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JACKET No. 2.

UNITED NATIONS. ("HUMAN RIGHTS")

FROM. JANUARY 1st 1947 = 947.

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JACKET No. 2.

UNITED NATIONS. ("HUMAN RIGHTS.")

FROM. JANUARY 1st 1947 = 1947.

2009

RS/JR

1st January, 1947.

Dear Madam,

On December 23rd, 1946, I wrote to ask you for some documents referring to items which are of great interest to this Commission.

In the meantime, Dr. Ivan Kerno, Assistant Secretary General, has kindly sent me a copy of Doc. A/236 (Report of the Sixth Committee on the "Affirmation of the principles of International Law recognized by the Charter of the Nuremberg Tribunal".) I am, therefore, now in a position to describe exactly the documents I would particularly like to get for official use in this Commission.

A. Papers connected with Doc. A/236

(1) Journal of the United Nations containing record of the plenary meeting of the General Assembly of 31st October, 1946.

(2) Journal, containing the Minutes of the meeting of the Sixth Committee, referring the matter to a Sub-Committee.

(3) Resolution proposed by the delegation of the United States relating to the principles of international law recognized by the Charter of the Nuremberg Tribunal (Doc. A/C. 6/69).

(4) Minutes of meetings of the Sub-Committee.

(5) The Sub-Committee's report (Doc. A/C. 6/116).

(6) Journal, containing the Minutes of the meeting or meetings of the Sixth Committee where the Sub-Committee's report was presented, discussed and adopted.

(7) Journal, containing the discussion and adoption of the Report A/236 in plenary meeting of the General Assembly.

B. Papers referring to the Genocide Resolution

I have already received from you all the papers up to and including

Mrs. Mabel E. Rutter,
Chief of Distribution,
Documents and Sales Division,
United Nations,
Lake Success, New York.

Journal No. 47 containing the Minutes of the Meeting of the Sixth Committee held on 29th November, 1946.

I would, therefore, be much obliged if I could get the papers and minutes relating to the Genocide resolution after that date, particularly the draft resolution agreed upon in the meeting of the special Sub-Committee held on December 2, 1946, and subsequent proceedings in Committee and in the Assembly.

C. Different papers relating to the Codification of International Law

Pending arrangement between the United Nations and the United Nations War Crimes Commission on the exchange of information and documents I must, unfortunately, rely on such information as is accessible here. I therefore refer to the Note "Codification of International Law", published in "Weekly Bulletin" Vol.1, No.19, of December,10, 1946 and write to ask you to send me the documents and Minutes referred to there and subsequent documents relating to the matter, if any.

Thanking you,

I remain,

Yours faithfully,

E.S.

Legal Officer.

N O T E

ON THE MEETING BETWEEN THE REPRESENTATIVE OF THE SECRETARIAT OF THE UNITED NATIONS AND MEMBERS OF THE SECRETARIAT OF THE UNITED NATIONS WAR CRIMES COMMISSION HELD AT LANSDOWNE HOUSE, LONDON, ON 2ndJANUARY, 1947, at 10.30 a.m.

Present: From the Secretariat of the United Nations:

Professor Emile Giraud.

From the Secretariat of the United Nations War Crimes Commission:

Lieut.-Colonel H.H.Wade (Research Department);

Dr. E. Schwelb, (Legal Department);

Dr. J. Litawski (Department: Facts, Evidence and Enforcement).

Meeting on 2nd January, at 10.30 a.m.

The members of the United Nations War Crimes Commission Secretariat expressed the regret of Colonel Ledingham, Secretary-General, at being unable to attend, because he had to leave for Germany, togerher with Lord Wright, the Chairman of the United Nations War Crimes Commission.

Professor GIRAUD explained that his mission was only one of information and that he could only express personal opinions, not committing the Secretariat of the United Nations.

The Members of the UNWCC Secretariat observed that they were also in the same position.

The meeting then proceeded to discuss the following questions:

1. Co-operation of the UNWCC with the Commission on Human Rights, having regard to the Resolution of the Economic and Social Council of 21st January 1946, particularly point (c) - (Collection and publication of information concerning Human Rights, arising from trials of War Criminals, Quislings and traitors, and in particular from the Nuremberg and Tokyo trials).

The representatives of the UNWCC Secretariat referred to the correspondence with Mr. Trygve Lie, Secretary-General of the United Nations, on the subject and to the Docs. III/33, C.201, III/59, III/62 (C.237), III/64 and III/66 (C.236 which had been sent both to Mr. Trygve Lie and to Professor Giraud. In their opinion, the problem in which the Commission on Human Rights appeared to be

interested was the protection granted under the London Charter of 8th August 1945, and similar basic documents, to civilian populations, particularly against infractions of human rights by their own authorities, e.g., inhuman acts committed by the German Government against German nationals, crimes committed by the Italian Government against the Slovene minority in Italy, etc. The papers so far communicated to Mr. Trygve Lie had been prepared for internal use in the day-to-day work of the Commission and not with any special intention of elaborating the protection of Human Rights. Both the Commission and its Secretariat were engaged on further research into this question and the representatives of the UNWCC asked Professor Giraud to enquire whether their interpretation of the Resolution of the Economic and Social Council was correct in order that they should know that they were proceeding on the lines intended by the Commission on Human Rights.

Professor GIRAUD replied that his personal impression was that that was so, but he had no positive information on this point and would report to the United Nations Secretariat.

2. <u>Co-operation between the UNWCC and the United Nations in connection with the different actions undertaken by the United Nations, concerning the codification and development of International Law.</u>

In this respect, the representatives of the UNWCC referred to two lines of action taken during the last meeting of the General Assembly of the United Nations, namely:

(a) the Affirmation of the principles of International Law recognised by the Charter of the International Military Tribunal (Doc.A/236),

(b) the Resolution on Genocide (Doc.A/BUR/50) and subsequent documents.

With regard to (a) the representatives of the UNWCC Secretariat referred to a letter dated 19th December 1946, received by Dr. Schwelb from Dr. KERNO, Assistant Secretary-General in charge of the Legal Department, expressing the opinion that this Resolution will enhance the possibility of co-operation between the two organisations.

The UNWCC Secretariat representatives stated that the War Crimes Commission and its Secretariat would no doubt be glad to give to the United Nations authorities any assistance in implementing the Resolution regarding the affirmation of the Nuremberg principles. They thought that having dealt with the problems involved for many years, having, therefore, great practical

experience in this field, and having for a long time examined the theoretical estions involved, their assistance could be helpful. While the London Charter of the 8th August, 1945, and other documents based on it, e.g., the Far Eastern Charter and the Control Council Law for Germany, No.10, distinguished between (a) crimes against peace, (b) war crimes in the narrower sense, and (c) crimes against humanity, the Resolution proposed in Doc.A/236 and adopted by the General Assembly, introduced a different term "crimes against the security of mankind" in place of "crimes against humanity".

The UNWCC Secretariat had not yet received the papers preceding A/236, and they could not express an opinion - not knowing what connotation the words "offences against the security of mankind" were intended to have - except that, if possible, the now well-established terminology of the London Agreement should be adhered to.

Dr. SCHWELB also referred to the Resolution regarding the extradition and punishment of War Criminals adopted by the General Assembly on 13th February, 1946, where the General Assembly had taken note of the definition of war crimes and crimes against peace and against humanity, contained in the Charter of the International Military Tribunal, dated 8th August, 1945.

Regarding (b), the UNWCC representatives mentioned that a preliminary discussion of the term "crimes against humanity", having regard, inter alia, to the United Nations papers concerning the Genocide resolution, had recently taken place in the UNWCC and would be continued on 15th January, 1947. The notion of "Genocide" covered a great part of the scope of "crimes against humanity" as defined in the London Charter of 8th August 1945. (Article 6(c). Although the adoption of a Resolution calling attention to this particular aspect of the notion of crimes against humanity might be very useful, before legislative instruments or international protocols on the question were drafted it should be considered whether special provisions regarding Genocide should be recommended, or whether it was not preferable to adhere to the more general term and conception of crimes against humanity, which covers persecutions, not only on racial grounds, but also political and religious persecutions and inhumane acts of all kinds.

Here also, the representatives of the UNWCC Secretariat were sure that the War Crimes Commission would give to the United Nations any assistance desired.

Professor GIRAUD replied that he would report to the United Nations authorities on what had been said.

3. Constitutional and procedural questions.

(a) The constitutional relationship between the United Nations and the UNWCC.

Professor GIRAUD stated that according to the opinion held by the Legal Department of the United Nations Secretariat, the UNWCC could not be considered as a "specialised agency" within the meaning of Article 57 of the United Nations Charter. It is, nevertheless, an intergovernmental agency and the relations between such an agency and the United Nations might - as noted in Mr. Perez-Guerrero's letter to Dr. Schwelb of the 13th December 1946 - be placed on a special footing. Seeing that the Economic and Social Council is likely soon to take up the question of relations with intergovernmental organisations other than specialised agencies, the meeting reviewed various points that need to be considered in this connection.

Professor GIRAUD stated that in any case these points could be settled in a practical way with or without an express agreement. In this connection the agreement between the United Nations and F.A.O. was taken as a guide for the discussion.

(a) Reciprocal representation.

The representatives of the UNWCC Secretariat expressed the opinion that a permanent representation of the UNWCC with the main organs of the United Nations would probably be neither practicable, nor necessary. Professor Giraud thought that the Commission should be invited to meetings of such organs as were dealing with matters concerning the jurisdiction of the War Crimes Commission, and it would be then for the Commission to decide when and in which cases they would avail themselves of the opportunity of attending the meetings. In his personal opinion, the UNWCC should, for example, be invited to the meeting of the Commission on Human Rights, which is to take place at the end of January 1947, and to the discussions concerning the codification of international law, particularly the questions of international criminal law applied in the Nuremberg proceedings.

Professor GIRAUD further expressed the opinion that such representation should be reciprocal and that the UNWCC should invite the United Nations to such of its meetings as dealt with questions of general interest to the United Nations.

(b) Proposal of agenda items.

No action appeared to be needed.

(c) Recommendations of the United Nations.

This also called for no remark, it being beyond doubt that the UNWCC would act upon any recommendations on the part of the United Nations, falling within their terms of reference.

(d) Exchange of information and documents.

Here the representatives of the Secretariat of the UNWCC explained that the present position was not very satisfactory. It was only if they chanced to learn from press reports or from such publications as the United Nations Weekly Bulletin, that certain items of great interest to the UNWCC were being dealt with by an organ of the United Nations, that they were in a position to ask the Documents and Sales Division of the United Nations Secretariat for the papers in question. They were grateful that in all such cases their requests had been promptly complied with, but it would be preferable if any documents and minutes which are of interest to the Commission could be sent to its Secretariat automatically. Certain matters falling within the sphere of the Legal Department (e.g. codification relating to the repression of International Crimes) and of the Commission on Human Rights are of interest to the UNWCC. The same could perhaps apply to some matters connected with disarmament and the prohibition of the use of atomic energy.

Professor GIRAUD said that he would recommend to the authorities of the United Nations to take appropriate steps to ensure that all papers and minutes relevant to the Commission should be sent to its Secretariat automatically.

The UNWCC Secretariat would arrange on its part that relevant documents and publications which might be of interest to the Secretariat of the United Nations, would be sent to the Secretariat in several copies.

Moreover, Professor Giraud asked whether it would be possible for the United Nations to have material of interest to them microfilmed.

The representatives of the UNWCC replied that in their opinion there would certainly not be any obstacle to that on the part of the UNWCC. They added, however, that this would probably be necessary only in exceptional cases as the more important trials are being published in "Law Reports of Trials of War Criminals", selected and prepared by the UNWCC (Volume I of the English Edition will be ready for distribution in a very few days). A verbatim report of the Nuremberg trial is being printed by the British Stationery Office. These two publications, together would probably reduce the necessity of microfilming to such trials as will not be reported by the Commission.

Professor Giraud also raised the question of attaching a United Nations Official to the UNWCC Headquarters, either temporarily or permanently, in order to study the UNWCC documentation.

The members of the UNWCC Secretariat were convinced that no obstacles would be raised and all possible facilities would be accorded.

(e) Assistance to the Security Council.

This called for no comment; the UNWCC would give any assistance in its power, as it has done for example, in connection with enquiries which were made concerning German War Criminals in Spain.

(f), (g), (h), Assistance to the Trusteeship Council, Non self-governing territories; Relationship with the International Court of Justice.

These questions will probably not arise in connection with the UNWCC.

(i) Headquarters and Regional Offices.

This question does not arise either, as London is the seat of the Commission and will certainly remain so until it is wound up.

(j) Personnel arrangements.

In this connection Professor Giraud raised the question of diplomatic privileges of the organisation, its members and its staff. Dr. Schwelb explained that the UNWCC and its staff were enjoying diplomatic privileges within the framework of the United Kingdom Diplomatic Privileges (Extension) Act of 1944 - a statute which discriminated against the British members of the staff, preventing the tax exemptions from being extended to them. In 1946, the U.K.Diplomatic Privileges (Extension) Act of 1946 was passed; it abolished the necessity for discriminating against British subjects, but the British Government had given an assurance to Parliament that it would not actually extend the enlarged privileges to such international organisations as are not in connection with the United Nations.

When the problems of common personnel standards, salary scales, pension rights, etc. were discussed, the members of the UNWCC Secretariat said that they did not intend to burden the UNWCC, which was a small organisation, with additional financial responsibilities. They were also not interested in machinery for the settlement of disputes (Administrative tribunal). They would, of course, appreciate it if they could eventually be included in a general scheme relating to a unified international civil service. The provisions regarding the interchange of personnel are not, at present, of practical interest; personnel questions may arise in connection with the taking over by the United Nations of part of the work of the UNWCC. This will be discussed later. ( )

( ) see p.7 et seq.

Professor Giraud said that he would report on all these questions.

(k), (l). Statistical services. Administrative and technical services.

No arrangement in this respect appears necessary.

(m) Budgetary and financial arrangements.

Here the representatives of the UNWCC Secretariat pointed out that the UNWCC was budgeting independently and that as long as the Commission was in existence, no arrangement of a financial nature was, in their view, necessary.

(n) Financing of special services.

Here the representatives of the UNWCC remarked that this problem would hardly arise. Professor Giraud replied that if the case should arise, it would be dealt with ad hoc.

(o) Inter-agency agreements.

No comment appeared necessary.

(p) Liaison.

In this case what has been said concerning reciprocal representation and exchange of documents, is applicable, mutatis mutandis. There is no doubt that adequate liaison will be established as a consequence of the preceding correspondence and of the present discussions.

It was considered by the members of the UNWCC Secretariat that a formal agreement embodying the matters discussed above, would be of general advantage.

The meeting was thereupon adjourned until 3.0 p.m.

The meeting was resumed on 2nd January at 3.0 p.m. and continued on 3rd January at 3.0 p.m.

Arrangements for the Continuation of some activities of the Commission after the conclusion of its main activities.

The meeting was continued on 2nd January 1947 at 3.0 p.m., and the question was discussed of the arrangements for the continuation of those activities of the Commission which it would be necessary to continue after the conclusion of its main activities and its consequent winding up.

(a) Collection and Publication of Records of Trials: Law Reports.

The members of the UNWCC Secretariat informed Professor Giraud that according to the Commission's terms of reference, one of its tasks was the recording of war crimes. In this connection the Commission had started the preparation and publication of Law Reports of the Trials of War Criminals, one volume of which was already printed and would be available in a few days.

One day the prosecutions would cease, but the transcripts of trials would continue to come in for a considerable time afterwards, and the reports on them

would have to be prepared. If this was not done, one of the chief aims of the Allied nations in insisting on the punishment of war criminals, a question so important for the future, would be impaired, and it therefore seemed necessary that, after the winding up of the Commission, some other body should take over that part of its work.

Professor GIRAUD asked whether positive proposals in this respect were being considered.

The UNWCC Secretariat representatives replied that the problem was in a preliminary stage and that in their view only two possibilities were available:

(a) either that the United Nations should take over this work, or

(b) that a special international bureau should be created, ad hoc, when the Commission was being wound up.

Professor GIRAUD said that he agreed; and that, in his opinion, it seemed preferable that the United Nations should take it over.

(b) Collection and Publication of International Treaties and Municipal Enactments concerning war crimes.

The representatives of the UNWCC Secretariat informed Professor Giraud that the Commission was preparing a publication containing all International Treaties and municipal enactments of allied, ex-enemy and satellite states, connected with war crimes and analogous offences. This publication would probably be complete at the time when the Commission was wound up. In case this work was not completed, at that time, it would also have to be taken over and finished by another organisation.

Professor GIRAUD agreed, and pointed out that this work would probably include legislative enactments affecting the future as well as those concerned with the past.

Dr. SCHWELB agreed that provisions which have already been envisaged declaring the use of atomic energy unlawful would also fall within the range of this publication; the same applied to future provisions for the criminal protection of human rights, etc.

(c) Analysis with a view to a publication of a report on the activities of the Committee on Facts and Evidence (Recording of all decisions by Committee I illustrative of the application of International Law.)

The members of the UNWCC Secretariat pointed out that the Commission had listed some 20,000 persons after their cases had been examined by the competent Committee (Committee on Facts and Evidence). There were hundreds of these

cases in which legal issues had had to be discussed and rulings established. It very desirable that all these decisions of Committee I should be recorded for the use of International lawyers and historians, in order to preserve the value of the work done by Committee I during the past years. This was not precisely the same kind of work as the Law Reports, since it did not concern rulings by courts, but by the Commission itself.

This compilation had not yet been begun and in view of the small staff of the Commission, it could not be undertaken in addition to the Commission's day-to-day work, and it would therefore not be completed when the Commission was wound up.

In the same way, also, the recommendations and opinions by the Commission's Legal Committee should be prepared for publication and future record.

(d) Preparation of a comprehensive report of the activities of the Commission since 1943.

All present agreed that the preparation and production of a comprehensive report on the work of the Commission could be done only by the Commission itself and could not be undertaken by a different body after the liquidation of the Commission. The research and publication mentioned under (c) would, however, form a kind of supplement to this general report.

Professor GIRAUD observed that the material mentioned under 5(a), (b) constituted basic material for future codifications of International Law, i matter of the repression of international crimes.

The meeting then proceeded to discuss the question of

The Archives of the Commission.

Professor GIRAUD raised the question of the custody of the archives of the UNWCC in case the Commission were wound up, and said that in this case the United Nations would be disposed to assume this custody.

The Members of the UNWCC Secretariat took due note of this observation.

The discussions were concluded on 3rd January 1947 at 6.30 p.m.

Professor GIRAUD, who was returning to Geneva on 4th January, asked the Secretariat of the UNWCC to send a copy each of the present note to Professor John P. Humphrey, Director, Division on Human Rights, and Mr. Perez-Guerrero, Director, Division of Coordination and Liaison.

2809

ES/MC. 6th January, 1947.

Dear Mr. Perez-Guerrero,

On 2nd and 3rd January, we had the pleasure of discussing with Professor Emile Giraud, a number of outstanding questions which had been raised in the previous correspondence between the United Nations Secretariat and this Secretariat. Professor Giraud, who left for Geneva on the morning of the 4th January, asked me to send directly to you a copy of the notes of these discussions. I am therefore enclosing a copy of the note, adding that I am forwarding an additional copy to Professor John . Humphrey.

You will see from the enclosed note that the United Nations War Crimes Commission Secretariat undertook to arrange that relevant documents and publications which might be of interest to the Secretariat of the United Nations, be sent to the United Nations Secretariat in several copies. You would oblige me by letting me know in due course, how many copies are needed and to which officer of the United Nations Secretariat the documents should regularly be dispatched.

Yours sincerely,

ES.

Egon Schwelb,
Legal Officer.

M. Perez-Guerrero, Esq.,
Director of the Division of Co-Ordination & Liaison,
Department of Economic & Social Affairs,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

5-31

2809

ES/MG. 6th January, 1947.

Dear Sir,

On 2nd and 3rd January, we had the pleasure of discussing with Professor Emile Giraud, a number of outstanding questions which had been raised in the previous correspondence between the United Nations Secretariat and this Secretariat. Professor Giraud, who left for Geneva on the morning of the 4th January, asked me to send directly to you a copy of the notes of these discussions. I am therefore enclosing a copy of the note, adding that I am forwarding an additional copy to Mr. Perez-Guerrero.

Yours sincerely,

ES.

Egon Schwelb,
Legal Officer.

Professor John P. Humphrey,
Director, Division on Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

S 31

2809

ES/MG. 6th January, 1947.

Dear Professor Giraud,

This is to thank you both on behalf of my colleagues, Colonel Wade and Dr. Litawski, and in my own name, for the time and endeavour you have devoted to the discussions with us on the 2nd and 3rd January, and for your personal friendliness and help. We have no doubt that the discussions and the personal contact established will prove advantageous.

I hope that you have safely returned to Switzerland and I venture to wish you good luck and bon voyage for your journey to the United States.

I enclose a copy of the note of our meetings, as it was agreed in the afternoon of Friday 3rd January, adding that, as arranged, I am sending copies of it to Professor Humphrey and to Mr. Perez-Guerrero.

With best regards, I remain,

Yours sincerely,

ES.

Egon Schwelb,
Legal Officer.

Professor Emile Giraud,
League of Nations,
GENEVA, Switzerland.

17 JAN 1947

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE

January 13, 1947

Dr. Egon Schwelb
Legal Officer
United Nations War Crimes Commission
Lansdowne House
Berkeley Square, London, W1
England

Dear Dr. Schwelb:

I regret that due to some misunderstanding, I did not have an opportunity to study your letter of 27 December 1946 until now, and therefore was unable to send you a reply at an earlier date.

I fully concur in the statement of Mr. Perez-Guerrero to the effect that the Legal Department has a direct interest in the United Nations War Crimes Commission. It is my sincere wish for the Legal Department to maintain close contact with the United Nations War Crimes Commission. My former association with the War Crimes Commission convinces me all the more keenly that such contact will be of great usefulness to the work which I have now in hand.

I feel sure that we shall be fully appreciative of any assistance which the United Nations War Crimes Commission may give in connection with the affirmation of the principles of international law recognized by the Charter of the Nuremberg Tribunal, and other related matters.

I also feel certain that the Legal Department will find of great value the documents and records of the United Nations War Crimes Commission. As you will recall, the Secretary-General, in his letter of 8 November 1946 addressed to Colonel G. A. Ledingham, D.S.O., M.C., already discussed the possibility of transferring these documents and records to the United Nations.

Yours sincerely,

Yuen-Li Liang

Yuen-Li Liang
Director, Division of the Development and Codification of International Law

*) Note: this should read: 27 September 1946.

S 31
~~January 1947~~

2809

ES/MG. 15th January, 1947.

Dear Madam,

Further to my letter of the 1st January and also referring to the discussions between Professor Emile Giraud of the Division of Human Rights with members of this Secretariat on the 2nd and 3rd January 1947, I write to ask you for the following papers for official use in this Commission:

1. Draft Declaration on the Rights and Duties of States (Panama) together with Report of the First Committee and copies of the Journal containing Minutes of the Discussion in Committee and in the General Assembly;

2. Draft Declaration on Fundamental Human Rights and Freedoms (Panama) also with subsequent documents and minutes;

3. Report of the 6th Committee on the Privileges and Immunities of members of the International Court of Justice, with subsequent documents;

4. Report by the Sixth Committee on the state of accession to the Convention on Privileges and Immunities of the United Nations, with subsequent documents;

5. Report by the Sixth Committee on the progressive development of International Law and its codification, and subsequent documents;

6. Resolution on the crime of "Genocide";

7. Documents preceding the resolution regarding the affirmation of the principles of International Law recognised by the Charter of the Nuremberg Tribunal;

8. Report by the Sixth Committee on the conditions on which Switzerland may become a party to the Statute of the International Court of Justice;

9. Report of the Joint First and Third Committees on the Draft Declaration on Fundamental Rights and Freedoms.

-1-

Mrs. Mabel M. Butler,
Chief of Distribution,
Documents & Sales Division,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

10. Report of the Sub-Committee of the Fifth and Sixth Committees on the Agreement concerning the premises of the Peace Palace at The Hague;

11. Final texts of the Agreements with the Specialized Agencies.

Yours faithfully,

ES.

Egon Schwelb,
Legal Officer.

UNO

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IN REPLY REFER TO: 306-5/EB

23 January 1947

Mr. Egon Schwelb,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.
ENGLAND.

RECEIVED
13 FEB 1947
Ansd.....

Dear Mr. Schwelb,

The documents requested by you in your letter of January 1, 1947, have this day been dispatched to you.

I hope they will satisfy your requirements, but if you find you need some more material, please do not hesitate to communicate with me.

Yours very truly,

for MABEL M. BUTLER
Chief of Distribution,
Documents & Sales Division.

CABLE ADDRESS: UNATION[illegible]W YORK

TELEGRAMME: UNA[illegible]NS NEW-YORK

UNITED NATIONS NATIONS UNIES

EB/HRJ

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 306-3-4

29 January 1947.

Mr. Egon Schwelb,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1., England.

RECEIVED
13 FEB 1947
Ansd.....

Dear Mr. Schwelb,

Thank you for your letter of January 15th, 1947.

I have today mailed to you all the documents you requested in your letter.

I hope these will satisfy your immediate requirements.

Yours faithfully,

for MABEL M. BUTLER.
Chief of Distribution.Section.
Documents and Sales Division.

2809

ES/MG. 3rd February, 1947.

Dear Dr. Liang,

I am much obliged for your letter of the 13th January in which you refer to my previous letter of the 27th September 1946. It has already been expressed, both by the Secretary General of this Commission, Colonel G.A.Ledingham, and by myself, in the previous correspondence, that this Commission will be glad to give to all the organs of the United Nations, every assistance which may be helpful.

The papers which the Secretary General of the United Nations, Mr. Trygve Lie, mentioned in his letter of the 8th November 1946, referred to the concept of crimes against humanity in connection with the Commission on Human Rights and its work, based upon the resolution adopted by the Economic and Social Council on 21st June 1946 regarding the collection of information concerning human rights arising from the trials of war crimes (Doc.I/56/Rev.2 par.4(c)). These documents have been sent to Mr. Trygve Lie with Colonel Ledingham's letter of the 15th November 1946.

On the 2nd and 3rd January 1947, members of the Secretariat of this Commission had the pleasure of conferring with Professor Emile Giraud of the Department on Human Rights and of discussing with him all aspects of the co-operation between the United Nations and this Organisation. Copies of the Minutes of this meeting were sent, on 6th January 1947, to Mr. Perez-Guerrero, Director of the Division of Co-Ordination and Liaison, and to Professor John P. Humphrey, Director of the Division on Human Rights.

I assume that your Division is particularly interested at present in the question of the affirmation of the principles of international law recognized by the Charter of the International Military Tribunal, because the General Assembly has decided that this subject should be treated as a matter of primary importance.

This decision by the General Assembly and the decision concerning the related subject of the so-called crime of "Genocide" is closely connected with the activities of this Commission in general and of its Legal Secretariat in particular.

-1-

Dr. Yuen-Li Liang,
Director, Division of the Development and
Codification of International Law,
United Nations,
Lake Success,
Nassau County, New York.

I have been trying to analyse the Charter of the International Military Tribunal, the Berlin Protocol amending its Article 6(c), and the Nuremberg Judgment, both in a number of papers which I have presented to the Legal Committee of this Commission, and in a comprehensive article which will appear in the 1946 volume of the British Year Book of International Law, edited by Professor H. Lauterpacht. I assume that these papers may be of some modest assistance for the preparation of the codification work. I have pleasure, therefore, in sending you as a seperate parcel the documents enumerated at the bottom of this letter, adding that I shall send you an off-print of my contribution to the British Year Book of International Law as soon as it is available.

Unfortunately, I have not yet received the United Nations papers and Minutes preceding, and preparatory to, the document A/236 although I have applied for this documentation to Mrs. Mable M. Butler, Chief of Distribution of the Documents and Sales Division. Doc. A/236 was kindly sent to me by the Assistant Secretary-General, Mr. Kerno, himself.

As I have not these preceding documents before me, I am not quite sure about the scope of the affirmation of international law or codification which is intended by the General Assembly; particularly I do not know whether the term "offences against the peace and security of mankind" covers the whole field of the Nuremberg Charter and Judgment, or whether it is restricted to what, in the Charter of the International Military Tribunal, are called "crimes against peace". The term "offences against the peace and security of mankind" has obviously been taken over from Mr. Francis Biddle's report to the President of the United States, which was published in the Department of State Bulletin of 24th November 1946, page 954, et seq. The correspondence between Mr. Truman and Mr. Biddle leaves open the question, however, whether the American initiative refers only to crimes against peace or includes also war crimes proper and crimes against humanity. The last sentence of the second paragraph of the President's letter of 12th November 1946, appears to indicate that crimes against humanity are to be included. If this is so, the further question arises whether the concept of crimes against humanity is to be included in the "emasculated" form which it acquired by the Berlin Protocol, or whether the United Nations codification should be based on the wider concept as expressed in the original French and English texts of the Agreement. The latter interpretation would, I believe, be more in line with the General Assembly's Resolution on Genocide.

I would be obliged if you could give me any additional information on the intention of the General Assembly. If the work of codification or affirmation is in the first instance to be restricted to crimes against peace, on the one hand, and the crime of Genocide on the other, the

problem, though difficult would not make necessary the collection and analysis of too much recent material because with respect to crimes against peace, controversial though the problem may have been before the Four-Power Agreement of 8th August 1945, the Charter itself and accordingly its application by Nuremberg, is rather straightforward.

If, however, the whole problem of what is now called crimes against humanity is to be dealt with, the task is by no means unambiguous in view of the many important qualifications which are contained in the basic documents, in view of the interpretation placed on some of these qualifications by the Nuremberg Judgment, in view of the divergencies between the French and English texts on the one hand and the Russian text on the other, and in view of the differences between the Charter of the European International Military Tribunal on the one hand and other similar documents on the other.

The task will, of course, be still more formidable if among the principles of Nuremberg which are to be affirmed, war crimes in the narrower sense should be included (Art.6(b) of the Nuremberg Charter) which would entail the task of revision and recodification of the whole law of war as applied by the Nuremberg Judgment.

If you could give me any indication as to the scope of the work in preparation, I would report to my Commission and then work out, in collaboration with you, proposals as to how both the Commission as such and this Secretariat, could best assist you in your responsible and difficult task.

You will certainly remember that the Commission at a time when it had the privilege of your immediate assistance and collaboration, devoted much attention particularly to what is now known as crimes against peace, and made, on the eve of the San Francisco Conference, a recommendation (Doc.C.103) to the effect that "any person in the service of any State who has violated any rule of international law forbidding the threat or use of force, or any rule concerning warfare, especially the obligation to respect the generally recognised principles of humanity, shall be held individually responsible for these acts and may be brought to trial before the civil or military tribunals of any State, which may secure custody of his person, and be punished by death or any lesser penalty".

Although these recommendations were not embodied in the Charter of the United Nations in so many words, subsequent events, particularly the Assembly Resolution on the affirmation of the principles of International Law recognized by the Charter of the Nuremberg Tribunal and on the crime

of Genocide, show that the Commission's recommendations were in line with the general trend of allied opinion.

I may finally mention that the principles governing the retribution for crimes against peace and, to a certain extent, crimes against humanity, have been given effect to also in a very interesting judgment of a Chinese Military Tribunal at Nanking, in the matter of Takashi Sakai, which was passed on 27th August 1946, i.e. before the promulgation of the Nuremberg Judgment.

Yours sincerely,

Egon Schwelb,
Legal Officer.

1 copy of each, by separate post.

Docs. III/62, III/64, III/67, III/70.
C.103, C.236.

2809

10th February, 1947.

ES/MG.

Dear M. Maillard,

Referring to our recent conversation, I enclose a copy of the notes of the meeting which was held on 2nd and 3rd January 1947, with the representative of the United Nations Secretariat.

Yours sincerely,

ES.

Legal Officer.

M. P. Maillard,
4, Carlton Gardens,
London, S.W.1.

2809

ES/MG. 13th February, 1947.

Dear Mr. Perez-Guerrero,

I venture to refer to your letter of the 13th December 1946, and to the discussions which members of this Secretariat had with Professor Emile Giraud on 2nd and 3rd January, 1947. A copy of the Note on this meeting was sent to you on 6th January.

The Secretary-General of this Commission would be much interested in receiving information about the attitude of the United Nations Secretariat to the matters discussed both in the previous correspondence and orally on 2nd and 3rd Janu

Yours sincerely,

ES.

Egon Schwelb,
Legal Officer.

M. Perez-Guerrero, Esq.,
Director of the Division of
Co-Ordination and Liaison,
Department of Economic and Social Affairs,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

2809

ES/MG.

13th February, 1947.

Dear Madam,

I am much obliged for your letters of the 23rd January (306-3/MB) and of the 29th January, (306-3-4) which arrived today, together with the parcel containing documents for which I asked in my previous letters.

With renewed thanks,

I remain,

Yours sincerely,

ES .

Egon Schwelb,
Legal Officer.

Mrs. Mabel M. Butler,
Chief of Distribution,
Documents and Sales Division,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

Human Rights file 5.7

UNO

18th February, 1947.

ES/MG.

Dear Madam,

This is to ask you whether you could arrange for the Minutes of the meetings of the Human Rights Commission, which opened on 27th January 1947, to be sent to this Secretariat.

We would be particularly interested in receiving, as soon as possible, the full text of the opening statement by Monsieur Henri Laugier, Assistant Secretary General for Social Affairs.

Yours sincerely,

ES.

Egon Schwelb,
Legal Officer.

Mrs. Mabel M. Butler,
Chief of Distribution,
Documents and Sales Division,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

276

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE:

RECEIVED
13 FEB 1947
Ansd.

17 January 1947

Dear Mr. Schwelb:

Thank you very much for your letter of 6 January and the copy of the notes of the discussions with Professor Emile Giraud. I expect that Professor Giraud will be at Lake Success on Monday when I will have an opportunity of discussing the whole question with him.

Thanking you again, I am

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

Mr. Egon Schwelb,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1, England.

Vico

S.30

ES/MG. 18th February, 1947.

Dear Professor Humphrey,

Assuming that the Division of Human Rights is connected with the work of compiling the Year Book on Human Rights which, I understand, is being prepared, under the direction of Professor B. Mirkine-Guedzevitch, by a group of eminent scholars, diplomats, lawyers and journalists, I write to draw attention to a set of recent provisions of an international, quasi-international and municipal character which, though outside the traditional texts of declarations of Bills of Rights and constitutional texts concerning individual and social freedom, are nevertheless part and parcel of the "law and usage relating to human rights", referred to in the Resolution of the Nuclear Commission on Human Rights of 21st May 1946.

I have in mind the provisions defining what is now called "crimes against humanity" but which is a concept by far older than the Four-Power Agreement of 8th August 1945. The abortive treaty of Sèvres, already contained provisions for the punishment of crimes against fundamental human rights committed by the organs of a sovereign state against subjects of that state. Through the Four-Power Agreement of 8th August 1945, the concept has become more articulate and though considerably watered down by the subsequent Berlin Protocol, it is, in spite of all the qualifications and restrictions appended to it, a clear case of intervention by international criminal law in the cause of the protection of human rights against abuse by national authorities of their sovereign power.

Since the conclusion of the London Agreement, the concept of crimes against humanity has, under this or another name, become part of quite a few municipal legal orders.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York,
U.S.A.

The General Assembly of the United Nations has endorsed the idea of protecting fundamental human rights by the instrument of criminal law through its Resolution on the crime of Genocide, and, probably, also through its Resolution regarding the affirmation of the principles of international law recognised by the Charter of the Nuremberg Tribunal, both of 11th December 1946.

I therefore submit that the international, quasi-international and municipal provisions enacted both in Europe and in the Far East which are either based on, or inspired by Article 6(c) of the Charter of the International Military Tribunal, should find their place in the Year Book on Human Rights, the publication of which is being prepared.

A considerable time ago, the United Nations War Crimes Commission decided to publish a volume or volumes of all international agreements and municipal enactments which have a bearing on war crimes in the wider sense (therefore including the so-called crimes against humanity).

With the kind assistance of the United Kingdom Foreign Office, this Secretariat has so far succeeded in getting an almost complete documentation, including the relevant legislation, parliamentary and delegated, of countries which are not, or not yet, members of either the United Nations or the United Nations War Crimes Commission, such as Hungary, Roumania, Bulgaria, Finland and Austria, and of the legislation for Germany and by different German Länder.

It would therefore be possible for this Secretariat to assist the compilators of the Year Book on Human Rights in preparing that part of the Year Book which, if my present submission is agreed to, would be devoted to provisions concerning the protection of fundamental human rights by international and municipal provisions.

In case the Division of Human Rights should have no jurisdiction in matters connected with the compilation of the Year Book on Human Rights, you would greatly oblige me by forwarding this letter to the proper quarters, which in that case would probably be Professor B. Mirkine-Guedzevitch.

Yours Sincerely,

ES.

Egon Schwelb,
Legal Officer.

~~D R A F T.~~

Date

N O T E

on discussions with Professor John P. Humphrey, Director of the Division on Human Rights of the Secretariat of the United Nations, on 22nd, 23rd, 24th and 25th April 1947.

Discussions took place between Professor John P. Humphrey on the one hand and representatives of the UNWCC on the other.

Questions outstanding between the two organisations were discussed with Professor Humphrey by Colonel Iedingham, Secretary General, and Dr. Schwelb, Legal Officer, of the United Nations War Crimes Commission. On Thursday 24th April Professor Humphrey was received by Lord Wright in the presence of Col. Ledingham and Dr. Schwelb, and on Friday 25th another meeting between Lord Wright and Professor Humphrey took place at which Monsieur de Baer, the Belgian representative on the UNWCC and Chairman of Committee I, was also present.

The following is a summary of these discussions as far as they referred to relations between the two international organisations.

1. The Secretariat of the UN has been charged by the Economic and Social Council on the 21st June 1946, with the collection and publication of information concerning human rights arising from the trials of war criminals, quislings, traitors, and in particular from the Nuremberg and Tokyo trials (see collection of documents, Misc. No.88, ~~Doc~~ document No.1)

   Professor Humphrey intends to suggest to the appropriate authorities of the UN Secretariat, that the UNWCC should be asked by the Secretariat of the UN to undertake this task and submit the document or documents thus produced to the Human Rights Division of the UN which will make use of this material, appropriately acknowledging and pointing out that the work has been done by the UNWCC.

   The Legal Officer of the UNWCC, Dr. Schwelb, will draw up shortly a paper outlining his ideas on how this task should be performed, for approval both by the UNWCC and the UN Secretariat.

2. The UN Secretariat will shortly start work on the implementation of the Resolution of the General Assembly, passed on 11th December 1946, on the crime of Genocide. This subject falls both within the jurisdiction of the Division on Human Rights, and of which Professor Humphrey is the Director, and ~~the~~ jurisdiction of the Division on the Development and Codification of International Law, of which Dr. Liang is the Director.

Professor Humphrey intends to suggest to the appropriate authorities of the UN Secretariat that they send the draft convention on Genocide, when it is ready, to the UNWCC for their comment and criticism.

3. The Human Rights Commission of the UN will ~~xxix~~ hold its second session at Geneva in September 1947. Professor Humphrey will suggest to the appropriate authorities of the UN Secretariat that the UNWCC be invited to send an observer to this session of the Human Rights Commission.

4. Professor Humphrey was not briefed on the question of the co-operation between the two organisations in the field of codification and development of international law. He sounded, however, the opinion of the authorities of the UNWCC, whether the UNWCC would be prepared to send an observer to the meeting of the Codification Committee which was scheduled to meet at Lake Success, New York, on 1st May. Professor Humphrey was informed on 25th April that the Commission would be prepared to accept such an invitation and to delegate Monsieur de Baer to represent it at the meeting. Monsieur de Baer declared his readiness to go to Lake Success, and his preparedness was particularly appreciated in view of the short notice which he would have to leave for the United States.

In the evening of Friday 25th April, Professor Humphrey sent a wire to Dr. Liang, strongly recommending that such an invitation be extended to the UNWCC by wire; he also telegraphed to his immediate superior, ~~Monsieur~~ M. Henri Laugier, Assistant Secretary-General in charge of Social Affairs Department, asking him to support this suggestion.

5. It was envisaged at the meeting on 25th April that M. de Baer, ~~xxxix~~ when at Lake Success, should not only attend the meeting of the Codification Committee, but also get into personal contact with the appropriate officials ~~authorities~~ of the Secretariat, namely, in addition to the officials in charge of the Human Rights Commission, with Dr. Ivan Kerno, Assistant Secretary-General in charge of Legal Affairs, Dr. Liang, Director of the Division for Development and Codification of International Law, and with the official in charge of the ~~Development~~ Division of Co-Ordination and Liaison. (Mr. Perez-Guerrero, who had been the Director of that Division, has relinquished the post on being appointed Minister of Finance of Venezuela.)

Professor Humphrey left London on Saturday 26th April.

Tel: GROSVENOR 4060
[redacted]
EXT.

UNITED NATIONS WAR CRIMES COMMISSI[redacted]
C[redacted] LANSDOWNE HOUSE,
[redacted]
BERKELEY SQUARE,
LONDON, W.1.

File: Und. S.30

W Schwelb

Col. Ledingham,

Enclosed a draft Note on the official discussions with Prof. Humphrey for your approval.

28-4-47 E. Schwelb

I think this covers all that is necessary in the meantime and I have no comments

[signature]
29/4/47.

29th April, 1947.

UNITED NATIONS WAR CRIMES COMMISSION.

N O T E

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The Legal Officer of the United Nations War Crimes Commission, Dr. Schwelb, will draw up shortly a paper outlining his ideas on how this task should be performed, for approval both by the United Nations War Crimes Commission and the United Nations Secretariat.

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In the evening of Friday 25th April, Professor Humphrey sent a wire to Dr. Liang, strongly recommending that such an invitation be extended to the United Nations War Crimes Commission by wire; he also telegraphed to his immediate superior, M. Henri Laugier, Assistant Secretary General in charge of the Social Department, asking him to support this suggestion.

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Professor Humphrey left London on Saturday 26th April.

29th April, 1947.

UNITED NATIONS WAR CRIMES COMMISSION.

N O T E

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Discussions took place between Professor John P. Humphrey on the one hand and representatives of the United Nations War Crimes Commission on the other.

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Professor Humphrey intends to suggest to the appropriate authorities of the United Nations Secretariat, that the United Nations War Crimes Commission should be asked by the Secretariat of the United Nations to undertake this task and submit the document or documents thus produced to the Human Rights Division of the United Nations which will make use of this material, appropriately acknowledging and pointing out that the work has been done by the United Nations War Crimes Commission.

The Legal Officer of the United Nations War Crimes Commission, Dr. Schwelb, will draw up shortly a paper outlining his ideas on how this task should be performed, for approval both by the United Nations War Crimes Commission and the United Nations Secretariat.

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Professor Humphrey left London on Saturday 26th April.

Tel: GROSVENOR 4060
[redacted]
Ext.

UNO

ITED NATIONS WAR CRIMES COMMISSIO..

C[redacted] LANSDOWNE HOUSE,
[redacted]
BERKELEY SQUARE,
LONDON, W.1.

Colonel Ledingham,

I enclose two copies of the Note on the discussions with Professor Humphrey.

I would be obliged for your decision:

AGREE (a) whether the note can, as a whole or in part, be read out to Committee III in its meeting this afternoon.

NOT NECESSARY (b) whether it could (or should) be sent by you to Humphrey.

30-4-47.

Egon Schwelb

Tel: GROSVENOR 4050
[redacted]
EXT

UNITED NATIONS WAR CRIMES COMMISSION,
[redacted], LANSDOWNE HOUSE,
[redacted]1.
BERKELEY SQUARE,
LONDON, W.1.

Col. Ledingham

At the suggestion of Mr. Kuttner Committee III decided today to ask you to circulate the note on the meeting with Humphrey as a Misc Doc.

E. J. C.

30/4/47.

MISS WILDT - PLEASE SEND OUT

29th April, 1947.

UNITED NATIONS WAR CRIMES COMMISSION.

N O T E

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Professor Humphrey left London on Saturday 26th April, to New York.

29th April, 1947.

UNITED NATIONS WAR CRIMES COMMISSION.

NOTE

on discussions with Professor John P. Humphrey,

Director of the Division on Human Rights

of the

Secretariat of the United Nations,

on 22nd, 23rd, 24th and 25th April, 1947.

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1. The Secretariat of the United Nations was charged by the Economic and Social Council on the 21st June 1946, with the collection and publication of information concerning human rights arising from the trials of war criminals, quislings, traitors and in particular from the Nuremberg and Tokyo trials (see collection of documents, Misc. No.58, Document No.1).

Professor Humphrey intends to suggest to the appropriate authorities of the United Nations Secretariat, that the United Nations War Crimes Commission should be asked by the Secretariat of the United Nations to undertake this task and submit the document or documents thus produced to the Human Rights Division of the United Nations which will make use of this material, appropriately acknowledging and pointing out that the work has been done by the United Nations War Crimes Commission.

The Legal Officer of the United Nations War Crimes Commission, Dr. Schwelb, will draw up shortly a paper outlining his ideas on how this task should be performed, for approval both by the United Nations War Crimes Commission and the United Nations Secretariat.

2. The United Nations Secretariat will shortly start work on the implementation of the Resolution of the General Assembly, passed on 11th December 1946, on the crime of Genocide. This subject falls both within the jurisdiction of the Division on Human Rights, of which Professor Humphrey is the Director, and of the Division on the Development and Codification of International Law, of which Dr. Wang is the Director.

Professor Humphrey intends to suggest to the appropriate authorities of the United Nations Secretariat that they send the draft convention on Genocide, when it is ready, to the United Nations War Crimes Commission for their comment and criticism.

3. The Human Rights Commission of the United Nations will hold its second session at Geneva in September 1947. Professor Humphrey will suggest to the appropriate authorities of the United Nations Secretariat that the United Nations War Crimes Commission be invited to send an observer to this session of the Human Rights Commission.

4. Professor Humphrey was not briefed on the question of the co-operation between the two organisations in the field of codification and development of international law. He sounded, however, the opinion of the authorities of the United Nations War Crimes Commission, whether the United Nations War Crimes Commission would be prepared to send an observer to the meeting of the Codification Committee which was scheduled to meet at Lake Success, New York, on 1st May. Professor Humphrey was informed on 25th April that the Commission would be prepared to accept such an invitation and to delegate Monsieur de Baer to represent it at the meeting. Monsieur de Baer declared his readiness to go to Lake Success, and his preparedness was particularly appreciated in view of the short notice which he would have to leave for the United States.

In the evening of Friday 25th April, Professor Humphrey sent a wire to Dr. Liang, strongly recommending that such an invitation be extended to the United Nations War Crimes Commission by wire; he also telegraphed to his immediate superior, M. Henri Laugier, Assistant Secretary General in charge of the Social Department, asking him to support this suggestion.

5. It was envisaged at the meeting on 25th April that M. de Baer, when at Lake Success, should not only attend the meeting of the Codification Committee, but also get into personal contact with the appropriate officials of the Secretariat, namely, in addition to the officials in charge of the Human Rights Commission, with Dr. Ivan Kerno, Assistant Secretary-General in charge of Legal Affairs, Dr. Liang, Director of the Division for Development and Codification of International Law, and with the official in charge of the Division of Co-Ordination and Liaison. (Mr. Perez-Guerrero, who had been the Director of that Division, has relinquished the post on being appointed Minister of Finance of Venezuela.)

Professor Humphrey left London on Saturday 26th April.

UNO
Rio
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2/5/47

- 2 -

- BELGIUM -

UNO
Rio
5
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2/5/47

- 3 -

DRAFT ONLY.

2/5/47 UNCS 3

HUMPHREY, UNITED NATIONS, LAKE SUCCESS, NEW YORK, U.S.A.

HAVE RECEIVED CABLE FROM LIANG INDICATING THAT INVITATION CAN ONLY BE EXTENDED BY CODIFICATION COMMITTEE ITSELF AND SUGGESTING IF COMMISSION SO DESIRES IT SHOULD MAKE OFFICIAL REQUEST FOR ATTENDANCE OF OBSERVER STOP HAVE CABLED LIANG THAT COMMISSION WOULD PREFER TO LEAVE QUESTION OF INVITATION TO CODIFICATION COMMITTEE IF THEY DESIRE TO HAVE COMMISSION'S CONSTRUCTIVE SUGGESTIONS SUGGEST YOU CONTACT LIANG.

LEDINGHAM

STOP

DRAFT ONLY.

2/5/47 UNCS 3

LIANG, UNITED NATIONS, LAKE SUCCESS, NEW YORK, U.S.A.

REFERENCE YOUR CABLEGRAM 30 APRIL STOP WAR CRIMES COMMISSION WOULD PREFER NOT TO MAKE OFFICIAL REQUEST FOR INVITATION BUT TO LEAVE QUESTION OF INVITATION TO INITIATIVE OF CODIFICATION COMMITTEE IF THEY DESIRE TO HAVE COMMISSION'S CONSTRUCTIVE SUGGESTIONS STOP PLEASE CONSULT HUMPHREY FROM WHOM SUGGESTION EMANATED.

LEDINGHAM

3715.

ES/MG.

2nd May, 1947.

Dear Madam,

This Secretariat is engaged upon the task of collecting and arranging the material referred to in the Resolution of the Economic and Social Council of 21st June 1946, Doc.E/56/Rev.2 paragraph 4(c) referring to the collection and publication of information concerning human rights arising from trials of war criminals, quislings and traitors, and in particular from the Nuremberg and Tokyo trials.

I therefore ask you to be kind enough to dispatch to this Secretariat all the documents relating to the decision of the Economic and Social Council referred to and the documents and records preceding it, including the respective minutes of the nuclear commission on Human Rights.

Thanking you in advance,

I remain,

Yours sincerely,

ES.

Egon Schwelb,
Legal Officer.

Mrs. Mabel M. Butler,
Chief of Distribution,
Documents and Sales Division,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

29th April, 1947.

UNITED NATIONS WAR CRIMES COMMISSION.

N O T E

on discussions with Professor John P. Humphrey, Director of the Division on Human Rights of the Secretariat of the United Nations, on 22nd, 23rd, 24th and 25th April, 1947.

Discussions took place between Professor John P. Humphrey on the one hand and representatives of the United Nations War Crimes Commission on the other.

Questions outstanding between the two organisations were discussed with Professor Humphrey by Colonel Ledingham, Secretary General, and Dr. Schwelb, Legal Officer, of the United Nations War Crimes Commission. On Thursday 24th April, Professor Humphrey was received by Lord Wright in the presence of Colonel Ledingham and Dr. Schwelb, and on Friday 25th, another meeting between Lord Wright and Professor Humphrey took place at which Monsieur de Baer, the Belgian representative on the United Nations War Crimes Commission, and Chairman of Committee I, was also present.

The following is a summary of these discussions as far as they referred to relations between the two international organisations.

1. The Secretariat of the United Nations was charged by the Economic and Social Council on the 21st June 1946, with the collection and publication of information concerning human rights arising from the trials of war criminals, quislings, traitors and in particular from the Nuremberg and Tokyo trials (see collection of documents, Misc. No.88, Document No.1).

   Professor Humphrey intends to suggest to the appropriate authorities of the United Nations Secretariat, that the United Nations War Crimes Commission should be asked by the Secretariat of the United Nations to undertake this task and submit the document or documents thus produced to the Human Rights Division of the United Nations which will make use of this material, appropriately acknowledging and pointing out that the work has been done by the United Nations War Crimes Commission.

   The Legal Officer of the United Nations War Crimes Commission, Dr. Schwelb, will draw up shortly a paper outlining his ideas on how this task should be performed, for approval both by the United Nations War Crimes Commission and the United Nations Secretariat.

2. The United Nations Secretariat will shortly start work on the implementation of the Resolution of the General Assembly, passed on 11th December 1946, on the crime of Genocide. This subject falls both within the jurisdiction of the Division on Human Rights, of which Professor Humphrey is the Director, and of the Division on the Development and Codification of International Law, of which Dr. Liang is the Director.

   Professor Humphrey intends to suggest to the appropriate authorities of the United Nations Secretariat that they send the draft convention on Genocide, when it is ready, to the United Nations War Crimes Commission for their comment and criticism.

3. The Human Rights Commission of the United Nations will hold its second session at Geneva in September 1947. Professor Humphrey will suggest to the appropriate authorities of the United Nations Secretariat that the United Nations War Crimes Commission be invited to send an observer to this session of the Human Rights Commission.

4. Professor Humphrey was not briefed on the question of the co-operation between the two organisations in the field of codification and development of international law. He sounded, however, the opinion of the authorities of the United Nations War Crimes Commission, whether the United Nations War Crimes Commission would be prepared to send an observer to the meeting of the Codification Committee which was scheduled to meet at Lake Success, New York, on 1st May. Professor Humphrey was informed on 25th April that the Commission would be prepared to accept such an invitation and to delegate Monsieur de Baer to represent it at the meeting. Monsieur de Baer declared his readiness to go to Lake Success, and his preparedness was particularly appreciated in view of the short notice which he would have to leave for the United States.

In the evening of Friday 25th April, Professor Humphrey sent a wire to Dr. Liang, strongly recommending that such an invitation be extended to the United Nations War Crimes Commission by wire; he also telegraphed to his immediate superior, M. Henri Laugier, Assistant Secretary General in charge of the Social Department, asking him to support this suggestion.

5. It was envisaged at the meeting on 25th April that M. de Baer, when at Lake Success, should not only attend the meeting of the Codification Committee, but also get into personal contact with the appropriate officials of the Secretariat, namely, in addition to the officials in charge of the Human Rights Commission, with Dr. Ivan Kerno, Assistant Secretary-General in charge of Legal Affairs, Dr. Liang, Director of the Division for Development and Codification of International Law, and with the official in charge of the Division of Co-Ordination and Liaison. (Mr. Perez-Guerrero, who had been the Director of that Division, has relinquished the post on being appointed Minister of Finance of Venezuela.)

Professor Humphrey left London on Saturday 26th April.

3/15.

UNO
5.51

ES/MS. 8th May, 1947.

Dear Professor Humphrey,

I enclose a document which I have drawn up with a view to preparing for the situation which would arise if this Commission should be asked by the Secretariat of the United Nations to undertake the task of collecting information concerning human rights arising from trials of war criminals, quislings and traitors and in particular from the Nuremberg and Tokyo trials.

The document does not contain a complete and detailed plan; it is only intended to serve as a basis for discussion by the Legal Committee of this Commission and by the Commission itself. It has, therefore, not yet been approved by any organ of this Commission and it expresses only my personal views.

In case the request to undertake this work should be made by the Secretariat of the United Nations, the Secretariat of the United Nations War Crimes Commission would be most grateful for your comment on the plan as outlined.

I would like to add that in addition to the material concerning the Nuremberg and Tokyo trials, this Secretariat has collected well over 800 transcripts, records or reports concerning trials of persons accused of war crimes in the wider sense, which have been conducted by allied courts during the last two years or so.

I have drawn up the enclosed paper at this stage for the reason that, if I should leave the staff of the U.N.W.C.C. in order to join the staff of the United Nations, I would like to have the foundations of this work laid before leaving for New York.

I hope that you had a pleasant passage to the United States.

With best regards,

Yours sincerely,

ES.

Legal Officer.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County, New York, U.S.A.

5.25

UNO
5.5/

May 12th, 1947.

Dear Professor Humphrey:

Your letters dated 6th May 1947 Reference: 70-1-1 arrived at this office to-day. Lord Wright the Chairman of this Commission, Monsieur de Baer the Belgian representative, Colonel Springer the United States representative and Colonel Ledingham the Secretary-General are at present in the American Zone of Germany where they are attending trials conducted before United States Military Commissions and Military Tribunals. They are expected to be back in London very soon and upon their return your two letters will be brought to the attention of Lord Wright and Colonel Ledingham respectively and eventually before the appropriate Committee of the United Nations War Crimes Commission.

Yours sincerely,

Egon Schwelb,
Legal Officer.

Professor John P. Humphrey,
Director,
Division of Human Rights,
United Nations,
Lake Success.
New York. N.Y.
U.S.A.

I suppose that Professor Humphrey's letter is not the invitation from the United Nations Secretariat to the United Nations War Crimes Commission and that a formal invitation from the Secretariat will still arrive. I am not quite sure about this however and it may be that the letter itself is already to be considered to be the invitation extended not by the Codification Committee but by the Secretariat of the United Nations.

I am simultaneously acknowledging receipt of both letters and informing Professor Humphrey that Lord Wright and Colonel Gallagher, and also Monsieur de Baer, are at present in Germany but that they are expected to be back very soon, I am adding that upon their return both letters will be placed before them and eventually before the appropriate organs of the United Nations War Crimes Commission.

Yours sincerely,

Legal Officer.

The Rt. Hon. Sir Robert Craigie,
GCMG, CB, FC.,
Pennington Manor,
Nr. Ringfield,
Hants.

Copies as stated

Extra Copy

May 12th, 1947.

Dear Mr Egbert:

Today in the absence of Lord Wright and Colonel Ledingham two letters dated 6th May 1947 have been received from the United Nations Secretariat at Lake Success.

The letter addressed to Lord Wright is a first and formal request from the Secretariat of the United Nations to the United Nations War Crimes Commission to undertake the work of collecting and publishing information concerning human rights arising from the trials of war criminals, quislings and traitors, and in particular from the Nuremberg and Tokyo trials. As far as this matter is concerned I suggest that the letter be circulated to Committee III and placed on the Agenda of its next meeting together with my paper, Document No: III/83, in which I have anticipated this request from the United Nations and a copy of which I enclose for your convenience.

Provided that Lord Wright and Colonel Ledingham do not want to have this matter preliminarily discussed before a different forum, I think it will meet your convenience if I convene a meeting of Committee III for Wednesday or Thursday of next week (May 21, 22, respectively), according to the other programme of the Commission and Committee I.

A second letter dated 6th May 1947 addressed to Colonel Ledingham refers to a matter which has been the subject of the exchange of telegrams first between Professor Murphy while he was in London, and Dr. Liang in New York, and then between Dr. Liang and Colonel Ledingham. In Professor Murphy's letter it is reported that Dr. Liang told him that he (Dr. Liang) could not invite the War Crimes Commission to send a representative to the meeting of the Codification Committee as this was something that could only be done by the Codification Committee itself. Professor Murphy therefore says that he suggested that someone from the War Crimes Commission should be invited to come to Lake Success while the Codification Committee is in session as the guest of the United Nations Secretariat.

Extra Copy

UNO

S S

May 17th, 1947.

Dear Sir Robert:

Today in the absence of Lord Wright and Colonel Ledingham two letters dated 6th May 1947 have been received from the United Nations Secretariat at Lake Success.

The letter addressed to Lord Wright is a final and formal request from the Secretariat of the United Nations to the United Nations War Crimes Commission to undertake the work of collecting and publishing information concerning human rights arising from the trials of war criminals, quislings and traitors, and in particular from the Nuremberg and Tokyo trials. As far as this matter is concerned I suggest that the letter be circulated to Committee III and placed on the Agenda of its next meeting together with my paper, Document No: III/89, in which I have anticipated this request from the United Nations and a copy of which I enclose for your convenience.

Provided that Lord Wright and Colonel Ledingham do not wish to have this matter preliminarily discussed before a different forum, I think it will meet your convenience if I convene a meeting of Committee III for Wednesday or Thursday of next week (May 21st, 22nd respectively), according to the other programme of the Commission and Committee I.

A second letter dated 6th May 1947 addressed to Colonel Ledingham refers to a matter which has been the subject of the exchange of telegrams first between Professor Humphrey while he was in London, and Dr. Wang in New York, and then between Dr. Wang and Colonel Ledingham. In Professor Humphrey's letter it is reported that Dr. Wang told him that he (Dr. Wang) could not invite the War Crimes Commission to send a representative to the meeting of the Codification Committee as this was something that could only be done by the Codification Committee itself. Professor Humphrey therefore says that he suggested that someone from the War Crimes Commission should be invited to come to Lake Success while the Codification Committee is in session as the guest of the United Nations Secretariat.

Extra Copy

UNO

S S

May 15th, 1947.

Dear Sir Robert:

Today in the absence of Lord Wright and Colonel Ledingham two letters dated 6th May 1947 have been received from the United Nations Secretariat at Lake Success.

The letter addressed to Lord Wright is a final and formal request from the Secretariat of the United Nations to the United Nations War Crimes Commission to undertake the work of collecting and publishing information concerning human rights arising from the trials of war criminals, quislings and traitors, and in particular from the Nuremberg and Tokyo trials. As far as this matter is concerned I suggest that the letter be circulated to Committee III and placed on the Agenda of its next meeting together with my paper, Document No: III/89, in which I have anticipated this request from the United Nations and a copy of which I enclose for your convenience.

Provided that Lord Wright and Colonel Ledingham do not want to have this matter preliminarily discussed before a different forum, I think it will meet your convenience if I convene a meeting of Committee III for Wednesday or Thursday of next week (May 21, 22, respectively), according to the other programme of the Commission and Committee I.

A second letter dated 6th May 1947 addressed to Colonel Ledingham refers to a matter which has been the subject of the exchange of telegrams first between Professor Murphy while he was in London, and Dr. Liang in New York, and then between Dr. Liang and Colonel Ledingham. In Professor Murphy's letter it is reported that Dr. Liang told him that he (Dr. Liang) could not invite the War Crimes Commission to send a representative to the meeting of the Codification Committee as this was something that could only be done by the Codification Committee itself. Professor Murphy therefore says that he suggested that someone from the War Crimes Commission should be invited to come to Lake Success while the Codification Committee is in session as the guest of the United Nations Secretariat.

Extra Copy

UNO

S

May 12th, 1947.

Dear Sir Robert:

To-day in the absence of Lord Wright and Colonel Lodington two letters dated 6th May 1947 have been received from the United Nations Secretariat at Lake Success.

The letter addressed to Lord Wright is a final and formal request from the Secretariat of the United Nations to the United Nations War Crimes Commission to undertake the work of collecting and publishing information concerning human rights arising from the trials of war criminals, quislings and traitors, and in particular from the Nuremberg and Tokyo trials. As far as this matter is concerned I suggest that the letter be circulated to Committee III and placed on the Agenda of its next meeting together with my paper, Document No: III/09, in which I have anticipated this request from the United Nations and a copy of which I enclose for your convenience.

Provided that Lord Wright and Colonel Lodington do not want to have this matter preliminarily discussed before a different forum, I think it will meet your convenience if I convene a meeting of Committee III for Wednesday or Thursday of next week (May 21, 22, respectively), according to the other programme of the Commission and Committee I.

A second letter dated 6th May 1947 addressed to Colonel Lodington refers to a matter which has been the subject of the exchange of telegrams first between Professor Humphrey while he was in London, and Dr. Wang in New York, and then between Dr. Wang and Colonel Lodington. In Professor Humphrey's letter it is reported that Dr. Wang told him that he (Dr. Wang) could not invite the War Crimes Commission to send a representative to the meeting of the Codification Committee as this was something that could only be done by the Codification Committee itself. Professor Humphrey therefore says that he suggested that someone from the War Crimes Commission should be invited to come to Lake Success while the Codification Committee is in session as the guest of the United Nations Secretariat.

UNO
Exec Sec
S: 3

May 13th, 1947.

Dear Professor Humphrey:

Your letters dated 6th May 1947 Reference: 70-1-1 arrived at this office to-day. Lord Wright the Chairman of War Corrdination, Monsieur de Baer the Belgian representative, Colonel Springer the United States representative and Colonel Ledingham the Secretary-General are at present in the American zone of Germany where they are attending trials conducted before United States Military Corrdinations and Military Tribunals. They are expected to be back in London very soon and upon their return your two letters will be brought to the attention of Lord Wright and Colonel Ledingham respectively and eventually before the appropriate Committee of the United Nations War Crimes Corrdination.

Yours sincerely,

Egon Schwelb,
Legal Officer.

Professor John P. Humphrey,
Director,
Division of Human Rights,
United Nations,
Lake Success,
New York, N.Y.
U.S.A.

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REFERENCE: 704-1-1

15 May 1947

Dr. Egon Schwelb,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London S.W.1, England.

Dear Dr. Schwelb:

Thank you very much indeed for your letter of 8 May and the enclosed memorandum on the study which the War Crimes Commission has agreed to prepare for the United Nations.

I think that it is an excellent piece of work and agree with your conclusions.

I would appreciate your letting me know what decision the Commission finally takes in the matter.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

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Ansd.....

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U.N.O. 3

REFERENCE 704-1-1

6 May 1947

Dear Lord Wright:

On my return to Lake Success, I discussed with M. Henri Laugier, the Assistant Secretary-General in charge of Social Affairs, the question of possible cooperation between the Division of Human Rights and the War Crimes Commission in the matter of the collection and publication of information concerning human rights arising from trials of war criminals, quislings and traitors and, in particular, from the Nuremberg and Tokyo trials. M. Laugier agrees with me that the War Crimes Commission is in a better position to undertake this work than is the United Nations Secretariat and, if the Secretariat of the Commission is prepared to accept responsibility for this work, we would be very pleased to have you do it for us.

As you know, the Secretary-General was requested to make arrangements for the collection and publication of this information by a resolution which was adopted by the Economic and Social Council on 21 June 1946 (Journal No.29 of the Economic and Social Council, page 521). If it is possible, we would like to be able to submit the manuscript to the next meeting of the Commission on Human Rights which is to meet at Geneva on 25 August next. I do not want to press you in the matter, however, and would arrange to have the manuscript submitted at the following meeting of the Commission, should it be impossible for you to complete the work for August. In any event, I would very much appreciate hearing from you and having your views at your earliest convenience.

I would like to take this opportunity to thank you for your very kind hospitality while I was in London. I shall look back to my visit to Lansdowne House as one of the most interesting and fruitful parts of my recent trip to Europe.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

Lord Wright,
Chairman,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1, England.

RECEIVED
12 MAY 1947
Ansd

2956.

5.50

May 20th, 1947.

In confirmation of my telephone conversation with you to-day the following telegram has been received by me from Mr. Kerno, the Assistant Secretary General in charge of the Legal Department of the United Nations:

"WOULD WELCOME REPRESENTATIVE OF WAR CRIMES COMMISSION IN NEW YORK FOR SECRETARIAT CONSULTATION"

General de Baer will represent the War Crimes Commission at the consultation and for this purpose would prefer to travel to New York by air as it is essential for him to be back in this country during the first week in June. It would be very much appreciated therefore if you could arrange for a priority passage by air for General de Baer either on Sunday or Monday to enable him to attend these consultations as early as possible in view of the fact that the Committee concerned opened its session on 12th May. I quite realise of course that the bookings of the American Overseas Airlines at this time of year are very heavy but in view of the importance of this visit to New York, General de Baer is quite prepared to stand by at twenty-four hours notice.

J. M. Clark, Esq.,
Travel Bureau,
United Nations,
Russel Square House,
Russel Square, W.C. 1.

3715.

5.50

E/'G.

20th May, 1947.

Dear Professor Humphrey,

I have to thank you for your very kind letter of the 15th May which arrived last night at a time when my letter of yesterday's date had already been dispatched.

I have stated previously how great an honour it has been to me to be offered this important post. There is little that I can say beyond expressing my determination to deserve the compliment, and to do my utmost in order to contribute to the success of the Human Rights Division. It will be a particular pleasure to me to work under you and have the invaluable benefit of your guidance in my new task.

The date for my release from duties towards the United Nations War Crimes Commission, mentioned in my letter of yesterday's date, (15th July) is a compromise which Colonel Pellington suggested between what he understood you to wish, and the intentions of the Commission. He wanted me to remain until the 31st July, but eventually agreed to the 15th.

I hope that this solution does not differ too much from your own intentions and dispositions. If difficulties should arise in London in getting transport facilities on, or very soon after, 15th July, I would venture to contact you once more and enlist your help in getting a particularly high priority.

The programme for this summer, which you outlined in the second paragraph of your letter, is very heavy indeed. There is in it one item on which I could make some modest contribution during the first days of my stay in New York because it is closely connected with my work with the U.N.W.C.C. and also with my theoretical studies in this field. This is the convention on Genocide. I am afraid, however, that I shall be too late in this respect because, as you say, the Division has to submit a draft convention to the Codification Committee which is now in session, and I believe that the session of the Codification Committee will close long before I arrive in New York.

-1-

Professor John P. Humphrey,
Director of the Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

I hope that I shall arrive at Lake Success at the latest when you return from your holiday and I hope that you will have a very pleasant time and enjoy the holiday very much.

I contacted Professor Lauterpacht some time ago and he promised to see me during his next stay in London.

I am simultaneously writing to Mr. F. Dean and hope to meet Mr. Dean early next week.

I am very grateful for your remarks concerning the relationship between the Codification Committee and the War Crimes Commission. It was, if I may say so, a very good solution to suggest the invitation by the United Nations Secretariat. The official invitation extended by Dr. Kerno arrived to-day by telegram, and I suppose that M. de Baer will be delegated by the Commission to go to New York in the week after Whitsun. This is a matter, however, which Colonel Bingham will settle directly with Dr. Kerno and the other authorities.

I am afraid I have not yet seen Professor Brunet's book "La Garantie Internationale des Droits de l'Homme". I am not sure whether I shall be able to get hold of it here in London, because there is always great difficulty with foreign legal literature. I can promise you, however, that I shall keep myself informed concerning the literature treating with the problem of human rights in all its aspects as soon as I have settled down at Lake Success.

With best regards and looking forward to seeing you very soon,

I remain,

Yours sincerely,

BS
Egon Schwelb.

3715.

S 350

ES/HS.

20th May, 1947.

Dear Professor Humphrey,

Re: Collection and Publication of Information concerning Human Rights arising from trials of War Criminals, etc.

Thank you for your letter of the 15th May, reference No. 704-1-1.

Your request concerning this matter, addressed to Lord Wright, dated 6th May 1947, reference 704-1-1, which I acknowledged preliminarily in Lord Wright's and Colonel Hodgkinson's absence, has been placed on the agenda of the meeting of the full Commission, which will be held tomorrow.

It is planned that the matter should be referred to the Legal Committee which has already been convened for this purpose for the day after tomorrow.

I hope, therefore, that you will get a reply from the Commission very soon.

Yours sincerely,

H.S.

Legal Officer.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

COPY OF CABLE

TO: COL. LEDINGHAM
SECRETARY GENERAL
WAR CRIMES COMMISSION
LANSDOWNE HOUSE LONDON.

FROM: KERNO, (Assistant Secretary General in charge of Legal Department United Nations)

LAKE SUCCESS, NEW YORK

DATED: MAY 20, 1947.

WOULD WELCOME REPRESENTATIVE OF WAR CRIMES COMMISSION IN NEW YORK FOR SECRETARIAT CONSULTATION.

KERNO.

---

ny [illegible], 1947.

In confirmation of my telephone c nversation with you to-day, I enclose herewith cheque for £[illegible] . [illegible] . 0 to cover General de Beer's air passage to New [illegible] and return.

. . Clarke Esq.,
United Nations Travel Bureau,
Russell Square House,
Russell Square,
London, W.C.1.

encl: cheque in amount/of
£[illegible] . [illegible] . 0 as stated.

296.

May 23rd, 1947.

I refer to your letter of the 6th May, reference 70[illegible]-1-1 relating to arrangements for the collection and publication of information concerning human rights arising from trials of war criminals, quislings and traitors, and, in particular, from the Nuremberg and Tokyo trials. (Resolution of the Economic and Social Council of 21st June 1946, Journal of the Economic and Social Council No. 29, p.521).

The request of the United Nations Secretariat was placed before the meeting of this Commission held on 21st May, 1947.

The Commission agreed unanimously that the work should be undertaken so far as trials of war criminals, and particularly the Nuremberg and Tokyo trials, are concerned. The question whether the Commission will be in a position also to undertake the work concerning quislings and traitors was for the time being postponed until the whole problem has been examined by the Legal Committee to which the matter has been referred.

I hope that we shall be able to send you our scheme and programme in a comparatively short time, but I am afraid that it will be technically impossible for the report itself to be ready for submission to the next meeting of the Commission on Human Rights, which is to be held on 25th August next.

Yours [illegible],
Secretary General.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
New York, U.S.A.

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TELEGRAMME: UNATIONS NEW-YORK

✓ 2126
S. 30

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE 704-1-1

15 May 1947

Dear Lord Wright:

I cabled you yesterday to the effect that the United Nations is offering Dr. Egon Schwelb the post as assistant director of the Division of Human Rights. I wanted you to be informed of this fact before any official offer was made to him.

May I say that, while I am of course extremely happy to have Dr. Schwelb as my collaborator, I hope that his forthcoming departure from the United Nations War Crimes Commission will not prove embarrassing to you.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

Lord Wright,
Chairman,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, S.W.1, England.

RECEIVED
20 MAY 1947
Ansd.....

5.50

May 23rd, 1947.

In Lord Wright's absence from London, I write to you, at his request, to thank you for your letter to him dated 15 May and for your cablegram regarding the United Nations offer to Dr. Egon Schwelb of the appointment as assistant director of the Division of Human Rights.

As Lord Wright indicated to you when he had the pleasure of seeing you in London, such an offer did not come exactly as a surprise to him as he had always anticipated that Dr. Schwelb would gain advancement when the work of the Commission was drawing to a close.

Dr. Schwelb's loss will be very keenly felt, not only by Lord Wright personally but by all members of the Commission and of the Secretariat and last, but by no means least, by myself. At yesterday's meeting of the Commission, Lord Wright paid eloquent testimony to Dr. Schwelb's outstanding services to the Commission with which all members present cordially associated themselves.

Dr. Schwelb has discussed with me the question of the date which might be suitable to all concerned for him to terminate his work with the Commission and he will no doubt be communicating with you in this respect when he replies to the official offer which I now understand has been made to him.

G.A.LEDINGHAM

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
New York. U. S. A.

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RECEIVED
27 MAY 1947
Ansd.....

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U[illegible]ED NATIONS WAR CRIMES COMMISSION
CHURCH HOUSE
[redacted] LANSDOWNE HOUSE,
GREAT SMITH STREET, S.W.1
BERKELEY SQUARE,
LONDON, W.1.

To: The Secretary General.
From: F. Schwelb.

Dr. Lisowski and myself have taken note of the enclosed documents.

I think that the drafting of a reply should be postponed until M. de Baer's oral report ~~has~~ will have been considered and discussed.

2-6-47. F.S.

U.N.W.C.C.

A. 4/2
date

Progressive development of international law. Co-operation with the United Nations.

The following letter from the Director, Division on the development and codification of International Law to the Chairman of the Commission is herewith circulated for the information of members.

<Copy letter of 30-5-47>

28 May 1947

In my capacity of representative of the United Nations War Crimes Commission, I have been authorized to require that the United Nations Secretariat should forward to the United Nations War Crimes Commission, the following documents:

1. All documents concerning the Human Rights Commission and its subsidiary bodies.

2. All documents concerning the Committee on the Progressive Development and Codification of International Law, and other bodies which might be established to deal with that subject.

3. All documents of the Economic and Social Council and of the General Assembly dealing with the above subjects.

As an intergovernmental organization, the United Nations War Crimes Commission has within its terms of reference activities related to the above subjects, and arrangements have been made for consultation on Secretariat level with the United Nations with relation to the above subjects.

I would be grateful if you would forward these documents to London regularly in the future, and also supply all back issues of these documents or such documents as may have been issued up to the present time on these subjects to the United Nations War Crimes Commission.

M. de Baer
Belgian Representative
United Nations War Crimes Commission

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circulated as doc. A.48 on 2/6/47

5.31

UNITED NATIONS

NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE

30 May 1947

Lord Wright,
Chairman,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.
England.

RECEIVED
2 JUN 1947
Ansd.....

Dear Lord Wright,

It gave the Legal Department of the United Nations Secretariat and particularly myself much pleasure to welcome the visit of Dr. M. De Baer to Lake Success for Secretariat consultation on subjects of common interest to the War Crimes Commission and to the United Nations Secretariat. Since his arrival Dr. De Baer has had conversations with Dr. Ivan Kerno, Assistant Secretary-General in charge of Legal Affairs, and myself. He also visited meetings of the Committee on Development and Codification of International Law, now being held to consider the methods for the encouragement of the progressive development of international law and its eventual codification.

I regret very much that the proceedings of the Committee have not reached the stage where its consideration of the formulation of the principles of the Nuremberg Charter and Judgment would make it desirable to invite expert advice and information from such organizations as the War Crimes Commission. At a later stage of the work of the Committee, however, the subject of cooperation with bodies, national and international, concerned with the international law will be thoroughly examined, and the Committee will establish a plan according to which in the formulation of the principles of the Nuremberg Charter and Judgment the expert assistance of such bodies as the War Crimes Commission will be invited. I have asked Dr. De Baer to explain to you in person the possibilities of the cooperation of the War Crimes Commission with the United Nations in the near future.

Yours sincerely,

Yuen-li Liang

Yuen-li Liang
Director, Division on the Development and Codification of International Law.

2367

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E/CN.4/

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 104-1-1

29 May 1947

Dear Colonel Ledingham:

Thank you very much indeed for your letter of 22 May. I am very glad to know that the War Crimes Commission will undertake the preparation of a memorandum on Information concerning Human Rights Arising from Trials of War Criminals, etc., as contemplated by the resolution of the Economic and Social Council on 21 June 1946. I understand, however, that at the moment this decision applies only to trials of war criminals and particularly the Nuremberg and Tokyo trials, but that the Commission will consider later the question whether it can also undertake the work concerning Quislings and Traitors.

I note that you will send me further details regarding your plans but that you do not think it would be possible to have a report ready for submission to the next session of the Commission on Human Rights. I am wondering whether it might be possible for you to let us have a progress report which might be submitted to that meeting.

I would like to take this opportunity to thank the Commission, through you, for its cooperation in the work of the Commission on Human Rights.

With kind regards and best wishes, I am

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

Colonel G. A. Ledingham,
Secretary General,
War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1, England.

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mmb/hrj LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 306-3-5/MMB

26 May 1947.

Mr. Egon Schwelb,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

RECEIVED
9 JUN 1947
Ansd.....

Dear Mr. Schwelb,

In reply to your letter of 2nd May, all of the documents covering the subject of human rights arising from trials of war criminals which are presently available were despatched to you on 27 May.x)

Attached to this letter is additional material which the Secretary of the relevant Commission suggested that I should forward to you.

I trust this will be of some assistance to you and that you will not hesitate to communicate with me if I can be of any further help.

Yours sincerely,

Mabel M. Butler

MABEL.M. BUTLER
Chief, Distribution Section
Documents and Sales Division.

x) 1947

"The collection and publication of information on the activities concerning human rights arising from the trials of war criminals, quislings and traitors and in particular from the Nuremberg and Tokio trials."

I. Discussion in the Meetings of the Nuclear Commission on the above resolution.

1. The Nuremberg and Tokyo trials of war criminals and their importance to the study of human rights are first mentioned in the meetings of the Nuclear Commission by Professor Cassin at a closed meeting of the Commission held on 6 May*) at 3:00 p.m. The members are discussing the drafting of an international bill of rights, whether the nuclear Commission itself is competent to draft such a bill at this session, what methods should be adopted, what subjects should be included in the Bill, and what provisions should be made for its implementation. Here Professor Cassin mentions the possibility of creating a control agency to consider the violations of the proposed declaration of the rights of man. The Security Council is empowered by the Charter to examine such violations as would constitute a threat to the peace. But we should distinguish between these problems and others. Governments might well object to the creation of a control agency and in many cases it is the respect for the authority of governments which will enable the Commission to achieve concrete results. However, there may be cases where the violations of human rights will be so serious that men's right to discuss them, and the right of the Security Council to examine them, cannot be ignored.

At this point Professor Cassin draws the attention of the Commission to the International Tribunal of Nuremberg.

Men are being judged there not only for having wanted and planned a war of aggression, not only for violating the rules of war, which is not the concern of the Human Rights Commission, but for crimes against humanity. These men may be condemned to death on this one count. A similar court is sitting in Tokyo and judging men also for crimes against humanity. The establishment of these tribunals represents a great advance in the protection of the rights of man. The principles governing these tribunals should be closely studied by the Commission.

*) 1946.

2. At the next meeting held on 8 May 1946 at 10:30 a.m. the discussion on the drafting of an international bill of rights is continued. Members are agreed that further documentation will be necessary before an international bill of rights can be written. M. Cassin proposes that a year-book incorporating existing bills of rights in force in the various countries be drafted. Information on the work of all organs of the United Nations concerning human rights should be collected and this should include reports on the work of the international courts of Nuremberg and Tokyo. These are especially important in that, for the first time, without any existing laws as a precedent, and international community organized a tribunal to try men for crimes against humanity, and not merely for breaking existing treaties and international conventions. The achievements of the courts in trying and condemning violations of the rights of man must be noted. Mr. Hsia (Member for China and Chairman of the Far Eastern Division of the War Crimes Commission) states that the principles governing the Nuremberg court are contained in Justice Jackson's statement, on the basis of which an international agreement was made. Apart from this in Mr. Hsia's view there is not much material of interest to the Commission.

3. At the meeting of the Commission held on 10 May 1946 at 10:30 a.m. the members agree that a year-book should be compiled, whose first edition should contain the bills of rights in existence in the member nations of the United Nations and that information should be collected and published on the activities of all organs of the United Nations dealing with human rights. This is "to include information on the Nuremberg and Tokyo trials which might be important in the field of human rights....."

4. This wording is adopted finally in the text of the Commission's report to the Economic and Social Council. (Document E/38/Rev.1)

II. Discussion of the above resolution in the meetings of the drafting committee of the Economic and Social Council.

After the presentation of the Report of the Human Rights Commission to the Economic and Social Council, it is referred for study to a special drafting committee of the Council.

At the third meeting of this Committee held on 12 June 1946 at 10:30 a.m. certain amendments to the paragraph concerning the trials of war criminals are made and adopted as follows: Mr. Dehousse proposes that other trials of war criminals besides Nuremberg and Toyko might be useful and should be added. Mr. Bousquet suggested that the trials of quislings and traitors should also be studied.

The final text as adopted by this committee then reads as follows: "the collection and publication of information concerning human rights arising from trials of war criminals, quislings and traitors, and in particular from the Nuremberg and Tokyo trials."

III. Adoption of the above resolution by the Economic and Social Council.

The text as quoted in the last paragraph above was adopted without comment by the Economic and Social Council on 21 June 1946.

B. 3/

REPORT OF MONSIEUR DE BAER ON HIS VISIT TO UNO.

-:-:-:-:-:-:-

~~(As given at the meeting of Committee III held on 4th June 1947)~~

My journey to UNO had been decided on at a moment's notice. When Professor Humphrey (Director of the Human Rights Division) visited the Commission the decision had to be taken on the spot. Such members as were present at the time, such as Lord Wright and myself, decided that it would be desirable to send a representative to UNO, so I agreed to go at a moment's notice. Professor Humphrey then wired Lake Success asking if it would be in order for a representative of the Commission to be invited to attend the meeting of the Committee on the Codification of International Law. Some rather unsatisfactory replies ~~had been~~ were received, until suddenly about a fortnight or so later, an invitation had arrived. These were the reasons why it had not been possible to consult the Commission.

I. CONSULTATION WITH THE LEGAL DIVISION OF THE UNITED NATIONS.

There were two main question to be discussed with the Legal Division and I examined them at length with Dr. Ivan Kerno and Dr. Liang. The first dealt with the relations of the United Nations War Crimes Commission with the Committee which is concerned with the codification of international law, whose meeting was in progress at the time I was at Lake Success. My first task, which was purely exploratory, was to ask the Committee whether it would welcome a contribution from the United Nations War Crimes Commission on the principles of international law as they resulted from the Nuremburg judgment and from the documents in the possession of the Commission. The second matter to arrange was that this Commission should be placed on the list of inter-governmental agencies, which would be consulted when the codification of international law was to be examined

1. Committee on the Codification and Development of International Law.

It appears that this Committee, which is now in progress, is not discussing questions of substance, but merely questions of procedure and methods, in which this Commission is not concerned, for instance, how each nation is to submit a report, and whether such reports should go through the Committee or direct to the Assembly. Before these discussions come to an end, however, the Committee is going to propose that certain agencies should be consulted. Dr. Liang promised me that he would recommend that the United Nations War Crimes Commission should be among those agencies, in which case it would probably be charged with a mission on the same lines as that with which it has been charged by the Division of Human Rights. It will, of course, be for the United Nations War Crimes Commission to decide whether to accept this task or not.

The procedure which is likely to be followed is that Dr. Liang will ask some delegate, probably the French delegate, to put forward such a recommendation. The report of the Committee will go forward to the Assembly in September, and it is expected that it will be accepted by a nine-tenths majority. I have been told to ask the Commission, first, if it will be willing to undertake this task and, ~~second~~, if so, to start collecting information for the report. Dr. Liang gave me a letter which has been circulated to members of the Commission as document A.48.

2. Listing of the UNWCC as an Intergovernmental Agency.

It appears that there are some difficulties in the way; firstly, the list had not yet been drawn up, and I think that if I had not gone to Lake Success this Commission would never have been put on the list; ~~first~~, because it is an organ to liquidate the consequences of the war and has nothing to do with the future and also because ~~second~~, it is a temporary commission and some rumours had gone round to the effect that it would be closing down in a few weeks. I told Dr. Kerno and Dr. Liang that the finances of the Commission are assured until next spring, and that

/it

it has been charged by the Human Rights Division with the submission of a report, the preparation of which may take some months. Apart from this there are some countries which think the Commission should go on after the middle of next year. Dr. Liang told me that, in view of this, he will himself see that it is put on the list of intergovernmental agencies, but there may be objections. For instance, it may be that other offices, such as the Allied Control Commission, which are also temporary, will also want to be put on the list, but that there may be objections against them. I might add that organisations such as the I.L.O., U.N.E.S.C.O. and the Civil Aviation Organisation are permanent specialised agencies and are associated with UNO on a different basis from the intergovernmental agencies. Dr. Liang promised that the United Nations War Crimes Commission would be put forward for inclusion on the list, and implied that with his recommendation it was likely to be accepted.

3. The UNWCC on the Circulation List for UNO Documents.

One of the complaints of this Commission is that it is not authomatically sent documents by UNO. I talked this over with the appropriate authorities and on advice wrote them a letter asking that all documents relating to human rights and codification of international law, not only from the Committee but also from the Assembly, should automatically be sent to this Commission. I subsequently received a reply agreeing to this.

4. Winding up of the Commission

I raised the question as to who was to be the residuary of the United Nations War Crimes Commission when it finished its work and what would happen to certain of the present personnel of the Commission. I pointed out that it is now a legal body, and gave details of some of the tasks which it has carried out. I showed them a copy of the one volume of law reports which has so far been published and told them that others are now in preparation. I also told them that the Commission has valuable archives which must either stay in England or remain with someone who can manipulate them. I said that the Commission

is making a collection of the texts of municipal legislation rel ting to war crimes, that it has about 5000 dossiers dealing with specific war crimes, the property of Committee I, and that it is preparing a history of the Commission. This the Legal Division seemed to understand, but when the question of the future was discussed they did not seem prepared to lend their support; they said that if the Commission can continue to be supported by the member-nations they would be delighted; as for the future of individual members, it will be for these people to make direct application to become members of the United Nations' staff, when this Commission winds up. It was however, indicated to me that all the posts are filled at the moment, but the position may have changed in a year or two. So much for the legal questions.

II. CONSULTATIONS WITH THE HUMAN RIGHTS DIVISION OF U.N.

I had a long talk with Professor Laugier, Assistant Secretary of the United Nations, in charge of Social Affairs, about the future of the Commission. On being informed that the Commission costs between twelve and fifteen thousand pounds a year, Professor Laugier seemed prepared to take over the Commission, provided it shows evidence that it has some useful contribution to make in the sphere of human rights. I had another conversation with Professor Humphrey, who advised me to follow up this half promise; the best way would be for the Commission to send, as soon as possible, a statement showing the contribution which it can make to the work of the Human Rights Division; this will enable the latter to see in what way they can incorporate either a whole or part of the Commission under the Social Council.

III CONSULTATIONS WITH THE ECONOMIC AFFAIRS DIVISION.

I had conversations with three members of this Division, who informed me that the question of the incorporation of the United Nations War Crimes Commission would have to be recommended by Professor Laugier and Professor Humphrey, and they will then consider it. Present discussion was therefore premature. The conversations showed that at the present time there is no

question of the United Nations financing this Commission. For the present it must continued to be financed by the respective member-governments. The question of the incorporation of the United Nations War Crimes Commission by the Human Rights Division will not come up for consideration until the end of this year and then I am sure that its best advocate will be Dr. Schwelb.

2366

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LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 704-1-1

29 May 1947

Dear Colonel Ledingham:

Thank you very much for your letter of 22 May with regard to Dr. Schwelb. I am, of course, very pleased that Dr. Schwelb has accepted the offer of an appointment as Assistant Director of this Division. I can only hope that his departure from the Secretariat of the War Crimes Commission will not cause you undue inconvenience.

With kindest regards both to yourself and to Lord Wright, I am

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

Colonel G. A. Ledingham,
Secretary General,
United NationsWar Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1, England.

3715.

5 51

Ex/kn. 4th June, 1947.

Dear Professor Humphrey,

I am much obliged for your letter of the 26th May.

I have been advised by the London Travel Office of the United Nations that I shall probably leave by boat on the 24th July.

As I have mentioned in my letter of the 30th May, I had a meeting with Mr. Evan that day. He was on the eve of departure for Prague and therefore he had no time to go into great detail.

I enclose Nos. 7 and 13 of the Bulletin of the International Organisation of Journalists, together with a printed copy of Bulletin No.1, the latter containing the official report of the Copenhagen Congress held a year ago. I am sending you these documents in case they should not yet be available at the Division. Mr. Logan will, of course, get even first hand information. We are promised to get in touch with us on the way back to New York from Prague.

With best regards,

I remain,

Yours sincerely,

Ex.

Egon Ebrelh.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

3715.

A, S, 1

ES/AG. 7th June, 1947.

Dear Professor Humphrey,

Thank you very much for your letter of the 29th May 1947, reference 704-1-1.

As far as the report on Information concerning Human Rights Arising from Trials of War Criminals, etc. is concerned, the preparations by the Secretariat of this Commission and by its Legal Committee are going ahead. I hope that a programme of the work which is being prepared will be agreed to by the Commission at its next meeting which will be held on Wednesday 11th June. The programme will then be submitted to you for your observations and approval. I think that the programme will also be capable of being submitted to the Commission on Human Rights for information as to the work which is being prepared. In addition, a short Progress Report will be sent to you towards the end of July.

All this will be communicated to you officially by Colonel Ledingham after the meeting of the Commission, in reply to your letter of 29th May 1947 addressed to him.

I thank you for arranging that Professor Giraud will send me the Draft Project concerning the convention on Genocide as soon as it is ready. I do not know whether the preparatory work concerning this convention has already considered the question of the relations between the concept of Genocide within the meaning of the General Assembly Resolution on the one hand and the concept of crimes against humanity as introduced by the London Charter of 8th August 1945, on the other. That the two concepts covered, to a very great extent, the same ground, is recognized, inter alia, in the address by Professor Laugier to the Human Rights Commission on 27th January 1947, where he stated that the law of Genocide has been applied already by the Allies when they indicted, tried, proved guilty and executed Julius Streicher.

-1-

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

In a letter which I wrote some time ago to Dr. Lemkin, I said that on details and questions of formulations, opinions may differ, and that in my humble opinion "it will be necessary to unite the two rivers flowing under two different names, namely "Genocide" and "Crimes against Humanity", into one broad and solid bed."

I enclose for your, and Professor Giraud's, information a copy of this Secretariat's document III/85, where some preliminary remarks on this problem are contained on pages 5 and 7.

General de Baer has returned from New York and from his preliminary, unofficial report, I gather that he was very much impressed by the kind assistance he received from you and from Professor Laugier. I have the impression that his trip was, considering the whole circumstances, rather successful.

I am very sorry indeed that I cannot yet assist you in your work when you are so overloaded with so many responsibilities. I would also have preferred to come to New York earlier, but it was not possible. The fact that I am able to wind up my work with the Commission in an orderly manner may, on the other hand, contribute, to a certain extent, to the successful performance by the Commission's Secretariat of the task with which it has been charged by the Human Rights Division.

When you were in London in April, you mentioned that I should probably have to attend the meeting of the Human Rights Commission at Geneva as your assistant. I would be very glad if you could let me know what you have decided on this question. I should like to make it quite clear that I should not be disappointed if you would decide that I should not go. It would be in the interest of the work, as well as in my personal interest that I should settle down at Lake Success as soon as possible, and this process of settling down would be interrupted if soon after having arrived, I again left for a fortnight or longer. I am also aware that my position at this meeting would be rather difficult if I had to attend as a member of the Secretariat without being properly acquainted with the whole atmosphere both of the Secretariat and of the Commission.

On the other hand, it would, no doubt, be valuable for me to see the Commission working and my return to Europe might also be useful in connection with the final winding up of my London affairs and the removal of my family to New York. I should, however, like to repeat once more that I would be grateful if you would decide this matter only with regard to the interests of the Division, without having regard to my personal predilection, which is not very strong either way.

Yours very sincerely,

ES.

Egon Schwelb.

3715

5 5 1

9th June, 1947.

Dear Professor Humphrey,

I do not doubt that you are in possession of the relevant documentation, but enclose a copy of the Foreign Office Publication concerning the United Kingdom draft of an International Bill of Human Rights, which was published here on Saturday 7th June.

Yours sincerely,

Egon Kodmik.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

5715

S-51

ES/LR

10th June, 1947.

Dear Mrs. Butler,

Thank you for your letter of May 26th, reference 306-3-5/HRB with the enclosures containing extracts from the discussions in the meeting of the Nuclear Commission on Human Rights and in the drafting committee of the Economic and Social Council concerning the collection and publication of information concerning human rights arising from the trials of war criminals and quislings.

I am also much obliged for your information that all the documents covering the subject of human rights arising from trials of war criminals were dispatched to me on 27th May.

Yours sincerely,

E.S.

Legal Officer.

Mrs. H. Butler,
Chief, Distribution Section
Documents and Sales Division,
United Nations,
Lake Success,
Nassau County,
New York.

3715

ES/LR

5.51

17th June, 1947.

Dear Professor Humphrey,

On June 13th I received your letter of 6th June, 1947, reference 704-1-1, concerning the International Consultative Conference on Human Rights which began in London that day. According to the wish expressed by you that you would like to know something about the discussions of the conference I attended some of its meetings and of the meetings of its commissions over the week-end.

I hope that I shall get from the General-secretary of the National Council for Civil Liberties, Miss Elizabeth Allen, a full documentation of the conference, namely the complete set of the papers which were circulated and the texts of the resolutions which were adopted.

Today I restrict myself to stating that the conference was comparatively well attended, particularly by delegates from the Eastern countries and from the Colonies. The conference divided itself into four commissions which met simultaneously and dealt respectively with the following questions:

(1) Discrimination on grounds of race, religion, language and nationality.
(2) Discrimination on grounds of sex.
(3) Anti-Semitism.
(4) Freedom of Communication and Press.

I enclose copies of the reports of the four commissions adding that they were adopted by the full conference with slight alterations. In the report of the commission on discrimination on grounds of race etc., a new paragraph was inserted on page 2 between the

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

recommendations (B) Political Rights, and (C), Discrimination laws, which reads as follows:

"Economic and Social rights. Human rights should also include the right to work, the right to recreation and the right to social security, without discrimination on the grounds of race, religion, language and nationality."

I am sure that the enclosed resolutions themselves will give you a good picture of the general attitude of, and the trend prevailing at, the conference. If you want me to do so, I shall give you a more detailed report.

Yours sincerely,

E.S.

Egon Schwelb.

3725.

5

53/

19th June, 1947.

ES/EC.

Dear rofessor Humphrey,

According to the wish expressed in your letter of the 15th May, to the effect that you would very much like to have any comments from Professor Lauterpacht regarding the problem of the international protection of human rights, I had a meeting with Professor Lauterpacht yesterday.

As you certainly know, and as I mentioned in an earlier letter, the International Law Society is having its meeting in the first week of September, in Prague. The problem of human rights is one of the items of the agenda, and Professor Lauterpacht has been invited to address the conference. Yesterday he received us with the announcement that he had accepted the invitation for the following reasons.

He is mainly concerned with urging deliberation in the preparation of the International Bill of Human Rights. For reasons which are certainly not new either to you or to myself, but which I record in view of the great authority which attaches to every considered opinion of Professor Lauterpacht, he says he is rather unhappy about the state of affairs and about the danger that the International Bill of Human Rights should be rushed through. In his opinion at least three or four years will be required to arrive at a properly drafted international Bill of Human Rights. We live in times of precario means and uncertainty when cynicism and disillusion are rampant. To fix the instrument for the international protection of human rights at a time like this would, in his opinion, be disastrous. Each of the clauses of the International Bill of Human Rights is controversial and implies difficult problems of law, philosophy and politics. Unless done properly, the business of enacting an international bill of rights

-1-

Professor John . Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

should not be done at all. Since the Human Rights Commission has done the work and has done it badly, it has destroyed its own raison d'être.

Professor Lauterpacht drew our attention to the report of the Dehaut Committee of the International Law Association on the codification of international law and the cautious and elaborate procedure which is recommended there. He added that the International Bill of Human Rights is a piece of international codification which is immeasurably more important than, say, the codification of the provision of international law concerning territorial waters. He is therefore of the opinion that at least as much care, preparation, expert assistance and public discussion should be devoted to the international bill of rights as is being suggested for the preparation of the codification of such less important provinces of law.

The problems involved in the bill of human rights are also more difficult than the problem involved in the question of territorial waters. What Professor Lauterpacht wants to do is to impress the necessity of thoroughness and deliberation.

In his opinion, the great importance of the International Bill of Human Rights should be expressed also in the form in which it is to be dealt with by the General Assembly of the United Nations. He does not think that it would be appropriate to pass the International Bill of Human Rights as one of some 25 other Resolutions, giving it the same statement as a Resolution on tax equalisation, or translations of the classics.

Professor Lauterpacht thinks that when this stage is reached, a special meeting of the General Assembly should be convened with the single item on its agenda of accepting the International Bill of Human Rights. Member States should be invited to send to this special meeting of the General Assembly enlarged delegations composed of distinguished representatives of every walk of life. These delegates of the Member States should be armed with the power to sign the bill of rights forthwith, without the necessity of ratification. The process of ratification, as it is suggested, e.g. in Article 17 of the United Kingdom Draft of an International Bill of Human Rights would, in Professor Lauterpacht's opinion, be humiliating for the International Bill of Human Rights.

Professor Lauterpacht further stressed the close connection between the concept of crimes against humanity, as contained in the Nuremberg Charter, and the idea of fundamental human rights and their protection by criminal law. This is, as was perhaps remembered, a

subject on which I have contributed an article to the British Year Book of International Law, an article on which Professor Lauterpacht stated that he will base the lectures on the subject, which he will deliver at the Hague Academy of International Law.

As far as the so-called crime of Genocide is concerned, Professor Lauterpacht appears to be not too much in favour of this new concept. He thinks that if one emphasises too much that it is a crime to kill a whole people, it may weaken the conviction that it is already a crime to kill one individual.

Professor Lauterpacht fully appreciates the drive, timeliness and candour of Dr. Lemkin, but he agrees with my opinion that it will be advisable to put right the relations between the concept of crimes against humanity on the one hand and that of genocide on the other.

The McNair Report on the Codification of International Law, which is mentioned above, is not at my disposal at present. Mr. Harvey Moore, one of the two honorary secretaries of the International Law Association, who eventually joined my discussion with Professor Lauterpacht, promised that he would let me have a copy of it as soon as possible. I shall dispatch the report to you without delay.

This report was mentioned to me by Professor Lauterpacht only as a model for the procedure which should, in his opinion, be adopted by the Human Rights Commission in preparing the International Bill of Human Rights, and according to what I could gather about the proceedings of the Committee on the Progressive Development of International Law and its Codification, the meeting of which began on 12th May 1947, a very cautious approach to the problem of development and codification is taken there as well.

The International Law Association has reprinted as one of the preparatory papers for the Prague Conference: (a) The Grotius Society Committee Report on "International Law and the Rights of the Individual" (1945), and (b) The Draft Bill prepared by Professor Lauterpacht, as published on pages 69-74 of his book "An International Bill of the Rights of Man".

Professor Lauterpacht will, however, prepare an additional paper for the conference and I shall ask him to let me have a copy of it as soon as possible.

Professor Lauterpacht expressed the wish to meet us once more before my departure to Lake Success, and I would be much obliged if you would let me know any particular points which you would like me to discuss with him.

Yours sincerely,

Egon Schwelb.

HMH/MC. 21st June, 1947.

Dear Sir Robert,

The attached draft paper contains hardly more than a preliminary survey on human rights which should be taken into account in our work.

The rights of individuals towards the State under whose jurisdiction they fall (I of this paper) will mainly be of interest in the trials of quislings and before German courts. The restrictions in respect of human rights imposed on belligerents (II (a) and (b)) will be illustrated in Mr. Brand's report on war crimes trials proper. I do not think that the differentiation between these two groups of human rights stressed in my paper will be of great importance for our work. It may, however, help to clarify ideas.

Mr. Brand's paper, which I sent to you on the 19th June, is certainly an extremely valuable start to the work itself. It would perhaps be useful if all of us prepared a similar outline of the respective parts of the report. I do not wish to prejudice Dr. Litawski and Dr. Zivkovic. As far as I am concerned, I cannot hope to produce nearly as final a draft as Mr. Brand's paper, with as good as no material. It should, however, be possible even at the present stage, to elaborate the main points of each part of the report. In this way, it would become clear where and how the material would have to be supplemented.

Yours sincerely,

HMH

H. Mayr-Harting.

The Rt.Hon.Sir Robert Craigie, G.C.M.G., C.B., P.C.,
Possingworth Manor,
Nr. Uckfield,
Sussex.

3715.

5.31

23rd June, 1947.

Dear Professor Humphrey,

I have now received a complete set of the documents which were circulated at the International Consultative Conference on Human Rights convened by the National Council for Civil Liberties early this month.

I received the following documents:

(1) List of delegates in attendance, and copies of the four amended commission reports together with copy of the Conference decision on International Organisation.

(2) Set of documents submitted by Mr. C. R. S. Greenidge of the Anti-Slavery and Aborigines Protection Society on the subject of slavery.

(3) One set of national reports on the subjects before the Conference.

Referring to the third set of documents, the conference organiser of the National Council for Civil Liberties points out that they are not complete as a number of additional reports were received during the latter stage of the Conference, too late for duplicating and distributing, although their contents were made known to the Commission. I have been asked that in submitting these documents to the Secretariat of the United Nations I should point out that there has as yet been no time for any central verification, amendment or editing, and that the documents represent the statements of the National Delegations and Organisations which submitted them. Further, a number of delegations in the course of discussion expressed a desire to add to these original statements. These reports should therefore be considered as provisional only.

The organisers of the conference will be collating and editing all this material together with additional reports which come to hand prior to publication, and will immediately send us the finalised report.

-1-

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

I am sending you the whole set of documents by ordinary mail as a special parcel.

Yours sincerely,

ES.

Egon Schwelb.

3715.

5 5/

23rd June, 1967.

Sir/Madam,

I am much obliged for your letter of the 21st June 1967, and the enclosed set of documents relating to the Human Rights Conference, which I am simultaneously forwarding to the Secretariat of the United Nations.

Yours sincerely,

Type Name.

. Stackell, Esq.,
Conference Organiser,
World Council for World Federation,
11a, King's Road,
London, S.W.3.

3715.

5 3/

S/HC.

23rd June, 1967.

Dear Professor Humphrey,

Lord Wright has asked me to supply the United Nations Office in this connection with the enclosed documents, two sets of which I venture to enclose herewith.

Yours sincerely,

Type Name.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Palais des Nations,
Geneva (Switzerland).

2056.

5.51

June 24th, 1947.

Dear Dr. Liang:

In Lord Wright's absence from London, I write to you at his request to thank you for your letter to him dated 30th May concerning the work of the Committee on Development and Codification of International Law.

M. de Beer has reported to this Commission on his visit to the United Nations Secretariat.

On behalf of the Commission, I write to thank you for the hospitality extended and the assistance given, to M. de Beer. You would also oblige me by conveying this expression of thanks to Dr. Kerno, Assistant Secretary-General in charge of Legal Affairs.

Yours sincerely,

Colonel.
Secretary General.

Dr. Y. Liang,
Director, Division on the Development
and Codification of International Law,
United Nations,
Lake Success,
New York. U. S. A.

Draft

Dear Sir:

I thank you for your letter dated 16th June regarding your request to furnish a complete and confidential report both on the personal character and on the general professional competence of Mr. Constantin Stavropoulos.

Mr. Stavropoulos was appointed representative of Greece to the United Nations War Crimes Commission in October 1943 and continued to act as such until November 1946. I have known Mr. Stavropoulos since the autumn of 1944 when I joined the Commission. I consider him to be a competent lawyer with considerable diplomatic experience. He has represented his Government on different International Conferences, including the Paris Peace Conference of 1946 when he made certain proposals in connection with this Conference which this Commission eventually adopted. I have no knowledge as to whether Mr. Stavropoulos has a graduate degree in law, nor do I have sufficient knowledge of Mr. Stavropoulos to express an opinion on whether he possesses the technical qualifications outlined in the third paragraph of your letter. He was an active member of Committee III (Legal) of this Commission and made valuable contributions to its work. My personal contact with Mr. Stavropoulos has been of the most pleasant nature and I have always derived much pleasure from my conversations and professional discussions with him in all matters connected with the Commission.

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

EXECUTIVE OFFICE OF THE SECRETARY-GENERAL

REFERENCE:

AFS/225/EC
204-8-15

16 June 1947

Sir,

I have the honour to inform you that Mr. Constantin Stavropoulos has been proposed for an indeterminate appointment as Senior Legal Officer in the Department of Legal Affairs.

Mr. Stavropoulos has given the Bureau of Personnel your name as a reference, and I should therefore be very grateful if you would furnish me with a complete and confidential report both on his personal character and on his general professional competence, indicating how long you have known him.

The Senior Legal Officer is required to develop plans for conferences of experts to develop and establish basic unifying principles of international law; to assume responsibility for final preparation of documents and other material for use at such conferences; to be responsible for drafting of reports concerning codification; and to give legal opinions on matters pertaining to procedure in various organs of the United Nations. In the absence of the Director of the Division, the Senior Legal Officer serves as his Deputy.

The essential qualifications for this post include a comprehensive knowledge of civil and international law and extensive diplomatic or other comparable experience. Administrative experience is desirable. The person filling this post should also have a graduate degree in law.

In addition to these technical qualifications and the ability to work in an administrative, consultative or liaison capacity, the post demands a person who is capable of meeting and dealing with colleagues and superiors in the Secretariat and with members of external organizations, and of expressing ideas clearly and forcefully. He should possess maturity in judgment, freedom from prejudice or intolerance with respect to race, religion or nationality and a sincere desire to assist in the achievement of the United Nations.

I have the honour to be,

Sir,

Your obedient Servant,

Byron Price
Assistant Secretary-General
in charge of Administrative & Financial Services

The Right Honourable
Lord Wright of Durley, P.C., L.I.D.,
Durley House,
Burbage,
Nr. Marlborough,
Wiltshire,
England.

2956.

S. 3/

June 26th, 1947.

Dear Sir:

I thank you for your letter dated 16th June regarding your request to furnish a complete and confidential report both on the personal character and on the general professional competence of Mr. Constantin Stavropoulos.

Mr. Stavropoulos was appointed representative of Greece to the United Nations War Crimes Commission in October 1943 and continued to act as such until November 1946. I have known Mr. Stavropoulos since the atumn of 1944 when I joined the Commission. I consider him to be a competent lawyer with considerable diplomatic experience. He has represented his Government on different International Conferences, including the Paris Peace Conference of 1946 when he made certain proposals in connection with this Conference which this Commission eventually adopted. I have no knowledge as to whether Mr. Stavropoulos has a graduate degree in law, nor do I have sufficient knowledge of Mr. Stavropoulos to express an opinion on whether he possesses the technical qualifications outlined in the third paragraph of your letter. He was an active member of Committee III (Legal) of this Commission and made valuable contributions to its work. My personal contact with Mr. Stavropoulos has been of the most pleasant nature and I have always derived much pleasure from my conversations and professional discussions with him in all matters connected with the Commission.

Byron Price Esq.,
Assistant Secretary General in charge of
Administrative and Financial Services,
The United Nations,
Lake Success.

2956.

5/3/

June 24th, 1947.

Dear Professor Humphrey:

I refer to your letter of the 29th May 1947, reference 704-1-1 concerning the preparation of a memorandum on information concerning human rights arising from trials of war criminals, receipt of which has already been preliminarily acknowledged by Dr. Kaeselb in his letter of the 7th June, 1947.

I now have pleasure in enclosing the Commission document C.259(1) containing a report by the Legal Committee on the problems of jurisdiction, procedure and substance involved.

The recommendations of the Legal Committee, (Committee III) were accepted by the Commission at its meeting of 18th June 1947, subject to the proviso that for the time being the work of analysis should be concentrated on the material already in the possession of the Commission.

The legal staff of the Secretariat has already started work in connection with this report and I hope that we shall be able to send you a Progress Report in time for presentation to the Human Rights Commission in August next.

I would be obliged for your observations on the enclosed document.

Yours sincerely,

Colonel.
Secretary General.

Professor John P. Humphrey,
Director, Division of Human Rights,

3719.

ES/MT.

25th June, 1947

Dear Professor Humphrey,

Further to my letter of the 19th June concerning my discussions with Professor Lauterpacht, I enclose a copy of the McNair Report on the development and formulation of international law, to which Professor Lauterpacht referred.

The report has no bearing on the activities of our Division and was mentioned by Professor Lauterpacht only with regard to its procedural suggestions which, in his view, should be borne in mind also when finally framing the procedure for the International Bill of Rights.

I think that the Report, although of recent date, is already superseded by events, namely by the proceedings of the Committee on the Progressive Development of International Law and its Codification, and the proposed establishment of the Commission of Experts on International Law, now called the International Law Commission.

Yours sincerely,

ES.

Egon Schwelb

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

3/15

5 31

ES/1R

7th July, 1947.

Dear Professor Humphrey,

Some time before you came to London in April of this year and offered me the post of Assistant Director of the Human Rights Division to which I have been appointed in the meantime, I wrote for the American Journal of International Law an article on "Human Rights in the Peace Treaties with Italy, Rumania, Bulgaria, Hungary and Finland", a copy of which I herewith enclose.

Now I have been informed that the article will probably appear in the American Journal in the near future.

When the article was written, I had, of course, no official connection with the problem of Human Rights; I contributed it to the American Journal of International Law with the consent of my then employers, the United Nations War Crimes Commission.

I feel that my appointment to the Division of Human Rights has changed the situation fundamentally and that, unless you agree to the article being published, I have to ask the Editor of the American Journal of International Law to abstain from its publication.

In case you should have no objection to the article appearing I would ask the Editor to add a footnote to the effect that it expresses only my private opinion. I hope that this is still possible and that the article has not appeared in the July number which is not yet available in this country. I would be very obliged if you would be kind enough to return to me the enclosed manuscript after my arrival at Lake Success.

Yours sincerely,

E.S.

Enc. herewith.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York.

3002

CABLE ADDRESS: UNATIONS NEW YORK — LEGRAMME: UNATIONS NEW YORK

5 3 1

UNITED NATIONS — NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 704-1-1

8 July 1947

RECEIVED
14 JUL 1947
Ansd.....

Dear Colonel Ledingham:

In the absence of Professor Humphrey, who is away on leave at present and who will return to the office in the second part of the month, I have the honour to acknowledge the receipt of your letter of 24 June containing a Report by Committee III on the Collection and Publication of Information concerning Human Rights.

I have read this report with great interest but it would be useless for me to let you have my comments for the time being since Professor Humphrey will take the matter up as soon as he returns to the office.

Yours sincerely,

Emile Giraud

Emile Giraud
Chief of Research Section
Division of Human Rights

Colonel G. H. Ledingham,
Secretary-General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1, England.

3002

CABLE ADDRESS: UNATIONS NEW YORK — LEGRAMME: UNATIONS NEW-YORK

531

UNITED NATIONS — NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 704-1-1

8 July 1947

RECEIVED
14 JUL 1947
Ansd.....

Dear Colonel Ledingham:

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Yours sincerely,

Emile Giraud

Emile Giraud
Chief of Research Section
Division of Human Rights

Colonel G. H. Ledingham,
Secretary-General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1, England.

3719.

S. 51

EB/MB.

14th July, 1947.

Dear Professor Giraud,

In the absence of Colonel Pedrington, who is away in Germany at present, and who will return to the office at the end of this week, I acknowledge receipt of your letter of the 8th July 1947, reference 704-1-1 concerning the preparations which are being made by this Secretariat in connection with the collection and publication of information concerning human rights arising from trials of war criminals, etc.

I personally am taking this opportunity of writing to you, that, as perhaps you already know, I am leaving my post on the Secretariat of the United Nations War Crimes Commission tomorrow, in order to take up an appointment with the Division of Human Rights.

I write to say what great pleasure it will be to me to see you again in New York, and to work in your very close neighbourhood. My colleagues on the staff of this Commission, and I, very gratefully remember the interesting talks and pleasant meetings we had earlier this year when you came to London to discuss outstanding questions with us on behalf of the United Nations Secretariat.

I am leaving England on the Mauritania on the 23rd July and shall arrive in New York on the 29th July.

I am looking forward to seeing you, and remain,

Yours sincerely,

EB.

Legal Officer.

Professor Emile Giraud,
Chief, Research Section,
Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

3715.

E3/MB.

14th July, 1947.

Dear Professor Giraud,

In the absence of Colonel Ledingham, who is away in Germany at present, and who will return to the office at the end of this week, I acknowledge receipt of your letter of the 8th July 1947, reference 704-1-1 concerning the preparations which are being made by this Secretariat in connection with the collection and publication of information concerning human rights arising from trials of war criminals, etc.

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I write to say what great pleasure it will be to me to see you again in New York, and to work in your very close neighbourhood. My colleagues on the staff of this Commission, and I, very gratefully remember the interesting talks and pleasant meetings we had earlier this year when you came to London to discuss outstanding questions with us on behalf of the United Nations Secretariat.

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I am looking forward to seeing you, and remain,

Yours sincerely,

E3.

Legal Officer.

Professor Emile Giraud,
Chief, Research Section,
Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

3715.

5 5/

ES/MB. 14th July, 1947.

Dear Professor Humphrey,

I am writing this letter in case you return from your holiday before my arrival in Lake Success.

I have already informed Dr. Hogan some days ago that I shall leave this country for New York on the Mauritania on the 23rd July, arriving at New York on the 29th July.

I am looking forward to starting work in the Human Rights Division.

I hope that you are enjoying your well-earned holiday and that you will return refreshed to your exacting duties and responsibilities.

With my best compliments,

I remain,

Yours sincerely,

— ES

Rene Cahuzac.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York,
U.S.A.

5.31.

23rd July, 1947.

Dear Mrs. Butler,

We would be extremely grateful if you would let us have 2 copies each by quick mail of the following Documents:

(1) The Volume (406 pages) containing the Draft Outline of an International Bill of Human Rights.

(2) The Yearbook on Human Rights, first volume, prepared by Professor Mirkine Guetzevitch, if ready.

These are required for use by the Secretariat.

Thanking you for your assistance,

Yours faithfully,

Colonel.
Secretary-General.

Mrs. Mabel Butler,
Chief of Distribution,
Documents and Sales Division,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

S
& Zuckerie

Col. Wade · Dr Gildersleeve etc. JF35

S. 3/

CABLE ADDRESS: UNATIONS NEW YORK TELEGRAMME: UNATIONS NEW YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 605-2-1-5

RECEIVED 11 AUG 1947 Ansd.....

4 August 1947.

Dear Colonel Ledingham:

I refer to our previous correspondence in the matter of the collection of information concerning human rights arising from the trials of war criminals etc. Dr. Schwelb, who has just arrived at Lake Success to take up his appointment as Assistant Director of this Division, has now informed me of the preparations which are being made by the Secretariat of the United Nations War Crimes Commission in connection with this work.

The Economic and Social Council of the United Nations decided at their meeting held on July 31, 1947 that the session of the Commission of Human Rights which originally was to take place at Geneva later this month will be held after the General Assembly. This postponement makes it, I presume, possible for the United Nations War Crimes Commission to send us a substantial part of its report in time for the next meeting of the Human Rights Commission.

I would be obliged if you would be kind enough to keep me informed about the progress which is being made with the work and if you would furnish me with three (3) copies of all the mimeographed preparatory documents and papers which are being prepared by your Secretariat on the subject including those which have been prepared in recent months since my visit to London in April last.

With kind regards and best wishes, I am,

Yours sincerely,

John P. Humphrey

John P. Humphrey,
Director,
Human Rights Division.

Colonel G.A. Ledingham,
Secretary-General,
United Nations War Crimes Commission,
Lansdowne House, Berkeley Square,
London W.1.

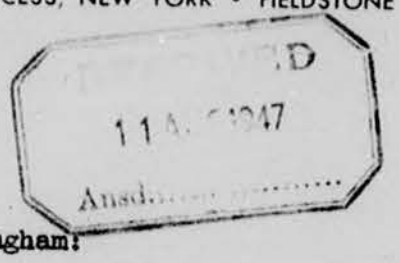
CABLE ADDRESS: UNATIONS NEW YORK

TELEGRAMME: UNATIONS NEW YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 605-2-1-5



4 August 1947.

Dear Colonel Ledingham:

I write to say that I have safely arrived at Lake Success and have taken up my new duties in the Division of Human Rights. I have reported to the Director of the Division, Professor John P. Humphrey, on the Commission's preparatory work concerning the collection of information relevant to the problem of human rights arising from the trials of war criminals etc. Professor Humphrey is writing to you on this subject officially.

I take this opportunity once more to thank you, dear Colonel Ledingham, for all the kindness extended to me during my term of office as Legal Officer of the United Nations War Crimes Commission and for the many proofs of friendship and appreciation shown to me.

Please convey to all my colleagues and collaborators on the staff of the Commission my best compliments and the expression of my gratitude for their friendship and help.

I am happy to say that my new position will enable me to remain in contact with the United Nations War Crimes Commission and my friends serving on its staff.

With best wishes, I remain,

Yours sincerely,

Egon Schwelb

(E. Schwelb)

Colonel G.A. Ledingham,
Secretary General of the United Nations
War Crimes Commission,
Lansdowne House,
Berkeley Square, London W.1.

DELEGACJA POLSKA
Do
Komisji Narodów Zjednoczonych
dla Spraw Zbrodni Wojennych

POLISH DELEGATION to the
UNITED NATIONS WAR CRIMES COMMISSION

69, Queensgate,
London, S.W.7.
Tel.: FRObisher 4570.

RECEIVED
11 AUG 1947

Ref. No. 2619/47.

8th August, 1947.

Dear Colonel Ledingham,

I should like to inform you that, in order to facilitate the work of the Commission in the collection of information concerning human rights, arising from trials of war criminals and quislings, the Polish Minister of Justice has ordered all his judicial personnel to collect the relevant documentation and to send it to me through our Main National Counsel for War Crimes

By this arrangement, all such material can be made available to the Commission.

Yours sincerely,

/Marian Muszkat, LL.D./

Polish Commissioner.

Colonel G. A. Ledingham,
Secretary General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

3715.

HMH/MG

12th August, 1947.

Dear Sir Robert,

Enclosed I am sending you the draft of the Progress Report which the Secretariat was charged with preparing at the meeting of Committee III held on 24th July, 1947.

As the preparation of some parts of the final report has been advanced further than that of the rest, it was, I am afraid, not possible to produce a well balanced outline of the final report.

Of the two possible courses which were open, either to restrict the outline to those general remarks which the preparatory work done on all parts of the final report allows, or to go into more detail where ever possible, the latter seemed the more attractive.

In view of the short time at out disposal, it will be necessary to have the paper stencilled in the next few days. Before that is done, Mr. Brand, who prepared the second part of the Draft, (Information on Human Rights Protected by the Laws and Customs of War), on the basis of his own, Dr.Litawski's and Dr.Mivkovié's outline, will be good enough to imprive, as far as possible, the language of the first part of the draft.

I hear that you will be in London on Wednesday the 13th August, and I hope that you will then be able to suggest the alterations you would prefer.

I am sending copies of the draft to the members of Committee III and asking them to let me have their suggestions as soon as possible.

Yours sincerely,

HMH

H. Mayr-Harting,
Legal Officer.

The Rt.Hon.Sir Robert Craigie, G.C.M.G., C.B., P.C.,
Flat 11,
36, Curzon Street,
London, W.1.

3715.

S.S/

HMH/MG

12th August, 1947.

Dear

Enclosed I am sending you the draft of the Progress Report which the Secretariat was charged with preparing at the meeting of Committee III held on 25th July, 1947.

In view of the short time at our disposal, it will be necessary to send the Progress Report to the United Nations Secretariat in the next few days. May I therefore ask you to let me have your suggestions and alterations to the draft as soon as possible, and this can be done by telephone.

Yours sincerely,

HMH

H. Mayr-Harting,
Legal Officer.

Copies of this letter and of the draft sent to the following members of Committee III:

Lt. Kintner,
Dr. Schram-Nielsen,
M. Maillard,
Dr. Aars-Rynning,
Dr. Muszkat,
Dr. Zimonjic.

3715.

S.S/

HMH/MG.

13th August, 1947.

Dear Colonel Muszkat,

In the absence of Colonel Ledingham, who is at present on leave, I acknowledge receipt of your letter of the 6th August 1947, reference No.2613/47, concerning the human rights report.

The arrangements made by the Polish Minister of Justice, referred to in your letter, will undoubtedly furnish material of the greatest value for the report which the Secretariat of the Commission has been charged to prepare.

As you know, the Commission is very anxious to expedite the work concerning this report. May I therefore ask you to let me have the whole of the material you intend to send, or at least some parts of it, as soon as possible.

Yours sincerely,

HMH

H. Mayr-Harting,
Legal Officer.

Colonel Dr. M. Muszkat, Polish,
60, Queensgate,
London, S.W.7.

3719.

HMH/MG

19th August, 1947.

Dear Professor Humphrey,

In the absence of Colonel Ledingham, who is at present on leave, I acknowledge receipt of your letter of the 4th August 1947, reference No. 605-2-1-5 on the matter of the collection of information concerning human rights arising from the trials of war criminals, etc.

The Legal Committee, to which the matter was referred by the Commission in its meeting held on 21st May 1947, has requested the Secretariat to prepare a Progress Report as suggested in your letter of the 29th May 1947, reference 704-1-1. This Progress Report, which has been drafted in the meantime and will be sent to you in the next few days, sets out, inter alia, the parts of the final report which are at present in preparation. I hope that the work on these parts will be concluded in time for the next meeting of the Human Rights Commission.

As to the preparatory papers mentioned in the last paragraph of your letter, I have arranged that three copies of all these documents, as far as they have not been circulated for internal purposes only, be sent to the Division of Human Rights, including those on which the Progress Report has been based.

Yours sincerely,

HMH

H. Mayr-Harting,
Legal Officer.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York,
U.S.A.

THE OFFICE OF THE UNITED STATES COMMISSIONER

UNITED NATIONS WAR CRIMES COMMISSION

5 - MAR 1947

March 4th, 1947

The enclosed corrected pages were inadvertently omitted from the parcel of transcripts we sent you, under separate cover, on February 28th.

These corrected pages are listed in paragraph 2 b. of the letter of transmittal from Civil Affairs Division, Washington, dated 10 February 1947.

Mrs. Vera Latta

3818

CABLE ADDRESS: UNATIONS NEW YORK

TELEGRAMME: UNATIONS NEW YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: 605-2-1-5

20 August 1947

Dear Dr. Mayr-Harting,

I acknowledge with thanks the receipt of your letter of 15 August, and have duly noted that we may expect your Progress Report within the next few days and parts of your final report in time for use at the next session of the Commission on Human Rights.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

Dr. Herbert Mayr-Harting,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W. 1.

3791.

GB/MC.

22nd August, 1947.

Dear Mlle. Coplomont,

I have been interested to see recently copies of two issues of the Journal officiel du Gouvernement en Chef Français en Allemagne. Of these, one provides the text of the judgment in the Tillessen trial and the other the text of the judgment in the Gutenwalter trial. The former has proved of interest to Mr. Hayes-Harting in connection with his part of the Human Rights Report, and the latter is of interest to me as the officer now in charge of War Crimes, insofar as it represents a report of a war crime trial held by a French Military Government Tribunal.

If you would be so kind as to arrange for me to receive one copy of each issue of the Journal or perhaps a copy of any issue which provides the texts of judgments of trials such as those mentioned above, it would be most valuable, and I venture therefore to ask you to do so on this occasion.

Yours sincerely,

GB

Legal Officer.

Mlle. Coplomont,
4, Carlton Gardens,
London, S.W.1.

3715.

HMH/MG

29th August, 1947.

Dear Sir Robert,

I am enclosing a copy of the Progress Report which has been sent to the Division of Human Rights to-day.

The draft forwarded to you with my letter of the 12th August, 1947, has been submitted to the members of Committee III. Dr. Schram-Nielsen, Mr. Aars-Rynning and Mr. Zimonjić informed me of their approval, and none of the members of the Committee raised any objections to the draft.

Apart from some changes of wording which I have made after discussion with my colleagues, the Progress Report corresponds with the draft altered according to your suggestions.

The preliminary character of the outline contained in the Progress Report has been stressed in the accompanying letter.

Yours sincerely,

HMH

H. Mayr-Harting,
Legal Officer.

The Rt.Hon.Sir Robert Craigie, G.C.M.G., C.B., D.C.,
Possingworth Major,
Nr. Uckfield,
Sussex.

3715.

S. S. 1

1021/HG

29th August, 1947.

Dear Professor Humphrey,

Enclosed I am sending you the Progress Report which I mentioned in my letter of the 15th August 1947, relating to the collection of information concerning human rights arising from the trials of war criminals, etc.

The report is the joint work of several members of the Secretariat. This circumstance, together with the need to dispatch the Progress Report at the earliest possible moment, resulted in the rather uneven nature of the report, some parts of which go into greater detail than others.

The present stage of our work does not, I believe, allow more than a preliminary indication of the contents of the report. Some changes in the arrangement and treatment of the material as suggested at present, will, no doubt, prove necessary later and new questions will probably arise.

Section IV of the Progress Report states which parts of the final Report are now being, or have been drafted, and I hope that at least these parts of the final Report will be sent to you in time for the next meeting of the Commission on Human Rights.

I am sending you under separate cover two further copies of the Progress Report and three copies each of the papers which mainly form the basis of the Report, excluding only those which were circulated to inform the members of the Commission on those aspects of the work of the various organs of the United Nations which were relevant for our present task.

Yours sincerely,

HLH

H. Mayr-Harting,
Legal Officer.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,

3/15.

2nd September, 1947.

With Dr. Loveday's compliments.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
Nassau County,
New York.
U.S.A.

Encl: 2 copies of Doc. E.26,
5 copies each of III/96,
III/98,
III/102,
III/106.

(See letter of 27th August, 1947).

3791

5-51/

GB/IR

5th September, 1947.

Dear Mr. Fried,

Thank you for your kind letter of August 10th. I am now able to send you copies of the Progress Report on Human Rights which has been prepared for dispatch to the Human Rights Commission, and I enclose also copies of the preparatory papers on which the progress report was based. These preparatory papers are being sent also to the Human Rights Commission with a proviso that the progress report itself is to be regarded as the authoritative indication of what our Secretariat is doing and intends to do.

I have addressed to Messrs. Stevens of Chancery Lane, London, W.C.2, a request for the copy of World Affairs which contains my review of your book on the Exploitation of Foreign Labour in Germany, and I am certain that they will be very pleased to forward a copy to you.

I very much appreciate your offer of help, and I shall certainly avail myself of it whenever the occasion arises.

Yours sincerely,

G.B.

Legal Officer.

John H. E. Fried, Esq.,
Legal Consultant to the Tribunals,
Office of Chief of Counsel for War Crimes,
A.P.O. 696 A,
U.S. Occupation Zone,
Germany.

5.3.1

CABLE ADDRESS: UNATIONS NEW YORK

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UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

Rcd. 20 Sept. 47

REFERENCE 605-2-1-6

12 September 1947

Dear Mr. Mayr-Harting:-

Thank you very much indeed for your letter of 29 August and the copy of the Progress Report on the study which the War Crimes Commission is making for this Division. I will write to you giving you our comments in the next few days. In the meantime, however, may I suggest to you that it would be very helpful if you could produce a final report sometime in November, i.e., before the next meeting of the Commission on Human Rights. The purpose of the study is to assist the members of the Commission in drafting the International Bill of Rights and while the report will undoubtedly have an intrinsic scientific interest, we want, if possible, to have it serve this purpose.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

Mr. H. Mayr-Harting
Legal Director
United Nations War Crimes Commission
Lansdowne House
Berkeley Square
London W.1.

3715.

HMH/MG. 15th October, 1947.

Dear Mrs. Butler,

I gather from to-day's newspapers that in the meeting of the Political Committee of the United Nations, held on the 14th October 1947, the question of extradition of war criminals was discussed, and I think that the members of this Commission will be greatly interested in the proceedings of the meeting.

May I therefore ask you to send me its minutes.

Yours sincerely,

H. Mayr-Harting,
Legal Officer.

Mrs. M. Butler,
Chief, Distribution Section,
Documents and Sales Division,
United Nations,
Lake Success,
Nassau County,
New York, U.S.A.

3791

GB/LR

23rd October, 1947.

Dear Sir Robert,

I have the honour to enclose a copy of Document III/112, which is a draft of the three parts of the Human Rights Report which, in addition to my Introduction (contained in Document III/96, pp. 3 et seq), I have been able to prepare in the time available.

I intend to circulate one further document on Human Rights, which will consist of the notes which I made in preparation for writing the remainder of my section of the Human Rights Report. This will include a number of legal texts which have been quoted in War Crime Trials and also many references to trials which are relevant and passages from which I would have used had there been time to complete my section of the Report.

I think that this final paper will be of use in the event of the United Nations deciding to complete the task of writing the Human Rights Report.

Yours sincerely,

G.B.

Legal Officer.

The Rt. Hon. Sir Robert Craigie,
G.C.M.G., C.B., F.C.,
Possingworth Manor,
Nr. Uckfield,
Sussex.

CABLE ADDRESS: UNATIONS NEW YORK

ADRESSE TELEGRAPHIQUE: UNATIONS NEW-YORK

UNITED NATIONS NATIONS UNIES

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REFERENCE:

Personnel Bureau
Appointments and Staff Relations Division 30 October 1947

The Rt. Honourable Lord Wright
Durley, P.C., LL.D.,
Durley House, Burbage,
Wilts, England

Sir:

Mr. Egon Schwelb, who has been under temporary employment with The United Nations, is now being considered for further service. To complete our records before we make a final decision, we should like to supplement our knowledge of his suitability and background with a candid appraisal from those who have worked closely with him in the past. We should, therefore, be very grateful if you would be good enough to give us your opinion of his personal competence, integrity and general reputation. It would also be valuable to know whether in your opinion he is free from prejudice or intolerance with regard to race, religion and nationality.

If he has been in your employ, will you tell us particularly about the reasons for his leaving, and whether you would be willing to re-employ him if a suitable opening and opportunity arose.

Your statements, of course, will be regarded as strictly confidential.

Yours truly,

W P Barrett

W. P. Barrett
Chief, Appointments and
Staff Relations Division

3715

October 31st, 1947.

Dear Sir Robert,

Dr. Litauski informs me that you have asked for a survey in regard to the arrangement of the Human Rights Report at present in preparation.

After consultation with my colleagues, it appears that there is a unanimous preference for the following scheme:

1. The report should be divided into two main parts.

   I. Information on Human Rights arising out of the relationship between the subjects of a belligerent and the enemy Power.

   II. Information on Human Rights arising out of the relationship between the State and persons under its jurisdiction.

2. Two alternatives suggest themselves for the sub-division of Part I:

   (a) According to the sub-divisions suggested in Doct. III/96, i.e., (i) the rights of the victims of war crimes; (ii) Spheres in which the rights of the accused and the rights of the victims may be said to have conflicted at the time of the offence, and (iii) the Rights of the accused at the time of trial.

   Each of these sub-divisions would be divided into the information which can be derived from the Nuremberg Trial, the Tokyo Trial, and the rest of the war crimes trials.

   (b) According to the three sources (Nuremberg, Tokyo and other war crimes trials) in this case each of the sub-divisions would be divided into the sections proposed in Document III/96.

Alternative ...

Sir Robert Craigie, G.B.E., C.B., C.C.,
Rosslyngworth Manor,
Near Uckfield, Sussex.

Sir Robert Craigie (cont).

Alternative (a) would require a comprehensive rearrangement of the papers already circulated. Besides very little or nothing would be gained by alternative (a), so far as the clarity of the arrangement of the material is concerned. It is therefore proposed to choose alternative (b), which would permit making use of the papers, already circulated, more or less in their present form.

Part I of the report would thus consist of the following sections:

A. History of the problem of violations of Human Rights. The contents of this section have been set out in document III/107 (covering note - I) and in document III/107. Papers concerning this section already circulated: Document III/107.

B. The Nuremberg Trial:

(excepting crimes against humanity, which are covered by Part II of the Report.)

The contents of this section have been set out in Document III/107 (covering note - II), and in Document III/113. Papers already circulated: Document III/113.

C. The Tokyo Trial.

The contents of this section have been set out in covering note to Documents III/108 and III/109. Papers circulated: III/108, III/109; III/110; III/111.

D. War Crimes Trials other than those conducted in Nuremberg and Tokyo:

The contents of this section have been set out in Doct. III/96. Papers circulated: Doct. III/112.

Part ...

Sir Robert Craigie (cont.)

Part II of the Report will contain the following sections:

A. Jurisdiction over violations of Human Rights of German citizens and Stateless persons committed within the territory of the German Reich.

(a) The International Military Tribunal for the trial of German major War Criminals.

1. The International character of the Tribunal.
2. The jurisdiction of the Tribunal.
3. The law applied by the Tribunal.
4. Violations of Human Rights of German citizens and Stateless persons referred to in Count 4 of the Indictment.
5. Violations of Human Rights of German citizens and Stateless persons referred to in Count 4 of the Indictment.
6. Summary.

(b) Municipal courts dealing with violations of Human Rights of German citizens and Stateless persons. The sub-divisions of this section will be similar to those of Part (a).

(c) Conclusions: Paper in preparation.

B. could deal with Quisling Trials. (The part of Dr. Zivkovic's paper dealing with the Laval Trial.)

As you know, Dr. Kivkovic is preparing a paper on the French war crimes trials and the trial of Laval. He agrees that

in ...

Sir Robert Craigie (cont.)

in order to fit into this scheme it will be necessary to merge the various parts of this paper in the appropriate sections of the report. As far as his paper deals with French war criminals, it will have to be connected up with Part I of the Report, Section D. Some parts concerning the Laval trial will probably fit best into Part II, Section B, of the Report.

The two main parts of the Report differ substantially from each other. It may therefore be preferable to write separate introductory notes for each part; in this case it would, of course, be necessary to draft a preface which would introduce the report as a whole. I suppose that use will be made of the introduction contained in the Annex to Document III/96 for the introductory note concerning Part I. I am at present preparing an introductory note for Part II. I promise that a decision as to whether these two introductory notes should be merged into one, or left separate, will best be taken after the drafts have been circulated.

Yours sincerely,

R. Hayter-Darting.

3791

5.5/

GB/LR

7th November, 1947.

Dear Sir Robert,

I have pleasure in enclosing a copy of my latest paper on Human Rights, Document III/114.

Before leaving for Germany I had gone through all of the trial transcripts in our files except those relating to the trials by the International Military Tribunals, and noted the trials and passages from the transcripts which I judged to be relevant to the Human Rights Report.

I have not of course been able to use all these references in my previous papers, III/90 and III/112, but, in order not to waste this effort, I have in Document III/114 written down, sometimes in a rather telegraphic style perhaps, the notes and references which I made in preparation for the writing of the whole of my part of the Report.

Should it be decided at a later date to continue the research on Human Rights in War Crime Trials the spade work of which the Document III/114 is the result may perhaps be of some value.

My final Human Rights Document, dealing with the jurisdiction of the Courts, is now being stencilled.

Yours sincerely,

C.B.

Legal Officer.

The Rt. Hon. Sir Robert Craigie, G.C.M.G.,
C.B., P.C.,
Possingworth Manor,
Nr. Uckfield,
Sussex.

3791

S.S/

GP/LR

7th November, 1947.

Dear Sir Robert,

I have pleasure in enclosing a copy of my latest paper on Human Rights, Document III/114.

Before leaving for Germany I had gone through all of the trial transcripts in our files except those relating to the trials by the International Military Tribunals, and noted the trials and passages from the transcripts which I judged to be relevant to the Human Rights Report.

I have not of course been able to use all these references in my previous papers, III/90 and III/112, but, in order not to waste this effort, I have in Document III/114 written down, sometimes in a rather telegraphic style perhaps, the notes and references which I made in preparation for the writing of the whole of my part of the Report.

Should it be decided at a later date to continue the research on Human Rights in War Crime Trials the spade work of which the Document III/114 is the result may perhaps be of some value.

My final Human Rights Document, dealing with the jurisdiction of the Courts, is now being stencilled.

Yours sincerely,

G.B.

Legal Officer.

The Rt. Hon. Sir Robert Craigie, G.C.M.G.,
C.B., P.C.,
Possingworth Manor,
Nr. Uckfield,
Sussex.

3715

5.3/

November 8th, 1947.

Dear Sir Robert,

/.

Enclosed I am sending you draft of the first part of my contribution to the Human Rights Report; it will be stencilled beginning from Monday next.

I hope you will agree that your corrections will be taken into account at a later stage.

Yours sincerely,

H. Mayr-Harting.

P.S.

The Last Chapter of the draft - Conclusions - will be sent to you on Monday.

Sir Robert Craigie, GCMG., CB., P.C.,
Possingworth Manor,
Near Uckfield,
SUSSEX.

ENCLOSURE.

CABLE ADDRESS UNATIONS NEW YORK

TELEGRAMME UNATIONS NEW-YORK

5-31

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE

RECEIVED
17 NOV 1947
Aned.....

10 November 1947

Dear Colonel Ledingham:

As you certainly know, the Second Session of the Commission on Human Rights will start at Geneva on 1 December. I am leaving for Europe on 12 November. I would greatly appreciate if you could arrange for a few copies of the Progress Report of the United Nations War Crimes Commission (Document C/262), to be sent to me c/o the United Nations, Palais des Nations, Geneva.

I would also appreciate if the final report or any part of it which is ready would be sent to me under the same address directly to Geneva.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director,
Human Rights Division

Colonel G.A. Ledingham
Secretary-General,
United Nations War Crimes Commission
Lansdowne House, Berkeley Square
London, W.1.

31/10/47
10 COPIES

despatched
17/11/47

2956.

5,3 d

November 11th, 1947.

You may remember the interview which you, Colonel Wade and Dr. Litawski had with Professor Giraud in January of this year during which the custody of the archives of the Commission was discussed when Professor Giraud said that the United Nations would be disposed to assume this custody.

While no official decision has been made by the Commission regarding the custody of its documents when it closes down on the 31st March 1948, I am anxious to make the necessary preparations now to ensure not only that the documents in question can be handed over in a practical manner but also that when they have been handed over the best use can be made of them by the custodians.

To enable this to be done it is, in my opinion, essential that an index should accompany the documents and that this index should be capable of being interpreted by any person with ordinary intelligence but not necessarily versed in the Commission's work and procedure.

You will remember the index which we have in use here, a set of which accompanies this letter.

I am uncertain as to whether this index will be sufficient for the purpose for which it will be intended in the future although it is adequate for our purposes here. With this in mind, I approached a certain Miss Bloxam who is an official indexer to H.M. Government and incidentally indexes Hansard, and asked her for her views and an estimate of the cost and time required to prepare an official index of the Commission Minutes and documents.

She suggests that the satisfactory method would be to make a fresh index in a form suitable for publication but following the general lines of the present index as regards headings.

The cost of preparing and printing this index would be in the neighbourhood of £140 and the time required by Miss Bloxam, in fitting it in with her other work, would be sometime in April.

I do not want to incur this expense unless it is considered that such an index is essential in making full use of the documents concerned.

I would be grateful therefore if you would think this matter over and consult with the head of the department concerned and, as time is short, give me your views at an early date.

With regard to the Law Reports, we have only sold about 700 copies of Vol. I and I am disappointed that we have not had some large orders from American Libraries and Universities - perhaps you could make inquiries and give the series some high-powered publicity.

We are still being kept pretty busy and we shall all be glad to see the end of the Human Rights report which has been taxing the brains of our legal staff to the utmost, especially in view of the time limit imposed. However, we are making every effort to dispatch it by the last week of this month, by air, so that you will have it in time for your first sitting of the Commission and, although we feel that it will by no means be complete, the subject is so inexhaustible that many months more could be spent on the work before one could be satisfied with the results. I hope you keep well and are enjoying your work - we all continue to miss you here very much and all send you kindest regards.

Dr. Egon Schwelb,
Asst. Director, Division of Human Rights,
United Nations,
Lake Success.
N.Y., U. S. A.

2956.

5.3/

November 11th, 1947.

With reference to your letter dated 30 October 1947, I have pleasure in testifying that Dr. Schwelb joined the United Nations War Crimes Commission as its senior Legal Officer in March 1945, and left of his own free will in July 1947, to take up an appointment with the United Nations organisation at Lake Success.

Dr. Schwelb is a Doctor of Laws of Prague University and a Bachelor of Laws of London University.

During the time Dr. Schwelb served as Legal Officer with this Commission he acted as Secretary to Committee I (Facts and Evidence) and to Committee III (Legal) and wrote a number of very valuable monographs and treatises.

I have a particularly high regard for Dr. Schwelb's ability and for his knowledge of international law. My association with him generally has always been of the most pleasant nature and in my opinion, he is free from prejudice and intolerance with regard to race, religion and nationality.

So far as the penultimate paragraph of your letter is concerned, I would have no hesitation in re-employing him in this Commission if a suitable opportunity arose.

W.P. Barrett Esq.,
Chief, Appointments and Staff Relations Division,
United Nations,
Lake Success.
New York. U. S. A.

HMH/MG

11th November, 1947.

Dear Sir Robert,

With reference to my letter of the 6th November 1947, I am sending you the draft of the last chapter of that part of the Report which was forwarded to you with my letter mentioned above.

Yours sincerely,

HMH.

Legal Officer.

The Rt.Hon. Sir Robert Craigie, G.C.M.G.,C.B., F.C.,
Possingworth Manor,
Nr. Uckfield,
Sussex.

HLH/IG

11th November, 1947.

Dear Sir Robert,

With reference to my letter of the 6th November 1947, I am sending you the draft of the last chapter of that part of the Report which was forwarded to you with my letter mentioned above.

Yours sincerely,

HLH.

Legal Officer.

The Rt.Hon. Sir Robert Craigie, G.C.M.G.,C.B., F.C.,
Possingworth Manor,
Nr. Uckfield,
Sussex.

HMH/GM

13th November, 1947.

Dear Dr. Zimonjić,

Sir Robert has asked me to inform you that a meeting of Committee III will be held on Monday 17th November at 3.30 p.m.

The discussion of the following documents will be on the agenda: III/114, III/115, III/116, III/117 and III/118.

Yours sincerely,

HMH/MG

Legal Officer.

Mr. M. Zimonjić,
Yugoslav Embassy,
25, Kensington Gore,
London, S.W.7.

COPIES SENT TO:

Mr. Kintner, U.S.A.,
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Dr. Schram-Nielsen, Denmark,
M. Maillard, France,
M. Aars-Rynning, Norway,
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NEW YORK. U.S.A.

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RECEIVED
17 NOV 1947
Acad.....

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=GLT= — **EMPIRE SOCIAL TELEGRAM.**—Service to British Empire and British Mandated Territories. Plain language only for greetings, family news or non-commercial personal affairs. Minimum charge (5s. 0d.) is for 13 words, except to Eastern Canada for which the minimum charge is 3s. 0d.

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Name and Address of Sender Secretary General, United Nations War Crimes Commission, Lansdowne House, Berkeley Sq. W.1.

Telephone No. Gro. 4030 A.2% Ext. 2956.

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UNITED NATIONS **NATIONS UNIES**

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

RECEIVED
21 NOV 1947
Aned.....

REFERENCE:

17 November 1947

Dear Colonel Ledingham:-

I acknowledge with thanks receipt of your letter of November 11, together with the Index to the Minutes and Documents of the United Nations War Crimes Commission. I shall submit the questions concerning the indexing of the documents of the UNWCC to the proper authorities of the United Nations and will let you know the reply to the substance of your letter without delay.

With regard to the last paragraph of your letter of November 11 that deals with the Human Rights Report, I should like only to state that Professor Humphrey, Director of this Division and Secretary of the Commission on Human Rights, is on his way to Geneva. The question of where the Human Rights Report of the UNWCC should be delivered has in the meantime been the subject of telegrams between you and Dr. Humphrey and I would like to confirm Professor Humphrey's telegramme of 14 November to the effect that 25 copies of the Report should be delivered to him c/o Division of Human Rights, Palais des Nations, Geneva, not later than 1 December.

I need not say how glad I was to receive, on this end, a communication from you. I am pretty well in touch with my colleagues on the staff of the UNWCC and more or less informed concerning recent developments and plans in which, I need not emphasize, I am very much interested. Please give my very best regards to all concerned and accept the expression of my esteem and gratitude.

Yours sincerely,

Egon Schwelb

Egon Schwelb
Assistant Director
Division of Human Rights

Colonel G.A. Ledingham
Secretary-General,
United Nations War Crimes Commission
Lansdowne House, Berkeley Square
London, W.1.

CABLE ADDRESS: UNATIONS NEW YORK

TELEGRAMME: UNATIONS NEW YORK

UNITED NATIONS **NATIONS UNIES**

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RECEIVED
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Aned.....

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Yours sincerely,

Egon Schwelb
Assistant Director
Division of Human Rights

Colonel G.A. Ledingham
Secretary-General,
United Nations War Crimes Commission
Lansdowne House, Berkeley Square
London, W.1.

3715.

S. 3

19th November, 1947.

Dear Sir Robert,

Enclosed I am sending you draft of the second part of my contribution to the Human Rights Report (Part II, Chapter I, Section B). The Notes you find at present at the end of the paper, will be arranged in the final draft in the same way as in the other parts of the report.

Dr. Sivkovic, who will send you his draft of the Preface tomorrow, hopes that it will be possible to discuss this Preface and other details in a staff meeting on Monday. We all should greatly appreciate if it were possible for you to come to London some time on Monday.

Yours sincerely,

Legal Officer.

The Rt. Hon. Sir Robert Craigie, G.C.M.G., C.B., M.C.,
Possingworth Manor,
Nr. Uckfield,
Sussex.

5.31

2956.

November 18th, 1947.

Many thanks for your letter dated 10 November and, in accordance with your request I despatched to you on the 17th instant, 10 copies of Document C/262, by post to Geneva.

I am also obliged to you for your cablegram of 15th November regarding the number of copies required of the Human Rights Report. We are working at top pressure here to complete the Report in sufficient time to enable its arrival at Geneva before the 1st December.

Colonel.
Secretary General.

Professor John P. Humphrey,
Director, Human Rights Division,
c/o United Nations,
Palais des Nations,
Geneva.
Switzerland.

2956.

S.S.

September 4, 1947.

I understand that Dr. L. Neumann has made application to join the Legal or Administrative Staff of the United Nations.

Dr. Neumann was appointed representative of Czechoslovakia to the United Nations War Crimes Commission in December 1946 and has continued to act as such until now.

In this capacity, Dr. Neumann has taken an active part in the work of Committee I (Facts and Evidence) Committee III (Legal) and on the Finance Committee and his contribution to the very important work which these Committees have carried out has been of the utmost value.

My personal contact with Dr. Neumann has been of the most pleasant nature and I have always derived much pleasure from my conversation and professional discussions with him in all matters connected with the Commission.

Professor John P. Humphrey,
Director,
Division of Human Rights,
United Nations,
Lake Success.
New York.
U. S. A.

Copy

JERZY MICHALOWSKI

L. NEUMANN,
108, ETON RISE
N.W.3.

Tel. PRI: 2181.

2956.

November 20, 1947.

Dr. L. Neumann called on me to-day to inquire whether you had given consideration to his application to join the Legal or Administrative Staff of the United Nations which I understand he made to you in August.

Perhaps you would be good enough to let me know what opportunity, if any, there is of a vacancy occurring in the secretariat for Dr. Neumann.

Colonel.
Secretary General.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success.
New York. N.Y.
U.S.A.

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OF THE UNITED NATIONS

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Palais des Nations
GENÈVE

RECEIVED
27 NOV 1947
Acad.....

22 November 1947.

Dear Colonel Ledingham,

Thank you very much indeed for your letter of 18 November and for the ten copies of Document C-262, which I found in Geneva on my arrival.

I was extremely glad to learn that we will receive the full Report in time for the meeting of the Commission on 1 December.

With best personal regards,

I am, yours sincerely,

John P. Humphrey

John P. Humphrey.
Director, Division
of Human Rights.

Colonel G.H. Ledingham,
Secretary-General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

HDH/MC

22nd November, 1947.

Dear Sir Robert,

Enclosed I am sending you copy of the Introduction which will precede Chapter I of Part II and refer to both sections of this chapter.

The initial remarks of Section A. of this Chapter (Doc.III/11/) have been left without a heading. It might therefore seem preferable to do the same in Section B.

I should be glad to have your observations on the enclosed Introduction by Monday.

Yours sincerely,

H.H.
Legal Officer.

The Rt. Hon. Sir Robert Craigie,
G.B.E., C.B., D.C.,
Roasingworth Manor,
Mr. Uckfield,
Sussex.

3791

GB/LR

23rd November, 1947.

Dear Sir Robert,

I have pleasure in enclosing a draft of the Conclusions which I propose to include in Chapter III of the Human Rights Report. I apologise for its late production which was due to my pre-occupation with the technical details inevitably involved in getting Chapter III to the Roneo machines.

Yours sincerely,

G.B.

Legal Officer.

The Rt. Hon. Sir Robert Craigie, C.C.M.G., C.B., F.C.,
Possingworth Manor,
Nr. Uckfield,
Sussex.

2956.

S.3/

November 24th, 1947.

For the attention of Mr. Trevanna.

Dear Sirs:

I enclose two copies of Form C.D. 3 in respect of the two parcels of documents (one containing 12 copies of the Report and the other 13 copies) which I wish delivered to the United Nations Geneva on or before the 29th November.

The approximate sizes and weights of the packages are:-

18" x 14" x 10" - 45 pounds.

I hope to let you know Wednesday forenoon when the packages will be ready here for collection - possibly on Wednesday afternoon or Thursday forenoon.

Perhaps you would be good enough to instruct your office at Geneva to ensure that the packages are delivered to the consignee as soon as they arrive at the Geneva airport.

Yours faithfully,

G.A.LEDINGHAM Colonel.
Secretary General.

World Transport Agency Ltd.,
1, Martin Lane,
London. E.C. 4.

2956.

S.31

November 24th, 1947.

You will be receiving by the end of this month, the typescript of the Report on Human Rights in War Time, which the staff of this Commission has been preparing for the United Nations, in accordance with what was arranged last May.

As the Commission had a time limit fixed, its staff have been compelled to work against time, and to proceed on the basis of such materials as were available. In addition, our staff always exiguous in numbers, has been much depleted since the Commission undertook to prepare the Report. Last July, almost immediately after making the arrangement, we were deprived of the invaluable services of Dr. Schwelb, who left us to go to Lake Success, and a month or two later Monsieur de Baer, one of the oldest members of the Commission, ceased to attend the meetings of the Commission, having joined the International Refugee Organisation which has its centre of operations at Geneva. The members of our reduced legal staff have been compelled to do the best they could under the circumstances and it may also be noted that all the time the first call on them has been the ordinary routine work of the Commission, which has necessitated their daily attention.

The Commission and its legal staff are conscious of the defects and insufficiencies of the work which they have been able to accomplish. So far as the Report has to be based on decisions of the courts, the material has been very incomplete and restricted; thus, for instance though they have had the Judgments and some of the transcripts of the evidence of the Nuremberg Trial, the trial at Tokyo is not completed and, so far as can be ascertained, will not be completed for some months to come. An important part of the material for ascertaining the law and practice of the relevant matters which is,

or will be embodied in the trials which are now being continued under the description of the Subsequent Proceedings under General Telford Taylor at Nuremberg, is very far from being concluded. Indeed, some of the most important cases have not yet even been started. In addition, important trials are being conducted, or are about to be conducted in the British and United States Military Courts. The same may be said of the war crime trials in the National courts of the Belgians, Danes, Dutch, Norwegians, Poles and other Allies. In the Far East many hundreds of war crime cases have been tried and many others are awaiting trial. The reports come in only after some delay. It will be some time, perhaps some years, before the full material of this nature will be available. For fuller discussion of these matters reference may be made to the Preface to the Report.

We are, however, sending the Report so far as our staff has been able to accomplish that. We do so as being the best performance we can at present offer of our undertaking and also in the hope that, however incomplete it may be, it will help in the future to the development of fuller studies with more complete materials. The members of our staff who have contributed the actual work are Dr. Litawski, Dr. Mayr-Harting, Dr. Zivković and Mr. Brand. Sir Robert Craigie, the Chairman of Committee III(Legal) has been most helpful in regard to the distribution of the work among the various members of the staff concerned, and its supervision. Colonel Wade the Research Officer has also given valuable assistance. I cannot help adding my appreciation of what they have been able to accomplish in the somewhat difficult circumstances under which they have operated, and under the extreme pressure of time. I can only hope that this work, so important for the future, may be continued with wider facilities and more complete material.

Professor John P. Humphrey,
United Nations,
Palais des Nations,
Geneva. Switzerland.

CABLE ADDRESS: UNATIONS YORK

TELEGRAMME: UNATF NEW-YORK

5.31
Kris

UNITED NATIONS NATIONS UNIES

lhp/hrj LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE 306-3-4/LHP

31 October, 1947.

Mr. H. Mayr-Harting,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

RECEIVED
2 DEC 1947
Acad.....

Dear Mr. Mayr-Harting,

I have to acknowledge receipt of your letter of 15th October, 1947, and to inform you that the minutes of the meeting of the Political Committee of the United Nations, held on 14th October, were despatched to you on 28th October, 1947 in a package number BRS.4(4).

Yours very truly,

L. Parsons

L.H. PARSONS
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Documents and Sales Division.

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MISS D. K. BLOXAM,
16 GREY COAT GARDENS,
WESTMINSTER, S.W.1.

RECEIVED 4 NOV 1947 Ansd.....

4th November 1947

Dear Colonel Wade,

I have now carefully considered the question of indexing the War Crimes Commission minutes and documents.

There are about 2200 pages (counting two double spaced pages as one). My fee would be 1/- per page indexed (including proof-reading). This is based on rates for my very similar work for H.M.Government, the Leagueof Nations, the International Rubber Regulation Committee, etc.

As I suggested when I saw you I consider the satisfactory method would be to make a fresh index, in a form suitable for publication, but following the general lines of the present indexes as regards headings. As to the time required for the work - this is a rather difficult question, and would partly depend on when I was able to start the work, but I could not fairly promise at the moment to complete the copy for the printers by the end of March.

I should be very interested to undertake this index, and if the Commission should decide to entrust the work to me should carry it out myself with the help of one of my staff who has had experience of confidential indexing at the International Court.

Yours sincerely,

D K Bloxam

£110

2956.

November 11th, 1947.

Dear Miss Bloxam:

I am obliged for your letter of the 3rd instant regarding the preparation of an official index of the Commission Minutes and Documents.

In view of the fact that the United Nations would be interested in this index if and when the Commission asks them to take over its archives, I have written to inquire whether such an index would be required by them in addition to the present "domestic" index which we use in the office.

I will communicate with you when I have received their reply.

Yours sincerely,

Colonel.
Secretary General.

Miss D.K. Bloxam,
16, Grey Coat Gardens,
Westminster. S.W. 1.

SPEAK to SIR ROBERT

3.5.1

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TELEGRAMME: UNATIONS NEW YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE

RECEIVED
1 DEC 1947
Ansd.....

26 November 1947

Dear Colonel Ledingham:

In further reference to your letter of 11 November 1947, the receipt of which I acknowledged by my letter of 17 November, I write to inform you that I have consulted the official in charge of the archives services of the United Nations. After examining the matter, he has informed me that he would consider the index, the production of which you intend to entrust to Miss Bloxam, very useful.

I further understand that the United Nations Secretariat is inclined to take charge of the archives of the UNWCC when the Commission ends its activities and that the Assistant Secretary-General concerned will write to you on the subject in the near future.

I am returning to you under separate cover the preliminary draft of Index to Minutes and Documents which you sent to me with your letter of 11 November.

Yours sincerely,

Egon Schwelb
Assistant Director
Division of Human Rights

Colonel G. A. Ledingham
Secretary-General
United Nations War Crimes Commission
Lansdowne House, Berkeley Square
London, E.1.

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RECEIVED 2 DEC 1947 Ansd.....

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OUR REF. A.R 170 WT/JW.

YOUR REF.

RECEIVED
3 DEC 1947
Ansd.....

2nd. December, 1947

The United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London W.1.

Two cases Official Documents to:
Proffessor Humphrey, United Nations,
Geneva.

WE HEREBY CERTIFY that the above cases were received by us on 26.11.47 and duly delivered to the Air Transit Company for despatch per first available aircraft to Geneva.

Actual shipment took place on Aircraft HB-IRI on 29.11.47.

WORLD AIR EXPRESS LTD.

2956.

December 4th, 1947.

Many thanks for your letter of 26 November referring to the index of the Commission's Minutes and documents.

I note that the official in charge of the archives considers that a new index would be "very useful" but I had hoped that he might have expressed an opinion also on the preliminary index we use here and which we find adequate for our purpose.

As you will appreciate, I am not prepared to recommend to the Commission the expenditure of something in the neighbourhood of £150-£200 for the production of a new index unless it is considered to be essential which your letter does not indicate to be so.

Might I suggest therefore that the present index might be accepted if considered sufficient for the purpose or, alternatively, if not considered adequate would it not be possible for a member of your archives staff to prepare a new index in line with his other indexes which no doubt have been standardised. This latter suggestion would also enable the compiler to familiarise himself with the relevant material contained in the documents and thereby be in a better position to advise on and refer to wanted material.

Perhaps you will let me have your views on this at your early convenience.

Law Reports. Only 940 copies of Vol. I have been sold while 2500 have been printed. Even if we sell the whole 2500 we shall only just break even. Can you not persuade the American Libraries etc. to send us a bulk order?

Dr. Egon Schwelb,
Asst. Director, Division of Human Rights,
United Nations,
Lake Success,
New York. N.Y.
U.S.A.

3715.

HMH/MG 4th December, 1947.

Dear Sir,

Thank you for your letter of the 31st October 1947, received here on the 2nd December 1947, and the Minutes of the Meeting of the Political Committee held on the 14th October (A/C.6/SR.48).

From these Minutes, I gather that the extradition of war criminals was discussed not only in the meeting held on the 14th October, but in the one preceding, and probably in the following meetings of the Political Committee as well.

I should be grateful if you would let me have the Minutes of these meetings, and Documents A/360 and AC.6/163, quoted in the Minutes of the 14th October.

Yours faithfully,

HMH

H. Mayr-Harting,
Legal Officer.

L. H. Parsons, Esq.,
Acting Chief,
Distribution Section,
Document and Sales Division,
United Nations,
Lake Success,
Nassau County,
New York,
U. S. A.

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REFERENCE

12 December 1947

RECEIVED
18 DEC 1947
Ansd.....

Dear Colonel Ledingham:-

I acknowledge receipt of your letter of 20 November concerning Dr. Neumann, addressed to Professor Humphrey, who is, as you know, at present in Geneva.

Dr. Neumann has also been in contact with me in the matter. I have contacted the Bureau of Personnel of the United Nations and I am sorry to say that I have been informed that so far no post has been found for Dr. Neumann.

My attention has been drawn to the United Nations policy on geographical distribution to which the Secretariat is endeavouring to adhere as strictly as possible. Czechoslovakia is among those countries which may be expected to lose staff on the Secretariat if anything approaching a reasonable internationalisation of the staff is to be achieved. It follows that the Secretariat is not likely to appoint a Czechoslovak citizen during 1948 unless in exceptional circumstances, when no equally well qualified candidate from an under-represented country can be found.

I am very sorry indeed that this letter will not enable you to give to Dr. Neumann a favourable reply to this inquiry.

With the compliments of the Season, I remain

Yours sincerely,

Egon Schwelb

Egon Schwelb
Assistant Director
Division of Human Rights

Colonel G.A.Ledingham, Secretary-General
United Nations War Crimes Commission
Lansdowne House, Berkley Square
London W.1.

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REFERENCE:

RECEIVED
16 DEC 1947
Ansd.....

12 December 1947

Dear Colonel Ledingham:-

This is to acknowledge receipt of your letter of 4 December. I am forwarding your letter to the Archives Section of the Secretariat of the United Nations and shall let you know their reaction without delay.

I have also pondered about your suggestion that something be done to increase the sale of the Law Reports. The process of getting accustomed to the vast machinery of the United Nations Secretariat together with the necessity of adjusting myself to the whole New York atmosphere have so far prevented me from getting into contact with university circles and my possibilities to assist in interesting American libraries in the Law Reports are, therefore, very limited at present.

I am keeping the matter in mind, however, and I shall report to you as soon as I see any possibility of assisting.

Yours sincerely,

Egon Schwelb
Assistant Director
Division of Human Rights

Colonel G.A. Ledingham, Secretary-General
United Nations War Crimes Commission
Lansdowne House
Berkley Square
London W.1.

Miss Wilby

Please send a copy of this letter to D. Cameron Watt
Kind Compliments
A. 18/12/47

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LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE:

question might be discussed between the competent officials of the two Organisations with a view to determining conditions of transfer, including provisions for ensuring the necessary restriction on any material of a confidential or secret nature.

I have the honour to be,

Sir,

Your obedient Servant,

Trygve Lie
Secretary-General

Lord Wright ✓ 5.31.

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REFERENCE: 704-1-1

RECEIVED
19 DEC 1947
Amed.....

15 December 1947

Sir,

I understand that the question of the ultimate disposal and custody of the archives of the United Nations War Crimes Commission, when it closes down on 31 March 1948, is being considered and that there has been certain correspondence on this matter between officials of the Commission and of the United Nations Secretariat. In particular, I would refer to your letter of 11 November 1947 to Dr. Egon Schwelb, Assistant Director, Human Rights Division, Department of Social Affairs.

The archives of the Commission are of considerable interest to the Secretariat, and especially to the Human Rights Division and to the Legal Department in connection with tasks entrusted to certain Commissions of the United Nations.

Accordingly, I have the honour to inform you that should the United Nations War Crimes Commission so desire, the United Nations is prepared to assume custody of the archives of the Commission at the time of its closing. I suggest that this

Colonel George A. Ledingham, D.S.O., M.C.,
Secretary-General
United Nations War Crimes Commission
Lansdowne House
Berkeley Square
London, W.1,
England.

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REFERENCE 605-2-1-5

17 December 1947

Dear Colonel Ledingham:-

Further to my letter of 12 December, I am now in a position to reply to the substance of your letter of 4 December. As I wrote to you already, I have invited the Chief of the Archives Section of the United Nations Secretariat to comment on your letter of 4 December and this is what he says:

> "I have given further consideration to this subject, in the light of Colonel Ledingham's letter to you of 4 December 1947.
>
> My earlier comment that the proposed new index would be 'very useful' was, I admit, not a particularly helpful comment. I felt, from the earlier correspondence, that the War Crimes Commission itself believed the index was necessary and that the facilities for preparing it were easily at hand. Certainly the Archives is anxious to obtain the best indexes possible for all records that come into its custody.
>
> On reconsideration, however, it appears to me that the expenditure of the time and money involved in preparing a new index could well be deferred, at least until we determine, by actual experience, the efficacy of the existing index. Since the War Crimes Commission has used the preliminary index effectively, it is reasonable to suppose that the United Nations, making less frequent use of the records, could get along with the same index. May I suggest, therefore, that you inform Colonel Ledingham that we believe a new index is not essential for our purpose."

I suppose that you will agree with the opinion expressed here with the effect that the question of producing a new index is disposed of for the present.

With kind regards, I remain

Yours sincerely,

Egon Schwelb

Egon Schwelb
Assistant Director
Division of Human Rights

RECEIVED
23DEC1947
Ansd.....

Colonel G.E. Ledingham
Secretary-General
United Nations War Crimes Commission
Lansdowne House
Berkeley Square, London W.1.

3724

C.

30 December, 1947.

Dear Mr. Kintner,

With reference to our discussion on the questions of reprisals and superior orders, please find enclosed herewith the following material which might be of interest to the two American Judges who were kind enough to pay a visit to the Secretariat yesterday.

1) Vols. I and II of Law Reports of Trials of War Criminals;

2) Commission's Documents III/8, C.83 and C.86 dealing with the question of superior orders;

3) The last spare copy of the Human Rights Report;

4) List of legal literature relevant to the plea of superior orders and reprisals.

This is about all I am in the position to provide you with at short notice. I understand that Mr. Brand is also sending you some information on the subjects in question.

Yours sincerely,

J. LITAWSKI

E.W. Kintner Esq.,
27 Aldford House,
W.1.

List of legal literature relevant to the plea of superior orders and reprisals

---

Hammer Ellen and Salvin Marina.	The Taking of Hostages in Theory and Practice.	American Journal of International Law, Vol. 38 (1944), p.20.
Kuhn, Arthur K.	The Execution of Hostages.	American Journal of International Law, Vol. 36 (1942), p.271.
Lauterpacht, H.	The Law of Nations and the Punishment of War Crimes.	The British Year Book of International Law, 1944, p.58.
Murick, Lester and Barratt Roger, W.	Legality of Guerilla Forces under the Laws of War.	(40) American Journal of International Law, (1946), p.563.
Oppenheim, L.	International Law: (IV. Punishment of War Crimes, p.451, V. Taking of Hostages, p.459).	Vol. II, Sixth Edition, London, 1944.
Sack, Alexander N.	War Criminals and the Defence of Superior Order in International Law.	Lawyers Guild Review, Vol. V No.1, Jan. - Feb. 1945. See also Law Quarterly Review, Vol. 60 (1944).
Sack, Alexander N.	Punishment of War Criminals and the Defence of Superior Order.	The Law Quarterly Review, Vol. 60 (1944) pp. 63 et seq. See also Lawyers Guild Review, Vol. V, No. 1 (1945).
Stowell, Ellery C.	Military Reprisals and the Sanctions of the Laws of War.	American Journal of International Law. Vol. 36 (1942), p.643.
Wilson, G.G.	The Guerilla and the Lawful combatant.	American Journal of International Law, Vol. 37, (1943), p.494.

3724

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Yours sincerely,

J. LITAWSKI

E.W. Kintner Esq.,
27 Aldford House,
W.1.

THE COMMISSIONER FOR THE UNITED STATES OF AMERICA
ON THE
UNITED NATIONS WAR CRIMES COMMISSION

ALDFORD HOUSE, PARK LANE, W.1
TELEPHONE GROSVENOR 4631

London, December 30, 1947

RECEIVED
1947
Appl.

Dear Dr. Litewski:

Thank you very much for sending to me the material which will be of interest to the Nurnberg Judges in the Hostages Case. I am sure that both the Human Rights Report and the List of Legal Literature will be particularly valuable to them.

Yours sincerely,

Earl W. Kintner

EARL W. KINTNER
Deputy United States Commissioner
United Nations War Crimes Commission

Dr. J. Litewski
Legal Officer
United Nations War Crimes Commission
Lansdowne House
Berkeley Square, W.1

Dr. Ledingham - Dr. Mangr. - Hanting - Mr. Bond.
Col. Wade - Dr. Jevremovic.

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REFERENCE SOA 17/03

22 January 1948

RECEIVED
2FEB1948
Aned.....

Dear Colonel Ledingham:-

While an official letter from the Secretary-General of the United Nations is on its way to Lord Wright, thanking him for the great assistance rendered by the United Nations War Crimes Commission to the Commission on Human Rights in presenting its Report on Information concerning Human Rights Arising from Trials of War Criminals, I should also like to express on behalf of the Division of Human Rights and in my own name, our gratitude for the work done by the Secretariat of your Commission and to tell you how the report was received by the Commission on Human Rights.

The Commission on Human Rights decided to appoint a Sub-Committee consisting of the Belgian, Egyptian and Yugoslav representatives to examine the Report. This Sub-Committee suggested that the Human Rights Commission should express its gratitude to the War Crimes Commission for its report and felt that the Secretariat might usefully arrange for the publication of the Report. The Sub-Committee also drew attention to the fact that the survey had been completed in November 1947 and did not, therefore, as is also explained in the U.N.W.C.C. Report itself, exhaust the subject. The Sub-Committee then raised the question of whether a supplement dealing with the judgments rendered subsequently should be brought out. It suggested that the Secretary-General of the United Nations be requested to make the necessary arrangements to bring out a supplement when the requisite documentation has been compiled. The production of the supplement might in the opinion of the Sub-Committee, be entrusted either to the Secretariat of the United Nations or to a competent expert.

The Commission on Human Rights approved the Report of the Sub-Committee adding that in the supplementary work there should be included the sentences pronounced at any time in the countries not already included in the document prepared by the United Nations War Crimes Commission, and decided to transmit the report to the Economic and Social Council.

You will see from this outline of the proceedings of the Commission and its Sub-Committee the great importance it attached to the work placed at their disposal by the United Nations War Crimes Commission.

The Report of the United Nations War Crimes Commission was distributed to the Members of the Commission on Human Rights at Geneva in December, 1947. We must now circulate the Report to the Member Governments of the United Nations. For this purpose, approximately 200 copies are needed. I would be grateful if you could let me know whether this number of copies could be produced in London or, if that is impossible, whether the United Nations War Crimes Commission would send the stencils of the document to Lake Success so that a sufficient number of copies could be produced here.

I have been told about the special efforts that were made by the Secretariat of your Commission to have the report ready in time and I have drawn the attention of the Secretary-General to the great efforts that you and other members of your Secretariat made to assist the United Nations in the performance of a very important task.

Thanking you again, I remain

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director,
Division of Human Rights

Colonel G.A. Ledingham
Secretary-General
United Nations War Crimes Commission
Lansdowne House
Berkeley Square
London W.1.

2956.

S.3/

January 26th, 1948.

ARCHIVES - UNITED NATIONS WAR CRIMES COMMISSION

Sir:

I acknowledge with thanks receipt of your letter dated 15 December 1947.

At a meeting of the Commission held on the 21st January it was unanimously agreed to accept the offer of the United Nations to assume custody of the archives of the Commission at the time of its closing on 31 March 1948.

Your suggestion, that the conditions of transfer and the provision for ensuring the necessary restriction on any material of a confidential or secret nature might be discussed between the competent officials of the two Organisations, is acceptable to the Commission.

If, therefore, you would be good enough to arrange for one of your officials to visit the Commission during the latter part of February or early March, facilities will be given for him to examine the material here with a view to determining the best method of transfer.

I have the honour to be

Sir

Your obedient Servant,

G.A.LEDINGHAM
Colonel.
Secretary General.

Trygve Lie, Esq.,
Secretary General,
United Nations,
Lake Success.
New York. U. S. A.

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: SOA 17/03/JPH

2 February 1948

RECEIVED
9 FEB 1948
Aned.....

Sir,

On behalf of the Commission on Human Rights, I have the honour to convey to you and to the United Nations War Crimes Commission the Commission's warmest thanks for the Report prepared for the use of the Commission on Information concerning Human Rights arising from the Trials of War Criminals, Quislings and Traitors, and in particular from the Nuremberg and Tokyo Trials.

This Report was received and discussed by the Commission at its second session at Geneva in December last. The special efforts made by the Secretariat of the War Crimes Commission to prepare the Report in time for the Geneva meeting were much appreciated and I should be glad if you would convey my warmest appreciation of their work to the members of your Secretariat. I also wish to thank the War Crimes

The Lord Wright, K.C.,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W. 1.,
England.

Commission on my own behalf for the assistance that it rendered the United Nations Secretariat in the accomplishment of the very difficult task assigned to it by the Economic and Social Council.

I have the honour to be,

Sir,

Your obedient Servant,

Byron Price
Acting Secretary-General

2nd copy sent to F. Happel. UN, 4.0. 14/2/48.

2956.

5.3.48

February 2, 1948.

Colonel Ledingham has shown me the letter which you have been kind enough to write on the 22 January to this Commission. I need not say that the Commission very highly values the appreciation of the United Nations for its work on the Human Rights Report. Colonel Ledingham is writing a separate letter to you dealing with the practical questions which are raised in your letter.

May I say here, or perhaps I have indicated before, that owing to the time available and the smallness of our staff and their preoccupation with ordinary routine duties, I have acutely felt that it was impossible to do full justice to so very important a question as the effect of the war conditions on the whole system of human rights. The able members of the staff very naturally devoted their attention to accumulating material. Perhaps, it would have been better if they had begun by drawing up a scheme embodying the principal points of interest in regard to peacetime human rights and consequences of the war. I think also, the material which has been accumulated might even now be re-arranged so as to throw into relief the principal points at which war impinges on the ordinary rights of humanity. Indeed, that is fundamental, because it seems to me that the whole ambit of human rights is vitally affected by war conditions, even apart from the peculiar stringency of the interference with the rights of individuals which emerged in the last war. Indeed, the last war is a good object lesson as to how individual rights may may be reduced almost to a vanishing point. The cases which have been decided, and to which you have referred, do not give a fair picture because they only illustrate extreme instances of atrocious interferences with human rights whereas, what I might call the ordinary war interferences which also affected the ordinary people in their ordinary every-day life, are less thrown into relief. It seems to me that the report in its

present form would need considerable re-arrangement and a large classification to meet these points of principle and to make it into a systematic examination of how war, even in its less atrocious manifestations, necessarily affects the ordinary rights which individuals ought to enjoy in peace time. I am not pretending even to indicate the form such a study would take but it would be, I think, a very valuable production and would help to make people realise exactly what war is. However, you may think it better to limit the study to actual cases which have been decided. Even so, I think the final form of the report ought to show, under a general scheme, the facts which emerge from the criminal cases dealt with in the reports.

In view of the recommendation of your Sub-Committee - that the production of the Supplement might be entrusted to the Secretariat of the United Nations or to a competent expert - it might interest you to know that, in view of the closing down of the Commission on the 31 March, the services of Dr. Litawski would be available about then. Dr. Litawski has been with this Commission since May 1945 and, as Secretary to Committee I, has done and continues to do very good work in this connection. He took a major part in the preparation of the Report on Human Rights and I was much impressed with his contribution. He has worked with me since I became Chairman of the Commission in 1945 and I have a very high opinion of his learning and ability. I think, therefore, that he would be eminently suitable to be entrusted with the re-arrangement of the present Report and in the production of the Supplement.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
New York.
U. S. A.

present form would need considerable re-arrangement and a large classification to meet these points of principle and to make it into a systematic examination of how war, even in its less atrocious manifestations, necessarily affects the ordinary rights which individuals ought to enjoy in peace time. I am not pretending even to indicate the form such a study would take but it would be, I think, a very valuable production and would help to make people realise exactly what war is. However, you may think it better to limit the study to actual cases which have been decided. Even so, I think the final form of the report ought to show, under a general scheme, the facts which emerge from the criminal cases dealt with in the reports.

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Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
New York.
U. S. A.

2956.

D. 51

February 3, 1948.

Many thanks for your letter dated 22 January.

I was very interested to learn how the report was received by the Commission on Human Rights and to know that a plan, to supplement the report when the requisite documentation had been collected, had been agreed.

The members of the legal secretariat here, who were charged with the preparation of the report, are extremely grateful of the appreciation of the United Nations for their work in this connection. It was certainly a race against time and I am very glad to know that we just made it.

Lord Wright has written to y u his suggestions for a re-arrangement of the material now accumulated and I will therefore not enlarge on that aspect.

I note that you require an additional 200 copies of the Report for circulation to the Member Governments of the United Nations.

In ordinary times, we should have been very pleased to produce these copies for you but, in view of the closing down of the Commission at the end of March, combined with the difficulty I anticipate in obtaining a sufficient supply of paper under the austere conditions at present existing here, I would prefer, under these circumstances, to send you the stencils of the Report to enable you to produce the required number of copies.

If this is agreeable to you, I will arrange accordingly.

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
New York. U. S. A.

G.A.LEDINGHAM

5.3/.

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IN REPLY REFER TO
SOA 17/03
REFERENCE:

LAKE SUCCESS, NEW YORK FIELDSTONE 7-1100

RECEIVED
16 FEB 1948
Ansd.....

9 February 1948

Dear Colonel Ledingham:-

Many thanks for your letter of 3 February. I am glad to learn that the United Nations War Crimes Commission is prepared to send us the stencils of its Report on Information concerning Human Rights Arising from Trials of War Criminals so that we may produce here the copies of the report necessary for circulation to Members of the United Nations. Will you please send the stencils to me?

Lord Wright's letter containing suggestions for the re-arrangement of the material now accumulated has not yet reached me. I shall study it with great interest as soon as it arrives.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director,
Division of Human Rights

Colonel G.A. Ledingham
Secretary-General
United Nations War Crimes Commission
Lansdowne House
Berkley Square
London, W1.
ENGLAND

CABLE ADDRESS: UNATIONS NEW YORK

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5.31

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

RECEIVED
20 FEB 1948
Acad.....

REFERENCE: IN REPLY REFER TO
SoA 17/03

13 February 1948

Dear Lord Wright:

Thank you very much indeed for your kind letter of 4 February.

I had already received Colonel Ledingham's letter and I understand that he is going to let us have the stencils of the report so that we may have it distributed to the Member Governments.

I am, of course, very anxious to get ahead with the production of the supplement; but because of budgetary difficulties the whole question is now in a state of flux and it is not therefore possible for me to take any action at the moment in respect of the very useful suggestion that you have made regarding Mr. Litawski. Dr. Schwelb confirms your opinion regarding Mr. Litawski and, I am sure that, all other things being equal, he is one of the most competent candidates in the field. I might say that my own personal view is that we should not only produce a supplement to the excellent report prepared by the War Crimes Commission but that, using all this material, we should bring out a much shorter book in popular style which would acquaint the man in the street with the principles established at Nuremberg and in the other trials, in so far as they relate to the development of international law protecting human rights. I explained this idea to several members of the Commission at Geneva and they heartily endorsed it. Unfortunately, however, the resolution as finally adopted by the Commission reflects a quite different idea and it would not be possible for me to make arrangements for the production

CABLE ADDRESS: UNATIONS NEW YORK

ADRESSE TELEGRAPHIQUE: UNATIONS NEW-YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE:

of a more popular work unless I can prevail upon the Commission to modify its decision at its next session in May.

I am planning to be in London on my way to Geneva for the United Nations Conference on Freedom of Information. If possible, I should like to see you then and to discuss this whole question with you. Thanking you again for your very kird letter and with best regards, I am

Yours sincerely,

John P. Humphrey
Director
Division of Human Rights

The Right Honourable
The Lord Wright of Durley, P.C.
Chairman
United Nations War Crimes Commission
Lansdowne House
Berkeley Square
London, England

2956.

E.31

17th February 1948.

HUMAN RIGHTS REPORT

Many thanks for your letter of 9th February.

When the Human Rights Report was first prepared in November 1947 many of the stencils used for the 50 copies required became unserviceable. These stencils have since been re-cut, the last 50 pages of which should be ready this week. However, the bulk of the Report consists of stencils which, though new in November, are now second-hand and it is very doubtful whether they would stand up to being put back on the Commission's machines for the purpose of duplicating the 20 copies which are required for circulation to our members and then sent to you for use in duplicating a further 200 copies. As these second-hand stencils constitute the bulk of the Report it would be a tremendous task for us to re-cut them. This could be avoided if you would agree to accept the stencils as they are, old and new together, duplicate sufficient copies for your requirements and send me the 20 copies required for circulation to members. If used with care, these stencils should stand up to the production of 220 copies, but not if we were to run off 20 copies here and then send the stencils to you for a further 200 copies to be run off on your machines.

If you approve this suggestion, I will despatch the stencils to you without delay.

G.A.LEDINGHAM

Professor John P. Humphrey,
Director, Division of Human Rights,
United Nations,
Lake Success,
New York. U. S. A.

RECEIVED
23 FEB 1948
Ansd.....

S.51.

UNITED NATIONS • NATIONS UNIES

LAKE SUCCESS, NASSAU COUNTY, NEW YORK

IN REPLY REFER TO: 313-5-11-3/BAR 20 February 1948.

Sir,

I have the honour to acknowledge receipt of your letter of January 28th, 1948 in regard to the transfer to the United Nations of the archives of the United Nations War Crimes Commission, and I note that the Commission at its meeting on January 21st unanimously agreed to accept the offer of the United Nations to assume custody of the archives as from March 31st, 1948. I will make arrangements for an official of the United Nations to visit the Commission during the first half of March in order to examine the material with the view of determining the best method of transfer and the provisions which may be necessary for insuring restrictions on any material of a confidential or secret nature.

In order to facilitate the work of the Secretariat of the United Nations in dealing with this matter, it is desirable to have as soon as possible some additional information on the following points:

1. I am not sure that it is clear from correspondence on this matter that the archives would, as soon as possible after March 31st, 1948, be transferred to the United Nations archives at Lake Success. This is, however, the intention of the Secretary-General of the United Nations; and this presupposes that the War Crimes Commission or any of its staff would not require access to these archives or part of them in London. I would be grateful if you would confirm that this is the case.

Colonel George A. Ledingham, D.S.O., M.C.
Secretary General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W. 1,
England.

2. The question arises whether it is desirable to transfer to the United Nations all the material comprising the archives of the Commission or whether some of it should and ought to be destroyed. In this connection it would be useful to have some information about the volume of the archives to be transferred.

3. Finally, if possible I would like to receive a list of the main groups of documents and correspondence which form the archives of the Commission. As far as documents are concerned, I presume that only a limited number of copies of each document should be sent to Lake Success with the archives. It might be desirable for me to point out that the term "archives" would comprise collections of documents, registry files of correspondence, and material forming the records and proceedings of the Commission itself.

I would appreciate it if you would be good enough to send me a reply to this letter by air mail at your earliest convenience.

I have the honour to be,
Sir,
Your obedient Servant,

A. Pelt.

A. Pelt,
Assistant Secretary-General
in charge of Conference
and General Services.

Sir Alexander
TRAVEL BUREAU UN
Jermain 8133

CABLE ADDRESS: UNATIONS NEW YORK

ADRESSE TELEGRAPHIQUE: UNATIONS NEW-YORK

5-3)

UNITED NATIONS NATIONS UNIES

IN REPLY REFER TO
SOA 17/03
REFERENCE:

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

23 February 1948

Dear Colonel Ledingham:

Thank you very much indeed for your letter of 17 February. I agree with your suggestion and wish that you would send the stencils direct to Dr. Schwelb as I myself am leaving for Geneva later this week. Dr. Schwelb will request the technical services here to run off twenty additional copies of the Report which will be sent to you for distribution to the members of the United Nations War Crimes Commission.

I am hoping that I will have the opportunity to see you for a few minutes while I am in London.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

RECEIVED
1 MAR 1948
Acad.....

Colonel G. A. Ledingham
Secretary-General
United Nations War Crimes Commission
Lansdowne House
Berkeley Square
London W.1, England

2956.

2nd March 1948.

ARCHIVES

I acknowledge with many thanks, receipt of your Letter of 20th February.

Dr. Stavropoulos, I understand at your request, called to see me yesterday in connection with the transfer of our archives to the United Nations and we agreed the following, subject to your approval and confirmation:-

A. That we pack and hand to your Travel Bureau in London during April, six sets of each of the following:-

1. Minutes of the meetings of the Commission from its inception to conclusion with copy of index.

2. Miscellaneous documents. } Dr. Schwelb can explain to what these refer.

3. "C" " }

4. "A" " }

5. Documents and Minutes of the meetings of Committees I, II and III so far as they exist, as I believe no minutes of Committees II and III were kept in the early days of the Commission's activities.

6. Two sets of the Commission's "Lists of Alleged War Criminals".

B.(1) That you inform us whether you wish to take over the transcripts of trials which we have received and continue to receive from the various countries to examine and use, where we think desirable, in our Law Reports series. These transcripts, as you can imagine, occupy considerable space. It should be borne in mind that transcripts of the American trials would, I imagine, be available to you at Washington

so that if you did see the necessity of having our transcripts in your possession it should not be necessary for us to send the American transcripts to you.

(2) That you inform us whether you wish to take over copies of the charges and the evidence in support of these charges and other material relating to the activities of Committee I. At present they comprise about 15 filing cabinets measuring 4' x 18" each. These documents however would not be available for dispatch until the end of the year as they may be required for reference in connection with the writing of the Law Reports - this would also apply to many of the transcripts of trials although a certain number of which we are finished with could be despatched to you during April.

There will be no secret or confidential documents to send you although I suggest that the Committee I archives should be regarded as such.

I believe I have covered all the outstanding queries in your letter and perhaps you will be good enough to let me have your views at your convenience.

G.A.LEDINGHAM

A. Pelt Esq.,
Assistant Secretary-General in charge of
Conference and General Services,
United Nations,
Lake Success,
New York. U. S. A.

2762

5.31

9th March, 1948.

Dear Dr. Schwelb:

With reference to Professor Humphrey's letter dated 25rd February (Ref: SOA 17/03), I have to inform you that I have forwarded to you to-day, under separate cover, two packages containing the stencils of the Human Rights Report, as agreed.

Yours sincerely,

Valerie P. Wildy,
Personal Assistant to
Secretary General.

Dr. Egon Schwelb,
Assistant Director,
Division of Human Rights,
United Nations,
Lake Success,
New York.
U.S.A.

8.31

BY AIR MAIL

19th March, 1948.

Dear Dr. Sawicki,

Thank you very much for your letter of 10th March and for giving instructions to provide me in future with the Polish legal publications.

Simultaneously my Secretariat is dispatching to you one copy of the Human Rights Report. As there are for the time being no more spare copies of this Report, we had to make up a special copy for you from loose sheets. This accounts for the delay in complying with your request.

Additional copies of the Report are now being reproduced by the United Nations in New York, but I have no idea when they will be ready for further circulation.

Thanking you once more,

I am,

Yours sincerely,

J. LITAWSKI.

Dr. J. Sawicki,
Ministerstwo Sprawiedliwości,
Polish Ministry of Justice,
Warsaw.

P.S. The Report is being sent through the diplomatic courrier by courtesy of Colonel Muszkat.

23rd March, 1948.

Dear Colonel Muszkat,

I have pleasure in enclosing herewith a copy of the Human Rights Report for Dr. Sawicki, which you kindly offered to transmit throu h diplomatic courrier.

Thanking you for your co-operation,

I am,

Yours sincerely,

J. LITAWSKI.
Legal Officer.

Colonel M. Muszkat,
Polish Embassy,
47 Portland Place,
London, W.I.

D. Protokin

5.31.

RECEIVED
22 MAR 1948
Ansd.....

40 EAST 10TH STREET
NEW YORK 3, N.Y.

March 18, 1948.

Dear Sir:

I have the honor to request on behalf of the Ad Hoc Committee of Consultative Organizations that you be so kind as to furnish me with a statement on the work of the War Crimes Commission in the field of Human Rights.

The Ad Hoc Committee is an independent and private body established in September 1947 at Lake Success by the Interim Conference of International Non-Governmental Organizations. Its seventeen member organizations have all been granted consultative status by the Social and Economic Council of the United Nations. The statement we request will be reproduced in a Working Paper being prepared for a Conference called by my Committee which will meet in Geneva on 19-20 May 1948.

The title of the Conference is "The Exploratory Conference of Non-Governmental Organizations on the Activity of the Economic and Social Council, especially the Promotion of Human Rights".

I venture to request that your statement should not be lengthy. It should, however, include references to the most important documents issued by your organization in the field of Human Rights. I relaize that your Secretariat is undoubtedly carrying a very heavy load, but it would be most highly appreciated if you could send me this statement within two weeks.

Sincerely yours,

B. Mirkine-Guetzévitch

Professor B. Mirkine-Guetzévitch,
Consultant, Inter-Parliamentary Union
Co-Chairman, Ad Hoc Committee of Consultative Organizations.

The Secretary-General,
War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

By AIR-MAIL

30th March, 1948.

Dear Professor Mirkine-Guetzévitch,

I have to thank you very much for your interest taken in the work of the War Crimes Commission in the field of Human Rights.

The only contribution of the Commission to this work is THE REPORT ON INFORMATION CONCERNING HUMAN RIGHTS ARISING FROM TRIALS OF WAR CRIMINALS, referred to briefly as the Human Rights Report. There are also some other documents on this subject issued by the Commission which, however, are of preparatory nature and have been taken into account in drafting the Report. The latter is a substantial document of nearly 500 pages and was submitted to the Second Session of the Human Rights Commission of the United Nations which met in Geneva in December 1947.

I have pleasure in enclosing herewith a copy of the covering page, the Preface and the Table of Contents which sufficiently explain the origin and purpose of the Report. Copies of the whole Report can be provided by the Division of Human Rights, United Nations, New York.

Yours sincerely,

Colonel.
Secretary-General.

Professor B. Mirkine-Guetzévitch,
Consultant, Inter-Parliamentary Union,
Co-Chairman, Ad Hoc Committee of Consultative Organisations,
40 East 10th Street
New York 3,
N.Y.
U.S.A.

Please Return to:
Division of Co-ordination and Liaison,
Room C-2C,
United Nations,
Lake Success, N. Y.

DATA ON INTER-GOVERNMENTAL ORGANIZATIONS

1. Name of Organization: (English)_____
(French)_____

2. Address of Headquarters:

3. Address of Representative in U.S.A., if any:

4. Membership: (List of member-governments)

5. General Purposes and Functions of the Organization:

6. Officers: (names and positions held, including the Chief Executive Officer or Secretary and other principal administrative officials.)

7. Structure: (Policy-making bodies (Conference, Governing Body, Executive Committee), frequency of meetings, with date of last meeting for each.)

8. Finance: (a) Annual budget total

(b) Sources of financial support.

9. Brief History: (a) Date when founded:

(b) Whether the Organization was established by a formal agreement among governments, signed by authorized governmental representatives:

(c) Principal historical developments:

10. Publications: (Name the regular publications, how often they appear, and their general nature. State what kind of special reports, etc., are issued, mentioning any of particular importance.)

No Action

5.51

CABLE ADDRESS: UNATIONS NE

ADRESSE TELEGRAPHIQUE: UNATIONS NEW-YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE:

462-4-2/AGK

7 April 1948

Dear Sir,

The Joint Division of Co-ordination and liaison of the Secretariat of the United Nations is undertaking studies with the aim of amending and systematizing all material now available to it on intergovernmental organizations having responsibilities in the economic, social, cultural, educational, health and related fields.

In view of the fact that our files on this subject are incomplete and much of the information at our command is out of date, we should appreciate your co-operation in responding as completely and expeditiously as possible to the questionnaire drawn up by this Division, a copy of which is appended for your use.

Yours faithfully,

G. E. Yates,
Acting Director,
Joint Division of Co-ordination and Liaison

Enclosure

United Nations War Crimes Commission,
London,
England.

CABLE ADDRESS: UNATIONS NEW

TELEGRAMME: UNATIONS NEW-YORK

5 3/

UNITED NATIONS **NATIONS UNIES**

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: ECA 10/2/02

April 9th 1948

RECEIVED
15 APR 1948
Ansd.....

Dear Sir,

Thank you for your letter of the 30th of March and its enclosures.

According to your advise, I secured the document you referred to from the Human Rights Division at Lake Success.

I shall inform you of further developments in regard to the Conferences of Non Governmental Organizations to be held in May 1948 in Geneva.

Yours very sincerely,

Professor B. Mirkine-Guetzévitch
Consultant, Inter-Parliamentary Union
Co-Chairman, Ad Hoc Committee of
Consultative Organizations.

Colonel G.L. Ledingham
Secretary General
United Nations War Crimes Commission
Lansdowne House
Berkeley Square
London W.1.

RECEIVED
5 APR 1948
Ansd.....

5.81.

UNITED NATIONS • NATIONS UNIES

LAKE SUCCESS, NASSAU COUNTY, NEW YORK

IN REPLY REFER TO: 313-5-11-3/BAR 30 March 1948

Sir,

I have the honour to acknowledge receipt of your letter of 2 March 1948 dealing with the question of the transfer to the United Nations of the archives and records of the United Nations War Crimes Commission. The Secretariat has also had a communication from Dr. Stavropoulos on the same subject after his conversation with you.

The Secretariat of the United Nations agrees with your suggestion that you should pack and hand over to the UN Travel Bureau in London during the month of April six sets of each of the documents referred to in paragraph A of your letter.

As regards the documents referred to in paragraph B, it seems that transcripts of trials, documents containing charges against war criminals and the evidence in support of these charges, and other material related to the activities of Committee I present a considerable interest, and this is material which should be preserved for the future as relating to the activities of such a unique organisation as the War Crimes Commission. It is noted, however, that on the whole the bulk of this material is still needed at the offices of the Commission and would not be available for transfer to the United Nations until the end of 1948. It is also believed that some of the administrative files should be preserved as throwing a valuable light on the organisational structure and the operating procedures of the Commission. I would like to say, however, that a final decision in regard to what part of the additional documentation of the Commission would be of sufficient importance to warrant preservation in the UN archives can hardly be taken without a study in London by a competent official of the United Nations. I would therefore like to suggest that it would be best to adhere to the original

Colonel George A. Ledingham, D.S.O., M.C.,
Secretary-General,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London W. 1,
England.

proposal contained in the Secretary-General's letter to you of 15 December 1947 and accepted by the War Crimes Commission in accordance with your letter to Mr. Lie of 28 January 1948 namely that the conditions of transfer and provision for insuring the necessary restrictions, if any, on documents to be transferred might be discussed between competent officials of the Commission and of the United Nations. Inasmuch as a great deal of the material is still needed by the Secretariat of the Commission, I propose to request that Mr. Renborg, Chief of the Communications and Records Service which includes the United Nations Archives, should, in connection with his visit to Europe during the coming summer, study the material available for transfer and discuss and settle all the necessary details with the Secretariat of the Commission. I would be grateful for information whether you are in agreement with this proposal and, in the affirmative, to be informed of the name of the official with whom Mr. Renborg should discuss these matters. Mr. Renborg will proceed to Europe late in June and will be in Paris during the forthcoming United Nations General Assembly. It would be possible for him to come over to London at your convenience either shortly before the Assembly or during its course.

I have the honour to be,
Sir,
Your obedient Servant,

a. Pelt

A. Pelt,
Assistant Secretary-General,
Department of Conference and
General Services

DOCUMENTS FOR U.N. DISPATCH

CONTACT:- A.J. COTTER,
FREIGHT & SHIPPING DEPT.
U.N. TRAVEL BUREAU
RUSSEL SQUARE HOUSE
RUSSEL SQUARE
W.C.1

TERMINUS 3081 EXT 1212

2762

10 June, 1948.

Dear Professor Humphrey,

Your letter of the 27th May addressed to Colonel Ledingham has been brought to me. I am quite sure that the Commission, which still exists for the purposes of winding-up, would be able to make very good use of the 20 copies of the information concerning Human Rights. Each member will receive a copy and the remaining few will be kept here for the moment in the hands of the Commission for use especially in connection with the War Crime Trial Reports which we are preparing.

I think the best course will be for the 20 copies to be sent here and our skeleton secretariat will distribute them among the Member Governments.

I hope you are getting on satisfactorily at Lake Success.

Yours sincerely,

WRIGHT

Professor John P. Humphrey,
Director,
Division of Human Rights,
UNITED NATIONS,
Lake Success,
New York.

CABLE ADDRESS: UNATIONS NEW YORK TELEGRAMME: UNATIONS NEW YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE

RECEIVED
4 JUN 1948
Amsl.....

27 May 1948

Dear Colonel Ledingham:-

The Report prepared by the United Nations War Crimes Commission for the Secretariat of the United Nations on information concerning human rights arising from trials of war criminals has now been reproduced by the services of the United Nations Secretariat as document E/CN.4/W.19.

Some time ago you requested that twenty copies should be made available to the Secretariat of the U.N.W.C.C. for distribution to the Member Governments of the Commission.

As I am not quite sure what the present position concerning the U.N.W.C.C. is, I write to ask you for the information to whom the twenty copies of the document shall be dispatched from here.

Sincerely yours,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

Col. G. A. Ledingham
Secretary-General
United Nations War Crimes Commission
Lansdowne House
Berkeley Square, London W.1.

CABLE ADDRESS: UNATIONS NEW YORK

RECEIVED
14 JUN 1948

ADRESSE TELEGRAPHIQUE: UNATIONS NEW-YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: SOA 60-1-03

10 June 1948

Dear Lord Wright:

As you probably know, the Secretary-General has asked Dr. J. J. Litawski to assist us on a part-time basis in the preparation of a supplement to the report prepared by the United Nations War Crimes Commission on war crimes trials in their relation to human rights. Dr. Litawski has agreed to this arrangement and will, I understand, begin to work on the assignment as soon as he has finished his tasks with the United Nations War Crimes Commission. I am wondering whether you will permit Dr. Litawski to use the archives and other material accumulated by the Commission in connection with his work.

The Commission on Human Rights is now in session and hard at work on the Declaration. It is beginning to look, however, as if it will not be possible to have a Covenant with clauses on implementation ready for the General Assembly this fall. I am leaving for Europe again in a few weeks to attend the Seventh Session of the Economic and Social Council but do not plan to stop off in England. Otherwise, I would have very much liked to see you and have another talk.

With best regards, I am

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

The Right Honourable
The Lord Wright of Durley, P.C.
Chairman
United Nations War Crimes Commission
Lansdowne House
Berkeley Square
London. W.1. England

2762

15th June, 1948.

Dear Professor Humphrey,

I received yesterday your letter of the 10th inst. I am glad that you are having Dr. Litawski as your assistant in the future for the work which you mention. I have found him a very able and hard-working person. I shall be most happy to permit him to use the archives and other material accumulated by the Commission in connection with his work, that is so long as the Commission retains these premises by the generosity of the War Office. I hope we shall have that use at least till the end of this year.

I cannot at the moment say how soon Dr. Litawski will have finished his work on this Commission. I should estimate that it would be about the end of July.

I should have been very glad to have seen you and had a talk with you. No doubt that opportunity will come later.

Yours sincerely,

WRIGHT

Professor John P. Humphrey,
Director,
Division of Human Rights,
United Nations,
Lake Success,
New York.

CABLE ADDRESS: UNATIONS NEW YORK

TELEGRAMME: UNATIONS NEW-YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE:
SOA 17/03 - JPH

28 June 1948

Dear Lord Wright:-

Thank you very much indeed for your letter of 15 June and for allowing Dr. Litawski to use the archives and other material accumulated by the War Crimes Commission in connection with the work that he will be doing for the Commission on Human Rights.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

The Right Honourable
The Lord Wright of Durley, P.C.
Chairman, United Nations War Crimes Commission
Lansdowne House
Berkely Square
London W.1.
ENGLAND

CABLE ADDRESS: UNATIONS NEW YORK

ADRESSE TELEGRAPHIQUE: UNATIONS NEW-YORK

UNITED NATIONS NATIONS UNIES

LAKE SUCCESS, NEW YORK • FIELDSTONE 7-1100

REFERENCE: SOA 17-03 JPH

25 June 1948

Dear Lord Wright:

Pursuant to your suggestion, I am sending you the twenty copies of the U.N.W.C.C. Report on War Crimes in their Relation to Human Rights direct to the Commission's office in London.

The Commission on Human Rights has now completed its third session. As I anticipated in my letter to you of 10 June, it did not adopt a draft Convention or articles for implementation; but the draft Declaration of Human Rights is now ready and will be taken up by the Economic and Social Council at its summer session in Geneva. It is still an open question whether the Declaration will be considered at the next session of the General Assembly.

Yours sincerely,

John P. Humphrey

John P. Humphrey
Director
Division of Human Rights

The Right Honourable
The Lord Wright of Durley, P.C.
Chairman
United Nations War Crimes Commission
Lansdowne House
Berkeley Square
London, England

United Nations | *Nations Unies*

ECONOMIC AND SOCIAL COUNCIL | **CONSEIL ECONOMIQUE ET SOCIAL**

RESTRICTED
E/CN.4/W.20/Corr.1
28 May 1948
ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

THIRD SESSION

INFORMATION CONCERNING HUMAN RIGHTS ARISING FROM TRIALS OF WAR CRIMINALS

Report Prepared by the United Nations War Crimes Commission in Accordance with the Request Received from the United Nations

Please correct the symbol number E/CN.4/W.19, issued on 15 May 1948, to read E/CN.4/W.20.

Distribution of Human Rights Report

The following countries were supplied with copies of the Report in November, 1947 :-

U.K.
U.S.
Poland
Norway
Czechoslovakia
Denmark

The following countries were supplied with copies of the United Nations edition in July, 1948 :-

China (Dr. Seymour Cheng)
New Zealand (Mr. Aikman)
Netherlands (Cmdr. Mouton)
Luxembourg (Mr. Heisbourg)
France (Prof. Gros)
Belgium (M. de Baer)
Australia (Mr. Heydon)
India (Mr. Dutt)

CABLE ADDRESS: UNATIONS PARIS

ADRESSE TELEGRAPHIQUE: UNATIONS PARIS

UNITED NATIONS NATIONS UNIES

Palais de Chaillot, Paris (XVIe) France

REFERENCE: 313-5-11-3

RECEIVED
28 SEP 1948
Amsd.....

27 September 1948

Dear Sirs,

I would ask you to be good enough to refer to the letter which Mr. A. Pelt, Assistant Secretary-General of the United Nations, addressed on 30 March 1948 to Colonel G. A. Ledingham, D.S.O., M.C., Secretary-General of the Commission, in regard to the transfer to United Nations of certain documentation and Archives of the Commission.

In his letter, Mr. Pelt stated that he proposed to request the undersigned to study the material available for transfer and to discuss and settle all the necessary details with the Secretariat of the Commission. I would be grateful for information when it would be convenient to the Secretariat of the Commission for me to come to London for this purpose and with whom I should get in touch in this matter. Taking into account my work at the General Assembly I expect that it would be possible for me to make the journey to London some time during the month of October or early November.

I am,

Dear Sirs,

Yours very truly,

Bertil A. Renborg, Chief,
Communications and Records Division.

The Secretariat,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London W. 1,
England.

1st October, 1948.

Dear Mr. Ramberg,

Thank you very much for your letter of 27th September, 1948, concerning the transfer to United Nations of the documentation and archives of the Commission.

As former Senior Legal Officer of the Commission I have been requested by Lord Wright, the Chairman, to take over the further negotiation of this matter and to act in this respect as Secretary-General of its existing office.

I should like first to inform you about the position as it is at present.

As already mentioned in the letter which Colonel Lodingham addressed on 2 March, 1948, to Mr. A. Pelt, Assistant Secretary-General of the United Nations, the transcripts of trials would not be available for transfer until the end of February 1949, when the Commission's office will terminate its activities. They are required here in connection with the writing and publishing of the Law Reports of Trials of War Criminals which it is estimated would comprise fifteen volumes, and of which only eight have by now been published or are ready for printing.

In regard to these transcripts, which occupy considerable space, some consideration should I think also be given to a new aspect which has arisen since the last exchange of correspondence with Mr. Pelt took

Mr. Bertil A. Ramberg, Chief,
Communications and Records Division,
United Nations,
Palais de Chaillot,
PARIS XVIe.

/place

place. This is that with effect from June 1948 I have been appointed by the United Nations as Consultant on War Crimes Trials, and in this connection I have to use all this material for research, study and preparation of special reports for the Division of Human Rights. According to the original arrangement this work is being done by me from London, and as intended by the Division I shall have to continue throughout 1949. The solution of this additional personal difficulty is of interest to the Division of Human Rights, and it seems to me that the views of Professor John P. Humphrey, Director of the Division, should be secured on this particular point. I should therefore appreciate if you would be kind enough to discuss this matter with Professor Humphrey, to whom I am forwarding a copy of this letter for his information.

With regard to other documentation and archives enumerated under 1 to 6 in part (A) of Colonel Ledingham's letter of 2 March, 1948, all those documents have already been segregated and are not required in connection with the preparation of Law Reports. From time to time, however, this office is still receiving requests for information in connection with the trials in progress, and for this reason it would be preferable if this material could remain here for some while. In view of the fact that the Commission had already given up a large part of its premises to the War Office, all the material mentioned in this paragraph has been put provisionally into cases in which it will be transferred to the United Nations, and access to it is a little difficult.

As Mr. Pelt has suggested it would, of course, be desirable to discuss all these questions and settle the necessary details, and if you think it useful in these circumstances to come to London, I shall most gladly welcome you and be at your disposal at any time convenient to you during the month of October or early November. I would only ask you to be kind enough to let me know about the exact date of your proposed visit two or three days in advance.

Yours sincerely,

Dr. J.J. [illegible]

CABLE ADDRESS: UNATIONS PARIS

ADRESSE TELEGRAPHIQUE: UNATIONS PARIS

UNITED NATIONS

NATIONS UNIES

Palais de Chaillot, Paris (XVIe) France

REFERENCE:

9 December 1948

Dear Dr. Litowski,

I am sorry that I have not until now returned to our previous correspondence concerning the transfer of UN War Crimes Commission Archives to the United Nations at Lake Success. It has not been possible for me to leave Paris while the Assembly was in Session.

According to my present plans I will arrive in London on January 10th. I will then, if as I hope it is convenient to you, go into the whole question with you. I would appreciate it if you would let me know by return mail whether you will be able to devote some time to this question during the week ending January 15th, 1949.

Yours sincerely,

Bertil A. Renborg, Chief,
Communications and Records Division.

Dr. J.J. Litowski,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London W.1.,
England.

13th December, 1948.

Dear Mr. Renborg,

Thank you for your letter of 9th inst. indicating that you hope to be in London next month. I shall be at your disposal at the Commission's offices any time convenient to you between January 10th and 15th in order to discuss the transfer of the UN War Crimes Commission Archives to the United Nations.

Yours sincerely,

J.J. LITAWSKI

Bertil A. Renborg Esq.,
Chief, Communications & Records Div.,
UNITED NATIONS,
Palais de Chaillot,
Paris (XVIe),
France.

2956

5th January, 1949.

Dear Lord Wright,

We are in receipt of your last letter, and I should like to thank you for your approval to include one more report of mine into the series.

As to the visit of Mr. Renborg of the United Nations, I would not like to disturb you by suggesting at this stage that you ought to see him. The transfer of the archives to the United Nations is governed by the decision of the Commission, and I have already your instructions as to the practical aspect. The matter is, however, a little complicated by the fact that part of the material will have to remain in London for some time after March as it will be needed in connection with my work for the United Nations. This view has been expressed by Professor Humphrey, and Mr. Renborg intends also to see what could best be done to find some accommodation for this material.

Mr. Renborg will be here throughout the whole of next week, and only if definite need should arise after my first conference with him shall I communicate with you to arrange a meeting.

With kind regards,

I am,

Yours sincerely,

The Rt. Hon. Lord Wright, G.C.M.G.,
Durley House,
Burbage,
Wiltshire.

TEL:
BURBAGE 17.

DURLEY HOUSE,
BURBAGE,
NR. MARLBOROUGH.

9th 9.49.

Dear Dr. d'Arcy.

Thanks for your letter of the 30 Dec + 5th Jan.

As to Mr. Roberts visit, I think you are best to settle & handle the matter with him. As I have written, I did not intend to come up to London until Tuesday week for a couple of days — but I can come up in the morning of next Thursday & return in the evening, if you say it would be better. If so please telephone me here on Tuesday afternoon. I have been thinking what with

P.S. Till Brand & me be only [illegible] arranged. It will also help [illegible] last Volume [illegible]

happier after the end of February. There will certainly be a big 'clearance' and may be possible to keep one officer a bit longer than 1st March. U.N.O. need no doubt support us in that if it is necessary for the archives. We can reserve that for when I come up? It may be it will be needed to do these things than to end of March. You will need an office for yourself (at least no room)—

As I have already said I am glad to think you can add another volume for Poland. I have read your excellent note on

Till Bread I hope to send up by Tuesday next and the introductory, table of Contents for Vol XIII & we can settle finally about Vol XII forward when I come up for the Meetings.

Yours
Wright

2762

13th January, 1949.

Dear Lord Wright,

Thank you very much for your letter of the 9th inst. I did not ring you up on Tuesday as Mr. Renborg did not come in before the afternoon on that day for the first time. He would like to see you, and I am sure you would be pleased to see him. This may be of some importance in view of the suggestions and arrangements you have in mind as to the ultimate date of the closing down and the transfer of archives. As it appeared, however, that Mr. Renborg intends to stay in London until Wednesday the 19th inst. inclusive, there was no need for me to ask you to come up this week. If you would therefore be kind enough to give me some indication as to the time and plans for your movements on Tuesday and Wednesday next, I could arrange for Mr. Renborg to come and see you in the office, and lunch with you if this be your wish.

Mr. Renborg is a Swedish gentleman and was for many years connected with the League of Nations. In the meantime I am putting him in the picture and taking care of him. He is coming every day to the office and acquainting himself with the Commission's activities and its archives.

I have passed to Mr. Brand your messages concerning Volumes XII and XIII and the proposed visit to Nuremberg.

With kind regards,

J. LITAUSKI

The Right Honourable
Lord Wright, G.C.M.G.,
Durley House,
Burbage,
Wiltshire.

TEL.:
BURBAGE 17.

DURLEY HOUSE.
BURBAGE.
NR. MARLBOROUGH.

14 Jan. 49.

Dear Dr Litauski,

Cred Mr. Romberg invited me at the Tomorrow Office on Tuesday ~~or~~ Wednesday next at 12.45 & then go to lunch. I shall be up at the Office about 11.30 time to then arrange. The only problem is whether the ~~I~~ should lunch at Brooks's as my guests, but as both Rules and Allen are one guest, I could ask anyone else. If you and Rowland or Draper or any other would like to meet the Chancellor, then Sunday would

for a table

— that event arrangements for the
table (!). All these can be settled
when I come.

I shall stay up until Thursday
(have a lot to settle.

Regards

Yr Donald

Did we arrange to send the Book
(Hamlet) to Sir Stafford Cripps & to
Sir Eric Beckett (F.O.)? I think
we should. W.

a table
a last event arranged to take for the
table (?). All that can be settled
when I come.

I shall stay up until Thursday
(have a lot to settle

Regards

Yr Donald

Did we arrange to send the Book
(Hardy) to Sir Sleaford Griffiths &c.
Sir Eric Beckett (F.O.)? I think
we should. W.

2762

24th February 1949

My dear Kintner,

I am much obliged to you for your letter of the 15th inst. When I wrote to you early in February on the lines which I did, the reason for doing so was simply that there was a doubt in my mind whether the Commission or myself was entitled to part with these documents, even by way of loan, with the view to their contents being published. But there is a further aspect which I did not perhaps fully consider at the time, though it was at the back of my mind, and that was that the documents in question contain a great many ex parte statements largely affecting individuals who are still alive and who would naturally have a grievance if these charges were made public except in due process of law.

I am very anxious indeed to help you and I think that there is a good deal to be said in favour of a full length account of what you well call the "grand jury" functions of the Commission, but though the documents would certainly give a mass of information about Nazi criminality as disclosed in them, what is disclosed is not historically or judicially authenticated but is only a collection of charges, and I am much impressed by that way of looking at it. Much as I sympathise with your object, and clearly as I am satisfied that you would do whatever you undertake in the best possible manner, I think it will be going beyond my powers as Acting Chairman to take the responsibility of handing over these documents to yourself, because as things stand at present you have no independent authority from the body, whatever it is, which is owner of these documents, and which may be either in law or in equity responsible to the individuals who are implicated in the charges set out therein. If they were published in any form the charges would pass into public currency and I cannot forecast exactly what use might be made of them.

So.....

R.W. Kintner Esq.,
Apt. 408,
2901 Connecticut Av, N.W.
Washington 8, D.C.

So you will see that I must definitely and finally say that as things stand at present I am unable to accede to your request.

I am looking forward to your volume of Hodge which I hope is progressing, and I shall be glad to hear that you are happy in your job in the Trade Department.

Give my kind regards to Mrs. Kintner and accept them for yourself. We are all rather sad at finally turning our backs upon these rooms where we all worked together so pleasantly and, I hope, usefully.

Yours sincerely,