

(YUGOSLAV Cases continued)

7508	On 'A'
7509	On 'A'
7510	On 'A' on the assumption that the execution was in carrying out a legal sentence
7511	On 'A'
7512	On 'A'
7513	On 'S'
7514	On 'S'
7515	1 on 'S' 2 on 'W'
7516	<u>Adjourned.</u> The case as it stands does not provide sufficient evidence for listing the accused
7517	On 'A'
7518	1-3 on 'A'
7519	On 'A'
7520	1-2 on 'S' pending further evidence as to personal responsibility of these accused.

5) CZECHOSLOVAK Cases.

7466	On 'A'
7467	1-4 on 'A'
7468	On 'A' for ill-treatment only
7469	On 'A' for complicity in both crimes
7470	On 'A'
7471	On 'A'
7472	On 'A'
7473	On 'A'
7474	On 'A'
7475	On 'A'
7522	On 'A' for complicity in mass murders and deportation
7523	On 'A'
7524	On 'A'
7525	On 'A'
7526	On 'A'

(CZECHOSLOVAK Cases continued)

7527	On 'A'
7528	On 'A'
7529	On 'A'
7530	On 'A'
7531	On 'A'
7532	On 'A'
7533	1-5 on 'A'
7534	1-9 on 'A'

II. Communication from Extradition Section, Legal Branch, BAOR.

The Committee took note of a communication received from the Extradition Section, Legal Branch, BAOR, dated 3 February, 1948, requesting submission to the Extradition Tribunal at Hamburg of evidence in the form of depositions and lists of witnesses in connection with a number of cases listed by the Commission.

The Committee authorised the Secretary to despatch copies of the charges, with an appropriate explanation as to the Committee's procedure at the time of accepting the cases.

NO. 133.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 12th February 1948, at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I, and their Deputies:

Lord Wright	Chairman of the Commission
Colonel Springer	United States of America
Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia
Dr. Aars Rynning	Norway

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

Captain Smith	United Kingdom
Judge Hammes	Luxembourg
M. Heisbourg	Luxembourg
M. Dimitzas	Greece

Secretary to the Committee: Dr. J. Litawski (Legal Officer)

I. Minutes No. 131.

Minutes No. 131 of the Meeting held on 5th February, 1948, were approved.

II. Proceedings in Individual Cases.

The Committee considered 60 cases against 138 persons submitted by the United Kingdom, Luxembourg, Greece, and Poland and decided as follows:

1) UNITED KINGDOM Case,

7521 1-2 on 'A'

2) LUXEMBOURG Cases.

6828 On 'A'

6829 Judge Hammes explained that in this case German gendarmes on duty were hunting Luxembourg deserters who had been illegally and compulsorily enlisted in the German Army. In view of the circumstances the victims had only two choices, either to be caught and subsequently killed or sentenced to death, or to resist capture. They chose the latter course, opened fire and were killed

.....

(LUXEMBOURG Cases continued)

6829(continued)

in the fight. His Government was interested in this case as there are several other similar cases before the Luxembourg authorities. Therefore, he was interested in having the Committee's opinion as to whether the Luxembourg citizens who were deserters under German law, are entitled to resist capture by force, and whether any responsibility could be attached to the Germans who were trying to catch them and eventually killed the deserters.

The Chairman explained that in the past the Committee have listed as war criminals persons who are responsible on a high level for the compulsory enlistment of soldiers among the inhabitants of occupied territories and also in cases where excessive sentences had been pronounced against such deserters or where victims had been shot after capture.

In this particular case it cannot be said that a war crime has been committed in circumstances which Judge Hammes has described, but he would not want to go so far as to say that forcible recapture of deserters for use of arms could never be a war crime. It is necessary to prove a very high degree of responsibility for recapture of deserters. However, in this case, the accused was merely a gendarme. The Committee agreed.

Judge Hammes then withdrew the charge.

6831

On 'S' for complicity in murder

6832

1-3 on 'A'

6835

On 'A'

6836

On 'A' for complicity in murder and deportation

6837

On 'A' for complicity in deportation

6838

On 'A' for ill-treatment

6841

On 'A' for pillage and complicity in deportation

6845

On 'A'

6846

On 'A' for deportation

6848

On 'A' for ill-treatment

6849

On 'A' for complicity in murder after the Luxembourg representative had explained that at the material time there was martial law in Luxembourg imposed by the Germans, and that under it the fate of every person handed over to the German authorities for any alleged offence was known in advance to consist of only one penalty - death.

The Committee was satisfied that the accused must have known that the victim would actually have been killed when turned over to the Gestapo.

415
(LUXEMBOURG Cases continued)

6851 On 'A'
6852 On 'A' for ill-treatment
6853 On 'A'
6854 On 'A' for ill-treatment
6860 On 'A' for complicity in deportation
6862 On 'A'
7477 On 'A' for complicity in murder
7478 On 'A' for murder
7479 On 'A' for ill-treatment

3) GREEK Cases.

7535 1-3 on 'A' for internment under inhumane conditions
and ill-treatment
7536 1-2 on 'A' for ill-treatment
7537 1-6 on 'A' for ill-treatment and forced labour
6 also for murder
7538 On 'A' for torture and murder
7539 On 'A' for murder
7540 1-3 on 'A' for mass murder. STARK already listed,
therefore no further action.
7541 On 'A' for mass murder
7542 On 'S' pending submission of further evidence
7543 On 'A'
7544 1-2 on 'A' for ill-treatment and deportation
7545 On 'A' for ill-treatment resulting in death
7546 1-3 on 'A' for murder
7547 On 'A' for pillage.

4) POLISH Cases.

7381 On 29 January 1948, the Committee disposed of the
Polish charge No. 7381, and decided to list, among
other accused, the owners of factories in which
Polish workers were used as slave labour (accused
Nos. 26-122). The latter were put on list 'S'.
.....

(POLISH Cases continued)

7381(continued)

When indexing the names of factory owners, it appeared that for some of them data supplied by the Polish National Office was not sufficient to permit them being inserted in the lists. This concerns the following accused:

26, 28, 30, 31, 32, 33, 34, 54, 59, 65, 68, 77, 78, 84, 87, 88, 100, 101.

In all the above cases the accused are indicated by the names of the firms only, and no name of the owner is supplied. In some cases names of firms are followed by names of individuals whose positions (Baumeister, Zimmermeister, Betriebsobmann) do not seem to indicate the owners.

It accordingly appeared necessary for the Committee to reconsider the case and to adjourn it in respect of the accused indicated above, for further information as to the names of the persons actually and personally responsible for the crimes.

7480	On 'A' for ill-treatment and 'S' for deportation
7481	On 'A' for mass murder
7482	On 'A'
7483	On 'A'
7484	1-62 on 'A'
7485	On 'A'
7486	On 'A'
7487	On 'A'
7488	On 'A'
7489	On 'A'
7490	On 'A'
7491	On 'A'
7492	On 'A'
7493	Adjourned for a week for additional information as to whether or not there was a trial against the victims
7494	On 'A'
7495	On 'A'
7496	On 'A'

(POLISH Cases continued)

7497	On 'A'
7498	On 'A'
7499	On 'A'
7500	On 'A'
7501	On 'A'
7502	On 'A'
7503	On 'A'

III. Cases in which extradition has been refused by the Legal Division. BAOR. (Doc. I/102).

The Committee took note of four communications received from BAOR dated 24 November 1947, 13 January and 15 January 1948, and agreed that no further action was called for, apart from acknowledging receipt of the letters.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 18th
February, 1948, at 3 pm.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I, and their Deputies:

Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia
Dr. Aars Rynning	Norway

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

Mlle Capiomont	France
M. Heisbourg	Luxembourg

Secretary to the Committee: Dr. J. Litawski (Legal Officer)

I. Minutes Nos. 132 and 133.

Minutes No. 132 of the Meeting held on 11th February, 1948, were approved.

Minutes No. 133 of the Meeting held on 12th February, 1948, were approved, subject to the addition of one Luxembourg case under item II (2), as follows:

6848 On 'A' for ill-treatment.

II. Proceedings in Individual Cases.

The Committee considered 54 cases against 163 persons submitted by the United Kingdom, France, Luxembourg, and Czechoslovakia, and decided as follows:

1) UNITED KINGDOM Case.

7566 1-3 on 'A'

2) FRENCH Cases.

Rectifications.

460	}	Spelling of names and personal data to be rectified as requested.
744		
3053		
3394		
4906		
4926	}	

(FRENCH Cases continued)

- 456 (I) Accused 1, 2, 4, 7 have already been listed; accused 3 is dead. No further action was necessary.
- 1398 (I) 1-8 on 'S' pending further evidence as to their personal responsibility
- 7552 1 on 'A'
2-4 on 'S'
- 7553 1 on 'A'
2 on 'S' only, in view of the fact that no evidence has been submitted against this accused
- 7554 On 'A'
- 7555 On 'A':- 1-4, 18-20, 28, 38, 40, 42-43, 48-51, 53-56, 59-63, 65, 67, 68, 71, 72, 74, 78, 82.
On 'S':- 17, 21-27, 29-37, 39, 41, 44, 45, 47, 52, 57, 58.
On 'W':- 5-16, 46, 64, 66, 69, 70, 73, 75-77, 79-81.
- 7556 On 'A'
- 7557 On 'S'
- 7558 On 'A' for complicity in illegal arrests
- 7559 1-3 on 'S'
- 7560 1 on 'A'
2-3, 5, 6, 8 on 'S'
4 and 7 on 'W'
- 7561 1 on 'A'
2-9 on 'S' only, in view of the fact that no evidence had been submitted.

3) LUXEMBOURG Cases.

(NOTE: See also item I - Luxembourg case 6848 - considered at last meeting).

- 1085 On 'A' on the understanding that the origin of the evidence would be additionally stated by the National Office
- 6830 On 'A'
- 6833 On 'A' for pillage and complicity in deportation
- 6834 On 'A' for complicity in deportation
- 6840 Adjourned for evidence showing that the accused was an accomplice to specific war crimes, and in particular that he was responsible for the organisation of the Volkssturm's **Partei** and that all its activities were under his personal direction.

(LUXEMBOURG Cases continued)

6842	On 'A'
6847	On 'A'
6855	On 'A' for ill-treatment and complicity in deportation
6856	On 'S' (connected with case 6847)
6857	On 'A'
6858	On 'A' for illegal confiscation
6859	On 'A' for complicity in deportation and ill-treatment
6863	On 'A' for pillage
7630	On 'A'
7631	On 'A' for deportation and pillage
7632	On 'A'
7633	On 'A' for complicity in murder, and for pillage and ill-treatment
7634	On 'A' for complicity in deportation and pillage
7635	On 'A' for illegal arrests, ill-treatment and murder
7636	On 'A'
7637	On 'A' for murder and deportation

4) CZECHOSLOVAK Cases.

7467 (Add. 1)	5 on 'A'
(Add. 2)	6-8 on 'A'
7618	On 'A'
7619	On 'A'
7620	On 'A'
7621	On 'A'
7622	On 'A'
7623	On 'A'
7624	On 'A'
7625	On 'A'
7626	On 'A'

(CZECHOSLOVAK Cases continued)

7627	1-2 on 'A'
7628	On 'A' for illegal arrests, pillage and complicity in deportation
7629	1-2 on 'A'

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 19th
February, 1948, at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I, and their Deputies:

Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia
Dr. Aars Rynning	Norway

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

M. Dimitzas	Greece
Colonel Muszkat	Poland
Dr. Milenković	Yugoslavia

Secretary to the Committee: Dr. J. Litawski (Legal Officer)

I. Proceedings in Individual Cases.

The Committee considered 61 cases against 173 persons submitted by Greece, Yugoslavia and Poland, and decided as follows:

1) Greek Cases.

7562	On 'A' for murder
7563	On 'A' for looting and deportation
7564	On 'A' for murder
7565	1-2 on 'A' for torture and looting
7638	On 'A' for torture and ill-treatment resulting in bodily harm
7639	On 'A' for torture
7640	On 'S' for looting and wanton destruction of property
7641	On 'S' for murder and confiscation of property
7642	On 'A' for ill-treatment resulting in death, and extortion.

2) YUGOSLAV Cases.

7567	On 'A'
7568	On 'A'

(YUGOSLAV Cases continued)

7569	On 'A'
7570	1-39 on 'S' } On all counts except XI 40-48 on 'W' } and XXVIII
7571	On 'S' pending evidence as to his participation in the crimes
7572	On 'A' for complicity in internment of civilians under inhuman conditions.
7573	On 'A'
7574	On 'A'
7575	On 'A' for torture and ill-treatment
7576	On 'S' pending evidence as to his personal responsibility
7577	On 'A' for forced labour. (There is no evidence which could establish the accused's responsibility for ill-treatment carried out in the camp.)
7578	On 'A'
7579	1-3 on 'A'
7580	<u>Adjourned.</u> Except for the fact that they were members of the Gestapo, the accused are in no way linked with the particular crimes. It will be observed that for almost all crimes described in the evidence other persons were in fact responsible
7581	<u>Adjourned.</u> There is no evidence whatsoever implicating the accused.
7582	1 on 'A' 2-3 <u>adjourned</u> as there is no evidence against these accused.
7583	1 on 'S' 2 <u>adjourned</u> for evidence
7584	On 'A'
7585	On 'A'
7586	On 'S' pending further evidence as to his personal responsibility
7587	On 'A'
7588	On 'A' for complicity in mass deportation
7589	On 'S'
7590	On 'A'
7591	1-2 on 'A'

3) POLISH Cases.

7347

Sir Robert CRAIGIE observed that after reading the Memo prepared by Dr. Zivković, he personally felt the whole case involved very difficult technical questions which he doubted whether the Committee or the Commission were sufficiently well equipped to deal with. It was essentially a matter for financial experts to decide whether the measures taken by the Germans in Poland went beyond the provisions of international law regulating the actions of an occupying power. As Dr. Zivković had pointed out, many of the measures were similar to those which independent states had found it necessary to take in their own interests at some time or another, and in the deplorable situation in Poland resulting from the Nazi aggression, it was evident that even if the Germans had been animated by good-will, very drastic financial measures would have had to be undertaken in order to keep the country on a sound footing.

Referring to Dr. Zivković's suggestion in the concluding part of his Memo to ask the Polish National Office for additional information, Sir Robert doubted whether, even if such information were provided, the Commission would be in a position to give their authoritative opinion on this particular subject. He, personally, would prefer the Polish representative to withdraw the case in view of the technical difficulties involved, and also for the further reason that the Commission was nearing the end of its activities, and it would be difficult in so short a time to lay down what in effect would be an entirely new war crime.

Colonel MUSZKAT said he was in sympathy with Sir Robert Craigie's point of view, and he therefore proposed to ask the Committee to list as Witnesses only the four named individuals - Paersch, Heine, Prause and Gottschak. Two of these were already in the British Zone and one in the United States Zone, and by listing them as Witnesses the Polish investigating mission would thereby be enabled to interrogate these persons in order to obtain further information.

Dr. ZIVKOVIC pointed out that to list individuals as witnesses was acting on the assumption that a specific war crime had been committed, and since it was this latter question which was the very point at issue, he did not think the Committee were justified in acting upon Colonel Muszkat's proposal. He believed, nevertheless, that the Polish authorities would have an opportunity to take other steps in order to clarify the issue, and eventually to decide whether they could prosecute the individuals before a penal court or present the case to the International Court of Justice at the Hague.

(POLISH Cases continued)

(7347 continued)

Mr. KONTNER said he agreed with Sir Robert Craigie that it would be extremely difficult for the Committee or the Commission to take a decision on the case, and would necessitate going into the matter very thoroughly, which would take a great deal of time. Since the Commission was now on the later stages of its activities he thought the case could more effectively be handled by the extradition authorities in Germany, who would in any event, regardless of any action the Commission might take, have to decide whether the individuals were guilty. The authorities concerned would, he felt certain, co-operate to the fullest extent with the Polish National Office in deciding whether this particular charge constituted a war crime. Undoubtedly great financial harm had been done through the various manipulations described in the charge, but whether or not such measures constituted a war crime was another matter. He personally would not be prepared to vote on the question without instructions from his Government.

Dr. AARS RYNNING thought the case should be considered in relation to the background of the German policy of exploitation in all the occupied countries. As to some of the charges, no doubt they formed part of the whole scheme for the ruthless exploitation of the Polish nation, and on the highest level these regulations would be regarded as criminal. But whether or not the persons charged in this case occupied such a high position that they could be held responsible, was another matter. He felt that as regards some of the charges a war crime was established, and he personally would be prepared to list the four individuals as witnesses.

Dr. ZEMAN supported Dr. Aars Rynning in view of the well-known German policy of the enslavement of peoples in occupied countries. It was true that certain independent states had, in their own interests, taken such measures as those described, but there was little doubt that the measures referred to in this particular case were not in the interest of the Polish nation. Even though it may be a border-line case there was a good deal of information to justify the opinion that a war crime had been committed.

Sir Robert CRAIGIE said it would be necessary for him to obtain the authority of his Government before taking any action which would imply that these charges constituted a war crime. As Dr. Zivković had pointed out, it was necessary first of all to establish that a war crime had been committed before listing persons as witnesses. The Committee were anxious to help the Polish authorities as much

(POLISH Cases continued)

(7347 continued) as they could in this matter because undoubtedly deliberate exploitation had been carried on throughout the occupation. The Committee, however, had up till now only considered as war crimes acts which they really could be sure did, in fact, under international law, constitute such crimes. There was little time now in which to make very full investigations, but since some of the members of the Committee thought certain individuals should be listed as Witnesses, Sir Robert said he was quite prepared to try to obtain the opinion of his Government on the matter.

Mr. KINTNER said he also was willing to attempt to secure the views of his Government in view of the ruthless exploitation carried on by the Nazis.

The case was accordingly adjourned until the British and United States representatives had obtained further instructions.

7493

On 'A'

7593

Sir Robert CRAIGIE asked the Committee whether they considered that this particular case constituted a war crime within the definition of Committee III's decision as contained in Doc. III/78..

Mr. KINTNER said that the question of the interpretation of Article 25 of the Hague Convention was a difficult one, and he believed there were many questions yet undecided and unsolved with respect to aerial bombardment, and whether it constituted a war crime under certain conditions. In view of the uncertainty in this branch of international law he would have to have instructions from his Government before voting on the case. He was perfectly willing to abstain from voting however if other members felt there was a case made out in this particular instance.

Dr. ZIVKOVIC said that generally speaking there was uncertainty with regard to the question raised by Mr. Kintner, but this was a specific case involving certain acts which were contrary to the provisions of international law, and which were committed in the course of aggression against Poland. It was **these** very acts which resulted in the aggression of Polish territory, which aggression had been declared criminal by the Nuremberg Tribunal. Here there was a specific issue, so he believed that the uncertainty could be removed in this particular case in view of the judgment of the Nuremberg Tribunal.

Mr. KINTNER pointed out that evidence had not been adduced in this case to show that the Generals were concerned with the charge of indiscriminate bombardment. No doubt it

(POLISH Cases continued)

(7593 continued) occurred, and they had a measure of responsibility because of their official position.

Colonel MUSZKAT said the charge, he thought, had been prepared by the Polish National Office in order to support some of the charges brought before the United States Tribunal in Nuremberg, since all these Generals had either been tried already or would be tried in the future, and so there was no possibility of their ever being tried in Poland.

Mr. KINTNER said he was not aware that the Generals concerned were to be tried at Nuremberg.

Sir Robert CRAIGIE said that in none of the cases concerning the Generals already tried had indiscriminate bombing of undefended places been mentioned as one of the charges. He thought it would be very difficult for the Committee to agree, in view of all the previous history of the matter, that this constituted a war crime. There was only the question whether perhaps the Governments concerned would be prepared to regard this particular instance as a war crime since it occurred on the first day of the German aggression. That did make a difference.

Mr. KINTNER concurred.

Dr. AARS RYNNING asked whether this case could not be altered to the effect that the Generals are charged with complicity in the criminal act of aggression against Poland, since it would then be in line with the American charges.

Colonel MUSZKAT agreed, and pointed out that the bombardment of undefended places during the first day of the war was at least complicity in, if not responsibility for, criminal aggression.

Sir Robert CRAIGIE said that particular charge was not substantiated in the case as it had been submitted.

Colonel MUSZKAT replied that the case gave a picture of indiscriminate bombardment during the first day of war which was the result of criminal aggression.

Dr. AARS RYNNING observed that it showed their complicity in the aggression itself.

Sir Robert CRAIGIE pointed out that the charge was not one of complicity in aggression. It would be necessary to show clearly that these Generals were actual accomplices, and that

(POLISH Cases continued)

(7593 continued) they did not oppose the policy - and many of the Generals did oppose it. He suggested that the case be adjourned until the United Kingdom and United States members had obtained instructions from their respective Governments.

The Committee agreed.

7594	On 'A'
7595	On 'A'
7596	On 'A'
7597	On 'A'
7598	1-4 on 'A'
7599	On 'A'
7600	On 'A'
7601	On 'A'
7602	On 'A'
7603	On 'A'
7604	On 'A'
7605	On 'A'
7606	On 'A'
7607	On 'A'
7608	1-2 on 'A'
7609	On 'A'
7610	On 'A'
7611	On 'A'
7612	On 'A'
7613	On 'A'
7614	1-3 on 'A'
7615	1, 4-5 on 'A' for ill-treatment 2 on 'A' for pillage 3 on 'A' for complicity in deportation
7616	On 'A'
7617	On 'A': 3-6 On 'S': 7-22 On 'W': 24-26, 29-34, 37-41, 43-45. Adjourned: 2, 23, 27, 28, 35, 36, 42 for submission of data for identification purposes and evidence showing their individual responsibility for the alleged crimes Rejected: 1.

II. Case of Wilhelm KOPF - Polish Charge 6766.

The Committee considered the following letter from Colonel Muszkat to Sir Robert Craigie received on 19th February, 1948:

"Referring to the case of Wilhelm KOPF, Polish Charge 6766, raised in my absence at the meeting of Committee I on February 5th, 1948, I would like to add the following information:

- 1) When the charge against Kopf was submitted to the Commission, the accused had not yet been located and his present high official position was not known to the Polish Main National Office. However, even had we been aware of Kopf's actual position, the knowledge of this fact could not have prevented the submission of the relevant charge as it was substantially enough supported to prove the accused's guilt, to establish a prima facie case against him for the War Crimes Commission, and to list him by Committee I. On the contrary, the fact that the accused succeeded to conceal his criminal past, to deceive the Occupation authorities, and to become a leader in Germany - must be considered as aggravating circumstance.
- 2) Kopf was identified by chance when one of his Polish victims recognised in one of his photos published in a German paper the man who had illtreated him in the times of the Nazi occupation of Poland. Had this incident not occurred, Kopf would have been in a position to continue his political activities, he would not be punished for crimes committed in the past, and thus be able to start in future anew on the path of criminality. The late identification of Kopf is the reason why the extradition request was presented three months after the actual listing.
- 3) The fact that Kopf's past record had already been carefully investigated does not constitute sufficient reason to remove or to suspend his name from the Commission's Lists, as he obviously has been able to deceive the Investigation authorities. Any removal or suspension of Kopf's name from the Commission's List can be justified only if the listing was entered by mistake or on the basis of untrue affidavits.
- 4) The charge against Kopf with all relevant supporting matter - consisting of affidavits, evidence, photographs, etc. - was presented to the British authorities in Germany, and a decision for extradition of the accused by the British Extradition Board is expected as soon as the presented request, and the evidence to substantiate this request, have been considered. Copies of the entire evidence in support of the charge against Kopf can be obtained from the Polish Investigation Mission in Germany, which is in charge of the prosecution of the accused before the relevant British authorities, and the evidence can be presented as additional information to Committee I. The material handed by the Polish authorities to the British Extradition Board is much more complete than that which was enclosed to the charge brought before Committee I, and is absolutely sufficient both to establish a prima facie case against Kopf for the War Crimes Commission as well as to prove his guilt.

-9-

5) The Polish Main National Office for War Crimes is in possession of the original of a photograph made by the German authorities showing Kopf, with a stick in his hand, in command of a deportation transport of Poles. The most characteristic evidence against Kopf has been deposited by a Mr. Wisniewski, an inhabitant of Krzepice, who testified that Kopf often visited this locality - and that his arrival bode always evil and signified coming deportations, arrests, looting of property and confiscations. Kopf came always to Krzepice in SS uniform and was in 1940 personally in charge of a vast deportation action of Jews - and later of Poles - from Krzepice. Wisniewski testified that the deported population was often illtreated by Kopf who kicked and beat even women and children. According to the affidavit of Wisniewski, Kopf came once to the owner of a Dispensary in Krzepice, a Mr. Orlowski. He ordered him to leave his home and establishment at once - and Kopf took all this over for his own purposes. When Orlowski tried to complain against Kopf's orders, the accused delivered him to the Gestapo, Orlowski was sent to the Oswiecim concentration camp from where he never returned.

The criminal activities of Kopf in Sadowa are described in Charge 6766.- In the statements made by Kopf to the German press after the extradition request had been presented to the British authorities, Kopf did not deny his part in the confiscation of property in Poland but stated that he had to do so in pursuance of superior orders.

It can be derived from several affidavits and, moreover, it has been established beyond doubt, that Kopf was the man of confidence and closest collaboration to the Nazi Commissar, Oberbuergermeister Killing of Krolewska Huta (whom Kopf has appointed as one of his present assistants), and to the Brigadefuehrer der SA, Schoert.- Thanks to their assistance, Kopf became a Treuhänder (Trustee) for confiscated Polish and Jewish property in Poland and succeeded to secure for himself a responsible post in the criminal organisation H.T.O., where he was put in charge of administration of confiscated property. Later, he was appointed Commissar for Confiscation of Polish property in the district of Lubliniec.

According to testimonies of several witnesses taken under oath, Kopf's own home was furnished with furniture looted from Poles who had been deported to camps.

Various acts of illtreatment by Kopf of his Polish personnel as well as deportations to camps without any important reason but solely on suspicion of dissatisfaction with his command, are proved by affidavits of several witnesses, and have been enclosed to the request for extradition.

6) Taking the above mentioned particulars into consideration, it is obvious that there can be no reason for the removal or suspension of Kopf's name from the Commission's List. The whole matter is a question to be dealt with by the two Government - the British and Polish Government.

Any decision of the Commission taken on the ground that Kopf's name should be removed from the

Commission's List because of his present high office and position, and not substantiated by proofs that he is not guilty, must be considered as in flagrant contravention to rules and procedure of the Commission. Moreover, such decision would mean a premium for Kopf's ability to deceive the Occupation authorities who examined and screened his past record".

Sir Robert CRAIGIE assured Colonel Muszkat that the facts which were given in his letter would be very carefully examined at once by the British authorities.

As things stood at present, he was somewhat mystified by the whole case. It appeared that Kopf, whose past record had been very carefully investigated before being given an official post in Lower Saxony, was not only a very able man but a man of broad views, whose personality differed in every respect from the type of individual described in the Polish charges. Moreover, Kopf had denied, in toto, the charges against him, and in due course he, (Sir Robert), would be submitting to the Committee a detailed rebuttal of those charges, together with such evidence for the defence as was available.

There was, however, one aspect of the case which he could not help thinking was a little unfortunate. As Colonel Muszkat had stated in his letter, the Committee did not know, at the time he was listed, that Kopf occupied the position which he did. He understood the Polish authorities themselves were unaware of the fact. But while, as Colonel Muszkat said, the fact that Kopf occupied an official position was in itself immaterial, the fact that he could only have occupied that position after the most careful investigation by the British authorities, was very material indeed. In such circumstances Sir Robert himself would never have agreed to the listing, but would have proposed - and he believed the Committee would have supported him - that the matter be referred to the British authorities in Germany in order that they might have an opportunity to re-examine the charges. It was quite clear therefore that the Committee's original decision had been taken under a misapprehension.

There was another matter which he had found difficult to understand. From an official report he had received it appeared that on 30th January one of the Polish representatives in Berlin had summoned a press conference, and in the most dramatic way possible had announced that Kopf had been charged as a war criminal. That seemed to him to represent a definite attempt to exploit the matter from the point of view of publicity - an action, he felt Colonel Muszkat would agree, was most undesirable, since the Committee had always been opposed to publicity in regard to its decisions, particularly when a case was sub judice.

Sir Robert Craigie concluded by saying that he personally felt, after reading Colonel Muszkat's letter, that the Committee's decision to suspend Kopf's name from the Commission's List, and the effects of listing, pending further investigation into the whole matter, was a correct one, and he suggested that no further action should be taken by the Committee on that point until the charges had been further investigated, and evidence was available for the defence. He understood from Colonel Muszkat that these charges were already in the possession of the British Extradition authorities in Germany.

Mr. KINTNER said he agreed with all that Sir Robert

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had said, and supported his proposal for further investigation of the matter.

Dr. AARS RYNNING said he was quite sure that had he known Kopf's record had already been the subject of careful scrutiny before being given a responsible position by the British authorities, he would definitely have voted for the adjournment of the case. In consequence, he felt it was right to abide by the decision to suspend his name from the List until the Polish charges had been fully examined by the British authorities in Germany, and until Kopf had had an opportunity to state his defence. It seemed to him, however, that the facts contained in Colonel Muszkat's letter suggested very strong evidence against Kopf.

Dr. ZEMAN said he still maintained his original decision in the matter. He did not think the Committee were proceeding correctly, since the facts originally submitted by the Polish National Office together with the additional facts referred to in Colonel Muszkat's letter, were quite sufficient to establish a prima facie case. The Committee had taken its decision to suspend Kopf's name from the List merely on a general statement that the British authorities had scrutinised Kopf's past. But there were many cases where former Nazis had managed to deceive the occupying authorities, and he felt the Committee were not justified in changing their decision so long as they had no concrete rebuttal of the original charges.

Colonel MUSZKAT said he would like to emphasise that there were two separate aspects of the matter - the Committee's procedure with regard to the case; and the procedure of the extradition authorities. As far as the Committee was concerned, the charge against Kopf had been accepted and was now supported by further evidence sufficient to establish a prima facie case. There was no reason to alter the Committee's original decision to list him, as they were not in possession of any evidence which proved the original charge to be incorrect. The mere fact that Kopf's past record had been scrutinised was not enough to cause the Committee to alter its decision. Many former Nazis had managed to conceal their past criminal activities and had consequently been given high positions in every zone in Germany, but on several occasions the true facts had come to light and those former war criminals had been dismissed. The question whether or not Kopf was in fact guilty was a matter to be decided by the extradition authorities. It was outside the jurisdiction of the Committee, which should maintain its original decision until it was in possession of definite evidence showing that the charges were false.

Sir Robert CRAIGIE said he was sorry there should be a divergence of opinion on the question of procedure. The opinion of the majority of the members of the Committee was that, had they known Kopf's case must have formed the subject of very careful investigation by the British authorities before allowing him to hold the position as Minister President in Lower Saxony, they would have voted for the adjournment of the case in order to receive further information. Such a decision would have been entirely in accordance with the normal procedure of Committee I, and it was at that point he ventured to suggest, which gave peculiar significance to this particular case. He felt sure therefore that their present procedure of suspending a name which would never have been placed on the List, had the Committee been in possession of all the facts, was entirely regular.

Mr. KINTNER and Dr. AARS RYNNING said that was also their view.

Sir Robert CRAIGIE said in that case the Committee maintained their decision agreed upon at the meeting on 5th February, on the understanding that the charges which the Polish representative had said were in the possession of the British authorities in Germany would be investigated at the earliest possible moment. As soon as he had received a reply on the matter, he would submit the information to the Committee.

Mr. KINTNER and Dr. AARS RYNNING concurred, and Dr. Aars Rynning expressed the desire that no publicity should be given to the Committee's decision.

Sir Robert CRAIGIE said that as far as the British authorities were concerned, they had been opposed to publicity of any kind, except in response to the publicity which had already been given by the Polish authorities in Berlin.

Mr. KINTNER said that the Commission had from its inception been engaged in a strictly professional task of examining evidence against alleged war criminals, and as far as possible keeping itself above partisan and political matters. It was for that reason that the Commission had always eschewed the idea of publicity being given to its decisions, and Mr. Kintner felt sure that his Polish colleague would agree that publicity in a matter of this nature was most undesirable. The Commission's duty was primarily to see that war criminals were given the justice they deserved, and they had endeavoured to do this fairly and justly. For that reason he was in full agreement with everything Sir Robert had said, on the understanding that the Committee received the fullest information on the whole matter.

Colonel MUSZKAT said he agreed with what Mr. Kintner had just said, but the decision which the Committee proposed to take would create a precedent in the Commission's work and procedure. The Committee, whose function was similar to that of a juridical body, had listed an individual on the basis of certain evidence which had been fully investigated in Poland by lawyers of the Polish War Crimes Commission and by courts. There were no grounds for assuming that evidence to be incorrect, yet the Committee was proposing to revoke its decision merely on the information that the accused had been screened by an administrative body. The value of the Committee's work would be diminished if it were to suspend the name of a war criminal already listed merely because he held an official position in one of the zones of Germany.

Sir Robert CRAIGIE pointed out that it was not a question of Kopf holding an official position, but that at the time the decision to list him was taken the Committee was unaware that the case must have already formed the subject of careful examination by the British authorities concerned, and that if these facts had been known to the Committee, their normal procedure would have been to adjourn the case in order to obtain all the relevant information.

Colonel MUSZKAT said he quite understood, but Kopf's extradition was surely a matter for the British extradition authorities, not for the Committee. The decision to suspend his name would be an injustice to the good faith of the Polish National Office, because when presenting the case they themselves had not been aware of the circumstances, and, in fact,

they would not have been material. The request for extradition had not been presented until some months later because Kopf's whereabouts was unknown, and he had only been identified by chance by one of the victims when his photograph had appeared in the German press.

Colonel Muszkat referred to the similar case of General Marinov which was under consideration of the Commission some time ago. Marinov had occupied a very high position as Minister of the Bulgarian Government in Paris, yet when the Greek Government had presented a request for his extradition, the Committee did not take any action to suspend his name from the List while further investigations were in progress. The case of Kopf was similar in all respects, and he felt the Committee would be doing a great injustice not only to the Polish National Office but to itself, if it decided to suspend his name from the List. Colonel Muszkat pointed out that at a later date it might even be possible to remove Kopf's name from the List altogether if the circumstances warranted it, but he would appeal to the Committee not to take any action meanwhile.

Sir Robert CRAIGIE said he quite saw Colonel Muszkat's point of view, but he felt Colonel Muszkat was inclined to attach too much importance to the technical point of suspending Kopf's name from the List. Referring to the case of Marinov, Sir Robert pointed out that although the term 'suspension' was not used in his case, since a request had not been made to the Committee, the effects of listing were in fact suspended while the Committee were investigating the case. As soon as the French authorities were informed that the matter was being investigated further by the Committee, they decided, with the assent of the Committee, that no further steps should be taken in the matter of extradition until the whole question had been reconsidered. Exactly the same procedure had been followed in the present case.

Sir Robert Craigie added that it seemed to him elementary that in any case where there was reason to believe important additional evidence existed which was not in the possession of the Committee at the time the case was considered, it should be adjourned in order that the additional evidence might be made available. In the great majority of cases, of course, they did not know whether additional evidence existed, but where it was known to exist the Committee had, as far as he was aware, always insisted on obtaining the information, and had adjourned the case until such time as it was available. That was what the Committee would undoubtedly have done in the present case had it known all the circumstances.

Sir Robert Craigie said he was sorry Colonel Muszkat should take so tragic a view of the Committee's decision, but he was satisfied such a decision did not, in effect, differ from the Committee's normal procedure; moreover, he did not see that it could affect the further procedure, which would be to re-examine the case at the earliest possible moment.

Colonel MUSZKAT said he honestly believed the British authorities would investigate the case carefully, and he was convinced that extradition would be granted because the Polish authorities had ample evidence to show Kopf's guilt. But he would like to ask the Committee to refrain from taking any action, and to adjourn the case until a date agreed upon, when they would have before them both the additional Polish evidence and the findings of the extradition authorities.

To him it was quite a normal case where a former

Nazi had succeeded in deceiving the occupation authorities. They had had similar cases in Poland, where they had often to dismiss a man from a responsible post when his collaboration with the Germans during the war had been discovered.

Sir Robert CRAIGIE said he agreed with Colonel Muszkat that when the case was eventually reconsidered, the Committee must have all available information both from the British and from the Polish authorities.

The Committee decided that the case should be adjourned for three weeks, when it would be reconsidered in the light of further evidence to be submitted by the Polish and British authorities respectively.

III. Case of H. RATZMANN.- Polish Charge 850.

Further consideration of this matter was adjourned until the next meeting in order that the Polish representative might have an opportunity of examining the evidence submitted on behalf of the accused.

NO. 136.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I.Summary Minutes of the Meeting of Committee I held on 26th
February, 1948, at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I, and their Deputies:

Colonel Springer	United States of America
Mr. Kintner	United States of America
Dr. Aars Rynning	Norway

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

M. Dimitzas	Greece
Dr. Milenković	Yugoslavia

Secretary to the Committee: Dr. J. Litawski (Legal Officer).I. Minutes No. 134.

Minutes No. 134 of the Meeting held on 18th February 1948, were approved.

II. Proceedings in Individual Cases.

The Committee considered 85 cases against 157 persons submitted by Yugoslavia, Greece, the Netherlands and Czechoslovakia, and decided as follows:

1) YUGOSLAV Cases.

7737	On 'S'
7738	On 'A' for complicity in illegal arrests and internment under inhuman conditions.
7739	On 'S' (the accused himself stated that he participated in military actions in places where the crimes had been committed, but there is no evidence as to his participation in, or personal responsibility for the crimes).
7740	1-2 on 'S' 3 on 'W'
7741	On 'A' for mass murder
7742	On 'A' for complicity in mass deportation
7743	On 'A' for complicity in murder, systematic terrorism and wanton destruction of property.

(YUGOSLAV Cases continued)

7744 On 'A'
7745 On 'A' for murder
7746 On 'A' on counts VII and VIII
7747 On 'A' for illegal mass arrests
On 'S' for mass murder
7748 On 'S'

2) GREEK Cases.

7643 1-2 on 'A'
7644 On 'A'
7645 1-2 on 'A'
7646 On 'A'
7647 On 'A'
7648 On 'A' for wanton destruction of property
7649 On 'A'
7650 On 'A'
7651 On 'A' for complicity in illegal arrests and ill-treatment. Extortion of private property.
7652 1 - adjourned as there was no evidence against him
2-3 on 'A' for ill-treatment
4 on 'A' for murder and ill-treatment
5 on 'A' for ill-treatment
7653 On 'A'
7654 On 'A'
7655 On 'A'
7656 1-2 on 'A'
7715 1-2 on 'A' for ill-treatment
7716 On 'A' for mass murder
7717 On 'A' for mass murder and deportation
7718 On 'A'
7719 1 on 'A' for murder and ill-treatment
2 on 'A' for ill-treatment
7720 On 'A'
7721 1 on 'S' }
2-4 on 'A' } for mass murder, looting and wanton
5 on 'S' } destruction of property.
6-7 on 'A' }

(GREEK Cases continued)

7722	1-2 on 'A'
7723	On 'A' for murder and torture
7724	On 'A'
7725	On 'A' for ill-treatment and extortion
7726	On 'A'
7727	On 'A' for murder, looting and wanton destruction of property
7728	1-2 on 'A'
7729	1-6 on 'A'
7730	1-4 on 'A'
7731	<u>Adjourned.</u> This was a doubtful case. More information was required as to circumstances, legal or illegal basis and procedure applied in carrying out the destruction. <u>Prima facie</u> , this was a case for a civil claim
7732	On 'A'
7733	On 'A' for murder, ill-treatment and looting
7734	On 'A'. (<u>Priority Case</u>).
7735	On 'A' for murder, ill-treatment and deportation
7736	1-2 on 'A' for murder, looting and wanton destruction

3) NETHERLANDS Cases.

6446 (Add.1)	1-3 on 'A'
	4-6 on 'W'
(Add.2)	1 on 'A'
	2 - to be re-classified from 'W' to 'A'
	3 on 'W'
7674	1 on 'A'
	2-3 on 'W'
7675	1 on 'A' for ill-treatment and forced labour
	2-6 on 'W'
7676	On 'A'
7677	1-3 on 'A' for ill-treatment and pillage,
	on 'S' for murder
	4-9 on 'W'

4) CZECHOSLOVAK Cases.

6253	On 'A' for complicity in illegal arrests and deportation
7372 and Add. 1.	Reconsidered and decided as follows: 1-6 on 'S' for murder 1-6 on 'A' for all other crimes
7467 (Add.3)	9-11 on 'A'
7529 (Add.1)	2 on 'A'
7684	On 'A'
7685	On 'A' for ill-treatment and complicity in deportation
7686	On 'A'
7687	2 on 'A' for complicity in illegal arrest 1 - <u>Adjourned</u> . The evidence against this accused did not establish a <u>prima facie</u> case of a war crime
7688	On 'A'
7689	On 'A'
7690	1-2 on 'A'
7691	On 'A'
7692	On 'A' for complicity in illegal arrest and ill-treatment resulting in death
7693	On 'A'
7694	1-2 on 'A'
7695	On 'A'
7696	On 'A'
7697	On 'A'
7698	On 'A'
7699	On 'A'
7700	On 'A'
7701	On 'A'
7702	On 'S'
7703	On 'A'
7704	On 'A'
7705	On 'A'
7706	1, 6, 14 on 'A' 2-5, 7-13, 15 on 'S'

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(CZECHOSLOVAK Cases continued)

7707	On 'A'
7708	On 'A'
7709	On 'A'
7710	1-5 on 'A'

III. Submission of cases by National Offices

With regard to the Committee's previous decision to accept cases submitted by the National Offices up to 21st February, the Committee decided exceptionally to accept additional information to previously adjourned cases, submitted by the National Offices up to 27th February, 1948, inclusive.

IV. Closing of 79th List of War Criminals

The Committee decided to issue a new Commission's List of War Criminals (No. 79) which would include cases accepted by the Committee up to 26th February, 1948, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 27th
February, 1948, at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Aars Rynning	Norway

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

Mlle Capiomont	France
M. Heisbourg	Luxembourg
Colonel Muszkat	Poland

Secretary to the Committee: Dr. J. Litawski (Legal Officer).

I. Proceedings in Individual Cases.

The Committee considered 85 cases against 258 persons submitted by Luxembourg, Denmark, France, and Poland, and decided as follows:-

1) LUXEMBOURG Cases.

- 7711 On 'A' for complicity in murder, illegal arrests, forced labour and deportation
- 7712 1-2 on 'A' for ill-treatment
- 7713 On 'A' for complicity in illegal arrest and deportation
- 7714 On 'A' for illegal arrests, ill-treatment and deportation

2) DANISH Cases.

- 7678 On 'A'
- 7679 On 'A'
- 7680 On 'A'
- 7681 On 'A' for complicity in murder
- 7682 On 'A'
- 7683 On 'A'

3) FRENCH Cases.

4747 (Add. 5) 1 on 'A'
2-4 on 'S'

7657 1-7 on 'W'

7658 On 'A'

7659 On 'A' for pillage and wanton destruction
of property
On 'S' for murder

7660 1-3 on 'A' on counts 3 and 7

7661 On 'A': 1, 4, 7, 10, 12-14, 19, 20.
On 'S': 2, 3, 5, 6, 8, 9, 15-18, 21, 22
On 'W': 11, 23-25

7662 1-5 on 'A'

7663 On 'S'

7664 The Committee considered this as not a
prima facie case of a war crime. The
case was adjourned.

7665 1-2 on 'A'

7666 1-5 on 'A'

7667 1-5 on 'A'

7668 On 'A'

7669 On 'A'

7670 1 and 17 on 'A'
2-16, 18-23, 25-30 on 'S'
24, 31-33 on 'W'

7671 On 'S'

7672 1-18 on 'S' (none of the accused is
mentioned in the evidence.

7673 Adjourned for evidence as to personal
responsibility of the accused and as to
the unit which took part in the crimes.

4) POLISH Cases.

7749 1-3 on 'A'

7750 On 'S'

7751 On 'A'

7752 On 'A'

7753 On 'S' for ill-treatment

7754 1-2 on 'A'

7755 1 on 'A', 2-5 on 'S'

7756 1 on 'A'
2-7 on 'S'

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(POLISH Cases continued)

7757	On 'A'
7758	On 'A'
7759	On 'A'
7760	On 'A'
7761	On 'A'
7762	On 'A'
7763	1, 2, 4-10 on 'A' 3 on 'S'
7764	On 'A'
7765	On 'A'
7766	On 'A'
7767	On 'A'
7768	1-4 on 'A' for ill-treatment
7769	1 on 'S' 2-6 on 'A'
7770	1-5 on 'A'
7771	On 'A'
7772	On 'A'
7773	1, 3, 6, 7, on 'S' 2, 4, 5, on 'A'
7774	On 'A'
7775	On 'A'
7776	On 'A'
7777	On 'A'
7778	On 'A'
7779	On 'A'
7780	On 'A'
7781	On 'A' for ill-treatment and complicity in deportation
7782	1-3 on 'A'
7783	On 'A'
7784	1-5, 7, 8 on 'S' 6, 9-12 on 'A'

(POLISH Cases continued)

7785	1-2 on 'A'
7786	1-3, 5, 6 on 'S' 4, 7 on 'A'
7787	On 'A' for ill-treatment, deportation and wanton destruction
7788	1-2 on 'A'
7789	On 'A'
7790	On 'A'
7791	1-2 on 'A'
7792	On 'A' for complicity in deportation and pillage
7793	On 'A'
7794	On 'A'
7795	On 'A'
7796	1-4 on 'A'
7797	1, 3 on 'W' as there is no evidence against these accused 2, 4, on 'A'
7798	On 'A'
7799	On 'A'
7800	On 'A'
7801	On 'A'
7802	On 'A'
7803	1-2 on 'A'. (Priority Case).
7804	1-3 on 'A'
7805	On 'A'

II. Extradition of H. RATZMANN (Polish Charge 850).

With reference to the Committee's previous discussion on this matter at their meeting on 29th January, 1948, the Committee considered the following letter dated 26th February, 1948, addressed to Sir Robert Craigie from Colonel Muszkat:

"I have studied very carefully the affidavits attached to the letter of the Legal Division, BAOR, dated 23rd December, 1947, concerning the alleged war criminal Hugo Ratzmann.

"In none of the affidavits could I find anything disproving the charges brought against the accused. On the

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"contrary, one of his friends, Dr. Karl Melien, stated that Ratzmann finished his work with the criminal organisation HTO in the spring of 1942, while the accused himself stated that he ended that work in October 1940.

"It is obvious, according to the affidavits, that Ratzmann was not the worst type of Nazi, and that he had even on occasion protected people persecuted on racial grounds. But this, I think, is no reason to justify an assertion that he is not responsible for the charges which have been brought against him, and already considered by Committee I as substantiating the establishment of a prima facie case of the commission of a war crime. The statement by the German attorneys, Ernst Wunram and Heinrich Hintzen, that the Polish War Crimes Mission is ready to renounce its claim on Ratzmann, if another German war criminal is extradited to Poland, and the statement of the accused that the extradition request is inspired by motives other than the desire to put him on trial are untrue and insulting.

"I think the question of eventually removing the name of the accused from the Commission's lists should be postponed until the accused or his defence can present evidence proving that he is not responsible for the criminal activity exposed in the charge brought against him".

Sir Robert CRAIGIE said he agreed with Colonel Myszkat that the evidence which had been submitted in Ratzmann's defence was not in itself sufficient to justify the removal of his name from the Commission's List of War Criminals; at the same time there were strong grounds for believing that Ratzmann was not the type of man who would have committed the particular crimes attributed to him. As had already been pointed out, Ratzmann had originally been listed merely in virtue of his official position, and had the case been considered under the Committee's present procedure, he would have been listed as a Suspect only.

Mr. KINTNER shared Sir Robert Craigie's views, and favoured the change of classification from War Criminal to Suspect in view of the additional statements concerning Ratzmann's character, and also because such a decision would be in accordance with the Committee's present procedure.

Dr. AARS RYNNING said he did not attach a great deal of importance to the statements upholding Ratzmann's character, because it was always possible for anyone to procure such statements from another person known to him. Even the fact that he had on occasion protected people persecuted on racial grounds did not mean that he would not behave in quite a different manner when in Poland. Dr. Aars Rynning agreed, however, that it would be in accordance with the Committee's present procedure to reclassify Ratzmann from war criminal to suspect.

Dr. LITAWSKI pointed out that according to Ratzmann's own statement he regarded the Polish territory in which he performed his official activities as belonging by right to Germany, and therefore it was unlikely that he would have exercised any but strong German sympathies, the more so as he held a responsible position and acted in accordance with legal orders issued from Berlin. He was not a trustee in the ordinary sense, because the whole German policy was essentially one of confiscation.

Sir Robert CRAIGIE said that so far as the official records showed, the German Government ordered the property to be impounded until the end of the war, and meanwhile entrusted the administering of it to the Treuhandstelle.

The Committee decided finally to reclassify Ratzmann from War

Criminal to Suspect, and to inform the holding authorities that this decision was in accordance with the Committee's present procedure. At the same time, it should be pointed out that Ratzmann did, in fact, hold a high and responsible position in Poland. The attention of the holding authorities should also be drawn to the discrepancy existing between the statement of the accused and the statement of Dr. Carl Melien regarding the date when Ratzmann finished his work with the Haupttreuhandstelle Ost.

III. Submission of cases by National Offices

With regard to the Committee's decision to accept cases submitted by the National Offices up to 21st February, and their decision of 26th February concerning adjourned cases, the Committee agreed exceptionally to accept all addenda to previously considered cases, submitted by the National Offices up to 27th February, 1948, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 3rd March 1948, at 3 p. m.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia
Dr. Aars Rynning	Norway

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

Mlle Capiomont	France
Dr. Ečer	Czechoslovakia
M. Dimitzas	Greece
Colonel Muszkat	Poland

Secretary to the Committee: Dr. J. Litawski (Legal Officer)

Sir Robert CRAIGIE, on behalf of the members of the Committee, extended a very warm welcome to Dr. Ečer who, as Czechoslovak Representative, had been one of the earliest members of the Commission. He regretted that owing to Dr. Ečer's short stay in this country it would not be possible for all members of the Commission to meet him and to hear what he had to say.

I. Minutes Nos. 135, 136, 137.

Minutes Nos. 135, 136 and 137 of the Meetings held on 19th February, 26th February, and 27th February, 1948, were approved.

II. Statement by Dr. Ečer concerning Dr. Ferdinand DURCANSKY.

Dr. ECER said: "My Government has instructed me to come here and, among other things to draw the attention of Committee I and of the Commission to the following facts:

"Committee I listed as a war criminal on 18th September, 1946, a certain Dr. Ferdinand Durcansky who, during the war, was the so-called Foreign Minister of the Slovak Puppet Government. He was listed by the Commission unanimously for the following war crimes: murder and massacres, systematic terrorism, torture, deliberate starvation and deportation of civilians, internment of civilians under inhuman conditions, forced labour of civilians, confiscation of property and indiscriminate mass arrests. He was responsible, also for serious crimes committed against the Jews. Durcansky, however, succeeded in escaping in 1945, and the Czechoslovak Government has not yet been able to get hold of him. While I was still in Wiesbaden, Durcansky was reported by the

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French authorities to be somewhere in the French Zone of Occupation in Austria. Before we could lay our hands on him, however, he escaped to Italy, and from there to some other unknown destination.

"During 1947 Durcansky was continuously plotting against my country and sent agents from abroad for that purpose. We captured some of them. Durcansky gave instructions as to who was to be assassinated - I myself was on the list - but the person who was instructed to carry out this crime was arrested and confessed. All those who were involved in the plot in 1947 will be tried, but the main instigator is still abroad.

"Now I have just been informed of a letter which Durcansky sent to certain Slovak compatriots from Buenos Aires, dated 27th February 1948. The letter is an official one from the Slovak Action Committee and signed by its Secretary-General Polaković and its President F. Durcansky. In that letter Durcansky states that Czechoslovakia is now finished, that the fight for an independent Slovak Republic is starting, and invites all Slovak patriots to join him, otherwise they will be considered "agents of international communism serving Moscow's aims for world domination".

"It is a shocking fact that a man listed as a war criminal has the facilities to travel from one country to another, and even to broadcast and spread subversive propaganda amongst the people of Czechoslovakia.

"I may say that we tried Durcansky in absentia and the evidence against him was so overwhelming that he was sentenced to death.

"In Nuremberg on 6th January, a trial was begun, called in our Nuremberg jargon - the diplomatic case. At that trial the American prosecutor presented to the Court certain documents about the gentlemen of the Wilhelmstrasse. Among the documents was a certain document book, reproduced in German, about German activities in Czechoslovakia during the war, which had been captured by the Americans from the archives of the German Ministry for Foreign Affairs. It showed that Durcansky was on the pay-roll of the S.S. and S.D., and it was stated that the S.D. had reported in November 1938 to Ribbentrop that the S.D. organisation had already paid for many visits which Durcansky had made to Germany, and asked Ribbentrop to grant more money for such visits.

"Is it not a serious fact that a man who has been listed as a war criminal - not for political activity against the new régime, but for crimes committed during the German occupation - and who, as the Americans showed, was in the pay of the S.S. and S.D., should be now at large, posing abroad as a political leader while in reality plotting against my country?

"I know the Commission is limited in its scope of helping us to find this man, but I should like to ask, on behalf of my Government, that my statement be put on record in order that it might circulate among the member Governments of the Commission; and we shall try by this means, and by others, to secure his arrest. Should we eventually succeed, we shall put him on trial again. We tried ~~him~~ Frank very fairly, - and Mr. Justice Jackson said himself that it was one of the fairest trials he had ever attended - so that is sufficient to show that we are not guided by sentiments of vengeance but by a sense of justice and by the

desire to establish a sufficient warning for the future".

Sir Robert CRAIGIE thanked Dr. Ečer for his very clear exposition of the case and said he felt sure the Committee would gladly agree to Dr. Ečer's suggestion to record his observations and to circulate them to all members of the Commission.

The Committee supported this proposal.

Sir Robert CRAIGIE added that he himself proposed to draw the attention of the United Kingdom Foreign Office especially to the facts which Dr. Ečer had given, in order that his Government might be on their guard against this particular individual.

III. Case of Dr. Emanuel Barsa.

Dr. Ečer submitted to the Committee the following report from the Czechoslovak National Office, concerning Dr. E. Barsa:

"I. On the basis of French Charge 1196 Liste A No. 39 a certain Barsa - without Christian name however - was listed by the Commission as a Suspect. Barsa is described in the charge as a "Schreiber" (Secretary) who worked in the Dental Department of the Hospital at Buchenwald Concentration Camp. The mentioned Barsa has been identified as Dr. Emanuel Barsa, civil servant in Brno, Czechoslovakia.

"II. Barsa is charged to have refused dental treatment to people against whom he took a personal dislike. As witness to this charge a certain Dr. Georges (Jiri) Straka has been named. Straka is the only witness for the prosecution and he has been identified as Dr. Jiri Straka, professor at the University of Strassbourg who was a prisoner in the Concentration Camp, Buchenwald, from the 24th January 1944 until the 11th April 1945.

"III. After identification of the alleged Suspect Barsa and the witness for the prosecution Straka the inquiry has been arranged and carried through by hearing both Dr. Emanuel Barsa and Dr. Jiri Straka and besides the witnesses Frantisek Pesa, Richard Hrazdira, Josef Flek and Jaroslav Polacek, - all of them inhabitants of the Concentration Camp Buchenwald and fellow-prisoners of Dr. Barsa and Dr. Straka.

"Dr. Barsa declares that the accusation has no foundation at all. He worked as a secretary at the Dental Department. He had no right to decide who was to be treated. The list of the patients for treatment was handed over to him and his only task was to write down the statements and instructions of the medical staff. He himself was in no way connected with medical services and solely engaged in secretarial work.

"Dr. Straka gave evidence that he never observed and never heard that Barsa was unkind or inhuman to anyone. On the contrary he was repeatedly informed by Dr. Alois Neuman, secretary of the Association of Liberated Political Prisoners, a former inmate of the Concentration Camp Buchenwald, that Barsa was public-spirited, helpful to the prisoners and to have shared with them the gift-parcels he received from home. Straka did not know how it happened that he was named as a witness for the

prosecution against Barsa.

"Regarding the exculpatory statement of Dr. Straka there was no need of further inquiries. Nevertheless, four more witnesses have been called in for evidence by the Police Headquarters Brno: Pesa, Hrazdira, Flek and Polacek.

"All four of them unanimously gave evidence invalidating the accusations against Barsa and all expressed their appreciation of Barsa's high moral qualities.

"The final report of the Police-Headquarters Brno, issued on the 23rd February 1948, No. 9/48, a translation of which from Czech into English is enclosed, concludes with the statement:

"It can therefore be said with justification that the charges brought against Dr. Emanuel Barsa are without foundation. Furthermore he is well known to this authority both from the years before the war and after the liberation as a person of moral integrity, high intelligence and unselfish disposition of mind".

"Taking into consideration all the facts as described in this report and in the enclosed final report of the Police Headquarters Brno there is no doubt that the accusations against Dr. Barsa were based on a regrettable misunderstanding. There is ample evidence that Dr. Barsa is not a Suspect and that his honour is vindicated."

And, therefore, Dr. Eder proposed:

To delete the name of Dr. Emanuel Barsa as a Suspect from the List 42, Serial No. 28.

The Committee decided that in accordance with their normal procedure, this information should be transmitted to the French authorities. Mademoiselle Capiomont was accordingly handed a copy of the relevant documents for transmission to the French National Office, and was requested to inform the Committee as soon as possible whether the National Office had any objection to the removal of Barsa's name from the Commission's List of Suspects.

IV. Proceedings in Individual Cases.

The Committee considered 77 cases against 754 persons submitted by Greece, France, Poland, and decided as follows:

1) GREEK Case.

6816 (Add.1)

M. DEMITSAS submitted a request for the reclassification of Gunther Altenburg from 'S' to 'A' in view of additional evidence which he presented at the meeting and which was included in the case. The Committee decided, on the basis of this evidence, to reclassify Altenburg from 'S' to 'A' for economic exploitation and complicity in forced labour.

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2) FRENCH Cases.

5377 1, 31 on 'A'
2-30, 32-33, 35-37 on 'S'
34 on 'W'

7175 3-6, 9, 12, 14, 15 on 'A'
1, 2, 7, 8, 10, 11, 13, 16-18 on 'S'
4 and 5 - (Priority Cases).

3) POLISH Cases.

4934 (Add.1) On 'A'

5229 (Add.1) 1-8 on 'A'
(Add.2) 1-2 on 'A'
(Add.3) On 'A'

5993 (Add.1) 1-2 on 'A'
(Add.2) On 'A'
(Add.3) 1-2 on 'A'
(Add.4) On 'A'
(Add.5) On 'A'
(Add.6) On 'A'
(Add.7) On 'A'

7617 (Add.1) 1 on 'A'
2-20 on 'S'

7806 On 'A' for mass murder

7807 1, 2, 4-13 on 'A'
3 - adjourned as there was no evidence against this accused

7808 On 'A'

7809 On 'A' for ill-treatment and extortion of private property

7810 1-3 on 'A'

7811 On 'A':- 1-19, 93-112, 115-117, 197, 198 on all counts.
On 'S':- 113, 114, 118, 122-124, 134-136, 141, 154-156 for pillage and confiscation of property
On 'C':- 20-27

Rest adjourned sine die as there was no evidence against these accused and their personal data was not sufficient for identification.

7812 On 'S'

7813 On 'A'

7814 On 'A'

7815 On 'A'

7816 On 'A'

7817 On 'A'

(POLISH Cases continued)

7818	On 'A'
7819	1-2 on 'A'
7820	On 'A'
7821	On 'A'
7822	On 'A'
7823	On 'A'
7824	On 'A'
7825	1-3 on 'A'
7826	On 'A'
7827	On 'A'
7828	On 'A'
7829	On 'A'
7830	On 'A'
7831	On 'A'
7832	1-2 on 'A'
7833	1 on 'A' for deportation 2-3 on 'A' for ill-treatment and complicity in murder
7834	On 'A'
7835	On 'A'
7836	On 'A'
7837	On 'A'
7838	1-5 on 'A' for complicity in deportation
7839	On 'A'
7840	On 'A'
7841	On 'W' as a witness to deportation. (The individual was listed as a witness in order to enable the National Office to interrogate him and to ascertain the names of the Gestapo members responsible for deporting the victims to concentration camps.
7842	On 'A'
7843	On 'A'
7844	On 'A' for murder
7845	On 'A' for murder and ill-treatment

(POLISH Cases continued)

- 7846 On 'A'
- 7847 On 'A'
- 7848 On 'A'
- 7849 On 'A'
- 7850 On 'A'
- 7851 On 'A' for ill-treatment and forced labour
- 7852 1 on 'A'
 2-5 on 'S'
- 7853 1-8 on 'A'
- 7854 1-4 and 6-10 on 'A' for murder and complicity
 in murder, and for deportation
 5 - adjourned as there was no evidence
 against this accused
- 7855 On 'A'
- 7856 On 'A'
- 7857 1-3 on 'A'
- 7858 1-12 on 'A'
- 7859 On 'A'
- 7860 On 'A'
- 7861 1-53 on 'A'. (Colonel MUSZKAT stated that when
 the Committee previously considered the Polish
 case 7145 dealing with judicial crimes committed by the German
 courts in Poland, only the chief persons responsible
 were charged and listed. The Polish National
 Office had now collected all the necessary
 material dealing with actual sentences in con-
 crete cases, in which all the accused participated.
 No time was available, however, in which to submit
 extracts from transcripts of all the relevant
 trials, but most of the affidavits had already
 been presented at Nuremberg in support of charges
 in the Justices Case before the American Tribunal).
- 7862 On 'A'
- 7863 On 'A'
- 7864 1-2 on 'A'
- 7865 1-22 on 'A'. (See note with regard to 7861).
- 7866 1-6 on 'A'
- 7867 Accused 17 of List A; 8, 17 and 18 of List E on 'A'
 Remaining 272 persons on 'S'.



LEGATION

Ref. GH/MB

27, WILTON CRESCENT,

SLOANE 6231.

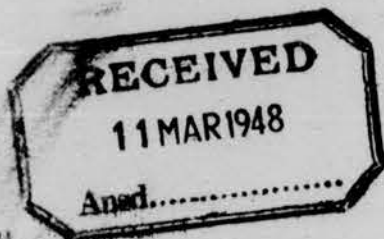
S.W.I.

10th March 1948

Dear Colonel Ledingham,

I thank you for your letter
of the 9th instant and would
inform you that I have advised
the Luxembourg National Office
accordingly.

Yours sincerely,



you

Colonel G.H. Ledingham,
Secretary-General,
U.N.W.C.C.,
Lansdowne House,
Berkeley Square,
W.1

Le Comité I a charges etc:

JL/C

1.411.
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9th March, 1948.

In view of the fact that Committee I has ceased to accept further charges for the listing of war criminals as from 21st February, 1948, the Commission in its meeting held on 25th February decided to advise the National Offices that all charges for the purpose of extradition should in the future be submitted direct to the holding authorities.

I should appreciate if you would kindly inform the Norwegian National Office accordingly.

Colonel
Secretary General.

Dr. Aars Rynning,
Royal Norwegian Ministry
of Justice & Police,
Flat 42, Kingston House,
Princes Gate,
S. W. 7.

Sent to the following National Offices:

U.S.
Belgium
Czechoslovakia
Denmark
France
U.K.
Greece
Luxembourg
Netherlands
Norway
Poland
Yugoslavia.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Summary Minutes of the Meeting of Committee I held on 4 March 1948,
at 3 p.m.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Lord Wright	Chairman of the Commission
Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia
Dr. Aars Rynning	Norway

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

Miss Gould-Adams Belgium

Sir Robert CRAIGIE, on behalf of the members of the Committee, extended a warm welcome to Baron Erik Leijonhufvud, Advocate General of the Imperial Ethiopian Government. He also expressed appreciation of the fact that the cases submitted by the Ethiopian Government had been so very well prepared and documented.

Proceedings in Individual Cases.

The Committee considered 31 cases against 101 persons submitted by Ethiopia, Belgium and Czechoslovakia.

1) ETHIOPIAN Cases

Mr. KINTNER said he wished to make an observation regarding the present Ethiopian cases. As members would recall, when the Commission on October 29th, 1947, had voted upon the question of assuming jurisdiction over war crimes committed by the Italians in Ethiopia during the war of 1935-36, the United States was one of the two countries which abstained from voting. This decision was based on the belief of the United States Government that when the Commission was established it was not the intention of member Governments to confer upon the Commission jurisdiction over war crimes committed during the Italo-Ethiopian war of 1935-36.

Upon receipt of the present Ethiopian cases Mr. Kintner said his Government had been informed of the contents of the cases by cable, and instructions had been requested. Those instructions had not, due to the shortness in time, been received up to the present. Therefore, in view of the decision taken by his Government when the matter was considered by the Commission, he felt it necessary to abstain from taking part in the Committee's discussion of the Ethiopian cases or from voting upon any one of them.

Mr. Kintner added that he wished to make it quite clear that the United States attitude did not arise from any lack of sympathy or respect for the Ethiopian nation. The fact was that in the absence of instructions from his Government it would appear that he had no alternative at present but to preserve the consistency of the United States policy adopted hitherto.

The Committee took note of Mr. Kintner's statement and proceeded to consider the Ethiopian cases as follows:

1) ETHIOPIAN CASES.

7878 The Committee considered the following notes on the case submitted by Dr. Zivković:

In this case Marshal F. Badoglio is held responsible, in his capacity as Commander-in-Chief of the Italian Forces operating in Ethiopia, for acts alleged to represent deliberate bombardments of hospitals and of undefended places, as well as for the use of poisonous gases and for wanton destruction of religious buildings.

On the face of the evidence submitted it is questionable whether acts incriminated under XXIII (hospitals), XIX (undefended places) and XX (religious buildings), were committed upon the instructions or with the knowledge and consent of the accused so as to implicate him as personally responsible. In some cases it is also questionable whether bombardments were carried out in such a manner as to amount to the corresponding violations of the Hague Regulations. This can be illustrated with the bombing of the Swedish ambulance on 30.12.1935, described in Appendix I, p.4-11. It should be noted, however, that in regard to clear war crimes, there were trials in which it was declared that, irrespective of whether commanders did or did not issue orders for the commission of crimes, it was their duty to watch over their subordinates and undertake steps to prevent crimes from being perpetrated. The Japanese general Yamashita was convicted on this ground for a series of violations committed by his troops.

Such debatable issues do not stand in regard to the use of poisonous gases, which represent in all cases a clear violation of the laws of warfare when applied by the aggressor, and for which primary responsibility lies upon the Commanders.

Sir Robert CRAIGIE said he agreed with Dr. Zivković's proposal except in so far as responsibility for the use of poison gas was concerned. He was not convinced that there was sufficient prima facie evidence on that count for listing Badoglio as a war criminal. On reading through the correspondence which had been submitted, it appeared to him that practically the whole policy in Ethiopia was planned between Mussolini and Graziani.

Technically, Badoglio must be held responsible for everything that Graziani did, but the situation being as it was at that time, he thought there was no doubt that the leader in the field - Graziani - was the one who was

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primarily responsible for that type of crime - use of poison gas - committed in the tactical field of operations. Badoglio would have been concerned primarily with the question of strategy. Sir Robert was therefore doubtful about the whole charge concerning Badoglio - even as regards the use of poison gas. In the correspondence there was nothing which actually proved Badoglio responsible for the decision to use it. The only question was whether, as in the case of Yamashita, Badoglio could be said to be responsible at least for negligence. The circumstances were, however, somewhat different. Whereas a Japanese commander-in-chief was invested with enormous powers, in the present case it was questionable whether Badoglio was, in fact in a position to control Graziani. It was quite evident from the correspondence that in all these matters Graziani was directly responsible to Mussolini, and it was his duty to obey. That was why Sir Robert thought it extremely doubtful whether the Committee were justified in assuming that Badoglio was responsible for these alleged criminal acts.

Lord WRIGHT observed that the charges appeared to be not merely individual offences but represented a continuous policy, in which case it would appear difficult to see how a man in Badoglio's position - as commander-in-chief - could free himself from complicity, or want of foresight, or control.

Dr. AARS RYNNING said he felt quite certain that Badoglio as chief in command and responsible for carrying out the whole campaign, must in some way have been implicated in the decision to use poison gas, since it was a decision which must have had to be taken on a very high level.

Dr. ZEMAN said he supported Dr. Aars Rynning's statement. The whole policy of the subjugation of Ethiopia must have been worked out in advance, and since all equipment etc. must have been assembled in Eritrea from where the attack was to take place, it was difficult to believe that Badoglio did not take part in those plans and preparations.

Sir Robert CRAIGIE said he was prepared to list Badoglio as a Suspect, but he was not satisfied that there was sufficient evidence to justify listing him as a war criminal.

Baron LEIJONHUFVUD explained that during the actual campaign leading up to the conquest of Addis Ababa, Graziani was commander on the southern front, while Badoglio, who was commander-in-chief, was in command on the whole of the northern front. When Badoglio took up the command in November 1935, he had directions given to him from Mussolini, but within the limits of those directions he had "liberty of action, independence and initiative necessary to a commander of high rank, who has the responsibility for a war that is fought at such a distance from the mother country". This was stated in the book "La guerra d'Etiopia" quoted in

(7878 continued)

Appendix V of the charge, and in the Preface to that book Mussolini was pressing for bold action in the campaign.

Dr. AARS RYNNING drew attention to Extract (3) of the same Appendix, where it was stated that the use of gas was authorised "where it is indicated by supreme defence reasons". So Badoglio must have been acquainted with all that was taking place.

Lord WRIGHT added that bombing with poison gas involved the most elaborate preparations of every kind.

Baron LEIJONHUFVUD said the relation between Badoglio and Graziani was described in the last two paragraphs of Extract (2) of Appendix V. There it was clear that Badoglio did not give orders to Graziani, but "directions in order to synchronise our concurrent operations".

Sir Robert CRAIGIE asked whether there was any direct evidence of atrocities committed by Badoglio in his sector while he was commander-in-chief there.

Baron LEIJONHUFVUD referred to that part of the charge given in "Particulars of Alleged Crime". There the crimes were indicated together with the places where they were perpetrated. Those places indicated with an S were in the southern sector; all other places were in the northern sector - Badoglio's area.

Sir Robert CRAIGIE said in view of what Baron Leijonhufvud had said he was prepared to agree to the listing of Badoglio on 'A' for use of poison gas.

Regarding the bombardment of Red Cross hospitals and ambulances, however, it was clear from the correspondence that there was some element of doubt that the bombing was deliberate.

Dr. ZIVKOVIC observed that although there was no direct evidence that Badoglio ordered such things, in view of the fact that bombardments were repetitive and took place continuously, it might be concluded that Badoglio had probably issued the orders or at least consented to such operations. On the other hand, he had been impressed by the fact that the ambulances were so close to the fighting line that it would seem difficult to establish as clear-cut evidence that the bombing was always deliberate.

Dr. AARS RYNNING referred to the correspondence between the British Administration and the Italian Foreign Office, which left no doubt that there was no justifiable reason for the dropping of bombs on the places concerned. The British refused every argument put forward by the Italian Foreign Office. According to the correspondence between the Italian Foreign Office and the High Command in Ethiopia it was very likely that Badoglio himself must have had some responsibility. He thought, therefore, that there was sufficient evidence to list Badoglio as a Suspect on this count.

(7878 continued)

Baron LEIJONHUFVUD said this was the first time in history when Red Cross units were continuously persecuted, and that was observed by the representatives of the Italian Red Cross, and he did not think they would in those days have hesitated in condemning those repeated bombardments as intentional. It must have been part of a policy.

Sir Robert CRAIGIE asked when Badoglio ceased to be in command on the southern front.

Baron LEIJONHUFVUD replied that Badoglio returned to Italy soon after the conquest of Addis Ababa in May 1936. He was commander-in-chief and Graziani was subordinate to him, but as already pointed out, Badoglio gave directions when the proper moment came to synchronise their forces.

With regard to the atrocities for which Badoglio was actually responsible when on the spot in the northern area, the places indicated in the "Particulars of Alleged Crime" which were not marked with an S were all in Badoglio's area, and the bombardments of those places actually occurred while he was in command on the spot - between December 6th 1935 and March 29th, 1936.

Sir Robert CRAIGIE said that a commander on the spot in his own area would be likely to have more responsibility for those particular acts than a commander-in-chief, who was not even in the country.

Baron LEIJONHUFVUD said that Badoglio was following the forces on the northern front.

Sir Robert CRAIGIE said in view of what Baron LEIJONHUFVUD had stated he was agreeable to the listing of Badoglio on 'A' for the bombardment of Red Cross hospitals and Ambulances.

Dr. AARS RYNNING and Dr. ZEMAN agreed.

Baron LEIJONHUFVUD pointed out that with regard to the bombardment of undefended places, very much the same applied there as in the bombardment of Red Cross units. The bombardment was repeated all over the country behind the Ethiopian armies. There was a book written by one of Mussolini's sons in which he described the pleasure he had in bombing the huts. Very much the same applied here also and in respect of the destruction of religious buildings. The Ethiopian village was a very concentrated group of huts in which the peasants lived. There was no place there for a military force, and Ciano attempted in those days - and it was also quoted in correspondence to Geneva - that the forces usually camped outside the inhabited area, which was easy to locate.

Dr. ZIVKOVIC said in this respect he took it that in such a country as Ethiopia whose army was not equipped with what we called modern weapons and whose territory was not covered by modern defences, it was difficult to make a distinction between what was an area having military objectives and what was not. In this connection also it was difficult to estimate to what extent religious buildings were destroyed by the invading forces by sheer and unnecessary military acts. If it was true that the Ethiopian army fought with

(7878 continued)

comparatively primitive means of warfare, and gathered every device possible to resist the invaders, it was difficult on those counts to establish whether these acts did amount to war crimes.

Dr. AARS RYNNING did not think the Committee could list Badoglio for bombardment of undefended places. He had read the book referred to by Baron Leijonhufvud and it was quite clear that the Ethiopians did not fight in ordinary enclosed formations - they fought more like guerillas. That being so, it could be assumed that every village in the battle area would give protection to the troops.

Dr. ZIVKOVIC said it was difficult to pin the responsibility for those tactical operations in the field to a man as far behind the lines as Badoglio was.

Sir Robert CRAIGIE pointed out that the Committee had not hitherto listed anyone for the bombardment of undefended places in view of the difficult problems which that particular question raised.

Baron LEIJONHUFVUD appreciated the fact, but observed that the Ethiopian war was different from the European war, since only one party possessed aircraft. It had been a matter of concern to the Ethiopian military leaders that the Italians had not fought guerilla warfare, where the Ethiopians would have been more successful.

Sir Robert CRAIGIE said that the Committee had in the past considered the various aspects of the question of the bombardment of undefended places - and particularly in view of the great difficulty of establishing prima facie evidence for responsibility, he did not think that count could be accepted.

Badoglio was therefore listed on 'A' for use of poisonous gases and for bombardment of Red Cross hospitals and Ambulances only.

7879

The Committee expressed agreement with Dr. Zivković's proposal to list Graziani on 'A' for the following crimes: I, III, VII, VIII, XVIII, XX, XXVI.

Baron LEIJONHUFVUD said that the Graziani case was a key to all the other cases except the Badoglio case. A close study of the case gave an explanation of the whole Italian policy of systematic terrorism. From a practical point of view perhaps it was not so necessary that Graziani should be listed on all the counts requested by his Government, but from a historical point of view it was important that he should be listed at least on a few more counts - for instance, count XII, attempts to denationalise the inhabitants of occupied territory.

Baron LEIJONHUFVUD referred to Appendix J, where, in Doc. (a) there was evidence of the intention to execute all Amharas. In Doc. (b) this was made even clearer in a communication to Nasi, one of the Governors, where it was stated "Keep in mind also that I have

(7879 continued)

already here aimed at the total destruction of Abyssinian chiefs and notables and that this measure should be completely carried out in your territories". In the next Doc. (c), Graziani said "adopt definite will to apply directions of Il Duce which tend to complete destruction of Amharic elements in territories of Abyssinian conquest". A similar method was recognised in the territories of Europe occupied by the German Nazis when they tried to eliminate the intellectual classes. In his opinion it was a definite attempt to denationalise the inhabitants of occupied territory.

Dr. ZIVKOVIC was of the opinion that such circumstances would fall within the notion of genocide; the Committee, however, had never applied that as a qualification, but had substituted the notion with mass murder - which crime was covered by count I. As far as the question of denationalising the inhabitants of occupied territory was concerned, the Committee had always been of the opinion that it was necessary to prove, apart from instances such as biological extermination, other factors such as imposition of the language of the occupying power, abolition of schools under the former educational system, forcible changes of names of inhabitants or places and so forth. These were essential elements of the crime of denationalisation, whereas in the evidence here submitted Graziani attempted to exterminate biologically the whole community on some racial or political grounds, which the Committee usually qualified as mass murder.

Sir Robert CRAIGIE said that procedure would be in accordance with the Committee's usual practice in such cases. The crime of denationalisation was somewhat difficult to define, and the Committee had always taken the view that only those very high up in the hierarchy should even be considered on that count. Graziani was, it was true, of high rank, but it would be a new departure for the Committee to list anyone for the crime of denationalisation who was guilty of mass murder. Sir Robert referred to similar cases concerning Jews in the occupied countries of Europe - the crimes with which the Germans had been charged in such cases had always been mass murder.

In the absence of evidence of the type which the Committee would require to establish a crime of denationalisation, Sir Robert expressed the hope that the Ethiopian representative would not feel it necessary to insist on the inclusion of that particular charge. He did not think it would make any practical difference to the efforts of the Ethiopian Government to secure surrender of the accused that there should be a larger number of crimes than those already proposed.

Dr. AARS RYNNING and Dr. ZEMAN agreed.

Baron LEIJONHUFVUD asked whether Graziani could be listed for pillage and referred to the systematic plundering of Addis Ababa and the monastery at Debra Libanos. He also enquired whether the Committee intended to list him for the charge of deliberate bombardment of Red Cross units.

The Committee agreed to list Graziani for pillage

(7879 continued)

and for deliberate bombardment of Red Cross Units.

Graziani was therefore listed on 'A' on counts I, III, VII, VIII, XIII, XVIII, XX, XXIII, XXVI.

7880

The Committee considered Dr. Zivković's note on the case which was as follows:

No specific charges are laid against the accused. In view of the reference made to the case against Graziani it would appear that the accused is charged for complicity in the crimes perpetrated by Graziani on account of his position (Minister for the Colonies). From the evidence submitted against Graziani it appears that the latter made reports to the accused in connection with the crimes committed. It is, however, not clear whether it was within the accused's competence to interfere with Graziani's command, and if so, whether he did or did not take steps to prevent crimes from being committed. The case should, consequently, be adjourned sine die for lack of evidence.

Sir Robert CRAIGIE said he agreed with Dr. Zivković's comments. The evidence associating Lessona with the crimes hardly seemed to be sufficient to justify listing him as a war criminal.

Dr. AARS RYNNING said there was no direct evidence to justify listing him as a war criminal, but thought it should be possible to list Lessona as a Suspect on account of his official position, and on the basis of the case against Graziani.

Sir Robert CRAIGIE said it did not appear to him that Lessona had a great deal of responsibility. He was, however, prepared to agree to list him as a Suspect.

Baron LEIJONHUFVUD explained that Lessona was Vice Minister for the Colonies before the/conquered Lessona Italian conquest of Addis Ababa. After Addis Ababa had been/ was appointed full Minister By Mussolini. A decree was issued describing the powers and duties of the Governor General in relation to the Minister for Colonies, and Baron Leijonhufvud referred to Appendix Q, Art. 5, where it stated that the Governor General depended directly and exclusively on the Minister of the Colonies. Art. 12 stated that the Provincial Governors depended on and carried out "the general political, administrative or military directions given by the Minister of the Colonies and transmitted to them by the Viceroy". Art. 21 stated "The Governor General Viceroy and the Governors cannot correspond with the administration of the State except through or with the authorisation of the Minister for the Colonies". That was a decree according to which the Minister for the Colonies constitutionally had responsibility for everything. When Graziani arrived in June 1936 he sent a cable to the Colonial Minister - given in Appendix R - requesting freedom of action to pursue a certain policy. There was no sign of Lessona raising any objections to this request.

Sir Robert CRAIGIE enquired whether there was

(788C continued)

any evidence to prove that Lessona agreed to Graziani's request.

Baron LEIJONHUFVUD replied that subsequent events were sufficient evidence. Furthermore, there was no sign of any objection on the part of Lessona. When Graziani took up office in Ethiopia he was already known as the hyena of Libya. If a Minister who was constitutionally his superior received such a cable as that already referred to, and was continuously informed by Graziani of all steps taken, and did not raise any objection or resign his office, he must be considered to have participated in the policy of systematic terrorism. Moreover, he was removed from office eventually on the same grounds as Graziani. Mussolini saw that this policy did not work in Ethiopia, and substituted these men with others at the end of 1937.

Sir Robert CRAIGIE asked whether there was direct evidence to show that they were removed because of the failure of the repressive policy they had pursued, and not on some other grounds.

Baron LEIJONHUFVUD said there was no definite statement to that effect, but it was clear under the circumstances that the person who succeeded him came with apparently new instructions and new orders were issued.

Dr. AARS RYNNING said it might well be that Lessona finally may be proved to be responsible for those crimes, but it could only be denied that the documents submitted did not indicate circumstantial evidence, in which case he did not think the Committee could list Lessona on 'A'.

It was agreed that Lessona should be listed on 'S' for complicity in systematic terrorism.

- 7881 On 'A' for mass murder, on the basis of the evidence submitted in Appendix E of the Graziani case 7879
- 7882 On 'A' on counts I and XXVI only.
- 7883 On 'A' for use of poisonous gases; and also for murder, after the Ethiopian representative had explained that Pirzio Biroli was responsible for the capture and shooting without trial of one of the Chiefs of Ethiopia who continued fighting after the conquest of Addis Ababa.
- 7884 On 'A' on all counts except XIX
- 7885 On 'A' on all counts except XIX
- 7886 On 'A'
- 7887 The Committee were of the opinion that no conclusive evidence had been submitted in this case to prove Cerulli's guilt in connection with the alleged crimes.

The Ethiopian delegate, Baron LEIJONHUFVUD, said that his Government had just completed the interrogation of Cerulli's interpreter whom they had recently managed to contact and no doubt as a result of the interrogation much more conclusive evidence would be available concerning the accused. He had requested the relevant

(7887 continued) affidavit to be transmitted to him from Ethiopia as soon as possible, and asked whether the Committee would consider adjourning the case until the additional information was available. Alternatively, he suggested that Cerulli be listed as a Witness in view of the successive official positions he held, when he must be presumed to have known of the crimes which were committed.

Attention was drawn to the fact that Cerulli was at present employed on the Secretariat of the United Nations, in which case, presumably, extensive enquiries must already have been made as to his past record and activities during the Fascist régime. It was the Committee's practice in all such cases where further information was known to exist regarding an accused person, to refer the matter to the authorities concerned which had made the investigations, and to ask them to make available to the Commission any information which they might have concerning the accused. Under these circumstances the Committee did not consider that Cerulli should be listed even as a Witness.

The case was accordingly adjourned and it was agreed that if the additional evidence now in Ethiopia was submitted before the Commission terminated its activities, the Committee would reconsider the case and determine what further action was necessary.

2) BELGIAN Cases.

Addenda.

- | | |
|---------------|--|
| 874 (Add. 1) | 1 on 'A'
2 on 'W' |
| 884 (Add. 2) | <u>Adjourned</u> for evidence to show that the accused knew of the criminal purpose or acts of the organisation of which he was a member, or was personally implicated in the commission of specific crimes. |
| 1572 (Add. 2) | On 'A' |
| 2096 (Add. 1) | Both accused have already been listed: 1 on 'A' and 2 on 'S'. The additional evidence submitted does not seem to warrant a revision of the previous decision. |
| 2401 (Add. 5) | On 'A' for ill-treatment |
| 3074 (Add. 1) | 1-5 on 'S' for wanton destruction of property |
| 4633 (Add. 2) | 1, 3-5 on 'S'
2 <u>adjourned</u> for lack of identification data. |
| 6384 (Add. 1) | 1-2 on 'W' |
| 6591 (Add. 2) | 1-2 on 'W' |
| 7011 (Add. 1) | 1-64 on 'S' |

3) CZECHOSLOVAK Cases.

Addendum

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|---------------|--|
| 7372 (Add. 2) | On 'S' for murder
On 'A' on other counts. |
|---------------|--|

-11-

New Cases.

7868	On 'A'
7869	On 'A'
7870	On 'A'
7871	On 'A'
7872	On 'A'
7873	On 'A'
7874	On 'A'
7875	On 'A'
7876	On 'A'
7877	On 'A'

JL/C

388
Similar letter sent also to CROWPASS
File 3.713

19th March, 1948.

I should be glad if you would kindly inform the French authorities in Germany and Austria that in accordance with the decision of the Commission to terminate its activities on 31st March, 1948, it has been agreed that no further charges should be accepted from the National Offices for consideration and listing by the Commission after 21st February 1948.

The Commission accordingly has advised the National Offices concerned that in all cases where the apprehension or extradition is required of individuals who have not already been listed in the Commission's Lists Nos. 1-80, the necessary charges and applications should after that date be submitted direct to the detaining authorities.

The Commission's last published List is No. 67, dated February 1948. Lists Nos. 68 to 76 will include only names of Japanese war criminals listed by the Nanking Sub-Commission. The three final Lists Nos. 78-80, including European nationals, will be published within the next two months.

All charges filed with the Commission up to 21st February 1948 as well as all records and archives of the Commission dealing with the listing of war criminals will, after 31st March, remain and be accessible in London as long as the Legal Publications Committee, set up by the Commission for the purpose of reporting on war crimes trials, remains in being, i.e. approximately till the end of 1948. After that time they will be handed over to the United Nations. The Legal Publications Committee will be prepared to deal, as far as practicable, with all questions, and give any information regarding past activities of the United Nations War Crimes Commission.

Colonel.
Secretary-General.

Monsieur P. Maillard,
4, Carlton Gardens,
S. W. 1.

01/c

389

19th March, 1948.

I should be glad if you would kindly inform the United States authorities in Germany and Austria that in accordance with the decision of the Commission to terminate its activities on 31st March, 1948, it has been agreed that no further charges should be accepted from the National Offices for consideration and listing by the Commission after 21st February 1948.

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Colonel.
Secretary-General.

Colonel R.M. Springer,
27, Aldford House,
Park Lane,
W.1.

21/c

1.411
390

19th March, 1948,

I should be glad if you would kindly inform the United Kingdom authorities in Germany and Austria that in accordance with the decision of the Commission to terminate its activities on 31st March, 1948, it has been agreed that no further charges should be accepted from the National Offices for consideration and listing by the Commission after 21st February 1948.

The Commission accordingly has advised the National Offices concerned that in all cases where the apprehension or extradition is required of individuals who have not already been listed in the Commission's lists Nos. 1-80, the necessary charges and applications should after that date be submitted direct to the detaining authorities.

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Colonel.
Secretary-General.

Lt. Col. G. Berratt,
6 Spring Gardens,
Cockspur Street,
S.W.1.



LEGATION

27, WILTON CRESCENT,

SLOANE 6231.

S.W.1.

16 March 1948

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Ref. GH/MB

Dear Colonel Ledingham,

I thank you for your letter of the 13th instant, enclosing a copy of the Minutes No.138, and would like to inform you that notice has duly been taken of the statement by Dr. Eder concerning Dr. Ferdinand Durcansky.

Yours sincerely

FOR THE MINISTER



G. Heisbourg

G. Heisbourg

Colonel G.H. Ledingham,
Secretary-General,
U.N.W.C.C.,
Lansdowne House,
Berkeley Square,
W.1

Committee II

see for list

13th March, 1948.

In accordance with the decision of Committee I taken at its meeting held on 3rd March, 1948, I have pleasure in
/. enclosing herewith for your information a copy of the Minutes of the meeting, No. 138, and in drawing your attention to Item II - Statement by Dr. Hier concerning Dr. Ferdinand Durcansky.

Colonel
Secretary General

Sent to:

Col. Springer, U.S.A.
Mr. Heydon, Australia
Miss Gould-Adams, Belgium
Mr. Leger, Canada,
Dr. Seymour Cheng, China
Dr. Schrum-Nielsen, Denmark
M. Maillard, France
M. Dimitzas, Greece
Mr. Dutt, India
Mr. Glasen, Luxembourg
Ondr. Mouton, Netherlands
Mr. Aikman, New Zealand
Dr. Aars Lynning, Norway
Col. Muszkat, Poland
Dr. Milenković, Yugoslavia

NO. 140.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 25th
March, 1948, at 10.30 a.m.

In the Chair

Sir Robert Craigie (United Kingdom).

There were also present:

Members of Committee I and their Deputies:

Lord Wright	Chairman of the Commission
Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia
Dr. Aars Rynning	Norway

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

Miss Goold-Adams	Belgium
Colonel Muszkat	Poland

Secretary to the Committee: Dr. J. Litawski (Legal Officer).I. Minutes No 138.Minutes No. 138 of the Meeting held on 3rd March, 1948,
were approved.II. Consideration of 2 Belgian cases adjourned from the last
Meeting.

884 (Add.2)	ZADAWSKY on 'S'
4633 (Add.2)	RAUSCH reclassified from 'S' to 'A' 2 on 'C'

III. Case of Wilhelm KOPF - charged by Poland - case no. 6766.

6766

Continuing the discussion of the above case
adjourned from the meeting of 19th February, the
Committee considered various documents containing
additional evidence submitted by Polish witnesses
and evidence submitted on behalf of the accused,
which had been circulated to members.Sir Robert CRAIGIE asked Colonel Muszkat whether
he wished to make any comments on the case.

(6766 contd)

Colonel MUSZKAT said that in his opinion the letters from the German banks, copies of which were attached to his letter of 24th March, were particularly relevant. They showed that Kopf specialised in compulsory trusteeship and especially in taking over confiscated property in Germany. After the outbreak of war Kopf wanted to go to Poland to continue this work in connection with the activities of the Haupttreuhandstelle-Ost, and for this purpose he approached the banks, asking them for recommendations. These references showed that he specialised in this field of finance organisation long before 1939, and he was therefore well equipped to continue the work in Upper Silesia.

In Kopf's own statement, he did not deny his connection with the Haupttreuhandstelle-Ost, neither did he deny that he had ill-treated Polish workers. Some of the witnesses on Kopf's behalf were so determined to prove that he was not involved in the expropriation of movable property belonging to Polish citizens that they went so far as to say that Kopf brought his own furniture from Berlin. Colonel Muszkat thought it was hardly possible to believe that a German, holding such a high position as Kopf did in the Haupttreuhandstelle-Ost in Poland, would bring furniture all the way from Berlin which he would not even be allowed to do by the German authorities. Witness Heinrich Wartmann had said that if workers were ever ill-treated or exploited the Deutsch Arbeitsfront or the Kreisbauernschaft tried and prosecuted those guilty, thus admitting that cases of ill-treatment did occur.

Sir Robert CRAIGIE said that reference was in regard only to one particular district, and did not necessarily implicate Kopf.

Colonel MUSZKAT pointed out that in this particular district Kopf was head of the Haupttreuhandstelle-Ost, and was the man responsible for the whole of the trusteeship of confiscated property, private and public. Furthermore, in his own statement he had said: "Naturally a normal days work was expected and action was taken against idleness, cruelty to animals, and theft. In some cases I boxed the ears of anybody caught redhanded in an offence whether a Pole or a German." This proved that Kopf took the law into his own hands as regards his treatment of workers.

Sir Robert CRAIGIE observed that it was characteristic of the Germans as a whole that they do box the ears of young people at slight provocation. That, however, was not a war crime.

Colonel MUSZKAT remarked that Kopf stated elsewhere that he slapped a person only once: "It may be that I gave one of them a slap when I found them guilty of such offences."

Sir Robert CRAIGIE said he did not interpret that statement as meaning that Kopf literally slapped only one person. He had referred to "offences" in the plural, and clearly meant that on occasions he had given offenders a slap.

(6766 contd.)

Colonel MUSZKAT also referred to the statement made by Kopf's secretary, Gerda Markefka, that Kopf bought several pieces of furniture in Koenigshutte and had them brought to Sadowa for furnishing the homes of the workers. Yet the same witness stated that Kopf brought the furniture from Berlin for himself. Thus the statements were contradictory.

Sir Robert CRAIGIE said it seemed clear that some of the furniture was brought from Berlin and some of it was bought in Poland.

Colonel MUSZKAT then referred to a photograph showing Kopf as head of a deportation convoy.

Dr. AARS RYNNING asked how it was possible from the photograph to be sure that Kopf was in charge.

Colonel MUSZKAT explained that the photograph was taken and described by Germans during one of the convoys of Polish citizens deported from Czestochowa.

Mr. KINTNER observed that Kopf might be a bystander so far as they could judge from the photograph.

Sir Robert CRAIGIE said he did not consider the photograph sufficient proof that Kopf was responsible for the deportations. The photograph may perhaps have been taken on Kopf's own estate, but that was not to say that he was in charge of the deportations. In his official capacity as head of the Treuhandstelle-Ost he would be concerned in taking charge of any furniture belonging to persons who had been evicted, and making lists of such furniture or effects.

Colonel MUSZKAT said he failed to understand why the Committee believed without questioning summarised statements of German witnesses, which were for the most part made by his closest friends and collaborators, and refused to believe Polish witnesses and victims who gave facts quite to the contrary.

He drew attention to one point of interest. When Kopf arrived at Sadowa he had already been married ten years. When he was in Czestochowa he made the acquaintance of another woman whom he decided to marry in order to receive the very considerable estate which she possessed. Since he had not previously obtained a divorce he was therefore guilty of bigamy. That showed the man's moral character.

Dr. AARS RYNNING said he personally attached little importance to the statements presented by the Germans. He was chiefly concerned with those submitted by Kopf himself and by the Polish witnesses, and thought it would be helpful if the Committee went into a few of the details concerning the latter.

Witness Edward Sirek said Kopf "was brutal and "scornful in his behaviour towards Poles. The salary "of all Polish employees was reduced by 15% for "special taxes". It seemed as though the witness was trying to link Kopf with the reduction of 15%. Kopf, however, had nothing to do with that, since it

(6766 contd.)

Was a general regulation which applied everywhere in Poland. The same witness said he was beaten on his face by Kopf, but did not mention how often or how hard or for what reason. Further on his evidence was merely hearsay. "I heard that Kopf was acting as a commissar for deportation affairs, and that he was collecting furniture left by the expelled population. I have heard about the captured Soviet POW in the area of the farm. But I don't know nothing about it that Kopf caused arrest or deportation to concentration camps of any Poles on political grounds".

Witness Jan Kuc stated: "It was generally known that Kopf was acting as the Head for expulsion affairs... Kopf's attitude towards Poles was hostile and scornful and cases have occurred that he was beating Poles without any reason". No concrete instances, however, are given.

Witness Jan Borecki stated: "As regards the attitude towards Poles, Kopf was sufficiently unfriendly and often made use of physical violence without any reason..." but he did not point to any concrete case of ill-treatment as far as he himself was concerned.

Colonel MUSZKAT said Borecki mentioned that he had been imprisoned for six months.

Dr. AARS RYNNING replied that there was nothing in the evidence to link Kopf with the imprisonment.

The following was also hearsay evidence: "I have heard that in 1942 or as far as I remember in 1943... It was generally known in this district that Kopf was acting as a commissar of the Reich for the district Lubliniec and was in charge of the property left by the expelled Poles". The evidence was very general and vague; as was also the evidence of Stanislaw Kluczniak when referring to confiscation of property by Kopf and the accumulation of part of the property on his farm.

Witness Eduard Miara stated that "Kopf's attitude towards Polish employees was unfriendly and Kopf was treating Poles scornfully, not seldom used his whip on his employees and often without any reason..." but he did not say that he himself was ever whipped and does not mention anyone who was whipped. Miara also said that he "went to Kopf with a request to be continually employed on his farm..." Why should he have made such a request if Kopf was as cruel as he was alleged to have been?

Colonel MUSZKAT explained that if anyone was found unemployed he was sent to Germany for forced labour, which would be much worse.

Dr. AARS RYNNING drew attention to another statement by the same witness: "I suspect Kopf that it was due to him I was put in a labour camp..." but there was not the slightest evidence that Kopf was in any way responsible for that.

Witness Boleslaw Kucharski referred to "a tall dark man, who as other people told me, was Wilhelm Kopf..." This witness was apparently only told by others that the person in question was Kopf, and admits that he did not know him himself.

(6766 contd.)

Witness Ignacy Bielecki admitted also that he only knew "from hearsay that the action of expulsion was "directed by Wilhelm Kopf".

Witness Bronislawa Rogaczewska admitted that she did not get to know Kopf's name until after the expulsion from Krzepice.

Witness Leon Tylikowski stated that "Besides affecting "other people the above commission for expulsion arrived "at the shop and house of my employer Rudlicki. Among "them was present Kopf Wilhelm, who directed the whole "action of expulsion". This was definitely not true because Kopf was not a member of such a commission; he was concerned only with the administration of any property which the deportees left behind.

Dr. AARS RYNNING observed that if all that the witnesses stated was true, he could not see why the court interrogating did not ask them for specific instances of ill-treatment and deportation and more particulars regarding the looting of property in order to make it quite clear that Kopf was responsible for those particular acts. If Kopf had seriously ill-treated them they would surely have been eager to give more detailed descriptions in their statements.

On the other hand, the statement made by Kopf himself, although somewhat brief, seemed to him to be honest, since he admitted that he occasionally slapped some of the youths - and he would not have admitted this if he had wanted to conceal the true facts.

Lord WRIGHT said that what Dr. Aars Rynning had stated expressed very clearly what had already been in his mind when he had considered the question - that all the charges were much too general. He himself did not attach very much importance to the evidence given by Kopf's secretary and personal friends, because naturally any German would do his utmost to defend one of his own countrymen. He had read all the documents through very carefully and his impression was that there was nothing in them which would have justified an English magistrate to commit a man for a crime. There were two points to bear in mind: First, if a person was to be charged for any crime it must be done with particularity; secondly, the charge must be capable of being construed as a war crime. According to the charges enumerated in Set D. of the affidavits submitted, four of them were described as crimes against humanity. According to his interpretation and understanding of the term there was nothing in the evidence submitted which could conceivably be regarded as constituting a crime against humanity. The fifth charge was given as plunder of private property belonging to Polish civilians between the years 1941 and 1945. Here again he had not been able to find anything in the evidence sufficient to justify that charge. The evidence was in fact as vague and as general as that given in the original case, where it merely stated that Kopf "participated in evictions and "carried out numerous confiscations".

Sir Robert CRAIGIE drew attention to the description of Kopf which was given by certain Polish witnesses in connection with the eviction and deportation of Polish

(6766 contd.)

citizens. Witness Boleslaw Kuoharski referred to "a tall dark man, who as other people told me, was Wilhelm Kopf...". Witness Leon Tylikowski also described Kopf as a "tall man". Sir Robert said he had made enquiries regarding Kopf's height, and had been informed that he was just below medium height - five feet, eight inches - so that he could hardly be described as a "tall" man. Neither was he dark. According to a reliable witness, Justus Danckwerts, Kopf went grey at an early age; in 1928 his hair was already "grey with a few black strands".

Either there was another person by the name of Kopf who was responsible for the evictions, or else the witnesses merely assumed that it was Kopf because of his connection with the Treuhandstelle-Ost; but it was apparent that there had been some mistake in identity so far as the individual responsible for this particular charge was concerned.

Dr. AARS RYNNING added that he wished to stress that he would not have hesitated to agree that Kopf's name should remain on the Commission's List if he had been convinced by the evidence of the Polish witnesses. With regard to the act of slapping certain persons on the face, Kopf was certainly not within his disciplinary rights, but in no event would this slapping, in his opinion, constitute a war crime. Neither did he think a prima facie case was established as regards complicity in the evictions and confiscations.

Mr. KINTNER observed that a great deal of the evidence of the Polish witnesses definitely contradicted that submitted by the defence. If the Committee were to decide between the conflicting evidence submitted by both sides, they would be assuming a judicial function outside their jurisdiction. For that reason he felt that the matter was one to be decided by the extradition authorities in Germany who had power to make the necessary investigations.

On the evidence submitted to the Committee Mr. KINTNER did not consider a prima facie case was established, and he proposed that Kopf's name should be removed from the Commission's List.

Dr. ZEMAN said that with regard to the charge of ill-treatment, he did not consider the evidence to be too general because Kopf himself admitted that on certain occasions he did hit workers. It was true that that in itself was not a war crime, but why should it have been necessary even for him to do that if, as he said, he had nothing to do with the administration of the estate? In spite of generalities there were at least eight clear statements that a blow was given here and there. To him that seemed to be a case for ill-treatment. One would not expect a man of Kopf's morals, as Colonel Muszkat had described him, to treat people fairly or justly. Even if a youth did require punishment, that did not entitle a man of character or intelligence to beat him up. One Polish witness stated, moreover, that Kopf compelled his employees to work sixteen hours a day under very bad conditions.

Sir Robert CRAIGIE pointed out that all farm workers have to work long hours in harvest-time.

(6766 contd.)

Dr. ZEMAN agreed, but said the men were not paid overtime and there was no evidence to show that it was only in harvest-time.

Sir Robert CRAIGIE said that a German witness, Markefka, definitely stated that extra hours were worked at the harvest. Another witness, Rudolf Schipke, said that all overtime was fully paid.

Dr. ZEMAN pointed out that one had also to take into consideration the general policy of the "herrenvolk". The Polish slave labourers would be made to work in most inhumane conditions. There was no hard and fast rule as to the degree of beating necessary to constitute the crime of ill-treatment. Hitherto the Committee had listed many owners of estates for much less, and he could not imagine Kopf being an exception to the usual type of German owner. He did not consider the instances of ill-treatment as slight offences at all, and thought there was ample evidence to constitute a prima facie case.

Sir Robert CRAIGIE referred to the evidence of the German witnesses concerning the charge of ill-treatment. Allowing for the fact that they might have been anxious to see the stigma removed from Kopf's name, their statements nevertheless were a good deal clearer and were more specific than those of the Polish witnesses.

Sir Robert referred to the testimony of Martha Stephan, an old inhabitant of the village of Sadowa, who knew all the workers on the estate. From her description of the Polish witnesses it was evident that many of them were at the time quite young boys who were known to be lazy and troublesome. In all cases where troublesome workers are punished they naturally bear a grudge against their employer. Their evidence as a result is less convincing. It appeared that Kopf had been a man who demanded efficient service from his employees and insisted on his estate being well run, therefore it was quite understandable that he might box a young boy's ears if he was lazy or impertinent. In one case it was recorded that a boy's mother actually asked that he should be treated firmly since he was difficult to control.

Dr. ZEMAN said that the idea that Kopf was a man of integrity and had no concern whatsoever in evicting Poles or confiscating their property, was inconsistent with the fact that he received such excellent recommendations from the banks by people who were obviously good Nazis since they ended their letters with "Heil Hitler!" Whether Kopf actually participated in the evictions or confiscations was a matter for the competent court to decide, but there was ample evidence that he was an accomplice to those activities, and he therefore proposed that Kopf's name should remain on the Commission's List for complicity in those two crimes, as well as for ill-treatment.

Sir Robert CRAIGIE asked whether Dr. Zeman's proposal was based on the fact that Kopf was actually present at the time of the deportations, or on the fact that he appropriated the property belonging to the deportees.

(6766 contd.)

Dr. ZEMAN replied that his proposal was based on both points.

Sir Robert CRAIGIE read to the Committee a verbal, detailed statement made by Kopf to a British interrogator in regard to the purchases he had made - largely on behalf of his employees - of the furniture left behind by Polish citizens, and furniture which remained unclaimed. If the Committee accepted that statement - and he himself was prepared to accept it - there was nothing there which could possibly constitute a war crime.

Colonel MUSZKAT stated that six months ago Kopf had been listed as a war criminal on evidence which was not nearly so complete as that which they now had before them. The members of the Committee had been quite satisfied with the material when they had listed Kopf. Now Sir Robert Craigie, Mr. Kintner and Dr. Aars Rynning had changed their minds, in spite of fuller evidence from the witnesses. Why? Presumably because Kopf was now identified as an official holding a high position in the British Zone of Germany. Nevertheless Sir Robert Craigie had agreed that criminal activities had occurred, but refused to believe that Kopf was the man responsible. It was even suggested that it might be a case of mistaken identity. The Committee was not a judicial body deciding between the evidence submitted by two sides. Its duty was simply to say whether or not there was a prima facie case, and apparently somebody must have been responsible for the cases of ill-treatment, for the deportation of civilians from Czestochowa, and for the confiscation of their property. Kopf, being the head of a branch of the Treuhandstelle-Ost, must be presumed to have been responsible at least in participating in the confiscation of property taken from Polish civilians.

Sir Robert CRAIGIE said that assumption was not necessarily correct. According to the evidence before them, the main function of the Treuhandstelle-Ost was to take over the custody of property confiscated or abandoned and to maintain property values.

Colonel MUSZKAT said the Committee had dealt with many previous charges implicating the Treuhandstelle, and from the findings of the International Military Tribunal they knew what kind of an organisation it was. It was responsible not merely for recording the confiscated property but for administering the sale of it, the proceeds of which went towards the financing of the Nazi army. There was no doubt that it was a criminal institution. Kopf was a very able man, well qualified to be in charge of such activities, and that was why he was so intent on receiving the position as head of the Lublinetz Branch of the Treuhandstelle.

Colonel Muszkat could not see that the Committee had any grounds for removing Kopf's name from the List of war criminals. It may be that when Kopf's case was considered by the extradition tribunal it would be discovered that Kopf was not the man responsible for those criminal activities, but so far as the Committee were concerned it was surely their duty to accept the testimony of the victims themselves.

(6766 contd.)

Sir Robert CRAIGIE said he was sure the Committee appreciated and sympathised with Colonel Muszkat's point of view. Nevertheless there were one or two observations he wished to make in regard to his conclusions. Colonel Muszkat had said that the Committee, having taken their decision to list Kopf last November on the basis of extracts from witnesses' statements, were now inclined to go back on their decision in spite of the fact that they were now in possession of fuller statements. Sir Robert said that he had in fact, been more impressed by the shorter extracts on which the accused was originally listed than by the more detailed statements, since the latter revealed that much of the evidence was mere hearsay - certainly in regard to confiscation of property.

Colonel Muszkat had said that the Committee was not a judicial body and was not therefore entitled to decide between conflicting evidence submitted by both sides. The fact was that had the Committee been in possession of the fuller evidence of the Polish witnesses last November when the case was decided, he for one would never have agreed to list Kopf on the basis of that evidence, quite apart from the question of his official position. In the first place, he did not consider that Kopf had definitely been identified as a participant in the evictions and deportations and so far as ill-treatment was concerned the evidence of the Polish witnesses was altogether too vague and did not relate to any specific incidents. With regard to the charge of confiscation of property, Sir Robert said he was prepared to accept the statement made by Kopf that the articles of furniture required by him were paid for at the official rate laid down by the occupying Power.

Whatever conclusion the Committee might reach, however, the case would come before the extradition tribunal in Herford, and he was quite sure that it would receive dispassionate consideration by the British authorities.

Dr. AARS RYNNING said that with regard to Colonel Muszkat's statement that members had changed their opinion on the case since last November, Dr. Aars Rynning insisted on his right to do so if the circumstances justified it. On several occasions both in the Commission and in Committee I he had expressed dissatisfaction with the meagre amount of evidence which was sometimes submitted to the Committee in various cases. Dr. Aars Rynning did not think it was correct to say that the Committee were not a judicial body - to some extent they were, since their decisions had a serious and far-reaching effect on the future life of the accused persons. Audiatur et altera pars had been a long established principle of law derived from Roman law. Because of the nature of the Commission's work this principle was not generally applicable in their deliberations, but whenever the opportunity occurred to apply it without considerable delay, he believed it should be applied.

Dr. Aars Rynning was of the opinion that the evidence of the Polish witnesses now before the Committee was of a far less convincing nature even than the shorter

(6766 contd.)

extracts on which the Committee had based their original decision. It seemed apparent therefore that if the Committee were to be consistent with their general practice they could not possibly consider that there was a sufficient prima facie case for leaving Kopf's name on the list of war criminals, or even reclassifying him as a suspect because in his opinion the evidence submitted by the Polish authorities had been outweighed by the evidence produced on behalf of Kopf.

Sir Robert CRAIGIE suggested that they should vote on Mr. Kintner's proposal to remove Kopf's name from the Commission's List of war criminals.

Colonel MUSZKAT asked whether the Committee would first of all vote on the question of reclassifying Kopf from war criminal to suspect.

The Committee decided to vote on the proposal to reclassify Kopf from war criminal to suspect, pending submission of further evidence.

Dr. ZEMAN voted for the proposal; Sir Robert CRAIGIE, Mr. KINTNER and Dr. AARS RYNNING voted against the proposal. The proposal was therefore lost.

The Committee then voted on the proposal to remove Kopf's name from the Commission's List of war criminals.

Sir Robert CRAIGIE, Mr. KINTNER and Dr. AARS RYNNING were in favour of the proposal; Dr. ZEMAN voted against the proposal. The proposal was therefore carried.

Dr. ZEMAN then suggested that Kopf be listed as a Witness, since he would be needed as such in any event.

Sir Robert CRAIGIE said the Committee had accepted the principle that no individual should be listed as a witness unless a war crime had first of all been established. The Polish authorities having requested Kopf's extradition as a war criminal, it was illogical to suggest that he should be listed as a witness. Sir Robert was not in favour of listing Kopf as a witness merely as a matter of expediency.

The Committee voted on the proposal to list Kopf as a witness. Dr. ZEMAN voted for the proposal; Sir Robert CRAIGIE, Mr. KINTNER and Dr. AARS RYNNING voted against the proposal. The proposal was therefore defeated.

Colonel MUSZKAT said he could not help thinking that the change in the Committee's original decision was unjustified and he could not conceal his impression that this decision was dictated by political motives, having regard to the position which Kopf now held in Germany.

Sir Robert CRAIGIE said he felt obliged, in behalf of his colleagues, to protest against the implication

(6766 contd.)

of Colonel Muszkat's observations. He and his colleagues had been at pains to consider the case quite independently of the official position which Kopf now held.

Mr. KINTNER and Dr. AARS RYNNING associated themselves with Sir Robert Craigie's remarks.

The decision of the Committee regarding this case was that the name of Wilhelm Kopf should be removed from the Commission's list of war criminals, and that the competent authorities should be informed of this decision.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 31st March, 1948
at 10.30 a.m.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia
Dr. Aars Rynning	Norway

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

Mademoiselle Capion	France
Colonel Muszkat	Poland
Secretary to the Committee:	Dr. J. Litawski (Legal Officer)

I. Minutes Nos. 139, 140 and 141.

The Secretary reported that the Minutes of the last two meetings, Nos. 139 and 140, together with the Minutes of the present meeting, No. 141, would be circulated in due course. Any amendments which members wished to make, if forwarded to him would be inserted in the final text.

II. Consideration of two Polish Cases.

Financial case 7347.

This case was adjourned on 19th February in order that the United Kingdom and United States Representatives might have an opportunity of obtaining the views of their Governments.

Sir Robert CRAIGIE said that so far as the United Kingdom were concerned, they doubted whether the financial measures undertaken by the Germans in Poland did in fact constitute a war crime. Most of the measures had also been taken by all four Allies in Germany, and did not in themselves constitute a breach of International Law. Even if it was shown that the measures so exceeded reasonableness as to be breaches of International Law, that still did not make them necessarily war crimes. His Government considered that the question was of a highly technical nature, and would require a great deal of extensive research and study, which was impracticable so far as the Commission was concerned since they were on that day terminating their activities. The British Government, moreover, considered that it would be improper for such a question to be settled in the Courts of any one country as would happen should the persons concerned be extradited to Poland.

Sir Robert said he wished to make it clear that the attitude of the British Government did not arise from want of sympathy with the Polish nation, or failure to appreciate the appalling economic conditions arising out of the

(7347 contd.)

German occupation, but was due entirely to the difficulty of determining, without further investigation, whether and to what extent those activities should be considered as war crimes. The Polish authorities would, nevertheless, be at liberty to bring the case before the extradition authorities in Germany or take any other steps which they might choose.

Mr. KINTNER said his Government were also of the opinion that the case was one which would require much fuller investigation than was practicable at this closing stage of the Commission's activities.

Dr. AARS RYNNING said his views were the same as those expressed when the case was discussed on 19th February, namely, that as regards some of the charges he considered that a war crime had been established, and he would be prepared to vote for listing the four named individuals at least as witnesses.

Dr. ZEMAN said his views on the case were also the same as those expressed on 19th February. He realised that it might be a border-line case, but saw no reason why the benefit of the doubt should be given to the culprits and not to the victims. He considered the Polish suggestion to list the four individuals as witnesses to be a very modest request.

Colonel MUSZKAT said the Committee had already some experience in similar types of cases when they dealt with the French case 4695 involving the black market operations of the Germans in France. From the Judgment of the Nuremberg Tribunal and the decision of the Commission regarding the French case it was clear that if some requisitions or goods were exacted by the occupation authorities in such a way that they were concealed under formal occupation costs such acts were to be considered as criminal. Further, from the regulations of the Hague Convention it is clear that the occupying authorities have no right to alter the legislation of occupied territory, or to take from the occupied country more than is necessary for the expenses of the occupation army. From the present Polish case it is evident that the Germans violated Polish legislation, and managed to exact from Polish territory not only goods and means necessary for the needs of their occupying armies, but they simply used the Polish territory in order to finance their war purposes. This was an undoubted violation of the laws and customs of war.

The two points raised by Dr. Zivković in his comments on the case concerned interference with reasonably conceived requirements of military necessity and failure to respect the existing Polish laws. It was known that in other occupied countries the Germans did respect in a certain measure the legislation of those countries and they did not change the existing administration of finance or of the banks of issue. In the case of Poland, however, the position was quite different.

Finally, Colonel Muszkat referred to the fact that just recently the Commission had listed a certain Gunther Altenburg, Greek case 6816, for crimes of a similar nature committed in Greece. He did not think therefore that the

(7347 contd.)

Committee had any reason to treat the Polish case differently from the French or Greek cases.

The Polish Government requested therefore the Committee to list the four named individuals at least as witnesses so that they might be interrogated, and the financial criminal policy in occupied Poland investigated.

Dr. ZEMAN observed that the Committee's principle of refusing to list persons as witnesses unless a war crime had first been established was not applicable in this case, since there was no clear indication that there was no war crime.

Mr. KIMNER said that his Government were not in favour of listing anyone as a witness unless a war crime had been definitely established.

Sir Robert CRAIGIE said he personally had been very much impressed by what Colonel Muszkat had stated, and by the desirability of investigating the question in order to find out whether exploitation of that kind, even by measures which are perfectly legitimate if taken in moderation, does not constitute a war crime. On that ground he would be prepared to abstain from voting on the question of listing the named individuals concerned.

The Committee voted on the proposal to list 1, 3, 4, and 7 on 'W'. Dr. AARS RYNNING and Dr. ZEMAN voted for the proposal; Sir Robert CRAIGIE and Mr. KIMNER abstained from voting.

It was decided that 1, 3, 4 and 7 should be listed on 'W' with the understanding that although the Committee as a whole did not consider it proved that a war crime had been committed, yet the majority were of the opinion that, provided the holding authorities were agreeable, these persons should be interrogated in order to establish the facts concerning the financial measures undertaken by the Germans in occupied Poland.

Deliberate bombardment case 7593.

This case was adjourned on 19th February in order that the United Kingdom and United States Governments might obtain the views of their respective Governments on the case.

Sir Robert CRAIGIE said he had not received a reply from his Government up to date.

Mr. KIMNER said he had been instructed by his Government to vote against the listing of the individuals concerned.

Dr. ZEMAN was of the opinion that a prima facie case of a war crime had been established. It was well known that deliberate bombardment was an essential part of the German blitzkrieg tactics to destroy the enemy, regardless of the cost in human lives, and it was part of the psychological warfare to terrorise the population. Such warfare could not, in his opinion, be considered as legitimate, and it could therefore be assumed that these activities constituted a war crime.

(7593 contd.)

Colonel MUSZKAT said that the Committee had already listed several German commanders for deliberate bombardment of undefended places in France and Yugoslavia. The Commission had also issued a document giving several instances of deliberate bombardment by the German forces, and the present case was absolutely analogous. The names of the villages in Poland subjected to indiscriminate bombing revealed the kind of localities which the Nazis chose as their targets. In all cases the bombing was deliberate and no military objectives were involved. In the present case only very small villages had been mentioned.

Sir Robert, replying, pointed out that the cases mentioned by Colonel Muskat dealt with quite different sets of facts, namely, with the bombardment carried out during and in connection with punitive expeditions against liberation movements in occupied territories; and therefore presented quite different legal questions, which did not come in the present cases.

Sir Robert proposed that the case should be suspended in view of the fact that two of the accused involved, (Brauchitsch and Manstein) had already been listed by Poland on other cases and two (Malch and Kesselring) had already been sentenced to life imprisonment by other courts.

Mr. KINTNER and Dr. AARS RYNNING were in favour of Sir Robert Craigie's proposal; Dr. ZEMAN voted against the proposal.

It was decided therefore that the case should be suspended sine die.

III. Consideration of 2 Ethiopian cases.

Mr. KINTNER said that in the absence of instructions from his Government it would be necessary for him to abstain from consideration of the Ethiopian cases or from voting upon them, as heretofore.

The Committee took note of Mr. Kintner's statement and proceeded to consider the two Ethiopian cases as follows:

7880

The Committee took note of Baron Leijonhufvud's letter of 19th March, 1948, with attached memo, in which he requested that the case concerning Lessona be reconsidered with a view to reclassifying him from Suspect to War Criminal.

The Committee did not consider that direct responsibility for the crimes was sufficiently established to justify reclassifying Lessona. Accordingly it was decided that he should remain on 'S' for complicity in systematic terrorism.

7887

The Committee considered Baron Leijonhufvud's letter dated 19th March, with attached memo, and letter dated 25th March from the Ethiopian Minister enclosing a cabled extract from the statement of Cerulli's interpreter referred to at the last meeting.

(7887 contd.)

The Committee took note of the fact that Cerulli was not a member of the United Nations Secretariat.

It was decided to list Cerulli on 'S' for complicity in systematic terrorism.

IV. Case of Walter SCHWEEN - Polish cases 4947 and 5074.

Reconsideration of the case concerning Schween was adjourned on 20th January in order that the Polish National Office might have an opportunity of submitting further evidence concerning the accused's criminal responsibility as a member of the Gestapo in Warsaw between 1939 and July 1944.

After examining additional evidence submitted by the Polish National Office, the Committee were unanimously of the opinion that Schween should remain on the Commission's list as a Suspect in connection with Polish charge 4947, and should be reclassified from war criminal to suspect on Polish charge 5074 in order to be consistent with their present procedure.

This decision has been taken on the grounds that, as Schween has himself admitted, he held the function of SS. Obersturmführer of the Gestapo in Warsaw, between September 4th, 1939 and July 28th, 1944, and took part in, or was responsible for, deporting people to concentration camps ("in Schutzhaft genommen").

It was decided that BAOR should be informed of the Committee's decision.

V. Case of Dr. BARSÁ - French charge 1196.

The case concerning Dr. Barsa, listed by France, had been raised in the meeting of 3rd March, 1948, by Dr. Ečer, the Czechoslovak Representative. In view of the information submitted by him the French National Office had been requested to inform the Committee whether it had any objection to the removal of Barsa's name from the Commission's list of Suspects.

Mademoiselle CAPIOMONT informed that Committee that no reply had as yet been received from the French authorities.

In view of the fact that there appeared to be clear evidence that Barsa had not been involved in criminal activities while employed in the dental department of the Buchenwald Concentration Camp, the Committee decided to remove his name from the Commission's list of Suspects.

VI. Closing of 80th List of War Criminals.

The Committee decided to issue the last Commission's list of War Criminals (No. 80) which would include cases accepted by the Committee up to 31st March, 1948, inclusive.

VII. The Committee authorised the Secretary to circulate Lists of War Criminals Nos. 79 and 80, together with the Final Statistical Progress Report, without further approval by the Committee or the Commission.

VIII. Statement by Colonel MUSZKAT on cases of BOHUN, TOEBBENS and KOPF.

Colonel MUSZKAT said that as the present meeting was the last to be held by Committee I he wished to draw attention to the following facts. Several war criminals already listed by Committee I whose apprehension and extradition had been requested were being allowed to enjoy full freedom of movement in Europe and were using their freedom to exert a dangerous political influence. He gave two such instances involving the accused Bohun and Toebebens. Toebebens had been extradited by the American authorities to the Polish authorities, but on his way to Poland eight months ago he had escaped from the train and had returned to Germany. According to information received by the Polish National Office, Toebebens was taking an active part in conspiracies against Poland in Germany. So also was Bohun, whose extradition had been ordered by the Legal Division of OMGUS, but who had not been handed over up to date. Colonel Muszkat thought it was important to draw attention to these facts which were by no means isolated cases.

Colonel Muszkat said he had also been instructed by his Government to state in regard to the Committee's decision to remove the name of Wilhelm Kopf from the list of war criminals, that the Polish Government did not think this decision was justified and was of the opinion that it had certain political implications. The fact that such a person was allowed to hold an influential position in Germany was dangerous to the cause of peace. Furthermore, the office which a person holds, however high, cannot be taken into consideration when determining a man's guilt. Kopf himself had confessed that he was connected with the Haupttreuhandstelle-Ost, a criminal institution set up by the German occupying authorities to deal with the property confiscated from the civilian population; he had confessed to ill-treatment of several slave labourers, and to taking for himself confiscated movable property. This was sufficient proof that the Polish charge was fully justified from a legal point of view. Therefore, his Government refused to take into consideration the recent decision of the Committee to remove Kopf's name from the list of war criminals, and had decided, in the interests of justice and of peace, to support the charge before the proper Allied authorities in Germany.

Sir Robert CRAIGIE said that so far as he personally was concerned he felt obliged to protest against reiteration of the charge that the decision to remove Kopf's name from the Commission's list had certain political implications having regard to the position which Kopf held in the British Zone of Germany. He had already expressed his views and those of his Government on that particular question on each occasion when the case had been considered, as well as at the last meeting when the final decision was taken to remove Kopf's name from the Commission's list.

Mr. KINTNER said he desired on behalf of his Government to support Sir Robert Craigie's protest against Colonel Muszkat's insinuations that the Committee's decision was actuated by political motives.

Dr. AARS RYNNING also desired to associate himself with Sir Robert CRAIGIE's protest.

IX. WINDING-UP.

Dr. AARS RYNNING said he was sure all members of the Committee would wish to join him in thanking Sir Robert Craigie for the excellent manner in which he had presided over the Committee's many discussions, and the great patience he had always shown when dealing with difficult and

controversial cases. The chairmanship of Committee I necessarily involved a great deal of extra work and preparation, and he considered that those duties could not have been more appropriately or effectively discharged.

Mr. KINTNER, Dr. ZEMAN and Colonel MUSZKAT associated themselves with Dr. Aars Rynning's remarks.

Sir Robert CRAIGIE said "I appreciate deeply what you have said in regard to my quite inadequate efforts in attempting to discharge those duties to the best of my ability. For a certain period I was assisted by Mr. Kintner as co-Chairman, who unfortunately was obliged to resign, but who has always continued to give to the Committee the benefit of his great legal experience, and his thorough examination of all cases. I am grateful, too, to Dr. Zeman, and to Dr. Aars Rynning who joined the Committee comparatively late in its existence, but who nevertheless has made up for that by his most valuable contribution to the Committee's deliberations. I wish to thank each one of you for your collaboration, and for the friendly relations which we have all maintained in the Committee during many years of work.

"I also wish to express our appreciation to Monsieur de Baer, former Chairman of this Committee, for his great contribution to, and extremely wise direction of its activities and work.

"I think it is unfortunate that the highly controversial case of Wilhelm Kopf should have been one of the last to be dealt with by the Committee. It has perhaps given the impression of divided counsels which, in fact, do not represent the true course of the history of our Committee. Generally speaking, the Committee has been able, by careful investigation and discussion, to agree unanimously on practically every decision, and the spirit which has animated all our work has to my mind been quite excellent. As one who has had long experience in international conferences and discussions, I have never known a body of people, representing many different countries, in which the team work has been so excellent as has been the case in this Committee, at any rate so long as I have been associated with its activities.

"Now our task has come to an end, and has resulted in the listing of approximately 40,000 names. We all realise that only a very small proportion of those listed will in fact be brought to trial; nevertheless the fact that those names have been listed after careful thought and investigation by an impartial Committee, even though the vast majority of the charges have been considered only on the basis of prosecution charges constitutes a great monument to the work of this Committee, and will, I believe, give to the world in the future some estimate of the vast extent of German criminality during the last war and of the criminality of Germany's allies. It is a work which will be of great benefit to posterity, and perhaps even to Germany herself and to those other countries whose war criminals appear on our lists.

"And so, gentlemen, I thank you all. We bring our proceedings to an end. I know we shall all watch with interest the development of the war crimes trials which will finally bring to a close a very great and important international experiment, which I personally believe will play its part in preventing the outbreak of another war".