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**UNITED NATIONS WAR CRIMES COMMISSION**

**NATIONAL OFFICES CONFERENCE**

held at

**THE ROYAL COURTS OF JUSTICE, LONDON**

**May 31st to June 2nd, 1945**

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**MINUTES and DOCUMENTS**

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\* Doc. NOC. 9 is here textually reproduced and has therefore not  
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# LIST OF REPRESENTATIVES

Chairman: The Rt. Hon. Lord WRIGHT, P.C., LL.D.

	<u>Representing the Commission</u>	<u>Representing the National Offices</u>
UNITED STATES OF AMERICA	Lt.-Col. J. V. HODGSON, JAGD, AUS Captain J. WOLFF, JAGD, AUS	Capt. Frank B. GARY, USNR Capt. James J. ROBINSON, USNR Col. Howard A. BRUNDAGE, JAGD, AUS Col. Abe McGregor GOFF, JAGD, AUS
AUSTRALIA	Lt.-Col. J. OLDHAM	Lt.-Col. J. OLDHAM F/O G.S. BRIDGLAND
BELGIUM	M. de BAER M. René GOLSTEIN	M. A. DELFOSSE M. A.C. MUTERS
CANADA	Mr. Andrew BELL	Lt.-Col. B.J.S. MACDONALD
CHINA	H.E. Mr. WUNSZ KING Dr. D.Y. DAO	Dr. WANG HUA-CHENG Mr. YANG YUN-CHU
CZECHO-SLOVAKIA	Dr. H. MAYR-MARTING	Dr. S. JANIS
FRANCE	Professor CASSIN Professor GROS	Professor PAOLI Ct. MELOY M. MONTERAY
UNITED KINGDOM of GREAT BRITAIN & NORTHERN IRELAND	The Rt. Hon. Viscount FINLAY, G.B.E.	Mr. P.H.B. KENT, O.B.E., M.C. Brigadier SHAPCOTT, C.B.E., M.C.
GREECE	M. C. STAVROPOULOS	
INDIA	Sir Torick AMEER ALI	Sir Samuel RUNGAWADHAN Mr. S.N. DUTT
LUXEMBOURG	M. André CLISEN	Judge HAMMES
NETHERLANDS		Commander M.W. MOUTON Mr. J. Van den BERGH
NEW ZEALAND	Mr. C.B. BURDEKIN	Mr. C.B. BURDEKIN
NORWAY		Major Finn PALMSTRÖM
POLAND	Dr. T. CYPRIAN	Dr. M. LACHS Dr. J. LITAWSKI
YUGOSLAVIA	Dr. Radoimir ZIVKOVIC Dr. Lazar MARCOVITCH	Dr. Dusan NEDELJKOVIC Dr. Milan BARTOS

## Also attending:

Brig.-Gen. Adam RICHMOND, Theater Judge Advocate, Mediterranean Theater, U.S. Army  
Brig.-Gen. Ed.C. BETTS, Theater Judge Advocate, European Theater, U.S. Army  
Lt. Col. Eberhard P. DEUTSCH, Fifteenth Army Group  
Col. GOODALL, G-1 Division, SHAEF  
Major J.B. SMITH, Control Commission for Germany  
Mr. Dwight WHITNEY, representing Mr. Justice JACKSON  
Major John MORGAN, " " " "



UNITED NATIONS WAR CRIMES COMMISSION

NATIONAL OFFICES CONFERENCE

May 31st - June 2nd, 1945

King's Bench Court, No. 5, Royal Courts of Justice

London, W.C.2.

Lord WRIGHT, Chairman of the Commission, in the Chair

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FIRST SESSION

Thursday, May 31st, at 11.30 a.m.

INTRODUCTORY SPEECH BY THE CHAIRMAN

The CHAIRMAN, in opening the Conference, referred to the great loss which the Commission had sustained by the death of one of its most valued members, Dr. de Moor, the delegate of the Netherlands. Dr. de Moor, he said, was a fine lawyer whose services to the Commission had been of the greatest value, both in matters of pure law and in the day-to-day conduct of business.

The delegates stood in silence for a few moments as a token of respect.

Through the official secretariat of the Commission, the Chairman continued, a message of respect and condolence would be sent to the widow and other relatives of the late Dr. de Moor.

He then extended a cordial welcome to the delegates, all of whom he mentioned by name. They were meeting, he said, at an important moment in the history of the Commission and its associated agencies. The time had come when the mere collection of information must be changed into action and action meant the trial of criminals and their conviction, sentence and punishment where appropriate. To be effective justice had to be expeditious. Punishment of the criminals would serve the double purpose of retribution to satisfy the people's demand for justice and of warning and example to deter such crimes in future.

The machinery for the punishment of war criminals involved a complex interlocking system comprising the Commission, the National Offices and the Military. The Commission constituted at the meeting of the Ministers, or other representatives of the United Nations, in October 1945, was not the creation or creature of any one Foreign Office. When it was charged with investigating crimes it was not provided with machinery for investigation in the full sense. From the outset its primary function had been regarded as that of committing magistrate, to examine the evidence submitted to it, to decide whether there was a *prima facie* case and report to the Governments accordingly.



the matter as well as it could, and using the specific material laid before it and also looking at such material as was to be derived from documents collected from the enemy or obtained in some other way, had put on the special list 561 Germans as "key criminals", by which was meant Germans in positions of power and authority to whom could be traced acts which constituted war crimes, and which had been well described as acts of terrorism. That was the general term which had been used to cover atrocities, cruelties, the removal of populations, murders (mass or single), massacres, systematic tortures and so on. All these had been, in the view of the Commission, not isolated deeds of wickedness but systematic acts of cruelty done in pursuance of a deliberate scheme to degrade, debase and destroy the subject populations. That was a very important class of the matters which he hoped would shortly be dealt with by the initiation of prosecutions.

There were also the lists of suspects and witnesses, and, in addition to the names he had mentioned as having been listed by the Commission, there were approximately 800 names of Germans, charges against whom had been brought by the National Offices and validated by Committee No. 1 (these would be included on the next list of war criminals to be distributed to the different Governments and military authorities).

The purpose of the present Conference was to enable the representatives of the different National Offices to meet, compare notes and discuss the whole position, with the object of pooling information and improving their methods, thus inducing a feeling of solidarity and co-operation and a common purpose which should be invaluable in the work which still lay ahead.

The Commission, he concluded, had suffered much reproach and depreciation, but had kept its course. It had been a rallying centre for those who had justice at heart. It was important that future ages should be able to say that "deep-seated common instincts of humanity" had "at last found expression in acts of just retribution."

Professor ANDRE GROS (France), speaking in French, said that as one of the oldest members of the Commission he would like to thank the Chairman for his welcome and the British Government for their hospitality. The French delegation would be glad to co-operate in the cause of justice in Europe and the Far East.

Dr. CYPRIAN (Poland) thanked the British Government for making it possible for his country to be associated in the work of bringing war criminals to justice, and the Chairman for what he had done to facilitate that task. The task had not been an easy one, as the possibilities of liaison with Poland were very limited, but Poland had suffered so much at the hands of the Germans that they were anxious to do all they could to help.

Lt.-Colonel HODGSON (U.S.A.) expressed the appreciation of the American delegation of the Chairman's greetings and the hospitality of the British Government. The American delegation, he said, was anxious to learn as much as possible about the Commission's work, and appreciated the facilities which the British Government had made available.

Commander MOUTON (Netherlands) thanked the Chairman for his kind words about Dr. de Moor, whom it would be very difficult to replace.

Dr. WANG HUA-CHENG (China) endorsed the sentiments expressed by previous speakers, and said he hoped to make a brief report on the activities of the Chinese National Office on a later occasion.

The Commission served also as a central clearing house for records and in its capacity as a Central Advisory Bureau harmonised the work of the various agencies and led to a complete co-operation and effectiveness. Above all it brought an impartial judgment at the international level, thus preventing criticism on the grounds that people were listed as criminals by the Commission on the partial unchecked statement of a single Government or nation.

It was necessary, however, to have some body or bodies to conduct the detailed detective enquiries in the appropriate localities. That duty was imposed on the National Offices. The Commission had no effective control over these Offices, although, since April, 1944, it had served in a general advisory capacity to them. If the National Offices failed to perform their duty properly in collecting material for charges and reporting charges to the Commission, the whole system would break down or be ineffective. Their most important task now was to gather information from repatriated prisoners-of-war and released survivors of the concentration camps. In addition there was the enormous unexplored fields in the liberated countries where the Germans, during the occupation, had committed mass murders, torture, looting, deportations, etc. The National Offices would have to send investigating teams to Germany to co-operate with the Military in checking facts and tracking down witnesses and criminals.

Although they were perpetrated on an unprecedented scale, over the whole range of military occupation and enemy occupation, Nazi and Fascist crimes gave every indication of following a preconceived plan and forming a general pattern. They were carried out by individuals acting under common direction and in common concert. This mass criminality has been a subject for special study by the Commission, which had concluded that membership of particular organisations, whose function was the perpetration of atrocities, was in itself prima facie evidence of guilty complicity. It had accordingly recommended that all members of the Gestapo and particular sections of the S.S. should be held in protective custody when apprehended, even if there was no proof of a specific offence.

With regard to cases submitted to the Commission, latest figures showed that 2,524 Germans, 110 Italians, 2 Albanians, 17 Bulgarians, 39 Hungarians and 2 Rumanians, together with some others, to which he would refer subsequently, had already been listed as criminals.

Of the different countries represented on the Commission, Australia had provided material as a result of which there had been listed 93 Japanese, in addition to several units of an unknown number of persons. A unit was a collection of people all of whom had been engaged in the perpetration of some atrocity, and they had been listed, according to the practice of the Commission, as a unit, because of the impossibility of fastening the crime on any one member of the unit.

Belgium had brought charges as a result of which the names of 250 Germans had been put on the list, and Czechoslovakia was responsible for a total of 248 Germans. France, since her liberation, had been very active, and had furnished material on which 1,116 Germans, in addition to some groups, and a further 10 Italians had also been listed. The figures for other countries were: Greece, 11 Germans; Luxembourg, 1 German; Netherlands, 56 Germans; Norway, 98 Germans; Poland, 544 Germans in addition to several groups of an unknown number of persons; the United Kingdom, 127 Germans, 27 Italians and 2 Rumanians; Yugoslavia, 70 Germans, 73 Italians, 2 Albanians, 17 Bulgarians and 39 Hungarians. The Commission had added 3 names on its own initiative, making the totals which he had already given.

The Commission had prepared also a special list, described as a list of Germans in key positions. They had not been listed necessarily on material furnished by the National Offices. The Commission, investigating



the matter as well as it could, and using the specific material laid before it and also looking at such material as was to be derived from documents collected from the enemy or obtained in some other way, had put on the special list 561 Germans as "key criminals", by which was meant Germans in positions of power and authority to whom could be traced acts which constituted war crimes, and which had been well described as acts of terrorism. That was the general term which had been used to cover atrocities, cruelties, the removal of populations, murders (mass or single), massacres, systematic tortures and so on. All those had been, in the view of the Commission, not isolated deeds of wickedness but systematic acts of cruelty done in pursuance of a deliberate scheme to degrade, debase and destroy the subject populations. That was a very important class of the matters which he hoped would shortly be dealt with by the initiation of prosecutions.

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M. de BAER (Belgium), as one who had been a member of the Commission from the beginning, thanked the British Government for the way they had facilitated its mission. It had been a great pleasure, he said, to work with Sir Cecil Hurst, the first Chairman of the Commission, and with Lord Wright. As Chairman of Committee No. 1, which received the dossiers from the National Offices, he realised with what a very difficult task those Offices had been confronted, especially at the beginning, when most of the countries of Europe were still occupied, but yet managed to send the Commission by underground channels a very appreciable number of cases. Since their liberation the flow had been enormous, and he was greatly indebted to them for their co-operation.

Lord FINLAY (United Kingdom), on behalf of the British Government, thanked the delegates for their kind remarks. He had been, he said, closely associated with Dr. de Moor, who made a profound impression on all who met him, and would like to associate himself with the tribute paid to him. It was a pleasure to meet colleagues from so many countries, and it was the earnest hope of the British Government that the discussions of the Conference would prove most fruitful.

The CHAIRMAN paid a tribute to the very able memorandum on the machinery of the Commission drawn up by the late Dr. de Moor, which he always kept by him and to which he continually referred.

Professor NEDELJKOVIC (Yugoslavia), speaking in French, said the eyes of the world were directed on the Conference and the democratic nations which had undergone such sufferings were waiting to see what it would do to ensure the punishment of the criminals. There must be no repetition of what happened after the previous world war, when lists were drawn up but no criminals brought to justice. The organisation of the Commission would make it possible to carry out the decision of the Moscow Conference and enable the war criminals to be handed over for trial by the Courts of the United Nations, but the procedure must be accelerated. Tens of thousands of war crimes had been committed in Yugoslavia, but the names of only a few hundred war criminals had been sent in, and of those not a single one had yet been handed over, though many had for some time been in the hands of the Allies.

M. ANDRE CLASEN (Luxembourg) said that "little Luxembourg" wished to be associated with the work of the Conference, and with the thanks which had been expressed to the Chairman and to the British Government.

M. STAVROPOULOS (Greece) expressed the thanks of the Greek Government to the British Government for the assistance given to secure the punishment of war criminals, and thanked the Chairman for his welcome.

DR. MAYR-HARTING (Czechoslovakia), as the delegate of a country liberated only a few weeks ago, said Czechoslovakia hoped to learn of the experience of other countries and to use that experience in building up its National Office.

Lt.-Colonel OLDHAM (Australia) said he counted the late Dr. de Moor as a close friend. Dr. de Moor was a man of great strength of character and very co-operative, with a constructive approach to the problems of the Commission resembling that just displayed by the Yugoslav delegate, and felt that steps must be taken to punish wrongdoers and see that the crimes which had been committed were not repeated.

Mr. ANDREW BELL (Canada) expressed the hope that it would be possible to expedite the procedure for bringing the guilty to justice.

Major PALMSTROM (Norway) said he was glad to attend the Conference, which he was sure would be a success. He had always received in Committee No. 1 all the help he needed.

The Conference adjourned at 12.30 p.m. until 2.50 p.m.

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SECOND SESSION

Thursday, May 31st, at 2.50 p.m.

GENERAL SURVEY OF THE PRESENT ACTIVITY OF THE COMMISSION  
AND NATIONAL OFFICES.

An introductory paper was presented by the CHAIRMAN (1)

Mr. P.H.B. KENT (United Kingdom) said that as representing one of the first of the National Offices to be established he should perhaps venture to open the discussion. The chief anxiety was the question of expedition. Each National Office had not got the same problem, that of the United Kingdom in the European theatre being quite different from the tasks of National Offices in countries which had been under enemy occupation. The bulk of the evidence of the United Kingdom was only becoming available as the prisoner-of-war camps were being emptied. Their procedure was the reverse of the American method as the United States intended to present its cases in as complete a form as possible. They, on the other hand, had filed many cases with the Commission in which they felt there was a sound foundation of fact, in a somewhat incomplete form. He approached the task of completion of such cases in an optimistic spirit but he felt that it would be wrong for any National Office which was dependent mainly on evidence which was only just becoming available to suggest that it could immediately present its cases. The reduction into practical form of the available evidence in as short a time as possible was the primary consideration but he did not wish to say anything which might be too encouraging at the present stage but would ultimately result in some disappointment.

One of the big problems was how to deal with the hordes of criminals who had committed atrocities in concentration camps. The National Offices were concerned with individual cases. The United Kingdom Office had cases in which individual British subjects had suffered in concentration camps but they did not compare in numbers with the mass murders and tortures which had been suffered by the nationals of various Continental nations. Possibly some means would be devised by which these cases would be dealt with on the principle of joint liability. The situation was rather different from prosecutions dealing with individuals responsible for the atrocities.

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(1) Annex VI.



It also occurred to him that there might be a need for closer co-operation between the National Offices. The principle adopted by the United Kingdom Office was to forward any information affecting another country to the National Office concerned. Possibly that system might be improved. Perhaps the National Offices could meet to discuss that point and see whether there could be a mutual exchange of information. He suggested that under the auspices of Committee I the National Offices might meet regularly, possibly once a week or once a fortnight to see if they could pool information.

The CHAIRMAN pointed out that expedition could not be carried beyond the practical possibilities and said that it was no use to start a trial if the full evidence was not available. What was the state of preparation in regard to the production of living witnesses?

Mr. P.H.B. KENT (United Kingdom) replied that in practically every case dealt with by the United Kingdom the evidence was based on information from a man of confidence. Information was supplied from many sources. Lists of witnesses were compiled and were sent to the appropriate authorities and as soon as a witness arrived in this country he was made available for examination. An affidavit was taken and they were then in a position to prove their case. That process was only in its early stages as information became available from the prisoner-of-war camps. They would be able to produce one or two living witnesses at most trials, possibly supported by some affidavits.

Referring to co-operation between National Offices, the CHAIRMAN said he assumed that such cases as the German organisations which were responsible for the concentration camps could not be dealt with by trials by individual United Nations acting separately. Some form of centralisation would be necessary in order to do justice to the interests of the various Governments concerned. The National Offices were mainly concerned with offences committed by individuals.

M. A. DELFOSSE (Belgium), speaking in French, said that it was true that at the time the questionnaire was drawn up Belgium had not submitted any large number of dossiers to the Commission. There was, however, evidence of a need for closer contact between the London Commission and the National Commission in Belgium, the existence of the latter hardly perhaps being realised in London. In its judicial capacity the Belgian Commission had to establish specific charges against persons who had committed crimes in Belgium or in other parts of Europe. That Commission was endowed with very wide powers and was engaged in drawing up 5,000 dossiers. It had before it the names of not less than 1,000 persons who were guilty, prima facie, of war crimes. If he was asked why they were not sending in all those cases the answer was that they were engaged in judicial work. They did not wish to come into Court without having their material complete. They had got some very good cases of crimes which had been committed. For example, a great number of civilians had been shot by the Germans without trial and there was abundant evidence that this action was taken under orders issued by Von Rundstedt. The American Armies had taken prisoners who had confessed to participation in crimes of that sort. They knew where those men were and he hoped that the Conference would be able to come to a decision to put them on trial within the next month.

He hoped that they would be told precisely how the criminals who were to be dealt with were to be handed over to the National Courts which were to try them. It was no use for them to continue collecting evidence if the prisoner could not be arrested and be put on trial in their Courts. It appeared to him that the duty of the London Commission was to decide on the means by which those prisoners were to be handed over by the military authorities. The military authorities, incidentally, had provided a great deal of assistance, especially in the matter of



interrogating prisoners. The authorities at S.H.A.E.F. had enabled them to send liaison teams who went with the armies and played their part in searching for, and identifying, the wanted prisoners.

It was all the more necessary that the London Commission should act in the matter of handing over of prisoners for trial because a great many of the criminals would be wanted by different countries. He was referring not to major criminals only but to those of secondary importance.

The CHAIRMAN said that the question of the handing over of prisoners by the Army to the National Office concerned was of considerable importance but he wondered if any great difficulty would be involved. As had been pointed out the Army authorities were very co-operative and he wondered if it would not be found that they would hand over the prisoners for trial as soon as it could be arranged. The good offices of the Commission for what they were worth as an intermediary would, of course, always be available. On the question of the possible difficulties in cases where a prisoner was requested by more than one country he hoped that the good feeling between the different nations would provide a solution. If it became necessary for some body to arbitrate he was sure the Commission would be willing to act in that capacity.

Commander MOUTON (Netherlands) explaining the reason why in the last few months no cases had been put forward by the Dutch National Office to the Commission, said that on the liberation of part of his country in September the majority of the members of the National Office had to return there and it took some time before new members were nominated. Their Government had hoped that the ordinary investigation officers in Holland would have been able to produce the evidence necessary for the submission of cases to the Commission, but, for various reasons, that hope had not been realised. Some of the officers had not been considered reliable and there had been a preference in the first instance for dealing with cases against quislings. Reports had, however, been made about the concentration camps in Holland, the biggest of which was at Vught and he was sure it would not be long before those cases were placed before the Commission.

The whole of the Netherlands had been liberated only that month, and while he could not go into details, the Prime Minister had given him authority to inform the Conference that a law had just been passed setting up an elaborate organisation to obtain all the evidence available from the whole country as soon as possible. They would have a National Office in Holland with a branch in London and there would be a large number of sub-offices in different parts of the Netherlands. Flying squads of investigation officers would be sent by the Chairman of the National Office to those places where investigation was particularly required. He hoped that that scheme, which was awaiting the signature of their Queen, would produce the right results and that they would make up for the slight delay.

The CHAIRMAN said that he was aware that some delay was unavoidable and that the organisation in the Netherlands had not been created at the time at which its replies were sent in.

Professor BERTOS (Yugoslavia), speaking in French, said that his country was fully alive to the aims of the Moscow Declaration in regard to the punishment of war criminals and had been so for some time before that document was formulated. Yugoslavia was one of the countries which had suffered terrible victimisation from the war and from the savagery with which it had been conducted. Victory had been achieved but was it complete until the Fascists and quislings had been brought to justice? While the war was in progress his country had set up a State Commission to investigate the crimes and illegalities perpetrated by the occupying power. That Commission had the widest judicial powers and worked through a network of

local authorities and commissions, over 2,000 people being engaged in that way. The powers of the Commission were laid down by law which also defined the nature of the crimes being investigated. The Commission was investigating a tremendous number of cases - over a million he believed. It had so far completed the investigation of ten thousand cases. The majority of the war criminals with whom they were concerned were outside the borders of their country but fortunately most of them were in the hands of the Allies. They were confident that they would not escape punishment and it was in that hope that they continued the systematic investigation and collection of evidence.

Lt.-Colonel OLDHAM (Australia), referring to the fact that cases had not been received from Belgium because they were not fully prepared, said that it might be useful to point out that all that was required was a prima facie case. The duty of the Commission was similar to that of a committing magistrate. M. Delfosse appeared to be under the impression that it was the headquarters of the Commission in London which made the arrangements for the delivery of war criminals but the practical functions of the Commission in London largely ceased at the time they despatched the lists to the military authorities. It was a great advantage from the individual countries' point of view that names should go through the Commission in London so that when the criminals were sent back to the place where they had committed their crimes the authorities would be in possession of the claims of all the countries concerned. A decision could then be reached and that could no doubt be most conveniently dealt with by a discussion between the delegates from the countries concerned, in London.

The CHAIRMAN suggested that the Commission might prepare a procedure for effecting the delivery of criminals from the Army to a particular country in which the Commission could act as arbitrator.

Dr. WANG HUA-CHENG (China) congratulated the Chairman on the most informative and comprehensive report which he had given.

On July 7th, one month and seven days from the present date, China would be entering the ninth year of her war of resistance. Strictly speaking indeed, the war in China began fourteen years ago in the autumn of 1931 when Japan invaded Manchuria. Since China was the first country to resist aggression, she naturally had suffered more from Japanese atrocities than anyone else. The seriousness with which the Chinese Government viewed these atrocities was shown by the fact that as early as the spring of 1942, almost a year before the United Nations War Crimes Commission was established in London, an organization was set up in the Ministry of Foreign Affairs, one of whose purposes was to collect information on Japanese war crimes. In the spring of 1944, the Chinese National Office, charged with the sole duty of investigating war crimes, was formed under the Executive Yuan with Dr. C.T. Wang, former Minister of Foreign Affairs and one time Chinese Ambassador to the United States, as its chairman. Recently, in view of the rapid developments of the war and the possibility of an early collapse of Japan, the Chinese National Office had undergone a reorganization for the purpose of increasing its efficiency and speeding up its work.

The investigation of war crimes in China was carried out in two ways. In the first place, the victims and eye-witnesses were requested to report to the Chinese National Office. Notices to this effect have been published in leading newspapers in free China and special forms were prepared and made available for those who wished to make use of them. In the second place, orders had been issued to all local governments and field commanders to collect evidence of Japanese war crimes which occurred within their respective districts. Up to the present about three thousand cases had come under investigation. Three thousand cases might sound a lot, but judging



by the length of the war in China and the beastly way the Japanese behaved, the three thousand cases constituted only a small fraction of the actual cases of crimes committed by the Japanese. The reason why it had not been possible to accomplish as much as was desired lay in certain difficulties which existed.

In the first place, the victims and eye-witnesses of war crimes do not readily respond to the Government's call. In spite of the amount of publicity given to the punishment of war crimes by the Chinese National Office, many victims still doubt whether the Japanese who were responsible for their injuries and suffering will ever be caught and punished. Others refuse to give information on grounds of personal security because they are, or their relatives are, still living in the occupied territories of China and thus liable to Japanese reprisals at any time. Certainly, Chinese women would never consent to having their cases openly reported either by themselves or by their relatives. If the punishment of Nazi war criminals in Europe was promptly and swiftly carried out, and if the punishment of Japanese war criminals was equally assured, more Chinese victims and eye-witnesses would be willing to furnish information.

In the second place, very few parts of occupied China had been liberated. This was the greatest difficulty. When a place was under enemy occupation, access to witnesses and evidence of war crimes were very difficult if not impossible. The Chinese Office was looking forward to the day when the occupied territories of China would be liberated. It was confident that by that time more evidence and witnesses of Japanese war crimes would be available.

As soon as the War Crimes Sub-Commission was inaugurated in Chungking last fall, the Chinese National Office began to translate the cases on hand into English and transmit them to the Sub-Commission. But unfortunately the form in the possession of the Office was not the one actually in use by the Main Commission in London. As it was the policy of the Chinese Government to follow strictly all the rules and requirements laid down by the Main Commission, it was decided to do the work again. Mr. Kitson, assistant to the British Ambassador on the Sub-Commission, was good enough to supply a copy of the correct form which he had. When the speaker left Chungking for the San Francisco Conference at the end of March, the Chinese National Office had just finished printing the new forms and was about to transmit cases to the Sub-Commission again.

In reporting the activities of the Chinese National Office to this Conference, the speaker and his colleagues were hoping to learn from the experience of the Main Commission and the other national offices. They were quite sure that many of their difficulties are common to other Offices and could be attacked by methods similar to those used by other Offices.

On the Sub-Commission in Chungking eleven countries in all were represented. All the delegates had great sympathy for the suffering of Chinese men, women and children. The speaker desired to express gratitude especially to Sir Horace Seymour, the British Ambassador, who was now the acting chairman of the Sub-Commission and to the Dutch Ambassador, Mr. Lovink, chairman of the Committee on Facts and Evidence. There was also Mr. Kitson, assistant to the British Ambassador on the Sub-Commission. He had been in England some time ago and had had the opportunity of observing the work of the London Commission. The information he supplied from time to time had been most valuable. Then there was Major West of the United States. He had worked with the American National Office before. He was now in Chungking to collect facts and evidence of Japanese war crimes against Americans in the Pacific. He served as a liaison officer between the Sub-Commission and the Chinese National Office. His valuable experience and useful help were deeply appreciated.



Dr. Wang Hua-Cheng concluded by saying that what was decided here would not only seal the fate of the Nazi war criminals but that of the Japanese war criminals as well. The same rules and principles should be applied to war crimes in Europe and in Asia. The Chinese Government attached the greatest importance to the punishment of war crimes and was ready to do its utmost to co-operate with the War Crimes Commission and the Governments concerned, with the hope that when the war in the Pacific and the Far East was over every Japanese war criminal would be brought to book so that justice and humanity might ultimately prevail in the world.

M. PAOLI (France), speaking in French, agreed that expedition was a matter of especial difficulty for France. The figure of 1,116 persons charged by the French National Office represented only a small proportion of the crimes committed in France. No district or region of France was without its record of crime. In approaching their task they had laid the foundation of a service which would operate in regard to the Far East and Indo-China. It was hoped to produce some dossiers to the Commission shortly. A central organisation drew up the charges and the results of their investigations were sent to the Commission in London. The regional services in France were being re-organised. The investigation of crimes was dealt with by the public prosecuting authorities who were assisted by the regional delegates. A preliminary enquiry was made before it was decided whether to compile a dossier for transmission to London. The public prosecuting authorities kept the dossiers up to date and forwarded them to the military commanders of the different districts. It was they who decided whether there was a good case. The system operated under the guarantees of the French legal system and there was no question of an ad hoc law. All the great principles of justice were conserved and maintained, which was a point he particularly wished to stress.

He entirely agreed with what Mr. Kent had said about collective dossiers but unfortunately most of the cases were individual. They had, however, anticipated the need and had drawn up some collective dossiers. He suggested that those documents should be added to what was already in existence in order to obtain an aggregate dossier for each concentration camp. It was unfortunate that a system of exchanging information between the different National Offices did not exist but it appeared to him that that could be arranged through the London Commission.

M. HAMMES (Luxembourg) asked which cases were to be brought within the jurisdiction of the Luxembourg courts and which were to be dealt with by international jurisdiction as the gathering of evidence appeared to depend on a solution of that point.

The CHAIRMAN, in reply, said that if a case was one presented by a National Office to be dealt with under the terms of the Moscow Declaration, the law of the nation concerned would apply, for example, it might be the national law of Luxembourg. If the offence was committed during enemy occupation it might be held that the ordinary laws of Luxembourg were not abrogated by the fact of occupation but were merely inoperative and would be restored at the time of liberation. That was one theory and the other was that the case could be dealt with according to international law, the customary law of nations. That had not been precisely defined but there was a strong tendency to adopt as a basis for the central part of that law the rules for dealing with the inhabitants of occupied territories to be found in the Hague Convention of 1907. The Commission was not in a position to decide such points but could act in an advisory capacity.

M. LACHS (Poland) said that since his National Office was formed in 1945, they had been mainly engaged in drawing up reports and collecting material. Information had been smuggled to them from Poland through the Underground Movement and through many other ways. Their task was difficult even now in view of their being away from Poland. They had begun to collect material in Germany itself and from people who had been brought to this country. Among the charges they have been preparing there were some which concerned the cruel methods adopted by the Germans by starving the population of Poland. This was an indictment which covered all the methods applied in the scheme which aimed at the complete annihilation of the population by starvation. It was their object to prepare now several charges in regard to Polish citizens who have been brought into Germany as slave-labourers and the particular difficulties imposed on them by the German authorities.

Lt.-Col. MACDONALD (Canada) said that he wished to support what had been said about the desirability of establishing co-ordination of information. The success of any trial or prosecution depended on the thoroughness of the preparation of the case and the completeness of the evidence as to guilt. The case as affecting Anglo-American nationals was different from that of the occupied countries in that they were dealing with members of the Armed Forces. Until March 15th the only means by which cases against members of the Armed Forces were investigated was through the S.H.A.E.F. Court of Enquiry. That Court represented the British and American Armed Forces and, to some extent, the French and Belgian. When cases came to that Court affecting a national of another country, it was a matter of great ease to see that co-operation was achieved. Unfortunately by reason of the recent change in the method of investigation each country was now working on its own. The difficulty was that information of no particular significance to one country might come into its possession whereas the country most concerned knew nothing about it and no action was taken.

The CHAIRMAN said that some central organisation might be established which might help in the pooling of information. It was really a matter for the National Offices to consider.

The Conference adjourned at 5.40 p.m. until 10.30 a.m.  
the following day.

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### THIRD SESSION

Friday, June 1st, at 10.30 a.m.

#### PROCEDURE OF THE CONFERENCE

Dr. NEDELJKOVIC (Yugoslavia), speaking in French, proposed that at the end of the Conference a joint resolution should be adopted which would include all the measures which the Conference regarded as indispensable for attaining the common objective. For that purpose, he suggested that the different delegations should formulate a resolution point by point, and that towards the end of the Conference representatives of each country should meet and compile a joint resolution, to be discussed at the final Session. The Conference ought to be able to adopt a unanimous resolution.

The CHAIRMAN said that a decision on that proposal might be taken on Saturday. It might involve a meeting one day in the following week for the special purpose of discussing the resolutions handed in.



GENERAL SURVEY OF THE PRESENT ACTIVITY OF THE COMMISSION AND NATIONAL OFFICES  
(Continuation of discussion)

Colonel A. McG. GOFF (U.S.A.) said that so far as the United States was concerned in relation to Europe, its situation was very different from that of most of the other countries represented at the Conference, because it had had no territory which had been invaded, and crimes against Americans had fallen into two categories: (1) in prison camps, and (2) a few offences committed in actual operations, such as misuse of the Red Cross emblem. During active operations not much could be done to report combat offences, and American prisoners of war had only just been liberated, and had been sent back at once to their homes, so that reports had to be collected from all over the broad expanse of the United States. The statements of liberated prisoners had had to be returned to Europe for investigation, and there had not yet been time, therefore, to present cases to the Commission.

Several speakers the previous day had spoken of the war as being over, but Americans could not say that, and the vast armies they had brought to Europe were now being transported to the Pacific. They wanted to play their full part in the punishment of Axis criminals in Europe, but the eyes of the American public were turned towards the Pacific, where heavy casualties were being suffered.

There were three categories of offenders in which they were interested: (1) those who committed offences against the citizens of individual nations in occupied territories; (2) the arch or key criminals; and (3) those who were in charge of prisoners of war, and whose offences were committed in Germany. Under the Moscow Declaration, those in category (1) would be returned to the country in which the offence was committed. The United States was trying to do its part in dealing with those in category (2), and had appointed as Chief Counsel in the prosecution of key criminals Judge Jackson, a former Attorney General and Justice of the Supreme Court. They welcomed the appointment of the Attorney General of the United Kingdom to join in that work. No decision had yet been taken regarding the third category, but those responsible for offences against people detained in prison camps would certainly be punished.

In the Pacific American territory had been occupied and had now been liberated. It was not yet possible to present cases, but the organisation had been set up. They noted with pleasure how much had been done by the Chinese, in spite of the fact that their country had been split in two by the invader and that they were still fighting for their lives.

Because the United States had not yet filed any cases, it must not be imagined that they would play less than their full part. They would not consider that the job was done until every Axis criminal, whatever his colour, had paid the full penalty for his crimes.

The CHAIRMAN said that Colonel Goff's statement had brought out the extraordinary complexity and world-wide extent of the problem. The British had great interests in the Far Eastern war. Indian, United Kingdom and Dominion troops were fighting in Burma, and would soon, he hoped, be fighting in the Malay peninsula and elsewhere. The work of the Commission would not be finished until all matters relating to that great area of land and sea had been satisfactorily liquidated.



ESTABLISHMENT AND MAINTENANCE OF A CENTRAL RECORDING OFFICE AND  
POOLING OF INFORMATION ON WAR CRIMES.

ESTABLISHMENT OF A UNIFORM INDEXING SYSTEM AND USE OF UNIFORM MACHINE RECORDS

Lt.-Colonel J.V. HODGSON (U.S.A.), in presenting his paper on these subjects<sup>(1)</sup> said that the previous day Professor Paoli and other delegates mentioned the desirability of exchanging and pooling information between the different National Offices, and between the National Offices and the Commission. The Commission had been deeply concerned with that problem for some months. There were 16 National Offices, each gathering information about war crimes and acting independently, and none had complete liaison and exchange of information with any other. The Commission received information recently that one of the Army Groups in Germany had set up a War Crimes Centre in which was recorded all the information gathered in its area, which was made available to the representatives of each of the United Nations.

His paper did not draw any conclusions, but pointed to the two problems with which it dealt and presented arguments in favour of possible solutions of each. Different considerations were involved in Europe, on the one hand, and the Far East and the Pacific, on the other. In Europe the time for planning was past, and the time for action, and particularly for trials, had arrived, so that it was doubtful whether there was time to set up a central office for the full recording of information, though he did not say that it was inadvisable to do so. That did not mean that other steps should not be taken to solve the problem, and it was hoped to solve the problem of pooling information so far as Europe was concerned.

In the Far East and the Pacific the war was not over, and there was still time to set up recording offices and to arrange for more elaborate exchange of information between Governments. Even there, however, time was short, and if effective steps were to be taken they should be taken at once. There was also the problem of the vast distances which separated the National Offices and which would separate them from any central recording office which might be set up.

Colonel Brundage, who was in charge of the Executive Section of the United States National Office, would describe the uniform system of indexing and recording which was being used in U.S. Offices throughout the world. Personally, he believed that the adoption of some such system would be of benefit to all.

Colonel HOWARD BRUNDAGE (U.S.A.) said that when the United States first had to establish an Office they were 3,000 miles from the centre of action. They assumed that the information they would get would be fragmentary and come from a large number of sources, and that everything which had to do with war crimes was important enough to be recorded and indexed. They did not feel it safe to rely on the judgment of any particular person as to what was a serious crime, so that from a slap on the face to murder they felt that all the information should be recorded, because the creation of a pattern was a means by which the responsibility of higher authority could be established.

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(1) Annex VII.

They had in mind establishing Offices all over the world, possibly in places without electricity where machinery could not be used, so that the organisation had to be simple; and they had finally adopted a filing system which they thought worked well. It was flexible, capable of expansion, and enabled one to find the document required.

The first number of the file indicated the locality of the crime, the world being divided into sections for that purpose. The second number was the number of the case coming to the Office from that part of the world. Thus, if the number allotted to Germany was 12, 12/10 meant the tenth case coming to the Office involving a crime committed in Germany. The routing clerk, if the document referred to a new case, gave it a new number.

The document then went to a classifier, who examined it and indicated by a series of marks the culprit, the victim, the witnesses, any places that were named, the dates, and any other important elements. The document then went to the recorder. There was an index card for every place, name or other element marked by the classifier. A search was made to see whether any of those names were already in the index card file. If Corporal Hans Schultz had been involved in an incident, a search was made of the index cards to see whether that was the first time that **his** name had been mentioned in any paper in the Office.

They also had an abstract made of the document, and every document which went out was abstracted. If the State Department sent them information about a case, an abstract was made of that communication; one went into a file marked "State Department" and another into a file which was identified by the case number. When that communication was answered, an abstract was also made of the answer; one of the abstract cards was put in the file of the State Department and one under the case number. Frequently those cards were examined without it being necessary to refer to the file, and that was one of their purposes. If they wanted to know what transactions they had had with the State Department, they need only look at the abstract cards to get the history of the **entire** correspondence. If an officer wanted to know something about a case, he need only go to the abstract cards and pull them out by case number.

They had supplemented that in two ways: (1) a statistical card, and (2) the use of maps. They had a map department, and when there was evidence of a crime committed in any locality it was marked by a system of coded pins; e.g. for murder a red pin would be used, and for a hundred murders a pin of a different type. It was dramatic to see those pins stretching across the map, and then, by getting information from Battle Intelligence, they might establish that the 17th Panzer Division had been in that territory. They knew then that a pattern of crime had been established, and they might be able to establish the responsibility of a superior officer for those crimes.



The statistical card made it possible to go into detail merely by punching the sides of the card. The world was divided into 69 sections and each section into 99 cards, so that by the mere punching of a hole they immediately established the location of a crime. There was a space for the date, and the nature of the offence was indicated, not by legal definition (the system had to be worked by clerical staff, not by trained lawyers) but on the modus operandi system. The answer to the question, what was done? In connection with the card there was a work sheet, on which the officer indicated what numbers were to be punched on the card. The card and the work sheet then went to a clerk who punched the numbers without, perhaps, knowing their significance. There was a bracket indicating the status of the case in the office.

If there was any indication on the file of the political or military affiliation of the accused, that was catered for by subdivisions running up to 999, so that, if the soldier of the 850th Infantry Division was accused of committing a crime, the card could be so punched as to indicate that the 850th Infantry Division was involved in that incident. There was also a space for the date, by month, the location of the incident, and the nature of the offence. Offences were divided under various heads, e.g. offences against the person, and offences against the person were subdivided into killing, sexual offences, cruelty, offences against family life, and so on, each of these being further subdivided, so that killing, for example, was subdivided into by direct action, by withholding the necessities of life, by exposure to operational hazards, and so on. The other major division was offences against property, which were subdivided in the same way. There was also a division concerned with illegal acts in operations, such as illegal commencement of hostilities, misuse of the Red Cross emblem, non-observance of conditions of armistice, and so on.

If they had an inquiry as to whether there were any cases involving the killing of American airmen in July, 1944, at Anzio by members of the 17th Panzer Division, theoretically they could provide the information in five to ten minutes, and they could say how many cases they had which involved sailors, marines, air crews, infantry and so on, and when and where and what was the nature of the crimes. The information should be valuable for historical purposes, because any information desired could be readily obtained.

They would be pleased to furnish anyone interested with manuals, or to send someone to a National Office to help to instal such a system, and he had some specimens which could be circulated.

With regard to securing a uniform system, it was probably about six months too late to discuss that question, and it was very difficult to change over a system already established; but it was hoped that all the other U.S. War Crimes Offices would use the system. When they made out the punched cards they provided a copy for their European field office, and they hoped that that office would provide them with copies of theirs, so that on a global basis they would accumulate all the information available with respect to war crimes, as far as the United States were concerned.

With regard to the possibility of the Commission being a central clearing house for information on war crimes, to go through the files of the U.S. Office and make duplicates and furnish all the information to the Commission would be very expensive and almost impossible, but there was urgent need for some sort of direct contact with the other National Offices.

The CHAIRMAN suggested that it might be practicable to constitute a clearing system not for individual crimes but for general categories and methods and ideas.

Colonel BRUNDAGE said it was most desirable that information of a general character on a current basis, say in the form of a monthly report, should be

made available to the War Crimes Commission by each National Office, a summary of activity, but it would be too much for the Commission to gather together everything which could be submitted by the National Offices and make it available in a useful form. A general summary from time to time might be both possible and useful, and then, when there was more time for historical research, the files of the various National Offices could be gathered together and pertinent information taken out.

He would like, however, to see more direct contact between the Offices themselves. He would like representatives of any of the National Offices to come to the U.S. Office, and they would be given any information available on any person they suspected of being a war criminal. On the other hand, they would like to go to other National Offices to obtain information on cases which were not complete. They would like to ask the French Office for any information about Corporal Hans Schultz, and that would be better than going through the Commission to the French Office.

He believed that there was need for an agency to keep a record of the trial and disposition of all war crime cases, on the lines of the Clerk of the Court's department in the United States, where the place to get any information about a case was the office of the Clerk of the Court, not the Court itself, all the information being sent there. He thought it would be a proper function for the Commission to perform comparable duties, so that when, for example, France tried cases a report would be made to the Commission. It would then not be necessary to go to sixteen National Offices to find whether Corporal Hans Schultz had been tried and what had happened to him. If there were lesser sentences than death some body would have to keep a record of them, and the prisoner might be entitled to certain credits, so that there should be a supervising agency to which people who were interested could go to find out what the position was.

The CHAIRMAN remarked that that would mean that the Commission would require a large staff and adequate premises, and it had always been short of both.

Colonel BRUNDAGE agreed.

Professor PAOLI (France), speaking in French, expressed his admiration for the very complete and scientific way in which the question was being dealt with in the United States, and said there would be general agreement on the principles elaborated by Colonel Brundage, and on the need for a system of liaison and centralisation of information. There were many types of recording systems; in addition to that which had been described there was that, for example, used by the Anglo-American recording office in Paris, and he would like to know what relations it was felt should exist between the two. In view of the perfection to which the system described had been brought, it might be a good plan to graft it on to the central Anglo-American system which was already in being.

As had been said, there were cases where one National Office had parts of the evidence and other National Offices had other parts. When a National Service had information which led it to suspect the guilt of a particular individual, it should transmit that evidence to a central organisation, so that each country could participate in building up the case. In that way the central recording office would perform the excellent work which the American system was now doing. It would be very difficult for the National Offices to adopt a uniform system embodying all the technical devices available in America, and it would therefore be better for the task to be undertaken by a single organisation on a higher level than the National Offices. If each country furnished that central organisation with all the information which it



possessed, the central organisation could relieve the National Offices of much of the work. Whether the technical methods described could be adopted in the organisation of the War Crimes Commission was a technical question which required further discussion, but a single system on the lines of that described could, he thought, be adopted.

He could not agree that the National Offices should furnish periodical reports to the Commission; they were already overworked. He agreed, however, that the National Services should periodically inform the London organisation about the trials which it was to be hoped would shortly take place of war criminals before the National Courts.

The CHAIRMAN said that Colonel Woodall would be able to give some information about the methods adopted at S.H.A.E.F., to which reference had been made.

Lt.-Col. WOODALL (G-1 Division, S.H.A.E.F.) said it might be of interest to describe what had been done by the Central Registry in Paris, which was called "Crowcass", because it covered both war criminals and security suspects. S.H.A.E.F. had put on them the task, during the Supreme Commander's period of responsibility, of arresting and detaining war criminals, and it became evident that to be able to give the information which might be required they would need a registry of some sort. They therefore devised a central registry on the Hollerith system, divided into two parts, a Wanted section and a Detained section. That central registry was concerned not so much with crimes as with criminals, although naturally the crimes of which the criminals were accused appeared in it.

They had had from many sources, and notably from the War Crimes Commission, lists of wanted war criminals, and those lists were put into the Wanted section, being put on cards which were punched to record a large number of things - the description of the wanted man, the description of the crime, the place where it was committed, and so on. The whole German Army had been coded, so that any unit of the Army or any para-military or Nazi Party organisation could be punched on the cards.

The Wanted section was more complete at the moment than the Detained section. The Army Groups and other organisations concerned had been very busy recently. They had detained a large number of criminals and of security suspects, regarding whom reports were gradually coming in. Those reports went into the Detained section, and another card was made out giving the description and the place where the man was detained, so that when inquiries were made the whereabouts of any criminal would be known. As they worked up the Detained section, whenever an inquiry came in for a wanted war criminal or a new list came in from the Commission, they would look at their Detained section to see whether they had got him or them; if not, the name or names would go down on the Wanted list.

In addition to those two sections of card indexing, they had the co-operation of the War Office and the War Department in documenting every member of the German Army or para-military organisation who was held by the Anglo-American Forces throughout the world. That might appear to be a very large undertaking, but in the long run it would be an economy, because they would have a record of every single man in the German Army and thus be able to find anyone who was wanted. Instead of having to send bulky wanted lists all over the world, they would have the records themselves.

They had had the closest help from the French authorities. There had been difficulty in finding suitable accommodation and machinery, and their greatest difficulty had been lack of cardboard to make cards, but they had found a great deal of machinery and stacks of cards in Germany, and they were coming to Paris.

He did not suggest that the Registry was in its final form. It still had not adequate accommodation, but it was employing French girls, and the labour problem was not a serious one. He was not prepared to say at the moment whether it was the right organisation to take on the larger task of collecting all the evidence - he had not known that that was going to be discussed - but he was sure that Colonel Paoli was correct in knitting the two together. He thought that the Central Registry in whatever was its final form could well be the agency which would provide the central information and put the National Offices in touch with each other. It would have on its records that Corporal Schultz was wanted for crimes in Belgium, Poland and Norway, and it could tell the Belgians that the Norwegian Office had further information about him, or could itself get in touch with that Office and provide the information required. It would supplement the work of the National Offices.

As long as S.H.A.E.F. was in existence, he would be glad to show anyone interested what the Registry was doing.

He said that the future was a matter for discussion, and was a difficult problem. He felt that the Registry should remain in Paris, where it already possessed a large amount of machinery. Probably it would be agreed that it should remain there, but under whose aegis he did not know.

M. de BAER (Belgium), as Chairman of Committee No. 1, which received the cases and had to decide what to do with them put to Colonel Woodall two of the difficulties with which it was faced. First, there might be a case which happened on a certain date at a German concentration camp, where a guard unknown, but in charge of a commando, murdered a prisoner. If that man was put on the list of unknown people, was there a chance that S.H.A.E.F. could be able to do something about it?

Secondly, there was the case of units, whether companies, battalions or divisions, which frequently changed their personnel. For instance, the Division Das Reich seemed to have committed atrocities in a large number of places, but at different dates; and he had heard that that Division in 1942 or 1943 was not composed in at all the same way as in October 1944. Was there any chance of finding how that unit was composed at different dates, and eventually fixing the guilt for certain crimes on those responsible?

Colonel WOODALL, dealing with the first point, said it was much more difficult when there was no name, but they had received a very large amount of information about some camps and about the names of the guards at various dates, and they might be able to give the names of guards at different camps at different dates.

M. de BAER said that in that case it might be worth while putting the case on the list as name unknown and sending it to Colonel Woodall's organisation.

Colonel WOODALL agreed. If it was a camp of which they had records he said, they might be able to find the man; otherwise it was almost impossible to trace unknown people.



General de BAER: You would send the information to the unit occupying the centre? It would not be pigeon-holed?

Colonel WOODALL: No. We have these information centres. Continuing, he said that the second question was more difficult, but they had made inquiries into the question of unit responsibility, and they might be able to produce some information. In all armies the composition of the formations changed rapidly, and the people in a unit who committed certain crimes might be quite different from those in it a month later.

General de BAER said he had read that some units, and especially SS. units, were being kept together at the moment and all the names taken down. Would that last long enough for some investigation to be carried out before the members were dispersed?

Colonel WOODALL replied that most of the S.S. officers would not be let out until it had been decided what to do with them. A great many of the other ranks of the S.S. were also suspect, and there was little likelihood of their getting away in a hurry. To get essential work done some parts of the German Army were being disbanded, but suspected people would not be let out. Units against which they had information would not be disbanded.

Professor PAOLI (France), speaking in French, suggested it might be a good thing if the names of accused persons placed on List C by the London Commission were transmitted to the Registry in Paris, if that had not already been done. The names were those of persons against whom no positive proof had been adduced, and the Registry might be able to furnish the evidence which was lacking.

Colonel WOODALL pointed out that they were not an evidence-producing agency; they merely recorded the names which came to them, and he did not think that they could produce proof of guilt. They might, however, be able to indicate where relevant information might be obtained, and say who else had been investigating the cases in question.

Dr. ZIVKOVIC (Yugoslavia) asked whether the S.H.A.E.F. Office contemplated the possibility of sending out evidence of crimes concerning the individuals of particular countries to the National Offices of the countries concerned.

Colonel WOODALL said that they at once sent out any information they had. They had had a good deal of information regarding prisoners of war camps from various sources, and whenever that affected any nationality other than their own they at once sent a copy to the country concerned.

Dr. ZIVKOVIC asked to whom information relating to Yugoslav prisoners in Germany would be sent.

Colonel WOODALL replied that he sent it to the European Allied Contact Section at S.H.A.E.F.

Mr. KENT (United Kingdom) pointed out that in the "C" cases the difficulty was not as a rule proof of the crime but identification. If someone said that when in a working party sent out from Stalag 20 B on a certain date he was shot by one of several guards on duty there, could S.H.A.E.F. assist in the identification? The other men who were there could not provide names, because they had great difficulty with German names.

Colonel WOODALL said the only satisfactory way was to get hold of the other people in that command, which was difficult, because they had not records of those who were in such and such a place at such and such a time. It might be possible to get names from the commandant of the camp, if he could be found. There had not yet been time to go through all the records received of prisoners of war camps in Germany. It would be worth while sending to "Crowcase" questions about such cases, "in a spirit of hope".

Major PALMSTROM (Norway) asked whether S.H.A.E.F. would hand over German war criminals at the request of the prosecuting authority of a country, or only if

the request came through the War Crimes Commission. He pointed out that the majority of the Germans who had committed crimes in Norway were still in that country, and had been taken over by S.H.A.E.F.

Colonel WOODALL replied that any facilities they could give they would give, but the handing over of prisoners held by the Forces was a matter of policy with which he could not deal.

Dr. ZIVKOVIC (Yugoslavia), who said his observations would be confined to Europe, remarked that there was general agreement on the need to improve the exchange and pooling of information and evidence regarding war crimes. The Yugoslav delegation believed that something very energetic should be done along the lines proposed in Colonel Hodgson's paper, not by creating a new body within the War Crimes Commission but by improving the machinery which the Commission already possessed in Colonel Wado's central recording service, for the reasons given in paragraphs a, b and c on page 2 of the paper under "principal reasons."

In Yugoslavia during the war there had been two S.S. divisions, the Prinz Eugen and the Devil's division. They were both diabolic, and recruited mainly from the Volksdeutsche, the German minorities living in Yugoslavia. They were used mainly for punitive expeditions against the population or against the units led by Marshal Tito. All the Germans in those units had escaped from Yugoslavia, and 99 per cent. of the Volksdeutsche had left. The Yugoslavs were glad to see them go, yet wanted them back to try them for the innumerable crimes they had committed. That was a typical case for a central recording office, because those two divisions operated also in other European countries. It was incorrect to say the Yugoslav authorities had forced the Germans to go away; the Germans escaped because they knew they were guilty of so many crimes. Their property had been expropriated in view of the clear evidence of their guilt.

The Commission had contemplated setting up a central investigating office, and it would be a good thing to return to that and see how it could be improved. Liaison between National Offices should be considered, and also liaison with the Russian Extraordinary State Commission for War Crimes. It should be possible to formulate in clear terms what should be done so that what was set out in Colonel Hodgson's paper could be carried out for all the National Offices as well as the Commission.

Lt.-Colonel OLDEN (Australia) expressed the deep appreciation of the Australian Delegation of Colonel Brundage's address and said that something on the lines of the central recording office of S.H.A.E.F. in Paris should be set up for the Pacific. The composition of the Japanese Army presented greater problems than the German, but something of that kind should be done, and the United States were in the best position to do it.

The Australian procedure for placing the names of Japanese war criminals on the list was more rough and ready than that which had been described, but the object had been to get the names on the list as quickly as possible and communicate them to the various Zone Commanders in the vast Pacific area. His Government had appointed an able judge to investigate war crimes starting with New Guinea and that judge had been assisted by the American Branch Office at Brisbane and had presented the cases in London. They had now been distributed to the various Zone Commanders with the object of catching as many of the Japanese named as possible. The number caught might be very small, and there must be no delay. There had been unavoidable delays in the European theatre, but they could not afford to move at the same pace in the Pacific. Australia and the Netherlands and France might defeat their own ends if they adopted the same elaborate system as the Americans, and therefore effect should be given as quickly as possible to Colonel Brundage's suggestion for a close exchange of information between the National Offices concerned with the Pacific war and the U.S. National Office. Liaison officers should be sent to Washington from Australia and in time, he hoped, from the Netherlands East Indies, and the United States should have a liaison officer in Australia. The job could be done efficiently by looking to the U.S.A. for the main recording work and by supplying Washington with the information available.



Commander MOUTON (Netherlands) agreed with Colonel Olahan that while there was no time in Europe to start the recording system, there was still time in the Pacific.

Asked by the Chairman whether there was a separate Netherlands National Office for the Pacific, he said that the Dutch Ambassador at Chungking was the Netherlands delegate on the Chungking Sub-Commission.

With regard to the European theatre, if the War Crimes Commission were to be made a clearing office for war crimes in general, so that information could be exchanged between National Offices via the Commission, it would have to set up an immense amount of machinery. He thought the only logical solution was to ask the S.H.A.E.F. Office in Paris to do that work for the Commission, if they could record all the material made available by the Commission, and then any question put by any National Office could be answered via the War Crimes Commission by the Paris Office of S.H.A.E.F.

Mr. KENT (United Kingdom), commenting on Colonel Brundage's doubt as to whether it was not six months too late to think of adopting a uniform system, said that when he took charge early in 1943 for the Treasury Solicitor of the newly-formed section dealing with war crimes he devised what he thought was a satisfactory system of recording under the three enemy nationalities, German, Italian and Japanese. The card system he devised was based on four cards for each case, under name of accused, name of victim, place and crime. Taking the Anzio incident quoted by Colonel Brundage as an illustration, he would look it up under Anzio and then see where the information was to be found, and would produce substantially the same result as in the American system. It was too late for them to alter their system in their National Office. Every office had developed a system to suit its own requirements, and could not without great difficulty adopt the American system. If, however, any central organisation was started for pooling information, the possibility of its adoption here would no doubt be examined.

On the question of pooling information, he did not think that there was sufficient appreciation of the amount of contact which had in fact taken place between the National Offices during the past two years. It had been perhaps somewhat casual contact, but they had done their best to be of mutual assistance. He had behind him the Military Intelligence Section of the War Office and the Foreign Office and other organisations, and he had at times been provided with a good deal of information in which other nations were interested, and had passed it on to them. They had at times helped him in the same way. It was necessary to take things as they were and try to improve them. Much could be done by personal contacts.

He had not the same misgivings as other speakers about the situation in Asia. The citizens of very few Allied nations were involved. In Japan and occupied China there were mainly United States and British citizens. In Hong-Kong they were mostly British, and in Malaya and Burma almost entirely British; in Manila they were almost entirely United States, with some British, and in the Netherlands East Indies nearly all were Dutch. In the S.W. Pacific there were Australian, New Zealand, British and United States citizens, the only case where there were four nationalities. The National Offices of those nations could get together and work out a scheme. In that connection, the great work done by China must not be forgotten.

Lt.-Colonel MACDONALD (Canada) referred to the suggestion in Colonel Hodgson's paper that National Offices should have attached to each other liaison officers, and said that in view of the time factor that seemed to be the only practical solution. He understood, however, that S.H.A.E.F. had directed the setting up of Information Centres with the American Forces in Germany in the vicinity of 12th Army Group H.Q., and with respect to the British Forces in conjunction with the 21st Army Group H.Q. Those liaison officers, therefore, should be attached not only to the National Offices but also to those two Information Centres when they were set up and to "Crowcase".

The Conference adjourned at 1.7 p.m. until 2.00 p.m.

FOURTH SESSION

Friday, June 1st, at 2.50 p.m.

ESTABLISHMENT AND MAINTENANCE OF A CENTRAL RECORDING OFFICE  
AND POOLING OF INFORMATION ON WAR CRIMES.

ESTABLISHMENT OF A UNIFORM INDEXING SYSTEM AND USE OF  
UNIFORM MACHINE RECORDS.

(Continuation of discussion)

M. LACHS (Poland) said that it had been quite rightly pointed out that the recording system adopted by the various National Offices could hardly be changed now that they were so advanced in their work. The real point of Colonel Hodgson's proposals was the need for establishing closer co-operation and liaison between the National Offices and the War Crimes Commission. It was clear that owing to mass movements of the populations and of the movements of the criminals themselves, collaboration between the Offices of the various countries was essential. He had often discovered cases with which he could not proceed because a link in the evidence was missing. It was possible that such links would be in the possession of some other National Office or in the records of the Commission. As examples of that, he could quote the cases of Hans Frank and of Kramer. The latter had been in charge of a Belgian camp and of one in Poland while later he was transferred to Belsen.

They had heard that a great deal of work had been carried out by S.H.A.E.F. He thought it would be most advisable, in order to co-ordinate the work, that a sub-section should be established by the Commission to which cases could be referred in which the National Offices felt that they could not overcome their difficulties in obtaining the necessary information for a complete indictment. That sub-section could establish contact with the National Offices and with S.H.A.E.F. who might have the information required. Such a system would not only lighten the burden both of the National Offices and the Commission but would enable them to complete their cases satisfactorily. They had heard that it was possible to obtain good information on the identity of certain criminals. There had, however, been difficulty in establishing the identity of Commanders of Divisions or of Commandants of prisoner-of-war camps. Useful and productive work could be done in that direction.

The CHAIRMAN said that on the last point raised by M. Lachs the Committee of the National Offices which was going to prepare a series of practical suggestions would no doubt include a proposal on that subject.

Mr. WANG HUA-CHENG (China) agreed with the statements made by the American delegation on the differences between conditions in Europe, and the Far East and the Pacific. As the various National Offices already had their own systems and as the Commission did not appear to be in a position to impose its authority upon the member States, the best way to dispose of the matter seemed to be to circulate to all Offices the American method of recording and indexing, possibly in a simplified form, so that they may all have the benefit of American experience.

As to the pooling of information in regard to the Far East and the Pacific they would realise that many Japanese troops now fighting in the Pacific had been transferred there from China and that the reverse was also the case. Ever since the war broke out in China the Chinese Government had paid a great deal of attention to the movements of Japanese troops.



The CH ICHIN inquired how many troops the Japanese now had under arms.

Viscount FINLAY (United Kingdom) said that he understood that 5,000,000 was an approximate figure.

Mr. WANG HUA-CHENG, continuing, said that China was interested in co-operating with other Governments as a large number of Chinese citizens were scattered over the places in which the Pacific war was being fought.

The Chinese Government had decided upon a policy of submitting Japanese cases to the sub-Commission in Chungking in the first instance because that sub-Commission was nearer to the theatre of war. It was easier to obtain evidence and there was easier access to other sources of information. It was hoped that some other Governments involved in the Pacific war would find it advisable to act along the same lines.

METHOD OF DEALING WITH PERSONS ACCUSED OF CRIMES AGAINST NATIONALS OF SEVERAL NATIONS.

Viscount FINLAY (United Kingdom), in presenting his paper on this subject (1) said that the peculiarity of the subject was that it appeared, in contrast to other matters which they had been discussing, not to concern the National Offices. Having regard to the history of the matter it might not be found necessary to discuss it at any great length.

Dr. T. CYPRIAN (Poland) said that he did not see any possibility of difficulty arising from two countries asking for the same criminal. The matter would probably be settled in a diplomatic manner just as every other matter of extradition was settled. The importance of the subject lay not in the fact that two countries might ask for the same criminal, but in the question which criminals should be handed over and which should be tried by the international military court. That was a political matter and in his opinion the Commission was not concerned with it.

Lt.-Colonel OLDHAM (Australia) said he was still not clear what action should be taken. The attention of the principal Governments had been drawn to the matter and it was a problem which must affect the National Offices. By raising the matter with the principal Governments, the Commission was drawing their attention to a practical problem. It had not been resolved on a political level and he thought that it was right that the Conference should bring the question forward again. The matter would not permit of further delay in the months ahead and he hoped Lord Finlay would give his views as to how the problem should be tackled.

Viscount FINLAY (United Kingdom), in reply, suggested that they might each call the attention of their Governments to the matter and say that it was one which required a solution. It was a political matter and one on which they might invite their Governments to consider so far as they thought it necessary. He was authorised to say that it was under the consideration of the British Government which was prepared to communicate with other Governments on the subject. In view of the fate which overtook their former effort he thought it was better not to attempt a solution but to leave it to the Governments.

Mr. WANG HUA-CHENG (China) said that China had not quite made up its mind on the matter but felt that certain principles could be followed. Which Government was to be given the first chance to try and punish a criminal? They might find out first of all in which country the crime committed was the most serious and then that country would have the prior right to trial. A solution to the problem might also be reached by deciding which country could produce the best witnesses and evidence. Another method might be that the country which first requested a criminal should have the right to try him. The Conference might be able to find other standards to adopt but he felt that anything which was agreed upon would be acceptable to the Chinese Delegation.

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(1) Annex III.

Major PALMSTROM (Norway) said that it might be considered that it would be more practical to try the criminals in the country in which the crime had been committed as it would be easier to call the witnesses. The Yugoslav Office had sent in charges concerning some of its countrymen who were in concentration camps in Norway, but the Norwegian National Office had also framed charges against the same Germans as they wished to try them in Norway.

M. de BAER (Belgium) said that the matter was of practical interest because the War Crimes Commission might find that a criminal had committed crimes in a number of countries. Viscount Finlay envisaged the possibility that the decision might be made by the military authorities. He wished to hear the views of the National Offices on that point. The National Offices possessed only a list of names and did not know if a criminal had murdered one man in one country and several thousand in another. It seemed to him that it was for the War Crimes Commission to judge as that was the organisation in which all the documents were centralised. He was very interested in the suggestions made by the Chinese Delegate but in all the methods he had described, on what grounds could the military authority make a decision other than those based on the authority of the War Crimes Commission?

Professor PAOLI (France), speaking in French, said that they were faced with two problems. The first concerned which country or countries demanded delivery of a particular war criminal. He might have committed crimes in several countries and possibly four or five of them would ask for him to be handed over. It was necessary to know which countries were making the demand and it appeared to him that only a central organisation could have that information.

The second problem was to know to which country the criminal should be handed. There again it appeared that some central organisation provided by, or established by the Commission, would be in a position to give a decision. In the case where a criminal was demanded by several countries a number of criteria might be applied for which a definition was required. That definition could only be given by a body of a general character.

If they considered the different criteria they might take first of all, that of possession. The criminal might be located in the country which was asking for his delivery, and in that case the right of possession might prevail over all other considerations. Secondly, the criminal might not be situated in any of the countries which demanded him. Transport difficulties might also arise and it might be decided to hand the criminal over to the nearest country concerned. There was also the question of appreciation of the gravity of the crime and that might be a reason for delivering the criminal to the country where the crime carried the heaviest penalty. In that case possession ought not to outweigh that more important consideration.

Commander MOUTON (Netherlands), agreeing with Viscount Finlay, said that it was possible that there was a vast difference in the value of evidence between the claims of two countries. One country might have far more elaborate proof against a man than another. The only practical solution to the question of what action the military authorities might take should different countries ask for a particular criminal in Germany was that either international or military courts should deal with the matter. The countries asking for the criminal would not deal with such a problem and the case could be brought to an international or a military court.



The CHAIRMAN asked what would happen if the military authorities who had a criminal in their custody refused to deal with him because he came under the terms of the Moscow Declaration. Suppose, in that case, that two countries claimed the criminal. How was that problem to be solved? Should the military authorities have special jurisdiction? He did not know if the military authorities would be bound to obey the fiat of any particular Government.

Brigadier SHAPCOTT (United Kingdom) said that the question was under discussion and he thought that they should leave it at that. The matter was being explored on the highest levels. He believed that in practice it would work out satisfactorily. He understood that there was an organisation comprising representatives of all Allies at S.H.A.E.F. to which problems of that nature could, if necessary, be submitted. He did not know how long that organisation would continue to exist.

Lt.-Colonel HODGSON (U.S.A.), in reply to a question, said that the military authorities were confronted with a number of difficult situations. There was, for instance, the roving criminal, the man in the Gestapo who had gone from country to country committing crimes. To which country should such a criminal be surrendered? There was also the case of the criminal whose activities had been confined to enemy territory, such as Germany, his crimes having been committed against the nationals of a number of countries. He was not referring to the major criminals but to the type of man who had committed crimes against many people on a lower level, as, for example, the case of commandants of concentration camps. The most difficult case was that of the man who was not ordinarily considered a major war criminal but who while holding a key position in the government of an occupied territory had carried out war crimes as a part of a policy dictated in Berlin. There was, for instance, the type of criminal responsible for the administration of the occupying government in the Netherlands. That man would be demanded by the Netherlands but he was also responsible for crimes, say, in Yugoslavia. He considered that it was in that type of case that the Conference should direct its closest attention as it was the type in which there was likely to be the maximum amount of dispute.

The CHAIRMAN said that in the case of a major criminal in a key position it was proposed to establish a military court to try the man. Under the terms of the Moscow Declaration and the rules of international law would a particular nation have any right to request delivery of the criminal to them? Would not the military authorities be entitled to keep the criminal and try him? The military might have in their custody a man accused of crimes in different countries each of whom apparently had an equal right to try him. What would happen then?

Colonel WOODALL (G-1 Division, S.H.A.E.F.) said that there did not exist at S.H.A.E.F. any organisation such as that to which Brigadier Shapcott had referred but there were big groups which were investigating crimes. The question of the claims of a country to a criminal who had committed a crime in another country was beyond their scope. It was a matter on which they would have to have guidance.

Viscount FINLAY (United Kingdom) said that the answer to that particular problem was that the matter would have to be settled on a diplomatic level.

The CHAIRMAN said that that appeared to be the solution, but supposing the parties were impervious to diplomatic pressure?

M. CASSIN (France), speaking in French, said that it followed from what Viscount Finlay had said that the Commission had no power to decide the question but could only examine the different considerations. Within that sphere they had a perfect right to discuss the matter and to make suggestions which could be submitted to the various Governments.

There were three types of case to consider. First, the war criminal who was already in enemy occupied territory; second, the war criminal situated in one or other of the Allied countries, and third, the war criminal who was in a neutral country.

In the first case it appeared to him that the authority governing Germany would have to receive the demands made for the criminal. If he were a major criminal he would probably be kept in Germany and would be tried by whichever court or tribunal the Allies decided to employ. There might be the case of a man in the Gestapo who had committed crimes in several countries. He submitted that the best solution there would be to leave the criminal in Germany rather than to send him on a tour of the countries in which he had committed crimes.

In the second case, where the Government in possession of the criminal received a number of requests for the criminal from different Allied countries they must bear in mind what Viscount Finlay had said. It was then a matter of criteria. Even if particular Governments were not prepared to conclude an international convention there might be agreement between the different National Offices. They might agree as to the conditions on which they would be prepared to hand over a criminal from one country to another.

In the third case, demands might be made for the extradition of a man who had committed crimes under the ordinary law. In that case it was clearly the obligation of the neutral country to hand him over. Even so, it would be better if the Governments interested could agree so that the neutral country would realise that the demand for the delivery of the criminal was supported by the united body of Allies and not by individual, separate Governments. He considered that the Commission should decide which country was best situated for putting forward a demand and then united support could be given to the demand in order to arrive at a practical solution.

Dr. BARTOS (Yugoslavia), speaking in French, said that the question before the Conference was entirely practical. They had to find, in the end, some way of handing over the criminals to justice. It would be desirable, if it were possible, to arrive at a contractual solution but as that could not be done they had to find a path by applying certain criteria. One proposal was that they should hand over the criminal to the country which had suffered the greatest injustice. That appeared to him to be the governing consideration.

They had to differentiate between different categories of crimes. In the first category he would place mass crimes, then those which had the greatest international consequence and thirdly, those crimes for which the penalty was determined by the nature of the crime. In the fourth place there was the question of priority of data between crimes of equal gravity. He thought it would be desirable to have an extradition chamber working alongside the War Crimes Commission. The authority which was to make the final decision would have to consider all the factors he had mentioned.

Viscount FINLAY (United Kingdom) said that they had been told that discussion on the question was taking place on a very high level. Some time ago they put forward their own solution. That failed to find acceptance and he suggested that it might be better that they should not, at the present moment, attempt to propound a solution.

The CHAIRMAN suggested that possibly the Moscow Declaration was the highest level involved.



M. LACHS (Poland) said that in connection with extradition the question of claims made by several States concerning the same criminal deed was worth considering. They were all aware that the present state of international law caused many conflicts, owing to the lack of codification. In principle, extradition depended upon treaties but not all the questions were covered by treaties. He thought that the question should be considered apart from the existence or non-existence of extradition treaties.

The CHAIRMAN pointed out that a decision would have to be arrived at somehow if there was an irreconcilable dispute between two States. If the accused man was in the territory of State "A" and State "B" demanded him, the former might insist on its right of trial.

M. LACHS (Poland) admitted that the case cited by the Chairman would present difficulty, but difficulty might also arise where the wanted criminal was on German territory and was claimed for his deeds by two or more States.

The CHAIRMAN suggested that in that case, possession might be nine points of the law.

M. LACHS, continuing, said the question was that to which attention had been drawn by General de Baer, namely whether the military authorities should be the deciding body. He suggested that both the question of extradition for consecutive crimes committed by the same individual and that of extradition where several States put forward a claim, came within the scope of the Commission's work.

The CHAIRMAN said he did not think that anyone had suggested that the Commission had any powers of decision.

M. LACHS, in reply, said that he thought they might use the opportunity of the presence of so many representatives of the National Offices to come to an agreement and that they could then make representations to their Governments.

The CHAIRMAN said that no doubt the National Offices would debate the question among themselves and would produce proposals. The Conference was merely asked to consider the matter, which it had done.

CO-OPERATION BETWEEN NATIONAL OFFICES AND THE WAR CRIMES  
COMMISSION ON PREPARING CHARGES AGAINST ENEMY KEY-MEN NOT YET INDICTED.

M. de BAER (Belgium), in presenting his paper on this subject (1) said that his object was to draw attention to a gap through which some of the criminals might escape punishment. Reference had been made to a certain class of criminal, the key-men who were not quite at the head of affairs. He referred mainly to those German Government and Party officials who had either framed the policy or ordered that crimes should be committed. It was in respect of that class of person on which the Commission had some misgivings.

The information given in that part of his paper which dealt with the imposition of punishment by the United Nations was a little out of date. There was no doubt that in the case of such persons as Hitler, Goering, and Goebbels there was already a sufficient basis on which to hang them. The particular type to which he was referring was the intermediate class in respect of which the public was not so fully informed.

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(1) Annex IV.

On the point that it was essential to make the charges as precise as possible, the need could be illustrated by the cases concerning concentration camps. In the early days the Commission received cases, at a time when countries were still occupied by Germany, in which atrocities in camps were cited by a single witness. Later more evidence was obtained and they were able to indict the whole staff of the camp. Still later they found out who was responsible for the policy and now they were in possession of the names of the key-men who could be charged. They also knew the names of doctors who had ordered the dissection of live persons and who had been responsible for experiments on human beings. In Summary of Information No. 22 details were presented concisely in regard to such matters as forced labour, depredations, the mobilisation of foreign workers, the confiscation of property, the Todt organisation, the removal of foodstuffs, the discriminatory policy against the Jews, atrocities in concentration camps and prisoner-of-war camps, the imposition of German nationality on Belgians, forced movements of populations, the economic plunder of occupied territories and the barbarous treatment of foreign workers and their children. A survey had been made in respect of all those crimes, of those who were responsible for them -- not only those at the top but those in intermediate positions. It was hoped that more use would be made by the National Offices of the Summaries of Information circulated by the Commission.

The Conference adjourned at 4.25 p.m. until 10.30 a.m. the following day.

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#### F I F T H   S E S S I O N

Saturday, June 2, at 10.30 a.m.

#### METHOD OF DEALING WITH PERSONS ACCUSED OF CRIMES AGAINST NATIONALS OF SEVERAL NATIONS.

(Continuation of Discussion)

M. de BAER (Belgium) said that with reference to Item 4 of the Agenda which was discussed the previous day he wished to present a recommendation to the members of the Conference on behalf of the Belgian delegation in the following terms :

"That when an accused has been placed on the list of war criminals at the request of several of the United Nations the War Crimes Commission shall act as arbitrator to decide to which Government he shall be surrendered."

The CHAIRMAN said that that recommendation was addressed to the Conference as they had to consider what report they would make.

M. de BAER (Belgium) asked if it would be proper for the recommendation to be addressed to the United Nations War Crimes Commission.

The CHAIRMAN said that he did not consider that that was the right course to take. The War Crimes Commission would, however, receive any report which the Conference thought fit to send it. He understood that the members of the Conference wished to discuss the report they should submit.



CO-OPERATION BETWEEN NATIONAL OFFICES AND THE WAR CRIMES  
COMMISSION IN PREPARING CHARGES AGAINST ENEMY KEY-MEN NOT  
YET INDICTED.

(Continuation of discussion)

Monsieur de BAER (Belgium) summarised the remarks he had made at the previous day's afternoon session.

Mr. WANG HUA-CHENG (China) said that Lists 7 and 9 had been prepared with the European situation in mind. The war in the Far East and the Pacific was also drawing to an end and he hoped that the Commission would find it possible to take similar action in regard to Japanese key criminals.

M. CASSIN (France), speaking in French, said that the paper presented by General de Baer touched upon a very delicate point. In Lists 7 and 9 the Commission had filled the gap but it was a matter of general principle that the National Offices should do their best to assist the Commission. From a formal and legal standpoint an accusation was needed when a charge was preferred but in regard to crimes which had no geographical location no nation was in a position to say that it possessed all the necessary evidence. In those circumstances, each country had to send such evidence as it possessed to the Commission. The Commission would then be able to assemble the facts so that the names could be included on the lists.

M. LACHS (Poland) said that they were all grateful to General de BAER for drawing attention to a loophole in the work of almost all the National Offices. Up to then that loophole had been almost inevitable as they had been working in very difficult conditions. The very source of the material was beyond their reach and that was why they could not get to the roots of every case. He felt that the publication of the lists had drawn the attention of the National Offices to the existence of the criminals concerned. He was sure that the drafting of indictments against those criminals would be the next matter for discussion by all the National Offices. He did not feel that there would be any legal difficulty in regard to those criminals who had lived all the time in Germany.

He wished to point out that the basis of crimes committed by the key-men was in many cases identical even when the crimes had taken place in a number of countries. The plans that were drafted and the criminal conspiracy which was put into operation had their effect in more than one country, as, for example, in the case of the anti-Jewish policy of the Reich. The indictment was to a certain extent exactly the same in respect of all the countries affected and for reasons of expediency he considered that in such cases they should adopt a different method from that followed in other cases.

In order to proceed with the indictments they must obtain possession of all the documents which had been stored in Berlin and other cities. He had particularly in mind the German Official Gazette. Those documents were now in Allied hands and could be provided by S.H.A.E.F. It was only by chance that he had obtained possession of certain dictionaries issued to German soldiers who were going to occupied countries. They contained phrases for use in those countries which were a definite incitement to crime. One phrase, for instance, was "If food is hidden, the village will be razed to the ground." Undoubtedly the man who compiled that dictionary induced its users to commit crimes. They should make use of such information on a larger scale and he suggested that as soon as the material was available the indictment should be prepared by all the National Offices, working in conjunction, so as to avoid unnecessary repetition in the narrative of facts.

Viscount FINLAY (United Kingdom) said that it was vital that the National Offices should appreciate the distinction so clearly pointed out in General de Baer's paper between Lists 1 - 6 and 8, and Lists 7 and 9. The former were lists of persons against whom, on material supplied by the National Offices, at least in overwhelming numbers of cases, the Commission considered a prima facie case existed. The lists were presented to the military authorities whose duty it was to arrest those concerned. Lists 7 and 9, on the other hand concerned persons of importance in the German system of government and who it was considered must be guilty prima facie of the crimes which could be charged against the Germans. It was important that it should be realised that there was not, at present, a charge in the sense that there had been an examination of the case and that they had found that there was a prima facie case.

If there were a residue of persons on Lists 7 and 9 against whom neither the National Offices nor the Commission were able to find a case, those persons would have to be released. In those circumstances it was vital that the distinction between the Lists should be appreciated and that every possible effort should be made to found charges against the persons on Lists 7 and 9. That was a matter primarily for the National Offices.

Mr. P.H.B. KENT (United Kingdom) said that the British National Office had had this difficulty in mind and gave it consideration nearly two years ago. The object of General de Baer's warnings was that some bridge must be formed between those criminals who the Lord Chancellor had recently described in the House of Lords as major criminals, and the criminals the charging of whom was the more particular duty of the National Offices. Many people had had an uneasy feeling that a gap existed and that some criminals who ought to be in the net might escape through the meshes being too large.

On the whole the British National Office was not in a position to make a very big contribution on the subject as, apart from the situation in the Channel Islands, the question had not arisen. The bulk of the crimes were to be found in the occupied countries. They would, however, have to face the problem in the Far East. He felt that the occupied countries would be able to combine to put the matter in its proper place. The British National Office would, of course, assist in every possible way. Its contribution so far had been four or five cases from concentration camps and there had been a few cases arising from the imprisonment of prisoners-of-war, otherwise than in prisoners-of-war camps.

Anxiety had been hinted at the apparent slowness of action of some of the authorities but consolation might be derived from the saying that, "Though the mills of God grind slowly, yet they grind exceeding small." If they might apply that quotation to the group of persons who had been described as at "higher level" he believed they might confidently expect that satisfactory results would be achieved.

Lt.-Colonel OLDHAM (Australia) said that after the last war the mills of God ground so slowly that the result was a complete negative. It was the purpose of the Commission and of the National Offices to see that the farce of Leipzig was not repeated.

Prima facie cases had been established in regard to Lists 7 and 9 as a result of exhaustive investigation by Committee I and to emphasise that point he referred the Conference to the introductions to both Lists. The prima facie cases having been established, it was the duty of the National Offices to proceed with the charges.



On the question of the preparation of a list of key Japanese war criminals he felt, as a representative of one of the nations which had suffered at the hands of that sub-human race, that no nation had suffered so much as China. He believed that a list of Japanese war criminals should be prepared as soon as possible and he suggested that it might be a first task of the Chungking sub-Commission. The sub-Commission was probably familiar with the Japanese criminals. The sub-Commission was closer to Japan than any other belligerent and it comprised representatives of all the countries engaged in the war against Japan. He thought that the list might concentrate on those war criminals who had committed crimes against China.

Colonel GOTT (U.S.A.) supported the views expressed by the Australian and Chinese delegates. The inhabitants of the Philippines had suffered much at the hands of the Japanese, but the Chinese had suffered much more. The American delegation would appreciate any help that could be given in bringing the criminals to justice.

Major PALSTROM (Norway) cited the case of a member of the German Government (Seuckel) in which the Norwegian Minister of Justice felt that the War Crimes Commission should take action in the same way in which they had dealt with the cases of Hitler, Himmler, and Ribbentrop. He wished to know if the Commission adhered to its previous view that action should be taken by Norway or whether the Commission would be prepared to act.

The CHAIRMAN said that the Conference was with the National Offices and was not a meeting of the Commission. He was satisfied that he himself had no right to take part in the discussion and could only do so with their permission. He could not, however, refrain from joining in the praise offered to General de Baer. He fully agreed with the final conclusion in his paper but felt that although it was worded in the form of an invitation it might have been framed in stronger terms. The Committee had been set up to investigate and record the evidence on war crimes, identifying, where possible, the individuals responsible. What he would describe as the arch-criminals were only so called because there was evidence against them of having committed major crimes. It was the Commission's duty to investigate and then to report to the Governments concerned.

Lists 7 and 9 were, in his opinion, expressly within the terms of that mandate. The position was not affected by the Moscow Declaration which stated the Declaration was without prejudice to the case of the major criminals whose offences have no particular geographical location and who would be punished by a joint decision of the Governments of the Allies. They were still criminals although they were major criminals and the Committee had a duty and obligation to investigate and record the evidence against them. The functions of the Commission involving actual detection and investigation had devolved upon the National Offices. On that footing he thought it was fairly clear that part of the duties of investigation falling to the National Offices extended to the major criminals.

M. de BAER (Belgium) pointed out that since the case first arose to which the Norwegian delegate had referred, the policy of the Commission had changed and the particular criminal concerned was now included in List No. 7, which was a list of top criminals who were not necessarily charged by any particular nation.

He was grateful for the comments of Viscount Winley in insisting on the necessity for the National Offices to bring charges. That had been the object of his paper -- to fill in a gap which must be filled if that intermediate class of criminals was not to escape punishment.

With reference to the observations of M. Lachs, the Commission possessed a great deal of information but the amount was so great that it had not been possible to circulate it. Pooling of information had already been carried out. Extracts from reports were circulated to the National Offices by means of the Summaries of Information. That had not been done in regard to the charges submitted by each of the individual Governments. In the case of concentration camps they had informed the various Governments that some of their people had been victims but it had been found impossible to send copies of the complete charges to each National Office owing to the enormous amount of clerical work involved. It was possible that something could be done in that direction and one suggestion was that a periodical bulletin, issued weekly, fortnightly or monthly, containing information of interest to more than one country, should be published.

As to the main subject of his paper he hoped that the attention of the National Offices had been drawn to the particular category of persons concerned. He hoped that with the aid of the Summaries of Information they might be able to bring charges and, possibly, provide new material as well.

Mr. W. DWIGHT WHITNEY (U.S.A.) said that he spoke as a visitor and as representing those who were setting out to aid in the prosecution of the major war criminals. As lawyers they were all familiar with the fact that the greatest weapon available for defence counsel in any country was that of jurisdiction. No body of law was more respected than the British, yet they were all aware of the case in which there was months of delay and in which weeks were spent in argument as to whether a German captain whose ship ran down a British vessel three miles off the coast could be tried by a British court. The final vote was 8 to 7, with the result that there was no jurisdiction.

He joined with others present in trembling with fear at what was going to happen as to jurisdiction over German war criminals. The barque would founder on the rocks unless they could find some way in which, instead of exercising their juristic talents, they could go ahead with the prosecutions. There was a degree of urgency exceeding that of any previous situation, since they were proposing to try thousands of people within a very short time.

It appeared to him that their position as prosecutors of war criminals had a parallel relationship with that of the members of the Commission. The greater number of criminals would fall into the hands of the Russian, American or British armed forces. The Russian question was one which was too large for him to cope with, but in respect of the American -- and he believed that the same could be said of the British -- a great amount of information was being gathered through energetic efforts inside Germany. Large numbers of people were, at the same time, being taken into custody. To ask the armies to administer law on a grand scale, by investigating, analysing, and dealing with trials and the granting of the equivalent of extradition, was to place upon them an immense burden.

He suggested, on behalf of those who came from the different nations, as civilians, that machinery should be set up by which the maximum amount of work should be undertaken at the Army headquarters. They realised that it was impossible to investigate and to learn the truth about German war crimes, in Washington itself. On the other hand, the Army could not be expected to try all those in whom the different nations were interested. There was, therefore, a need to draw out to the various Allied territories the criminals who were sought by those territories so that they could be tried there. Where could that be done and where could they bring the information to the attention of the Army authorities?



Professor NEDELJKOVIC (Yugoslavia), speaking in French, thanked General de Boer for his complete analysis of the Declaration of Moscow, which went to the root of the problem at issue. They must admit that the Commission lacked an agency which would enable it to attain its aims. In order to make a proper study of the material and documents they must examine the archives of the enemy countries. It was true that the military authorities were doing that and that they had made considerable progress. They themselves, in their own countries also possessed documents which might be of assistance to the military authorities but an agency was lacking through which that help could be given. They, on the other hand, needed the assistance of the military authorities in their own researches.

For example, many thousands of people had been killed in concentration camps in Yugoslavia. Commissions of inquiry had been appointed and nearly all the camps had been thoroughly examined, but there were also many camps in Germany and Italy where Yugoslav subjects had been interned. What had happened in those cases was quite unknown and they had no means of obtaining data. Such steps as had been taken to obtain the information had not been successful. The fundamental difficulty was the absence of Soviet representation. He was aware that the Chairman had taken steps to remedy that defect so that their organisation could be such that it would be able to perform all the delicate tasks entrusted to it.

The suggestions made by General de Boer could only be realised if they did all they could to ensure that all obstacles which existed in the way of a complete association between them and the Soviet Government were removed, and by the provision of a system by which they could have access to all the archives to which he had referred.

ESTABLISHMENT OF CLOSER CONNECTIONS BETWEEN THE COMMISSION AND THE NATIONAL OFFICES.

Dr. ZIVKOVIC (Yugoslavia) presented a paper on this subject (1)

M. DELFOSSE (Belgium), speaking in French, said that while they gave unanimous approval to the terms of the paper he wished to know what methods the Commission proposed to employ in order to realise the suggestions made. It was not sufficient for the Commission to receive lists or material in regard to the responsibility of major or minor criminals. The Commission would be a purely academic body if it failed to establish some procedure in which the criminals could be handed over to the courts which were going to try them. He entirely approved of the method suggested by Dr. Zivkovic for handing over criminals, but the Commission must work out some way in which to achieve that object. Otherwise they in Belgium would have to take steps to establish contact with the Allied military authorities and would have to go even further by asking for the criminals to be handed over for trial. The proposals of Dr. Zivkovic provided a way of surmounting the difficulty where several countries claimed delivery of a particular criminal.

He had stated on the radio the previous day that he wished to see the first war criminals brought to trial within the next two months. There was a number of cases in which the crime had been established and the criminal was a prisoner-of-war; there was no reason there for delaying trial. Public opinion, especially in those countries which had been occupied by the enemy, was uneasy on the question of trials; the memory of what had happened in the Leipzig trials still lived. It was essential that the public should be re-assured by the trial not only of arch-criminals but of minor criminals. The population

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(1) Annex V.

would be more impressed by the condemnation of some German officer who had ordered the shooting of some people than they would be by the trial of Goebbels or Ley. They would see that a criminal had been sent to his execution for a breach of the common law. Such trials would promote respect for the observation of the laws and customs of war and, too, of morality which was a point which the Germans had entirely failed to understand. He asked that the Commission should particularise the methods it proposed to put into operation.

Dr. MAYR-HARTING (Czechoslovakia) wished to make a few remarks about some of the work of a National Office which might be of interest to the other Offices. To National Offices which intended to draw up a charge against persons responsible for crimes committed in a concentration camp the War Crimes Commission's Summaries of Information were available. They showed which was the authority responsible in the last resort for all the imprisonments inflicted in all the occupied territories, and for the commitments of the victims to the different concentration camps. Between this highest authority which gave general instructions and supervised the subordinate authorities on the one hand, and the persons who actually executed the arrests on the other hand, there was an extraordinarily involved system of police authorities, more or less subordinated to each other. A charge which aimed at covering, if possible, all persons responsible for the deportation, say of Czechoslovak nationals to Buchenwald, would have to designate the persons who actually did carry out the arrests. It would further include the local police authorities under whose orders these persons acted. Those local police authorities were under the orders of higher police authorities in control of particular districts or territories etc. And from the police authorities the jurisdiction of which covered say, the territory of the Czechoslovak Republic, one must go upwards to the central authorities already mentioned.

The system of police authorities, established by the Nazis in the occupied countries, was organised in a more or less uniform way throughout occupied Europe. It was only one example of Nazi organisation. Another example was the authorities who were in charge of the looting of art treasures of the occupied regions. These too, were established, more or less, on the same lines.

Whenever a National Office performed the task of research into the details of such an organisation which had been established in its own country, it obviously performed work which was useful for many other National Offices.

The same applied whenever a National Office was able to prove the criminal character of particular measures which were taken in more or less all the territories occupied by them. The Czechoslovak National Office, for instance, had attempted to prove the criminal character of the activities of the National Socialist "Standgerichte" which condemned to death thousands of Czechoslovak citizens. The same Office has attempted to produce evidence of the fact that the activities of the Sondergerichte on the territory of the Republic were also criminal, this charge being based both on the nature of the provisions of substantive law which they were called upon to administer and on the procedure which they were to follow.

Standgerichte of a similar kind to those established in Czechoslovakia were also established in Yugoslavia, Norway, the Netherlands and other countries.

Sondergerichte were active in all countries the annexation of which by the German Reich was in obvious contravention of the rules of International law declared by Germany during the present war. Dr. Mayr-Harting hoped that the Czechoslovak Offices endeavours to make clear the criminal character of these courts will possibly be made use of by other National Offices.



The speaker submitted that nearly every charge presented to the Commission contained material which is of interest to several National Offices.

But not only the material, the information about facts contained in the charges was of interest for the National Offices whenever Committee I answered the question which police authorities or which departments of the different police authorities were prima facie criminals responsible for deportation of the nationals of one of the occupied countries to this or that Concentration Camp. Such decisions might afford guidance to the National Offices even on a point of law. They would have to identify the officials of the analogous police authorities of their own country. And a new charge, drawn up by them, might even merely refer to a charge on which Committee I had already pronounced.

Up to the present the charges submitted by the Commission have been circulated to the members of Committee I only. The great and most valuable work of Committee I bore fruit in the lists produced by the Commission. It was, of course, not the aim of the lists to reproduce details about the decisions of Committee I, particularly on points of law, and, consequently these details could not be gathered from the Lists.

Dr. Mayr-Harting, therefore, ventured to submit that the charges, at least charges of a typical and elaborate character, should be circulated to all the National Offices, so as to prevent several National Offices from doing the same work over again. He further recommended that all National Offices should be informed of the decisions given by Committee I on such charges.

It had already been pointed out (by Dr. Nedeljkovic) that the absence of U.S.S.R. from the common work on war crimes was greatly felt by the whole Commission. He was sure that any kind of collaboration with the Soviet National Office (Extraordinary State Commission for the Investigation of German Crimes) would be invaluable for the National Offices. He ventured wholeheartedly to endorse all that had been said about the necessity and usefulness of such collaboration and hoped ways and means would be found to make it possible.

Dr. WANG HUA-CHENG (China) endorsed the suggestion that there should be close co-operation between the Commission and Soviet Russia. The Soviet Government was one of the sponsoring Governments in calling the San Francisco Conference and would be one of the permanent members of the Security Council of the United Nations. They all looked forward to Russia playing an important part in that new organisation. He did not know if he might raise the delicate question as to whether it was possible, appropriate or opportune to obtain Soviet representation on the Commission. They felt that both in winning the war and in winning the peace they needed the collaboration of the Soviet Union.

Lt. Colonel OLDHAM (Australia) suggested that the discussion on the paper might be continued by discussions between the representatives of the National Offices. Could not the delegates of the National Offices meet and discuss at length the practical problems with which they were confronted, and draw up a series of recommendations which could be considered by the whole Conference?

Dr. Zivkovic had put forward two constructive suggestions on the work of the Commission. In regard to one of them, that dealing with co-operation between National Offices, he wished to give them an example of how that was already being undertaken. The Australian Government had had the assistance of the U.K. National Office in the preparation of a number of cases affecting Australian soldiers in the European zone of operations, and the United Kingdom Government had the assistance of the Australian National Office in regard to charges brought in respect of Japanese offences against United Kingdom nationals in the Pacific area.

Just because the United Kingdom and Australia belonged to the British Commonwealth of Nations, it did not mean that co-operation could not be established between other countries.

He was glad that the question of the relation between the Commission and the Soviet State Commission had been raised as the time had come when the matter must be faced. In his opinion what was primarily needed at present was an exchange of information. They need not go into the finer points of diplomacy and if the matter were pursued on some simpler level it might lead to better results.

M. CASSIN (France), speaking in French, said that it seemed to him of value that the members of the National Offices might prepare draft recommendations in regard to the chief points debated in the course of the discussion of Col. Hodgson's paper. The recommendations could be received by the Conference and transmitted to the Commission.

The French delegation entirely associated itself with the wish that had been expressed for co-operation with the Soviet Commission. It was evident that war crimes had been committed in Eastern as well as Western Europe. Parts of Germany and Austria were occupied by the Allies and the Russians and it was desirable that there should be an exchange of information. No doubt an exchange on a military level would be more rapid than on a diplomatic one, but he hoped that something might be achieved in that direction.

#### PROCEDURE OF THE CONFERENCE

Dr. ZIVKOVIC (Yugoslavia) supported the suggestion that the delegates of the National Offices should meet. He did not think that the Conference should be concluded before the members had decided whether or not to submit any recommendations.

The CHAIRMAN said that he thought the Commission would expect to receive formal recommendations.

Dr. WANG HUA-CHENG (China) proposed that a committee should be appointed to draw up the conclusions of the discussions. The conclusions could be submitted for discussion at the next meeting of the Conference. The recommendations then agreed upon could be forwarded to the Commission.

Dr. ZIVKOVIC (Yugoslavia) suggested that the delegates should meet that afternoon. They would be able by Monday to present to the Conference some form of resolution.

The CHAIRMAN said that in that case the recommendations could be formally submitted. If a conclusion could be reached either that day or the next, they might name one of their members to communicate it to the Commission. Possible General de Baer might do that.

Professor PAOLI (France), speaking in French, said that he wished to indicate the position of the French delegation. They had drawn up a draft of a text. He thought that the proposals made for the appointment of a Committee were sound and he proposed to send his text to that Committee. The chief points of interest were the relations between the National Offices and the question of making the Commission a tribunal to solve the difficulties which arose in regard to the surrender of war criminals for trial. That should be the subject of another text.



The CHAIRMAN said that he wished to express his gratitude to the members of the National Offices. At that stage it seemed to him that the usefulness of formal discussions and sittings had been completely exhausted and that the time had come for the representatives of the National Offices to meet round the table and arrive at conclusions arising from the discussions. The conclusions, in completed form, could be presented to the Commission.

He was very grateful to the members of the National Offices who had come there at great trouble to themselves and who had given the best of their thought and their experience. All that remained was for them to embody their conclusions in a document. He thought that M. de Baer might be entrusted to present it to the Secretary-General as a complete report of the Conference, if that met with their approval.

The Conference agreed that a meeting of the National Offices representatives should be held on Saturday afternoon.

The Conference adjourned at 1.10 p.m. until 4.30 p.m. on Monday, June 4th.

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#### SIXTH SESSION

Monday, June 4th, 1945, at 4.30 p.m.

#### STATEMENT PRESENTED BY THE MEETING OF REPRESENTATIVES OF THE NATIONAL WAR CRIMES OFFICES. (1)

The CHAIRMAN said that he had been glancing through this able document and it seemed to him that his only function at the present moment was simply to receive it and to pass it on to the Commission in due course. The Commission would, no doubt, wish to discuss it and he was sure that they would do so with the most sympathetic attention and with the greatest gratitude to the Conference whose members had worked so ably in producing it. He did not propose to offer any observations on it at present but he might have something to say about it when it was considered by the Commission.

He felt that the document constituted a great step forward and that the Conference had brought the members of the National Offices into personal contact and had enabled them to bring their practical experience to bear upon the issues involved. He felt that the work in which the Conference was interested, the prosecution of war criminals, had been enormously advanced by their labours.

Lt. Colonel HODGSON (U.S.A.) said that if a vote was to be taken on the document at that meeting he wished to repeat what he had stated at the meeting that morning, namely :

"The United States Representative on the United Nations War Crimes Commission states that he would have to secure instructions from his Government before voting on the proposals contained in the paper now before the Conference. Without such instructions, he regrets that he must abstain from voting on the proposals, and requests that a copy of this statement be contained in the record of the meeting."

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(1) Annex EX.

Capt. Frank GRY (U.S.N.R.) said that, in the absence of Col. Brundage and Col. Goff, he, too, wished to state :

"The delegates from the United States National War Crimes Office to this conference announce that they are not authorised to vote on the proposals contained in the paper now before the Conference.

In addition, some of the subjects dealt with in the proposals have not been assigned to the jurisdiction of the United States National War Crimes Office, but have been committed specifically to the cognisance of other United States Governmental Agencies.

The United States delegates here regret that they must abstain from voting on the proposals now being considered.

In all of the circumstances it is hoped that the proposals will not be released to the press.

It is requested that a copy of this statement be incorporated in the record of the meeting."

Viscount FINLAY (United Kingdom) said that he was not quite clear what the position really was. He understood that the Chairman was merely receiving the document with a view to presenting it to the Commission and with that he was content. If a vote were to be taken, he, too, wished to abstain from voting in the same way as the American delegate, because he had received no instructions from his Government.

The CHAIRMAN said that he was merely in the position of receiving the document but if any representative desired to add a note to it that he had abstained from voting, that could be done.

He said that although any proceedings in committee would naturally not be released to the Press, he saw no reason why the results of their deliberations should not be released.

Lt.-Colonel HODGSON (U.S.A.) said that he would object to any release of the document to the Press.

The CHAIRMAN pointed out that that was a matter to be decided by the Commission.

M. CYPRIAN (Poland) said that he would have to refer to his Government before voting but it was not necessary for him to make any statement at the moment.

The CHAIRMAN said that they must expect difficulties at an international conference but the document before them represented the view of the majority of the Delegations. That report would be sent to the Commission for discussion, with notes appended by those who had abstained from voting. There were two abstentions by the United States, one by the United Kingdom and one by Poland.

Sir Samuel RUNGANADHAN (India) : I should like to join those who abstain.

Professor PAOLI (France), speaking in French, said that he wished to abstain from voting on the third paragraph because it exceeded the powers of the Commission.

Mr. KING (China) said that he sympathised with those delegates who did not want the document released to the Press. He did not know whether or not to abstain from voting because he understood that there was no question of a vote being taken that day. Was the question of abstention of any importance at all?



Mr. KENT (United Kingdom) thought that the terms of reference of the committee had been misapprehended. He understood that the committee had met in order to decide what was the general view of the majority on the questions discussed. It was the object of the preamble to the document to make it quite clear that the members of the National Offices who did not agree with one or a number of its points, and who were in a minority, were not bound by its contents. His own instructions did not permit him to agree to some of the recommendations, but the contents of the document were general in character and as such had been accepted as a preliminary effort. He read the preamble in order to make his point quite clear.

The CHAIRMAN said that the document represented the verdict of the majority but he could not prevent anyone from saying that he belonged to the minority.

Mr. KENT (United Kingdom) said that the British National Office was necessarily, as a result of his instructions, in a minority on certain points.

Dr. WANG HUA-CHENG (China) said that his delegation also felt that they had no authority from their Government to agree to any binding document. However, it was understood that the document was only a statement of views and was not binding either on the governments or on the Commission. As such, the Chinese delegation saw no objection. He did not think that a vote should be taken at that meeting.

The CHAIRMAN agreed that there was no question of voting at that meeting.

Major PALMSTROM (Norway) : I abstain from voting on paragraphs III and IV.

Lt.-Colonel MACDONALD (Canada) indicated that he, too, wished to abstain from voting.

The CHAIRMAN said that he had not counted up the votes, nor had he compared the number of members of the Conference with the number of those who had abstained from voting, but he was satisfied that the labours of the Conference would not have been in vain. He would receive the document and forward it to the Secretary with the various notes of abstention, and criticisms, and in due course the whole document would be presented to the Commission.

Dr. ZIVKOVIC (Yugoslavia) said that the Yugoslav delegation was glad to see that its hopes of reaching a general agreement had been realised.

M. de BLER (Belgium) proposed a vote of thanks to the Chairman for the magnificent way in which he had conducted all the debates.

The vote of thanks was carried with acclamation, and the Conference terminated at 5 p.m.

SECRET

ANNEX I

NOC. 1(1)  
May 16th, 1945.

UNITED NATIONS WAR CRIMES COMMISSION

National Offices Conference

A G E N D A

1. General survey of the present activity of the Commission and National Offices.
2. Establishment and maintenance of a central recording office and pooling of information on war crimes:
  - (a) Information actually available in the War Crimes Commission;
  - (b) Supply of information by the Commission to the National Offices;
  - (c) Supply of information by the National Offices to the War Crimes Commission.
3. Establishment of a uniform indexing system and use of uniform machine records.
4. Exchange of views and consideration of the way in which persons accused of crimes against nationals of several United Nations should be dealt with.
5. Cooperation between National Offices and the War Crimes Commission with a view to preparing evidence and charges against enemy key-men who have not yet been indicted by National Offices.
6. Establishment of closer connections between the Commission and the National Offices and strengthening and assisting of those Offices.
7. Any other business.



SECRET

ANNEX II

NOC. 2  
22nd May, 1945

UNITED NATIONS WAR CRIMES COMMISSION

INFORMATION SUPPLIED BY THE NATIONAL OFFICES AS TO  
THEIR ORGANISATION AND OPERATION

AUSTRALIA

Letter of 20th February, 1945

- "(a) The Australian Department of External Affairs is the National Office responsible for matters regarding war crimes. Under the War Crimes Commissioner, who has power to take evidence on oath, is a Secretary to the War Crimes Commission and a small clerical staff; a barrister, who may or may not be the Secretary, assists the Commissioner in the collection of evidence.
- (b) The address of the Australian National Office is: The Department of External Affairs, Canberra, A.C.T.
- (c) The Hon. Sir William Webb (Chief Justice of Queensland) is the Commissioner appointed to collect evidence of war crimes against Australians wherever such crimes are committed.
- (d) The investigation of Australian cases has been concerned mainly with members of the Australian Army. A questionnaire has been circulated amongst all units which are likely to have information and the questionnaire has then been read out to all ranks on parade by their company commanders. Any men who claim to have knowledge which may be of use are questioned by a member of the Commission's staff. After questioning, all men who have useful information are brought before the Commission and examined on oath. Any information which reaches the Commission from any other source, e.g. by letters from civilians, is followed up. Information from native sources is usually obtained through the patrol officers or other officials who are stationed throughout Papua, New Guinea, etc. In the majority of cases in the past natives have been examined by the Commission through interpreters, but practical difficulties may lead to a variation of this procedure.
- (e) All evidence given by witnesses examined on oath is recorded, signed by the witness, and countersigned by the Commissioner.
- (f) It is impossible to estimate more accurately the number of cases investigated than to say that it would be approximately 300.
- (g) 21 charges have been submitted to the main Commission of which one was withdrawn: in certain cases a number of accused have been combined in the one charge."

(sgd.) John Oldham

BELGIUM

Letter of 16th February, 1945

- "(a) Previous to December 13th, 1944, the National Office was a part of the military attorney's Office in London. This office has forwarded to the War Crimes Commission 18 dossiers;

On 13th December, 1944, a Commission of Inquiry was instituted. I am enclosing a copy of the Statutes of that Commission. It has not sent any cases to the War Crimes Commission.

- (b) The address of the National Office is Rue du Turin, Brussels.
- (c) The name of the principal officer is: M. Antoine Delfosse, President.
- (d) Methods of contact employed and general procedure followed: it is probable that the Commission of Inquiry has contacted the various prosecuting officers in Belgium with a view to collecting material on war crimes.
- (e) General results obtained to this date: unknown.
- (f) Number of cases investigated:
  - (i) previously to September 1944: 18
  - (ii) since September 1944: unknown (none forwarded).
- (g) Number of charges submitted to the Commission: 18."

(Sgd.) M. De Baer.

CANADA

Letter of 13th April, 1945

"There is no body in Canada at this stage bearing the name of Canadian National Office. There is, however, a Committee known as the Canadian War Crimes Advisory Committee which, in practice, performs a function almost identical with the job being done by the United Kingdom National Office, except that I imagine it concerns itself to a greater extent with questions of policy. This Committee is composed of representatives of the Departments of External Affairs, Justice and the three Service Departments. Communications to it should be addressed to the Secretary, Wing Commander E.R. Hopkins, c/o the Department of External Affairs, New Post Office Building, Ottawa."

(Sgd.) Andrew Bell.

CHINA

Letter of 13th March, 1945

- "(a) The Chinese National Office is under the direct control of the Executive Yuan and is organised in the form of a commission whose membership includes representatives of the Ministry of Justice, the Ministry of War, the Ministry of Foreign Affairs, and the Ministry of the Interior. The Office has a Standing Committee of three, one of whom is the Minister of Justice. There is a Secretary-General, assisted by two secretaries. Under the Standing Committee are three sections in charge respectively of (1) the investigation of war crimes; (2) the compilation of lists of war criminals; and (3) the translation of cases of war crimes into foreign languages and the maintenance of contact with international agencies concerning war crimes, e.g. the Sub-Commission of the United Nations War Crimes Commission.
- (b) The address of the Chinese National Office is: 4 Chuen Sen Road, Chungking.
- (c) The head of the National Office, namely the Chairman of the Standing Committee, is Dr. C.T. Wang. The Secretary-General is Mr. Kuan Yu.



- (d) The procedure followed in carrying out investigations is through instructions issued to local authorities for the investigation of war crimes. The general public is also advised by appropriate means to report cases of war crimes, together with the necessary evidence.
- (e) The general result is highly satisfactory. The Chinese National Office is in possession of a great number of cases including also those where Chinese nationals were victims of Japanese war crimes abroad, and those where foreigners were victims in China.
- (f) About 3,000 cases have been investigated and are being prepared for presentation to the Sub-Commission.
- (g) Up to date 48 cases have been submitted to the Sub-Commission."

(Sgd.) Yuen-li-Liang

CZECHOSLOVAKIA

Letter of 20th February, 1945

- "(a) The function of the National Office is being carried out by Section IV (Police) of the Czechoslovak Ministry of Interior in London. The head of this department is Colonel J. Bartik<sup>(1)</sup> who was a member of the Military Intelligence Service in Czechoslovakia. His leading official is Dr. O Malac<sup>(1)</sup> who before the war in Czechoslovakia, was a higher Police Officer. They have a certain number of experienced officials at your disposal.
- (b) The full address is: Czechoslovak Ministry of Interior (Section IV), 62, Princes Gate, S.W.7.
- (c) Colonel J. Bartik<sup>(1)</sup> and Dr. O. Malac<sup>(1)</sup>.
- (d) The Department collects material from German Laws, Orders and Ordinances and official announcements in the press of Bohemia and Moravia, both German and Czech. The department obtains the copies through neutral sources. In addition the department collects material from German and Czech broadcasts from Prague, Brno, and other cities of Bohemia and Moravia. In the same manner material from Slovakia is collected. But the important sources by which the department obtains material are: contact with the Czechoslovak Underground Movement, and information given by Czechoslovak subjects who escaped from Czechoslovakia, or from German Concentration Camps, and who were finally captured whilst serving compulsorily in the German Army or the Todt organisation.
- (e) The above-mentioned department of the Czechoslovak Ministry of Interior elaborates a report to which all documents, statements, etc. are annexed, and sends this report to the Office of the Czechoslovak Representative on the United Nations War Crimes Commission. This office is framing the charges which are then submitted to the Commission, so that the office of the Representative takes over partly the function of the National Office which is a provisional arrangement. I am submitting to my Government a draft memorandum for the final organisation of the National Office in Prague and its contact through myself with the Commission. I shall inform you in due course about the decision of my Government. The general results obtained from investigation are satisfactory.

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(1) As these gentlemen have now returned to Czechoslovakia, the National Office is in charge of Lieutenant Colonel Krcak.

- (f) It would not be practical to collect evidence against a particular person. It is not possible to make use of all the material so far available if we investigate only the crimes committed by a particular person; it is better to investigate a particular crime or group of crimes (for instance crimes committed in Buchenwald or Dachau, etc.), and to find out as far as possible, how many and which persons are connected. So far new evidence shows that we know only a portion of the crimes we have already investigated (part of the crimes committed in Buchenwald, etc.), and a small number of persons responsible for these crimes. In the course of investigation, further particulars will be obtained concerning individual crimes and persons.
- (g) Up to date we have submitted four individual charges (each charge concerning one individual) to the Commission, and 10 collective charges against groups of accused. The headings of the collective charges are: Standgerichte, Sondergerichte, Dachau, Buchenwald, Massacres of Students, Natzweiler, Forced Labour, and so on."

(Sgd.) Dr. B. Ecer

FRANCE

Decrees relating to the French National  
Office

Decree of 14th October, 1944 (translation) (1)

"The Provisional Government of the French Republic,

Having considered the report of the Keeper of the Seals and Minister of Justice,

.....

The Inter-Allied Declaration of 13th January, 1942, concerning the punishment of war crimes,

The Decree of 22nd June 1944, setting up an Inter-Commissional Commission for War Crimes,

The Ordinance of 28th August 1944, concerning the punishment of War Crimes,

Ordains as follows:

Art. 1 A temporary Service for the detection of enemy war crimes under the authority of the Directorate of the Cabinet of the Keeper of the Seals is established in the Ministry of Justice.

Art. 2. This Service is generally responsible for all matters concerning war crimes. It is in particular responsible:

- (1) For making all investigations concerning such crimes, centralising all work done, information collected and statistics compiled, and conserving the evidence of such crimes;
- (2) For co-ordinating the activity of the other services concerned, giving them the necessary instructions, setting in motion and seeing to the carrying out of searches and enquiries for the purposes of detecting crimes committed by the enemy, compiling the "dossiers" relating to these crimes and bringing the cases to trial;

(1) From Journal Officiel de la République Française, No. 99, of 15th Oct. 1944.



- (3) Preparing a "black-book" of enemy crimes for publication and employing all other possible means of informing the public about the subject;
- (4) Maintaining the necessary contact with the Allied civil and military authorities. •

Art. 3 The Service may for this purpose require the communication to it of all information concerning enemy crimes coming to the knowledge of any other service, administration, individual or body.

Art. 4 The Chief of the Service of Enemy War Crimes, or his representative, shall be a member of the Commission set up by the Decree of 22nd June, 1944. •

Art. 5 The composition and operation of the Service shall be regulated by a Decree made on the proposal of the Keeper of the Seals and Minister of Justice and of the Minister of Finance.

Art. 6 The present Decree shall be published in the Journal Officiel and shall have the force of a law."

Decree of 6th December, 1944 (translation)

"The Provisional Government of the French Republic

Having regard to ..... (quotes relevant ordinances  
and decrees)

Decrees as follows:

Art. 1 The Service for the Detection of War Crimes comprises a Central Directorate, regional services throughout France, an investigation organisation in foreign countries, and liaison officers attached to the big Allied units.

Art. 2 The Central Directorate consists of the following staff, whose salaries are paid by the Minister of Justice within the limits of the following maximum salaries:

A Director	.....(1)
Two "Chargés de Mission" with the duties of Sub-Directors	.....
Five "Chargés de Mission" of the first class	.....
Eight "Chargés de Mission" of the second class	.....

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(1) The provisions regarding salaries are omitted.

Art. 3 - Each regional service consists of a Regional Delegate, and, where necessary, an Assistant Delegate.

The Regional Delegate is assisted by a Regional Committee composed of persons nominated by the Minister among whom there must be at least one representative of the "Resistance" movement or officer who has been a member of the F.F.I.

The Committee is to give its advice to the Regional Delegate and contribute in all possible ways to the effective operation of the Service.

The members of the Committee are unpaid but are entitled to reimbursement of expenses shown to have been incurred by them.

The Regional Delegates' remuneration is fixed by the Minister of Justice.. (details omitted).

Art. 4 - The operation and composition of the organisation for investigation in foreign countries will be settled by an interministerial order signed by the Ministers of Justice, War and Foreign Affairs, and such other ministers as may be concerned.

Art. 5 - The duty of the Director of the Service for the Detection of War Crimes is to seek out and enquire into all facts constituting an enemy war crime, identify the guilty persons and construct for each case a file embodying the results of the investigation.

The Director has authority to receive complaints and denunciations from victims, witnesses and all other persons having knowledge of an enemy war crime. He may take up any case on his own initiative.

Complaints and denunciations may also be addressed to the commanders of military areas, "Directeur de justice militaire" and Government commissioners attached to military tribunals, who shall immediately transmit them to the Central Directorate of the Service for the Detection of Enemy War Crimes.

Art. 6 - The Director of the Service for the Detection of Enemy War Crimes may do or call upon all officers belonging to the judicial police to do all acts necessary for the detection and recording of offences, for collecting evidence and for identifying the perpetrators.

He may delegate his powers.

Art. 7 - The Regional services are under the authority of the Central Directorate and are its representatives.

Within the regions assigned to them their duty is to contribute to the detection of war crimes, the recording of the facts, the constructing of the files, and the conservation of the evidence of the enemy's guilt, and in all matters to aid the Central Directorate in the accomplishment of its task in accordance with the instructions given to them by it.

They must transmit to the Central Directorate all complaints, denunciations and information collected by them.



Art. 8 - The files constructed by the Service for Detection of Enemy War Crimes shall periodically be submitted to an internal Commission of Investigation composed of the Chairman of the Interministerial War Crimes Committee, the "Directeur de justice militaire" and the Director of the Service for Detecting War Crimes. The French representative on the United Nations War Crimes Commission shall be entitled to sit on this commission. The Commission shall decide the action to be taken on the files - i.e. transmission to the interallied commission in London, further investigation, pigeon-holing, communication to the competent military judicial authorities etc.

Art. 9 - Before the Courts, the files compiled by the Service for the Detection of War Crimes shall be treated as equivalent to an enquiry by the "police judiciaire". They shall, according as the internal Commission of Investigation may think fit, be communicated to the "Directeur de la justice militaire" in order that a prosecution may be undertaken before the military tribunals or, in proper cases, in order that further information may be obtained or the preliminary examination be carried further.

The "justice militaire" shall at all times be in sole charge of such prosecutions, search for information or resumed preliminary examinations.

Art. 10 - The Director of the Service for the Detection of War Crimes and, within their regions, the Delegates of Regional Services, may call upon every competent administration or service to aid them in the performance of their duties.

Art. 11 - The seat of the various Regional Committees, their areas of operation, their composition and all other questions regarding the operation of the Service, shall be settled by an order signed by the Minister of Justice and other ministers concerned.

Art. 12 - The posts provided for in the above articles may be filled by civil or military personnel detailed from other administrations or by direct recruiting. Personnel directly recruited shall be employed on a temporary basis and may be discharged with one month's notice at any time.

Within the limits of the credits provided for the purpose, auxiliary staff may be recruited on salaries at the regional rates....

Art. 13 - Expenses incurred in the detection of war crimes and identification of the criminals and in accumulating evidence shall be refunded as part of the costs of the prosecution.

Expenses occasioned by the necessity of informing public opinion, publishing booklets, taking films, organising exhibitions etc. shall be borne on chapters 15 and 16 of the budget of the Ministry of Information.

A special credit shall be provided for the publication of the Black Book.

Art. 14 - The Keeper of the Seals and Minister of Justice, the Finance Minister and the Minister of War shall, within their respective departments, be responsible for executing the present decree, which shall be published in the Official Journal of the French Republic."

Additional Information supplied by the  
French Representative, Professor Gros  
on May 17th, 1945

- "(a) The Service for the Detection of Enemy War Crimes comprises, in addition to its Central Directorate, and regional services throughout France, an organisation for conducting investigations in foreign countries and liaison officers attached to the big Allied units. The Central Directorate consists of a Director, two assistant directors, and "charges de mission", first and second class. Each regional service is under the direction of a regional delegate and, where necessary, of an assistant delegate. The regional delegate is supported by a regional committee which gives him assistance and advice.
- (b) The Service for the Detection of Enemy War Crimes has its offices at 22, Place Vendôme, Paris.
- (c) The Director is Commandant Paoli.
- (d) The Service for the Detection of Enemy War Crimes has the function of seeking and verifying all the facts that may constitute a war crime committed by the enemy, of discovering the guilty persons and of drawing up for each case a file of the results of the enquiry. With this object, it receives complaints and denunciations from victims of war crimes, from witnesses and from any other person having knowledge of enemy war crimes. It may take up any case on its own initiative. It may require all officers of the judicial police to assist it in making its enquiries. The function of the regional services is to render assistance, within the administrative area which corresponds to the army area, to the Central Directorate to which they are directly responsible. The files are ultimately transmitted to the Inter-Allied Commission in London, with a view to the insertion of the names of the guilty persons in List A.
- (e) Down to April 3rd, 1945, the results obtained by the Service for the Detection of Enemy War Crimes were as follows:

<u>No. of Files</u>	<u>Known</u>	<u>Number of Accused</u>	
		<u>Unknown</u>	<u>Units</u>
402	1232	153	85

The number of Germans filed as prisoners of war is 302. "

INDIA

Letters of 23rd February and 13th April, 1945

"The address of the National Office is the Defence Department, Government of India, New Delhi.

The chief officer of the Defence Department is the Secretary to the Government of India, Defence Department, New Delhi, and the present incumbent of the post is the Hon. Sir Charles Ogilvie, C.S.I., C.B.E., I.C.S. I should mention that it is preferable to address the officer concerned by his designation rather than by name.

Briefly, the general procedure followed by the Defence Department in the investigation of war crimes has been that, so far as the cases arising in the European and Mediterranean theatres of war are concerned, complaints are received



in the Foreign Office in this country from various quarters, including the Protecting Powers, the Red Cross and the War Office. These are then passed on by the Foreign Office to the Treasury Solicitor's Department, where the cases are scrutinized, prepared and finally submitted to the Commission in the general British list. As far as the Eastern theatre of war is concerned, arrangement has been made with S.E.A.C. for that Command to pass on atrocity reports affecting Indian nationals to the Government of India, where the Defence Department scrutinises and prepares the cases for submission either to the main Commission or to the Sub-commission at Chungking as may be decided by the Government of India.

As stated in my letter of 21st February, steps have been taken to bring your enquiry to the notice of the Government of India, and I shall be happy to forward to you in due course such information on this point as may be received."

(Sgd.) D.O. Meek

"... So far as Indian cases are concerned, the majority of war crimes against Indian troops have been committed in the course of the campaigns in North Africa. Unfortunately the refusal of the Axis powers to allow the Protecting Power and the Red Cross to function in the North African war zone has cut off important channels of information. In consequence until the end of hostilities the best results cannot be expected."

(Sgd.) S.N. Dutt

LUXEMBOURG

Letter of 9th April, 1945

"The temporary address of the "National Office for the Investigation of German atrocities in Luxembourg" is c/o Ministry of Justice, Terres Rouges Building, Luxembourg.

It is presided by M. Charles Léon Hammes (Juge à la Cour Supérieure de Justice à Luxembourg et Professeur de l'Université de Bruxelles). "

(Sgd.) A.J. Clasen

NETHERLANDS

Letter of 25th February, 1945

"(a) The Netherlands Government (Ministries of Foreign Affairs, Interior and Justice) by Ministerial Decree of the 1st March 1944 instituted a "Commission to elaborate cases, earmarked to be transmitted to the United Nations War Crimes Commission".

This Commission was composed of a President (the Netherlands Delegate in the United Nations War Crimes Commission), a secretary (Dr. Zeeman) and three members, each representing a special information office of the Netherlands Government. The three members produced the facts and evidence concerning War Crimes which they had in hand through their offices.

By decree of the 17th April 1944, the Commission and its members received the right to hear witnesses and experts under oath.

This Commission worked normally till approximately July-August 1944. Then the secretary was appointed in another function and the three members had to go to Belgium and later to Holland.

From that time the Commission could not work normally. During the first weeks we hoped that we would soon be able to set up a complete National Office in the Netherlands. After Arnhem however that proved to be impossible.

I then asked for a reconstruction of the Commission here and in December 1944 made proposals for the early setting up of a National Office on the lines of the French and Belgian Commissions d'Enquete and Bureaux de Recherche.

The reconstruction of the Netherlands National Commission is still under consideration by the Ministries concerned.

(b) and (c) The address of the temporary Secretariat of the National Commission is Mexborough House, Room 55, 33 Dover Street, London, W.1. Tel No. Grosvenor 4181, Ext. 227. Temporary Secretary: Dr. J. van den Bergh. President: the Netherlands Delegate in the United Nations War Crimes Commission, Hereford House, Flat 7, Tel No. Mayfair 8511, Ext. 26.

(d), (e) and (f). See under (a).

(g) On the first list of German War Criminals of the United Nations War Crimes Commission are placed names (cases) requested by the Netherlands, amounting to 41. On the second list there are 8 names also requested by the Netherlands. No charges are submitted to the Far Eastern and Pacific Sub-Commission."

(Sgd.) J.M. de Moor

NEW ZEALAND

Letter of 26th February, 1945

"The work of the National Office is undertaken as part of the work of the Department of External Affairs and, so far as I am aware, there is no special separate organisation for the work.

The address of the National Office is: Department of External Affairs, Wellington, New Zealand; and the name of the principal officer: Mr. Foss Shanahan, Secretary of External Affairs."

(Sgd.) C.B. Burdekin

NORWAY

Letter of 6th March, 1945

- "(a) The Norwegian National Office is subordinate to the Royal Norwegian Ministry of Justice and works in close collaboration with the Norwegian Police Investigation Office. The staff of the National Office consists of a lawyer and his secretary.
- (b) The address of the National Office is at the Norwegian Police Investigation Office, 24, Connaught Square, W.2.
- (c) The name of the principal officer is Major Finn Palmström, a lawyer.
- (d) The charges are based on statements made by witnesses to war crimes to the Norwegian authorities in England and Sweden. These statements are all given voluntarily and when not in judicial form are all signed by the witnesses themselves. These statements are passed on to the National Office by the Norwegian Police Investigation Office in London.



- (e) On the whole the statements, give good details of the crimes committed, but the perpetrators are often not known. On the other hand, many witnesses have stated that certain Germans are well known as War Criminals but they are unable to give exact evidence of the crimes committed. From these statements, however, it has been possible to make up charges based on the evidence of several different witnesses.
- (f) 10 cases involving about 100 Germans are being investigated and will be submitted to the Commission in due course.
- (g) The number of charges which have already been submitted to the Commission is 309. "

(Sgd.) E. Hambro

POLAND

Letter of 27th February, 1945

- "(a) The National Office is organised on lines generally accepted in all governmental departments. For practical reasons it is attached to the Ministry of Interior because this Ministry has been directing and supervising the activities of the Polish Underground Administration in occupied Poland and is receiving the information as to the situation inside our country. Nevertheless, in its work and activities, the Polish War Crimes Office is in a large measure independent and therefore subordinated directly to the Minister.

As to the internal organisation, the Office is divided into two Sections: a General Section and a Jewish Section. Besides, there is a special Agency in Scotland, subordinated to this Office, for collecting information and evidence from among the Polish nationals formerly compulsorily conscripted into the German Army and since then brought to this country as prisoners of war, but afterwards released from the general POW camps.

The staff of the Office consists of six lawyers, three barristers, one juge d'instruction, one public prosecutor and one young lawyer. There is furthermore a secretary, a clerk and a typist.

- (b) The address: 16 Thorney Court, Palace Gate, London, W.8., Phone: Western 4374 Ext. 5.
- (c) The head of the Office is Dr. J. Litawski.
- (d) Owing to its task the Office maintains close contact with other departments and offices of the Polish Government, especially with the Ministry of Justice, Ministry for Foreign Affairs and the Ministry of Information as well as with the Government's Delegate to the United Nations War Crimes Commission. In relations with the Commission and other Inter-Allied organisations as well as with other National Offices this Office is being represented by the Head of the Office.
- (e) The information and evidence concerning war crimes is collected through many channels such as military intelligence, secret service, official reports from the Secret Government in Poland, interviews with persons escaped from Poland, etc. The evidence and information is collected for inclusion of names on the lists of persons whose surrender or extradition is to be demanded as well as for preparation of charges to be transmitted to the U.N. War Crimes Commission. The evidence thus collected will be also of great help for the preparation of indictments as a basis for prosecution in the national or inter-allied courts.

As to the agency in Scotland operating for several months I may mention that up to date we have been able to collect evidence from about one thousand soldiers selected out of about 30 thousand of Polish nationals.

The personal data of the German war criminals together with a short statement of facts are being collected in a card system divided in two sections, the first arranged alphabetically, the second one geographically according to the administrative division of Poland created by Germany. We have by now about 10,000 Germans listed in this way. Besides there are still several thousand names to be checked up.

All the so-called short statements of facts are supported with information in full which is being arranged in separate dossiers according to the items of war crimes or other considerations.

- (f) It is very difficult to ascertain the number of cases investigated to the point of deciding whether or not a charge should be founded. The flow of materials from various sources is coming into this office in such an amount that the situation is changing from week to week. In any case there are already several thousand well founded cases to be transmitted to the Commission but time is needed for their preparation in the form of charges.
- (g) Up to date the Polish War Crimes Office has transmitted to the Commission 39 extensive charges with about 750 Germans accused or suspected. (1) "

(Sgd.) J. Litawski

UNITED KINGDOM

(see page 15)

UNITED STATES OF AMERICA

Memorandum accompanying letter of 15th May, 1945  
from Lt.-Col. Hodgson

"The War Crimes Office was established in the Office of the Judge Advocate General of the Army under a directive of the Secretary of War dated September 25th, 1944. The mission assigned, as defined in a later directive of November 30th, 1944, is to collect from every available source all evidence of cruelties atrocities, and acts of oppression against members of our Armed Forces or other Americans, including the people of any dependencies of the United States, such as the Philippines; to examine, evaluate, and organize such evidence; to arrange for the apprehension and prompt trial of persons against whom a prima facie case is made out, and for the execution of sentences which may be imposed.

The Secretary of the Navy, upon the suggestion of the Secretary of War, joined in the setting up of the Office, and provided for participation through a Navy Division and Navy personnel under the Judge Advocate General of the Navy. The agency thus established in the War Department, by agreement between the State, Navy and War Departments, in carrying out its mission under the above directive, acts jointly for the three departments. It thus performs the functions of the National War Crimes Office.

(a) Organisation of the Office. The War Crimes Office is a part of the Office of The Judge Advocate General of the Army in the War Department at Washington, D.C. It is directed by an Assistant Judge Advocate General with the grade of Brigadier General, and includes Army and Navy personnel and civilians. All officer personnel are lawyers and the great majority are especially qualified

(1) Information brought up-to-date.



by experience in the prosecution or investigation of criminal cases. Present authorised Army strength is 29 officers and 45 civilians, in addition to which there is the Navy contingent consisting of 4 naval or marine officers, three enlisted personnel and one civilian employee. At this time, the office is organised into divisions for the European-Atlantic and Asiatic-Pacific areas, a Navy division, a common information division, handling the collecting of information from every source, and an executive division for the purpose of administration.

(b) Address of Office. War Crimes Office, Office of the Judge Advocate General, War Department, Washington 25, D.C.

(c) Name of Principal Officer. John M. Weir, Brigadier General, U.S. Army, Director, War Crimes Office.

(d) Methods of Contact and General Procedure. Within the United States contact is maintained with, and information derived primarily from other Government agencies, such as the Office of the Provost Marshal General, the Military Intelligence Division, the Office of Naval Intelligence, the Army Air Forces and from reports of censorship, the Office of Strategic Services, the Office of War Information, the Federal Communications Commission and from the Swiss and Spanish in their reports as protecting powers to the Department of State, as well as reports made by attaches and from foreign service officers of that Department. Constant personal liaison is maintained by a representative of the War Crimes Office and all information brought to the War Crimes Office and analysed. For the purpose of this report, the cases can be considered in three categories: (1) cases requiring investigation only in the United States, (2) cases requiring investigation only within a theatre of operations, (3) cases requiring investigation in both the United States and in a theatre. In all these cases the information is sent to the theatre immediately upon receipt regardless of whether the investigation has been completed. In the United States details and substantiation of reports are secured by the interrogation of repatriated and returning military and naval personnel and civilians as well as prisoners of war. Arrangements are being made for the interrogation of those who have either gone to their homes or to some hospital. Specific data is also being gathered in regard to the major axis criminals. Branch offices either organised or in the process of establishment include the European theatre, Mediterranean theatre, Central Pacific areas, and Southwest Pacific area. These are a part of the Judge Advocate's section of each headquarters with their primary function the investigation of alleged war crimes and the collection of evidence relating thereto, including, for transmission to the governments concerned, evidence relating to war crimes committed against nationals of other United Nations. Offices subordinate to those of the theatre commanders are being organised in each Army group and the channel for information is the same as for courts-martial. The Navy channel is through the Legal Officers of all fleets and stations. Information from the field has heretofore been in the form of written reports to which the sworn statements of witnesses are attached and in some instances by reports from Boards of Inquiry which have conducted investigations. Present plans call for an aggressive investigation programme to be undertaken in which travelling investigating detachments will go from place to place, each to consist of four officers and five enlisted men. Effort is made to identify the personal perpetrator of the offence, but where this is impossible, attention is given to developing a pattern from which the responsibility of the commanders and staff officers may be fixed. If a particular unit has left a trail of crimes across an area, it is assumed that the unit commander was a party to these crimes since he must have had knowledge thereof.

The recording and filing system is based on that of the Federal Bureau of Investigation, which is the investigatory branch of the United States Department of Justice. Complete files are maintained by words descriptive of crimes which are also divided into major geographical division. Each master file

contains four major headings: (1) summary of crime, (2) witnesses or other sources of information, (3) comment and notes, (4) recommendations. As the bulk of the cases are eventually to be tried by courts which will sit outside the United States, the original files will be sent to the field with duplicates thereof kept in the Washington office. Offices in the field investigate offences against both members of the armed forces and civilians. Large numbers of offences against American civilians have been committed in the Philippines during occupation by the Japanese and great importance is attached to these offences.

General Results Obtained. Results obtained so far have been gratifying. In a few instances the files are nearly complete, including sworn statements of witnesses, sketch maps, photographs and other such evidentiary matter, but in most cases the field investigation is yet to be made. There is also considerable untapped information within the United States in the possession of government agencies, private organisations and individuals. Particularly in the matter of fixing responsibility on military commanders it will be necessary to have access to military and administrative records of the enemy, which will be available only after their collapse, and <sup>also</sup> to interrogate our personnel who are now prisoners and will then be released. Cases will be presented to the United Nations War Crimes Commission after all possible sources of information have been investigated. Complete organisation of branches in the field is expected to make possible the unearthing of a great many new cases as well as additional details on cases already reported.

Number of Cases Investigated. No tabulation has yet been made as to which cases have been investigated to a sufficient point to found a charge. Eventually it is expected to develop each case, upon which trial is to be had, to a point where the prosecutor will be able to take over the file and try the accused on a few days' notice.

Number of Charges Actually Submitted to the Commission. No cases have as yet been submitted to the Commission. "

#### YUGOSLAVIA

Letter of 20th February, 1945

- "(b) The Yugoslav State Commission for the Investigation of War Crimes, Belgrade. (Drzavna Komisija za utvrdjivanje zlocina okupatora i njihovih pomagaca, Beograd).
- (c) The Chairman of the State Commission is Dr. Dusan Nedeljkovic, and the Secretary, Dr. Ivan Grgic.
- (g) Forty-one charges have actually been submitted to the Commission.

The activity of the State Commission is widespread, local offices having been established throughout Yugoslavia. These local offices are all very actively engaged in investigating crimes committed by the enemy in my country, and it is anticipated that, within a very short time, a large number of charges will be submitted to the Commission."

(Sgd.) Vladimir Ribarz



UNITED KINGDOM

Memorandum received on 26th February, 1945

- "(a) The National Office of His Majesty's Government in the United Kingdom is established as a branch of the Department of the Treasury Solicitor at Storey's Gate, St. James' Park, London, S.W.1. The officer in immediate charge of the branch is Mr. P.H.B. Kent.
- (b) The principal sources of information available to the National Office are the War Office, the Admiralty, the Air Ministry, the Foreign Office, the Colonial Office and the Home Office, and all information about war crimes coming to these departments is sent to the Treasury Solicitor. As the War Office is mainly responsible for matters relating to war crimes, a liaison officer has been appointed between the War Office and the Treasury Solicitor in order to facilitate the collection of information and generally to assist the National Office in carrying out its duties. When escaped or repatriated prisoners of war or civilians arrive in the United Kingdom, they report to the appropriate Government Department in accordance with instructions given to them. The Departments, after interviewing the prisoners of war or civilians, compile reports embodying the facts given to them insofar as they relate to war crimes and these reports are sent to the Treasury Solicitor's Department. These reports are considered by the Treasury Solicitor and, if he thinks that a potential war crime is involved, the case is fully examined and such further information as is available is obtained. In due course the case is registered with the War Crimes Commission.

In addition to information from repatriated prisoners of war and civilians, reports emanating from Red Cross organisations and from communications from prisoner of war camps are also sent to the Treasury Solicitor if they indicate or relate to the commission of a war crime. Furthermore, military intelligence reports, as well as reports from Consuls abroad relating to War Crimes and memoranda submitted by the enemy powers to the protecting power in answer to enquiries about complaints of the treatment of prisoners of war are also made available to the Treasury Solicitor. The Military Authorities also hold Courts of Enquiry in the various war zones, and these, if they relate to war crimes, are also sent to the Treasury Solicitor. By arrangements made with the War Office, a questionnaire is given to all British prisoners of war on their return to this country, so as to ensure that any fresh information with regard to war crimes shall be at once available. The Treasury Solicitor, if he thinks the case is one for investigation, interviews the witnesses available in this country and, where necessary, takes from them sworn statements of their evidence, and arrangements are made with the War Office to keep available all witnesses who may be required at the trial. In addition to sources of information in the United Kingdom a direct channel of communication has been established between the National Office and the appropriate officers at S.H.A.E.F. and C.M.F., so that investigation may be undertaken in those areas. With regard to cases occurring in Greece, the military and political events there have made it impossible to establish any permanent channel of communication, but British Headquarters in Greece are from time to time asked to make investigations on the spot in particular cases where this is possible. In the Far East, arrangements are being made for officers attached to the Judge Advocate General's Department in that zone of operations to make enquiries as to war crimes and carry out local investigations. In the Pacific Islands and Manila, arrangements have recently been made for the cooperation of the Australian Commission presided over by Sir William Webb, Chief Justice of Queensland, for investigation on behalf of the United Kingdom National Office of war crimes in those areas. All cases of war crimes or potential war crimes

are filed and card-indexed and as and when additional information becomes available it is investigated and added to the dossier of the particular case. By reason of the fact that many witnesses are still prisoners of war or for other reasons out of the United Kingdom, it has not been possible in many cases to obtain all the evidence available, but arrangements have been made to ensure so far as possible that, when the evidence is available, it will be obtained.

- (d) The general results so far obtained from investigations have, on the whole, been satisfactory, in view of the fact that a great deal of the required evidence cannot yet be available.
- (e) Charges submitted to the United Nations War Crimes Commission are as follows:-
  - (1) Against Germans, 113 charges have been examined and classified by Committee I of the Commission. A small number of further cases have been prepared or are awaiting preparation and will be submitted to the Commission in due course.
  - (2) Against Italians, 47 charges have been examined and classified by Committee I and about 30 more cases are in the course of preparation. Most of them are awaiting the examination of a number of witnesses repatriated from Italy.
  - (3) No cases have yet been filed against the Japanese, but a good deal of material is being collected and examined.
  - (4) Two charges have been filed with the Commission against Rumanians. "



SECRET

NOC. 2(a)  
29th May, 1945

UNITED NATIONS WAR CRIMES COMMISSION

INFORMATION SUPPLIED BY THE NATIONAL OFFICES AS TO  
THEIR ORGANISATION AND OPERATION

Additional information received  
from Yugoslavia

1. The Yugoslav National Office is called the State Commission for the Investigation of Crimes committed by the Invaders and their Assistants. Its establishment was decreed at the second meeting of the Anti-fascist Council of the National Liberation of Yugoslavia on November 27, 1943, in Jajce (see Attachment 1) and its functions were laid down in the Regulations prescribed by the National Committee of the Liberation of Yugoslavia (see Attachment 2).

Besides the State Commission, there are six Federal Commissions (Serbia, Croatia, Bosnia and Herzegovina, Montenegro, Macedonia, Slovenia), and two provincial Commissions for the autonomous regions of Vojvodina and Kossovo-Metchija. The Federal and Regional Commissions work under the authority and supervision of the State Commission, which, among other tasks, has to coordinate their work. The Federal and Regional Commissions, which use the same methods and follow the same rules as the State Commission, carry out investigations of all war crimes committed in their respective territories, but officially they concern themselves with the criminal acts of only domestic criminals and offenders, while the investigation of the criminal acts of alien (invaders) war criminals and their assistants comes only within the competence of the State Commission. The latter proceeds on the grounds of evidence submitted to it by the Federal and Regional Commission or of evidence it has collected itself.

2. The State Commission is composed of a Chairman, Secretary and five members, and all the Chairmen of the Federal and Regional Commissions are considered as members of the State Commission.

3. The organisation of the State Commission is as follows:

(a) The Administrative Department holds the registers and archives, the index of criminals and their victims and the documentary evidence of war crimes.

(b) The Legal Department works on the evidence that has been collected and draws up drafts of the documents whereby the individuals concerned are formally declared war criminals. Fourteen rapporteurs, all lawyers, mostly judges, are at present employed by this department.

(c) The Investigation Department carries out direct investigations when the facts and evidence submitted by the Federal and Regional Commission are not complete; when a new case has been reported directly to the State Commission; or in cases where the personality of the criminal or the type of crimes requires special attention.

A team of officials conducts special investigations of crimes committed through the medium of printed matter or the daily and periodical press.

(d) The Public Relations Department deals with all the publications of the State Commission, and the release of information to the public, and keeps a record of photographs, posters, etc.

4. The Chairman of the State Commission is Dr. Dusan Nedeljkovic, University Professor, and the Secretary is Dr. Ivan Grgic, barrister.

5. The methods employed by the State Commission and the Federal and Regional Commission are the traditional methods of criminal procedure. The investigations are undertaken on the basis of charges submitted by the public or on the initiative of the Commission itself, ex officio. If there is any danger of the suspected criminal escaping or of his impeding the investigation, he is taken into custody, but this is seldom put into practice at present for nearly all the principal criminals, particularly aliens, are outside Yugoslav territory and out of reach of the Yugoslav authorities. Witnesses are interrogated along the usual lines adopted in criminal law, and are always warned that they must tell the truth and reminded of the legal consequences of making false statements.

When investigating crimes and identifying criminals, the State Commission has, so far, referred chiefly to documents and photographs found in enemy archives and records, as well as to posters and similar documentary evidence.

6. The results that have been achieved so far are satisfactory. The State Commission has, up to date, identified 800 alien (invaders) criminals.

7. The above information is transmitted on behalf of the Yugoslav National Office.

Translation

Attachment 1

DECREE

Setting up the State Commission for  
the Investigation of Crimes committed  
by the Invaders and their Assistants.

1.

In order to determine who is responsible for crimes which the invaders and their assistants have committed and are committing during the war in Yugoslavia, and to find and bring to justice the individuals responsible for these crimes, a State Commission for the Investigation of Crimes committed by the Invaders and their Assistants is set up under the Praesidium of the National Committee of Liberation of Yugoslavia.

2.

The National Committee of Liberation of Yugoslavia shall nominate the members of the Commission and shall prescribe the regulations for its work.

3.

This decree comes into effect immediately.

The Anti-Fascist Council of National Liberation of  
Yugoslavia.

No: 10.

November 30, 1943.

Jajce.

Secretary

(signed) Radosjub Celakovic

Chairman

(signed) Dr. Ivan Ribar



Translation

Attachment 2.

REGULATIONS

Governing the Work of the State  
Commission for the Investigation  
of Crimes committed by the Invaders  
and their Assistants.

prescribed at the meeting of the National Committee of Liberation of Yugoslavia on May 6, 1944 by virtue of the Decree of the Praesidium of the Anti-fascist Council of National Liberation of Yugoslavia dated November 30, 1943.

Article 1.

Task of the State Commission for the Investigation of the Crimes committed by the Invaders and their Assistants is to collect all the facts and evidence necessary to establish that a crime has been committed and to identify the perpetrator of the crime so that judgment may be pronounced by the competent courts against the perpetrators of crimes.

Article 2.

The Commission shall collect particulars concerning the murder, bodily injury, ill-treatment, internment, punishment, arrest, rape and bombardment of peaceful inhabitants, and the burning and looting of their property for the purpose of exterminating them, the acquiring of instruments for the commission of crimes, the deportation of peaceful inhabitants, eviction from or the damaging of private, national or state property or of other goods (cultural, artistic, historical buildings and monuments, etc.) as well as facts concerning acts of ill-treatment of individuals or groups of individuals, the destruction of property or other goods and of acts which contributed to the commission of any of the above or similar crimes).

Article 3.

Facts and evidence shall be collected concerning the perpetrators as well as the organisers, instigators, stimulators, assistants and accomplices who assisted in any way the commission or the concealment of crimes.

Article 4.

Facts and evidence to be collected are the following : statements of perpetrators or their accomplices; statements of witnesses and all persons regardless of their age; who are able to give any evidence or facts concerning a crime or the manner in which the act was committed; documents of any kind, (letters, pamphlets, leaflets, posters, books, newspapers, official documents, etc) issued by anyone (by the invaders, or their assistants, by authorities or anyone else) and in no matter what form; photographs of the object, place and traces of the crime, of the instruments with which the crime was committed, of the perpetration of the crime, regardless of whoever took the photographs; examinations and investigations of the objects of the crime and the instruments with which they were committed; expert opinions concerning the manner in which the crime was committed; as well as all other instruments and objects which can be used as evidence of the crime, place and time of its commission, of the identification of the perpetrators of the crime and his last place of residence.

Article 5.

National authorities and all persons in possession of any evidence or who know where such evidence is to be obtained shall immediately send it or give the relevant information to the State Commission, the Federal Commission or their organs, with appropriate explanations of the origin of the documents, and indications of which crime or which perpetrator they refer to, how the document was obtained, and if it is not sent to the Commission or its organs, indicate in whose possession the document is to be found.

Article 6.

The State Commission shall organize the collecting of statistical details regarding the victims of the terror of the invaders and their assistants, according to place and district, which shall be filled in on forms which the Commission will print and distribute in the national languages of the respective Federal Commissions.

Besides this the State Commission shall conduct enquiries and investigations concerning and collect particulars about mass murders, looting, internment of people, etc. and shall collect detailed descriptions of the manner in which the crimes were committed.

Article 7.

In collecting details of arson, looting and other destruction, eviction from or damage of property, the Commission shall, besides establishing the commission of the crimes and identifying the criminals, assess the value of the damage.

Article 8.

The State Commission shall classify the collected facts and evidence on a statistical basis, and when necessary shall publish the results of its work and investigations, or the contents of particular documents.

The Commission will make an index of the facts and evidence collected, which will include: the Christian name and surname of the perpetrators, and other particulars concerning him, his last place of residence, and the type, place and time of commission of the crime.

Article 9.

The State Commission shall work either directly or through the Federal Commissions which will be appointed for the purpose by the Executive Committees (Praesidium) of the Federal Councils. These Commissions will institute their own organs.

The State Commission shall unify, coordinate and supervise the work of the Federal Commissions. The Federal Commissions will send all facts and evidence that has been collected to the State Commission.

Article 10.

All the authorities, as well as every member of the military services and every citizen, will, at the request of the State Commission or of the Federal Commission or any of their organs, make statements, give information or render any assistance required.



- 5 -

Article 11.

In its work on the investigation of the crimes of the invaders and their assistants, the State Commission is responsible to the National Committee of Liberation of Yugoslavia, to which it will submit progress reports.

Article 12.

The State Commission is entitled to issue, within the framework of these regulations, all the orders and instructions necessary for the fulfilment of the tasks allotted to it.

Article 13.

These regulations come into effect immediately.

For the National Committee of  
Liberation of Yugoslavia.

Chairman, Marshal of Yugoslavia.  
(signed) Josip Broz Tito.

SECRET

NOC. 2(b)  
1st June, 1945

UNITED NATIONS WAR CRIMES COMMISSION

INFORMATION SUPPLIED BY THE NATIONAL OFFICES AS  
TO THEIR ORGANISATION AND OPERATION

Additional information received on 1st June, 1945, from Belgium

1. The Belgian National Office has to date submitted cases of 328 accused of which 261 have been placed on the Commission's Lists. Furthermore, about 5000 cases of war crimes are under investigation at the Belgian Commission of Inquiry; of these, 500 concern crimes which have been committed by Germans who are identified. In about a thousand other cases all the necessary evidence has been collected and the case is almost complete, but it has not yet been found possible to identify the perpetrators. Efforts are being carried out in view of such identification.

2. The Belgian National Office is called "The Belgian Commission of Inquiry on the Violations of the Laws of Nations and of the Laws and Customs of War".

It is a Government Commission which is composed of 6 members appointed by the Government. Finally, the Commission has the task of recording for history a survey of the crimes that were committed in Belgium. As its work proceeds, it will publish reports on each group of Nazi crimes.

The Commission has the widest powers to investigate the crimes that are within its competence and may to this effect request the assistance of any administrative or judicial authorities. From time to time, the Commission sends reports to the Ministry of Justice.

Furthermore, in the Belgian Ministry of Justice, a special service has been created to help the Commission of Inquiry in carrying out its mission, and to prepare alterations to the existing legislation as may be necessary.

M. de Baer.



SECRET

ANNEX III

NOC.3  
May 29th, 1945

UNITED NATIONS WAR CRIMES COMMISSION

NATIONAL OFFICES CONFERENCE

Item 4 of Agenda: Exchange of views and consideration of the way  
in which persons accused of crimes against nationals of several  
United Nations should be dealt with

Paper by Lord Finlay

I have been charged with the duty of introducing the fourth item on the Agenda. For reasons which I shall briefly indicate I suggest that it is probably undesirable that we should seek to formulate conclusions on this matter and, if this is correct, any prolonged discussion may seem to be unnecessary.

This matter was the subject of a draft Convention (C.37 of 25th July 1944) which was submitted by the Commission to the Governments. Reference may in particular be made to Article 5 of that draft Convention:

"The High Contracting Parties may decline to surrender to each other their own nationals and former nationals.

A High Contracting Party may refuse to surrender an alleged offender, if the offence for which his surrender is requested was committed within that Party's jurisdiction.

In all cases where two or more High Contracting Parties request the surrender of the same alleged offender, such person shall be surrendered first to the Government of the State whose national legislation contains the heaviest maximum penalty in respect of the alleged offence regarding which surrender is requested.

Where the maximum penalties in respect of the offences for which surrender is requested are the same, surrender shall first be effected to the Government which first requested the surrender."

It was explained in the letter from the Secretary of State for Foreign Affairs to Sir Cecil Hurst of January 4th, 1945, that his Majesty's Government were unable to take the view that this Convention was necessary or expedient.

This question does not appear to concern the National Offices and for this reason it falls somewhat outside the scope of the present Conference. The Commission can and do offer suggestions and recommendations for the consideration of the Governments but I doubt whether any suggestion or recommendation on this matter would at this moment be expedient or useful.

It is common knowledge that the method of trial of such bodies as the Gestapo and S.S. and of certain major criminals is now under consideration. No question of competing jurisdiction could arise with regard to criminals arraigned before the Court which is envisaged. Who these criminals may be is as yet unknown.

A number of criminals wanted by several countries would probably be commandants, wardens and other functionaries connected with camps whether concentration camps or prisoner of war camps.

It is understood that with regard to some at least of these camps a scheme is under consideration for the trial on the spot of the criminals concerned. It is obvious that, if such a scheme were brought into operation with the consent of the Governments concerned, no question of competing jurisdiction could arise with regard to criminals tried under such a scheme.

Considerations such as those I have briefly adverted to suggest that this problem may not be so large in its scope as might at first appear. That some cases will arise in which a criminal is claimed for trial by two or more nations is probable. I should suppose that these cases could generally be adjusted between the parties concerned. In the absence of such adjustment the matter might have to be decided by the military authority in whose custody was the criminal wanted.

In all the circumstances -- and a great deal more might no doubt be said or written on this matter -- I suggest for consideration that this problem, being one with which the National Offices are not concerned, is not one on which this Conference need spend much time nor formulate any conclusions.



SECRET

ANNEX IV

NOC 4.

2nd June, 1945.

UNITED NATIONS WAR CRIMES COMMISSION

NATIONAL OFFICES CONFERENCE

ITEM No. 5 of the AGENDA

Cooperation between National Offices and the War Crimes Commission with a view to preparing evidence and charges against enemy key-men who have not yet been indicted by National Offices.

Paper by M. de BAER (Belgium).

The appearance of the Commission's Lists Nos. 7 and 9 seems to have caused some misunderstandings. It seems to have been assumed by some of the National Offices that the effect of these Lists 7 and 9 is that persons mentioned upon them are listed as war criminals and that no further steps are necessary to bring about their punishment.

Such is not the case. Contrary to Lists 1-2-3-4-5-6 and 8 the effect of which will be not only the apprehension of the accused but also their surrender to the country where they are to be tried, the effect of Lists 7 and 9 is merely that the military authorities that are occupying Germany are charged with the task of finding and apprehending the persons mentioned on the Lists. If after their apprehension there is no National Office or Government or Prosecuting Office that brings charges against them and demands their delivery for trial, these persons will have to be released.

It is also being assumed by some that whereas it is the duty of the National Offices to investigate all war crimes that have been committed within their own territory, it is the task of the War Crimes Commission to investigate the crimes that have been committed elsewhere (e.g. in Germany) or those that have "no particular geographical localization". It should be made quite clear that this is not so: in respect of the investigation of war crimes the task of the United Nations War Crimes Commission is merely to receive cases from the National Offices and, after due examination thereof, to draft the lists of persons to be apprehended. Detection work and the preparation of charges is the work of the National Offices.

It is true that the Commission has, in fact, collected some information about various persons, especially those in high places, concerning their participation in the gangster policy of the Third Reich. The amount of the information thus collected is already considerable and it is increasing every day but it is merely collected for an informative purpose, and it is for the National Offices to make such use of this information as they think fit. To date, very little use has been made of this information.

x x x

In order to avoid any disappointment or misunderstanding it is important that the National Offices should know the present state of affairs, especially in respect of the leading personalities of the Reich.

There are, first of all, the members of the German Government and of the Nazi party who are responsible for framing the policy of

terrorism and extermination, in complete disregard of the Common Law of Nations. Some of these men have been accused - by one or more National Offices - of participation in specific war crimes and have accordingly been placed on lists. These men will be handed over to the governments at whose request they have been listed. Others, however, have not been accused by any National Office, and the consequence thereof is that, although they bear a heavy responsibility in the crimes that have been committed, they may escape punishment.

Secondly, there is the class immediately below the top men: Gauleiters, high officials of the Nazi party, of the German administration in Germany and in the occupied countries, Commanders of the Army, Navy, and Air Force, of the SS., the SA. and the Gestapo, etc. A few have been accused of participation in actual crimes or in the framing of terrorist policy, but the majority of them, although equally responsible, have not been accused. The War Crimes Commission has tried to fill this gap by issuing Lists 7 and 9 in the hope that the persons mentioned upon them would not be overlooked.

It cannot enough be stressed that if the National Offices wish to see a just punishment imposed upon these men they should investigate these cases themselves and bring charges against them.

x x x

It has been assumed by some that the United Nations would impose punishment upon these men, and recent Press reports have given some consistence to this rumour.

It has been namely reported that on May 2nd, President Truman, seeing that the other United Nations had not framed the machinery to punish the leaders and principal agents of the Axis, has taken the initiative of proposing that these accused be brought to trial before an International Military Tribunal. The President had appointed Mr. Justice Jackson to prepare the prosecution in the name of the United States.

On the other hand, during the last week, it has been reported that the British Government did not concur with this view and intended that the imposition of punishment should be made by executive decision. To those who know the high tradition of fairness of the British Government, it is impossible to believe that such executive decision will be taken without giving the reasons for the punishment of each individual and without the accused being given a chance to present his defence, at least in a summary way.

Therefore, whether the punishment is to be imposed by an International Military Court or by means of a political decision, it is essential that charges as precise as possible be brought against these persons.

One of the purposes of this Conference is to point out this necessity to the National Offices. The War Crimes Commission will give them all the help it can to build up these cases but it is for them to take the initiative.

A few examples of what can be done in this field will be given as illustrations during the Conference.

Furthermore, it is hoped that the organisations set up by S.H.A.E.F. in enemy-occupied country, which are operating on the spot, and should have access to the records and archives of the German administration, will co-operate in this work of investigation, namely, in respect of the persons mentioned in the Commission's Lists Nos. 7 and 9.



To sum up: The majority of persons mentioned on Lists Nos. 7 and 9 have not been charged by the National Offices as war criminals. Nevertheless, the War Crimes Commission had reasons to believe that those persons are among those who bear a heavy part of the responsibility. The Commission invites the National Offices - and also S.H.A.E.F. - to collect as much information as possible about the activities of these persons. The National Offices are invited to bring charges against them. Only a close co-operative effort between the National Offices, S.H.A.E.F., and the War Crimes Commission will succeed in satisfying the public demand for justice.

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SECRET

ANNEX V

NOC. 5.

2nd June, 1945.

UNITED NATIONS WAR CRIMES COMMISSION

NATIONAL OFFICES CONFERENCE

Item 6 of the Agenda

ESTABLISHMENT OF CLOSER CONNECTIONS BETWEEN THE UNITED  
NATIONS WAR CRIMES COMMISSION AND THE NATIONAL OFFICES  
AND THE STRENGTHENING AND ASSISTING OF THESE OFFICES

Paper by Dr. R. Zivković.

I have been requested to put forward in a short report the question of the establishment of closer connections between the United Nations War Crimes Commission and the National Offices of the Governments represented on the Commission.

I. The Present Position.

In the first place, it should be pointed out that, up to date, relations between the War Crimes Commission\* have been chiefly confined to the submission by the latter of charges against war criminals to the War Crimes Commission. Apart from that, the War Crimes Commission has prepared a number of informative reports which it has been sending to the National Offices. This link between the War Crimes Commission and the National Offices has been maintained through the delegates of the various Governments and the War Crimes Commission. Some of the delegates represent not only their Governments, but also, at the same time, their respective National Offices, whereas others only represent their Governments.

Such is, in short, the present position which we have to consider.

II. The Investigation of War Crimes.

The link that thus exists in the present position is maintained within the scope of the investigating function of the War Crimes Commission for the following purposes:

- (a) That the war criminals charged by the National Offices be inscribed on the lists of the War Crimes Commission.
- (b) That these lists be transmitted to the Allied military authorities, in order that these authorities can proceed with the detection and apprehension of war criminals and their eventual surrender to the authorities envisaged in the Moscow Declaration of November 1, 1943.

In respect of this link, it is desirable that a close co-operation should be established between the War Crimes Commission and the National Offices.

One of the fields in which such a closer co-operation is desirable is the field to which General de Baer has drawn the attention of the Conference in his report, that is to say, that the War Crimes Commission and the National Offices should together prepare evidence and charges against enemy key-men, who have not yet been indicted by the National Offices.

Apart from that, I think that the following two questions belong to the same field of co-operation:

- (a) That the War Crimes Commission should collect on its own initiative, wherever possible, particulars and evidence not available to the National Offices, regardless of

\*and the National Offices



whether the Commission itself will use them or will transmit them to the National Offices concerned. This was one of the activities that the Commission decided many months ago should be entrusted to a Central Investigating Officer (Doc. C.66/1).

- (b) That the War Crimes Commission should act as an intermediary, when requested by a National Office to undertake investigations on its behalf, either through the Allied military authorities concerned (in enemy territories), or by sending the request to the National Office of another Allied country (in Allied territories).

The above two aspects of co-operation would cover almost all practical requirements in regard to the function of investigation.

But, this is not the only function of the War Crimes Commission and the National Offices.

### III. The Apprehension and Surrender of War Criminals.

We know that the United Nations Governments have not formed a permanent, special and common body to supervise the carrying out of the chief consequences of the investigating function, i.e. of the apprehension and surrender of war criminals. They have, or they will have, military and/or political bodies in the territories of enemy states which bear a general responsibility for all questions that have to be dealt with in connection with the occupation and administration of these enemy territories. There is no practical co-ordination between these bodies, nor is there any common survey or common centre of information, or any co-ordination in respect of their particular activity in the specific field of war crimes.

I would say that the United Nations Governments had no need to set up such a particular central body, for the very simple reason that they have already established the United Nations War Crimes Commission. Practically speaking, it has been left to the War Crimes Commission to take such initiative as it should deem necessary on all questions regarding war crimes. Moreover, in view of the position that I have described, it can hardly be expected that the United Nations Governments will undertake the required steps, without the initiative of the United Nations War Crimes Commission.

The following may serve as illustrations of such a state of affairs:

- (a) The apprehension of war criminals has not yet started on an equal basis in all the enemy occupied countries; for example, while it has now begun in Germany, nothing has been undertaken in Italy.
- (b) The surrender of war criminals on the lines laid down in the Moscow Declaration has not begun at all.

Therefore, at the present stage of events, when all the enemy states in Europe have been occupied, and all the Allied territories have been liberated, it is clear that this question of the apprehension and surrender of war criminals acquires an importance of the first magnitude, as great as, if not greater, than the questions relating to the investigation of war crimes.

That is why I think that this question deserves the greatest attention of the Conference when it considers the establishment of closer co-operation between the War Crimes Commission and the National Offices.

The War Crimes Commission is the channel through which war criminals who are on the lists of the National Offices have to be apprehended and surrendered to the courts of the countries concerned. On the other hand, the National Offices are the bodies which are responsible to their Governments for ensuring that the war criminals on their lists are apprehended and surrendered. Thus, the relationship that exists in this respect between the National Offices and the War Crimes Commission appears quite clear. But what is not so clearly defined is when it will no longer be a question of the mere transfer of the names of war criminals from the lists of the National Offices, through the lists of the War Crimes Commission, to the military authorities which have to apprehend them, but of ensuring that these arrests are carried out and that the war criminals, who are apprehended, are in fact surrendered to the States who have requested their surrender. In this connection we can envisage two courses of action:

- (a) Direct diplomatic contact between the Government requesting the surrender of the war criminals and the Government, whose military forces have to carry out the surrender. Here the National Office acts through the Department of Foreign Affairs of its Governments.
- (b) The National Office acting directly through the War Crimes Commission, which then appears as an intermediary between the National Office and the apprehending authorities.

What is important is that this second course of action appears, with a number of countries, as the most natural course, because in these countries the National Offices are vested with a special competence and do not act at all through the channels of their Department for Foreign Affairs, but directly on behalf of the Governments.

The first course is left chiefly to those countries whose National Offices are not vested with a special competence and must act through diplomatic channels.

Such differences in the demarcation of the competence between the National Offices and the Diplomatic Services of their Governments, shows in any case that with a number of countries, the War Crimes Commission remains or becomes the institution which should play the rôle of a central intermediary organ in the question of the apprehension and surrender of war criminals.

This is one of the most important aspects of the co-operation between the War Crimes Commission and the National Offices that should be defined by the Conference.

#### IV. Other Aspects.

It is a matter of course that, apart from these, there is a certain number of minor aspects of such a co-operation that should be considered as well. They will certainly emerge as the result of the discussion that will follow my report, and that is why I leave them aside here.

#### V. National Offices not represented on the United Nations War Crimes Commission.

However, before concluding, I wish to draw attention to yet another important question when speaking of the establishment of closer connections between the War Crimes Commission and the National Offices. And that is the question of the co-operation with the National Offices of the countries that are not represented on the War Crimes Commission. I refer here more particularly to the Soviet National Office. I believe that I shall be expressing the common view, when I say that the absence of our Soviet Ally in our common work on war crimes is greatly felt. This causes not only a



great gap in the fulfilment of our tasks, but is also a great obstacle to our efforts to overcome the difficulties of a practical and political nature.

We know that this absence is due to purely diplomatic reasons, and not because the Soviet Government and their National Office were unwilling to co-operate. We know that these diplomatic reasons still exist. I think, however, that this Conference should in any case consider the possibility of establishing any kind of co-operation with the Soviet National Office, without prejudice to diplomatic relations.

These are the problems to which, I consider, answers should be found, and I am confident that if I have overlooked some other problem that should have been included in my report, this gap will successfully be filled with your assistance.

SECRET

ANNEX VI

NOC. 6  
31st May, 1945.

UNITED NATIONS WAR CRIMES COMMISSION

NATIONAL OFFICES CONFERENCE

CHAIRMAN'S INTRODUCTORY SPEECH

The Conference is meeting at an important moment in the history of the United Nations War Crimes Commission and its associated agencies.

The time has now come when the mere collection of material must change over into action. Action here means the trial of criminals and their conviction, sentence and punishment where appropriate. That is the goal to which we have all been working. Justice to be effective must be expeditious, any avoidable delay is certainly mischievous and may be fatal to the attainment of the object which is sought, that is the punishment of the criminals for the double purpose of retribution to satisfy the people's demand for justice, and of warning and example to deter such crimes in future.

At this stage the part taken by the National Offices is of primary importance. It is well known that the machinery for the punishment of war criminals involves a complex interlocking system composed of the Commission, the National Offices and the Military.

The Commission, an international body, not the creation or creature of any one Foreign Office, was constituted at a meeting of the Ministers or other representatives of the United Nations in October 1943. Its object as defined in the official report of the meeting was to investigate war crimes and to report, wherever possible, the names of the perpetrators to the Governments. The word "investigate" was susceptible of a narrower or a wider interpretation. It might have meant the whole scope of criminal investigation, all the detective operations of whatever kind and in whatever place, necessary for the complete uncovering of the crimes and criminals. That would have involved a complete detective system,



directed from some central office, and operating by means of staffs of detectives pursuing their investigations in whatever part of the world the case required, but directed by and responsible to the Commission which could then prepare and present the complete material for prosecution in each case.

I understand that in Russia there is such a Corporation or Commission which takes up each case, (for example, at such centres as Kharkov) and as soon as possible when the place or area is liberated, holds a full enquiry and publishes a report, listing the names of the persons charged. Thus the whole case is prepared and is ready for bringing into Court.

But when the United Nations War Crimes Commission was charged with investigating crimes, a much narrower function was intended and understood. It was provided with no machinery for investigation in the full sense; it had no detective organisation or staff. What it had to do was to "investigate" the statements sent into it in order to report whether a prima facie case of a war crime was shown, and report to the governments accordingly. This has been treated as the primary function of the Commission from the outset.

It was thus necessary to have some body or bodies to conduct the detailed detective enquiries in the appropriate localities. That duty was imposed on the National Offices. These offices were established and maintained by each of the United Nations. Each office was the creature of the particular nation which established it. The Commission has no effective control over the National Offices. But a general advisory capacity was vested in it in April 1944, when the idea of having a separate subsidiary Commission to consider legal questions was abandoned and instead the Commission established Committee III to deal with such matters, the Commission has thus been led to look into the constitution and procedure of the National Offices because it is clear that if they do not perform their duty properly in collecting material for charges and reporting charges to the Commission, the whole system will break down or be at least protanto ineffective.

The result has been that this Conference has been called to discuss the whole position of the National Offices and to consider among ourselves how best to promote the efficiency of the system. We shall be helped also

by examining and collecting the different Replies which have been circulated to the questionnaire which has been addressed to the offices. Assuming as we do that it is one of the major purposes of the victory that due justice should be done to the criminals, and assuming that the role played by the offices is vital, the whole question is of first importance. It requires full, frank and candid discussion in all its aspects.

When I examine the Replies I notice that in the majority of cases the National Office is a separate Commission or organisation with a staff of its own. One very admirable system, is that of the French National Office as stated by Professor Gros (p. 8 of Replies).<sup>(1)</sup> It has both a central Directorate and regional services throughout France and also liaison officers in other countries. It may take up any case on its own initiative and has full detective powers.

Another office which is excellently organised is the Polish National Office. It has on its staff 11 legal members. It is in its activities largely independent, subordinated directly to the Minister of Justice.

By contrast to these two countries where the crimes complained of were mainly during enemy occupation, the Office of the United States may be considered. That office was established in Washington, D.C., in September 1944 under a directive of the Secretary of War. It is directed by Brigadier General Weir and is in the office of the Judge Advocate General. It has branch offices in Paris, in the Mediterranean Area, in the Central Pacific and Southwest Pacific Areas. Its present staff is 29 officers and 45 civilians, specially qualified by experience in the investigation of criminal cases. There is also a naval contingent. The methods of the office are explained at p.13 of the Replies.

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(1) Annex II.



The Office of the United Kingdom is a branch of the Treasury Solicitor's department and is under the charge of Mr. P.H.B. Kent. All information about war crimes is sent from the various departments to the Treasury Solicitor, Sir Thomas Barnes, who is the head of the National Office. So also is information from various sources overseas.

When the Replies were filed, Czechoslovakia was still under enemy occupation, but a very active National Office was functioning in London, drawing its material mainly from the Underground movement and from escaped prisoners and other quarters.

Of the Dominions, Canada has only recently acceded to the Commission. Australia has appointed Sir William Webb as War Crimes Commissioner, and has presented, besides other cases, the only Naval charge so far brought before the Commission. This fact is interesting when the great extent of the naval operations is remembered. (See Annex.)

I have sufficiently illustrated the widespread activities of some of the National Offices. At the present moment a most important task of the National Offices is the question of repatriated prisoners of war and released survivors of the concentration camps. The former would naturally be the duty of the National Office of the country to which the prisoners belong, and the latter would fall to the lot of the National Offices of the different countries of which the various inmates were subjects. Each camp would normally include nationals of many countries. These are both urgent and immediate tasks if anything like complete investigation is aimed at.

But, in addition, in the case of the liberated countries, there is an enormous unexplored field. The investigation of atrocities committed in each country by the Germans during the occupation, mass murders, mass deportations of slave labour, forced prostitution, torture, looting, etc. Thus, Dr. Zivkovic, who has recently come back from Yugoslavia, reports that he has brought back a large number of cases for submission to the Commission. There are certainly great masses of atrocities to be examined and reported from Norway, Denmark, Belgium, Holland and Greece. All this calls for arduous exertions from the respective National Offices. In Germany, since its occupation, the respective National Offices will have to send investigating teams to cooperate with the military in collecting evidence and tracking down witnesses and criminals in Germany.

The whole idea of the system was that the United Nations should each do its own work in bringing to justice those enemies who committed offences against its nationals. The root idea was self help, but the guidance and assistance of the military and the Commission each in its special sphere was also envisaged.

The rule of conduct embodied in the Moscow Declaration of November, 1943, carried the principle of national self help still further, indeed into the sphere of trial. Those who have been called ordinary criminals (though their crimes were extraordinary) were to be sent by the military, after apprehending them under the charges listed by the Commission, to the countries in which they had committed their atrocious crimes, there to be tried by the laws of the several countries. The idea no doubt was that the local witnesses would be readily available. The National Courts would decide what laws and what procedure were applicable. The material for trial would be that provided by the National Offices.

The case of the major criminals, or in the convenient phrase the Key Criminals, was specially reserved by the Moscow Declaration to be dealt



with according to the decision of the Governments. This was a little vague, but many of the most outstanding of the major criminals have solved the question by taking their own lives or have been liquidated. But a great many are still left including gauleiters, regional governors, camp commandants, military commanders, and others whose offences though committed against Allied nationals were committed on Axis territory. The National Offices have a duty in investigating such cases as they are doing, for instance by means of investigating teams sent out for the purpose, such as that now operating in Germany under Dr. Ecker. I have sufficiently outlined the methods and principles of procedure which will apply mutatis mutandis to the Eastern theatres of war.

The primary function of the military was to apprehend the criminals named in lists issued by the Commission of persons against whom there is a prima facie case of war crimes. The rapidity with which the victorious armies have advanced has certainly simplified matters in the case of some of the more notorious criminals, great numbers of whom have fallen into the bag. But as regards the vast crowds of less conspicuous offenders, the military have in the main to rely on the lists supplied by the Commission, which principally depends on the information provided by the National Offices. These lists so far do not include many thousand names, but even so the task of identification is extremely difficult. It is being attacked with great determination and ingenuity by the military organisation. I do not know how many suspects have been already identified and arrested in the screening process employed by the military authorities, but it is I feel sure very large. The military authorities in screening the enemy prisoners do a great deal of identification.

The campaign of racial extermination of the Jews has special features which do not generally fall within the sphere of the National Offices, as for instance the case of German Jews murdered in Germany. But the most numerous cases of mass extermination of Jews have occurred in occupied territory or concern Jews carried out of Germany into occupied territory to be exterminated as in the notorious concentration camps like Maidensk and others. Where the Jews belong to one of the United Nations, its National

Office would normally collect evidence and submit reports, as for instance has been done or is being done by the Polish National Office. The Jewish problem has special features of its own and will need special examination. The Commission has, however, power to act on its own initiative in listing offenders and has done so in its Seventh and Ninth Lists of Key Criminals.

There is much more that I could say about the work of the National Offices, but we are here in this Conference beginning a detailed survey of what they have done and will do. I must devote the rest of my observations to the activities, actual and prospective, of the Commission.

I have indicated its primary functions and its general scope. If I were to sum it up in a few words the Commission's primary function is to act as a sort of committing magistrate. It is also a central clearing house for the records and is thus able to classify and compare the cases and frame general charges of conspiracy in crime. It also advises the National Offices in their task. It is thus able to bring an impartial judgment at the international level. That makes it impossible to say when arrests are made of persons listed by the Commission that they are made on the partial unchecked statement of a single government or nation. This is a vital element in the whole scheme which aims at justice not revenge. The Commission stands as the public embodiment of justice and of international law in the particular sphere of war crimes.

It may be said that there have been many wars in the past and it may be asked why all this has not been done before. But surely it is an answer (up to a point) that no war in the past has been marked by the deliberate and systematic cruelties and atrocities which have characterised this war. It would be a sad thing for mankind in the future if such deeds passed without the judgment of the conscience of mankind being passed on their criminality, not merely by academic censure or rebuke, but by accusation of the malefactors (so far as they survive) and their trial before properly constituted courts, vindicating that there is an international law able to deal with such crimes and a machinery to punish them - and international law which, in Roosevelt's words, "has teeth".



The Commission has, in its advisory capacity, examined the nature of that law and the appropriate Courts to enforce it. I have already adverted to one type of Court, the National Courts. There is also the Military Court, or the Mixed Military Court either of which may be established by the Commander-in-Chief or by the heads of the Allied Military Control in the respective areas of their jurisdiction. This is a Court long recognised by International Law. The Commission last year examined its nature and functions.

President Truman in a press communique a little time ago, said that "It is our objective to establish as soon as possible an international military tribunal and to provide a trial procedure which will permit no evasion or delay - but one which is in keeping with our tradition of fairness towards those accused of crime. Steps to carry this out are actually under way". This is not inconsistent with the use of National Courts to which I have referred. In any event it is an alternative method. But so far as my present thoughts have taken me, trials before National Courts could not be worked except in the case of individual accused and of localised offences. The special feature of the Nazi or Fascist crimes is that they are not merely done on an unprecedented scale over the whole range of military operations and enemy occupation, but that they exhibit every trace of a general scheme; they all clearly emanate from a master criminal and his entourage and are carried out according to plan by elaborate organised agencies and instrumentalities - that is by individuals acting under common direction and in common concert. This mass criminality has been forced on the attention of the Commission and has caused them to consider special methods of dealing with it. In particular experience has made the Commission realise that membership of a particular organisation which has systematically organised and effected the perpetration of atrocities is prima facie evidence of guilty complicity: I say prima facie, because it might be possible for an accused member to show that he was in no way implicated. He might displace the prima facie evidence if he could produce adequate proof. This would apply for instance to members of the German Government.

In the same way membership in a body like the Gestapo or a particular section of it might in proper cases raise a prima facie presumption of implication in atrocities committed by the Gestapo or a particular section. On similar principles, where the evidence is not so clear against particular members, the Commission has recommended that all members of the Gestapo or particular sections of the S.S., should be held in protective custody if they be apprehended apart from proof of any specific offence.

The general character of the atrocities which have to be considered is conveniently indicated by the word terrorism. The word is thus used in a pregnant sense, and the plan according to which they are carried out at different times and in different places, has been conveniently described as "the pattern".

To explore these ideas is peculiarly the function of the Commission, which as a clearing house of charges, is acquiring the material to compare and classify, to point to common features, and to trace the crime from the actual perpetrators to the central mind or authority, such as Hitler or Goering right through the intermediate agencies, often by a chain of orders or directives passing down the line, and to analyse the element of common purpose or conspiracy. As material has accumulated this is becoming increasingly possible and is engrossing the attention of the Commission. For instance there are the extraordinary similarities between the different concentration camps, and between the crimes of destroying villages and their inhabitants, which have been committed in different parts of Europe.

The Commission has also established special lists of suspects and witnesses, and has established lists of "Units" of greater or less size, in cases where organised bodies of men, generally military, have been concerned in an atrocity and it is impossible to identify the hand of the individual wrongdoer.

All these considerations and many more illustrate the importance of the functions of the Commission. What is being dealt with is not merely the particular wickedness of the individual wrongdoer, but that wickedness as an item in a concerted whole. But the individual crime is itself of so heinous



a character that no one could be heard to say that he did not know of its criminality. .

If the Court is a national Court it may apply its National Law, because the atrocities are such as to be crimes by every civilised law. But there is also the customary Law of Nations, which is to a large extent embodied expressly or by the general covering words of the Preamble of the Hague Convention of 1907 on the Customs of Law on Land and similar naval and air conventions, all of which may be taken to represent the conventional or customary or common law applicable in such affairs and accepted by the consensus of the nations.

I do not appreciate how the question of the appropriate tribunals which confused people's minds so much at the end of the last war, need now give any trouble. But the Commission has elaborated a system of inter-allied Courts to be established if need be, by treaty between the allied nations, which would take care of trials if there should be any which lay beyond the scope of the National Court or the Military Courts. Perhaps the occasion for such Courts may never arise.

The Commission has also formulated a scheme under which it could constitute a central advisory bureau, a sort of liaison department, which without encroaching on the activities of the National Offices or the military could bring together and harmonise them or at least give the benefit of its wider experience to those other bodies and so lead to complete co-operation and effectiveness.

It is in this spirit that we meet at this Conference. There have been difficulties in securing the necessary personnel for the Commission but it hopes to overcome them. It has recently appointed two officers, called legal officers, one from Czechoslovakia and one from Poland, to help in the task of examining the cases sent in from the National Offices and generally to aid the National Offices in the preparation of cases. The number of such officers may usefully be increased. Another officer shortly to be appointed is a Public Relations Officer. Until recently complete secrecy was enforced and

observed by the Commission. This led to several attacks upon it in the Press, to which it could not reply. The principal reason for this secrecy was the fear of reprisals by the Germans on our prisoners of war. But this reason no longer exists, at least in the European sphere of operations. I think on this side at least of the world, the doings of the Commission need not be kept secret except perhaps in very special cases. Secrecy is always undesirable if it can be avoided. I hope that in the Far East it will only be enforced or observed where necessary, for instance for reasons of security or to avoid the risk of reprisals. It is intended to publish a statement of the doings of this Conference and the matter has been placed in the hands of a Public Relations Officer.

I have in the main limited myself in these observations, necessarily incomplete, to the European theatre of operations, leaving out the Russians who have their own most efficient Commission. Some liaison between these two Commissions may gradually grow up. But the Chungking Sub-Commission and the various offices operating in the Far East and the Pacific are of great and growing importance. The Commission has an important duty in regard to them.

Let me finish as I began by emphasising that the time for action has begun. From the first moment that I became a member of the Commission I have wondered how long it would be before trials could begin. Now the time seems to be within a measurable distance. This is action. The Commission has suffered much reproach and depreciation. But it has kept its course. It has at least held aloft the banner of international justice. It has been a rallying centre for those who had that justice at heart. It would have been a sad day for the future of mankind if justice were not vindicated. I feel that justice will be vindicated this time. Future ages will be able to say that the deep seated common instincts of humanity have now at last found expression in acts of just retribution. The suicide of so many of the criminals cannot well be ascribed to the pangs of conscience but should be attributed to the fear that if they cannot escape apprehension by the Allied armies, they are not



likely to escape the just action of the United Nations or just retribution for the innocent blood they have shed or the unutterable tortures they have inflicted on their helpless victims.

This is the goal to which our efforts and toil have been directed. Many difficulties have been faced. Much discouragement overcome. The end is worth while. Fiat justitia.

SECRET

ANNEX VII

NOC. 7  
31st May, 1945.

UNITED NATIONS WAR CRIMES COMMISSION

NATIONAL OFFICES CONFERENCE

Items 2 & 3 of Agenda

THE ESTABLISHMENT AND MAINTENANCE OF A CENTRAL  
RECORDING OFFICE, THE POOLING OF INFORMATION ON  
WAR CRIMES, AND THE ESTABLISHMENT OF A UNIFORM  
INDEXING SYSTEM AND USE OF UNIFORM MACHINE RECORDS.

Paper by Colchel Hodgson (U.S.A.)

The second and third subjects on the Agenda are as follows :

- "2. Establishment and maintenance of a central recording office and pooling of information on war crimes:
  - (a) Information actually available in the War Crimes Commission;
  - (b) Supply of information by the Commission to the National Offices;
  - (c) Supply of information by the National Offices to the War Crimes Commission.
3. Establishment of a uniform indexing system and use of uniform machine records".

These subjects will be discussed seriatim.

I.

At present two classes of agencies are detecting, investigating, and recording evidence of war crimes :

- (a) The national offices of the Governments.
- (b) The military agencies with the several Allied headquarters.

There are sixteen separate national offices, set up by the Governments pursuant to a recommendation of the United Nations War Crimes Commission, detecting, investigating and recording evidence of war crimes, each one acting on behalf of one of the sixteen member Governments (Doc. NOC.2). In addition, the Soviet Extraordinary State Commission is performing the same function for the U.S.S.R. Each national office is a separate and distinct organisation which performs its functions on behalf of its Government independently and, so far as is known to the Commission, without regular liaison or exchange of information and evidence with the other national offices or the Soviet Extraordinary State Commission. Thus, when crimes are detected and investigated by these sixteen separate operational agencies, the information and evidence are filed and recorded in sixteen completely separate and independent offices. Except for the Government of which a national office is a part, presumably no other Government has knowledge of or access to its records.



This, as has been repeatedly pointed out in the Commission, results in sixteen water-tight war crimes compartments.

In addition to these sixteen separate agencies, the several Allied military headquarters, through their personnel, intelligence and military government sections, have discovered war crimes and collected and recorded evidence in respect of them. These agencies, acting on an international level, are separate and apart from the many national offices.

The records of the Commission do not remedy this situation :

- a. The cases sent to the Commission, at the most, are mere summaries of the basic evidence in the possession of the national offices.
- b. Cases in the mentioned form are ordinarily sent to the Commission only when they are believed to be reasonably complete. Information in respect of other cases is retained by the national offices.
- c. Some governments have filed no cases and others only a few cases with the Commission.

In view of the mentioned situation, it is believed that consideration should be given to the establishment and maintenance of a central war crimes recording office or of some other acceptable means for the pooling of information on war crimes.

The principal reasons for the establishment of a central recording office are the following :

- a. That by the complete recording and analysis of evidence in a central office it could be shown that the Axis Governments committed a pattern of war crimes throughout the areas of their operations. The constant recurrence of war crimes of well-marked types is, itself, strong evidence that the crimes were committed in pursuance of a policy dictated by the Axis Governments to serve a particular object or objects and that they were deliberately ordered or encouraged for that purpose. This evidence, therefore, fastens upon the heads of state and the officers holding key-positions responsibility for the crimes. This evidence could be readily developed by a central recording office.
- b. That by the complete recording and analysis of evidence in a central office it could be shown that particular organizations or units had systematically committed war crimes. The constant recurrence of crimes committed by particular organizations or units is, itself, evidence that the organizations or units were criminal organizations and that all of their members are responsible for their crimes, either as principals or accessories. Also, in other cases, it may be assumed that the organization or unit commanders were parties to these crimes since they must have had knowledge thereof. This evidence could be readily developed by a central recording office.
- c. That the complete recording and analysis of evidence in a central office would facilitate the preparation of cases against the major war criminals and against those persons holding key-positions in the Governments.
- d. That the complete recording and analysis of evidence in a central office would facilitate the preparation of cases where the crimes were committed against the nationals of a number of nations.
- e. That the complete recording and analysis of evidence in a central office would facilitate identification and apprehension of war criminals. All of the evidence would be brought together, and, while the evidence in possession of any one office might be insufficient to identify the persons responsible for a crime, all of it, when brought together, might very well identify all of the persons.

f. That the complete recording and analysis of evidence in a central office might help to supply substantial deficiencies in cases by bringing together fragmentary evidence in the possession of several national offices. The evidence of one office might complement that of another office.

g. The records of a central recording office would form a complete historical record of Axis war crimes.

On the other hand, there are reasons which oppose the creation of such an office:

a. The labour and expense of copying and reproducing all information and evidence would be great. It would involve the use of employees who might be needed for other duties. Some national offices might be unable to assume such a burden. Other offices might feel that they could employ their funds and personnel more profitably upon other work.

b. Some evidence is not of a character that it can be copied or reproduced.

c. The central recording office might be located at a distant point from some national offices. This might impair its value to such offices.

d. It might take too long a time to copy, transmit, record, index and analyze evidence in respect of war crimes committed in Europe for the services of such an office to be of any value in the prosecution of European Axis war criminals.

e. The opening of each national office, with its records, to the representatives of other governments, and the attaching of liaison officers by each government to the offices of other governments may be an acceptable substitute.

## II.

At present each national office apparently uses a different indexing system for information and evidence. The index cards are not only different, but in most instances are so incomplete that they are of no value to any office other than the one in possession of the basic records.

In view of this situation, it is believed that it would be of value to consider the adoption of a uniform indexing system by all of the national offices.

The adoption of a uniform system would make it possible, by the more exchange between national offices or between the national offices and the Commission of summaries and index cards (punch cards), to readily exchange much information. Thus, if all offices used the same system to index all information and evidence, by exchanging the index cards, which reflected the presence of such information and evidence in the files of each office, all offices would have knowledge of the existence of the evidence, even though they did not know its precise character. The latter could only be determined by an examination of the basic records.

For example, if a uniform index card (of the punch-hole variety)



were adopted, and, among the 999 items which can be shown on such a card, there was one in respect of the character of the crime showing "murder" and one in respect of the organization or unit of the accused showing "Gestapo", a reference to all of the cards would show all of the crimes of murder known to have been committed by the Gestapo. It would show not only this information, but the offices where the basic evidence was available. Thus, all offices would have an indication of the evidence available elsewhere. This would be of value in developing patterns of crime, in showing the criminal character of certain organizations, and in piecing together fragmentary evidence.

It is hoped that a discussion of this subject will develop descriptions of the systems now in use in the several national offices, the probability of adopting a uniform system, the development of a uniform system, and its adoption and use by as many national offices, as possible.

SECRET

ANNEX VIII

NOC.8  
2nd June, 1945

UNITED NATIONS WAR CRIMES COMMISSION

NATIONAL OFFICES CONFERENCE

Texts submitted by the Sub-Committee of the Meeting  
of National Offices Delegates

I

There should be established as part of, or under the supervision of, the United Nations War Crimes Commission, one or more central recording offices (in Europe and in the Far Eastern and Pacific area) for the purpose of centralising information concerning the apprehension and final disposal of the accused who have been placed on the Commission's Lists, and of pooling general information on war crimes. So far as the European area is concerned, the S.H.A.E.F. Central Register of Criminals should be made the nucleus of the central recording office of the United Nations War Crimes Commission.

II

The accused persons mentioned on the War Crimes Commission's Lists <sup>should</sup> be handed over without delay to the country that has requested their surrender, and the War Crimes Commission should be informed as soon as such surrender has taken place; the Commission should take every step, within its jurisdiction, to ensure that the surrender is effectively carried out.

III

The surrender of persons by the military authorities of one of the member Governments of the War Crimes Commission to another ~~should be~~ confined to persons figuring on Lists approved by the War Crimes Commission.

IV

In respect of persons whose delivery for trial has been requested by several United Nations, the War Crimes Commission should be charged as arbitrator to decide the order in which the accused shall be tried by the said countries.

V

<sup>should</sup>

The War Crimes Commission <sup>should</sup> be authorised to indict before any United Nations (Interallied) Court which may be instituted, after due investigation, any ~~subject~~ who have not been charged by any National Office.



VI

The War Crimes Commission should call the attention of the National Offices to the necessity of interrogating, as soon as practicable, their displaced nationals, political prisoners and prisoners of war, who have been in enemy territory.

VII

It is desirable that there should be cooperation and participation in the work of the United Nations War Crimes Commission on the part of all the United Nations who have suffered from war crimes, particularly the Union of Soviet Socialist Republics, for this is an essential condition of the realisation of the principles and tasks laid down in the Moscow Declaration. Until this is accomplished, there should be increased cooperation between the Soviet Special State Commission and the National Offices of those countries having a common interest in the punishment of war criminals.

VIII

All rules and principles applied against the war criminals in Europe should equally apply to Japanese war criminals.

IX

The War Crimes Commission should be requested to circulate the American recording and indexing system to all the other national offices so that they all may have the benefit of the American experience.

X

In addition to the investigation of war crimes in enemy countries by the investigating teams of the United Nations concerned, the War Crimes Commission should itself despatch teams to take part in the investigations.

SECRET

ANNEX II

NOC.10  
19th June, 1945

UNITED NATIONS WAR CRIMES COMMISSION

National Offices Conference

STATEMENT PRESENTED BY REPRESENTATIVES OF THE NATIONAL  
OFFICES AND RESERVATIONS THEREON MADE AT THE LAST MEET-  
ING OF THE CONFERENCE

Statement by the representatives of National Offices

The representatives of the National War Crimes Offices (representing Australia, Belgium, Canada, China, Czechoslovakia, France, India, Luxembourg, Netherlands, Norway, Poland, United Kingdom, United States, Yugoslavia), having been called upon to summarise the general effect of the discussions at the Conference of the United Nations War Crimes Commission with the National Offices, May 31st-June 2nd, 1945, state the voeu of the majority of the delegations on the several subjects as follows:

I

There should be established as part of, or under the supervision of, the United Nations War Crimes Commission, one or more central recording offices (in Europe and in the Far Eastern and Pacific area) for the purpose of centralising information concerning the apprehension and final disposal of the accused who have been placed on the Commission's Lists, and of pooling general information on war crimes. So far as the European area is concerned, the S.H.A.E.F. Central Register of Criminals should be made the nucleus of the central recording office of the United Nations War Crimes Commission.

II

Unless required in the prosecution of the major war criminals, the accused persons mentioned on the War Crimes Commission's Lists should be handed over without delay to the country that has requested their surrender, and the War Crimes Commission should be informed as soon as such surrender has taken place; the Commission should take every step, within its jurisdiction, to ensure that the surrender is effectively carried out.

III

The surrender of persons by the military authorities of one of the member Governments of the War Crimes Commission to another should be confined to persons figuring on Lists approved by the War Crimes Commission.

IV

In respect of persons whose delivery for trial has been requested by several United Nations, the War Crimes Commission should be charged to decide as arbitrator the order in which the accused shall be tried by the said countries or to delegate this duty to some other body.



V

The War Crimes Commission should be authorised to indict, after due investigation, before any United Nations (Interallied) Court which may be instituted, enemy subjects who have not been charged by any National Office.

VI

The War Crimes Commission should call the attention of the National Offices to the necessity of interrogating, as soon as practicable, their displaced nationals, political prisoners and prisoners of war, who have been in enemy territory.

VII

It is desirable that there should be cooperation and participation in the work of the United Nations War Crimes Commission on the part of all the United Nations who have suffered from war crimes, particularly the Union of Soviet Socialist Republics, for this is an essential condition of the realisation of the principles and tasks laid down in the Moscow Declaration. Until this is accomplished, there should be increased cooperation between the Soviet Extraordinary State Commission and the National Offices of those countries having a common interest in the punishment of war criminals.

VIII

All rules and principles applied to the war criminals in Europe should equally apply to Japanese war criminals.

IX

The War Crimes Commission should be requested to circulate the American recording and indexing system to all the other national offices so that they all may have the benefit of the American experience.

X

In the event that particular war crimes in an enemy country cannot be investigated by the investigating teams of the United Nation concerned, the War Crimes Commission should itself despatch an investigating team.

XI

The National Offices should endeavour to collect information and bring charges against persons mentioned in the Commission's Lists No. 7 and No. 9 and other similar lists which may be issued.

Reservations

The following reservations, which have been arranged in the alphabetical order of the countries concerned, were made at the meeting or given in writing to the Secretariat:

CANADA: Oral statement by Lt. Colonel Macdonald, representing the Canadian National Office (extracted from the Minutes):

"Lt. Col. Macdonald indicated that he too wished to abstain from voting."

CHINA: Oral statement by Mr. Wang Hua-Cheng, representing the Chinese National Office (extracted from the Minutes):

"Mr. Wang Hua-Cheng (China) said that at the beginning his delegation felt that they had no authority from their Government to agree to any binding document. On the understanding that the document was only a statement of views he saw no special objection on the part of the Chinese delegation to abstain from voting, but he did not think that a vote was necessary at that meeting."

FRANCE: Written statement by Major Paoli, representing the French National Office:

"La délégation française, considérant qu'elle n'a pas qualité pour prendre position sur le troisième paragraphe, s'abstient de se rallier au vœu qu'il contient."

(Translation)

"The French Delegation does not consider itself to be authorised to express an opinion on the third paragraph and accordingly does not accept the "vœu" which it expresses."

INDIA Written statement by Sir Samuel Runganadhan, acting as representative of the Indian National Office:

"I abstain from voting on the document before the Conference at this stage."

NORWAY: Written statement by Major Palmstrøm, Norwegian representative at the Conference:

"The Norwegian representative would like to point out that, without authority from his Government, he can neither support nor oppose the proposals accepted by the majority of the delegates of the Conference."

The Norwegian representative would particularly like to draw the attention of the Commission to points III and IV on which the Norwegian Government may want to act independently and make contrary decisions to those supported by the majority of the delegates of the Conference.

The Statement will be forwarded to the Norwegian Government for consideration."

POLAND: Written statement by Dr. Cyprian, Polish representative on the War Crimes Commission:

"Before voting on the Doc. NOC. 9 I have to refer to the Polish Government for instructions - until I get those instructions I have to abstain from any voting on this document."

UNITED KINGDOM: Oral statement by Lord Finlay, United Kingdom representative on the War Crimes Commission (extracted from the Minutes):

"If a vote were taken, he, too, wished to abstain from voting in the same way as the American delegate, because he had received no instructions from his Government."



UNITED  
KINGDOM  
(contd.)

Written statement by Mr. Kent, representing the United Kingdom  
National Office:

"It seems to me that the terms of reference to the representatives of the National Offices are being overlooked. They were asked to try to summarise the views which had been expressed on the various subjects discussed at the Conference. My instructions precluded me from supporting a number of the propositions in the paper before the meeting. I therefore proposed that these propositions should be prefaced by an introduction which was agreed to. This introduction, to which I wish to draw particular attention, is as follows:

'The representatives of the National War Crimes Offices (representing Australia, Belgium, Canada, China, Czechoslovakia, France, India, Luxembourg, Netherlands, Norway, Poland, United Kingdom, United States, Yugoslavia), having been called upon to summarise the general effect of the discussions at the National Offices, May 31st - June 2nd, 1945, state the voeu of the majority of the delegations on the several subjects as follows:- "

I believe that this statement protects the position of those who are not in agreement with some of the suggestions put forward."

UNITED  
STATES  
OF  
AMERICA

Written statement by Captain Gary, U.S.N.R., representing the United  
States National Office:

"The delegates from the United States National War Crimes Office to this conference announce that they are not authorised to vote on the proposals contained in the paper now before the conference.

In addition, some of the subjects dealt with in the proposals have not been assigned to the jurisdiction of the United States National War Crimes Office, but have been committed specifically to the cognisance of other United States Governmental Agencies.

The United States delegates here regret that they must abstain from voting on the proposals now being considered.

In all of the circumstances it is hoped that the proposals will not be released to the press.

It is requested that a copy of this statement be incorporated in the record of the meeting."

Written statement by Lt.-Col. Hodgson, United States representative  
on the War Crimes Commission:

"The United States Representative on the United Nations War Crimes Commission states that he would have to secure instructions from his Government before voting on the proposals contained in the paper now before the conference. Without such instructions, he regrets that he must abstain from voting on the proposals, and requests that a copy of this statement be contained in the record of the meeting."