. 15) were approved.

4) Questions of Organisation (Doc. I/3).

It was decided not to proceed in this matter further.

165
SECRET

No. 15.

UNITED NATIONS WAR CRIMES COMMISSION

Notes of Meeting of Committee I

held on

20th June, 1945, at 10.30 a.m.

1. Lists of Key Men

The Legal Officer, Dr. Litawski, reported on the lists of German, Italian and Hungarian key men which were being prepared and submitted that a special meeting of Committee I to deal with them, will have to be summoned next week.

2. Proceedings in individual cases

The Committee decided upon 1 Norwegian, 1 Canadian, 27 French and 9 Yugoslav cases and adjourned one French case (947) and one Yugoslav case (940). The United Kingdom cases 944 et seq. were adjourned on the request of Mr. Kent.

In the Canadian case 948 item 1 was placed on A, 2 and 3 provisionally on C, Lt. Colonel MacDonald (Canadian National Office) declaring that he would further enquire into the matter.

In the French cases 913 and 924 the fact that some of the accused are reported to have committed suicide or to have been killed will be marked in the Miscellaneous column of the Commission's list.

In the case 912, Col. Wade pointed out that the Division had changed its number but that the regiment has retained it.

In the case 914, Col. Wade reported that Brun is not known to the military authorities as a German general.

In the case 915 (Division "Das Reich"), after a discussion in which Cpt. Wolff, Lord Wright, M. de Baer, Monsieur Malézieux (French National Office), and Dr. Mayr-Harting took part, M. de Baer proposed to interpret the charge as a charge against the named persons. This was unanimously agreed to and it was decided to put all named persons on A.

The case 931 (XIth Panzer Division) was distinguished from the case 915 and it was unanimously decided to place all named individuals on S.

In the case 947 (the whole Staff of the German Militaerbefehlshaber in Frankreich) it was pointed out by Col. Wade that the French charge went only as far as to the heads of the German occupying authorities in France and he drew attention to the Summary of Information No. 18 explaining the German looting organisation/its top-level.

Dr. Mayr-Harting said it would be useful to make the information contained in the French charge available to the other National Offices and to inform them also of the decision of Committee I on the charge for guidance.

It was decided that the case will be adjourned in order to enable the French National Office :

- a) to extend the charge to include the persons responsible on the top level in Germany,
- b) to sort out those individuals whom they propose to place on A or S respectively.

It was further decided that Col. Wade, with the assistance of Mr. Schwelb should explain in a special paper the system and structure of the German machinery in France, as it appeared according to the French charge.

In the Yugoslav case 934 Mr. Zivkovic explained, in supplementing the charge, that the Lombardia Division operated on Yugoslav territory and was subject to the supreme command of Ambrosio and to Vecchiarelli who was the commander of the 5th corps, forming part of the Second Army. It was decided to put all accused on A.

In the case 935 the Legal Officer, Mr. Schwelb, pointed out that most of the places where the crimes had been committed (Trieste, Gorizia, Rijeka, Pola) were in territory which before this was formed part of Italy.

Mr. Zivkovic explained that both former Italian and Italian occupied Yugoslav territory were administered as one area and that the crimes were committed against Yugoslavs there. It was decided to put all accused on A.

The case 940 was adjourned for a fortnight, the Committee wishing to obtain additional information about the character of the courts to which part of the accused belonged, their procedure, and the substantive law which they were called upon to administer.

Four persons named in an addendum to the Yugoslav charge 397 were put on A. Dr. Zivkovic declared that he has passed on the additional information to the Norwegian National Office.

3. Re-classification of French Cases

The Committee decided upon the French cases which were reported upon in Report No. 2, Doc. 1, presented by the Legal Officer, Mr. Schwelb, as follows :

- No. 202. Commander Pflaum: A
- Kolbinger and Fischer: S.
- No. 239. transferred to A.
- No. 260. No further action proposed.
- No. 280. transferred to A.
- No. 292. Adjourned. French delegate will try to get additional information.
- No. 295. transferred to A.
- No. 297. transferred to A.
- No. 444. Adjourned. French delegate will try to get additional information.
- No. 452. Classified C.
- No. 475. Classified C.
- No. 496. 1 on A
- 2 (five men) on C
- 3 on C.
- 4, 5 on A.
- No. 497. Bedurcke on A.
- Others on C.
- No. 499. Kihm on A.
- Schön on W.
- No. 500. classified C.
- No. 528. classified W.

4. Closing of a New List

It was decided to propose to the Commission to close a new list including the cases against Germans dealt with today. //

- 5. Minutes of Meeting held on 13th June, 1945 (no. 14) agreed to.

UNITED NATIONS WAR CRIMES COMMISSION

Notes of Meeting of Committee I
held on
13th June, 1945, at 10.30 a.m.

Proceedings in individual cases

The Committee decided upon twelve Belgian and two Yugoslav cases.

The Committee unanimously decided to put on the appropriate lists all the persons or units charged in the Belgian cases Nos. 894, 895, 896, 897, 900, 901, 902 and 903.

In the case No. 898, it was decided to change the description of the unit given by the Belgian National Office: 1st S.S. Panzerdivision, Leibstandarte Adolf Hitler and list it on C and also to add the names of two possible commanders of this unit, i.e. Dietrich, Sepp, and Kuma, and put them on S List.

✓ In the case No. 893, it was decided to ask the Belgian National Office if they are charging all the personnel of the Geheime Feldpolizei, the Kreiskommandatur and of the prison at Charleroi as units or merely these members of these units named in the charge. In the meantime the named persons are to be listed on A and the personnel on C.

It was decided to regard the case No. 899 as an additif to the previous Belgian case No. 877.

✓ The case No. 907 was adjourned, and it was decided to ask the Belgian National Office for explanations of the persons named in this case participated in the crimes or were mentioned merely as members of the given unit.

The Committee unanimously decided to put on the appropriate lists all the persons charged in the Yugoslav cases Nos. 891 and 892.

2. Reclassification of French "C" cases: This item was adjourned until next Wednesday so as to enable the French representative to get himself acquainted with the cases concerned.

3. Enemy witnesses (Polish cases): It was decided to add to the Commission's List, now in preparation (No. 10) two enemy witnesses named in previous Polish cases, i.e. in No. 18 (Rev. Bickerich) and in No. 721 (Pflaumer) and place them in List W.

4. Italian/German Commission's charges: The Chairman presented the Memorandum I/8 on this subject prepared by Dr. Schwelb. The Committee decided to keep the matter in suspense until the 15th August.

5. Italian and Hungarian Key-men Lists: Discussion on this matter (Memorandum I/9) has been adjourned until next Wednesday, and it was decided to ask Dr. Zivkovic to attend the next meeting for this purpose.

6. Questions of organisation (Doc. I/3): This item was adjourned.

7. Other business: Dr. Litawski presented to the Committee a letter from S.H.A.E.F. concerning the responsibility for war crimes of Dorpmueller, German Minister for Transport. It was decided to refer the matter to the Commission.

UNITED NATIONS WAR CRIMES COMMISSION

Notes of Meeting of Committee I

held on

6th June, 1945, at 10.30a.m.

1) Proceedings in individual cases

The Committee decided upon twenty-two Belgian and three Yugoslav cases. It decided upon one Commission charge, and adjourned three Belgian cases.

/the In the cases 602, 604 and 875, Colonel HODGSON (U.S.A.) said that these cases were concerned with crimes committed against United States nationals only. There were no Belgian victims. Because the crimes concerned were committed against United States military personnel engaged in/execution of military operations, the United States would claim jurisdiction over them. Colonel Hodgson quoted the second paragraph of the Document C.52(1) which reads as follows:

"It is recognised that a military commander of an army in
"campaign has full power to constitute military tribunals and to
"try all offences against or affecting such army or arising out
"of or incident to the operations of the enemy or persons aiding
"or assisting the enemy. It is recognised also that a military
"commander of an army in occupation of enemy territory has full
"power to constitute military tribunals and to try all cases
"involving the safety of his army or the maintenance of law and
"order. Accordingly, such offences and cases are not within the
"purview of the recommendation contained herein and the
"recommendation is not to be considered as a limitation of these
"principles or as a restriction upon the mentioned powers of such
"military commanders."

The Chairman (M. de BAER) said that he was absolutely in agreement with Colonel Hodgson. In his opinion the reason for the Belgian Government bringing up these cases to the Commission was to bring them to the notice of the United States authorities, and to show that they were quite ready to take charge of them. He thought that the Belgian Government would agree to the assumption of jurisdiction by American Military Courts about these crimes.

M. GOLSTEIN (Belgian National Office) thought that in view of the fact that the crimes were committed on Belgian soil, an agreement between the Belgian and United States Governments should be reached, and the proceedings of Committee I about these cases ~~were~~ adjourned.

The CHAIRMAN proposed the indefinite adjournment of the three cases.

Colonel HODGSON read the following statement:

"In the absence of special circumstances the policy of the
"United States Government will be itself to try cases of war
"crimes committed specifically against United States nationals.
"It is, however, recognized that there may be occasions when it
"will be desirable for reasons of policy to have the trial before
"a mixed military tribunal, composed of officers of one or more
"of the Allies."

"I wish to make it clear that in cases of the type under discussion the United States Government reserves the right to demand that the accused be delivered to it for prosecution, irrespective of the fact that the case may have been filed with the Commission by some other Government."

Lord FINLAY expressed the opinion that Committee I could state that there was a prima facie case against all the accused in these three cases, that they could be put on List A and held in reserve.

Colonel HODGSON stated that he would prefer the procedure proposed by the Chairman, that was - to hold the three cases in suspense. He added that he appreciated the action of the Belgian Government in bringing the crimes to the notice of the United States authorities.

The Committee then unanimously decided that the cases 602, 604 and 875 would be held in suspense on request of the United States representative, who claimed jurisdiction for United States Military Courts.

/prefer

In the case 628 (the Belgian Oswiegin charge) in which the Belgian National Office had filed with Committee I a copy of the Soviet State Commission's Report on the case, M. GOLSTEIN declared that he would ~~propose~~ an additional charge to put on the Commission's list those people named in the Russian Report who have not yet been charged by the Belgian National Office.

In the case 877 a discussion arose as to whether the unit mentioned under item 7 should be placed on "S" or on "A". Captain WOLFF suggested that the unit should be put on "S".

Lord FINLAY ~~expressed~~ ^{referred to} the opinion arrived at in the similar French case 798. In that case it was decided by a majority (Lord Wright, Lord Finlay, Professor Gros; M. de Baer and Capt. Wolff dissenting), that the company of the S.S. Division "Das Reich" should be put on the "A" Unit List, (see Minutes No. 8 of 16th May, as amended in Minutes No. 10 of 23rd May, Item 2).

Captain WOLFF still felt it would be better not to extend the unit rule to a case like this.

Colonel HODGSON supported the view expressed by Capt. Wolff, particularly from the point of view of the people receiving the List; it might reflect on the List. Colonel Hodgson proposed that the Committee should restrict the decision arrived at in the case 798 to that particular case, and that the decision on the case 798 should not be considered as a general rule.

Lord FINLAY said that he shared the opinion that each case must be treated on its own merits, and that he agreed that in the present case, 877, the Unit mentioned in item 7 of the charge should be put on "S".

It was unanimously decided to put the Unit on "S".

In the case 878, Col. WADE suggested that Rudolf Rathke, Oberfeldwebel Volkssturm, Gau 18, should be added to List "W", both in this case, 878, and in the case 630.

It was so decided.

In the case 879 the question was raised as to whether the so-called 'scorched earth' policy constituted a war crime. The Committee adopted the view that there was a prima facie case which, of course, could be displaced by the defence of military necessity. Colonel HODGSON pointed out that military necessity is on no account a defence for murder.

In the case 880, it was decided on the motion of the Chairman to add the following three men to the list and put them on "A":

KÜBERLING Walter
SPLETTSTOESSER Willy
KITZINGER Paul

In the case 884, which concerns the crimes of Bands, it was decided to put (1) Hauptmann Franz LANG, Commander of the Feldgendarmerie, probably a native of the region of Malmédy, on "A"; (2) unidentified persons on "C"; (3) Gustav HOFMANN on "S".

In the case 885 it was decided to notify the Polish National Office.

In the Yugoslav case 890 (General ROATTA and others) it was decided to put all accused on "A" except LUZZI (or LUCI) - item 3 of the charge - and LUZZI on "S". The Legal Officer drew the attention of Dr. Zivkovic to the fact that some Italian officers mentioned in a statement of the Italian witness as having committed abominable crimes were not charged in the case drawn up by the Yugoslav National Office. Dr. ZIVKOVIC said that he would submit to the Commission an additional charge.

In the Commission charge against the people responsible for the mercy-killing organization, Beelitzstiftung, it was decided to put all accused on "A".

2) Reclassification of French charges.

The Commission decided upon the report No. 1 (Doc. I/5) submitted by the Legal Officer, Mr. Schwelb, and put the people charged in the Charges No. 8, 54, 55, 56, 57, 58, 59, 64, 185 and 196 on List "A", while leaving the decision of Charge No. 49 for the time being unaltered ("C").

3) Closing of List No. 10.

The Chief Clerk, Miss Pittendrigh, proposed that a new List (List No. 10) be closed on that day. The List would be available for approval by Committee I and the Commission within a fortnight.

4) Summaries of Information by Col. Wade.

Committee I discussed the question whether it should proceed on its own initiative to draw up Commission charges based on the Summaries of Information referring to: (a) Belsen Concentration Camp, (b) the looting of machinery, (c) leading officers of concentration camps, (d) Sauckel, Speer, and Dorsch.

It was decided that no action should be taken by the Commission on these four documents, because it is expected that the French National Office will submit charges regarding (a) and (b), and that charges regarding these two points and (c) will be forthcoming also from other National Offices. Charges against Sauckel and Speer have already been preferred by some National Offices in connection with the imposition of forced labour and the ordering of deportations.

- 5) Note by Col. Wade and Mr. Schwelb about material submitted by military authorities. (Doc. I/6)

During the discussion of this paper, it was pointed out by the CHAIRMAN, Col. HODGSON and Lord WRIGHT that the only object of Commission lists is to fill gaps, and that the Commission should use its extraordinary power to draw up Commission charges in extraordinary cases only, but the Committee expressed its approval of the mode of procedure proposed by Col. Wade and Mr. Schwelb as pointed out in I/6, paragraphs 1, 2 and 3. With regard to paragraph 3, it was decided to leave out the words "at its next meeting", and insert instead the words "at the earliest possible moment".

- 6) Letter from the Hebrew Committee of National Liberation regarding the Grand Mufti Hadj Amin al-Husseini.

After discussion it was decided to inform the Hebrew Committee of National Liberation that the Committee deals with charges brought before it by National Offices and not by private organizations.

- 7) Questions referred to Committee I by Committee II.

This item was adjourned.

UNITED NATIONS WAR CRIMES COMMISSION

Notes of the Meeting of Committee I

held on

30th May, 1945, at 10.30 a.m.

1. Proceedings in individual cases

The Committee decided upon 4 British, 26 French, 1 Czechoslovak and 1 Polish cases.

In the case 846, it was decided to transmit to the French National Office a copy of the charge because the offence against the French partisans was of a more serious character than the offence against British interests.

In the case 847, it was decided, with the concurrence of Mr. Kent - to put the following persons on List A:

Karl Albert Oberg
Dr. Helmuth Knochen

It was decided to communicate Mr. Kent the dossier about the Gestapo in France with a view to re-casting the accused.

The case was adjourned.

In the case 727, it was pointed out that the particulars should be investigated by the French investigating office in Germany.

After discussion it was decided to put the patrol on A.

In the case 855 with the concurrence of Professor Cassin, Vogel was also put on A.

2. Minutes of meeting held on 23rd May 1945.

On the motion of M. de BAER, the minutes No. 10 were modified to the effect that the last but one paragraph on page 2 will read as follows:

"Monsieur de Baer concurred with the view expressed by Lord Finlay. He did not see what instructions the Commission could give to Shaef concerning the disposition of persons who were not wanted by any Allied government for trial. He did not see the point of making lists of war criminals which no Allied Government was prepared to charge or to try. It would be different if the United Nations as a whole were prepared to prosecute and try major criminals and the Committee were asked to draft a list of such persons. There seemed to be an intention to create a United Nations Military Court. The Commission should be given power to indict persons before such Court on behalf of the United Nations as a whole."

3. The items: Re-classification of French cases; and questions of organisation (Doc. I/3) were adjourned until next week.

UNITED NATIONS WAR CRIMES COMMISSION

Notes of the Meeting of Committee I

held on

24th May, 1945, at 11 a.m.

The meeting of Committee I was devoted to the preparation of the Conference of National Offices to be held on 31st May and June 1st and 2nd.

Colonel HODGSON pointed out that the following questions will have to be settled: the publicity to be given to the Conference; the appointment of a Steering Committee; the time to be scheduled; the appointment of rapporteurs; and papers to be circulated in advance.

The Committee decided on the election of the following rapporteurs, and settled the time-table of the Conference thus:-

On Thursday, May 31st, at 11.30 a.m., the first meeting of the Conference would take place, and the Chairman of the Commission, Lord Wright, would deliver a speech of welcome. The time up to the closing of the morning session would be filled by replies by delegates and the distribution of papers prepared by the rapporteurs.

On Thursday at 2.30 p.m., Lord Wright, who was elected rapporteur on item 1 of the Agenda (General survey, etc.) will read his paper on the subject.

On Friday, June 1st, at 10.30 a.m., Colonel Hodgson, who was elected rapporteur for items 2 and 3 of the Agenda, will read his paper.

On Friday, at 2.30 p.m., Lord Finlay, rapporteur on item 4 of the Agenda, will read his paper.

On Saturday, June 2nd, at 10.30 a.m., Monsieur de Baer, rapporteur on item 5 of the Agenda, will read his paper.

On Saturday afternoon at 2.30 p.m., Dr. Zivković, rapporteur on item 6 of the Agenda, will read his paper.

Any other business (item 7 of the Agenda) will be dealt with on Saturday afternoon. If necessary, the Conference will continue on Sunday, June 3rd.

On the motion of Mr. DUTT (India) it was decided that the Steering Committee of the Conference should consist of the five rapporteurs (Lord Wright, Colonel Hodgson, Lord Finlay, Monsieur de Baer and Dr. Zivković).

The Secretary General, Mr. McKinnon Wood, would act as secretary to the Conference.

The Conference would take place in King's Bench Court, No. 5.

The Committee further discussed the question of Press relations and photographic publicity, and decided to recommend that the Conference be not public, but it was intended to issue a statement every day, and it was expected that the Ministry of Information would make a Press expert available for the time of the Conference.

On Thursday at 7 p.m. there would be a dinner for those attending the Conference. The Secretary General informed the Committee that Parliamentary stenographers would act during the Conference.

With a view to expediency it would be tried to conduct the Conference in the English language only.

SECRET

175
No. 10.

UNITED NATIONS WAR CRIMES COMMISSION

Notes of the Meeting of Committee I

held on

23rd May, 1945, at 10.30 a.m.

1) Proposal by the Chairman to elect Dr. Eder as a member of Committee I.

The Chairman of Committee I, M. de BAER, said that it would be useful to increase the number of members of Committee I, and proposed to elect Dr. Eder, (Czechoslovakia), to the membership of Committee I. Dr. de MOOR and Captain WOLFF endorsed the proposal. No objection was raised, and it was decided that the election of Dr. Eder to the membership of Committee I should be moved in the Commission that afternoon.

2) Minutes No. 8 of the meeting of Committee I held on 16th May, 1945.

On the motion of Captain WOLFF, it was decided to add to these Minutes a statement regarding the voting on the French case 798, as follows:

"Professor GROS, Lord WRIGHT and Lord FINLAY voted for putting the Company of the S.S. Division "Das Reich", which was garrisoned at St. Lys in April and May, 1944, on the "A" Unit List. Monsieur de BAER and Capt. WOLFF voted for putting it on List "B". It was therefore decided by a majority to put the unit on a Units List."

3) Proceedings in individual cases.

The Committee decided upon cases submitted by the Yugoslav, British, Polish and Belgian Governments in the manner recorded by the Chief Clerk in the official files and in the Reports as follows:

| | |
|----------------|-------|
| Yugoslav | No. 4 |
| United Kingdom | No. 7 |
| Poland | No. 4 |
| Belgium | No. 6 |

In connection with the Yugoslav case 848 (Bastianini, Barbera and Butti), Dr. ZIVKOVIC (Yugoslavia) explained the case, and produced a photostat of the Ordinance issued by Bastianini on 7th June, 1942, which he will subsequently attach to the charge. The Legal Officer, (Dr. Schwelb), asked Dr. Zivkovic whether he could supplement the charge, as far as it referred to Barbera and Butti, by a statement saying that their jurisdiction referred to Yugoslav territory.

Dr. ZIVKOVIC supplemented charge 848 with the following note:

"Zadar, although belonging to the pre-war Italian territory, was a centre of the whole Yugoslav Dalmatian territory occupied by Italy during this war. It was from there that instructions for the commission of crimes in those Yugoslav territories were issued."

It was decided to put all three accused on "A".

When the United Kingdom charge 837 (Concentration Camp, Oranienburg) was discussed, the Legal Officer said that before the Polish charge 843 regarding Oranienburg had been submitted, he had made up a note on the personnel of the Concentration Camp at Oranienburg contained in the Czechoslovak charge 463, and in the United Kingdom charge 837, and had sent his note to the British and Czechoslovak National Offices. The Committee decided that the names on all three charges relating to the Concentration Camp at Oranienburg should be checked up against each other.

- 4) Crimes committed by Germans against their own nationals (Cases submitted by the Association of German Democratic Lawyers in Great Britain).

The Committee continued the general discussion of these cases which had been adjourned in the meeting of May 2nd (see Minutes No. 6), and after a debate in which the Chairman, Dr. de Moor, Lord Finlay and the Secretary General took part, it was decided: (i) that a letter should be sent to the Foreign Office exploring the view of the British Government regarding the activities of the Commission concerning cases of this character; (ii) the Committee took note of the fact that Lord Finlay very kindly assented to enquire into the question personally; (iii) it was decided to write to the Association of German Democratic Lawyers in Great Britain saying that the Commission were exploring the situation.

- 5) List of War Criminals No. 9. (Second List of Key Criminals).

The Chairman submitted the Introduction to the List for approval by Committee I, and expressed his opinion that the people put on this list should not be designated 'war criminals'. He said that he personally favoured the second alternative of the draft Introduction.

/and Mr. OLDHAM was against changing the title of the second Key List as against the first Key List. Lord WRIGHT, Captain WOLFF both expressed their opinion to the effect that we should stick to the designation 'War Criminals'. Monsieur de BAER said that after what Mr. Oldham, Lord Wright and Captain Wolff had said he was out-voted.

Lord Finlay said that the British War Office had objected to the fourth paragraph of the Preface to List No. 7 where it was said that the "agencies charged by the Governments with responsibility for apprehension of war criminals should, if the names of the accused persons do not appear in one of the Commission's other Lists at the instance of a Government, apply to the Commission for instructions as to their disposal." The British War Office were of the opinion that instructions should be given by the Governments and not by the Commission.

Monsieur de Baer said the Commission should point out the absolute necessity of the United Nations to indict war criminals. There seemed to be an intention to create a United Nations Military Court. The Commission should be given power to indict.

Lord Wright said it was our duty to compile these Lists (List No. 7 & No. 9). We could leave in uncertainty for the moment what was to be done with the people on these Lists if they are apprehended.

Monsieur de BAER said that having produced these Lists we should produce a constructive scheme of dealing with the persons listed on them.

Captain WOLFF said it would not be illogical to apply to the Commission for instructions. Lord WRIGHT concurred with this view.

Mr. OLDHAM pointed out that first we were to indict the war criminals, then the National Offices were charged with this task, but residual power still stays with the Commission to cover cases not covered by the National Offices.

Dr. de MOOR agreed with Mr. Oldham's view, but added that unhappily making Lists is the end of our task. We have not got the right to indict, and he was much afraid we shall never get it. As to the paragraph in the Preface to List No. 7, Dr. de Moor said that we could leave it out.

Lord WRIGHT said he did not know whether the other Offices shared the view of the British War Office. Applying for instructions does mean that we are the central office to which application should be made. He did not feel the slightest desire to go back on what had been decided. We ought to stick to the scheme adopted, which was the right scheme.

Lord FINLAY said he would report to the War Office and inform them of what the Chairman had said, and if they want to raise serious objections they should do so in writing.

Lord WRIGHT said he did not think the objections were sufficiently well founded. We could not admit it was wrong. We were an international body.

Mr. OLDHAM said the fears were hypothetical. We were not faced with an actual case.

Monsieur de BAER said it was absolutely certain to happen.

Lord WRIGHT said we would use the same formula in List No. 9.

It was decided not to make a new Preface to List No. 9, but to refer back to the Preface to List No. 7.

6) Making up a List of S.S. personnel

Dr. SCHWELB reported that Col. WADE, Dr. LITAWSKI and himself had considered the possibility of making up a list of S.S. men not included in Lists 7 or 9, and containing persons who were not on the level of being classified as key men.

Colonel WADE added that a list of Camp Commandants of Concentration Camps could be added to this list.

Monsieur de BAER supported the idea, and it was decided that a list of S.S. men should be produced.

The discussion centered round the question as to whether this S.S. List should be called a List of War Criminals or List of Suspects or Summary of Information. It was decided to give it the name "List of Suspects".

The Camp Commandants will be listed as War Criminals.

- 7) Dr. Litawski asked whether he should start making up a further list of key men, particularly Italians and Hungarians. This was agreed to.
- 8) The remaining items on the Agenda - Plundering of Art Treasures, reclassification of French "C" cases, and two items referred to Committee I by Committee II, were postponed until the next week.

S E C R E T

179
No. 9

UNITED NATIONS WAR CRIMES COMMISSION

NOTES OF MEETINGS OF COMMITTEE I

held on

17th May, 1945, at 3 p.m.

&

18th May, 1945, at 11 a.m.

The Committee examined and, after some modifications, agreed to the Second List of Major Criminals (Key-men) prepared by Colonel Wade and Dr. Litawski.

All decisions were made unanimously. In the case of Admiral Doenitz Captain Wolff (U.S.A.) abstained from voting.

The names of criminals connected with the "Beelitz Stiftung" were struck out of the list and Dr. Schwelb was asked to make up a Commission charge against them.

SECRET

180
No. 8

UNITED NATIONS WAR CRIMES COMMISSION

NOTES OF MEETING OF COMMITTEE I

held on

May 16th, 1945, at 10.30 a.m.

1) Proceedings in individual cases.

The Committee decided upon the cases submitted in the manner recorded by the Chief Clerk in the official files and in the Reports:

France No. 3
Norway No. 3

In connection with case No. 498, the Chairman (M. de BAER) pointed out that it will be advisable to make up a special list of units which have been put on "C". In the introductory note to this list it should be pointed out that the cases are quite incomplete and that in respect of them a proper investigation has to be made by a proper authority. Dealing with the differences between "C" lists, "S" lists and "A" unit lists the Chairman said that in his opinion the fact that somebody has been put on "A" means that he or the unit will be sent back to the country demanding him.

M. GROS drew the attention of the Committee to the fact that as far as he was aware nobody has been sent to the country demanding specified criminals, e.g. nobody has been handed over to France.

Mr. OLDHAM said that we do not know so far which authorities get our lists, and we do not know how they act upon them.

/but Lord WRIGHT expressed the opinion that we must keep the major criminals in suspense/apart from this, if a listed man is a prisoner of war, he ought to be sent back to the country demanding him.

M. GROS repeated that nobody has been sent back so far, and mentioned the case of Goering who, on the motion of two countries represented on the Commission, has been put on List "A".

Col. HODGSON said that subject to the Moscow Declaration, as far as it referred to the criminals whose offences have no particular geographical location, the names of people on "A" are listed as claimed by a particular country and ultimately will be sent back. As yet the time had not yet arrived, but eventually the time will come. There are only two exceptions to this rule: (1) People who might come within the terms of the Moscow Declaration; and (2) Persons who are wanted by two or more different countries. This question must be decided unless the countries agree amongst themselves.

M. de BAER drew the attention of the Committee to the difference between cases like Oradour-sur-Glane where all the members have participated in the crime, and a list of suspects which is adequate for cases where the crime has not been committed by the entire unit.

/agreement Mr. OLDHAM raised again the question as to what will happen to those held on behalf of e.g. Buchenwald, where several nations claim to get hold of them, and where, therefore, some/arrangement is necessary. Oradour-sur-Glane was a purely French case, and no doubt the people arrested in connection with this crime should be sent to France.

Lord WRIGHT said that we must allow some latitude of time. It is only one week or so since the war had ended, and the Allied military authorities are engaged in changing over from strategic military operations to military government operations. They must have some time.

M. GROS: Oradour-sur-Glane is a test case.

Lord WRIGHT: Oradour-sur-Glane is a very good case.

Col. HODGSON said that all the questions could be cleared up by conversations. We must be patient. The military authorities are very busy in changing over from tactical operations to military government operations.

M. GROS mentioned the SS. Div. "Das Reich", and asked whether the Allied authorities are prepared to give us (France) the whole Division.

Mr. OLDHAM pointed out that a certain amount of demobilisation is proceeding.

Lord WRIGHT said that a meeting with the military authorities should be held within a week or two, and added:- let the matter lie subject to this, that we make up our mind what are the proposals to be laid before the military authorities.

M. de BAER said that in the first meeting which had been held at the time it was the general assumption that all people who are on "A" will be handed over when SHAEF gets hold of them.

M. GROS: We could make the investigation at the place where the Division is.

Lord WRIGHT supported the proposal to extract a list of units which have been listed. If we can get that list of units it raises particular problems of its own. The general problem will be: what machinery is being put into effect whereby the people are sent to the country demanding them?

/to be

Col. HODGSON: I stated my own personal view. SHAEF operates according to directions they get from the Governments.

Mr. OLDHAM: We could not prevent them.

The Legal Officer, Dr. Schwelb, was charged with the task of making up a special Units List.

While the case 494 was being discussed, M. GROS agreed to alter the charge by replacing the words "presumed guilty" by the words "accused by Horn".

In connection with the case 799, it was pointed out by M. GROS that it will be advisable to keep the order presented in this case in evidence, when we review the orders given by German authorities with regard to general destruction. M. Gros also supplemented the charge No. 799 by inserting the name of Adolf Hitler, whom it was decided to put on "A".

During consideration of the Norwegian charge 834 it was decided to replace the designation of the criminal listed under 340 to the effect that it should read "A commander of the Boten Camp from Easter 1943". No. 353 will read "the whole staff of Boten camp".

2) Re-opening "C" cases.

It was decided to adjourn the consideration of the Report No. 1 on charges to be re-classified, until next week.

3) Question of crimes committed by Germans against their own nationals.

(Cases submitted by the Association of German Democratic Lawyers)

This question was also adjourned until next week.

SECRET

No. 7

183

UNITED NATIONS WAR CRIMES COMMISSION

NOTES OF THE MEETING OF COMMITTEE I

held on

May 10th, 1945, at 10.30 a.m.

1. Proceedings in individual cases.

The Committee decided upon two cases submitted by the Belgian Government (Nos. 796 and 797) in the manner recorded by the Chief Clerk in the official files and in the Report Belgium No. 5.

2. Commission Charge against Altemeyer (crime committed at Skirosawa, near Riga)

It was decided to put Altemeyer on List A, Bruns and Goerz on W and to recommend to the Commission to furnish particulars of the case to the Soviet Ambassador in London with a view to informing the Soviet Extraordinary State Commission for the investigation of German crimes.

3. Cases submitted by the Association of German Democratic Lawyers

It was decided to adjourn the consideration of these cases to next week.

4. Meeting of National Offices

It was decided to recommend to the Commission to convene a meeting of the National Offices. TIME: at least a fortnight after sending out the invitations. PLACE: London.

5. List of Key Men and connected topics.

Procedure in the cases of "top-criminals". COLONEL WADE informed the Committee of his work concerning the supplementing of the list of German key men and of the preparation of lists of Hungarian keymen. President Truman's recent statement and the appointment of Mr. Justice Jackson of the Supreme Court of the United States to investigate the cases of the "top criminals" on behalf of the United States were discussed.

The question of the steps to be taken along the lines proposed by Professor Gros and M. de Baer was adjourned.

It was pointed out that it will be necessary to determine a formula who these people are and how they should be disposed of. A paper will be submitted by the Chairman.

A file will be set up for each person listed as a key-criminal. The Legal Officer (Mr. Litawski) will assist Colonel Wade in this task.

6. Re-opening of "C" cases.

In accordance with the decision of the meeting held on April 18th, 1945 (see notes No. 4) letters had been sent to the National Offices inviting them to inform the Committee of those old cases which they wanted to be taken up. Except one Polish charge, no request from any National Office had been forthcoming.

The Committee decided to take up the cases on its own initiative and the Legal Officer (Mr. Schwelb) was charged to go through them and to submit to the Committee those which he thinks fit for re-grouping. There is no Polish and no Belgian case to be re-opened.

203

April 25th, 1945..

Dear Wing-Commander Jones,

/• I enclose the shorthand
note of your report to Committee
I and the interspersed discussion.
Would you be so good as to make
any corrections which you may
wish, and return the paper to me
for circulation?

Yours very sincerely,

(S) H. McK. W.

Wing Commander Jones,
R.A.A.F.,
Kodak House,
Kingsway,
W.C. 2.

UNITED NATIONS WAR CRIMES COMMISSION

184

NOTES OF THE MEETING OF COMMITTEE I

held on 2 May, 1945. at 10.30 a.m.

1. PROCEEDINGS IN INDIVIDUAL CASES

The Committee decided upon cases submitted by the Polish, United Kingdom and Belgian Governments and upon one Commission charge in the manner recorded by the Chief Clerk in the official files and in the Reports:

| | |
|----------------|-------|
| Poland | No. 3 |
| United Kingdom | No. 8 |
| Belgium | No. 4 |

In the British cases 786 and 787 the precedent of the case 782 (see notes of meeting, held April 27, 1945; No. 5) was followed and it was decided to put

- 1) General ~~Wittig~~ and
- 2) the officer in charge of the Abteilung Organisation des Kriegsgefangenenwesens on A.

In the case 788 it was pointed out by Mr. Kent (United Kingdom National Office) that it was a New Zealand case put forward by the United Kingdom national office on behalf of the Dominion of New Zealand.

During the discussions regarding the Commission charge 790 (Kesselring and Kamptz) the Committee decided to put on A not only Kamptz, but also Field Marshal Kesselring. The prima facie case against him is supported by the charge 329, containing a similar Order originating from Kesselring. Colonel BEHLE pointed out, in connection with this old case 329, that all similar cases should be taken up again.

While the Belgian case 795 (Buchenwald) was considered, a letter from Colonel Hodgson to Lord Wright and its enclosure containing a number of further names of the Buchenwald staff was read by the Chairman. This information originates from freed Buchenwald internees. On the motion of the Chairman it was decided to add the new names contained in this document to the list submitted by the Belgian Government which was being considered.

The names are as follows:

- 1) S.S. Scharfuhrer Hubner
- 2) S.S. Untersturmfuhrer Dombach
- 3) Dr. Ding, physician
- 4) Dr. Hof (or Hov?), physician
- 5) Hauptscharfuhrer Balnk (?)

2. MINUTES OF LAST MEETING

The Minutes No. 5 were agreed to, with some modifications suggested by the Chairman, as follows:

Page 1, para. 1. At end add the sentence "Mr. Kent agreed to charge him".
Alter the third and fourth paragraphs to read: "In the case 781 (Fischbach) Colonel BEHLE discussed the question whether Fischbach should not be put on S instead of on A. The Committee unanimously decided to place Fischbach on A for the reason that Fischbach was personally engaged in the act which is alleged to constitute a war crime, viz. the shooting of the prisoner of war Bramman. The question, whether he has a valid defence, e.g. having acted in self-defence against a man of whom it is said that he had been abnormal both in mind and conduct, is not for the Committee to decide."

Page 2, line 29. After the words "National Offices" insert the word "when" and delete "to the fact that".

3. NUMBERING OF COMMITTEE I DOCUMENTS

On the motion of Col. BEHLE it was decided to adopt in the proceedings of Committee I the same degree of formality as adopted by Committees II and III and to number its documents. Wing Commander Jones's report, on the Looting of Art Treasures, will be No. I/1; the note by the Chairman on a Conference of the National Offices (see below), will be No. I/2.

4. CASES SUBMITTED BY THE ASSOCIATION OF GERMAN DEMOCRATIC LAWYERS

The Committee considered nine cases against German criminals, submitted to the Commission. In the discussion several speakers expressed the view that the cases should be examined and kept as a special source of information. It was pointed out that in examining them the Committee will have to be a little more careful than when examining cases presented by a Government. The Committee have no means of examining the reliability of witnesses. The effect of the lapse of time (most of the cases date from 1933/34) and the question of prescription were also discussed.

It was resolved to adjourn the matter for the next meeting and then to report to the Commission and to explain to the gentlemen who have submitted the cases what the Commission are doing.

5. LETTER BY MR. S.N. DUTT DATED NOVEMBER 15.. 1944

A draft of a reply to Mr. Dutt, presented by the Secretary General, was agreed to with certain modifications.

6. PROPOSAL FOR A CONFERENCE OF NATIONAL OFFICES

The Chairman presented a note on the proposal to convene a conference of the National Offices.

After discussion the matter was adjourned for the next meeting of Committee I.

for record and see Documents file (1.412) No. I/1 187

LOOTING OF ART TREASURES AND
REPORT OF VAUCHER COMMITTEE

WING COMMANDER JONES reported that the Vaucher Committee had filed in all between 700 and 800 cases, in the form of a memorandum showing what personal details were known, and the connection with the looting of various art treasures. He had extracted from this about 40 cases in which it appeared that the persons were directly concerned with looting. He went through this list with Dr. S..... of the Polish Authorities, who agreed that these people were the ones responsible, not just minor cases incidentally concerned, but the people behind the movement who had definitely taken part in it. He had asked Dr. S..... for details of the categorical statement made by the Vaucher Committee regarding the particular persons responsible for looting, and found that there were some difficulties. This statement was based in the main on reports received through the underground movement, or from cuttings in German newspapers. Dr. Streiker had sent him, however, in each of the cases, the names of the witnesses whom he suggested would be able to give definite evidence of that categorical statement. But whether such evidence could be supported, he could not say, because it was not in any sense briefed. The witnesses were mainly Polish. The first name, for instance - in his list of 40 - was that of a Dr. Abb, a German who was apparently a librarian and became the Director of the Cracow Library. While there, he set up a German central library, amalgamating the various private and State libraries; he took whatever he required and got rid of or pulped the remainder. The Polish submit that this man was the directing mind behind the movement which seized books from State and private libraries and either took them to Germany or put them in the Nazi library. That was a typical example. The people trained for this purpose were mainly professors, but there were others too, such as the wife of the Nazi mayor, who, if she fancied something, took it from a museum for her own private use. Wing Commander JONES was unable to say definitely that any charges lay against these 40 persons - except for the categorical statement issued which declared they were responsible for looting - but ~~xxxx~~ evidence was lacking and witnesses unavailable. In the Abb case, for example, the witnesses were
.....

but that was all he could obtain from the Polish Authorities to substantiate the

case. They relied chiefly upon the booklet "Nazi Culture in Poland", saying that the report of a certain person's activities was to be found in it. There was a lot of hearsay, and hearsay upon hearsay, although no doubt evidence was available if it could be found. Dr. Streiker's attitude was that these people would be captured and if possible he would talk to them and obtain the evidence he required.

MR. OLDHAM thought these were cases for the "S" (Suspect) list, but LORD FINLAY pointed out that Committee I was only concerned with prima facie evidence, and some of these cases seemed to be suitable for list "A"; evidence could always be given later.

WING COMMANDER JONES agreed and said he would study the booklet mentioned for further information. The Vaucher Committee had suggested that in many instances, there were persons, who, while not themselves responsible, would be able to throw some light on the present whereabouts of the art treasures.

M. DE BAER said they would be listed as witnesses. If Poles, the Polish National Office was responsible, but if Germans, we should ask that they be held in custody. He added that this was also valuable to the Vaucher Committee.

COLONEL WADE asked if the organisation Wing Commander Jones had been talking about was the same as the Rosenberg organisation, but WING COMMANDER JONES said he was not referring to any particular organisation which had been unearthed, but to the libraries which had been formed, etc.

COLONEL BEHLE suggested that Colonel Wade's report, when ready, would prove very valuable to Wing Commander Jones, and ^{proposed} ~~said~~ that Dr. Schwelb should provide him with a copy of document C.87 to help him formulate one or two cases for submission to this Commission. The Secretariat would also give him stenographic assistance. COLONEL WADE pointed out that his report concerned the Western countries mostly, and WING COMMANDER JONES said that his information would supplement it, as it concerned the Eastern countries, mostly Poland.

LORD FINLAY proposed that four specimen cases should be prepared.

COLONEL BEHLE and M. DE BAER thanked Wing Commander Jones for his report, and offered the Committee's help, adding that he was at liberty to attend the meetings whenever he liked. They should endeavour to enlist each other's collaboration.

SECRET

file copy
188
NO. 5

UNITED NATIONS WAR CRIMES COMMISSION

NOTES OF THE MEETING OF COMMITTEE I HELD ON 24TH

APRIL, 1945 AT 10.30 a.m.

1. Proceedings regarding individual cases.

The Committee decided upon cases submitted by the United Kingdom Government in the manner recorded by the Chief Clerk in the official files and in the Report:

United Kingdom No. 7

In the case 780 (Stalag 315; murder of four Indian prisoners of war), the Chairman (M. de Baer) asked whether the "Lager Kommandant" should not also be made responsible. *Mr. Kent accepted to charge him.*

It was unanimously decided to put "the Lager Kommandant of Stalag 315, Epinal, France, on 15th July, 1944" on A, and the persons mentioned in the charge sub (1) and (2) on C.

In the case 781 (Fischbach) Colonel BIELE discussed the question whether Fischbach ~~[who is only a suspect of the murder of Guardsman Brennan]~~ should not be put on S instead of on A. The Committee unanimously decided to place Fischbach on A, *for* the reason, ~~as expressed by all members of the Committee who took part in the discussion being capable of summarizing as follows:~~
~~list "A" is a collection of names of persons who are suspected of having taken part in a crime, committed by a group or class of persons, under circumstances where it at present is not possible to say whether the individual accused has personally himself committed an unlawful act or not.~~

~~In the present case there is no doubt that~~ Fischbach was personally engaged in the act which is alleged to constitute a war crime, viz. the shooting of the prisoner of war Brennan. The question, whether he has a valid defence, e.g. having acted in self-defence against a man of whom it is said that he had been abnormal both in mind and conduct, is not for the Committee to decide.

In the case of 782 (deportation of 168 British and American officers and non-commissioned officers from Fresnes to Buchenwald) Colonel Wade suggested that in addition to the persons accused in the charge also the following persons should be charged :

- 1) General Otto Röttig, Inspector General of Prisoner of War Camps and Chief of Prisoners of War Affairs.
- 2) The officer in charge of the Branch for Prisoners of war Organisation (Abteilung Organisation des Kriegsgefangenenwesens, Kriegsgef. Org) in the office "Chef des Kriegsgefangenenwesens im Oberkommando der Wehrmacht".

With the concurrence of Mr. Kent (United Kingdom National Office) it was decided to put these two persons on "A" and the persons charged in the original charge No. 782 on "C".

In the case 783 (torture of British and American Officers and Non-commissioned officers in Buchenwald) it was stated that the name of the Kommandant is now known (Voss).

It was decided to put

- (1) on A
- (2) and (3) on A units and to modify (3) to the effect that it included also women concerned in the ill-treatment of internees in Buchenwald ("men and women" or "personnel").

In connection with the charges 783 and 784, Colonel BEHLE pointed out that the Secretary or the Legal Officer should draw the attention of National Offices *when* ~~to the fact that~~ from a charge, submitted by one national office, it appeared that also citizens of another United Nation were among the victims of that particular crime.

2. The Looting of Art Treasures - Report by Wing-Commander Jones and discussion

Wing-Commander Jones gave a report on the work of the Vaucher Commission and said that he had not been concerned with the objects, but with the persons concerned i.e. the people directly engaged in looting, or people who would be aware of the location of various objects, or people incidentally involved.

Wing-Commander Jones's report and the discussion following it will be circulated separately.

It was decided that Wing-Commander Jones should be asked to get in touch with Colonel Wade and the Legal Officer and that they together should formulate four charges for Committee I, who then would decide whether the material collected by the Vaucher Commission was sufficient for the purposes of the War Crimes Commission.

3). Re-organisation of the Commission and the question of new premises.

Colonel BEILE said that ways and means had to be found to set up a larger organisation in larger premises. He raised the question of an appropriate index-card-system which should enable the Commission to deal with the cases which will be flooding in in increasing volume. He mentioned the "Central Control Punch Card System" and explained its peculiarities.

M. van den BERGH informed the Committee of his visit to Scotland Yard and described the ingenious system of card indexes on which they were working there. He said that unless we had a centralised record on a very large scale we shall not be able to cope with the tasks of the Commission has to fulfil.

The Secretary-General presented the Committee a scheme regarding new premises.

Colonel BEILE suggested that an informal conference be held with the national offices, S.H.A.E.F. and the Mediterranean Command.

M. van den BERGH promised to make a report on the card index problem in writing.

4) The minutes of the following meetings of Committee I, circulated by the Legal Officer were approved :

| | |
|---------|-----------------------------|
| No. 1 : | Meeting of April 5th, 1945. |
| No. 2 : | " " " 11th, 1945. |
| No. 3 : | " " " 17th, 1945. |
| No. 4 : | " " " 18th, 1945. |

SECRET

No. 3

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of the Meeting of Committee I
held on
17th April, 1945 at 2.30 p.m.

In the absence of the Chairman (M. de Boer) Lord WRIGHT took the chair.

1) LIST OF "MAJOR CRIMINALS", "RING LEADERS" OR "KEY MEN"

Colonel HODGSON explained the necessity of compiling a list of people who held key positions and who must be held prima facie responsible for the atrocities committed. There was a general government policy of systematic terrorism. These people ought to be brought together on a "master criminals list" though some of them are already on the lists at the instance of a national office. All of them are at least aiders and abettors to these crimes in cases where they are not principals.

Lord FINLAY agreed with the proposal on the ground that we are faced with an entirely criminal system. We are taking a new departure from which Lord Finlay does not dissent. He entirely sees the point of putting the German government on the list. Here we are going rather beyond.

Lord WRIGHT: We list them as prima facie war criminals and it is a fair assumption that they had something to do with the crimes. We have to show that they had a position in the government of an area where schemes of atrocities were carried out. Lord Wright has no hesitation, e.g. about the Gauleiters. "Regional commissioners" must be held responsible for the systematic schemes carried out in the area subject to each individual. Any reasonable person would say that the crimes were carried out under his authority, knowledge and assent.

Dr. de MEER expressed his agreement with the procedure adopted.

Colonel HODGSON presented a list, supplementary to the list drafted by Colonel Wade, and asked that it will be necessary to put also leading industrialists and bankers on a similar list.

Lord WRIGHT agreed with the necessity of looking also into the names of industrialists and bankers.

Colonel WADE read out

- a) the list compiled by himself;
- b) the list presented to the Committee by Colonel Hodgson.

The Committee resolved to have the list, compiled by putting these two lists together, duplicated and referred to the Commission for to-morrow's meeting.

Lord HODGKIN and Colonel HENLEY said that this list might be supplemented and was subject to revision.

The Secretary-General presented a draft introductory note to this list which, after some alterations, was agreed to.

2) PROCEEDINGS REGARDING INDIVIDUAL CASES

The Committee decided upon cases submitted by the United Kingdom Government in the manner recorded by the Chief Clerk of the Commission in the official files and in the

Cases Report United Kingdom No. 6.

The cases 773 to 779 ("Commission charges" re crimes committed mainly against Italians) were adjourned in order to obtain further and more detailed information.

It was decided to put General Palmke (responsible for crimes committed in Denmark) on A ("Commission charges").

3) The technical questions connected with the production both of the next list of War Criminals and of the list of "key men" (see *supra* (1)) were discussed.

424/CZ/G/10
464/CZ/G/34

REPORT BY THE LEGAL OFFICER ON THE CZECHOSLOVAK CHARGES

"SONDERGERICHTE" and "STANDGERICHTE"

On March 28th, 1945, the proceedings of Committee I were adjourned till April 11th, and I was instructed to report on the two cases mentioned above.

Both charges are closely connected with the charge preferred by the Czechoslovak Government against Adolf Hitler and others (Standgerichte - No. 389/CZ/G/6), in which case it was decided by Committee I on November 11th, 1944, to put all the accused whose names had been given on List A (with the exception of Hess and Gurtner).

The case already decided by Committee I.

I understand from the file 389/2 that the charge was based not only on the general illegality in international law of the occupation of Czechoslovakia, on the doctrine of non-recognition of acts of aggression and their consequences and on the illegality, in the circumstances, of setting up German criminal courts on the occupied territory, but the chief reason seems to have been the particular character of the courts in question (Standgerichte), their composition and procedure, and last, but not least, the law which they were called upon to administer.

The following were the most striking features that seem to have convinced Committee I that the Standgerichte with which the charge 389 was dealing were not law courts, but administrative instrumentalities cloaking the committing of crimes against life and liberty, namely:

- (a) The composition of the courts;
- (b) The summary character of their procedure;
- (c) The provision that the findings of the Standgerichte may be either the death sentence or the handing over of the accused to the Secret State Police;
- (d) That the death sentence is to be imposed not only on those who shelter or help persons who took part in the attack on Heydrich, or who possess knowledge of their identity or place of concealment and fail to report, but that also the families of such persons will be shot;
- (e) That any person of fifteen years and over who fails to register will be shot;
- (f) That persons giving shelter to anyone unregistered after a certain date will be shot.

From this it follows, in my view, that the ratio decidendi of Committee I seems to have been not that the setting up of courts in occupied territory is a criminal offence in all circumstances, but only in the particular circumstances as described in the Czechoslovak charge 389.

The charge 389 refers to the time between May 27th, 1942 and July 7th, 1942, i.e., the weeks after the attempt on the life of Heydrich.

464/CZ/G/11.

The Charge "Standgerichte"

This charge is mainly an extension of the time of the charge dealt with previously. While the charge 389 was dealing with the Standgerichte after the attempt on Heydrich, the new charge (464) indicts the setting up of the Standgerichte by Heydrich himself and covers the time from September 28th, 1941, to January 19th, 1942. Although some particularly appalling provisions of substantive law which the Standgerichte

had to ...

194

had to administer were introduced after May 27th, 1942, and therefore were not in force at the time covered by the charge 464, there seems to be no sufficient reason to distinguish the present case 464 from the case already decided (389).

The Czechoslovak charge 464 sets out in detail the historical development which in September 1941 led to the removal of Neurath and to the appointment of Heydrich as acting Reich Protector in Bohemia and Moravia, the Order issued by Heydrich on September 27th, 1941, concerning the declaration of a state of civil emergency, together with the proclamations of "Standrecht" on September 28th and October 1st, 1941, were, as it were, the chief instrument of the reign of terror which Heydrich was appointed to introduce.

As a matter of fact, the activities of the Standgerichte in the first weeks after Heydrich's arrival were indistinguishable from the activities of the same courts after the attempt on Heydrich's life.

The persons charged in case No. 464 are the same as those charged in No. 389, with the omission of Speer, the Reich German Minister of Munitions, and Daluge, who came to Czechoslovakia after May 27th, 1942.

424/CZ/G/10.

The Charge "Sondergerichte".

This case differs from the previous ones in two respects:

- (1) It refers to a kind of court the character of which as an instrument of judicial murder is not so obvious as in the case of the Standgerichte;
- (2) In this case the Czechoslovak Government indict a greater number of persons.

Ad 1.

The Czechoslovak charge sets out in detail why in the view of the Government also the institution of these Sondergerichte and their activities constitute war crimes. The following are those of the reasons adduced by the Czechoslovak Government which appear to me most convincing:

- (a) The provision enabling the Sondergerichte to impose sentences in excess of the ordinary maximum penalty, if the "sound popular feeling" (das gesunde Volksempfinden) calls for it;
- (b) The manner of the execution of the death penalty is not being defined by the judge in the sentence, but is fixed by administrative officials after the sentence has been passed;
- (c) The excessiveness of the penalties to be imposed and actually imposed by the Sondergerichte (e.g., the death penalty for theft and for the slightest infringement of the numerous emergency regulations);
- (d) By an Order dated July 3rd, 1942, the Sondergerichte replaced the Standgerichte after the state of civil emergency had ceased to exist. This Order provides for the punishment by death of anyone who gives lodgings or any other help to a person whom he knows to be engaged in an act hostile to the Reich, or who, according to the circumstances, can be assumed to be so engaged or who omits to notify the authorities in time. Section 1, Article 2, of this Order introduced an un rebuttable presumption that if a person is not registered with the police, he is deemed to be a person whose harbouring is punishable by death;
- (e) Simultaneously, the death sentence was introduced for the forgery or alterations of identity cards and similar offences.

From the list of persons executed in consequence of sentences passed by the Sondergerichte, it follows that actually people were found guilty, punished by death and executed for offences like larceny of postal parcels, black-out offences, assault and ill-treatment of German nationals, concealment of part of the harvest, illicit slaughter of cattle, etc.

With regard to the members of the Hitler Government and the other persons responsible for the institution of these Sondergerichte, their case is therefore also indistinguishable in law from the case already decided by Committee I (389).

Adj. 2c

This charge indicts, like the other two, Adolf Hitler and the members of the German Reich Government and in addition Kurt Daluege and Karl Hermann Frank.

Daluege acted as deputy Reich Protector in the time between the attempt on the life of Heydrich and the appointment of the new Reich Protector Frick, and is no doubt responsible for what was going on in Czechoslovakia when he was in supreme power.

Karl Hermann Frank is indicted (a) in his capacity of a member of the Reich Government under 2 (bb), and (b) as Secretary of State in the so-called Protectorate under (4). (There is no doubt that Karl Hermann Frank has been the chief administrative officer in the Protectorate virtually since March 1939, namely from March 1939 to August 1943 as "Secretary of State", and since August 1943 as "German State Minister" in the Protectorate.)

In addition, the charge submits a list of all persons who in the relevant time were judges at the German courts established in Czechoslovakia because from those judges the members of the Sondergerichte were chosen.

The charge also indicts the persons who, in the relevant time, were members of the staffs of the German Public Prosecutors in Czechoslovakia.

I consider it to be certain that some of the judges and public prosecutors contained in the list acted as members of the S/G and as public prosecutors before the S/G and are therefore responsible for the sentences complained of.

For obvious reasons it cannot be stated at present which particular judges took part in particular proceedings and passed particular judgments. It will be necessary for Committee I to give a ruling on which list the names of these judges and public prosecutors are to be put.

Under section 11, sub-section 2 of the Order dated 21st February, 1940, (No. 4,4) the President of the Oberlandesgericht appoints the chairmen and the members of the Sondergerichte. He also arranges the distribution of the Agenda of the Sondergerichte. Therefore there seems to be a prima facie case against the Presidents of the German Oberlandesgerichte in Prague and Idzmerice (Jelmertitz) respectively, Dr. Hartig and Dr. David, for having taken active part in connection with the Sondergerichte.

Their names might therefore be entered on list A.

London, 3rd April, 1945.

Egon Mueller

SECRET

No. 4.

196

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of the Meeting of Committee I
held on
18th April, 1945 at 10.30 am.

(1) PROCEEDINGS RELATING TO INDIVIDUAL CASES

The Czechoslovak case No. 424 ("Sonnenrichte")

The decision recorded by the Chief Clerk of the Commission in the official files (to put the executive personnel, the presidents of the Oberlandesgerichte Prague and Litomerice and all the public prosecutors on A, all the named judges on B) was unanimously agreed to, Captain Wolff (U.S.A.) abstaining from voting.

The Committee then decided upon cases submitted by the Dutch, Belgian, Polish and French Governments in the manner recorded by the Chief Clerk in the official files and in the Cases Reports:

| | |
|----------------|------|
| Czechoslovakia | No.2 |
| Netherlands | No.3 |
| Poland | No.2 |
| Belgium | No.3 |
| France | No.2 |

In the case 732 (Concentration camp Natzweiler - Struthof) it was decided to put 1 - 18 on A, 19 on A - units, but it was resolved to inquire with regard to No. 5 ("Haupt, Sturmfuehrer") whether this was a name of an accused or only the designation of an S.S. rank.

In the case 738 (members of a court martial) Captain WILFF wanted additional information about the "conditions illégales" and moved the adjournment of the case. LORINGHET said he was not in favour of adjournment. The motion to adjourn the case having been rejected, Captain WILFF abstained from voting, and it was decided to put 1 to 7 and 10 and 11 on A, but to adjourn the case of nos. 8 and 9 (Rappeau and Heinzeller).

(2) CLOSING OF THE LIST

It was decided to close the list with the cases dealt with at today's meeting, with the exception of the large number of French cases. In order that the preparation of the list should not be delayed by the inclusion of these cases, M. GILES agreed that they should be held over for inclusion in a subsequent list to appear shortly.

(3) TAKING UP OLD CASES

It was resolved to send a letter to the national offices inviting them to inform the Committee of those old cases which they want to be taken up.

(4) It was resolved to invite Wing Commander Jones to attend next week's meeting.

SECRET

2.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of the meeting of Committee I

held on

11th April 1945, 10.30 a.m.

+
++

The Committee decided upon cases submitted by the British, Czechoslovak and Belgian Governments in the manner recorded by the Chief Clerk of the Commission in the official files and in the Reports:

United Kingdom No. 5
Belgium No. 2.

1. COLONEL WADE informed the Committee of an important document regarding art treasures, containing information about the whole staff of Rosenberg's office both in Germany and in the occupied countries.

THE CHAIRMAN (MR. DE BAER) recommended the circulation of this document to the members of the Committee.

2. LIST OF MAJOR WAR CRIMINALS. MR. DE BAER proposed to circulate a list.

LORD WRIGHT said that a summary of the charges would be useful. COLONEL HODGSON said he had been checking the lists of the Commission against a list he (Colonel Hodgson) possessed. A number of names did not appear on the list, inter alia, Gauleiters, e.g. the Gauleiter for Germans outside Europe. Even people he had listed as members of German governments and as key officials in occupied countries have been omitted. Colonel Hodgson will bring those lists, they will have to go to the representatives of the individual allied Governments. COLONEL WADE pointed out that the Commission had so far listed those only whose names came up in connection with a particular crime.

LORD WRIGHT expressed the opinion that the Commission were not bound to wait until a name was presented to them and they could pick up these things themselves.

GENERAL WEIR said that the American authorities had taken all 43 Gauleiters and there will, no doubt, be found something on each one of them.

THE CHAIRMAN pointed out that some of the National Offices might help.

Colonel Wade and Mr. Schwelb were asked to go through the list of major criminals and to report to the Committee.

3. PROCEEDINGS REGARDING INDIVIDUAL CASES. In the Czechoslovak case 464 (Standgerichte II), LORD WRIGHT and DR. DE MOOR expressed their agreement with the report submitted on this case by the Legal Officer.

COLONEL HODGSON pointed out that he found a number of grounds on which he did not fully agree with the Czechoslovak charge in this case. Colonel Hodgson promised to circulate his statement to the members of Committee I. His opinion may be summarised thus that, in his view, it is not the mere institution of the courts, which would be ipso facto a crime, but the activities of the courts, and it was in view of these activities that he will vote for putting the accused on ~~list~~ A.

LORD WRIGHT stated that the Legal Officer's report distinguished between setting up of courts in occupied territory in general, which was not a crime, and these ...

and these particular courts, which were different owing to their composition, procedure and the law they were called upon to administer (p. 1 of the Report para (4)(a) to (f)).

It was unanimously resolved to put all the named persons on ~~List~~ A, the unknown members of the Standgerichte on C.

In the Czechoslovak case 424 (Sondergerichte) -

COLONEL HODGSON declared that he wanted to study further the question whether the judges should not also go on A.

DR MAYR HARTING (Czechoslovakia) expressed the opinion that the public prosecutors, mentioned in the charge by name, should go on ~~List~~ A.

LORD WRIGHT proposed to adjourn the case until next week. This was agreed to.

During the proceedings re the United Kingdom case 699 ("Guard, probably a non-commissioned officer etc. ...") THE CHAIRMAN put the question whether these un-identified men should go to A or to C. The LEGAL OFFICER stated that identification was in this case probable because German proceedings had been taken. It was resolved to put the accused on A and expressly to point out that the accused are men referred to in the Memorandum of the German Ministry of Foreign Affairs, dated 16th October 1944, R.670 Br.

In the United Kingdom case 700 ("A Wachmann, etc. ...") the precedent of case 699 (supra) was followed, with the effect that the accused was put on A and it will be pointed out that the accused is the person referred to in the Memorandum R. 4677/Br of the German Foreign Ministry, dated 8th August 1944.

In the United Kingdom case No. 711 (General Messina and others), the LEGAL OFFICER drew the attention of the Committee to the fact that the accused (4) (Germi) was not directly connected with the war crime in question. As to the accused (2) (Sabatini) he was charged with weakness, incompetence and timidity which had resulted in the increase of the death rate of sick prisoners of war.

LORD WRIGHT pointed out that there may be a prima facie case of manslaughter by neglect.

MR KENT agreed to the posting of Germi (4) on List W and it was so decided. As to (5) and (6) the case was adjourned on the motion of Mr. Kent. It was resolved to put (1), (2) and (3) on A.

4. MINUTES OF LAST MEETING. The Secretary/^{General} asked whether the form of the minutes, circulated by the Legal Officer, was according to the wishes of the Committee. The Chairman answered in the affirmative.

The examination of the Minutes of the meeting of 5th April 1945 was held over for next week.

SECRET

1.

199

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Report

on the meeting of Committee I

held on

5th April, 1945, 2.30 p.m.

The Committee decided upon cases submitted by the British, French and Netherlands Governments in the manner recorded by the Chief Clerk of the Commission in the official files and in the Cases Reports:

United Kingdom, No. 4

France, No. 1

Netherlands, No. 2

During the debate on case 636 (United Kingdom, Kapitän Hoffmann), Colonel Wade drew the Committee's attention to the fact that the Divisional Commander of the 276th Division is probably also responsible.

In the French case 436 (Paul Dix and others), Professor Gros pointed out that Pont Audemer was a very small town and the number of persons serving with the Feldgendarmarie there must necessarily have been very small. He proposed to put the three persons on list S and leave the unit on C.

During the proceedings re the French case 502 (^{Oberst} ~~Fischer~~ Kleffel and others; execution of 16 inhabitants), Professor Gros supplemented the written statement as to the facts by adding that the accused were all actually serving during the operation complained of.

When the Committee were considering the French case 647 (Ramprecht and others) Colonel Wade pointed out that there was no 16th Panzer Division S.S. Reichsführer. There was a 16th Panzer Division, but it was not S.S., and a 16th S.S. Division but it was not "Panzer".

During the Committee's deliberations regarding the French case 650 (Von Wietersheim and others) Professor Gros proposed to put all officers, non-commissioned officers and men mentioned in the charge, on List A. The Chairman, M. de Baer, asked whether if an unwieldy number of rank and file people were put on List A this would not drown the Commission's Lists. Captain Wolff and Lord Finlay expressed their agreement with the French proposal to put all on List A as the names were given. It was unanimously resolved to put all the named persons (altogether 300) on List A.

In considering the case 657 (Haeckel and others) it was pointed out that the connection with the crime of the persons mentioned under Nos. 4, 5, 6, 7 and 8 (Stadl, Mangolo, Blumerkamm, Muller, Schneider) did not appear from the written statement of facts. It was, therefore, resolved to put these men provisionally on List S. Nos. 1, 2 and 3 were put on List A, No. 9 on List C.

In the case 662 (Mentzel) several members of the Committee raised the question whether the activities of Mentzel constituted a war crime. While admitting that it was a borderline case, the Committee decided to put Mentzel on List A.

In the case 670 (Grunewald, Eckard and others), the Chairman pointed out that the written statement did not allege any particular crime with regard to the accused Blumenkamp and Buhler. Professor Gros replied that they were members of the Gestapo. Captain Wolff asked whether they were being charged as members of an association of criminals (association de malfaiteurs). Professor Gros confirmed that and the Committee decided to put all persons named on List A.

In the case 677 (Kinipp and others), the Chairman drew the attention of the Secretariat to the fact that it will, in this case, be necessary to point out that the German soldiers, Wilhelm and Steingruber, are not to be treated as suspects of a crime, but only as witnesses. They are not suspect at all and are not to be treated as common murderers when they have done their best to help.

In the case 693 the Committee, while deciding to put Oberleutnant Bauer on List A, adjourned the case as far as Hauptmann Dietrich was concerned, the latter not being mentioned in the statement of facts.

T
RD-30

DC-3

1. 411

Second file

MAIN FILE OF

COMMITTEE I

MINUTES

No. 62-100

Indexed

221-371

Second file

1. 411

No. 62.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I

Summary Minutes of the Meeting of Committee I held on 30th May, 1946.
at 10-30 a.m.

In the Chair:

Monsieur de BAER (Belgium)

There were also present:Members of Committee I and their Deputies:

Dr. Mayr-Harting
 Sir Robert Cragie
 Lieut. Kintner

Czechoslovakia
 United Kingdom
 United States of America

Members of the Commission, not Members of Committee I,
and Representatives of the National Offices:

Mlle. Capiomont
 Commander Mouton
 Major Palmström
 Colonel Halse
 Dr. Zivkovič

France
 Netherlands
 Norway
 United Kingdom
 Yugoslavia

I. Minutes No. 61:

Minutes of the meeting held on the 16th May, 1946 were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of Norwegian, United Kingdom, Yugoslav, Netherlands, French, Czechoslovak and Belgian cases, as follows:-

1) Norwegian Cases:

| | |
|------|----------------|
| 3188 | 1 and 2 on 'A' |
| 3189 | On 'A' |
| 3190 | On 'A' |
| 3191 | On 'A' |
| 3192 | On 'A' |
| 3193 | 1 - 7 on 'A' |
| 3194 | |

After Major PALMSTRÖM had explained that the victims were members of the Resistance Movement, suspected of sabotage, and were shot on the spot in order to terrorise the population, the Committee decided to list the accused 1 and 2 on 'A'.

The Committee requested that more particulars as to the origin of the alleged crimes be submitted in future cases of this type.

Norwegian Cases contd/...

3195 On 'A'

3196 1 - 5 on 'A'

2) United Kingdom Cases:

a) Addenda

343 1 - 5 on 'A'.
DINO CASTELLI reclassified from 'C' to 'A'.

847 HILDEMANN on 'A'

2684 1 - 4 on 'A'

2777 1 and 3 on 'A';
2 and 4 on 'S'

2958 1 on 'S';
2 and 3 on 'A'

2959 11, 12, 15 on 'A';
13, 16 and 17 on 'S';
14 on 'W'

b) New Cases:

3160 1 and 2 on 'S';
3 on 'C'.
The name of the second accused should read 'UNRAU'.

3161 On 'A' for scuttling of enemy submarine after
surrender. (Article 41 of the Hague Regulations.)

3162 1 - 8 on 'A'

3163 On 'A'

3164 On 'A'

3165 On 'A'

3166 On 'A'

3168 On 'A'

3169 On 'A'

c) Cases involving crimes against non-British Nationals:

3029 (Addendum) 1 on 'A'.
The second accused had already been listed on
the original case.

3167 1 - 10 on 'A';
11 - 17 on 'S'

3) Yugoslav Cases:

- 3119 After Dr. ZIVKOVIC had stated that the first accused had been charged as responsible for having organised the Fascist mob which demolished the property in question, it was decided to list that accused on 'A'.
- 3126 1 - 3 on 'A'
- 3127 In accordance with the action taken previously in regard to other similar Yugoslav cases this case was also adjourned in order that the National Office might be asked for more particulars as to the circumstances in which the alleged crimes were committed and, especially, as to whether or not the bombardment was effected while military operations against regular or partisan forces were in progress, or was directed at any military objectives.
- 3128 1 and 2 on 'A'
- 3129 1 - 3 on 'A'
- 3130 1 - 3 on 'A'
- 3179 1 - 3 on 'A'
- 3180 1 - 21 on 'A';
22 on 'C'
- 3181 1 on 'A';
2 on 'C'
- 3182 1 - 3 on 'A';
4 on 'C'
- 3183 1 - 3 on 'A'
- 3184 1 and 2 on 'A';
3 on 'C'
- 3185 1 - 3 on 'A' for complicity in deportation.
- 3186 On 'A'
- 3187 On 'A'

4) Netherlands Cases:

- 3156 On 'A' on the first and second counts.
As there was no prima facie case with regard to the charge of destruction of property, the case was adjourned as to that count until further particulars be submitted by the National Office.
- 3157 1 and 2 on 'S' as it was not sufficiently clear whether the goods were in fact requisitioned or simply stolen.
- 3158 On 'A'

- 3159 On 'A'
- 3197 On 'S' for complicity in looting of artistic property as indicated in Abetz' letter, submitted as evidence. No action was taken in regard to the charge of seizing by the accused of documents and archives of the Netherlands Foreign Office.
- 3198 This case was withdrawn by the Netherlands Representative as the alleged crimes were committed in Germany and no information was available to the effect that any Dutch nationals were among the victims. It was decided to transmit a copy of this charge to the Control Council for Germany for further action.
- 3199 On 'A'
The National Office was asked to ascertain the proper spelling of the accused's name.
- 3200 1 and 2 on 'A' for ill-treatment.
3 - 5 on 'W'.
- 3201 On 'A' for pillage.

5) French Cases:

a) Addenda

- 438 (2) On 'A'
- 550 (Rect.) JANSSEN on 'A' in lieu of LAUTZER listed on the original charge. The latter to be removed from the Commission's List.
- 646 (1) On 'A'

b) New Cases:

- 3131 On 'A'
- 3132 On 'A'
- 3133 1 - 3 on 'A'
- 3134 1 on 'A';
2 - 14 on 'S'
- 3135 On 'A'
- 3136 On 'A'
- 3137 On 'A'
- 3138 1 - 4, 6 - 14, 16, 17, 22 and 23 on 'A';
5, 15, 18 - 21 and 24 on 'S'
- 3139 1 and 2 on 'A';
3 on 'S'
- 3140 On 'A'

5) b) contd./..

3141

This case was adjourned in order that the National Office might be asked for more particulars as to the circumstances of the alleged crimes, and especially as to what were the reasons for the victim's arrest effected by the accused and as to whether the accused was in fact personally responsible for deporting that victim.

3142

On 'A'

3143

On 'A'

3144

On 'A'

3145

On 'A'

3146

On 'A'

3147

On 'A'

3148

On 'A'

3149

On 'A'

3150

On 'A'

3151

On 'A'

3152

On 'A'

3153

1 - 3 on 'A'

3154

On 'A'

3155

On 'A'

6) Czechoslovak Cases:a) Addenda

952 (5)

On 'W'

1792 (2)

Dr. MAYR-HARTING stated that, although the person indicated in this addendum was an allied national (Czechoslovak), he requested listing him on 'W' as his Government were in doubt whether this witness would make himself voluntarily available for interrogation.

The Committee decided to list him on 'W'.

b) New Cases:

3170

1 on 'A';
2 on 'O'

3171

1 and 2 on 'A';
3 on 'O';
J. STANEK on 'W'.

7) Belgian Cases:

a) Addenda

- 1092 (2) 1 - 31, 33 - 176, 178 - 190 on 'S'.
In regard to the accused 32 and 177, the case was adjourned as their names appear to be incorrectly spelt.
- 1109 (4) On 'A'
- 1109 (5) 1 and 2 on 'A'
- 1109 (6) 1 - 4 on 'A'
- 1109 (7) 1 - 3 on 'A';
4 - 6 on 'C' as their identification was not sufficient.
- 1803 (9) Chief of Block No. 15 on 'A';
KAPOS on 'C'.
- 1892 (11) As both of the accused had already been listed, no further action was necessary.
- 1892 (12) 1 - 3 on 'A'
- 1892 (13) On 'A'
- 1892 (14) On 'A'
- 1894 (5) 3, 9, 11 and 12 had already been listed and no further action was necessary;
1, 2, 4 - 8 on 'S';
10 and 13 on 'A'.
- 1896 (1) 1 on 'A';
2 on 'C' (not sufficiently identified).
- 2103 (1) Already listed - no action was necessary.
- 2113 (1) 1 - 3 on 'A';
4 and 5 on 'W'
- 2581 (1) The previous decision as to listing the two accused on 'S' was confirmed.

b) New Cases:

- 3172 1 - 4 on 'A'
- 3173 1 - 4 on 'S'
- 3174 2 and 3 on 'A';
1, 4 - 142 on 'S' as the particulars of the case did not provide any indication as to the individual responsibility of those accused.
- 3175 On 'A'
- 3176 1 - 8 and 10 - 13 on 'A';
9 on 'S'.
- 3177 On 'A'
- 3178 On 'S'

III. Listing by the Commission of Persons already Sentenced:

In view of the suggestion made by Colonel HALSE, the Committee, after some discussion, came to the conclusion that, in order to make the Commission's Lists as complete as possible, it would be desirable to put on the Commission's Lists also persons already sentenced for having committed war crimes but who were not as yet charged before this Commission by any of the Governments concerned.

It was decided to submit the matter to the Commission for consideration at its next meeting.

IV. Reproduction of Five Sub-Commission's Lists of War Criminals:

The Committee decided that the further five lists of Japanese war criminals, prepared and adopted by the Chungking Sub-Commission, (Nos. 8 - 12), received by the Commission up to date, be reproduced and issued as Commission's Lists Nos. 33 - 37, in one volume.

These Lists will be reproduced without any material changes, except for the omission of Japanese characters and should be submitted to the Commission for approval.

V. Closing of 38th List of War Criminals:

The Committee decided to issue the new Commission's List, No. 38, of German war criminals. This would include cases accepted by the Committee up to 30th May, 1946, inclusive.

VI. Date of the next Meeting:

The Meeting adjourned until the 13th June, 1946.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I

Summary Minutes of the Meeting of Committee I held on 20th June, 1946,
at 10-30 a.m.

In the Chair:

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|--------------------------|
| Dr. Mayr-Harting | Czechoslovakia |
| Sir Robert Craigie | United Kingdom |
| Lieut. Kintner | United States of America |

Members of the Commission, not members of Committee I,
and Representatives of the National Offices:

| | |
|-----------------|----------------|
| Major Fanderlik | Czechoslovakia |
| Mlle. Capiomont | France |
| Miss Deunk | Netherlands |
| Major Palmström | Norway |
| Colonel Halse | United Kingdom |
| Dr. Marković | Yugoslavia |

I. Minutes No. 62:

Minutes of the meeting held on the 30th May, 1946, were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of Polish, United Kingdom, Norwegian, Yugoslav, Netherlands, French, United States and Belgian cases, as follows:-

1) Polish Case:-

3245 On 'A'

2) United Kingdom cases:-

| | |
|------|---|
| 3202 | 1 & 3 on 'A', 2 on 'S', 4 on 'W' |
| 3203 | On 'A' |
| 3257 | 1 & 2 on 'A' |
| 3258 | On 'A' |
| 3259 | On 'A' (Crimes against non-British nationals) |
| 3260 | On 'A' |
| 3261 | 1-10 on 'A' |

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I

Summary Minutes of the Meeting of Committee I held on 20th June, 1946,
at 10-30 a.m.

In the Chair:

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|--------------------------|
| Dr. Mayr-Harting | Czechoslovakia |
| Sir Robert Craigie | United Kingdom |
| Lieut. Kintner | United States of America |

Members of the Commission, not members of Committee I,
 and Representatives of the National Offices:

| | |
|-----------------|----------------|
| Major Fanderlik | Czechoslovakia |
| Mlle. Capiomont | France |
| Miss Deunk | Netherlands |
| Major Palmström | Norway |
| Colonel Halse | United Kingdom |
| Dr. Marković | Yugoslavia |

I. Minutes No. 62:

Minutes of the meeting held on the 30th May, 1946, were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of Polish, United Kingdom, Norwegian, Yugoslav, Netherlands, French, United States and Belgian cases, as follows:-

1) Polish Case:-

3245 On 'A'

2) United Kingdom cases:-

| | |
|------|---|
| 3202 | 1 & 3 on 'A', 2 on 'S', 4 on 'W' |
| 3203 | On 'A' |
| 3257 | 1 & 2 on 'A' |
| 3258 | On 'A' |
| 3259 | On 'A' (Crimes against non-British nationals) |
| 3260 | On 'A' |
| 3261 | 1-10 on 'A' |

| | |
|------|---|
| 3262 | On 'A' |
| 3263 | On 'A' |
| 3264 | 1-3 on 'A' for murder, 4 on 'A' for ill-treatment only (Crimes against non-British nationals) |
| 3265 | 1-4 on 'A' (Crimes against non-British nationals) |
| 3266 | On 'A' |
| 3267 | 1-5 on 'A' |

3) Norwegian cases:-

| | |
|------|---------------------------|
| 3246 | On 'A' |
| 3247 | 1-3 on 'A' |
| 3248 | On 'A' |
| 3249 | 1-6 on 'A' |
| 3250 | On 'A' |
| 3286 | 2 on 'A', 1 & 3-15 on 'S' |
| 3287 | 1-6 on 'A' |
| 3288 | On 'A' |
| 3289 | On 'A' |

4) Yugoslav cases:-

a) Addenda:

| | |
|----------|--|
| 587 (1) | 1 on 'A'. As the charge against the second accused was not sufficiently substantiated the case with regard to this accused was adjourned in order that the National Office might be asked for more particulars |
| 891 (2) | As this addendum had no connection with the original case, consideration of it was adjourned in order that the National Office might be asked for more particulars with regard to (a) the alleged compulsory enlistment, and (b) in what territory the compulsory enlistment was effected, and whether or not that territory was annexed by Italy. |
| 1967 (1) | 1-52 on 'A' |
| 3088 (1) | 1-3 on 'A' (the last one for illegal arrest) |

b) New cases:

- 3211 On 'A'
- 3212 17 persons in number on 'A', on all counts respectively, except that of deliberate bombardment which was not sufficiently substantiated.
- 3213 On 'A' for complicity in deportation only
- 3214 1-3 on 'A', plus 3 witnesses (WOLF, DIEGEL, THEISL, on 'W'.
- 3215 1 on 'S', 2 on 'A', 3 on 'C'
- 3251 1 & 2 on 'A'
- 3252 1-5 on 'A'
- 3253 1-4 on 'A'
- 3254 1 on 'A', 2-7 on 'S'
- 3255 After Dr. Marković had stated that the alleged crimes were committed by members of the units indicated in the case on such a scale that it was not possible to identify the actual perpetrators of individual crimes the Committee decided to list all the accused (27 in number) on 'A'.
- 3256 All three on 'A' on all counts except that of compulsory enlistment which was not sufficiently substantiated.

5) Netherlands cases:-

- 2752 (addendum) KOEIJEMAN or KOELLEMAN on 'A'
- 3268 1 on 'S' for complicity in illegal arrest, in view of the fact that he misrepresented the facts while reporting the victim to German authorities.
2 on 'W'
- 3269 This case was adjourned for further information to be submitted by the National Office in view of the fact that the alleged crime had not been sufficiently substantiated
- 3270 This case was adjourned in order that the National Office might be asked for more information in view of the fact that from the particulars of the case it appeared that the vehicles had been requisitioned by German military authorities, and the power-house was presumably blown up for military reasons. The Committee was of the opinion that this was not a prima facie case of a war crime.
- 3271 This case was adjourned until the next meeting in order to consider it in the presence of Commander Houston.
- 3272 1-24 on 'A', 25-30 on 'S', 31-35 on 'W'
- 3273 1-3, 5 & 6 on 'A';
4 adjourned, as the alleged crimes against this accused had not been sufficiently established
- 3274 1-21 on 'S', 22 & 23 on 'W'
- 3275 1-4 on 'A', 5 on 'W'

365

3276 1-4 on 'A', 5 on 'S', 6 on 'W'
 3277 1 & 2 on 'A', 3-8 on 'S'
 3278 1 on 'A', 2 on 'W'
 3279 1-3 on 'A'
 3280 1-5 on 'A'
 3281 1 on 'A', 2 on 'S', on all counts except that of murder
 3282 On 'A'
 3283 1 & 2 on 'A'
 3284 On 'A'

6) French cases:-

a) Addenda:

752 (1) On 'A'
 931 (1) WILDE on 'A'. No action was taken in regard to other members of the unit as they had already been listed on the original case.

b) New cases:

3216 1-3 on 'A'
 3217 1 & 2 on 'A'
 3218 1 & 2 on 'A'
 3219 1-5 on 'A'
 3220 On 'A'
 3221 1 & 2 on 'A'
 3222 1-5 on 'A'
 3223 1-3 on 'A'
 3224 1-4 on 'A'
 3225 On 'A'
 3226 1 & 2 on 'C', 3 on 'A'
 3227 On 'A'
 3228 On 'A'
 3229 On 'A' for ill-treatment only as the charge of compulsory enlistment had not been sufficiently substantiated.
 3230 1 & 2 on 'A'
 3231 1-6 on 'A'
 3232 On 'A'
 3233 On 'A'
 3234 On 'A'

366

| | |
|------|---------------------------|
| 3235 | 1 on 'A', 2 on 'S' |
| 3236 | On 'A' |
| 3237 | 1-3 on 'A' |
| 3238 | On 'A' |
| 3239 | On 'A' for illegal arrest |
| 3240 | 1 on 'A', 2 on 'W' |
| 3241 | 1-5 on 'A' |
| 3242 | On 'A' |
| 3243 | On 'A' |
| 3244 | On 'A' |

7) United States cases:-

1898 (addendum) 2-5 on 'A'
As 1 and 6 had already been listed on 'A', no further action was necessary.

| | |
|------|-------------|
| 3204 | 1-14 on 'A' |
| 3205 | On 'A' |
| 3206 | 1-32 on 'A' |
| 3207 | On 'A' |
| 3208 | On 'A' |
| 3209 | 1-7 on 'A' |
| 3210 | 1-53 on 'A' |

The Committee requested that more particulars as to the alleged crimes, as well as to evidence be submitted by the National Office in future cases.

8) Belgian cases:-

a) Addenda:

| | |
|----------|-------------------------------------|
| 1109 (8) | On 'A' |
| 1891 (1) | 1-5 on 'A' |
| do. (2) | 1, 2 & 5 on 'A', 3 on 'C', 4 on 'S' |

b) New cases:

| | |
|---------|-------------------------------|
| 3285 | 1-7 and 9-12 on 'A', 8 on 'S' |
| do. (1) | 1-8 on 'A' |
| do. (2) | On 'A' |
| do. (3) | 1 & 2 on 'A' |
| do. (4) | On 'A' |

3174 At the request of M. de Baer the accused nos. 20-142 previously listed on 'S', and not included as yet in the 38th List now in preparation, were re-classified on 'W'

III. Closing of the 39th List of War Criminals:

The Committee decided to issue the new Commission's List (No. 39) of Italian war criminals. This would include cases accepted by the Committee up to 20th June, 1946, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Summary Minutes of the Meeting of Committee I held on 27th June, 1946
at 10-30 a.m.

In the Chair:

Sir Robert Craigie - United Kingdom

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting
Lieut. Kintner

Czechoslovakia
United States of America

Members of the Commission, not members of Committee I,
and Representatives of the National Offices:

Dr. van den Bergh
Major Palmström
Major Fletcher
Dr. Marković

Netherlands
Norway
United Kingdom
Yugoslavia

In the absence of M. de Baer, Sir Robert Craigie
took the Chair

I. Minutes No. 63:

Minutes of the meeting held on the 20th June, 1946, were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of United Kingdom, Yugoslav, Netherlands, Czechoslovak, United States and Norwegian cases, as follows:-

1) UNITED KINGDOM Cases:

| | |
|-----------|---|
| 3290 | 1-29 on 'A' |
| 3291 | On 'A' |
| 3304-3321 | All persons found guilty and sentenced - on 'A'. The information as to the Courts and dates of sentences will be supplemented by the Secretariat in order to show this data on the Commission's Lists. |
| 3322 | 1-3 on 'A' |
| 3323 | 1-9 on 'S' until such time as further information is submitted by the National Office as to specific charges against the individuals accused. |

2) YUGOSLAV Cases:

| | |
|------|--|
| 3296 | As this case alleges crimes against humanity (crimes were committed by Italians against Italians of Yugoslav origin in Italy), it was decided to refer the case to Committee III for its opinion as to whether or not the alleged crimes should be considered as crimes against humanity and for what reasons. |
|------|--|

See No. 64 (a) attached.

- X 3297 All persons out of 149 charged individually - on 'A'; all others on 'A' or 'S' according to which category they had already been listed upon other Governments' charges, with the proviso that persons belonging to this second group and now listed for the first time will go on 'S' List.
- 3298 1-2 on 'A'
- 3299 1-2 on 'A'
- 3300 1-3 on 'A', 4 on 'C'
- 3301 1 on 'A', 2 on 'C'
- 3302 On 'A'
- 3303 1-5 on 'A', 6 on 'C'

3) NETHERLANDS Cases:

- 3378 As the Committee had doubt as to whether the facts as alleged constituted a war crime, it was decided to adjourn the case until next week in order to consider it in the presence of Commander Mouton.
- 3379 This case was adjourned in order that the National Office might be asked for further information as to (a) complicity of the accused in general policy and measures introduced by German authorities in expropriating Jews in Holland, and (b) the real value of the property acquired by the accused.
- 3380 1 on 'A' - only for ill-treatment resulting in death;
2 on 'W'
- 3381 On 'A'
- 3382 1-2 on 'A'
- 3383 On 'S'
- 3384 1 on 'A', 2 on 'C'
- 3385 1 on 'S', 2 on 'W'
- 3386 On 'A'
- 3387 This case was adjourned for further information to be submitted by the National Office in order to substantiate the allegation as to the exorbitant character of the requisitions, and to supplement the case by a statement to the effect that the requisitions were carried out by German authorities without having regard to the necessary needs of the population.

4) CZECHOSLOVAK Case :

3324 On 'A' on the first count.
 With regard to the second count the case was
 adjourned in order to ask the National Office for
 more particulars as to the alleged crime.

5) UNITED STATES Cases:

3292 1-2 on 'A'
3293 On 'A'
3294 On 'A'
3295 1-16 on 'A'

6) NORWEGIAN Cases:

3443 On 'A'
3444 On 'A'
3445 1-5 on 'A'

7) FRENCH Cases: Consideration of these cases was adjourned as no
 representative of the National Office was present.

III. Closing of 40th List of War Criminals:

The Committee decided to issue the new Commission's List (No. 40) of German war criminals. This would include cases accepted by the Committee up to 27th June, 1946, inclusive.

IV. Statistical Progress Report (Doc. I/65):

After some consideration and discussion the Report, as submitted by the Secretary, was accepted. It was decided that, provided Monsieur de Baer had no observations or reservations as to its contents, the Report should be circulated as a Commission document.

The Secretary submitted that some minor alterations of his will be made in the final text, and one note added to Table V before the report be issued.

361

No. 64 (a)
Supplement to Page 2

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Supplement
to the Summary Minutes of the Meeting
held on 27th June, 1946

The following is the final classification of persons
charged in the Yugoslav case 3297, as decided upon at the
meeting of 27 June, 1946:-

On 'A': 1-55, 57-72, 74, 75, 77-81, 85-87, 89, 92,
95, 97-101, 103, 104, 106, 108-149.

On 'S': 56, 73, 76, 82, 83, 84, 88, 90, 91, 93, 94,
96, 102, 105, 107.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 4th July, 1946,
at 10-30 a.m.

In the Chair: M. de Baer - Belgium.

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|--------------------------|
| Dr. Mayr-Harting | Czechoslovakia |
| Sir Robert Craigie | United Kingdom |
| Lieut. Kintner | United States of America |

Members of the Commission, not members of Committee I,
and Representatives of the National Offices:

| | |
|------------------|-------------|
| Commander Mouton | Netherlands |
| Dr. Markovic | Yugoslavia |

I. Minute No. 64:

Minutes of the Meeting held on the 27th June, 1946, were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of United Kingdom, Yugoslav, Netherlands, Czechoslovak and Belgian cases.

1) UNITED KINGDOM Cases.

| | |
|------|--|
| 3457 | 1-5 on 'A' |
| 3458 | 1-3 on 'A' With regard to the first accused, the Committee were of opinion that the case against this accused was a minor one. Sir Robert Craigie pointed out that were Colonel Halse present at the meeting he would have asked him to withdraw the case in order not to overload the Commission's Lists with minor cases. |

| | |
|------|------------|
| 3459 | 1-2 on 'A' |
|------|------------|

| | |
|------|------------|
| 3460 | 1-4 on 'A' |
|------|------------|

2) YUGOSLAV Cases.

| | |
|------|--|
| 3461 | 3 on 'A' for deportation only. As regards the accused 1, 2 and 4, the case was adjourned in order that the National Office might be asked for further information as to their S.S. ranks, as well as to their responsibility for deporting the victims. |
|------|--|

- 3461 (contd) Sir Robert Craigie expressed the view that in cases of this kind only the head of the Gestapo Office concerned should be made responsible. This case was also adjourned as to the first count as the charge of illegal arrest had not been sufficiently substantiated.
- 3462 1 on 'S' as there was doubt as to whether this accused was present at the place of the commission of the alleged crime.
2 on 'C'
- 3463 This case was adjourned in order to ask the National Office for additional information as to who imposed the fine upon the victim and also on what grounds the National Office considers the alleged action of the accused as constituting illegal arrest.
- 3464 On 'A' for indiscriminate mass arrest and deportation, not for taking hostages.
- 3465 On 'S' on the same grounds as Case 3462
- 3466 This was adjourned in order to enable the National Office to submit additional information as to the contents of the general directives issued by the accused.

3) NETHERLANDS Cases.

- 3271 Document I/66 was considered. In order to give the members more opportunity for studying the case the final decision was adjourned until the next Meeting.
- 3378 This was adjourned in order that the National Office might be asked for further information as to the identity of the persons who actually sentenced the victims. The Committee were of the opinion that this case is a prima facie case of a war crime but not attributable to the accused.
- 3446 This case was adjourned in order to enable Commander Mouton to submit a new proposal as to the classification of the persons charged therein as it appeared that either no charges at all or not directly connected with the present case had been brought against them.
- 3447 1-2 on 'A'
3, 4, 8 and 9 on 'S'
The case was adjourned with regard to the accused 5-7 as their complicity with regard to the alleged crimes had not been sufficiently established.
- 3448 This was adjourned in order to ask the National Office for additional information sufficient to establish a prima facie case of a war crime as from the particulars of the case it appeared that the accused's actions were permissible and justified in view of Article 24 of the Hague Regulations. The Committee requested also to be supplied with more particulars as to the kind of trial held against the victim.

356

- 3449 This case was adjourned for further information as to whether the requisitioned (or stolen) horses were in fact used for military purposes or personal profit of the accused.
- 3450 1 on 'A', 2 on 'W', 3-4 on 'C'
- 3451 On 'A'
- 3452 1-2 on 'A', 3 on 'S'
- 3453 1-2 on 'A', 3 on 'W'
- 3454 1 on 'A', 2-4 on 'W'
- 3455 On 'A'
- 3456 1 on 'C', 2-3 on 'A', 4-5 on 'W'

4) FRENCH Cases.

Consideration of these cases was adjourned as no representative of the National Office was present.

5) CZECHOSLOVAK Cases.

- 424 (addendum 2). BESSELMANN was reclassified from 'S' to 'A'
- 3467 On 'A'
- 3468 On 'A'
- 3469 On 'A'

6) BELGIAN Cases.

A) Addenda

- 1802 (3) 6, 14, 25, 28, 29 and 35 on 'S'
No action was taken with regard to the other accused as they had already been listed.
- 2584 (i) 1 on 'A'
2-3 already listed - no action was necessary.
- do (2) 1 already listed - no action was necessary.
2-3 on 'S'
- do (3) As all the accused had already been listed, no further action was necessary.
- do (4) 2-3 on 'A'
4-5 already listed - no action was necessary.
1 on 'S'

B) New Cases.

- 3438 On 'W'
- 3439 1-2 on 'S', 3 on 'W', 4 on 'C'
- 3440 1-2 on 'A', 3 on 'W'

356

3449 This case was adjourned for further information as to whether the requisitioned (or stolen) horses were in fact used for military purposes or personal profit of the accused.

3450 1 on 'A', 2 on 'W', 3-4 on 'C'

3451 On 'A'

3452 1-2 on 'A', 3 on 'S'

3453 1-2 on 'A', 3 on 'W'

3454 1 on 'A', 2-4 on 'W'

3455 On 'A'

3456 1 on 'C', 2-3 on 'A', 4-5 on 'W'

4) FRENCH Cases.

Consideration of these cases was adjourned as no representative of the National Office was present.

5) CZECHOSLOVAK Cases.

424 (addendum 2). BESSELMANN was reclassified from 'S' to 'A'

3467 On 'A'

3468 On 'A'

3469 On 'A'

6) BELGIAN Cases.

A) Addenda

1802 (3) 6, 14, 25, 28, 29 and 35 on 'S'
No action was taken with regard to the other accused as they had already been listed.

2584 (i) 1 on 'A'
2-3 already listed - no action was necessary.

do (2) 1 already listed - no action was necessary.
2-3 on 'S'

do (3) As all the accused had already been listed, no further action was necessary.

do (4) 2-3 on 'A'
4-5 already listed - no action was necessary.
1 on 'S'

B) New Cases.

3438 On 'W'

3439 1-2 on 'S', 3 on 'W', 4 on 'C'

3440 1-2 on 'A', 3 on 'W'

-4-

3441

This case was adjourned for further information as to whether or not the military operations were in fact in progress at the material time

3442

This was adjourned for additional information as to whether the unit involved belonged to the Hitler Jugend Division.

III. Listing of persons already sentenced. (Australian List).

The Secretary reported that List No. 1. of Japanese war criminals (188 in number) charged under the War Crimes Act, 1945, and sentenced by Australian Military Authorities, had been received from the Australian representative and asked for a ruling as to whether these persons should be listed by the Commission on its own initiative in view of the decision taken at the Commission's Meeting on June 5th, 1946, (M.107), as no request in this respect had been submitted by Australia.

The Committee decided that the Commission's decision referred to above should be considered in a restrictive sense and that persons of that category should be listed only upon individual charges submitted by the National Office.

UNITED NATIONS WAR CRIMES COMMISSION.

Summary Minutes of the Meeting of Committee I held on 10th July 1946
at 3 p.m.

In the Chair: M. de Baer - Belgium.

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|--------------------------|
| Dr. Mayr-Harting | Czechoslovakia |
| Sir Robert Craigie | United Kingdom |
| Lieut. Kintner | United States of America |

Members of the Commission, not members of Committee I,
and Representatives of the National Offices:

| | |
|------------------|-------------|
| Commander Mouton | Netherlands |
| Dr. Markovic | Yugoslavia |

I. MinutesNo. 65:

Minutes of the Meeting held on the 4th July, 1946, were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of Yugoslav, Netherlands, and French cases, as follows:

1) YUGOSLAV Cases.

- | | |
|------|--|
| 3470 | On 'A' |
| 3471 | As there was no statement in this case to the effect that crimes were committed against Yugoslav citizens, and Dr. Markovic was not in a position to provide any information in this respect, the Committee decided to communicate the case to the Polish National Office for information and necessary action in view of the fact that the crimes were committed in Poland. The case was accordingly adjourned. |
| 3472 | On 'A' |
| 3473 | 1-3 on 'W' only. The Committee were of opinion that the victims' arrest was not illegal and it had not been established that any of the accused were responsible for the alleged crime. |
| 3518 | On 'A' |

2) NETHERLANDS Cases.

a) Adjourned Cases.

- | | |
|------|---|
| 3273 | On the request of the National Office the |
|------|---|

Committee additionally listed the fourth accused on 'W'

- 3269 The request as to listing Irma Goetze as a witness was not complied with as the Committee were of opinion that she could be interrogated by the National Office through the ordinary channels without having her listed by the Commission.
- 3271 Document I/66 was considered.
Dr. Mayr-Harting expressed doubt as to whether the impropriety of using enemy uniform was quite evident in the present case and whether that was quite clear to the second accused, as he had been ordered to put on the uniform on the evening before the invasion of Holland. As there was no declaration of war by Germany, and therefore the state of war commenced on the next day with the actual attack, it was doubtful whether the second accused was in a position to realise the impropriety and illegality of his act, even if his allegedly criminal action lasted after the beginning of the invasion. He therefore suggested that this accused should be listed on 'W' only.
After some further discussion, the Committee unanimously decided to list the first accused on 'A'. The second accused was listed on 'S' by a majority vote, Dr. Mayr-Harting voting against.
- 3379 Consideration of this case was adjourned until the next meeting.
- 3446 1-11 on 'A'
12-15 and 19-26 on 'S'
16-18 and 27-33 on 'W' only as it appeared that either no charges at all or not directly connected with the present case had been brought against these accused.

b) New Cases.

- 3474 2-4 and 12 (Hess) on 'S' for murder only.
1, 5-11, 13-26 on 'W' only as the charge against these persons had not been substantiated.
27-32 left out as these were not material witnesses.
- 3475 1-2 on 'A'
- 3476 This case was adjourned sine die as the Committee were of opinion that the alleged crime could not be regarded as a war crime.
- 3477 1-2 on 'A' for deportation and internment only - not for murder.
- 3478 1 on 'A'
2-5 on 'W'

FRENCH Cases.

- 3325 On 'A'
- 3326 On 'A'

-3-

(French cases continued)

| | |
|------|---|
| 3327 | 2, 3 and 5 on 'A' for putting hostages to death. 4 on 'A' for indiscriminate mass arrest. 1 adjourned for further information as the charge against this accused had not been sufficiently substantiated. |
| 3328 | On 'A' |
| 3329 | 1-3 on 'A' |
| 3330 | On 'A' |
| 3331 | On 'A' |
| 3332 | 1-10 on 'A' |
| 3333 | On 'A' |
| 3334 | On 'A' |
| 3335 | 1-3 on 'A' |
| 3336 | On 'A' |
| 3337 | On 'A' |
| 3338 | 1-3 on 'A' |
| 3339 | 1-3 on 'A' |
| 3340 | 1-6 on 'A' |
| 3341 | 1-4 on 'A' |
| 3342 | 1-12 on 'A' |
| 3343 | On 'A' |
| 3344 | On 'A' for pillage only, as the second count had not been sufficiently substantiated. |
| 3345 | 1-3 on 'A' |
| 3346 | On 'A' |
| 3347 | 1-3 on 'A' |
| 3348 | 1-3 and 14-16 on 'A' 4-13 and 17 on 'S' only, as no individual charges have been submitted against these accused. |
| 3349 | 1 on 'A', 2 on 'S' |
| 3350 | On 'A' |
| 3351 | On 'A' |
| 3352 | On 'A' |
| 3353 | 1-2 on 'A' |

(French cases continued)

- 3354 1-11 on 'A'
- 3355 1 on 'A' for illegal arrest and deportation.
2-4 on 'A' for illegal arrest only.
- 3356 On 'A'
- 3357 This case was adjourned in order that the National Office might be asked for additional information in order to establish a prima facie case of a war crime, as from the particulars of the case, some doubt arose as to whether the "stolen" articles were not in fact requisitioned for military purposes.
- 3358 1 on 'A' for murder and other crimes
2-4 on 'A' for pillage and destruction of property.
- 3359 This case was adjourned for further information to be submitted by the National Office as to whether any military operations were in progress at the relevant time and place.
- 3360 1-3 and 6-7 on 'A'
Decision as to the fourth and fifth accused was adjourned for further information sufficient to substantiate the responsibility of these accused.
- 3361 This case was adjourned for the same reasons as in the case 3357 (see above).
- 3362 1-3 on 'A'
- 3363 1-3 on 'A'
- 3364 1 and 2 on 'A' on the first count only.
As to the second count, the case was adjourned for the same reason as in the case 3359 (see above).
- 3365 On 'A'
- 3366 1-5 on 'A'
- 3367 On 'A'
- 3368 On 'A'
- 3369 On 'A'
- 3370 On 'A'
- 3371 1-2 on 'A'
- 3372 1-2 on 'A'
- 3373 On 'A'

(French cases continued).

- 3374 On 'A'
- 3375 1-2 on 'A'
- 3376 1 on 'A', 2 on 'C'
- 3377 On 'A'
- 3388 1-4 on 'A'
- 3389 1-5, 16, 27, 39 and 41 on 'A'
6-15, 17-26, 28-38, 40, 42-52, and 69 on 'S'
only, as no individual charges have been brought
against these accused.
53-68 and 70-79 on 'W' only as the functions
assigned to these accused in the Gestapo Office
were not of a nature to justify listing them as
war criminals unless individual charges be brought
against them.
- 3390 1-4 on 'A'
- 3391 1 on 'A'
2 to 25 on 'S'
- 3392 1-10 on 'A'
- 3393 On 'A'
- 3394 1-2 on 'A'
- 3395 This was adjourned for further information
sufficient to establish that the destruction was
not justified by military necessity
- 3396 1-6 on 'A'
- 3397 1-3 on 'A'
- 3398 1-23 on 'A'
- 3399 This was adjourned for the same reasons as in the
case 3395 (see above).
- 3400 As the particulars of the alleged crime created
the impression that the destruction was
ordered in the course of actual military
operations, the case was adjourned in order
that the National Office might be asked to com-
plete the charge by further information refuting
the classification of the act complained of as a
military operation.
- 3401 On 'A'
- 3402 1 and 2 on 'A'
- 3403 1-2 on 'A'
3-4 on 'S'

352

(French cases continued)

-6-

- 3404 This case was adjourned for the same reasons as for the case 3357 (see above).
- 3405 On 'A'.
The Committee deprecated being requested to list such a minor case.
- 3406 On 'A'
- 3407 1-2 on 'A'
- 3408 1-5 on 'S'
- 3409 On 'A'
- 3410 1-3 on 'A'
Two of these accuseds' names will be listed according to their proper spelling as follows:
SCHOEN and NEUGEBAUER.
- 3411 1-2 on 'A'
- 3412 1-2 on 'A'
- 3413 This case was adjourned in order to ask the National Office for further information in view of the following considerations:
The French National Office charges the accused, General Ranke and Major Haberman, with a breach of the rules relating to the Red Cross, but it is not quite clear which provision regarding the Red Cross has been violated in the present case.
The accused officers are charged with having deposited, at a certain sheltered place, munitions and petrol. It is stated that the place was reserved to the civil population and placed under the protection of the Red Cross, and that the distinctive emblem of the Red Cross was placed there.
The German Commander maintained the munition depot in spite of protestations by the civilian authorities. Under the Geneva Convention 1929 the distinctive flag of the Red Cross shall be hoisted only over medical formations and establishments that are entitled to be respected under the Convention, and with the consent of the military authorities.
It is not stated who placed the place in question under the protection of the Red Cross, who hoisted the Red Cross flag, and it is therefore difficult to judge whether it can be maintained that there was a situation preventing the German Commanders from depositing munitions there.
It will be noted that the disaster occurred not as a consequence of a bombardment or other military attack either by the Allies or by the Germans, but as a consequence of the negligence of a German soldier and that in addition to 360 French civilians, 500 Germans perished in the explosion.

UNITED NATIONS WAR CRIMES COMMISSION.

Summary Minutes of the Meeting of Committee I held on 19th July 1946
at 10.30 p.m.

In the Chair:

M. de Baer - Belgium.

There were also present:

Members of Committee I and their Deputies:Dr. Mayr-Harting
Sir Robert Craigie
Lieut. KintnerCzechoslovakia
United Kingdom
United States of AmericaMembers of the Commission, not members of Committee I,
and Representatives of the National Offices:Major Fanderlik
Mlle Capimont
Commander Mouton
Miss Raag
Colonel Halse
Dr. MarkovicCzechoslovakia
France
Netherlands
Norway
United Kingdom
YugoslaviaI. Minutes No. 66.

Minutes of the Meeting held on the 10th July, 1946, were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of United Kingdom, Yugoslav, Netherlands, French, Belgian, Czechoslovak and Norwegian cases as follows:

1) UNITED KINGDOM Cases.

- 343 (addendum). 1 on 'A'
As the second accused had previously been listed upon this case on 'A' under the name of RAMEZANI no further action was taken.
- 3521 1-3 on 'A' for ill-treatment } (Crimes against
1 and 2 on 'S' for murder } non-British -
nationals)
- 3522 On 'A'. (Crimes against non-British
nationals)
- 3523 On 'A'. (Crimes against non-British
nationals).
- 3524 1 and 2 on 'A'.
- 3530 1-8 on 'A'
- 3531 1-6 on 'A'

2) YUGOSLAV Cases.

a) addenda.

327 (3)

On 'A'

3465

As the accused had already been listed on 'S', no further action was taken.

b) New Cases.

3471

After Dr. Markovic supplemented the case with the statement that the victims in this case were Yugoslav Jews, it was decided to list the accused 1, 2, 3, on 'A'

3519

1 on 'S'
2 on 'A'

3520

1-2 on 'A'

3610

1-2 on 'A'

3611

On 'A'

3612

On 'A'

3613

On 'A'

3614

This case was adjourned in order that the National Office might be asked for additional information as to whether the accused was actually in command of the troops in the field or merely had planned the military operation during which crimes and atrocities were committed.

3615

On 'S'

3616

The accused and HORMAN on 'A'

3617

On 'A'

3618

On 'A'

3619

On 'A'

3620

1 on 'A'
2 on 'S'

3) NETHERLANDS Cases.

3379

After some additional discussion which was necessitated by the National Office's request to reconsider the Committee's decision of 27th June 1946 the latter was adhered to, with the proviso that after additional information is submitted by the National Office (see Minute No. 64), the case will be automatically referred to Committee III for its opinion as to whether or not the alleged crime should be considered as a war crime and for what reasons.

3387

On 'A'

3525

1-2 on 'A'

345

-3-

3525 (continued)

5 on 'W'
3-4 left out as these persons were not witnesses to the alleged crimes.

3526

1-3 on 'W'

3527

On 'A' for pillage only as the accused's complicity in deportation had not been established.

3528

1-12 on 'W'

3529

1-2 on 'A'
3 on 'W'

4) FRENCH Cases.

3480

On 'A'

3481

1 to be reclassified from 'W' to 'A'
2 on 'W'
3-5 on 'A'

3482

On 'A'

3483

This case was adjourned for additional information sufficient to establish the accused's responsibility for the crime committed by two soldiers, as it appeared, on their own initiative.

3484

This was adjourned for further information as the accused's responsibility for deporting the victims had not been sufficiently established.

3485

1-3 on 'A'

3486

On 'A'

3487

On 'A'

3488

1-5 on 'A'

3489

As the acts described in this case were committed during a combat between the German forces and a unit of the F.F.I., the Committee were of opinion that this was not a prima facie evidence of a war crime. The case was accordingly adjourned in order that the National Office might furnish some additional information.

3490

1-3 on 'A'
4 on 'S'

3491

1-2 on 'A'.

3492

1-4 on 'S'

3493

On 'A'

3494

On 'A'

3495

1-2 on 'A'

3496

On 'A'

3497

On 'A'

- 3498 1-6 on 'A'
- 3499 1-2 on 'A'
- 3500 On 'A'
- 3501 1 on 'A'
2 on 'W'
- 3502 On 'A'
- 3503 On 'W' as it was doubtful whether in this particular case the accused could be made responsible for the crimes committed during a combat and presumably not upon his orders.
- 3504 This was adjourned for additional information as to whether a) the allegedly stolen articles were not in fact requisitioned for military purposes; b) whether the destruction of the property in question was not necessitated by military reasons and c) on what grounds the accused had been made responsible for the alleged crimes.
- 3505 On 'A' for pillage only
- 3506 On 'A'
- 3507 1 on 'A'
2 on 'S' only as it was not clear whether this accused was aware that no trial against the victim was held.
- 3508 On 'A'
- 3509 On 'S'
- 3510 On 'A'
- 3511 1-5 on 'A'
- 3512 On 'S'
- 3513 On 'A'
- 3514 On 'A'
- 3515 On 'A'
- 3516 1-6 on 'A'
- 3517 On 'S'

5) BELGIAN Case.

3442 (adjourned) On 'A'

6) CZECHOSLOVAK Cases.

952 (6) addendum. The case was adjourned in order that the National Office might rectify the statement as to the concentration camp into which the victims were actually deported, in view of the fact that it was quite obvious that they could not have been deported to

952 (6) addendum (contd) Oswiecim concentration camp at least before
September 1st 1939.
3479 1-6 on 'A'

346

7) NORWEGIAN Cases.

3533 On 'A'
3534 1-2 on 'A'

III. Procedure in issuing Commission's Lists.

In view of technical difficulties in duplicating proofs and the importance of publishing Lists of War Criminals as soon as possible after their closing had been decided upon by Committee I, it was felt necessary to dispense in future with submitting draft Lists to the Commission for sanction prior to printing them.

Such a change in procedure would necessitate that the National Offices concerned would be requested in future to sign immediately after inspection of proofs special forms authorising the Secretariat to publish each current List, provided the necessary corrections were inserted. Then the Lists would be sent direct to the Stationery Office for printing and circulated without delay. The formal sanction of the Commission would be sought only after the printed Lists were circulated and any further corrections and amendments made by the Commission would be inserted in each subsequent List.

As the Committee agreed to the above proposal made by the Chairman, Monsieur de Baer took upon himself to submit the matter to the Commission that afternoon for its consideration and approval.

In connection with this matter Major **VANDERLIK** informed the Committee of his conversations with the British Authorities in Germany on his recent visit to that country, and of the difficulties they were experiencing in checking the identity of persons held by them against all previous Lists of War Criminals circulated by the Commission.

With a view to solving the difficulties encountered, Major **VANDERLIK** submitted whether it would not be possible in future to publish the Commission's Lists in alphabetical order of names instead of dividing them into sections according to the countries submitting charges, as has been the practice hitherto, and stated that a letter to this effect had already been sent to the United Nations War Crimes Commission by Colonel **HARRISON**.

Dr. **MAYR-HARTING** pointed out that if the Lists were arranged alphabetically it would, of course, save work for the War Crimes Investigating Units on the one hand, but add more difficulties to the National Offices on the other.

After some discussion Sir Robert **CRAIGIE** suggested that Colonel **HAISE** who is shortly proceeding to Germany could point out that while the Commission would be ready to adopt the idea of arranging Lists in alphabetical order only, this would create difficulties for the National Offices and that a card index arranged by the Investigating Units might meet the requirements.

M. de **BAER** also suggested that Colonel **HAISE** should be asked by the Committee to investigate all the difficulties on the spot and then kindly report to the Committee in order to arrive at a solution. This was agreed to.

IV. Closing of the 41st List of War Criminals.

The Committee decided to issue the new Commission List (No.41) of German War Criminals. This would include cases accepted by the Committee up to the 19th July 1946 inclusive.

(French cases continued).

| | |
|------|---|
| 3414 | On 'A' |
| 3415 | 1-12 on 'A' |
| 3416 | As from the particulars of the case it appeared that the alleged crime was committed by an unknown soldier individually and on his own initiative, and therefore the responsibility of the person accused was not quite clear, the case was adjourned for further information sufficient to establish a <u>prima facie</u> case against the latter. |
| 3417 | 1-2 on 'A' |
| 3418 | 1-10 on 'A' |
| 3419 | On 'A' |
| 3420 | 1-2 on 'A' |
| 3421 | On 'A' |
| 3422 | The case was adjourned for further information as the responsibility of the accused had not been sufficiently established. |
| 3423 | On 'A' |
| 3424 | On 'S' |
| 3425 | On 'A' |
| 3426 | On 'A' |
| 3427 | On 'A' |
| 3428 | This case was adjourned for the same reasons as in the case 3357 (see above). |
| 3429 | On 'A' |
| 3430 | 1-2 on 'A' |
| 3431 | 1-2 on 'A' |
| 3432 | 1-4 on 'A' |
| 3433 | On 'A' |
| 3434 | On 'A' |
| 3435 | On 'A' |
| 3436 | 1-8 on 'A' |
| 3437 | On 'A' |

340

NO. 68.

UNITED NATIONS WAR CRIMES COMMISSION

Summary Minutes of the Meeting of Committee I held on 25th July 1946
at 10.30 a.m.

In the Chair:

M. de Baer - Belgium.

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting
Sir Robert Craigie
Lieut. Kintner

Czechoslovakia
United Kingdom
United States of America

Members of the Commission, not members of Committee I, and
Representatives of the National Offices:

Major Fanderlik
Mlle Capicmont
Commander Mouton
Dr. Lachs
Major Fletcher
Dr. Marković

Czechoslovakia
France
Netherlands
Poland
United Kingdom
Yugoslavia

I. Minutes No. 67.

As the Minutes of the Meeting held on the 19th July 1946 had not been circulated in time, approval of these was adjourned until the next Meeting.

II. Proceedings in Individual Cases:

The Committee decided upon a number of United Kingdom, Polish, Netherlands, Yugoslav, French, and Belgian cases.

1) UNITED KINGDOM Case.

3532 1-2 on 'A'
3 on 'C'

2) POLISH Case.

3535 On 'S'

3) NETHERLANDS Cases.

3536 1-7 on 'A'
8-13 on 'S'

3537 On 'W'

3538 On 'A'

3539 1 on 'A' for ill-treatment and deportation
2 on 'S' for illegal arrest

3540 1-4 and 9 on 'A'
5-7 on 'C'
8 on 'W'

3541 1-4 on 'A'

4) YUGOSLAV Cases.

3542 On 'A'

3543 On 'A'

3544 On 'S' for complicity in murder, torture and rape.

3545 This case was adjourned for further information as to the circumstances in which the alleged crimes were committed. It appeared that GRILLO should also have been charged.

3546 1-2 on 'A' for murder, rape and pillage.
As the other charges had not been sufficiently substantiated and it appeared that they were committed during military operations, the case with regard to them was adjourned for further information.

3547 On 'A'

3548 On 'A'

3549 On 'S'
The Committee requested that in future for cases of this type, more information and particulars as to the circumstances in which the alleged crimes were committed should be submitted by the National Office.

5) FRENCH Cases.

a) Addenda.

217 (4) 1-16 on 'A'

456 (1) 1-8 on 'A'

502 (2) 1-5 on 'A'

510 (1) 1-4 on 'A'

559 (1) 1-3 on 'A'

649 (2) 1-2 on 'A'

687 (1) 1 on 'A', 2 on 'W'

1193 (1) 1 and 3 on 'A'. As charges against the second accused had not been sufficiently substantiated, the case with regard to him was adjourned for further information.

1196 (1) On 'A': 2-14, 19-38, 42-46, 49, 53-66, 68, 69, 87-95.
On 'S': 1, 15-18, 39-41, 47, 48, 50-52, 67, 70-86.

1445 (1) 1, 7 and 9 on 'A'
3-5 on 'S'
6 and 8 on 'W'.
The case with regard to the second accused was adjourned in view of the fact that he was dead and no individual charges had been brought against him

1528 (1) On 'A'

1530 (1) 1-3 on 'A'

1716 (4) On 'A'

1833 (1) 1-9 on 'A'

1865 (1) As the additional information now submitted by the National Office was not sufficient to list the accused on the first count, and in view of the fact that he had already been listed on the second count, no further action was taken.

2508 (1) On 'A'

3418 (1) 1-11 on 'S'

b) New Cases.

3550 On 'A': 1-6, 8, 68, 70, 73, 75, 84, 85, and 93.
 On 'S': 9, 10, 12-43, 45, 47, 49-52, 54, 56-67, 69, 76, 77, 79-81, 83, 86-92, 94-97, 100-105, 108, 109, 112, 114-148.
 On 'W': 11, 48, 82, 98, 99, 107, 110, 113.

With regard to the accused 7, 44, 46, 53, 55, 71, 72, 74, 78, 106, 111, the case was adjourned for clarification of functions (G.Z.A.) assigned to them in the Gestapo Office.

3551 : 1-3 on 'S'
 4-12 and SANDEL on 'A'

3552 On 'A'

3553 1-4 on 'A'

3554 1-8 on 'A'

3555 On 'A'

3556 1-3 on 'A'

3557 On 'A'

3558 1-2 on 'A'

3559 On 'A'

3560 On 'A'

3561 PILLICH on 'A'
 suspects 1-52 on 'S'

3562 On 'A'

3563 1-3 on 'A'

3564 On 'A'

3565 On 'S'

3566 On 'A'

3567 On 'A'

3568 On 'A'

3569 On 'A'

3570 On 'A'

3571 On 'A'

3572 1-2 on 'A'

3573 On 'A'

3574 On 'C'

3575 On 'S'

3576 On 'A'

3577 1-2 on 'A'

3578 On 'A'

3579 1-6 on 'A'

3580 1-3, 7-10, and 24 on 'A' } For murder, deportation and forced
4-6, 11-23, 25-34, on 'S' } labour respectively.
With regard to the accused 35 and 36, the case was adjourned
for further information sufficient to establish their
responsibility, as it appeared the action taken by them was
presumably justified by military necessity.

3581 1 on 'A' for pillage of WINTREBERT's apartment only.
As to the **first count** and the three other accused, the case
was adjourned for additional information as to whether the
"pillaged" articles were not in fact requisitioned for
military purposes.

3582 On 'A'

3583 On 'A'

3584 1-13 on 'S'

3585 On 'A'

3586 On 'A'

3587 1-11 on 'S'

3588 1, 7, 8, 14 and 36 on 'A'
2-6, 9-13, 15-35 on 'S'

3589 1-2 on 'A'

3590 On 'A'

3591 On 'S'

3592 On 'S'

3593 1-3 on 'A'

3594 On 'A'

3595 On 'A'

3596 On 'A'

- 3597 On 'A'
- 3598 1-4 on 'A'
- 3599 On 'S'
- 3600 On 'A'
- 3601 On 'A'
- 3602 On 'A'
- 3603 This case was adjourned for additional information as the Committee were of opinion that the action taken by the accused was presumably justified by military necessity.

6) BELGIAN Cases.

- 1889 (1)(addendum)
1 and 2 on 'S'
- New cases:
- 3604 1 on 'C'
3-8 on 'W'
The case with regard to the second accused was adjourned for further information as to whether the units of SIPO and SD which committed the crimes were or were not under his command.
- 3605 1 on 'C'
2 on 'S'
- 3606 1 on 'C'
2 on 'S'
- 3607 8 and 9 on 'A'
1-7 on 'S'
10 on 'C'
- 3608 1 and 5 on 'A'
2-4 on 'S'
- 3609 1-3 on 'W'

III. Composition of Military Courts trying War Crimes' Cases.

Monsieur de Baer referred to his letter sent by him recently to Sir Robert Craigie in which he raised the question of procedure with regard to war criminals being tried by British Military Courts.

He said that cases had arisen where persons tried by British Military Courts for crimes committed either in the British zone or against British nationals have been or may be acquitted, on those particular charges, but may be wanted by some other countries for crimes committed in those countries or against other nationals.

As it was advisable to avoid multiplication of trials against the same persons he suggested that the judges of countries interested should be in future included in the British Courts in order to try collectively all charges which might be preferred against such persons.

After some discussion Sir Robert Craigie suggested that in order to arrive at any satisfactory arrangement in this respect, it would be

useful and necessary to discuss the matter in more detail with J.A.G. after Colonel Halse returned from Germany. This was agreed upon.

IV. Functioning of CROWCASS.

The question of the functioning of CROWCASS was raised by the Chairman.

In view of the fact that for about two months CROWCASS had been out of action and neither the Commission nor the Governments concerned were being supplied with information as to detention of war criminals listed by the Commission, and in view of there being no prospect of an early opening of CROWCASS offices, it was felt necessary that some provisional machinery and procedure should be arranged in order to remedy the present difficulties.

It was decided that the matter should be submitted to the Commission for consideration at its next meeting but no definite proposal for submission to the Commission was arrived at.

335

NO. 69.

UNITED NATIONS WAR CRIMES COMMISSION.

Summary Minutes of the Meeting of Committee I held on
31st July, 1946, at 10.30 am.

In the Chair

M. de Baer - Belgium.

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting
Sir Robert Craigie
Lieut. Kintner

Czechoslovakia
United Kingdom
United States of America

Members of the Commission, not members of Committee I, and
Representatives of the National Offices:

Mlle. Capiomont
M. Stavropoulos
Commander Mouton
Dr. Lachs
Dr. Marković
Dr. Mezulić

France
Greece
Netherlands
Poland
Yugoslavia
Yugoslavia

I. Minutes Nos. 67 and 68.

Minutes of the Meetings held on the 19th and 25th July 1946 were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of United Kingdom, Greek, Yugoslav, French, Czechoslovak, Belgian, and Netherlands cases.

1) UNITED KINGDOM Case.

3290 (addendum) On 'A'

2) GREEK Case.

3669 On 'A'

3) YUGOSLAV Cases.

3634

On 'A' for complicity in all crimes indicated in the charge, except that of usurpation of sovereignty, as this had not been sufficiently substantiated.

- 3635 This case was adjourned for further information as to
a) whether the victim's arrest was illegal and
b) what part the accused himself took in deporting
the victim to the concentration camp.
- 3636 On 'A'
- 3637 On 'A' for ill-treatment of P.O.W. and complicity in murder.
- 3638 On 'A'
- 3639 1-2 on 'A'
- 3640 On 'A'
- 3641 On 'A'
- 3642 On 'A'
- 3670 1-2 on 'A' . (The second accused for pillage only).

4) FRENCH Cases.

a) Addenda.

- 405 (1) As the accused had already been listed, no action was
taken. Additional information and alterations to be
inserted in the List.
- 1352 (3) 1-3, 5, 8, 10-22 on 'A'
4, 6, 7, and 9 on 'S'
- 2251 (1) 1-4 on 'A'

b) New Cases.

- 3643 On 'A'
- 3644 1-3 on 'A'
4-9 on 'S'
- 3645 1 on 'S'
2 on 'A'
- 3646 On 'A'
- 3647 On 'A'
- 3648 On 'A' for destruction of property only as it was not clear
whether the accused was responsible in any way for the
victim's murder.
- 3649 1-3 on 'A'
4 on 'W'
- 3650 On 'A'
- 3651 2 and 3 on 'A'
1 and 4 on 'S'

| | |
|------|------------|
| 3652 | 1-2 on 'A' |
| 3653 | 1-4 on 'S' |
| 3654 | 1 on 'A' |
| | 2-3 on 'S' |
| 3655 | On 'A' |
| 3656 | On 'A' |
| 3657 | On 'A' |
| 3658 | On 'A' |
| 3659 | On 'A' |
| 3660 | 1-2 on 'A' |
| 3661 | On 'A' |
| 3662 | On 'A' |
| 3663 | 1-3 on 'A' |
| 3664 | 1-2 on 'A' |
| 3665 | On 'A' |
| 3666 | On 'A' |
| 3667 | On 'S' |
| 3668 | On 'A' |

5) CZECHOSLOVAK Cases.

a) Addenda.

952 (7) After Dr. Mayr-Harting stated in addition that the alleged crimes were committed after September 1939, the accused 1-3 were listed on 'A'

1789 (1) The first accused was additionally listed on 'S' on the first count.

b) New Cases.

3621 The Committee decided to consider this case as an addendum (VIII) to Charge No. 952.

Dr. Mayr-Harting amended the case to the effect that the alleged crimes were committed also in 1938 and submitted that those of them which were committed prior to September 1939 should be considered as crimes against humanity. This was unanimously agreed.

In order to enable the National Office to submit definite proposals as to which of the accused should

3621 (continued) be listed for war crimes and which of them for crimes against humanity the case was adjourned sine die.

3622 On 'A'

3623 On 'A'

3624 On 'A'

3625 On 'A'

While considering the cases 3623 and 3625, the Committee requested that in future cases of this type more information and particulars as to the circumstances in which the alleged crimes were committed should be submitted by the National Office.

6) BELGIAN Cases (addenda).

1109 (9) On 'S'

1109 (10) As these accused had already been listed, only alterations as indicated will be inserted in the next Commission List.

3077 (1) On 'W'

3174 (1) 1. 4-10, 12, 16-18 were re-classified from 'S' to 'A'
20-142 re-classified from 'W' to 'S'
143 on 'A'
13 and 19 re-classified from 'S' to 'C', i.e. removed from the List.

7) NETHERLANDS Cases.

3626 On 'A' for ill-treatment of P.O.W.

As the second count had not been sufficiently substantiated, and required clarification as to the legal points involved, the Secretary of the Committee was charged with preparing an explanatory note on the case. The case as to the second count was accordingly adjourned.

3627 This case was adjourned in order that the National Office might be asked for further information as to a) complicity of the accused in general policy and measures introduced by German authorities in expropriating Jews in Holland and b) the real value of the property acquired by the accused.

It was decided that after additional information was submitted by the National Office, the case will be automatically referred to Committee III for its opinion as to whether or not the alleged crime should be considered as a war crime and for what reasons.

3628 1-3 on 'S'
4-22 on 'A'

-5-

3629 1 on 'A'
 2 on 'W'

3630 On 'A'

3631 On 'S'

3632 On 'A'

3633 1-2 on 'A'
 3 on 'C'
 4 on 'W'

III. Polish Case No. 3018, involving 296 individual charges, prepared by the Jewish Agency for Palestine.

At the request of Dr. Szerer, the Polish representative, the Chairman re-opened a general discussion on the above cases, consideration of which was adjourned in the Meeting of 9th May 1946 (Minutes No. 60). After having summarised the main points of the previous discussion, M. de Baer asked Dr. Lachs whether the Polish Government was prepared to sponsor the cases.

DR. LACHS: Yes. All cases originally received by the Commission from the Jewish Agency had been handed over to the Polish representative on the Commission and after investigation it was found that certain of the cases concerned crimes committed on territories which were no longer Polish territories. This being so the Jewish Agency was asked to withdraw such cases, which they did, and submitted them to the Soviet prosecutor in Nuremberg.

There remained now 296 cases which mainly concerned crimes committed on Polish territory but also concerned several crimes committed in Czechoslovakia, Germany, and Hungary, which the Polish National Office thought should be included because they concerned Polish nationals as victims. The material was then submitted to the Committee in the original form together with the attached list of accused compiled by the National Office.

In reverting to the question which had been in abeyance for so long the Polish National Office submitted that the Committee accept the cases on the understanding that they had been transmitted by the Commission to the Polish Government which accepted them as being true and accepted the statements contained in those cases as corresponding with reality. They were now sponsored by the Polish Government.

SIR ROBERT CRAIGIE: It was not only a question of sponsoring but of having to go into each case in order to be satisfied with the validity of the ~~everything the Jewish Agency said. charge, & to represent it as if it had been formulated by the Polish National Office.~~ *the validity of the*

DR. LACHS: That was practically impossible. Of course the National Office cannot bear full responsibility for these cases but it had been assumed, until the contrary was proved, that all the evidence submitted by the Jewish Agency was correct and corresponded with facts, the more so as several persons had already been listed by the Commission on other Polish charges. This being so the Polish Government sponsor them, not accepting one hundred per cent responsibility, but submitting them as cases worthy of consideration.

M. DE BAER. So far as this Committee could go would be to list them on 'S' in view of the fact that the Government which was presenting the cases cannot really accept one hundred per cent

responsibility for accuracy or truthfulness of statements.

SIR ROBERT CRAIGIE: There was an alternative method. Could not the National Office go through them and pick out the worst cases - say 50, which could be supported by other evidence now in possession of the National Office, and then the Committee would be prepared to consider the charges seriously, but it would not be correct for this Committee to consider charges made by the Jewish Agency with that degree of reservation which Dr. Lachs submitted.

LIEUT. KINTNER supporting Sir Robert Craigie, said that the National Office should be prepared to vouch for all the statements. There should be files and valuable information in the Polish National Office which would in some measure verify these particular charges. If that was done the Committee would have no further difficulty.

DR. MAYR-HARTING also agreed with Sir Robert Craigie. The practice of the Committee was based on the fact that they accept facts stated by a Government Agency without going into the question of whether the statements are correct or not, and it would be dangerous to do the same with statements of facts of a more or less unofficial Agency. A Government has the possibility of going into the evidence and after it is satisfied that the evidence is sufficient, it submits a case. Even if a case is put on 'S' there is a clear statement of facts by the Government. It would be valuable if the Polish National Office could go into the cases and establish the facts as far as possible independently, if only in a limited number of them.

DR. LACHS: From the purely legal point of view the Committee would appreciate that interrogation of witnesses, unless conducted by an official body cannot be taken as one hundred per cent true. Those witnesses which form the material were interrogated by a special Commission set up by the Jewish Agency for interrogating those who escaped from Poland. In order to vouch one hundred per cent one would have to interrogate all those persons over again in Palestine, which is out of the question.

There was a possibility of accepting these statements as bona fide statements in view of the fact that they bear a similarity with other crimes. There was no doubt that those crimes could have been committed and bore similarity of treatment accorded to Jews in Poland during the war. The Polish Government felt that if the Commission did not list those cases there may be ill-feeling among that community which had suffered so much in Poland and the Commission could expose themselves to criticisms of disregarding the claims of a body which is a semi-official Jewish body.

M. DE BAER: It was precisely with that object in view that the cases were received right from the beginning. We did not want to give a body, however unofficial, the opportunity of saying that we did not want to examine their cases.

SIR ROBERT CRAIGIE: A decision taken some time ago, ^{without special} ~~which had~~ reference to the Jewish Agency, was that this Committee should only consider cases submitted by the National Offices. He did not think the Jewish Agency could have any possible grievance because we ~~are~~ were acting in accordance with the normal procedure of the Commission. It would be hopeless to take up charges put by any ^{non-official} ~~body~~ which might be ^{constituted for the purpose} ~~responsible and might not be~~. In the case of charges received from the Association of German Democratic Lawyers we declined to consider

them here but agreed to forward them to the military authorities in Germany and then revised the procedure and suggested that they should be forwarded direct.

M. DE BAER: The Committee appreciated the fact that the Polish Government was trying to do what it could for the Jewish Agency in bringing the accused to justice. The question was that it did not seem to fit in with the practice of this Committee or the Commission. He pointed out, however, that at a meeting held a long time ago with the representatives of Jewish bodies they were advised to bring up cases before the Commission and promised that this Commission would do what it could, and perhaps, now, it would be going back on what was said at that time.

Further consideration of this matter was adjourned to September and the Secretary was charged with preparing a memorandum on the whole subject discussed with Jewish representatives and the conclusions arrived at in the meeting referred to by M. de Baer.

IV. Closing of 42nd List of War Criminals.

The Committee decided to issue a new Commission List (No.42) of German war criminals. This would include cases accepted by the Committee up to the 31st July 1946 inclusive.

V. A. Issuing of a General Alphabetical Index of War Criminals. B. Procedure in preparing future Commission's Lists.

Ad. A. With a view to solving the difficulties encountered by the apprehending authorities in checking the identity of persons held by them against all previous Lists of war criminals issued by the Commission (see Minute No. 67), it was decided to issue as soon as practicable a general Alphabetical Index of war criminals. This would cover all the 40 Lists published by the Commission up to now, but should not be a repetition of the Lists, but a kind of directory showing only names of persons listed, their rank and official position and nationality, as well as all necessary reference to the Commission's Lists. As the proposed Index would probably include about 1000 pages it was suggested to publish it in four or five volumes.

Ad. B. With the same purpose in view, it was also decided that all future Commission's Lists should be arranged in one alphabetical order only instead of dividing them into sections according to countries submitting charges and categories of classification, as had been the practice hitherto. In order, however, to preserve the interests of the National Offices, each List will be preceded by a reference section showing by which countries the persons listed therein are wanted.

VI. Dates of next Meetings.

The Committee adjourned until August 15th, 1946, and decided that the subsequent Meeting would be held on August 29th, 1946.

6th August, 1946.

Dear Dr. Mayr-Harting,

The following is an excerpt from Minutes of the last Committee I meeting concerning the Czechoslovak case 3621:-

"The Committee decided to consider this case as an addendum (VIII) to charge 952.

"Dr. MAYR-HARTING amended the case to the effect that the alleged crimes were committed also in 1938, and submitted that those of them which were committed prior to September 1939 should be considered as crimes against humanity. This was unanimously agreed.

"In order to enable the National Office to submit definite proposals as to which of the accused should be listed for war crimes, and which for crimes against humanity, the case was adjourned sine die."

Yours sincerely,

J.L.

Secretary of Committee I

Dr. H. Mayr-Harting,
42, Wilton Crescent,
S. W. 1.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 15th August 1946
at 10.30 a.m.

In the Chair:

Sir Robert Craigie (United Kingdom).

There were also present:

Members of Committee I and their Deputies:

| | |
|------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Colonel Springer | United States of America |
| Lt. Kintner. | United States of America. |

Members of the Commission, not Members of Committee I,
and Representatives of the National Offices:

| | |
|------------------|----------------|
| M. Antonopoulos | Greece |
| M. Dimitzas | Greece |
| Commander Mouton | Netherlands |
| Miss Raag | Norway |
| Colonel Halse | United Kingdom |
| Dr. Marković | Yugoslavia. |

In the absence of Monsieur de BAER. Sir Robert CRAIGIE
took the Chair.

I. Minutes No. 69:

Minutes of the meeting held on 31st July, 1946, were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of United Kingdom, Yugoslav, Norwegian, Netherlands, Greek, United States, Belgian, and Czechoslovak cases, as follows:-

1) UNITED KINGDOM Cases.

| | |
|------|---|
| 3767 | On 'A'. (Crimes against non-British nationals). |
| 3768 | On 'A'. (Crimes against non-British nationals). |

2) YUGOSLAV Cases.

| | |
|------|---|
| 3635 | After Dr. Marković had stated that the accused was personally responsible for indiscriminate mass arrest, carried out during punitive expeditions, it was decided to list him on 'A' for illegal arrest, but not for deportation. |
|------|---|

| | |
|------|------------|
| 3769 | 1-2 on 'A' |
|------|------------|

3770 As the accused's functions were that of a liaison officer and no individual charges against him have been submitted, it was decided to list him on 'S'.

3808 In order to secure M. de BAER's views on this case, it was decided to adjourn its consideration for a month. However, the National Office was requested to submit in the meantime additional information as to whether the victims a) belonged to or were connected with properly organised units of the Yugoslav Army of National Liberation, b) whether they acquired or were entitled to acquire the status of P.O.W. and c) on what ground the sentences promulgated by the Italian Special Court should be considered as illegal or excessive.

3845 1-2 on 'A'

3846 On 'A'

3) NORWEGIAN Cases.

3832 1 and 2 on 'A'

3833 On 'A'

4) NETHERLANDS Cases.

3822 On 'A'

3823 1-2 on 'A'

3824 On 'A'

3825 1 on 'S'
2 on 'W'

3826 1-2 on 'A'

3827 1-2 on 'S'

3828 On 'S' for murder and on 'A' for ill-treatment.

3829 1-6 on 'A'

3830 1-2 on 'A'

3831 1 on 'A'
2-3 on 'C'

5) GREEK Cases.

3671 On 'A'

3672-3682 All on 'A'

3683 This case was adjourned for clarification as from the information submitted in the main case (3671) under B.3. it appears that this accused held his official position prior to the material time.

3684-3690 All on 'A'

- 3691 In view of the ecclesiastical profession of the accused this case was considered as not sufficiently substantiated and accordingly adjourned for additional information.
- 3692-3695 All on 'A'
- 3696 This case was adjourned for additional information as to the ground on which the accused should be made responsible for the alleged crimes in view of the official position he actually held at the material time.
- 3697, 3698 In view of the judicial profession of the accused, both cases were considered as not sufficiently substantiated and accordingly adjourned for additional information.
- 3699 On 'A'
- 3700 This case was adjourned for additional information as to the ground on which the accused should be made responsible for the alleged crimes in view of the official position he actually held at the material time.
- 3701-3731 All on 'A'
- 3732 As no specific charges have been brought against this accused, and no qualification as to his criminal responsibility submitted, the case was adjourned for further information.
- 3733 1-2 on 'A'
- 3734 1-4 on 'A'
- 3735 On 'A'
- 3736 1-2 on 'A'
- 3737 1-6 on 'A'
- 3738 On 'A'
- 3739 This was adjourned for additional information as to the accused's responsibility.
- 3740 On 'A'
- 3741 On 'A'
- 3742 On 'A'
- 3743 On 'A'
- 3744 On 'A' for murder, confiscation of property and pillage.
- 3745 On 'A' for ill-treatment only.
- 3746-3753 1-8 on 'A'
- 3754 On 'A' for torture resulting in death.
- 3755, 3756 1-2 on 'A'

3757 On 'A' for murder, torture and pillage.
3758 On 'A'
3759 On 'A' for murder, destruction of property, and
deportation.
3760 On 'A' for ill-treatment and pillage.
3761 On 'A' for illegal arrest and pillage.
3762 On 'A' for deportation and expropriation.
3763 On 'A' for murder and torture.
3764 On 'A' for murder and pillage
3765 On 'A'
3766 On 'A' for expropriation and theft.

6) UNITED STATES Cases.

3813 1-3 on 'A'
3814 On 'A'
3815 1-4 on 'A'
3816 1-2 on 'A'
3817 On 'A' for ill-treatment of P.O.W.
3818 1-4 on 'A'
3819 On 'A'
3820 1-6 on 'A'
3821 1-3 on 'A'

7) BELGIAN Cases.

3809 On 'A'
3810 As the responsibility of the accused for the alleged
crimes had not been established in any way, the case
was adjourned for additional information.
3811 As it was not stated on what grounds the accused
have been charged, the case was adjourned for
further information.
3812 On 'S'

8) CZECHOSLOVAK Case.

952 (Addendum VIII). With regard to this case Sir Robert CRAIGIE said that it would be difficult for him to accept any date before September 1939 as a basis for listing persons for war crimes proper, taking them on the scale submitted in this addendum. It is true that the Committee did agree in one case to regard crimes committed prior to that time as war crimes, though rather special circumstances attached to the particular case; but he should have to take the whole matter up again with the United Kingdom Government before he could agree to something which would carry the implication that the war between Germany and Czechoslovakia began as from 15th March, 1939.

Dr. Mayr-Harting: I would not object to amending the case to the effect that all crimes committed prior to 3rd September 1939 should be accepted as crimes against humanity, but the Czechoslovak Government could not change the view that Czechoslovakia considered herself at war with Germany as from 17th September, 1938.

Lt. Kintner: I can only re-state the view that the U.S. delegation do not feel they can vote for the listing of any crime against humanity pending a decision at the Nuremberg Trials, unless they have specific instructions from their Government; and I am willing to ask for those instructions on the basis of the individual case, but it will take some time to get them.

Dr. Mayr-Harting: A similar promise - that special instructions will be asked for from the United States Government - had been given for almost every case involving crimes against humanity, and no answer has ever been heard, so I do not think we should adjourn the case for this reason. During a former discussion on a special case Colonel Hodgson's objections were only against the concrete case, and I remember he distinctly denied that there is a general objection against the listing for any crime against humanity.

Lt. Kintner: Our view is that a crime against humanity had not been judicially defined. We hope that it will be at Nuremberg, and pending actual judicial definition of crimes against humanity our Government desires to review every case individually. That was done in the Sepp Dietz case and I would ask that the same be done in this case.

Sir Robert Craigie: I hope that Lt. Kintner, in putting this case up to his Government, would point out that, in my view at all events, if the Commission is to proceed with crimes against humanity, these particular acts

committed in Czechoslovakia before the outbreak of war constitute the essence of such a charge.

Lt. Kintner: I will take the case to the State Department in Washington when I go there next week. I am just as anxious for this matter to be settled as Dr. Mayr-Harting.

Sir Robert Craigie: Perhaps it would be possible also to assure the State Department that if there were to be any decision at Nuremberg which ran contrary to our interpretation of crimes against humanity, the whole question would have to be reconsidered by Committee III.

The case was accordingly adjourned sine die

III. Procedure in preparing Commission's Lists.

In addition to the decisions taken at the previous meeting (see Minutes No. 69), it was also decided that as from List No. 42, issuing of separate Lists of Italian, Albanian, Bulgarian, Hungarian and Rumanian war criminals should be dis-continued, and that war criminals of all nationalities, except Japanese, would be included in each issue.

The 42nd List, already closed on 31st July 1946, would therefore include all persons of these categories listed by the Commission up to that date inclusive.

See new page

334

-5-

8) CZECHOSLOVAK Case.

952 (Addendum VIII).

With regard to this case Sir Robert CRAIGIE said that it would be difficult for him to accept any date before September 1939 as a basis for listing persons for war crimes proper, taking them on the scale submitted in this addendum. It is true that the Committee did agree in one case to regard crimes committed prior to that time as war crimes, though rather special circumstances attached to the particular case; but he should have to take the whole matter up again with the United Kingdom Government before he could agree to something which would carry the implication that the war between Germany and Czechoslovakia began as from 15th March, 1939.

draft to
Dr. Mayr-Harting: I would not mind amending the case to the effect that all crimes committed prior to 3rd September 1939 should be accepted as crimes against humanity, but the Czechoslovak Government could not change the view that Czechoslovakia considered herself at war with Germany as from 1st October, 1938.

17 Sept.

Lt. Kintner: I can only re-state the view that the U.S. delegation do not feel they can vote for the listing of any crime against humanity pending a decision at the Nuremberg Trials, unless they have specific instructions from their Government; and I am willing to ask for those instructions on the basis of the individual case, but it will take some time to get them.

Dr. Mayr-Harting: A similar promise - that special instructions will be asked for from the United States Government - had been given for almost every case involving crimes against humanity, and no answer has ever been heard, so I do not think we should adjourn the case for this reason. During a former discussion on a special case Colonel Hodgson's objections were only against the concrete case, and I remember he distinctly denied that there is a general objection against the listing for any crime against humanity.

Lt. Kintner: Our view is that a crime against humanity had not been judicially defined. We hope that it will be at Nuremberg, and pending actual judicial definition of crimes against humanity our Government desires to review every such case individually. That was done in the Sepp Dietz case and I would ask that the same be done in this case.

Sir Robert Craigie: I hope that Lt. Kintner, in putting this case up to his Government, would point out that, in my view at all events, if the Commission is to proceed with crimes against humanity, these particular acts

committed in Czechoslovakia before the outbreak of war constitute the essence of such a charge.

Lt. Kintner: I will take the case to the State Department in Washington when I go there next week. I am just as anxious for this matter to be settled as Dr. Mayr-Harting.

Sir Robert Craigie: Perhaps it would be possible also to assure the State Department that if there were to be any decision at Nuremberg which ran contrary to our interpretation of crimes against humanity, the whole question would have to be reconsidered by Committee III.

The case was accordingly adjourned sine die.

III. Procedure in preparing Commission's Lists.

In addition to the decisions taken at the previous meeting (see Minutes No. 69), it was also decided that as from List No. 42, issuing of separate Lists of Italian, Albanian, Bulgarian, Hungarian and ~~Rumanian~~ war criminals should be dis-continued and that war criminals of all nationalities, except Japanese, would be included in each issue.

The 42nd List, already closed on 31st July 1946, would therefore include all persons of these categories listed by the Commission up to that date inclusive.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 29th August, 1946,
at 10.30. a.m.

In the chair: Sir Robert Craigie (United Kingdom).

There were also present:

Members of Committee I and their Deputies:

| | |
|------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Colonel Springer | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|------------------|----------------|
| Major Fanderlik | Czechoslovakia |
| Mlle. Capimont | France |
| M. Dimitzas | Greece |
| Commander Mouton | Netherlands |
| Miss Raag | Norway |
| Major Fletcher | United Kingdom |
| Major Mason | United Kingdom |
| Dr. Marković | Yugoslavia |

In the absence of Monsieur de BAER, Sir Robert CRAIGIE
took the Chair.

I. Minutes No. 69 and 70.

At the request of Sir Robert CRAIGIE, Minutes of the Meeting held on 31st July 1946 (No. 69), were amended to the effect that his statements on pages 5 and 6 (last paragraph) should read respectively as follows:

Page 5. "SIR ROBERT CRAIGIE: It was not only a question of sponsoring but of having to go into each case in order to be satisfied with the validity of the charge and to represent it as if it had been formulated by the Polish National Office."

Page 6. "SIR ROBERT CRAIGIE: A decision taken some time ago, without special reference to the Jewish Agency, was that this Committee should only consider cases submitted by the National Offices. He did not think the Jewish Agency could have any possible grievance because we were acting in accordance with the normal procedure of the Commission. It would be hopeless to take up charges put up by any non-official body which might be constituted for the purpose. In the case of charges received from the Association of German Democratic Lawyers we declined to consider them here but agreed to forward them to the military authorities in Germany and then revised the procedure and suggested that they should be forwarded direct"

Minutes of the Meeting held on 15th August 1946 (No. 70) were approved, subject to two corrections submitted by Dr. Mayr-Harting, regarding his statement on page 5. These will be incorporated in the final text.

II. Proceedings in Individual Cases.

The Committee decided upon a number of Norwegian, United Kingdom, French, Yugoslav, Greek, Czechoslovak and Netherlands cases, as follows:

1) NORWEGIAN Case.

3913 On 'A' for ill-treatment.

2) UNITED KINGDOM Cases.

3835 1 -2 on 'A'

3836 On 'A'

3870 1-4 on 'A'

3871 1-3 on 'A'

3873 On 'A'

3) FRENCH Cases.

Addenda

686 (1) 1-2 on 'A'
3 on 'S'

804 (1) On 'A'

830 (1) 1 already listed
2 on 'A'
3 on 'S'

1058 (2) 1-44 on 'A'

1192 (2) 1-11, 13, 15, 17-36, 38, 39, 41, 44, 46, 47, on 'A'
12, 14, 16, 37, 40, 45 on 'S'

1412 (1) On 'A'

1685 (1) On 'A'

4) YUGOSLAV Cases.

3837 1-3 on 'A'

3838 1-3 on 'A'

3839 On 'A'

3840 The Committee were of opinion that this case was not a prima facie case against the accused so far as the particular sentence was concerned. As it appeared that the accused were responsible only for setting up the Military Court in question, which in itself could not be considered a crime, it was agreed to adjourn the

II. Proceedings in Individual Cases.

The Committee decided upon a number of Norwegian, United Kingdom, French, Yugoslav, Greek, Czechoslovak and Netherlands cases, as follows:

1) NORWEGIAN Case.

3913 On 'A' for ill-treatment.

2) UNITED KINGDOM Cases.

3835 1 -2 on 'A'

3836 On 'A'

3870 1-4 on 'A'

3871 1-3 on 'A'

3873 On 'A'

3) FRENCH Cases.

Addenda

686 (1) 1-2 on 'A'
3 on 'S'

804 (1) On 'A'

830 (1) 1 already listed
2 on 'A'
3 on 'S'

1058 (2) 1-44 on 'A'

1192 (2) 1-11, 13, 15, 17-36, 38, 39, 41, 44, 46, 47, on 'A'
12, 14, 16, 37, 40, 45 on 'S'

1412 (1) On 'A'

1685 (1) On 'A'

4) YUGOSLAV Cases.

3837 1-3 on 'A'

3838 1-3 on 'A'

3839 On 'A'

3840 The Committee were of opinion that this case was not a prima facie case against the accused so far as the particular sentence was concerned. As it appeared that the accused were responsible only for setting up the Military Court in question, which in itself could not be considered a crime, it was agreed to adjourn the

- 3840 (contd). case for additional information as to the names of the judges who actually promulgated the death sentence against the victim and also as to the procedure applied by the Court in this case.
- 3841 On 'A'
- 3842 1-8 on 'A'
- 3843 This case was adjourned for further information as the accused's responsibility was not sufficiently established.
- 3844 1 and 3 on 'A'
The second accused was listed on 'W' only as there was no evidence that this accused had actually taken part in the punitive expedition and committed any crimes.
- 3847 On 'A'
- 3911 On 'A' for pillage, deportation and wanton destruction.
- 3912 1-2 and 4-22 on 'A'
3 on 'W'.

GREEK Cases.

- 383 (addendum) 1-11 on 'A'
- 3771 1-4 on 'A'
- 3772 1 on 'A'
2 on 'W'
- 3773 On 'A'
- 3774 On 'A' for deportation and pillage.
- The case as to other counts was adjourned until more elaborated information be submitted by the National Office.
- 3775 As the information submitted in this case was not sufficient to take any definite view as to the criminality of the alleged activities of the accused, the case was adjourned in order to enable the National Office to substantiate the charges by more detailed information.
- 3776 On 'A'
- 3777 On 'A'
- 3778 On 'A'
- 3779 On 'A'
- 3780 On 'A'
- 3781 On 'A'
- 3782 On 'A'
- 3783-3785 1-3 on 'A'

3786 On 'A'

3787 On 'A' for murder only

3788 On 'A'

3789 On 'A'

3790 On 'A'

3791-3798 1-8 on 'A'

3799 1-2 on 'A'

3800 On 'A'

3801 On 'A'

3802 On 'A' for putting hostages to death, ill-treatment and looting.

3803-3805 1-3 on 'A'

3806 On 'A'

3807 On 'A'

3874 On 'A' for sentencing illegally to death.
(The case will be communicated to the United Kingdom National Office in view of the fact that British nationals were also among the victims).

3875 1-7 on 'A'.
(The case will be communicated to the United Kingdom National Office in view of the fact that British nationals were also among the victims).

3876 1-4 on 'A'.
(The case will be communicated to the United Kingdom National Office in view of the fact that British nationals were also among the victims).

3877 1-2 on 'A'

3878 On 'A'

3879 On 'A'

3880 On 'A'

3881 1-2 and 4-6 on 'A'
3 on 'W'

3882 1-4 on 'A'

3883 1-5 on 'A'

3884 1-6 on 'A'

3885 On 'A'

3886 On 'A'

-5-

3887 On 'A'
 3888 1-2 on 'A'
 3889 On 'A' for pillage
 3890 On 'A'
 3891 On 'A'
 3892 On 'A'

6) CZECHOSLOVAK Cases.

1792 (addendum) On 'A'
 III
 3621 On 'A' for complicity in deportation.
 3872 1-23 on 'A'
 24-27 on 'S'

7) NETHERLANDS Cases.

3626 As the accused in this case had already been listed on 'A' for ill-treatment) at the Meeting on 31st July last, the Committee considered the second charge brought against this accused, namely, that of employing prisoners of war on unauthorized work.

After some discussion, the Committee arrived at the opinion that the case was not sufficiently clear as to whether the accused, in view of his official position, was in fact in any way responsible for the assignment of prisoners to the unauthorized work. It appeared that the probable presumption would be that he, as one of the chiefs of departments of the factory in question, had nothing to do with the allotment of prisoners to the factory, and that the responsibility for that rested exclusively with the military authorities in charge of Prisoners of war camps.

Therefore, no change was made in the previous decision, and the case with regard to this count was adjourned sine die.

3834 With regard to this charge, the Committee was of opinion that the case was not a violation of Article 41 of the Hague Regulations as neither an armistice nor a capitulation had been agreed upon between the belligerent forces at the material time, but that the action as alleged would constitute an abuse of the flag of truce itself as distinguished from abuse of the mission by an authorized flag bearer.

As during the discussion some doubt arose as to the factual circumstances and as to the persons who should

3834 (contd) be held responsible for the alleged act, the case was adjourned in order that the National Office might be asked for additional information as to
a). what was the wording of the second German ultimatum presented to the Burgomaster of Rotterdam;
b). whether there was any undertaking by the German Command to suspend the bombing of Rotterdam or not to resort to any other destructive measures during negotiations which had taken place under the flag of truce or before the ultimatum was due to expire.
c). who was actually responsible for the bombing of Rotterdam: General STUDENT, General SCHMITT, or any other person.

3893 1 on 'A'
2 on 'C'
3-4 on 'W'

3894 1 on 'A'
2-3 on 'S'
5 on 'W'
VALTH left out as he was not witness to the crime.

3895 On 'A'

3896 On 'A'

3897 1-4 on 'A'
5 on 'S'

3898 On 'A'

3899 On 'A'

3900 On 'A'

3901 On 'A'

3902 On 'A' for illegal arrest only.

The second charge preferred against this accused had not been accepted as in view of the fact that the children's parents, who were forced to send them to a German school, were themselves only naturalised Dutch and of German origin, the charge of attempts to denationalise the inhabitants of occupied territory seemed to be not sufficiently substantiated.

3903 1-4 on 'S'
5-6 on 'C'

3904 1 on 'A'
2 on 'S'

3905 1-4 on 'A'
5-7 on 'S'

3906 1-2 on 'A'
3 on 'S'

329

-7-

| | |
|------|------------|
| 3907 | On 'A' |
| 3908 | On 'A' |
| 3909 | 1-2 on 'A' |
| 3910 | On 'A' |

326

330

No. 70
Pages 5 and 6 (a)

UNITED NATIONS WAR CRIMES COMMISSION

Pages 5 and 6 of the Summary Minutes (No. 70) of the Meeting
of Committee I held on 15th August 1946, as amended by the
decision of Committee I held on 29th August 1946 (Minutes No. 71)

No. 72.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 5th September 1946
at 10.30 a.m.

In the Chair: Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Sir Robert Craigie | United Kingdom. |
| Dr. Mayr-Harting | Czechoslovakia. |
| Colonel Springer | United States of America. |

Members of the Commission, not Members of Committee I. and Representatives
of the National Offices.

| | |
|------------------|----------------|
| Melle. Capiomont | France |
| Commander Mouton | Netherlands |
| Major Mason | United Kingdom |
| Dr. Marković | Yugoslavia. |

I. Minutes No. 71.

Minutes of the Meeting held on the 29th August, 1946, were approved.

II. Procedure regarding persons listed as Suspects.

Sir Robert CRAIGIE referred to Document C. 82, of 12th March, 1945, which clearly showed the original intention of the Commission when deciding to classify certain persons and units as "Suspects". As far as he understood, that recommendation had fallen into abeyance so far as the military authorities were concerned, as in actual practice no distinction now seemed to be made between persons listed as War Criminals and those listed as Suspects, the latter being surrendered on demand in the same way as the former. He thought this practice undesirable in view of the fact that the Committee takes a good deal of trouble in making such distinction.

Sir Robert CRAIGIE proposed, therefore, that the Commission should remind the military holding authorities that Suspects should simply be detained as the evidence at present available is incomplete. They should be surrendered only when the National Offices concerned have forwarded further evidence direct to the holding authorities which satisfies them that the persons should, in fact, be surrendered.

Dr. MAYR-HARTING agreed that it was unsatisfactory for the Commission to differentiate between War Criminals and Suspects when in actual practice there was no difference, but doubted whether it would be desirable to diminish the value of the present list of Suspects by advising the authorities concerned that such persons should not be surrendered. He entirely agreed with Sir Robert Craigie's proposal, however, in so far as future lists of suspected persons were concerned.

Dr. MAYR-HARTING further pointed out the difficulty with which the

military authorities were and would be confronted, in that they did not know the facts which had to be investigated before surrender was possible. When this question had been raised with investigating teams at a time when no one knew how the military authorities would react to the different lists, it was revealed that the difference between War Criminals and Suspects was not generally known. It would be necessary, therefore, to state in the Commission Lists specifically the facts which must be investigated before surrender was possible.

M. de BAER said that the Governments had, of course, difficulties in carrying out proper investigations during and immediately after the war, and the Commission had to make allowance in that respect, but now that so much more evidence was available and investigating teams were given every facility, the practice with regard to the listing of Suspects should be very much tightened up.

Sir Robert CRAIGIE wondered whether the distinction made between War Criminals and Suspects had any effect in so far as the actual prosecution and trial were concerned.

Major MASON stated that so far as military courts were concerned cases were considered on the actual evidence and material before the courts, irrespective of whether they were listed by the Commission on 'A' or 'S'.

Colonel SPRINGER said that so far as he had been able to observe during the short time he had been a member of the Commission, the Suspect list had seemed to serve a very useful purpose when it had been advisable to list certain cases instead of postponing them for some time. He would therefore hesitate to vote for the elimination of the Suspect list especially in view of the fact that the Committee had followed this practice for some considerable time, and more confusion might arise among those in the field by stopping the practice than by retaining it.

The Committee agreed that any retroactive decision might lead to confusion among the military authorities. With regard to future cases, it was decided that those cases in which, in the past, persons would have been classified as "Suspects" should in future be adjourned and the National Offices concerned asked for further information, and exception made only in certain types of cases where it would seem desirable to emphasise the distinction by listing certain categories of persons as Suspects, i.e., only in cases where members of concentration camps staff, the Gestapo or named members of military units were concerned.

Dr. Litawski was asked to prepare a report embodying the above proposals for circulation to National Offices.

III. Proceedings in Individual Cases.

The Committee decided upon a number of United Kingdom, Yugoslav, Czechoslovak, French and Netherlands cases, as follows:-

1) UNITED KINGDOM Cases.

1563 (addendum 2). On 'A'

3914

1-4 on 'A'

5-11 on 'W' only as it was not sufficiently clear whether these accused were actually concerned in the shooting of the Canadian airman.

323

-3-

3968 1-2 on 'A'

3969 1-2 on 'A'

2) YUGOSLAV Cases.

3915 1-14 and 17 plus SCHUSTER and LOHRER on 'A'
on all counts except that of directions to give
no quarter.
15 and 16 on 'W'.

3916 1 plus BYSCHOFSHAUSEN on 'A' for murder and looting.

3917 This was adjourned for further information as to
the responsibility of the accused and especially as
to what was in fact the connection between the accused
and the crimes committed, as they were, by other persons.

3918 This was adjourned for additional information as it
appeared that the accused was probably not responsible
for the victim's death. Some doubt arose also
as to whether the alleged action could be considered
as criminal.

3919 On 'A'

3920 On 'A'

3921 This case was adjourned in order that the National
Office might be asked for additional information as
to the grounds on which the charge of illegality of
the victim's arrest had been based.

3922 On 'A'

3923 The National Office was requested for more particulars
as to the alleged responsibility of the accused and
especially as to whether these accused were present
when the beating of the victims took place and whether
the accused were in fact personally responsible for
sending victims to the concentration camp. Pending
further investigation the accused 1 and 2 were
provisionally listed on 'F'

3924 This case was adjourned for more particulars as to
the circumstances of the alleged crime as well as to
the extent of damage caused by the accused's action.

3925 1-8 on 'A'

3926 1-3 on 'A'

3927 On 'A' for torture.

3966 1-3 on 'A'

3967 On 'A'

3) CZECHOSLOVAK Case.

1963 (addendum). After Dr. Mayr-Harting had additionally stated that the crimes were committed on 29th August 1944 at Banska Bistrica, it was decided to re-classify the accused 7, 12, 13 and 46 from 'S' to 'A'.

4) FRENCH Cases.

a) Adjourned and addenda.

| | |
|----------|--|
| 1684 | On 'A' |
| 1394 (1) | 1-5 on 'A' |
| 1945 | 1-3 additionally listed on the second count. |
| 2009 (4) | 1-30 on 'A' |

b) New Cases.

| | |
|------|---|
| 3848 | On 'A' |
| 3849 | On 'A':- 1-4, 6, 11, 12, 14-54, 56, 57, 59-64. On 'W':- 58. The case with regard to the accused 5, 7-10, 13 and 55, was adjourned for further information as to the responsibility of the accused in view of the fact that no individual charges had been submitted against them. The National Office was also asked to supplement the case with additional information as to whether or not all the victims shot by the Germans were combatants. |
| 3850 | On 'A' |
| 3851 | 1-3 on 'A' for ill-treatment. |
| 3852 | On 'A' |
| 3853 | 1-2 on 'A' |
| 3854 | On 'A' |
| 3855 | 1-4 on 'A' |
| 3856 | On 'A':- 1-5, 7, 8, 13, 14, 17, 23. On 'S':- 6, 9-11, 15, 16, 18-20, 24-32. On 'W':- 12, 21, 22. On all counts except that of internment of civilians. |
| 3857 | 1-19 on 'A' |
| 3858 | 1-12 on 'A' |
| 3859 | On 'A' |
| 3860 | 1-2 on 'A' |

-5-

3861 On 'A':- 1-3, 6-8, 11, 28, 36, 62 and HOPNER.
On 'S':- 4, 5, 9, 10, 13-27, 29-35, 37-61, 63, 64.
On 'W':- 12, 65-67.

3862 1-5 on 'A'

3863 On 'A'

3864 1-9 on 'A'

3865 1-3 on 'A'

3866 1-3 on 'A'

3867 1-5 on 'A'
6-8 on 'W'

3868 On 'A'

3869 On 'A'

3928 1-2 on 'A'

3929 On 'A':- 1-3, 8, 9, 11, 19, 20, 23, 34-40, 42, 44, 45,
47-49, 53, 55, 57, 58, 61, 62 and SPUMLER.
On 'S':- 4-7, 10, 12-18, 21, 24-33, 41, 43, 46, 50-52,
54, 56, 59, 60.
On 'W':- 22.

3930 1-10 on 'A'

3931 1-33 on 'A'

3932 1-2 on 'A'

3933 1-2 on 'A'

3934 1-2 on 'A'

3935 On 'A'

3936 On 'A'

3937 On 'A'

3938 On 'A'

3939 1, 3-4 on 'A'
In regard to the second accused the case was adjourned
as the responsibility of this accused had not been
sufficiently established.

3940 On 'A'

3941 1-2 on 'A' for ill-treatment. The other charge had not
been substantiated.

3942 On 'A'

3943 On 'A'

- 3944 1 on 'A'
2-4 on 'W'
- 3945 On 'A'
- 3946 1-2, 6-7 and 10 on 'A'
3-5 and 8-9 on 'S'
BANCKOFF to be removed from the Commission's List.
- 3947 On 'A'
- 3948 On 'A'
- 3949 On 'A'
- 3950 On 'A'
- 3951 This was adjourned in order that the National Office might be asked to substantiate, in more detail, the allegation that the port installations were blown up without any military necessity.
- 3952 On 'A'
- 3953 On 'A'
- 3954 On 'A'
- 3955 1-2 on 'A'
- 3956 On 'A'
- 3957 On 'A'

5) NETHERLANDS Cases.

- 3958 This case was adjourned sine die as the Committee were of opinion that on the evidence supplied by the National Office the accused's action could not be considered a war crime.
- 3959 1 on 'A'
2 on 'C'
- 3960 1-2 on 'A'
- 3961 1 on 'A'
2-5 on 'W'
- 3962 On 'A'
- 3963 1, 4 and 5 on 'W'
The first accused was listed provisionally on 'W' until the National Office would be able to submit additional information as to what was the original charge against the victim.

With regard to the second and third accused, the case was adjourned and the National Office requested

325

-7-

to produce the records of proceedings of the German Court relating to the victim's trial.

- 3964 On 'A'
- 3965 1 on 'A' for deportation.
 2 on 'W'

IV. Report on present state of CROWCASS (Document I/67).

Consideration of this matter was adjourned until the next Meeting.

V. Closing of 43rd List of War Criminals.

The Committee decided to issue a new Commission's List (No. 43), of War Criminals. This would include all cases accepted by the Committee up to 5th September 1946, inclusive, except those against Japanese War Criminals.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 12th September 1946, at 10.30. am.

In the chair: Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

| | |
|------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Lt. Kintner | United States of America. |

Members of the Commission, not Members of Committee I, and Representatives of the National Offices.

| | |
|------------------|-------------|
| Mlle Capiemont | France |
| Commander Mouton | Netherlands |
| Dr. Szerer | Poland |
| Dr. Marković | Yugoslavia. |

I. Minutes No. 72.

Minutes of the Meeting held on 5th September 1946 were approved.

II. Proceedings in Individual Cases.

The Committee decided upon a number of Polish, Yugoslav, French, Netherlands and Czechoslovak cases, as follows:-

1) POLISH Cases.

| | |
|------|--|
| 4001 | On 'A' for murders, torture and looting. |
| 4002 | On 'A' for mass murder. |

2) YUGOSLAV Cases.

| | |
|-----------------|---|
| 3769 (addendum) | SCHRAEDER on 'W' |
| 3970 | 1-3 on 'A' |
| 3971 | On 'W' |
| 3972 (V) | On 'A' for wanton destruction only as the other charge had not been sufficiently substantiated. |
| 3973 | On 'A' |

3) FRENCH Cases.

a) Addenda.

915 (4) As all the accused have already been listed on 'A' on the original charge, this addendum was accepted as additional information only, and no further action taken.

1959 (2) 1-102 on 'A'

3432 (1) 1 and 2 on 'A'
3 on 'W'

b) New Cases.

3974 1 on 'A'
2-3 on 'S'
4-5 on 'W'

3975 1-2 on 'A'

3976 On 'A'

3977 1-2 on 'A'

3978 On 'A'

3979 On 'W'

3980 1-3 on 'A'

3981 1-2 on 'A'

3982 1-2 on 'A'

3983 1-2 on 'A'

3984 On 'A'

3985 On 'A' for ill-treatment.

3986 This case was adjourned in order that the National Office might be asked for additional information necessary to substantiate the allegation that the destruction of the installations in question were in fact not necessitated by military reasons.

3987 1 on 'W'
2 on 'A'

3988 This was adjourned for additional information as to which of the accused issued orders for shooting the victim or was in any other way implicated in the victim's murder.

3989 With regard to the accused 2 and 4-7, the case was adjourned for additional information as to which of these accused were present at the time and places when and where the alleged crimes were committed in order to establish their responsibility.

Pending further investigation only the first accused

3989 (contd) had been listed on 'A' for pillage and wanton destruction.

3990 On 'A'

3991 On 'A'

3992 1-2 on 'A'

3993 On 'A'

3994 On 'A'

3995 1-3 on 'A'

3996 1-3 on 'A'
4 on 'W'

3997 On 'A'

3998 On 'A'

3999 1-6 on 'A'

4000 1 on 'A'
In view of the fact that the first accused is already in custody, the National Office was requested to interrogate this accused and make further investigation in order to establish whether any of the remaining persons charged in this case were in fact responsible for the alleged crimes or had taken part in their commission. The case with regard to the accused 2-43 was accordingly adjourned.

4008 On 'A'

4) NETHERLANDS Cases.

4003 After Commander Mouton had additionally stated that according to German regulations, the victims were entitled to keep their bicycles, it was decided to list the accused on 'A' for pillage of bicycles only. No action was taken with regard to other charges as they were not sufficiently substantiated.

4004 1 on 'A' for pillage and complicity in deportation.
2 on 'A' for pillage.

4005 On 'A'

4006 This case was adjourned as the accused's complicity in the alleged crime could not be considered sufficiently established, as it appeared that the crime had actually been committed by members of the Gestapo and not by the accused himself.

4007 On 'A' for pillage.

5) CZECHOSLOVAK Case.

952 (Addendum VIII)

After Lt Kintner had stated that he had no objection to listing the accused in question for crimes against humanity, it was decided to list additionally all the individual accused and units, ~~except those indicated on page 3 of this addendum~~, also for crimes against humanity, ¹so far as these accused ²were in fact in office as from 17th September 1938 to September 3rd 1939, ³with the proviso that the original classification ('A' or 'S') should not be changed.

1) (indiscriminate mass arrest, illegal arrest & deportation of civilians to various concentration camps),

2) (individual accused as well as members of the units),

3) & for war crimes (indiscriminate mass arrest, illegal arrest & deportation of civilians to various concentration camps) as far as they were in office as from the 4th Sept 1939 until the 8th May 1945,

This would practically mean that in the "Alteration Section" of the respective list should only be shown that these accused (to be indicated by reference numbers only) have also been charged with crimes against humanity (indiscriminate mass arrest, illegal arrest and deportation of civilians) committed between ⁴September 17th 1938 and September 3rd 1939, ⁵so far as they were in fact in office at that time.

III. Report on present state of CROWCASS. (Document I/67).

The Committee took note of the information submitted in Document I/67 and Monsieur de Baer took upon himself to report to the Commission at its next Meeting on the present state of this organization.

IV. Draft Report on Procedure regarding Persons listed as Suspects. (Document I/68)

Consideration of this matter was adjourned until the next Meeting.

V. Date of next Meeting.

It was decided that the next Committee Meeting should be convened for 26th September 1946.

4) & for war crimes (indiscriminate mass arrest, illegal arrest & deportation of civilians to various concentration camps) committed between 4th Sept 1939 & 8th May 1945, so far as they were in fact in office at the relevant time.

COMMITTEE I MINUTES.NO. 73. page 4, revised.Meeting on 12th September, 1946.5) CZECHOSLOVAK Case.

952 (Addendum VIII). After Lt. Kintner had stated that he had no objection to listing the accused in question for crimes against humanity, it was decided to list additionally all the individual accused and units also for crimes against humanity, (indiscriminate mass arrest, illegal arrest and deportation of civilians to various concentration camps,) so far as these accused, (individual accused as well as members of units,) were in fact in office as from 1st October 1938 to September 3rd 1939, and for war crimes, (indiscriminate mass arrest, illegal arrest and deportation of civilians to various concentration camps) so far as they were in office as from the 4th September 1939 until the 8th May, 1945 with the proviso that the original classification ('A' or 'S') should not be changed.

This would practically mean that in the "Alteration Section" of the respective list should only be shown that these accused (to be indicated by reference numbers only) have been charged with crimes against humanity (indiscriminate mass arrest, illegal arrest and deportation of civilians) committed between October 1st, 1938, and September 3rd, 1939, and for war crimes (indiscriminate mass arrest, illegal arrest and deportation of civilians to various concentration camps) committed between 4th September, 1939, and 8th May, 1945, so far as they were in fact in office at the relevant time".

III. Report on present state of CROWCASS. (Document I/67).

The Committee took note of the information submitted in Document I/67 and Monsieur de Baer took upon himself to report to the Commission at its next Meeting on the present state of this organization.

IV. Draft Report on Procedure regarding Persons listed as Suspects. (Document I/68).

Consideration of this matter was adjourned until the next Meeting.

V. Date of next Meeting.

It was decided that the next Committee Meeting should be convened for 26th September, 1946.



OFFICE OF THE CZECHOSLOVAK REPRESENTATIVE
ON THE UNITED NATIONS COMMISSION
FOR INVESTIGATION OF WAR CRIMES

318
42, WILTON CRESCENT,
LONDON, S.W.1

SLOane 9928 (3 lines).

8th October, 1946.

Reference: -

Dr. J. Litawski,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square, W.1.

Dear Dr. Litawski,

May I ask you to have the following corrections made to the Minutes of
Committee I, No. 73, page 4.

5) CZECHOSLOVAK Case

952 (Addendum VIII)

Lines 5 and 6 - delete the words "except those..... of this addendum".

Line 6 - after the words "crimes against humanity" insert
"(indiscriminate mass arrest, illegal arrest and
deportation of civilians to various concentration
camps)".

Line 7 - after the words "these accused" insert
"(individual accused as well as members of the
units)".

Line 8 - correct "17th September 1938" to read
"1st October, 1938".

- after the words "September 3rd 1939" continue
"and for war crimes (indiscriminate mass arrest,
illegal arrest and deportation of civilians to
various concentration camps) as far as they were
in office as from the 4th September 1939 until
the 8th May, 1945 with the proviso....."

Line 18 - after the words "September 3rd 1939" continue
"and for war crimes (indiscriminate mass arrest,
illegal arrest and deportation of civilians to
various concentration camps) committed between
4th September 1939 and 8th May, 1945, so far as
they were in fact in office at the relevant time."

These alterations have been discussed at the meeting of Committee III
held on the 26th September and agreed upon.

Yours sincerely,

Aug. Litawski
Dr. J. Litawski

See
Revised
TextUNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Extraordinary Meeting of Committee I
held on 18th September, 1946, at 3.45 p.m.

In the Chair: Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

| | |
|------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Mr. Kintner | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|--------------|-------------|
| Dr. Zivković | Yugoslavia. |
|--------------|-------------|

In the absence of Monsieur de Baer, Sir Robert CRAIGIE
took the Chair.

I. Minutes No. 73.

The consideration of these Minutes was adjourned until the next Meeting.

II. CZECHOSLOVAK Case 952 (Addendum XI).

Dr. MAYR-HARTING: The accused, Dr. Durčanský, was a Czechoslovak national and also a Quisling. The Slovak Puppet Government of which he was a member actually declared war against the Allies; he was therefore a member of an enemy Government. He was mainly responsible for the decree of this "Government" which authorised the establishment of concentration camps in Slovakia. It was clear that the expression "protective custody" signified imprisonment without trial and the sending of people to concentration camps, as it did in Germany. A whole series of such concentration camps had been established in Czechoslovakia on the basis of this decree. At Nuremberg the German leaders had been indicted for being responsible for such acts, even though they did not sign the decrees giving powers to establish concentration camps. The accused was at present in France and could only be quickly secured by means of a certificate. The Czechoslovak Government would only refrain from trying him as a Quisling as well as a war criminal if the French Government insisted on this course as a condition of extradition.

Mr. KINTNER agreed that the accused should be listed on 'A'

in view of what Dr. MAYR-HARTING had said.

The Committee agreed to list the accused on 'A' and to request the Commission to grant a certificate.

III. YUGOSLAV Cases 4031 - 4037.

Dr. ZIVKOVIC: The victims in these cases were technically Italian citizens. He suggested that the cases should be referred to Committee III as had been done in several previous cases of a similar nature.

Sir Robert CRAIGIE agreed to this course. With reference to Case 4037, he enquired whether some measures of repression were not necessary if there was a partisan war in progress. The question was whether these measures exceeded the limits of what could be considered legitimate warfare. Most of the acts alleged seemed to him to be legitimate.

Dr. ZIVKOVIC: It might be that the details supplied were not sufficient to show that the measures used were indiscriminate but he could produce documents from which the Committee could find any other information which it might desire. Since the victims were organised into military units and operated in accordance with the general Allied military plan, he thought that they were entitled to be considered as Allied units and treated as such.

Mr. KINTNER: This information would have to be transmitted to his Government.

As these cases alleged crimes against humanity (the crimes were committed by Italians against Italians of Yugoslav origin in Italy), it was decided to refer them to Committee III for its opinion as to whether or not the alleged crimes should be considered as crimes against humanity and for what reasons.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on
18th September 1946 at 3.45 pm.

(Incorporating the amendments suggested by Dr. Mayr-Harting on 8th October
1946.)

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

| | |
|------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Mr. Kintner | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|--------------|-------------|
| Dr. Zivković | Yugoslavia. |
|--------------|-------------|

In the absence of Monsieur de Baer, Sir Robert CRAIGIE took the Chair.

I. Minutes No. 73.

The consideration of these Minutes was adjourned until the next Meeting.

II. CZECHOSLOVAK Case (Addendum XI).

Dr. MAYR-HARTING: The accused, Dr. Durčanský, is a Czechoslovak national. The Slovak Puppet Government of which he was a member actually declared war against the Allies. He was, therefore, a member of an enemy Government. He was mainly responsible for the decree of this "Government" which authorised the "Minister of the Interior for Slovakia" to order "protective custody" and to establish "protective camps" in Slovakia. It was clear that the expression "protective custody" signified imprisonment without trial and the sending of people to camps in which according to the wording of the decree mentioned, the prisoners must "perform commonly useful work". A whole series of such camps were established in Slovakia on the basis of this decree. The Czechoslovak Government intends to try Durčanský as a war criminal and as Quisling and would only refrain from trying him as a Quisling as well if the French Government insists on this course as a condition of extradition. The accused is at present in France and can only be secured by an extradition request. For this extradition request, a certificate would be necessary showing that Durčanský has been listed by the Commission.

Mr. KINTNER agreed that the accused should be listed on 'A' in view of what Dr. Mayr-Harting had said.

The Committee agreed to list the accused on 'A' and to request the Commission to grant a certificate.

III. YUGOSLAV Cases 4031-4037.

Dr. ZIVKOVIC: The victims in these cases were technically Italian citizens. He suggested that the cases should be referred to Committee III as had been done in several previous cases of a similar nature.

Sir Robert CRAIGIE agreed to this course. With reference to Case 4037, he enquired whether some measures of repression were not necessary if there was a partisan war in progress. The question was whether these measures exceeded the limits of what could be considered legitimate warfare. Most of the acts alleged seemed to him to be legitimate.

Dr. ZIVKOVIC: It might be that the details supplied were not sufficient to show that the measures used were indiscriminate but he could produce documents from which the Committee could find any other information which it might desire. Since the victims were organised into military units and operated in accordance with the general Allied military plan, he thought that they were entitled to be considered as Allied units and treated as such.

Mr. KINTNER: This information would have to be transmitted to his Government.

As these cases alleged crimes against humanity (the crimes were committed by Italians against Italians of Yugoslav origin, in Italy), it was decided to refer them to Committee III for its opinion as to whether or not the alleged crimes should be considered as crimes against humanity and for what reasons.



OFFICE OF THE CZECHOSLOVAK REPRESENTATIVE
ON THE UNITED NATIONS COMMISSION
FOR INVESTIGATION OF WAR CRIMES

316
42, WILTON CRESCENT,
LONDON, S.W.1

SLOane 9928 (3 lines).

8th October, 1946.

Reference: -

Dr. J. Litawski,
Legal Officer,
United Nations War Crimes Commission,
Iansdowne House,
Berkeley Square, W.1.

Dear Dr. Litawski,

May I ask you to insert the following instead of my statement in the
Committee I Minutes No. 74. :-

The accused, Dr. Durčanský, is a Czechoslovak national. The Slovak Puppet Government of which he was a member actually declared war against the Allies. He was, therefore, a member of an enemy Government. He was mainly responsible for the decree of this "Government" which authorised the "Minister of the Interior for Slovakia" to order "protective custody" and to establish "protective camps" in Slovakia. It was clear that the expression "protective custody" signified imprisonment without trial and the sending of people to camps in which according to the wording of the decree mentioned, the prisoners must "perform commonly useful work". A whole series of such camps were established in Slovakia on the basis of this decree. The Czechoslovak Government intends to try Durčanský as a war criminal and as Quisling and would only refrain from trying him as a Quisling as well if the French Government insists on this course as a condition of extradition. The accused is at present in France and can only be secured by an extradition request. For this extradition request, a certificate would be necessary showing that Durčanský has been listed by the Commission.

Yours sincerely,

Dr. M. F. Harting
Dr. M. F. Harting.

No. 75.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 26th September, 1946,
at 10.30 a.m.

In the Chair: Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Sir Robert Craigie | United Kingdom. |
| Mr. Kintner | United States of America. |

Members of the Commission, not Members of Committee I,
and Representatives of the National Offices:

| | |
|-------------------|-----------------|
| Mlle Capiomont | France. |
| Monsieur Dimitzas | Greece |
| Commander Mouton | Netherlands. |
| Dr. Szerer | Poland. |
| Colonel Halse | United Kingdom. |
| Dr. Marković | Yugoslavia. |

I. Minutes 73 and 74.

Minutes 73 and 74 were approved, subject to certain amendments which would be submitted in writing by Dr. MAYR-HARTING.

II. Consideration of Cases.

The Committee decided upon a number of United Kingdom, French, Netherlands, Yugoslav, Polish, Greek, Belgian, Czechoslovak and United States cases as follows:-

1. UNITED KINGDOM Cases.

| | |
|------|---------------|
| 4009 | 1 - 4 on 'A'. |
| 4010 | On 'A'. |
| 4011 | On 'A'. |
| 4041 | 1, 2 on 'A'. |
| 4050 | On 'A'. |

2. FRENCH Cases.

| | |
|------|---------|
| 4086 | On 'A'. |
| 4087 | On 'S'. |

3.....

3 NETHERLANDS Cases.

- 4074 On 'A'.
4075 On 'W'.
4076 On 'A' for torture of civilians.
4077 On 'A' for pillage.

Regarding the second count, the case was referred to Committee III for its opinion as to whether or not the alleged crime should be considered as a war crime and for what reasons.

- 4078 1 on 'A' for pillage only.
2 - 11 on 'W'.
4079 1 and 2 on 'A' for ill-treatment only.
4080 1 - 3 on 'A'.
4081 1, 2 and Hauptmann BORNHOFFT in addition, on 'A'.
3 and 4 on 'W'.

4. YUGOSLAV Cases.

a) Adjourned

- 3917 1 and 2 on 'A' after Dr. MARKOVIĆ had said that HAGMAYER, whose accomplice was WEIHOLD, had given orders that the crimes were to be committed.

b) Addenda.

- 3118 1 - 4 on 'A' for murder.
3120 1 - 6 on 'A' for murder.
3121 1 - 3 on 'A' for murder.
3123 1 - 3 on 'A' for murder.
3127 1 and 2 on 'A' for murder.

c) New Cases.

- 4021 1 on 'A'.
2, 3 and 4 were adjourned and the National Office was asked for further information regarding their guilt.
4022 1 - 16 on 'A'.
4082 1 - 3 on 'A' for murder.
4 and 5 on 'A' for torture.
6 and 7 on 'W'.

4083

4. YUGOSLAV Cases (continued)

- 4083 On 'A'.
 4084 On 'A'.
 4085 1 and 2 were listed on 'A' after Dr. MARKOVIC had said that:-

"MARKEWITZ was in the Prinz Eugen Division from 1942 to 1945. He took part in all operations of the 2nd Battalion, 2nd Regiment of this Division, and he admitted during interrogation that all the men of this Division committed numerous crimes, including the pillage of houses and all inhabited places, and of killing the people;" and

"LIPCZINSKI was in the Prinz Eugen Division from 1942 to 1945. He took part in all operations of the 2nd Battalion, 2nd Regiment, as a platoon commander or adjutant of the 2nd Battalion. He admitted that it was not possible to prevent the soldiers from setting fire to houses and killing the inhabitants".

5. POLISH Cases.

- 4012 Adjourned, and the National Office was asked for further information regarding the link between the position of the accused in Tarnopol and the events in Zbaraz.
 4013 Adjourned as to charges (a) and (b).
 On 'A' for charges (c) and (d).
 4014 On 'A'.
 4015 1 and 2 on 'A'.
 4016 On 'A'.
 4017 On 'A'.
 4018 On 'A'.
 4019 On 'A'.
 4020 On 'A'.
 4042 1 - 10 on 'A'.
 4043 On 'A'.
 4044 On 'A'.
 4045 On 'A'.
 4046 On 'A'.
 4047 On 'A'.
 4048 On 'A' for deportation.
 4049 On 'A'.

6. GREEK Cases.

a) Addendum.

382 On 'A'.

b) New Cases.

4051 On 'A'.

4052 On 'A'.

4053 On 'A'.

4054 On 'A'.

4055 On 'A'.

4056 On 'A'.

4057 1 and 2 on 'A'.

4058 On 'A'.

4059 On 'A'.

4060 On 'A'.

4061 1 and 2 on 'A'.
3: adjourned for further information.

4062 1 - 3 on 'A'.

4063 On 'A'.

4064 1 - 7 on 'A'.

4065 On 'A'.

4066 On 'A'.

4067 On 'A'.

4068 On 'A'.

4069 On 'A'.

4070 On 'A'.

4071 On 'A'.

4072 On 'A'.

4073 On 'A'.

7. BELGIAN Cases

4023 On 'A'.

4024 Adjourned for further details connecting the accused
with the crime alleged.

8.....

- 5 -

8. CZECHOSLOVAK Cases.a) Addendum

952 1 - 4 on 'A'.

b) New Cases.

4025 On 'A'.

4038 On 'A'.

4039 Adjourned to next meeting to allow of further consideration.

4040 On 'A' for ill-treatment only.

9. UNITED STATES Cases.a) Addendum.2354 1, 2, 3, 5, 6 on 'A' as before.
4, 7, 8, 9, 10 on 'A'.
11 on 'W'.b) New Cases.

4026 1 - 4 on 'A'.

4027 On 'A'.

4028 1 and 2 on 'A'.

4029 1 - 3 on 'A'.

4030 1 - 3 on 'A'.

III. Report on Procedure regarding Persons listed as Suspects (Doc.I/68).

Consideration of this question was adjourned.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 3rd October 1946,
at 10.30 a.m.

In the Chair: Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Sir Robert Craigie | United Kingdom. |
| Mr. Kintner | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|------------------|-----------------|
| Major Fanderlik | Czechoslovakia. |
| Mlle Capiomont | France |
| Commander Mouton | Netherlands |
| Dr. Marković | Yugoslavia. |

Apologies for absence were received from Dr. Szerer.

I. Minutes No. 75.

Minutes of the Meeting held on 26th September were approved.

II. Consideration of Cases.

The Committee decided upon a number of Yugoslav, French, Netherlands, Polish, and Czechoslovak cases as follows:-

1) YUGOSLAV Case

4097 1-19 on 'A'

2) FRENCH Cases.

(a) Addendum.

564(Addendum 3) On 'A'

(b) New Cases.

4088 1-3 on 'A'
 4-7 on 'W'

- 4089 On 'A'
- 4090 On 'W'
- 4091 1-4 on 'A'
- 4092 On 'A', along with SPITZER in addition.
- 4093 On 'A'
- 4094 1 on 'A' on all four charges. (The accused is already listed on 'S').
2 on 'A' for murder.
3 on 'S'.
4 on 'S'. (This accused is already listed on 'A' for murder, torturing and deporting civilians).
5-8. On 'S'.
9 on 'A' for murder.
10-12 on 'S'.
13 on 'A' on all four charges.
14 on 'A' for torturing and devastation.
15 on 'A' for torturing and pillage.
16 on 'S'.
17 on 'A' for torturing.
18-20 on 'S'.
21 on 'A' for torturing.
22-25 on 'S'.
26 on 'A' on all four charges.
27 on 'A' for torturing.
28 on 'A' for murder.
29 on 'A' for murder.
30 on 'A' for torturing.
31 on 'A' for murder.
32 on 'A' for murder and torturing.
33 on 'A' for devastation.
34 on 'S' for murder.
- 4095 On 'A'
- 4096 This case was adjourned for further information.
- 4145 (Addendum) 1 and 2 on 'S'
2.
- 4131 On 'A'
- 4132 On 'A'

3) NETHERLANDS Cases.

- 4118 On 'A' for deportation of civilians for forced labour.
- 4119 On 'A' for deportation of civilians for forced labour.
- 4120 1-5 on 'A', for ill-treatment of civilians.
6-7 on 'W'
- 4121 On 'A' for deportation for forced labour.

- 4122 1-2 were adjourned for further information.
3-5 on 'W'
- 4123 1 on 'A' for torture of civilians.
2 and 3 on 'W'.
- 4124 1-4 on 'A', for the crimes alleged against each of them.
- 4125 On 'A'.
- 4126 1-2. Consideration of these was adjourned and the
National Office was asked to produce a copy of a
deposition by HARTEL.
3-5 on 'W'.
- 4127 1-4 on 'A'
5 on 'W'

4) POLISH Cases.

- 4098 This case was adjourned for further information. *See attached Memo.*
- 4099 On 'A' for murder.
- 4100 On 'A' for torture.
- 4101 This case was adjourned for further information. *See attached Memo*
- 4102 This case was adjourned for further information. *See attached Memo*
- 4103 On 'A' for ill-treatment.
- 4104 On 'A' for ill-treatment.
- 4105 On 'A' for deportation for forced labour, and for ill-treatment.
- 4106 On 'A' for ill-treatment.
- 4107 On 'A' for ill-treatment.
- 4108 On 'A' for ill-treatment.
- 4109 On 'A' for murder.
- 4110 On 'A' for ill-treatment.
- 4111 On 'A' for ill-treatment.
- 4112 On 'A' for ill-treatment.
- 4113 On 'A' for ill-treatment.
- 4114 This case was adjourned for further information. *See attached Memo*
- 4117 On 'A' for pillage.

The Committee agreed that it would be helpful if each National Office would provide, in all cases, the title of the alleged crime ("Number and the description of the crime in the War Crimes List").

5) CZECHOSLOVAK Cases.

(a) Adjourned.

4039

1 on 'A' for complicity in deportation, after Dr. Mayr-Harting had pointed out that if one had in mind the whole events it could safely be said that the accused knew the consequences of his denunciations. Anyone who, during the fighting against the partisans, denounced a person as a partisan knew very well that he would not be treated in an ordinary legal way but in an entirely arbitrary inhuman way by the Gestapo. If this had occurred at any other time Dr. Mayr-Harting might have been in some doubt himself, but the date given - Autumn 1944 - was the date of the rising of Slovakia, and methods were ruthless and not at all to do with ordinary administration.

Consideration of No. 2 was adjourned for further information regarding the nature of the incitement mentioned.

Consideration of No. 3 was also adjourned for further information.

4 on 'A' for pillage.

5 and 6 on 'A'.

Consideration of 7 was adjourned for further information regarding (I) the way in which the accused was in a position to compel people to enter the armed forces and (II) the number of people he had thus compelled to enter the armed forces.

(b) New cases

4115

This case was adjourned for three weeks in order to allow of further consideration, particularly in the light of the decisions of the International Military Tribunal in Nuremberg and of the deliberations of Committee III regarding crimes against humanity.

4116

1 and 2 on 'A'

III. Draft Report on Procedure regarding Persons listed as Suspects.
(Document I/68).

The Committee approved the Draft Report subject to some additions proposed by Monsieur de Baer and some clarifications of the text suggested by Sir Robert Craigie. The Committee decided that the Draft Report should be forwarded to the Commission for approval and circulated to the National Offices.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 9th October, 1946
at 10.30 am.

In the Chair:

Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting
Mr. Kintner

Czechoslovakia.
United States of America.

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

Major Fanderlik
Commander Mouton
Major Mason
Dr. Marković

Czechoslovakia.
Netherlands
United Kingdom
Yugoslavia.

I. Minutes No. 76.

Minutes of the Meeting held on 3rd October 1946 were approved.

II. Proceedings in Individual Cases.

The Committee decided upon a number of United Kingdom, Yugoslav, Czechoslovak, Belgian and Netherlands cases as follows:-

1) UNITED KINGDOM Cases.

4133 On 'A'

4134 On 'A'. This case was accepted on the understanding that British jurisdiction was based on the grounds that the accused is in United Kingdom custody.

2) YUGOSLAV Cases.

4135 After Dr. Marković had stated that his National Office has not as yet got any substantiated evidence against the individuals charged in this case, it was decided to list the first accused on 'A' and all the others (2-56) on 'S'.

- 4136 DOLP and 2, 3, 7, 20 and 21 on 'A'
1, 4-6 and 8-19 on 'S'
- 4137 1-3 and DOLP on 'A'

3) CZECHOSLOVAK Cases.

- 4128 On 'A'
- 4129 On 'A' for complicity in deportation.
- 4130 This case was adjourned for further information as the Committee was of opinion that the alleged illegality of the victims' arrest had not been sufficiently substantiated.

4) BELGIAN Cases.

a) Addenda.

- 2113 (2) As this is an exact duplicate of Addendum No. I, on which all the accused have already been listed on 30th May 1946, no further action was necessary.
- 3002 1 on 'A'
2 on 'C'

b) New Cases.

- 4138 On 'A' on counts 2 and 3 only.
- 4139 On 'A' on counts 1 and 3.
- 4140 On 'A'
- 4141 This case was adjourned for more particulars as to both charges preferred against the accused.
- 4142 As the case was not complete as to facts and particulars of the crimes alleged, it was adjourned for further information.
- 4143 This case was adjourned and the National Office asked for more particulars in order to substantiate the allegation that there was no military necessity for the destruction of the church. The National Office was also asked to substantiate the charge as to the responsibility of the first two accused for the crime alleged.

5) NETHERLANDS Case.

- 4144 1-17 and 19-44 on 'A'
18 on 'W'

309

SUPPLEMENTARY MEMORANDUM TO COMMITTEE I MINUTES
NO. 76 OF 3rd OCTOBER, 1946.

CASES NOS. 4098, 4101, 4102, 4114.

4101 was adjourned for further information
regarding the circumstances of the crime alleged.

I think I would interpret the meaning of
Committee I correctly by saying that 4098, 4102 and
4114 were adjourned for further details describing
the precise nature of the offences alleged.

G. Brand.

-3-

5) NETHERLANDS Cases

- 4149 1-2 on 'A'
- 4150 On 'A'
- 4151 1-2 on 'A' for pillage only.
- 4152 As according to the facts stated in the evidence the cars were not stolen but requisitioned, and the requisition vouchers or similar receipts issued, the case was adjourned as not substantiated.
- 4153 1-5 on 'A'
6 on 'W'
- 4154 This case was referred to Committee III for its opinion as to whether or not the alleged crime should be considered as a war crime and for what reasons.
- 4155 1-4 on 'A'
5-6 on 'W'
- 4156 1, 2 and 3 on 'A'
4 on 'W'
- 4157 1, 2, 4 and 5 on 'A'
Regarding the third accused, the case was adjourned for a week in order to examine it in the light of the Nuremberg judgements.
- 4158 On 'A'

IV. Polish Case No. 3018, involving 296 individual charges, prepared by the Jewish Agency for Palestine.
(Continuation of general discussion).

Dr. SZERER, after summarising the main points of the previous discussions on the above case (Minutes No. 60 and 69), stated that, after contacting the London representative of the Jewish Agency, he had reported the case in great detail to Warsaw, where his Government had referred it to the Central Commission for Investigation of German War Crimes in Poland. He was now instructed to endorse all the charges contained in the case.

Sir Robert CRAIGIE pointed out that it was important to know exactly what was inferred by the word "endorse". His own suggestion had been that the Polish National Office should only present those cases in which it would be possible to investigate for itself the facts alleged therein, in order to be quite satisfied with the validity of the charges. The mere fact of "endorsing" the charges without specific investigation did not seem to alter the situation. The Polish National Office should be prepared to put forward the cases on its own behalf and not simply on behalf of an unofficial body; so that all statements would need to be substantiated to the effect that certain crimes had, in fact, been committed, or that documentary evidence was in

the possession of the Polish National Office.

Monsieur de BAER said that if Dr. Szerer's proposal was accepted, the Committee, when examining the cases, would have to bear in mind the fact that they were investigated by an unofficial agency and not by a National Office, and great care would need to be exercised in deciding each case on its merits.

Dr. SZERER said that the Polish National Office proposed to present only those cases concerning concentration camp atrocities and the like which were already notorious.

The Committee agreed to consider such cases presented by the Polish National Office, on the above reservations as proposed by Sir Robert Craigie.

The Committee further decided that it would be prepared to accept about twenty cases at a time. There being only one copy of each case, Dr. Szerer undertook to do what he could to have them duplicated for distribution to members of the Committee. If that proved to be practicable the Committee consented to examine the cases in rotation.

V. Closing of 44th List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 44). This would include all cases accepted by the Committee up to 16th October, 1946, except those of Japanese War Criminals.

NO. 78.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 16th October, 1946,
at 10.30 a.m.

In the Chair: Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Sir Robert Craigie | United Kingdom. |
| Mr. Kintner | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|------------------|-----------------|
| Major Fanderlik | Czechoslovakia. |
| Commander Mouton | Netherlands. |
| Dr. Szerer | Poland. |
| Major Mason | United Kingdom. |
| Dr. Marković | Yugoslavia. |

I. Minutes No. 77.

Minutes of the Meeting held on 9th October, 1946, were approved.

II. General MARINOF's Case.

Referring to case 3669 Monsieur de BAER said he had received from his Government a copy of a request from General Marinof. As the appropriate channel through which the Commission would receive such a document would be the United Kingdom Foreign Office, he proposed that a decision concerning the matter should be suspended until such official document had been received by the Commission.

The Committee agreed.

Sir Robert CRAIGIE thought that the normal channel would be the Control Commission in Sofia. He understood that such a document had been received by the United Kingdom Foreign Office, which is now considering whether it is in an appropriate form for communication to the Commission.

The Committee decided that its decision be recorded in the Minutes of Committee I, and Monsieur de BAER undertook to transmit a copy of the Minutes to the French Government. It was decided also to forward a copy of the Minutes to Monsieur Stavropoulos, together with a letter drawing his attention to the relevant item.

III. Proceedings in Individual Cases.

The Committee decided upon a number of United Kingdom, Yugoslav, Czechoslovak, Belgian and Netherlands cases, as follows:

1) UNITED KINGDOM Case.

4145 1-4 on 'A'

2) YUGOSLAV Cases.

954 (Addendum 3) On 'A' for confiscation of property.

4146 This case was adjourned and the National Office asked for further information and evidence as to the responsibility of the accused and especially as to whether the accused acted as a principal or merely as an agent in pursuance of orders received from a higher authority instructing him to arrest people, which he did, not knowing the reason for the arrests. The National Office was also asked to submit information as to the attributions the Feldpolizei had during the occupation of Yugoslavia. The Committee expressed also its opinion that the case should be brought into line with the similar Czechoslovak case 952.

4147 On 'A' on the grounds that the accused was adjutant to S.S. Obergruppenführer MEISSNER, Chief of the Gestapo, the latter having already been listed on a different Yugoslav charge for a number of crimes in which the present accused must have been implicated.

3) CZECHOSLOVAK Case.

952 (Addendum XII). After Dr. Mayr-Harting had stated that both of the accused were members of the unit already listed on the original case, further consideration of this Addendum was adjourned for additional information as to the time of the commission of the crimes alleged and also as to the rank of the second accused.

4) BELGIAN Cases.

4148 On 'A': 1, 11, 12, 13, 14, 18, 20, 22, 23.
On 'S': 6, 8, 9, 10, 21, 24.
On 'W': 5, 7, 15, 17, 19.

As the accused 2, 3, 4 and 16 have already been listed for the same crimes on cases 2401 and 2402 no further action was necessary.

4161 1-2 on 'A'

5) NETHERLANDS Cases-

- 4149 1-2 on 'A'
- 4150 On 'A'
- 4151 1-2 on 'A' for pillage only.
- 4152 As according to the facts stated in the evidence the cars were not stolen but requisitioned, and the requisition vouchers or similar receipts issued, the case was adjourned as not substantiated.
- 4153 1-5 on 'A'
6 on 'W'
- 4154 This case was referred to Committee III for its opinion as to whether or not the alleged crime should be considered as a war crime and for what reasons.
- 4155 1-4 on 'A'
5-6 on 'W'
- 4156 1, 2 and 3 on 'A'
4 on 'W'
- 4157 1, 2, 4 and 5 on 'A'
Regarding the third accused, the case was adjourned for a week in order to examine it in the light of the Nuremberg judgements.
- 4158 On 'A'

IV. Polish Case No. 3018, involving 296 individual charges, prepared by the Jewish Agency for Palestine.
(Continuation of general discussion).

Dr. SZERER, after summarising the main points of the previous discussions on the above case (Minutes No. 60 and 69), stated that, after contacting the London representative of the Jewish Agency, he had reported the case in great detail to Warsaw, where his Government had referred it to the Central Commission for Investigation of German War Crimes in Poland. He was now instructed to endorse all the charges contained in the case.

Sir Robert CRAIGIE pointed out that it was important to know exactly what was inferred by the word "endorse". His own suggestion had been that the Polish National Office should only present those cases in which it would be possible to investigate for itself the facts alleged therein, in order to be quite satisfied with the validity of the charges. The mere fact of "endorsing" the charges without specific investigation did not seem to alter the situation. The Polish National Office should be prepared to put forward the cases on its own behalf and not simply on behalf of an unofficial body; so that all statements would need to be substantiated to the effect that certain crimes had, in fact, been committed, or that documentary evidence was in

the possession of the Polish National Office.

Monsieur de BAER said that if Dr. Szerer's proposal was accepted, the Committee, when examining the cases, would have to bear in mind the fact that they were investigated by an unofficial agency and not by a National Office, and great care would need to be exercised in deciding each case on its merits.

Dr. SZERER said that the Polish National Office proposed to present only those cases concerning concentration camp atrocities and the like which were already notorious.

The Committee agreed to consider such cases presented by the Polish National Office, on the above reservations as proposed by Sir Robert Craigie.

The Committee further decided that it would be prepared to accept about twenty cases at a time. There being only one copy of each case, Dr. Szerer undertook to do what he could to have them duplicated for distribution to members of the Committee. If that proved to be practicable the Committee consented to examine the cases in rotation.

V. Closing of 44th List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 44). This would include all cases accepted by the Committee up to 16th October, 1946, except those of Japanese War Criminals.

RESTRICTED.

NO. 79.
Annex.

Members of Committee I only.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Annex to the Minutes of the Meeting of Committee I
held on 31st October 1946.

General MARINOV's case - Memorandum and Documents submitted
by the accused. (Doc.I/70).

In considering the procedure to be adopted with regard to the Memorandum and documents submitted by General Marinov, Sir Robert CRAIGIE reminded members that the matter had first come to the attention of the Committee when the Control Commission in Sofia had transmitted a document to the United Kingdom Foreign Office in London, and, presumably, to the State Department in Washington. The document appeared to be identical with Annex 1 enclosed with General Marinov's Memorandum. The United Kingdom Foreign Office had taken the view that as the document submitted to it contained offensive imputations against a member Government of the United Nations, it was not in an appropriate form for official transmission to the Commission. The Foreign Office had therefore proposed to the United States Government that the document be returned to Sofia with the suggestion that all imputations as to the motives which actuated the Greek Government in putting forward the charges should be eliminated, and only when the document was re-submitted and confined strictly to facts would the Foreign Office be prepared to transmit it to the United Nations War Crimes Commission.

Colonel SPRINGER said he had not heard as yet what were the views of the State Department.

Sir Robert CRAIGIE went on to say that what the Committee had to decide was the procedure which should be adopted with regard to General Marinov's letter addressed to the Chairman of the Commission. The letter itself contained even more offensive imputations as to the motives of the Greek Government. He would suggest that the same line of action should be adopted as that taken by the United Kingdom and the United States Governments, and that if the two Governments decided to return the documents for the reasons already mentioned, then the Chairman of the Commission should be advised to do likewise.

Dr. MAYR-HARTING said that he agreed with the proposal on the whole. If, on the other hand, the Commission went so far as to say that it would be prepared to examine statements made by General Marinov if they were confined strictly to facts, then it seemed to him only fair that the accused should be acquainted with all the points contained

in the actual Greek charge against him, if not already known to him. He agreed that it would be creating a precedent, but, after all, a precedent would even be asserted in going so far as to give General Marinov the opportunity of making his statement to the Commission.

Sir Robert CRAIGIE observed that the possibility of sending a copy of the charge would require very careful consideration on the part of the Commission, as well as the authority of the Greek Government itself. It was not the function of the Commission to supply the accused with copies of charges submitted by member Governments. On the other hand, the Commission should surely be prepared to give a hearing to anyone desirous of refuting the charges against him.

It was suggested that the Secretary-General might in the meantime contact M. Maillard to enquire whether, if the Commission so decided, the French Government would have any objection to the Commission suggesting to General Marinov that he might obtain cognisance of the charges against him by applying to the French Government.

Colonel SPRINGER raised the question of an acknowledgment of General Marinov's letter.

After some discussion the Committee agreed that the Secretary-General should simply acknowledge receipt of the letter and documents, stating that the matter would have the attention of the Chairman. No statement should be made which might convey the intention of submitting the documents to the Commission.

There arose the question of keeping the Commission informed of the deliberations of the Committee. It was agreed that while the letter and documents in their present form should not be circulated to the Commission in view of the imputations against the Greek Government, the Commission should be informed in a general way by M. de Baer when once the Chairman's reply had been transmitted to General Marinov on the lines of the reply communicated by the United Kingdom and the United States Governments.

3.57 Nov.

304

JL/EGC

le 18 octobre, 1946

Mon cher Collègue

Faisant suite à la décision du Comité I, j'ai l'honneur de vous envoyer ci-inclus une copie du procès-verbal de la séance du Comité I du 16 octobre 1946 (No. 78), pour attirer votre attention sur la décision que le Comité a prise en ce qui concerne le Général Marinof (Paragraphe II).

(signed) H. de Baer

Monsieur le Professeur André Gros,
4, Carlton Gardens,
S. W. 1.

JL/EGC.

305

18th October, 1946.

Dear Monsieur Stavropoulos

In accordance with the decision of Committee I,
I have the honour to forward to you a copy of the Minutes of
Committee I Meeting of 16th October, 1946, (No. 78), drawing
your attention to the decision on General MARINOFF's case,
(Paragraph II).

Yours sincerely,

G.A.L.

Secretary General.

Monsieur C. Stavropoulos,
8, Aldford House,
Park Lane,
W. I.

JL/EGC.

305

18th October, 1946.

Dear Monsieur Stavropoulos

In accordance with the decision of Committee I,
I have the honour to forward to you a copy of the Minutes of
Committee I Meeting of 16th October, 1946, (No. 78), drawing
your attention to the decision on General MARINOFF's case,
(Paragraph II).

Yours sincerely,

G.A.L.

Secretary General.

Monsieur C. Stavropoulos,
8, Aldford House,
Park Lane,
W. I.

NO. 79.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 31st October, 1946, at 10.30 a.m.

In the Chair: Sir Robert Craigie (United Kingdom).

There were also present:

Members of Committee I and their Deputies:

| | |
|------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Colonel Springer | United States of America. |

Members of the Commission, not Members of Committee I, and Representatives of the National Offices.

| | |
|------------------------|-----------------|
| Miss Goold-Adams | Belgium. |
| M. Maillard | France. |
| Mlle Capimont | France. |
| M. Dimitzas | Greece. |
| Commander Mouton | Netherlands. |
| Dr. Szerer | Poland |
| Lt.Col. Bell-Macdonald | United Kingdom. |
| Dr. Zivković | Yugoslavia. |

In the absence of Monsieur de BAER, Sir Robert CRAIGIE took the Chair.

I. Proceedings in Individual Cases.

The Committee decided upon a number of Greek, United Kingdom, French, Yugoslav, United States, Belgian, Netherlands, and Polish cases as follows:

1) GREEK Cases.

- 4163 On 'A' for putting hostages to death.
The second charge was withdrawn by the National Office.
- 4164 1-2 on 'A' for indiscriminate mass arrest and putting hostages to death.

2) UNITED KINGDOM Cases.

- 4160 1-18 on 'A'. ~~(Crimes against non-British nationals).~~
- 4162 1-2 and SCHLICHTWEG on 'A'
- 4186 1-10 on 'A' for murder and ill-treatment.
11-13 on 'A' for ill-treatment resulting in death.

(Crimes against non-British nationals)

3) FRENCH Cases.

686 (Addendum) 1-3 on 'A'
2
4159 On 'A'
1035 (Addendum) 1-6 on 'A'
7-9 on 'W'

4) YUGOSLAV Cases.

4146

The Committee took note of the Memorandum on the attributions of the Geheime Feldpolizei, of which the accused was member, submitted by Dr. Mayr-Harting, as well as of the explanations given by Dr. Zivković, and decided to adjourn the case for further information as to the following points:

a). Did the accused have complete initiative as to persons who were to be arrested.

b). Were the arrests carried out indiscriminately and against innocent persons.

c). Were the victims sent direct to concentration camps on the responsibility of the accused or were they handed over by him to some other authority.

4170

1-3 on 'A'

4171

On 'A'

4172

On 'A'

4173

On 'A'

4174

1-14 on 'A' for murder and ill-treatment of P.O.W.

4175

1-5 on 'A'.

4193

1-3 on 'A' for ill-treatment of P.O.Ws. (murder, torture, starvation).

4194

After Dr. Zivković had stated that the individual guilt of all the accused had been established by the Yugoslav authorities, it was decided to list the accused 1-67 and General SAUBERZWEIG in addition on 'A'

4195

On 'A'

5) UNITED STATES Case.

4169

1-2 on 'A'

6) BELGIAN Cases.

4165 On 'A'
4166 1 on 'A'
2-3 on 'W'
4167 1-11 on 'A'
4168 On 'A'

7) NETHERLANDS Cases.

4157 After some additional explanations submitted by Commander Mouton, the Committee came to the conclusion that there was no military necessity for the destruction of the dykes in question. The accused was placed on list 'S' only, as it was doubtful whether, in view of his subordinate position, he was in a position to know at the time that he was committing a war crime.

4176 1-4 on 'A'
4177 1-2 on 'A'
4178 1 and 3 on 'A', 2 on 'W', on all counts except that of forced labour as the accused were not responsible for enlisting the victims into the Todt organisation.
4179 1-3 on 'A'
4180 2 on 'A' for murder and ill-treatment.
3 on 'A' for murder.
4 on 'A' for murder.
1 and 5 on 'W'.
4181 1-5 on 'A'
4182 1-4 on 'A' for pillage only.
5-7 on 'W'
4183 1-2 on 'A'
4184 1-13 on 'A'
17 and 18 on 'W'
As to the accused 14-16 the case was adjourned for further information.
4185 On 'A'
4196 On 'A' for deportation of civilians.
4197 1 on 'A'
2-17 on 'W'
4198 1-2 on 'A'
3 on 'S'
4-5 on 'W'

(NETHERLANDS Cases continued).

| | |
|------|---|
| 4199 | 1-3 on 'A' 4-5 on 'W' |
| 4200 | 1-2 on 'A' for pillage 3-6 on 'W' |
| 4201 | 1-2 on 'A' |
| 4202 | 1-7 and 13-21 on 'A' 8-12 and 22-25 on 'W' |
| 4203 | 1-4 on 'A' |
| 4204 | 1-2 on 'A' 3-5 on 'W' |
| 4205 | On 'A' |
| 4206 | 1-3 on 'A' 4-5 on 'W' |

8) POLISH Cases.

The National Office was requested to provide, in all cases, in future, the description of the alleged crime, in the respective section of the Commission forms (page 1, section 3).

| | |
|------|---|
| 4098 | On 'A' for ill-treatment and torture. |
| 4101 | On 'A' for murder. |
| 4114 | On 'A' for murder, ill-treatment and plunder. |
| 4188 | 1-2 on 'A' for complicity in illegal arrest and deportation on the understanding that the charge was limited to denouncing Jews on racial grounds. |
| 4189 | On 'A' for ill-treatment. |
| 4190 | On 'A' for ill-treatment only. |
| 4191 | 1-2 on 'A' for ill-treatment. Dr. Szerer took the opportunity to express on behalf of the Polish Government gratitude for the gallantry with which British P.O.W. defended Polish children victimised by the accused, as shown in this case. |
| 4192 | 1-51 on 'S' |

II. Request of Dr. Barranco. Wanted by France. (Doc. I/69).

M. Maillard asked the Committee if it would agree to the postponement of this matter for one week, explaining that he had sent a copy of the relevant letter to the French Government and was awaiting their reply.

The Committee agreed.

III. General MARINOV's case - Memorandum and Documents submitted by the accused (Doc. I/70).

Dr. ZIVKOVIC said he wished to explain that although his Government was not directly concerned with the case in question, it was nevertheless stated that General Marinov had been in command of a Bulgarian unit operating on Yugoslav territory. Dr. Zivković had therefore made inquiries and had requested his National Office to submit to him any particulars which they might possess concerning the accused. The reply he had received was in the following terms: that the behaviour of General Marinov had not always been correct, but that so far nothing had been established by the Yugoslav National Office against him for acts in Yugoslavia.

Sir Robert CRAIGIE said that if it were possible to ascertain in due course in what respect General Marinov's behaviour was not correct, such information would be helpful to the Committee.

Dr. ZIVKOVIC made the request that any future decisions of the Committee regarding this matter might be presented to the Commission.

M. MAILLARD wished to associate himself with this request. The French Government was concerned only as regards principle. Perhaps it might be possible for Committee I to revise its decision in the light of further evidence.

Sir Robert CRAIGIE observed that the matter was obviously one which would, at the right time, be referred to the Commission; in fact, any final decision must rest with the Commission itself.

M. DIMITSAS wished to say that his Government had all the necessary evidence to support the charge against General Marinov. He had himself interrogated several people in Greece (among whom was a certain Kaltchev, formerly a Bulgarian propaganda agent in Western Macedonia), and he hoped to have the affidavits to hand very shortly.

Sir Robert CRAIGIE said that it seemed particularly important to have at hand the necessary evidence in order to substantiate more fully the material with regard to the atrocities which the accused was alleged to have committed.

The Committee, being anxious to ascertain how the Commission's extradition certificate had been given publicity in Paris, was informed by M. DIMITSAS that the certificate had originally been

presented by M. STAVROPOULOS to the Greek delegation to the Peace Conference in Paris, and it seemed it was then that it was made public.

Sir Robert CRAIGIE, on behalf of the Committee, asked M. DIMITSAS if he would point out to the Greek delegation in Paris that such publicity had caused a great deal of embarrassment to everybody concerned. It would be extremely unfortunate if the habit developed of giving publicity to decisions which should be regarded as strictly confidential.

Dr. MAYR-HARTING asked whether the request for extradition had, in fact, been submitted to the French Government, the sole purpose of a certificate being to enable the requesting Government to ensure the surrender of the wanted person.

M. DIMITSAS replied that the demand for the extradition of General Marinov from France had been sent to the Soviet military authorities in Sofia through the means of communication afforded by the United Kingdom Foreign Office. At the same time a similar demand had been made directly to the French Government.

At this point all Representatives of the National Offices left the meeting in order to enable the Committee to consider the matter in confidence.

The Committee's final decisions were, summarily, to advise the Secretary-General simply to acknowledge receipt of General Marinov's letter and enclosures, saying that the matter would receive the Chairman's attention; to await the joint decision of the United Kingdom and United States Governments; and to keep the Commission informed in a general way of any action taken.

(For particulars of the discussion see Annex circulated only to members of Committee I.)

presented by M. STAVROPOULOS to the Greek delegation to the Peace Conference in Paris, and it seemed it was then that it was made public.

Sir Robert CRAIGIE, on behalf of the Committee, asked M. DIMITSAS if he would point out to the Greek delegation in Paris that such publicity had caused a great deal of embarrassment to everybody concerned. It would be extremely unfortunate if the habit developed of giving publicity to decisions which should be regarded as strictly confidential.

Dr. MAYR-HARTING asked whether the request for extradition had, in fact, been submitted to the French Government, the sole purpose of a certificate being to enable the requesting Government to ensure the surrender of the wanted person.

M. DIMITSAS replied that the demand for the extradition of General Marinov from France had been sent to the Soviet military authorities in Sofia through the means of communication afforded by the United Kingdom Foreign Office. At the same time a similar demand had been made directly to the French Government.

At this point all Representatives of the National Offices left the meeting in order to enable the Committee to consider the matter in confidence.

The Committee's final decisions were, summarily, to advise the Secretary-General simply to acknowledge receipt of General Marinov's letter and enclosures, saying that the matter would receive the Chairman's attention; to await the joint decision of the United Kingdom and United States Governments; and to keep the Commission informed in a general way of any action taken.

(For particulars of the discussion see Annex circulated only to members of Committee I.)

NO. 80.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 7th November 1946
at 10.30 a.m.

In the Chair Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia |
| Sir Robert Craigie | United Kingdom |
| Colonel Springer | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|------------------|----------------|
| Major Fanderlik | Czechoslovakia |
| Mlle Capimont | France |
| M. Dimitzas | Greece |
| Commander Mouton | Netherlands |
| Dr. Szerer | Poland |
| Dr. Zivković | Yugoslavia |
| M. Zimonjić | Yugoslavia. |

I. Minutes No. 78 and No. 79 and Annex to the latter.

Minutes of the Meeting held on 16th October and Minutes of the Meeting held on 31st October, together with the Annex to the latter were approved.

II. Proceedings in Individual Cases.

The Committee decided upon a number of Polish, Yugoslav, Netherlands, French, and Czechoslovak cases as follows:

1) POLISH Cases.

4252 On 'A'
4253 1-3 on 'A'

2) YUGOSLAV Cases.

4207 1 and 4 on 'A'
It was decided to ask the National Office for more particulars as to the responsibility of the second and third accused as no particulars were submitted with regard to them. This part of the case was accordingly adjourned.

4208 This case was adjourned for additional information as it was not clear what crimes were alleged against the accused.

3) NETHERLANDS Cases.

2864 1-9, 11, 13-15, 17 and SCHUTZ on 'A'
10, 12, 16 and 18-20 on 'W'.

The persons classified under 'A' were listed on the grounds that according to the statement made by Commander Mouton there was no evidence that the Resistance Group of which the accused were members carried out any treasonable activities against German interests and therefore the death sentences passed on them were excessive.

4249 1 and 3 on 'A'
2, 4-16 on 'W' only, as no information as to their responsibility was available.
17 and 18 on 'W' as submitted by the National Office.

4250 On 'A' for pillage only.
The charge of unauthorised requisitioning of houses based on the opinion expressed by one of the witnesses was considered as not sufficiently established.

4251 1-12 on 'A'
13-18 on 'W'

4) FRENCH Cases.

455 (Addendum 3) 1-34 on 'A'

2612 (Addendum 1) On 'A'

4213 On 'A': 3, 8, 25, 27, 28, 50, 71 and COOLING.
On 'S': 1, 2, 4-7, 9-24, 26, 29-49, 51-65
On 'W': 66-70 and 72.

4214 On 'A': 1-6, 8, 15, 20, 24, 26, 27, 29, 55, 62-64, 68, 71, 72, 77.
On 'S': 7, 9-11, 14, 16-19, 21-23, 25, 28, 31, 35, 36, 38, 41, 42, 44, 46, 54, 65, 75, 79.
On 'W': 12, 13, 30, 32-34, 37, 39, 40, 43, 45, 47-53, 56-61, 66, 67, 69, 70, 73, 74, 76, 78, 80-84.

4215 On 'A': 1-8, 14, 16.
On 'S': 9, 17, 19, 20.
On 'W': 10-13, 15, 18.

4216 On 'A'

4217 On 'A'

4218 1-5 on 'A'
6-8 on 'S'

4219 1-2 on 'A'

-3-

4220 1-2 on 'A' : 3-4 on 'S'. All for pillage
and wanton devastation.

4221 1 on 'A'
2 on 'W'

4222 1 on 'A'
2 on 'C'

4223 1-6, 8-9 on 'A'
7 on 'S'

4224 1-21 on 'A'

4225 On 'A'

4226 1-3 on 'A' on all counts except that of
deliberate bombardment.

4227 This case was adjourned sine die as alleging
an offence which the Committee considered as a
too minor one.

4228 On 'A'

4229 1-10 on 'A'

4230 1-2 on 'A'
3-4 on 'S'

4231 1-2 on 'A'

4232 1-3 on 'A'
All others on 'C'

4233 On 'A'

4234 On 'A'

4235 On 'A' for ill-treatment and deportation.

4236 On 'A'

4237 1-2 on 'A'

4238 On 'A'

4239 1-2 on 'A'

4240 On 'A' for pillage only.

4241 On 'A'

4242 On 'A'

4243 1-3 on 'A'

- 4244 The Committee was of opinion that in view of the amount of goods involved it seemed improbable that these were appropriated by the accused for their own profit. It was therefore decided to ask the National Office for further investigation of this case in order to establish whether these goods were not in fact requisitioned for military purposes, or to substantiate a possible allegation that the requisition, if that was in fact the case, was excessive.
- 4245 1-2 on 'A'
- 4246 On 'W' (in view of the statement made in the last paragraph on page 2).
- 4247 On 'A'
- 4248 This case was adjourned for the same reasons as Case 4244, the National Office being asked for necessary information.

5) CZECHOSLOVAK Cases.

- 424(Addendum 3) On 'A'
- 952 (Addendum XIV) 1-3 on 'A'
- 4209 On 'A' for illegal detention and murder.
- 4210 This was adjourned for additional information as to the reason or activities for which the accused had denounced the victims.
- In connection with this and similar cases it was also decided to refer to Committee III the general question as to what extent and for what reasons denunciation ~~should be regarded as a war crime in international law.~~ *as defined in Czech law*
- 4211 This was adjourned in order to ask the National Office to substantiate the case with particulars of the alleged activities of the accused.
- 4212 This was adjourned on the request of Dr. Mayr-Harting in order to supplement the case as to the place of commission of the alleged crime and as to the evidence.

III. Request of Dr. BARRANCO. (Document I/69).

Consideration of this matter was adjourned until the next Meeting on the request of the French Representative.

IV. The Criminal Organizations in the Nuremberg Judgment. (Document III/64.)

Consideration of this matter was adjourned until the next Meeting.

V. Closing of 45th List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 45). This would include all cases (also against Japanese) accepted by the Committee up to 7th November 1946 inclusive.

VI. Wanted Reports of Persons listed by the Commission.

Sir Robert CRAIGIE referred to the discussion which had taken place at the Commission meeting the day previously between representatives of CROWCASS and members of the Commission. The Commission had been told that as from List 17 onwards CROWCASS had not automatically transferred the names from those Lists on to its own Wanted Lists, the reason given being that the Commission Lists did not contain all the information which should appear in the Wanted Reports - in particular, descriptions of individuals. The question had been raised as to whether or not it would be practicable for Committee I to request the National Offices always to give descriptions of individuals where known, and whether, in that case, such descriptions could be included in the Commission Lists.

Sir Robert thought it important that the names contained in the Commission Lists should be included automatically and promptly in CROWCASS Wanted Lists. On the other hand, he was not quite sure whether, in the great majority of the cases that came before the Committee, Wanted Reports were being sent to CROWCASS by the National Offices.

The first step, therefore, was to find out from the National Offices whether they were submitting to CROWCASS Wanted Reports of the individuals charged in their cases. If such was found to be the general practice, the next step would be to find out from CROWCASS whether a record was being made, with regard to those Wanted Reports, that such persons are listed by the United Nations War Crimes Commission.

M. de BAER referred to his visit to CROWCASS more than a year ago in order to make similar investigations. It was then the practice to incorporate all the names from the Commission Lists into the CROWCASS Lists. The Commission had been informed that Wanted Reports were essential before any action could be taken, and so all National Offices had been advised to send in Wanted Reports. The Commission might perhaps take up this work itself and send in Wanted Reports of all persons charged on its Lists.

Mlle. CAPIOMONT said that as regards French cases there was very rarely any detailed information as was required in Wanted Reports.

Major FANDERLIK said his experience was that unless detailed description was given - for instance, date of birth - CROWCASS did not pursue their investigations.

Dr. MAYR-HARTING agreed with the proposal that the National Offices should be asked whether or not they submitted Wanted Reports. So far as the Czechoslovak National Office was concerned a Wanted Report was filed in every case, and if that was also the practice of all other National Offices then it was obviously quite unnecessary

to include descriptive details in the Commission Lists. All countries which had investigation teams made a practice of filing Wanted Reports.

Dr. LITAWSKI pointed out that the National Offices had been repeatedly requested to send in Wanted Reports to CROWCASS. It did not follow from that, however, that CROWCASS should disregard the Commission Lists, and all persons listed therein should automatically be filed by CROWCASS. In many cases, where detailed, descriptive information was not known, Wanted Reports would not supply CROWCASS with any additional information than that contained in the Commission Lists.

M. de BAER raised a point of practical procedure as regards classification. CROWCASS could not classify the names appearing in the Commission Lists unless Wanted Reports were actually written out.

Colonel SPRINGER said that it seemed to him to be a matter of co-ordinating the two separate activities of the Commission and of CROWCASS. At the moment CROWCASS simply filed the Commission Lists and nothing further was done. There were two reasons for that: Firstly, the Commission Lists were marked "Secret", and in the United States Army such documents were regarded as strictly confidential and none of their contents could be divulged. Nearly all CROWCASS' staff consisted of Germans, and Germans were prohibited from handling secret papers. Secondly, the complaint had been made that the Commission Lists did not contain sufficient information and descriptive matter. The need for secrecy having been removed, he suggested that before CROWCASS accepts a Wanted Report they should enquire whether the particular case has been placed before and accepted by the Commission.

Sir Robert CRAIGIE thought Colonel Springer's proposal could be taken a step further. First of all, the National Offices should be asked directly whether they were filing Wanted Reports with CROWCASS, and, if such was the case, whether the Wanted Reports were sent in at the same time as the cases were submitted to the Commission, or whether they were sent in after the individuals have been listed.

Assuming that Wanted Reports were submitted, it would be desirable if CROWCASS checked them with the Commission Lists to see whether there was for any individual listed a corresponding Wanted Report. If there was a Wanted Report, a record should be made that such a person appears also on the Commission Lists. If there was no Wanted Report, then CROWCASS itself should add the name to its Wanted Lists. Such procedure would not impose any additional burden either on CROWCASS or on the Commission, and it would avoid duplication of work.

Major FANDERLIK made the further suggestion that, in the case of Wanted Reports filed after such persons have been listed by the Commission, the fact that they have been listed should actually be stated on the Wanted Reports.

The Committee agreed to ask the National Offices for information as suggested by Sir Robert Craigie and to adjourn further discussion until after the replies from the National Offices were received.

NO. 81.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 14th November 1946
at 10.30. a.m.

In the Chair

Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Sir Robert Craigie | United Kingdom. |
| Colonel Springer | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|------------------|-----------------|
| Major Fanderlik | Czechoslovakia. |
| Mlle. Capimont | France. |
| M. Dimitzas | Greece. |
| Commander Mouton | Netherlands. |
| Dr. Szerer | Poland. |
| Dr. Zivković | Yugoslavia. |

I. Minutes No. 80.

Minutes of the Meeting held on the 7th November 1946 were approved subject to the following amendment:-

The second paragraph regarding the Committee's decision on the Czechoslovak case No. 4210 on page 4 should read as follows:

"In connection with these and similar cases it was also decided to refer to Committee III for its opinion the general question as to what extent and for what reasons denunciation as defined in Czechoslovak law should be regarded as a war crime in International law. "

II. Proceedings in Individual Cases.

The Committee decided upon a number of Polish, Yugoslav, Belgian, and Netherlands cases as follows:-

1) POLISH Cases.

4261 1-19 and 21-85 on 'A' provided that all descriptions of crimes submitted in this case by the National Office will be brought into line with those in the working list of war crimes as set out in Document C.1.

With regard to the accused No. 20 the case was

.....

(4261 continued) adjourned as it was doubtful whether the charge against him could be regarded as a war crime in view of the fact that the accused was himself a prisoner.

4187 The Committee expressed the unanimous opinion that in this case, as submitted, no war crime was involved. The case was accordingly adjourned in order that Dr. Szerer might obtain further information concerning actual war crimes committed by the accused, if that was in fact the case.

2) YUGOSLAV Cases.

4146 On 'A'

4254 Commenting on this case Dr. Mayr-Harting said that there was no doubt that Yugoslav prisoners of war were killed in camps in Norway but according to a British report and other information available to him, there were mostly Germans in the camp in question and Yugoslav prisoners numbered about 25 only. He therefore could not see how 9000 Yugoslavs could have been held there. His submission was that this particular camp had nothing to do with prisoners of war nor was it an extermination camp but a camp for penal labour for persons convicted for common offences by Criminal Courts and the inmates were mainly Germans and Czechs. This information was strengthened by the fact that the ranks of the persons accused in this case were the ranks of the personnel of an ordinary prison.

Dr. Zivković replied that his National Office is in possession of reports from American sources that also offered evidence of survivors, and the ~~cases~~ exactly as it is stated in the charge. Some of the persons have already been charged with crimes committed in these camps. There were several camps of this type in Norway, and one or two of them were set aside for Yugoslavs who were brought over from Yugoslavia for the express purpose of being killed in these camps. The National Office has also statements from the Norwegian guards in the camps and reports from other sources showing all crimes committed therein. There is also evidence that Yugoslav prisoners were shifted from prisoner of war camps to penal camps for the purpose of killing them there and the accused took part in the killing.

This case is related to cases already accepted by Committee I and concerning crimes in KORGEN and other camps in Norway.

It was decided to adjourn the case pending submission by Dr. Mayr-Harting of the evidence

.....

-3-

(4254 continued). mentioned by him as well as of any information Colonel Wade may have on the subject in his research material.

4255 On 'A'

4256 2-4 on 'A'
1 and 5 on 'S'

4257 On 'A'

4258 On 'A'

4259 1 on 'A' for forced labour.
14 on 'A' for torture and ill-treatment.
As to 2-13 it was decided to ask the National Office for additional information as to which of these accused were concerned in illegal arrests, and for what reasons the latter have been carried out, as well as for further information necessary to substantiate the charge of murder. This part of the case was accordingly adjourned.

3) BELGIAN Cases.

873 (addendum 1). On 'A' for torture and ill-treatment.
Previous incorrect spelling of this accused's name should be removed from the Commission List.

4242 On 'A' for forced labour and deportation.

4260 On 'A' for torture and indiscriminate mass arrest.

4) NETHERLANDS Cases.

4262 2 on 'A' for pillage.
1 and 3 adjourned and referred to Committee III for its opinion in connection with other similar Netherlands cases now under consideration by that Committee. In addition, the National Office was also asked to submit a copy of the order issued by the first accused.

4263 1 on 'A' for complicity in deportation and pillage.
2 on 'A' for pillage.
3 and 4 adjourned as there was nothing in the case to justify putting them on the List of War Criminals.
5-6 on 'W'

4264 On 'A'

4265 1, 2, 4-7 on 'W'
3 on 'A' for illegally sentencing to imprisonment.

- 4266 1-5 on 'A' on all counts.
6 on 'A' for murder and pillage.
7 on 'A' on counts III and XIII.
8-9, 12-15 and 17-20 on 'A' as submitted by the
National Office.
11 and 16 on 'W'.
- 4267 On 'A'
- 4268 1-3 on 'A'
4 on 'W'.

III. Request of Dr. Barranco (Document I/69).

Mademoiselle CAPIOMONT stated that a reply had been received from the French Government that it was not desirable for the Commission to furnish information as requested to war criminals who had not as yet been put under arrest, and drew the Committee's attention to the recent letter from the French Government in connection with other similar matter, and their policy of not supplying information regarding French cases to alleged war criminals.

After some discussion the Committee arrived at the conclusion that a reply to the Solicitors' letter informing them that Dr. Barranco had in fact been listed by the Commission would create an undesirable precedent and therefore decided that a reply should only be sent to the effect that the Commission was not in a position to give them any information on the subject as the matter was now in the hands of the French Authorities, to whom they should apply for further particulars. It was also decided that a copy of the Solicitors' letter should be officially transmitted to the French Government with a communication informing them of the decision taken.

IV. The Criminal Organizations in the Nuremberg Judgement (Document III/64).

Monsieur de BAER congratulated Dr. SCHWELB on the paper he had written and with regard to page 5 of the document, wished to add that the provisions of the Belgian Criminal Code were similar to those of the French Criminal Code, and that he would submit the relevant paragraph to Dr. Schwelb for inclusion.

He had read the document with the greatest interest and would like to know what Dr. Schwelb proposed in respect of the bearing of this part of the Nuremberg Judgement on the activities of Committee I.

Dr. SCHWELB said that though he had written this paper without having primarily in mind the activities of Committee I, he thought that it might be useful if Committee I decided how to proceed in cases where persons falling within the scope of declarations by the International Tribunal as to the criminality of the organisations were concerned. He thought that when cases were presented from which it appeared that the accused had been members of an organization covered by a declaration of the Tribunal and when there was prima facie evidence that they knew of the criminal purpose of the organization, then it would be superfluous for Committee I to ask the National Offices for further information and further proof as to the particular facts alleged if such proof would otherwise appear necessary.

Consideration of this matter was adjourned until the next Meeting.

NO. 82.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 21st November 1946
at 10.30 a.m.

In the Chair

Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Sir Robert Craigie | United Kingdom. |
| Colonel Springer | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|-------------------------|-----------------|
| Major Fanderlik | Czechoslovakia. |
| Mlle. Capion | France. |
| M. Dimitzas | Greece. |
| Commander Mouton | Netherlands. |
| Dr. Szerer | Poland. |
| Lt.-Col. Bell Macdonald | United Kingdom. |
| Dr. Mezulić | Yugoslavia |

I. Minutes No. 81.

Minutes of the Meeting held on 14th November 1946,
were approved.

II. Proceedings in Individual Cases.

The Committee decided upon a number of Yugoslav, Polish,
United Kingdom, Netherlands, French and Belgian cases as follows:-

1) YUGOSLAV Cases.

- | | |
|------|---|
| 4254 | Consideration of this case was postponed until the next Meeting in accordance with the decision taken in the Meeting of November 14th, 1946, (Minutes No. 81). |
| 4312 | 1-30 plus LIMBURG on 'A' |
| 4313 | In view of the fact that the accused's rank as indicated in the charge was equivalent to "Senior Sergeant" and therefore it was highly improbable that a person of such a low standing could have had so much responsibility as submitted, it was decided to adjourn the case for further information as to what was the actual responsibility of this accused and also as to his possible participation in the crimes alleged. |

2) POLISH Cases.

- 4306 On 'A' for ill-treatment of civilians and complicity in deportation.
- 4261 In order to bring this case into line with another Polish case against the personnel of Oswiecim (Auschwitz) concentration camp (No. 4192), it was decided to reconsider the decision taken in the last Meeting and to reclassify all persons except the accused No. 20, from 'A' to 'S'.

3) UNITED KINGDOM Cases.

- 4160 (Addendum) On 'A'.
- 4269 1-8 on 'A'
- 4270 On 'A'
- 4311 1-2 on 'A'

4) NETHERLANDS Cases.

- 4314 1-3 on 'A'
- 4315 1 on 'A'
2 on 'W'
- 4316 1-2 on 'A'
- 4317 On 'A' for torture only.
- 4318 1-4 on 'A'
5-6 on 'W'
- 4319 On 'A'
- 4320 On 'A'
- 4321 On 'A'

5) FRENCH Cases.

- 3402 (addendum) On 'A'
- 4271 1-4 on 'A'
- 4272 On 'A' for wanton destruction of property.
- 4273 On 'W' pending further information to be submitted by the National Office as to whether the accused was himself present while the crime was being committed, or whether he should be considered responsible for issuing orders resulting in the commission of that crime.

-3-

(FRENCH Cases continued).

| | |
|------|---|
| 4274 | On 'A' |
| 4275 | On 'A' |
| 4276 | On 'A' |
| 4277 | On 'A' |
| 4278 | On 'A' |
| 4279 | 1-3 on 'A' |
| 4280 | 1-2 on 'W' pending further information as to their direct responsibility for the crimes alleged. |
| 4281 | 1-2 on 'A' |
| 4282 | On 'W' pending further information as to the actual responsibility of this accused. |
| 4283 | 1 and 2 on 'W' pending further information as to their actual responsibility for the crimes alleged and in particular as to where the interrogation of victims took place: by whom were they conducted and who gave the order for shooting. |
| 4284 | 1-3 on 'A' |
| 4285 | On 'A' |
| 4286 | On 'A' |
| 4287 | 1-10 on 'A' |
| 4288 | 1-3 on 'A' 4-6 and 8 on 'S' 7 on 'W' |
| 4289 | On 'A' |
| 4290 | 1-3 on 'A' |
| 4291 | On 'A' |
| 4292 | 2 on 'A' for deportation. 4 on 'A' for wanton destruction of property. |

In regard to the first accused the case was adjourned for further information as to whether there were any casualties due to military action among the persons compelled to work.

As to the third accused, the case was adjourned for further information as to what actually were the official responsibilities and the correct rank of this accused.

(FRENCH Cases continued).

- 4293 On 'A':- 1-5, 8, 11, 12, 15, 16, 20-22, 25, 27-29,
31, 36-42, 44, 45, 48-75, 79-81, 83-93,
122-125, 130, 131.
- On 'S':- 6, 7, 9, 10, 13, 14, 17-19, 23, 24, 26, 30,
32-35, 43, 46, 47, 76-78, 82, 94-121,
126-129, 132.
- 4294 1-2 on 'A'
- 4295 1-2 on 'A' for pillage only.
- 4296 1-2 on 'A'
- 4297 1-4 on 'A'
- 4298 1, 3, 4, 6 and 7 on 'A'
As to 2, 5 and 8 the case was adjourned for more
particulars.
- 4299 On 'A'
- 4300 1-2 on 'A'
- 4301 1-3 on 'A'
4-6 on 'W'
- 4302 On 'A'
- 4303 1-3 on 'A'
- 4304 1-4 on 'A'
- 4305 1 on 'A'
2-3 on 'W'

6) BELGIAN Cases.

- 3174 {Addendum II) On 'A'
 {Addendum III) On 'A'
 {Addendum IV) On 'A'

4307 On 'A'

4308 On 'A'

4309 1, 3, 14-19 and 21-24 on 'A'

As to 2, 4-13 and 20 the case was adjourned
for more particulars.

4310 1-2 on 'A'

III. Listing of Allied Nationals by CROWCASS.

Referring to the statement of Lieut-Colonel RYAN in the Commission Meeting of 6th November, 1946, Commander MOUTON asked, in connection with the Netherlands charge 4313, what action the Committee would take in view of the fact that CROWCASS is apparently not prepared to include in their Wanted Lists, any allied nationals listed by the Commission as war criminals who at the same time might fall under the category of Quislings or traitors.

After some discussion, it was decided that the matter be put before the Commission for consideration together with the question of Wanted Reports discussed in previous Meetings; and the Secretary was asked to prepare a Memorandum on this subject.

IV. The Criminal Organizations in the Nuremberg Judgement (DocuIII/64).

In elaborating his suggestion put before the Committee in its last Meeting, Dr. SCHWELB submitted for consideration the following. If a person, accused of a particular war crime, (e.g. murder), was described in the charge by his function, which made him fall under one of the groups declared criminal by the Nuremberg Judgement, (e.g. member of the S.D., or Gauleiter) then the charge contained the facts of and implied two crimes: the particular crime (murder) and the crime of aiding and abetting war crimes by having been a member of a criminal organization. If in such a case the Committee found that additional information as to the particular crime charged was necessary, it could adjourn the case as to that crime, but immediately list the accused for the second crime implied in the charge, namely for committing a war crime by being a member of a criminal organization, provided, of course, that the facts brought before the Committee established prima facie evidence that the accused knew of the criminal purposes of the organization.

Dr. MAYR-HARTING said that the question raised by Dr. SCHWELB concerned more the National Offices than this Committee and the fact that a prima facie case of a particular crime had not been established against a certain accused does certainly not justify his being put on the List for some other reason.

Monsieur de BAER pointed out that Dr. SCHWELB's proposal might bring up the general question of whether the Commission should list persons only because of their membership in criminal organizations and such a proposition might lead to a review of Lists 7 and 9.

Dr. MAYR-HARTING thought that the Commission could not take action on the score of criminal membership as the Commission Lists were intended for the purpose of extradition and he doubted whether the Military Authorities on the basis of the law now in force would extradite an individual listed only because he was a member of a criminal organization.

Sir Robert CRAIGIE said that the function of this Committee was to consider individual charges brought by the National Offices and it was rather doubtful whether it should extend that function by taking the view that while it did not consider the individual guilty on a charge submitted by the National Office, he should nevertheless be listed under the Nuremberg Judgement on the ground of his criminal membership. The extent to which the Committee would go on that part of the Nuremberg

Judgement is difficult to establish because the Committee had no criterion for judging whether the accused had any real knowledge of the criminal purpose of the organization.

Colonel SPRINGER was of the opinion that the Committee should continue to ~~examine~~ charges on the same rules as hitherto without changing its policy as this was particularly important from the point of view of extradition.

This was unanimously agreed.

NO. 82.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 21st November 1946
at 10.30 a.m.

In the Chair

Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Dr. Mayr-Harting | Czechoslovakia. |
| Sir Robert Craigie | United Kingdom. |
| Colonel Springer | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|-------------------------|-----------------|
| Major Fanderlik | Czechoslovakia. |
| Mlle. Capionbnt | France. |
| M. Dimitzas | Greece. |
| Commander Mouton | Netherlands. |
| Dr. Szerer | Poland. |
| Lt.-Col. Bell Macdonald | United Kingdom. |
| Dr. Mezulić | Yugoslavia |

I. Minutes No. 81.

Minutes of the Meeting held on 14th November 1946,
were approved.

II. Proceedings in Individual Cases.

The Committee decided upon a number of Yugoslav, Polish,
United Kingdom, Netherlands, French and Belgian cases as follows:-

1) YUGOSLAV Cases.

- 4254 Consideration of this case was postponed until the next Meeting in accordance with the decision taken in the Meeting of November 14th, 1946, (Minutes No. 81).
- 4312 1-30 plus LIMBURG on 'A'
- 4313 In view of the fact that the accused's rank as indicated in the charge was equivalent to "Senior Sergeant" and therefore it was highly improbable that a person of such a low standing could have had so much responsibility as submitted, it was decided to adjourn the case for further information as to what was the actual responsibility of this accused and also as to his possible participation in the crimes alleged.

2) POLISH Cases.

- 4306 On 'A' for ill-treatment of civilians and complicity in deportation.
- 4261 In order to bring this case into line with another Polish case against the personnel of Oswiecim (Auschwitz) concentration camp (No. 4192), it was decided to reconsider the decision taken in the last Meeting and to reclassify all persons except the accused No. 20, from 'A' to 'S'.

3) UNITED KINGDOM Cases.

- 4160 (Addendum) On 'A'.
- 4269 1-8 on 'A'
- 4270 On 'A'
- 4311 1-2 on 'A'

4) NETHERLANDS Cases.

- 4314 1-3 on 'A'
- 4315 1 on 'A'
2 on 'W'
- 4316 1-2 on 'A'
- 4317 On 'A' for torture only.
- 4318 1-4 on 'A'
5-6 on 'W'
- 4319 On 'A'
- 4320 On 'A'
- 4321 On 'A'

5) FRENCH Cases.

- 3402 (addendum) On 'A'
- 4271 1-4 on 'A'
- 4272 On 'A' for wanton destruction of property.
- 4273 On 'W' pending further information to be submitted by the National Office as to whether the accused was himself present while the crime was being committed, or whether he should be considered responsible for issuing orders resulting in the commission of that crime.

-3-

(FRENCH Cases continued).

| | |
|------|---|
| 4274 | On 'A' |
| 4275 | On 'A' |
| 4276 | On 'A' |
| 4277 | On 'A' |
| 4278 | On 'A' |
| 4279 | 1-3 on 'A' |
| 4280 | 1-2 on 'W' pending further information as to their direct responsibility for the crimes alleged. |
| 4281 | 1-2 on 'A' |
| 4282 | On 'W' pending further information as to the actual responsibility of this accused. |
| 4283 | 1 and 2 on 'W' pending further information as to their actual responsibility for the crimes alleged and in particular as to where the interrogation of victims took place: by whom were they conducted and who gave the order for shooting. |
| 4284 | 1-3 on 'A' |
| 4285 | On 'A' |
| 4286 | On 'A' |
| 4287 | 1-10 on 'A' |
| 4288 | 1-3 on 'A' 4-6 and 8 on 'S' 7 on 'W' |
| 4289 | On 'A' |
| 4290 | 1-3 on 'A' |
| 4291 | On 'A' |
| 4292 | 2 on 'A' for deportation. 4 on 'A' for wanton destruction of property. |

In regard to the first accused the case was adjourned for further information as to whether there were any casualties due to military action among the persons compelled to work.

As to the third accused, the case was adjourned for further information as to what actually were the official responsibilities and the correct rank of this accused.

4293 On 'A':- 1-5, 8, 11, 12, 15, 16, 20-22, 25, 27-29,
31, 36-42, 44, 45, 48-75, 79-81, 83-93,
122-125, 130, 131.

On 'S':- 6, 7, 9, 10, 13, 14, 17-19, 23, 24, 26, 30,
32-35, 43, 46, 47, 76-78, 82, 94-121,
126-129, 132.

4294 1-2 on 'A'

4295 1-2 on 'A' for pillage only.

4296 1-2 on 'A'

4297 1-4 on 'A'

4298 1, 3, 4, 6 and 7 on 'A'
As to 2, 5 and 8 the case was adjourned for more
particulars.

4299 On 'A'

4300 1-2 on 'A'

4301 1-3 on 'A'
4-6 on 'W'

4302 On 'A'

4303 1-3 on 'A'

4304 1-4 on 'A'

4305 1 on 'A'
2-3 on 'W'

6) BELGIAN Cases.

3174 {Addendum II) On 'A'
{Addendum III) On 'A'
{Addendum IV) On 'A'

4307 On 'A'

4308 On 'A'

4309 1, 3, 14-19 and 21-24 on 'A'

As to 2, 4-13 and 20 the case was adjourned for more particulars.

4310 1-2 on 'A'

III. Listing of Allied Nationals by CROWCASS.

Referring to the statement of Lieut-Colonel RYAN in the Commission Meeting of 6th November, 1946, Commander MOUTON asked, in connection with the Netherlands charge 4313, what action the Committee would take in view of the fact that CROWCASS is apparently not prepared to include in their Wanted Lists, any allied nationals listed by the Commission as war criminals who at the same time might fall under the category of Quislings or traitors.

After some discussion, it was decided that the matter be put before the Commission for consideration together with the question of Wanted Reports discussed in previous Meetings; and the Secretary was asked to prepare a Memorandum on this subject.

IV. The Criminal Organizations in the Nuremberg Judgement (Doc III/64).

In elaborating his suggestion put before the Committee in its last Meeting, Dr. SCHWELB submitted for consideration the following. If a person, accused of a particular war crime, (e.g. murder), was described in the charge by his function, which made him fall under one of the groups declared criminal by the Nuremberg Judgement, (e.g. member of the S.D., or Gauleiter) then the charge contained the facts of and implied two crimes: the particular crime (murder) and the crime of aiding and abetting war crimes by having been a member of a criminal organization. If in such a case the Committee found that additional information as to the particular crime charged was necessary, it could adjourn the case as to that crime, but immediately list the accused for the second crime implied in the charge, namely for committing a war crime by being a member of a criminal organization, provided, of course, that the facts brought before the Committee established prima facie evidence that the accused knew of the criminal purposes of the organization.

Dr. MAYR-HARTING said that the question raised by Dr. SCHWELB concerned more the National Offices than this Committee and the fact that a prima facie case of a particular crime had not been established against a certain accused does certainly not justify his being put on the List for some other reason.

Monsieur de BAER pointed out that Dr. SCHWELB's proposal might bring up the general question of whether the Commission should list persons only because of their membership in criminal organizations and such a proposition might lead to a review of Lists 7 and 9.

Dr. MAYR-HARTING thought that the Commission could not take action on the score of criminal membership as the Commission Lists were intended for the purpose of extradition and he doubted whether the Military Authorities on the basis of the law now in force would extradite an individual listed only because he was a member of a criminal organization.

Sir Robert CRAIGIE said that the function of this Committee was to consider individual charges brought by the National Offices and it was rather doubtful whether it should extend that function by taking the view that while it did not consider the individual guilty on a charge submitted by the National Office, he should nevertheless be listed under the Nuremberg Judgement on the ground of his criminal membership. The extent to which the Committee would go on that part of the Nuremberg

Judgement is difficult to establish because the Committee had no criterion for judging whether the accused had any real knowledge of the criminal purpose of the organization.

Colonel SPRINGER was of the opinion that the Committee should continue to ~~examine~~ charges on the same rules as hitherto without changing its policy as this was particularly important from the point of view of extradition.

This was unanimously agreed.

NO. 83.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 28th November 1946
at 10.30 a.m.

In the Chair

Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:Dr. Mayr-Harting
Colonel SpringerCzechoslovakia.
United States of America.Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

Dr. Szerer

Poland.

The Committee met specially to consider two urgent
cases and decided as follows:-

1) BELGIAN Case.

4324

On 'C'

2) POLISH Case.

4328

On 'A'

NO. 84.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 4th December 1946
at 10.30 a.m.

In the Chair

Monsieur de Baer. (Belgium).

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------|---------------------------|
| Major Fanderlik | Czechoslovakia. |
| Sir Robert Craigie | United Kingdom. |
| Colonel Springer | United States of America. |
| Mr. Ben H. Brown. | United States of America. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|------------------|-----------------|
| Commander Mouton | Netherlands. |
| Dr. Szerer | Poland. |
| Major Mason | United Kingdom. |
| Dr. Mezulić | Yugoslavia. |

I. Minutes Nos. 82 and 83.

Minutes of the Meetings held on 21st November 1946 and 28th November 1946 were approved.

II. Proceedings in Individual Cases.

The Committee decided upon a number of United Kingdom, Yugoslav, Polish, United States, Czechoslovak, Belgian, and Netherlands cases as follows:-

1) UNITED KINGDOM Cases.

| | |
|--------------------|--------------|
| 4160 (addendum II) | On 'A'. |
| 4322 | 1-2 on 'A' |
| 4323 | 1-16 on 'A'. |

2) YUGOSLAV Cases.

| | |
|------|---|
| 4331 | On 'A' for deportation of civilians and confiscation of property. |
| 4332 | On 'A' for murder, putting hostages to death, torture, and illegal arrests. |

3) POLISH Cases.

- 4327 The Committee were of opinion that this was not a prima facie case establishing the accused's responsibility neither for murder nor for illegal arrest. The case was accordingly adjourned for further information.
- 4329 On 'A'
- 4330 On 'A' for complicity in deportation of civilians,
- 4344 On 'A'.

4) UNITED STATES Cases.

- 4325 On 'A'.
- 4326 On 'A'.

5) CZECHOSLOVAK Case.

- 4115 Consideration of this case was adjourned for two weeks in order that the National Office might supplement the charge with additional information necessary to establish (a) whether the crimes alleged were of an isolated character or constituted part of a pattern applied at different times and places and (b) whether they had been executed in connection with the aggressive war. The National Office was also asked to establish the nationality of the accused persons.

6) BELGIAN Cases.

- 1893 After Monsieur de Baer had supplemented the case as to (Addendum II). the crimes alleged and stated that specific charges against each of the accused had been established by the National Office, it was decided to list all the accused on 'A' for ill-treatment.
- 4309 GROHE and BRAIDA on 'A' for putting hostages (Addendum) to death.

7) NETHERLANDS Cases.

- 4333 1 on 'A' for murder, ill-treatment and pillage.
2 and 3 on 'A' for murder.
4 on 'W'.
- 4334 1-3 on 'A'.
As to the 4th and 5th accused the case was adjourned for further information.

-3-

| | |
|------|--|
| 4335 | 1-5 on 'A' HAVENETH on 'W' |
| 4336 | 1-2 on 'A' 3-4 on 'W' |
| 4337 | On 'A' |
| 4338 | On 'A' |
| 4339 | 1 on 'A'. (Priority List). 2 and 3 on 'S' |
| 4340 | 1-3 on 'A' |
| 4341 | 1-3 on 'A' for plunder of private property. |
| 4342 | 1-4 on 'A' 5 on 'W' |
| 4343 | 1-3 on 'A' |

III. Letter from Dr. Szerer:- Listing of Unknown Personnel of Concentration Camps.

Monsieur de BAER read the following letter which he had received from Dr. Szerer, the Polish Representative:-

"The List of War Criminals No. 30 contains the following entry /336/: "Unknown - All unknown S.S. personnel at the Institute of Anatomy, Strasbourg and Fort Ney at Robertsau".

The Polish Military Mission in Germany considers that their work would be very much eased and quickened if - according to the precedent just mentioned - all the commanding personnel and guards of the concentration camps in Oświęcim/Auschwitz/ and Stutthof could be listed generally. The Military Mission could then ask for the extradition of anybody who, at any time, belonged either to the commanding personnel or to the guards in the two camps - a prima facie case against them being made out by the general listing.

You would greatly oblige me by letting me know whether the actual policy of Committee I makes such listing possible".

Dr. LITAWSKI explained that the case referred to in List 30 had been accepted and the unknown personnel of the Institute of Anatomy listed, on the grounds that the crimes committed had been exceptionally atrocious; while the personnel on the Staff of the Institute was comparatively very small in number and have been indicated in the relevant charge by ranks and functions. This was the only instance in which the Committee had listed such unknown personnel as a unit.

Monsieur de BAER added that the case in question had greatly incensed public opinion at the time.

The Committee was of the opinion that the listing of an unknown personnel as a unit in such a case gave no justification for establishing a general rule, and decided that it could not, therefore, comply with Dr. Szerer's request.

The Secretary was asked to reply to Dr. Szerer's letter accordingly.

IV. Request of G. MADORI: listed by Yugoslavia, (Doc. I/71).

Monsieur de BAER gave first a summary of the Yugoslav charge 364 and read the relevant paragraph in which Dr. Madori, Manager of the Broadcasting Station in Ljubljana, had been charged as a war criminal for wanton destruction of property. The case had been accepted by the Committee on 28th November 1944, and the name of the accused appeared in List No. 2.

The Memorandum before the Committee, from Madori's Solicitors, complained that their client had been kept in custody since June 1945 without any action being taken, and requested either to grant him a temporary release or to make a quick examination of the accused's case. Monsieur de Baer submitted that the matter was an important one, involving as it did, a question of policy.

Dr. MEZULIĆ said that he did not know why Madori had not been handed over to the Yugoslav authorities, as it was the general rule that as soon as a person was listed by the Commission his surrender was requested automatically. Dr. Mezulić promised to obtain information on this point for the Committee.

Sir Robert CRAIGIE observed that according to the Memorandum it seemed that Madori never had anything to do with propaganda, but was concerned only with the administrative and cultural side of the work, in which case his position would certainly not have made him responsible for an action such as the burning of a library.

Monsieur de BAER remarked that the Memorandum said nothing about the burning of a library, so it seemed that Madori had not known that he was charged for that crime.

Sir Robert CRAIGIE said that if such was the case the account hardly seemed to imply that he might have been connected with an action of that kind, although it was possible, of course, that his account contained errors and omissions. The issue seemed to be this: that if the Yugoslav National Office had asked for Madori to be listed merely in virtue of his position as head of the Radio Station but had no direct evidence of his participation in the burning down of the library, then the Committee should consider very seriously whether Madori should remain on the Commission's Lists. If, on the other hand, there was sufficient evidence to prove that he had been definitely connected with the crime, then it seemed that he must remain in custody until he was brought up for trial. He thought, therefore, that the Committee would be quite justified in asking the National Office to produce more evidence in this case and in requesting the production of affidavits in connection with the crime allegedly committed by Madori. On the other hand, the National Office, when re-considering the case in the light of further

evidence such as that contained in the Memorandum, might wish to modify or even withdraw the case.

Dr. MEZULIC asked whether the Commission was competent to change any decision previously made by it. It seemed to him to be a matter for the Court to decide, when trying the accused.

Monsieur de BAER replied that so long as a person had not been charged before a Court the Commission could remove his name from its Lists if it had definite proof that the person was in no way connected with the crime alleged.

Major FANDERLIK suggested that the Yugoslav National Office should also be asked whether any Wanted Report had ever been filed with CROWCASS.

Monsieur de BAER said that raised another point: what was to happen when a National Office failed to send in a Wanted Report for a war criminal listed by the Commission, and showed a complete lack of interest in a person whom it had accused.

Sir Robert CRAIGIE said that so far as he was concerned he would support any recommendation, at the right moment, that a person listed should be released if a Wanted Report was not issued within a reasonable time by the National Office concerned.

Dr. LITAWSKI observed that from the Memorandum it appeared that there had been some contact in this matter between the Yugoslav authorities and the Allied military authorities in Italy.

It was decided to adjourn further consideration in order that the National Office might be asked to produce definite evidence, particularly in the form of affidavits, showing Madori's complicity in the burning down of the library; and to establish whether the surrender of Madori had been requested by Yugoslavia.

In the meantime the Secretary-General was asked to acknowledge receipt of the letter, saying that the matter would be given early attention.

V. Priority Lists.

The Committee considered Sir Robert Craigie's proposal to introduce separate lists including only those cases where the crimes had been particularly serious and therefore deserving the special attention of the investigating teams on the Continent. The List would include persons to be listed in the future, but also any persons already listed whom the National Offices requested and the Committee thought deserving of speedy apprehension and trial.

The question arose as to whether each Government represented on the Commission should submit a limited number of names in which they were particularly interested, or whether it should be left to the Committee to decide. The former was rejected for two reasons: that there was bound to be some discrepancy between the types of cases and degree of criminality which each of the seventeen Governments might submit; and the number of names thus listed would be too large, so defeating the whole purpose of keeping the list restricted to most important cases only. Sir Robert CRAIGIE suggested about twenty-five

names as a sufficient number, which would not be unduly burdensome to the Allied investigating teams.

Dr. LITAWSKI drew attention to the fact that the National Offices had already been asked to submit to the Commission ^{particularly} important cases, and so far a reply had been received only from the Belgian National Office. He suggested that the National Offices be reminded of the former recommendation. On receipt of these names the Committee itself could screen them for the most serious cases involved.

The Committee decided, therefore, to introduce a Priority List to contain not more than 20-30 names at a time, and which would include names already listed as well as those to be listed in the future. The Committee itself would be responsible for deciding which names were to be put on the List. As soon as the List contained sufficient number of names it will be sent to the apprehending authorities for action.

VI. Filing of Wanted Reports with CROWCASS.

Sir Robert CRAIGIE said that he had been concerned for some time about those persons who were being kept in custody and in whom the national authorities accusing them were not sufficiently interested to ask for their surrender. To keep persons in custody indefinitely when there was little or no likelihood of their ever being brought to trial was repugnant to all sense of justice.

Sir Robert, therefore, submitted the following proposal: That if Wanted Reports in respect of names appearing on the Commission Lists are not filed with CROWCASS within a reasonable time, it would be open to the Committee to review such cases, and where desirable to remove the names from the Commission Lists.

Monsieur de BAER suggested, and the Committee agreed, that a reasonable time would be about three months.

Colonel SPRINGER suggested, with reference to past Lists, that the National Offices might be informed that those persons already listed in, say, the first thirty-five Lists should be the subject of Wanted Reports by March 1st next, otherwise the Committee would recommend to the Commission that their names be removed from its Lists.

Dr. LITAWSKI pointed out that removal of a name from the Lists meant that a person was no longer regarded by the Commission as a war criminal; but the fact that a Wanted Report had not been filed did not mean that a person had ceased to be a war criminal. Would it not be more practicable to advise the military authorities simply that such persons should be released?

The question arose as to whether this proposal would apply only to persons in custody, and Major FANDERLIK pointed out that it would be a waste of time for the military authorities even to look for persons in whom the National Offices were not sufficiently interested.

Monsieur de BAER wondered whether there were any persons held in custody apart from those for whom Wanted Reports had been submitted.

Sir Robert CRAIGIE believed there were a few detained on the basis of the Commission Lists alone, and some who had been arrested on other grounds - for example, where there was definite local evidence of a person having committed a crime.

Major FANDERLIK added that there were also a number of so-called Security Suspects.

Sir Robert CRAIGIE suggested that the apprehending authorities might be asked to inform the Commission of any case that came to their notice where a person had been held in custody for a long time purely on the basis of the Commission Lists, and where no action had been taken by the national authority accusing him - in other words, when no Wanted Report had been submitted. The Committee could then review the case and eventually inform the military authorities that so far as the Commission was concerned there appeared to be no reason why such a person should not be released.

The principle of keeping persons in custody indefinitely was most undesirable and should certainly be avoided. Such procedure was quite liable to bring serious criticism upon the Commission.

It was decided to submit the Committee's proposal to the Commission for consideration at its Meeting that afternoon.

VII. Reproduction of Chungking Lists and Closing of 50th List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 50). This would include all cases accepted by the Committee up to 4th December 1946 inclusive. The four Chungking Lists received up to date will be reproduced as the Commission's Lists 46-49.

NO. 85.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 19th December 1946
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

| | |
|---------------------|---------------------------|
| Sir Robert Craigie. | United Kingdom. |
| Colonel Springer. | United States of America. |
| Mr. Ben H. Brown. | United States of America. |
| Major Fanderlik. | Czechoslovakia. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|------------------|-----------------|
| Mlle Capionmont | France. |
| M. Dimitzas. | Greece. |
| Commander Mouton | Netherlands. |
| Dr. Mezulić. | Yugoslavia. |
| M. Zimonjić. | Yugoslavia. |
| Major Fletcher | United Kingdom. |

I. Minutes No. 84.

Minutes of the Meeting held on 4th December 1946 were
 approved.

II. Proceedings in Individual Cases.

The Committee decided upon a number of United Kingdom, Yugoslav,
 Greek, Polish, French, Belgian, Netherlands, and Czechoslovak cases as
 follows:-

1) UNITED KINGDOM Cases.

| | |
|------|---|
| 4396 | 1-3 on 'A' for ill-treatment of civilians and directions to give no quarter. |
| 4397 | 1-19 on 'A' for murder and ill-treatment of civilians. |

2) YUGOSLAV Case.

4313

This was adjourned for further information, as from the evidence submitted by the National Office up to now it appeared that the accused was engaged in political activities only and no war crimes could possibly be preferred against him.

3) GREEK Cases.

4345

On 'A' for complicity in mass murder and looting.

4346

On 'A' for murder and torture.

4347

1-2 on 'A' for murder, wanton destruction of property and pillage.

4348

1-3 on 'A' for murder and deportation.

4-9 on 'A' for looting.

10-13 on 'A' for torture.

14-22 on 'A' for illegal arrest and torture.

4349

1-3 on 'A' for murder.

4350

1-2 on 'A' for murder and torture.

4351

1-4 on 'A' for murder.

4) POLISH Cases.

4352

8 on 'A'

1-7 and 9-60 on 'S'

4386

On 'A'

4387

On 'A'

4388

On 'A'

4389

On 'A'

4390

On 'A'

4391

On 'A'

4392

On 'A'

4393

On 'A'

4394

On 'A'

4395

1-4 on 'A'

5) FRENCH Cases.a) Addenda.

443 (4) 1-24 on 'A'
 671 (2) On 'A' for illegal arrest and deportation.
 1187 1-4 on 'S'
 1196 (2) 1-11 on 'A'
 2675 1-7 on 'A'
 3341 1 and 2 on 'A'

As the 3rd accused had already been listed on the original charge, no further action was necessary.

Accused 1, 3 and 4 of the original charge were to be removed from the Commission List.

3856 1-4 on 'S'

b) New Cases.

4362 1-8 on 'A'
 4363 This was adjourned for further information and particularly on what grounds the accused was suspected by the National Office of having been responsible for the crimes alleged.
 4364 1-3 on 'A'
 4365 1-2 on 'A'
 4366 1-3 and 6 on 'A' for pillage and destruction of property.
 4-5 on 'W'
 4367 1-3 and 6 on 'A'
 4, 5, 7, 8, on 'S'
 9 to be left out.
 4368 1-3 on 'A'
 4 on 'C'
 4369 1-3 and 7-8 on 'A'
 4-6 on 'S'
 4370 1-2 on 'A'
 3-17 on 'S'
 4371 On 'A'
 4372 1-2 on 'A'. (Priority List).
 4373 On 'A'
 4374 1-2 on 'A'

(FRENCH Cases continued).

| | |
|------|---------------------------|
| 4375 | 1-4 on 'A' 5-12 on 'W' |
| 4376 | 1-2 on 'A' 3-18 on 'W' |
| 4377 | On 'A' |
| 4378 | 1-6 on 'A' |
| 4379 | On 'A' |
| 4380 | On 'A' |
| 4381 | 1-3 on 'A' |
| 4382 | On 'A' |
| 4383 | On 'A' |
| 4384 | On 'A' |
| 4385 | On 'A' |

6) BELGIAN Cases.

a) Addenda.

| | |
|----------|-----------------------------------|
| 1800 | On 'A' on counts I, III and XIII. |
| 2088 (I) | 1-3 on 'A' |
| (II) | On 'A' |

b) New Cases.

| | |
|------|---|
| 4398 | This was adjourned on the request of Monsieur de Baer. |
| 4399 | 1-2 on 'A' 3-6 on 'S' |
| 4400 | 1-21 plus Commandant of Unit 49215 on 'A' All units as such on 'C'. |
| 4401 | 1-12 on 'A' |
| 4402 | 1 on 'A' as submitted. 3 on 'A' for ill-treatment of P.O.W. As to the second accused, the case was adjourned for further information as no charges were submitted against this accused. |
| 4403 | On 'A' |
| 4404 | On 'A' |

7) NETHERLANDS Cases.

- 4353 On 'A' on the understanding that the charge is limited to the accused's activities in the "Hollandsche Papier Industrie".
- 4354 On 'A'
- 4355 On 'A'
- 4356 On 'A'
- 4357 This was adjourned for additional information necessary to establish a), whether or not the destruction of the quay and cranes was ordered for military reasons and b), whether the destruction was intended to cause just a temporary or more lasting damage and c), whether the accused exceeded the instructions he actually received.
- 4358 1-4 and 6 on 'A'
5 and 7 on 'W'
- 4359 On 'A'
- 4360 This was adjourned for further information and particulars necessary to substantiate the charge of pillage. As the accused was one of the firm's directors since 1925, the National Office was asked to establish that it was not within his power to transfer the firm's inventory and capital to Germany, and also that the transfer had been prejudicial to the firm's interests.
- 4361 This was adjourned for further information as it was not clear whether the articles were "seized", i.e., whether they were confiscated or appropriated by the accused. The National Office was also asked to establish whether or not the wireless sets were confiscated as a penalty for listening to the foreign broadcasts.
- 4405 After Commander Mouton had supplemented the case to the effect that the accused's order was in fact carried out, it was decided to list the accused on 'A' for plunder only, as it was considered that the accused's responsibility for murder had not been established.
- 4406 1 on 'A'
2 on 'W'
- 4407 1 and 3 on 'A'
2 on 'W'
- 4408 1-5 on 'A'
- 4409 1-5 on 'A'
6 on 'W'

8) CZECHOSLOVAK Case.

- 4115 In view of the information additionally submitted by the National Office it was decided to list the accused 1-3

.....

4115 (continued) and 6-9 on 'A'.

As the crimes alleged against the accused
4 and 5 seemed to be too minor ones, these were
left out.

III. General Marinov's Case: (Doc. I/72).

Consideration of this matter was adjourned until the next Meeting in order to examine the Document in conjunction with further evidence to be submitted by the National Office.

It was also decided that in addition to Document I/72 the Secretariat should also circulate to members of the Committee copies of the letter dated September 11th, 1946, addressed to the United Nations War Crimes Commission by the Bulgarian Government through the care of the Allied Control Commission in Sofia, referred to on page 3 of Document I/72.

51st List closed (See Min. No. 86)

NO. 86.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 23rd January 1947
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

| | |
|--------------------------------|---------------------------|
| Sir Robert Craigie | United Kingdom. |
| Colonel Springer | |
| (accompanied by Lt.Col.Hougen) | United States of America. |
| Dr. Neumann | Czechoslovakia. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|------------------|-----------------|
| Mlle Capiomont | France. |
| M. Dimitzas | Greece. |
| Commander Mouton | Netherlands. |
| Major Fletcher | United Kingdom. |
| Dr. Marković | Yugoslavia. |

I. Minutes No. 85.

Minutes of the Meeting held on 19th December, 1946, were approved.

II. General Marinov's Case (Docs. I/72, I/73, I/74, I/75).

M. de BAER re-opened the discussion with particular reference to additional evidence which had been submitted by the Greek Government (Doc. I/74). From that evidence it appeared that General Marinov had placed a certain Bulgarian, Lt. Col. Tchaneff, in command of the regiment which took part in military operations in the district of Kastoria in January 1944. It was Tchaneff's forces who actually committed the atrocities which apparently were so terrible that even the German occupation authorities were alarmed, and ordered the departure from Greek soil of the Bulgarian regiment. M. de Baer asked whether Colonel Tchaneff had been charged as a war criminal, in view of the fact that it was he who was directly responsible for the crimes committed.

M. DIMITSAS replied that Tchaneff had not been charged as yet, but a case against him was in preparation and would be brought before the Commission in the near future.

In reply to the question as to whether there was any definite statement by Tchaneff himself declaring that while his unit was under German Command he still continued to receive instructions from

Marinov, M. Dimitzas replied that the Greek Government so far only had the evidence of witnesses.

M. de BAER said that the logical conclusion one would draw from the evidence as it stood would be that Marinov ordered Tchaneff, who in turn ordered his officers, to commit the atrocities referred to. On the other hand, there was no definite proof that Tchaneff did receive direct orders from Marinov, who himself had denied that he had had any contact with the unit, (Doc. I/73, page 2, para. 5).

On this point Dr. LITAWSKI drew attention to para. VI. of Doc. I/74, in which it was stated that it was on Marinov's initiative that an agreement was reached with the German authorities by which he himself would send reinforcements to the Germans, and units under his command would take part in the military action.

M. DIMITSAS added that there was clearly a difference of action between the German and Bulgarian military authorities during the expedition, in that the Germans did not commit any crimes whereas the Bulgarians did.

M. de BAER, referring to page 9, para. (B) of Doc. I/74, asked whether the order of the day issued by Tchaneff was available.

M. DIMITSAS replied in the negative, adding that all documents had been destroyed, and the only evidence was that given by witnesses.

Sir Robert CRAIGIE asked on whose evidence the Greek Government had based the charge that Marinov continued to give orders to the regiment under Tchaneff.

M. DIMITSAS replied that it was on the evidence of Kaltcheff and Ravalli.

Sir Robert CRAIGIE said that he did not find anything very convincing against the continuation of Marinov's control over the regiment once it had been put under German Command, and suggested that the Greek case should be strengthened on that point. It was important to have as direct and satisfying evidence as possible that the regiment did remain under Marinov's control, or, if not under his control, that at least Marinov continued to give orders of some kind to Tchaneff.

M. de BAER added that there was no doubt that murders and massacres had been committed, but there was not sufficient evidence to show that Marinov was personally responsible for these crimes. He thought that one could assume from the evidence that Marinov was carrying out a policy which aimed at the future annexation of Western Macedonia to Bulgaria by the extermination of Greek national sentiment, but that in itself need not involve the commission of war crimes, and it was necessary, therefore, to prove that the atrocities committed were an integral part of that policy.

Sir Robert CRAIGIE was of the opinion that it was necessary to have further evidence that Marinov remained in touch with Tchaneff, while the Bulgarian regiment was under German command, and consequently that his activities were not merely confined to general instructions to prepare the way for the annexation of Western Macedonia, but that he fully approved the methods by which this was to be achieved - namely, the commission of atrocities.

Colonel SPRINGER was of the opinion that once a detachment had been placed under the control of a new command then that commander

bore sole responsibility. Experience would seem to weight against Marinov having any further control over Tchaneff. In addition to asking for further evidence that Marinov still remained in contact with, and gave orders to, Tchaneff, perhaps further evidence could be brought to show that before the unit was detached, Marinov had issued some specific orders to Tchaneff.

Sir Robert CRAIGIE said that his own personal views on the matter were, that so far as military operations were concerned the unit was under German Command, but the probabilities were that Marinov who obviously had an interest in the political situation and may have been acting on the instructions of the Bulgarian Government, continued to take a keen political interest in the events, which, in view of what was happening in the country generally, meant the commission of atrocities in order to bring about the political results desired by Bulgaria. In order to prove that, however, it was important to have prima facie evidence.

There was, however, a second question - Marinov's connection with the comitadjis. Sir Robert CRAIGIE thought the evidence in this connection was stronger. It seemed clear that Marinov had contacts with, or even control of, the irregular elements and received personal reports from members of the comitadjis from time to time. There seemed good evidence, too, that Marinov did go to Kastoria with the object of trying to further increase Bulgarian control over the area for political purposes. There would appear to be something suspicious about Marinov's denial of any visit to Kastoria, followed by his admission that he paid just one visit as a tourist. It would be desirable, however, to strengthen still further the case on this point, as there was conflicting evidence even with regard to the visit mentioned. There were contradictory reports as to who was present at the meeting, and also with regard to the speech which Marinov was reported to have made.

M. DIMITSAS thought it would be easier to strengthen the evidence on the second question than on the first. M. DIMITSAS drew attention to the fact that Marinov was suspected of having been to Kastoria at other times, but the Greek Government had not been able to confirm this. Certainly a person or persons of high rank frequently went to the area.

Dr. LITAWSKI observed that even if different military persons had visited the area, it was unlikely that Marinov would not have known the purpose of such visits, as the persons in question came from Monastir, Marinov's headquarters.

Dr. NEUMANN also felt that there should be more direct evidence as to the link between crimes committed and Marinov's direction of them.

The Committee decided to adjourn further discussion on the case for three weeks, and the Greek National Office was asked to produce further evidence on the following points: That Marinov remained in touch with and gave specific directions to Tchaneff while his unit was operating under German Command; that Marinov not only directed a general policy to prepare the way for the annexation of Western Macedonia to Bulgaria, but that he was responsible for, and fully endorsed, the methods by which this policy was to be brought about - namely, the commission of war crimes; and that Marinov maintained personal contact with the Bulgarian comitadjis while directing and encouraging their activities in Greek Western Macedonia.

III. Proceedings in Individual Cases.

The Committee decided upon a number of United Kingdom, Yugoslav, Netherlands, Polish, French, and Belgian cases as follows:-

1) UNITED KINGDOM Cases.

| | |
|-----------------|------------|
| 847 (addendum) | 1-3 on 'A' |
| 3969 (addendum) | On 'A' |
| 4423 | 1-3 on 'A' |
| 4424 | 1-5 on 'A' |
| 4425 | 1-2 on 'A' |
| 4544 | On 'A' |
| 4545 | On 'A' |

2) YUGOSLAV Cases.

| | |
|------|--|
| 4410 | 1-3 on 'S' 4-7 on 'W' |
| 4411 | This was adjourned for further information and evidence necessary to substantiate the alleged illegality of the arrests carried out by the accused. |
| 4412 | On 'A' |
| 4413 | 1, 2, 14-18 on 'A' 7, 8, 12, 13 on 'S' 9-11 on 'W' Regarding the accused 3-6 and 19, no charges have been preferred against them. The case was adjourned for further information. Regarding the last accused it was also pointed out that no crimes are alleged to have been committed at VELIKI BECKEREK for which this accused could be held responsible in view of his official position. |
| 4414 | This case was adjourned for further information necessary to substantiate the alleged illegality of the arrests carried out by the accused mentioned in para. 3 on page 2 of the case. As to the other accused, it was thought that the general statement in para. 5 on page 2 was not sufficient for establishing their responsibility. |
| 4415 | 1-2 on 'A' 3 on 'W' as no charges have been preferred against her. |

280

(YUGOSLAV Cases continued).

- | | |
|------|--|
| 4416 | On 'S' |
| 4417 | On 'A' |
| 4418 | On 'A' |
| 4419 | This was adjourned for more particulars as to the measures taken by the accused himself in "liquidation of Jews", as well as to his responsibility for the particular crimes committed. The National Office was also asked to submit the evidence on which the case was based. |
| 4420 | Here the same decision was taken as in case 4419. The case was accordingly adjourned. |

3) NETHERLANDS Cases.

- | | |
|---------------------|---|
| 4184 (addendum) | As the first accused has already been listed for pillage, no further action was necessary. 2 on 'W'. |
| 4206 (addendum) | On 'W' |
| 4426 | 1-9 on 'A' |
| 4427 | On 'A' |
| 4428 | As it appeared that no war crime could be established on the facts submitted in this charge and that in any case the accused was not responsible for deporting the alleged victims, it was decided to classify the case on 'C'. |
| 4429 | 1-7 on 'A' } 8-10 on 'W' } on all counts except that of pillage. |
| 4430 | 1-2 on 'A' 3-5 on 'W' |
| 4431 | 1-8 on 'A' |
| 4533 (main case) | 1 and 3-8 on 'A' 2 and 9-10 on 'W' |
| 4533 (addendum) | 1-5 on 'A' 6-12 on 'W' |
| 4534 | 1-5 on 'W' |
| 4535 | On 'A' |
| 4536 | 1 on 'A' 2-3 on 'W' |
| 4537 | On 'S' |
| 4538 | 1-7 on 'A' |
| 4539 | 1-6 on 'A' 7-8 on 'W' |

(NETHERLANDS Cases continued).

4572 1-7 on 'A'
 8-13 on 'W'

4573 1-2 on 'A'

4) POLISH Cases.

4540 On 'A' for illegal arrests only.
 As to the charge of murder it was decided to ask
 the National Office for further information as
 to the kind of offences for which the victims
 were sentenced to death by the 'Standgericht'.
 This part of the case was adjourned accordingly.

4541 On 'A'

4542 On 'A'

4543 1-2 on 'A'

5) FRENCH Cases.

a) Addenda.

562 1-14 on 'A'

1186 1-5 on 'A'
 6 on 'W'

1192 (3) 1-10 on 'A'

2714 As 1-2 had already been listed, no further
 action was necessary.
 3-5 on 'A'

b) New Cases.

4432 1-3 on 'A'

4433 On 'S'

4434 1-9 on 'A'
 10-22 on 'S'

4435 1-8 on 'A'
 9 on 'S' on all counts except No. 19.

4436 1 on 'A'
 2-3 on 'S'

4437 1 on 'A'
 2-10 on 'S'

(FRENCH Cases continued).

4438 1 and 3 on 'A' for pillage.
As to 2 and 4 the National Office was asked for further information as to whether or not the destruction was necessitated by military reasons. The case with regard to these accused was adjourned accordingly.

4439 On 'A'

4440 On 'A'

4441 On 'A'

4442 On 'A'

4443 On 'A'

4444 1-3 on 'S'

4445 On 'A'

4446 On 'A' for illegal arrest.

4447 On 'A'

4448 On 'A'

4449 On 'A'

4450 On 'A':- 1-3, 8, 17, 19, 25-30, 54, 66.
On 'S':- 4-7, 9-16, 18, 20-24, 51-53, 65, 69, 70.
On 'W':- 55-64, 67, 68, 71.

4451 On 'A'

4452 1-3 on 'A'
As in regard to 4-10 no charges could be preferred against them on the evidence submitted. The case with regard to them was adjourned for further information.

4453 1-2 on 'A'

4454 1 on 'A'
2 on 'W'

4455 1-5 on 'A'
6-17 on 'S'
18-19 on 'W'

4456 1-2 on 'S'

4457 1-10 on 'A'
11-21 on 'S'

4458 1-2 on 'A'

4459 On 'A'

4460 1-2 on 'A'. (Priority List).

4461 On 'A'

(FRENCH Cases continued).

| | |
|------|--------------------------------|
| 4462 | On 'A'. (Priority List). |
| 4463 | On 'A' |
| 4464 | On 'A' |
| 4465 | On 'A' |
| 4466 | On 'A' |
| 4467 | On 'A' |
| 4468 | On 'A' |
| 4469 | On 'A' |
| 4470 | On 'A' |
| 4471 | On 'C' |
| 4472 | On 'A' for ill-treatment only. |
| 4473 | On 'A' |
| 4474 | On 'S' |
| 4475 | On 'A' |
| 4476 | On 'A' |
| 4477 | On 'A' |
| 4478 | On 'A' |
| 4479 | On 'A' |
| 4480 | On 'A' |
| 4481 | On 'A' |
| 4482 | On 'A' |
| 4483 | On 'A' |
| 4484 | On 'A' |
| 4485 | On 'A' |
| 4486 | On 'A' |
| 4487 | On 'A' |
| 4488 | On 'A' |
| 4489 | On 'A' |
| 4490 | On 'A' |
| 4491 | On 'A' |

(FRENCH Cases continued).

| | |
|------|--|
| 4492 | On 'A' |
| 4493 | On 'A' |
| 4494 | On 'A' |
| 4495 | On 'A' |
| 4496 | On 'A' |
| 4497 | On 'A' |
| 4498 | 1-4 on 'A' for pillage and wanton devastation. |
| 4499 | On 'A' |
| 4500 | 1-2 on 'A' |
| 4501 | 1-3 on 'S' |
| 4502 | 1-2 on 'A' |
| 4503 | On 'A' |
| 4504 | 1 on 'A' 2-3 on 'S' |
| 4505 | 1-2 on 'A' |
| 4506 | 1-4 on 'A' 5 on 'W' |
| 4507 | 1-3 on 'A' |
| 4508 | 1-2 on 'A' |
| 4509 | 1-2 on 'A' |
| 4510 | As there was no evidence that the accused were in any way responsible for deporting the victims, the case was adjourned for further information. |
| 4511 | 1-8 on 'A' |
| 4512 | 1-2 on 'A' |
| 4513 | On 'A' |
| 4514 | 1-2 on 'S' |
| 4515 | 1-4 on 'A' |
| 4516 | On 'A' |
| 4517 | On 'A' |
| 4518 | 1-2 on 'S' |
| 4519 | On 'S' |

(FRENCH Cases continued).

| | |
|------|------------------------|
| 4520 | 1-4 on 'A' |
| 4521 | On 'A' |
| 4522 | On 'A' |
| 4523 | On 'A' |
| 4524 | On 'A' |
| 4525 | On 'A' |
| 4526 | 1-2 on 'A' 3 on 'S' |
| 4527 | 1-5 on 'A' |
| 4528 | On 'A' |
| 4529 | On 'A' |
| 4530 | 1-2 on 'A' |
| 4531 | 1-3 on 'S' |
| 4532 | On 'A' |

6) BELGIAN Cases.

a) Addenda.

| | |
|----------|---|
| 884 | 1-2 on 'A' The third accused was listed on 'W' as no particular crimes have been preferred against him. |
| 893 | 1-5 on 'A' |
| 981 | On 'A':- 1-32, 34-58, 62-76, 80-109. On 'S':- 33, 59-61, 77-79. |
| 1590 | 1-2 on 'S' |
| 3174 (V) | On 'S' |

b) Adjourned and new cases.

| | |
|------|-------------------|
| 3810 | 1-2 on 'S' |
| | 3-29 on 'W' |
| 3811 | 1-2 on 'A' |
| | 3, 4 and 5 on 'S' |
| | 6-31 on 'W' |
| 4143 | 1-2 on 'S' |
| | 3-7 on 'W' |

(BEIGLIN Cases continued).

- | | |
|------|-------------------------------------|
| 4398 | 1-99 on 'S' |
| 4421 | 1-6 and 15-18 on 'A' 7-14 on 'S' |
| 4422 | On 'A' |

IV. Submission of Cases by Ethiopia, (I/76).

Consideration of this matter was adjourned until the next Meeting.

V. Second Statistical Progress Report. (Doc. C. 241).

Consideration of this paper was adjourned until the next Meeting.

VI. Closing of 51st and 52nd Lists of War Criminals.

The Committee decided to issue two new Commission's Lists of war criminals. List No. 51 would include all cases accepted by the Committee up to 31st December, 1946, inclusive, and List No. 52 those accepted up to 23rd January, 1947.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 30th January
1947 at 10.30 a.m.

In the Chair Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

| | |
|---------------------|---------------------------|
| Sir Robert Craigie. | United Kingdom. |
| Lieut. Kintner. | United States of America. |
| Dr. Neumann. | Czechoslovakia. |

Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

| | |
|-------------------|--------------|
| M. Dimitzas. | Greece. |
| Commander Mouton. | Netherlands. |
| Dr. Marković. | Yugoslavia. |

I. Proceedings in Individual Cases.

The Committee decided upon a number of Yugoslav, Netherlands, and Greek cases as follows:-

1) YUGOSLAV Cases.

- | | |
|------|---|
| 4574 | DESCH on 'A' WAGNER on 'S' |
| 4575 | This case was adjourned for further information as to the accused's responsibility for the crimes alleged. The National Office was asked to submit additional evidence, in particular as to the following points: a) what were the exact functions of the accused as Beauftragter für Gerichtswesen: b) had the accused any power to give directives to the Courts: c) did the accused direct the Courts to deal with the matters described in the charge as criminal: d) what was the part played by the Courts in the eviction of 85000 Yugoslavs. |
| 4576 | On 'A' |
| 4577 | 1 on 'A' for ill-treatment of P.O.W. 1-2 on 'S' for murder. |
| 4578 | This was adjourned for further information as to |

(YUGOSLAV Cases continued).

- 4578 (continued) whether the accused was responsible for ill-treatment during the interrogation of the victims. The Committee were of opinion that the fact that the accused, in her capacity as secretary to the Gestapo chief, had interrogated victims, could not be sufficient to hold her responsible for subsequent atrocities, if that was in fact the case.
- 4579 On 'A'
- 4580 This was adjourned in order that the National Office might produce additional evidence as to the mens rea of the accused.
- 4581 On 'A'

2) NETHERLANDS Cases.

- 4184 14-16 additionally listed on 'W' as requested in the letter of 27th January, 1947.
- 4582 On 'A'
- 4583 On 'A'
- 4584 1 on 'A'
2-4 on 'W'
- 4585 1-8 on 'A' for deportation, pillage and confiscation of property.

3) GREEK Cases.

- 4546 As to the alleged ~~murder~~, the Committee were of opinion that no war crime can be established on the facts submitted in this case.
- As to the robbing of the victims body, the case was adjourned for further information as to exactly what articles were taken away from him in order to establish whether the act should be qualified as robbery or appropriation of booty.
- 4547 On 'A' for murder, torture, illegal arrests and wanton destruction of property.
- 4548 On 'A' for ill-treatment.
- 4549 On 'A' for murder, deportation and rape.
- 4550 On 'A'
- 4551 On 'A' for torture and illegal arrests.
- 4552 This case was withdrawn by the National Office.

(GREEK Cases continued).

- 4553 On 'A' for torture and rape.
- 4554 On 'A' for ill-treatment and confiscation.
- 4555 1 on 'A' for murder, wanton destruction of property, ill-treatment and torture resulting in death.
2 on 'A' for complicity in wanton destruction of property.
- 4556 On 'A' for deportation and wanton destruction of property. Other charges are not substantiated.
- 4557 On 'A' for confiscation, pillage, illegal arrests and ill-treatment.
- 4558 On 'A' for confiscation and ill-treatment.
- 4559 On 'A' for wanton destruction of property, illegal arrests and ill-treatment, and looting.
- 4560 This was adjourned for further information necessary to establish whether or not the accused's action was necessitated by the fact that the alleged victims were illegally trading in food stuffs. The National Office was also asked to substantiate the allegation that the accused's activities were of a piratical character.
- 4561 On 'A' for wanton destruction of property, illegal arrest and ill-treatment.
- 4562 On 'A' for wanton destruction of property.
- 4563 On 'A' for wanton destruction of property and ill-treatment.
- 4564 On 'A' for torture.
- 4565 As it was found that the victims were ill-treated and executed by the Gestapo officials and not by the accused, the case with regard to the latter was not accepted. The National Office was asked for additional evidence as to the names of the Gestapo officials responsible for the crimes committed.
- 4566 1-2) on 'A' for murder.
) on 'A' for looting, wanton destruction of property and illegal arrests.
- 4567 1-3 on 'A' for murder and indiscriminate mass arrests.
4 (SCHUBERT) on 'A' for indiscriminate mass arrests.
- 4568 On 'A' for ill-treatment.
- 4569 On 'A' for ill-treatment and deportation.
- 4570 This case was adjourned in order that the National Office might be asked for more particulars necessary

(GREEK Cases continued).

4570(continued) to establish the accused's responsibility for crimes committed by the comitadjis. The Committee requested that this should be done by submitting the necessary evidence in the form of affidavits.

II. Dr. MADORI'S Case. (Documents I/71 and I/77).

The Committee took note of the correspondence circulated in Document I/77. In view of the fact that since the case was adjourned, already two months elapsed, and no further evidence as to Madori's responsibility had been received, the Committee requested the Yugoslav National Office that additional evidence be submitted before the 15th March 1947, and decided to take up the matter for consideration at its first meeting after that date.

III. Submission of Cases by Ethiopia. (Document I/76).

Referring to the Draft Peace Treaty with Italy, Dr. LITANSKI said that he was inclined to think that the parties to the Treaty considered the 1935 Italian-Abyssinian War as concluded by debellatio and therefore it seemed to him there was no direct connection between the two wars.

Since Document I/76 had been circulated, the official text of the Peace Treaty for signature in Paris on 10th February, 1947, had been published. This contains a new provision concerning Ethiopia, Article 38, which has some important bearing on the question of Ethiopia's rights to prosecute Italian war criminals. An official commentary on the Treaty is also to hand (Command Paper 7026).

Dr. SCHWELB reminded the Committee that when, in July 1946, the Commission adopted the resolution contained in Doc. C. 217, neither the Draft nor the Final Text of the Peace Treaty was then known. He thought it was clear that if Article 38 of the final text was read in connection with Article 45, dealing with war criminals and if the Peace Treaty becomes law, then Ethiopia will have the right to request the extradition of any Italian charged with war crimes, and if Italy does not comply with her request then it will be left to the Ambassadors in Rome of the Big Four to decide.

Lt. KINTNER thought it was questionable whether the Commission had jurisdiction over the type of cases in question as there was no direct connection between the two wars.

Dr. SCHWELB said that the Commission had reserved its decision in July as contained in paragraph 2 of Doc. C. 217, but in the Peace Treaty Ethiopia is mentioned as being one of the Allied and Associated Powers, and concludes a Peace Treaty with Italy. The question is - which war is ended by this Treaty?

Dr. LITANSKI said the question to be considered was whether the provisions of the Peace Treaty with Italy regarding Ethiopia give the Commission terms of reference to deal with crimes committed in Ethiopia during the 1935 war. This, however, was primarily a question of policy to be decided by the Commission.

Sir Robert CRAIGIE said that so far as he was concerned the main

question was whether Article 38 does not require the Commission to modify its resolution of last July. Apart from that he would have to reserve the opinion of his Government as to whether or not it would be their desire that cognisance should be taken of any cases which might be submitted to the Commission by the Ethiopian Government.

Further consideration was adjourned for two weeks and the Secretary was asked to prepare a report on the points raised.

IV. Second Statistical Progress Report (Doc. C. 241).

This was approved without any amendments.

V. Historical and Legal Report on the Activities of Committee I. (Document I/78)

M. de BAER said that he had examined Doc. I/78 most carefully, and fully agreed with the proposal contained therein.

Sir Robert CRAIGIE said there was only one point to which he would like to draw attention: section 6 on page 2. He felt that as regards the report on legal rulings, reference should be made to Committee III as well as Committee I in so far as those rulings related to matters raised by Committee I.

Dr. LITAWSKI said this point was closely connected with the whole question of a general report covering the activities of the Commission, and depended on how the report of the Commission as such, and of its Committees, should be dealt with in order to avoid any unnecessary repetition on matters which have been considered to some extent by all three bodies.

M. de BAER believed that repetition would be unavoidable, and moreover, cross-references would be necessary in order to cover adequately the whole field of the Commission's activities.

Sir Robert CRAIGIE said that there would, of course, be a complete report of Committee III's work, but in so far as there were certain legal recommendations by Committee III which directly affected the work of Committee I, these rulings should only be included quite briefly in the report of Committee I, with cross-references to Committee III report.

Dr. SCHWELB observed that it was necessary to distinguish between the different types of jurisdiction: that of fact-finding or prima facie jurisdiction of Committee I, and advisory jurisdiction of Committee III. The report of Committee I would deal only with the fact-finding jurisdiction of the Commission and the solving of legal questions which were incidental to that fact-finding.

M. de BAER referred to paragraph IV of page 3, and wondered whether it would not be better to include Committee I report as part of the general report of the Commission.

Sir Robert CRAIGIE agreed with Dr. Litawski's proposal that the Commission report should contain only a summary report of Committee I's activities, and proposed that the full Committee I report should be considered as an annex to the Commission report.

M. de BAER agreed, but suggested that Committee I's report should be published at the same time as the Commission report.

Dr. LITAWSKI referred to section 5 on page 2 and asked for