

-3-

we should never have been able to cope with the flow of cases which have been coming in during the past year, and for this reason I felt I should like to set down in writing my appreciation of the debt I owe you for your work in Committee I."

Yours sincerely,

M. de BAER.

"Dear Monsieur de Baer,

"I should like to thank you very much for your letter of 25th September, 1947, in which, on the occasion of your retirement from the Chairmanship of Committee I, you were kind enough to express so much appreciation of my modest contribution to the work of the Committee.

"It is nearly four years since I was first fortunate enough to be given the opportunity of cooperating, since its very inception, with Committee I, under your wise Chairmanship, in my former capacity of Director of the Polish War Crimes Office in London, in 1943-45. I shall always remember the kind and generous support you gave me in those days and months when, owing to the circumstances of war, too many difficulties were facing the National Offices, and when almost everything had to be done from practically nothing.

"When, in the latter part of 1945 I was appointed by the Commission to the post of Legal Officer and entrusted with the Secretaryship of Committee I, all this not without much of your doing, I found myself at times overwhelmed with my responsibilities to the extent that sometimes and in a sense I myself felt a victim of war crimes. But, although it was hard work, I must say I nevertheless enjoyed it very much, due in the first instance to the very pleasant atmosphere and admirable spirit which, thanks to you, have always prevailed in the Committee. It was really a great privilege for me to work under your learned guidance and to profit abundantly from your knowledge and experience.

I owe you, Monsieur de Baer, many thanks and much gratitude for your kindness towards me and for your appreciation of my assistance.

I am,

Yours very sincerely,

J. LITAWSKI.

At this point the Chair was taken
over by Sir Robert
Craigie.

III. Proceedings in Individual Cases.

The Committee considered 38 cases against 93 persons
submitted by Poland, the Netherlands, and Belgium, and decided
as follows:

1) POLISH Cases.

- | | |
|------|--|
| 6494 | 1-2 on 'A' |
| 6495 | On 'A' |
| 6496 | 1-4 on 'A' |
| 6497 | 1-2 on 'A' |
| 6498 | Consideration of this case was adjourned
until the next Meeting in order to enable
the Secretariat to establish whether any evidence
ence against the accused could be found
in the Research Office, and also whether
he could not be identified with any person
of the same name already listed by the
Commission. |
| 6499 | On 'A' for ill-treatment and complicity in
internment of civilians under inhuman
conditions. |
| 6500 | After Professor Piotrowski had additionally
stated that the accused was leader of a special
German Committee which advised the German
soldiers as to which of the Poles in the
district should be deported and/or their
property confiscated, it was decided to list
him on 'S' for <u>complicity in deportation
and confiscation of property.</u> |
| 6501 | On 'A' |
| 6502 | 1-2 on 'A',
3-4 on 'C' |
| 6503 | On 'A' |
| 6504 | On 'A' |
| 6505 | On 'A' for ill-treatment and complicity in
internment of civilians under inhuman
conditions. |
| 6506 | On 'A' |
| 6507 | 1-2 on 'A' |
| 6508 | After Professor Piotrowski had additionally
stated that the Ukrainian Police, of which the
accused was member closely cooperated with
the German authorities and were supervised |

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482

(POLISH Cases continued)

(6508 continued) by them, and their criminal activities were in accordance with the policy of the German authorities, it was decided to list the accused on 'A'. (Priority Case).

However, the Polish Representative was requested to undertake to supply the Committee, for future reference, with a general report explaining the structure and organisation of the Ukrainian police in Poland under German occupation, and their connection and collaboration with the S.S., the Gestapo and other German authorities of occupation.

- 6509 On 'A'
- 6510 On 'A'
- 6511 On 'A' for murder and ill-treatment
- 6512 1-3 on 'A'
- 6513 On 'A'
- 6514 On 'A'
- 6515 On 'A'

2) NETHERLANDS Cases.

- 6516 On 'A'
- 6517 On 'A' for ill-treatment only
- 6518 1 on 'A' (Priority Case)
2 on 'W'
- 6519 1 on 'A'
2-3 on 'W'
- 6520 1 on 'A'
2 on 'C'
3 on 'S'
4-6 on 'W'
- 6521 1-3 on 'A'
- 6522 1-2 on 'A'
- 6523 1-8 on 'A'
9-13 on 'W'
- 6524 1-6 on 'A'
7-8 on 'W'
- 6525 1-2 on 'A'
3 on 'W'

(NETHERLANDS Cases continued)

6526

Adjourned for further information as to the fate of persons who were removed by the German soldiers, and in particular, as to whether any of them were victimised in any specific way, or any particular damage was caused.

The Committee were of opinion that in view of the fact that the orders were issued and carried out in connection with military operations and for military reasons, the case as it stood could not be accepted as prima facie of a war crime.

6527

1-3 on 'A'

6528

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

6529

On 'A' on counts IX and XIII only

6530

1 on 'A' for wanton destruction of property.
2 on 'S'
3-6 on 'W'

3) BELGIAN Case.

907 (add. 3)

On 'S'

1.411

483

18th September, 1947.

Dear Dr. Dimitzas,

Thank you very much for your letter of 17th September, 1947, in which you were kind enough to inform me that the decision of Committee I for further documentation of charges will result in postponing submission of 200 Greek cases for about three months.

I have brought the contents of your communication to the attention of Committee I this morning, which expresses its appreciation of the difficulties resulting for the National Office from the Committee's new practice. In order, however, to expedite the examination of cases, the Committee suggests, and would welcome it, if the National Office could submit a few cases at a time as they are completed rather than wait until all the 200 cases are supplemented by relevant extracts from evidence.

I hope that this suggestion will be helpful both to your National Office and to the Committee.

Yours sincerely,

R. L. Gargie

Monsieur Dimitzas.

THE REPRESENTATIVE OF GREECE
UNITED NATIONS WAR CRIMES COMMISSION

484
C/O R. GREEK EMBASSY,
51, UPPER BROOK STREET, W.1.

London, September 17, 1947.

The Rt. Hon.
Sir Robert Craigie, G.C.M.G., C.B.,
United Kingdom Representative on U.N.W.C.C.,
Lansdowne House,
Berkeley Square, W.1.

Dear Sir Robert,

I wish to inform you that, according to a telegram received from the Greek National War Crimes Office, the decision of Committee I for further documentation of the charges we submit to the Commission, will render their work more difficult with the result of postponing the submission of two hundred cases, already sent to me, for three months at least.

Yours sincerely
Albinizos

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NO. 115

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 2nd
October, 1947, at 10.30 a.m.

In the Chair Mr. Kintner (United States of America)

There were also present:

Members of Committee I and their Deputies:

Lord Wright	Chairman of the Commission
Dr. Zeman	Czechoslovakia.
Commander Mouton	Netherlands (who was acting as a Member of Committee I at its present Session)

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

Major Mason	United Kingdom
Mlle Capiomont	France
Miss Gould Adams	Belgium
Professor Piotrowski	Poland
Dr. Zimonjić	Yugoslavia.

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

I. Minutes No. 114.

Minutes of the Meeting held on 25th September, 1947,
were approved.

II. Proceedings in Individual Cases.

The Committee considered 64 cases against 153 persons
submitted by the United Kingdom, the Netherlands, Belgium, Poland,
Czechoslovakia and France, and decided as follows:-

1) UNITED KINGDOM Case.

6568 1-20 on 'A'

2) NETHERLANDS Cases.

Addendum

3910 1-5 on 'A'
6-8 on 'S'
9-14 on 'W'

.....

(NETHERLANDS Cases continued)

New Cases.

6578	1 on 'A' 2-3 on 'W'
6579	1-2 on 'A'
6580	1-2 on 'A' for murder and ill-treatment 3-5 on 'A' for ill-treatment
6581	On 'A'. (The Unit of which the accused was member should be described as "Demolition Unit" of the "Fallschirmjäger").
6582	1 on 'A' 2-4 on 'W'
6583	1-2 on 'A' for wanton destruction of property. 2 also for murder
6584	1-2 on 'A' 3 on 'S' 4 on 'W'
6585	1 on 'A' (<u>Priority Case</u>). 2 on 'S'
6586	1 on 'A' for ill-treatment resulting in serious 2-4 on 'W' bodily harm and pillage.
6587	1 on 'A' 2-3 on 'W'

3) BELGIAN Cases.

Adjourned.

6381	On 'A'
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Addenda.

2095	1-2 reclassified from 'S' to 'A'. (Sylvester STADLER was commander of the 4th Führer (not 3rd) Regiment of the 2nd Reich Division Waffen SS. He was appointed General of the 9th SS Division some time in the summer of 1944. As he is referred to in this charge as "le Général" it seems that he must have been still serving with his regiment, after his promotion to General).
4166	1-2 reclassified from 'W' to 'A' for ill-treatment resulting in death.
4633	1-3 on 'W'

(BELGIAN Cases continued)

- 6574 1-2 on 'A'
- 6575 On 'A' for wanton destruction of property and for pillage.
 ("Grenadier Regiment 4" would be the Führer Regiment.
 Note: the "4" must relate to the Regiment, not the Division. Das Reich was the 2nd Division.)
- 6576 1 on 'A'
 2 on 'S'
- 6577 1-4 on 'A'
 5 on 'W'

4) POLISH Cases.

In regard to the Polish cases, Mr. Kintner drew the attention of the Polish Representative to the fact that in most of the present cases only one affidavit has been submitted in support of the charges.

In agreement with the Committee, he suggested to the National Office that in future cases more than one affidavit of witnesses should be submitted as far as practicable.

Professor Piotrowski promised to comply with this suggestion as far as possible.

- 6498 In connection with the previous adjournment of this case, the Committee took note of the submission by the Secretariat that:
- a). there is no evidence in the Research Office against the accused,
- and
- b). there is no person of the name of FISCHER listed in connection with the Gestapo in Warsaw.

It was decided to adjourn the case for further information necessary to substantiate the accused's responsibility and in particular the allegation that FISCHER "bears the entire responsibility" for the destruction of the Warsaw Ghetto and the extermination of its inmates.

New Cases.

- 6531 On 'A'
- 6532 On 'A'

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-4-

(POLISH Cases continued)

6533 On 'A'

6534 On 'S' pending further evidence as to the
personal responsibility of the accused.

6535 On 'A'

6536 In regard to the official position of the
accused, Colonel Wade of the Research Office
explained that **Politische Leiter** were
officials of the political section of the
Gestapo who exercised wide security and
political powers, and in some respects, were
superior to the commandants.

It was decided to list the accused on 'A'

6537 On 'A'

6538 On 'A'

6539 On 'A' for mass murder

6540 On 'A'

6541 On 'A'

6542 1-2 on 'A' for mass murder

6543 1-2 on 'A' for ~~illegal arrest and~~
deportation

6544 On 'A'

6545 1-2 on 'A'

6546 On 'A'

6547 On 'A'

6548 1-2 on 'A'

6549 1-7 on 'A'

6550 On 'A'

6551 On 'A'

6552 On 'A' plus ZIMMERMANN and von
BREDOW on 'W'

6553 On 'A'

6554 On 'A'

6555 On 'A'

6556 1-4 on 'A'

.....

(POLISH Cases continued)

6557	On 'A'
6558	On 'A'
6559	On 'A'
6560	On 'A'
6561	On 'A'
6562	On 'A'
6563	On 'A'
6564	On 'A'
6565	On 'A'
6566	On 'A'
6567	After Professor Piotrowski had additionally stated that according to his files the accused had personally committed the alleged crimes, it was decided to <u>list him on 'A'</u> .

5) CZECHOSLOVAK Cases.

6569	On 'A' for complicity in murder and ill-treatment.
6570	1-7 on 'A' for murder and ill-treatment
6571	After it was explained that according to orders issued by Himmler no judicial proceedings were to be instituted in such cases, after September 1944, and the accused were to be dealt with summarily, it was decided to <u>list the accused 1-2 on 'A'</u> .
6572	On 'A' for pillage.
6573	On 'A'

6) FRENCH Cases.

It was reported by the Secretary that 11 new French cases had been received which, however, did not comply with the Committee ruling now in force regarding evidence and therefore had not been circulated to Members.

The Committee decided to draw once more the attention of the French National Office to the present requirements as to the way in which all cases should be prepared and submitted to the Commission, namely, that all cases, in principle, should contain extracts from at least one, or if possible, more than one statement by witnesses.

In this connection the attention of the National Office drawn to Committee I Minutes of 22nd May and 4th September, 1947, (Nos. 100 and 111).

.....

(FRENCH Cases continued)

The Committee, however, agreed to consider of the present batch of cases those relating to crimes committed by members of the Gestapo or military units and in which no particular evidence was required, and accordingly instructed the Secretary to select such cases and place them on the Agenda of the next Meeting, and to return to the National Office all other cases.

217 (addendum)

1-9 on 'A'

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 9th
October 1947, at 10.30 am.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

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

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

Major Mason	United Kingdom
Mlle Capiomont	France
Miss Gould Adams	Belgium
Commander Mouton	Netherlands
Professor Piotrowski	Poland.

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

I. Minutes No. 115.

Minutes of the Meeting held on 2nd October, 1947, were approved.

II. Listing of Witnesses.

Referring to the Committee's practice of listing certain persons as witnesses, Sir Robert CRAIGIE said that he had always understood it to be the general policy that persons listed as such were not kept in custody for an indefinite period after arrest. Sir Robert referred to the Committee's previous enquiries ~~two years ago~~, when it had been ascertained from the United Kingdom authorities that witnesses were subjected to a minimum of inconvenience, and were not held in custody longer than was absolutely necessary. It was on these grounds that he had hitherto been prepared to agree quite readily to the listing of witnesses. Sir Robert was now informed, however, that in some instances witnesses were, in fact, detained for months in prison pending interrogation; and, if that was the case, he felt the Committee ought seriously to re-consider its

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practice of listing witnesses.

So far as the United Kingdom and United States Zones were concerned, both Major MASON and Mr. KINTNER expressed the opinion that where a witness could be relied upon to co-operate with the authorities concerned he would be released, provided the authorities were satisfied that he would be available for interrogation in the event of trial. Exception would be made only where the holding authorities could not be sure of maintaining contact with a witness. No person was held indefinitely, however, without some specific reason.

Sir Robert CRAIGIE fully appreciated that it was necessary for the apprehending authorities to exercise their discretion. He thought, however, that the Committee should take account of the practice adopted also by the wanting authorities to whom the witnesses were eventually transferred. It was most unfortunate if witnesses were kept in custody in the same manner as the accused themselves simply because they might be able to throw some light on a particular crime.

Sir Robert CRAIGIE therefore requested the United Kingdom, United States and French representatives to ascertain the exact ruling concerning the detention of witnesses in their respective zones, and report to the Committee accordingly. He further requested that those National Offices who had asked for the listing of witnesses should inform the Committee as to the policy adopted by their authorities in regard to detention of witnesses who are surrendered as a result of listing by the United Nations War Crimes Commission. In particular, it was necessary to know whether detention was on the same footing as that of war criminals, and if not, whether witnesses were kept in custody indefinitely pending institution of proceedings.

III. Proceedings in Individual Cases.

The Committee considered 54 cases against 287 persons submitted by the United Kingdom, Belgium, France, the Netherlands, and Poland, and decided as follows:-

1) UNITED KINGDOM Case.

Addendum 1.

6248 1-2 on 'A' for ill-treatment of civilians.

2) BELGIAN Cases.

Adjourned.

" 4024 1, 3, 7-8, 10 and 30 on 'S'
2, 4-6, 9, 11-29, 31, 32, adjourned until more information could be provided by the National Office as to the responsibility of these accused.

.....

(BELGIAN Cases continued)

Addendum 1.

2696

1, 2 and 4 had already been listed and therefore no further action was necessary.
3 on 'A' for murder and ill-treatment
5-8 on 'W'

New Cases.

6588

1-3 : W

4: Adjourned until the unit implicated in the alleged crimes could definitely be identified.

6589

Commanding Officer of Unit No. 59473F on 'A'
2 on 'W'

6590

Adjourned in order to establish the identify of the accused, and in particular whether he is identical with General Otto BAUM, C.O. either of the 17th SS. Division or the 2nd SS. Division.

6591

1-2 on 'S'

3) FRENCH Cases.

Addenda.

1515 (Add. 2)

The accused's name was rectified as requested.

2154 (Add. 1)

On 'A' as BERGER Fritz vel Friedrich.

3138 (Add. 1)

Rectified as requested.

3996 (Add. 1)

1 already listed - no action was necessary.
2-6 on 'S' pending submission of evidence in support of charges.
7 remains on 'W' as already listed.

4213 (Add. 1)

1, 3, 4 on 'A'
2 left out
5 on 'S'

4741 (Add. 1)

Rectified as requested.

New Cases.

6617

1-11 on 'A'
12-28 adjourned for information necessary to substantiate the charges.

6618

1-3, 7, 8 and 12 on 'A'
4-6, 9-11, 13-16 adjourned for information and evidence necessary to substantiate their responsibility.

6619

1-35 on 'S'

(FRENCH Cases continued)

- 6620 1-2 on 'A'
3-7 on 'S'
8 on 'W'
- 6621 1 on 'S'
2 on 'A'
3-21 adjourned for information and evidence necessary to substantiate their personal responsibility for the crimes alleged.
(Majority of these accused are P.O.Ws. and could easily be interrogated.)
- 6622 1-44 on 'S' pending a statement by the National Office to the effect that all the accused had in fact been incriminated by witnesses interrogated in connection with this case.

4) NETHERLANDS Cases.

Addendum.

- 2421 On 'A'

New Cases.

- 6623 1-3 on 'A'
4-6 on 'W'
- 6624 On 'A' for pillage
- 6625 1-2 on 'A' for pillage
1 on 'A' also for deportation
- 6626 1-2 on 'A'
3 on 'S'
- 6627 1 on 'A' except on count No. IX.
2 on 'W'
- 6628 1-3 on 'A' for ill-treatment
4 on 'W'
- 6629 On 'A'
- 6630 3-29 on 'A'
1-2 on 'S'
30-32 on 'W'

5) POLISH Cases.

Adjourned.

- 5794 On 'A'

New Cases.

- 6592 On 'A'
- 6593 1-2 on 'A' for systematic terrorism
3-6 on 'A' for mass murder, torture and ill-treatment.

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(POLISH Cases continued)

6594	On 'A'
6595	On 'A'
6596	On 'A'
6597	On 'A' for murder
6598	1-3 on 'A'
6599	On 'A'
6600	On 'A'
6601	On 'A'
6602	On 'A' for deportation
6603	On 'A'
6604	On 'A'
6605	1-2 on 'A' for mass murder
6606	On 'A'
6607	1-2 on 'A'
6608	On 'A'
6609	On 'A'
6610	On 'A'
6611	On 'A'
6612	On 'A'
6613	On 'A'
6614	On 'A'
6615	On 'A'
6616	On 'A'

NO. 117.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 16th
October, 1947, at 10.30 am.

In the Chair Mr. Kintner (United States of America)

There were also present:

Members of Committee I and their Deputies:

Dr. Zeman	Czechoslovakia
M. Aars Rynning	Norway

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

Major Mason	United Kingdom
Commander Mouton	Netherlands
Colonel Muszkat	Poland
M. Zimonjić	Yugoslavia

Owing to illness, Sir Robert CRAIGIE was prevented from attending the meeting.

I. Minutes No. 116.

Minutes of the Meeting held on 9th October, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered 23 cases against 78 persons submitted by the United Kingdom, Poland, the Netherlands, the United States and Czechoslovakia, and decided as follows:

1) UNITED KINGDOM Cases.

6632	1-2 on 'A'
6651	1-2 on 'A'

2) POLISH Case.

5349

This case was brought before Committee I for re-consideration in connection with a letter from the Judge Advocate's Office dated July 29th, 1947, and circulated as Doc. I/92.

At its meeting held on 30th July, 1947

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(POLISH Case continued)

5349

the Committee decided to request the Polish National Office for additional information regarding the guilt of the accused.

The Committee also took note of a second letter which had been received from the J.A.G. Office, dated 29th September, 1947, forwarding the translation of an affidavit containing a statement by the accused in lieu of an oath.

On the face of the additional evidence submitted by the National Office it was decided that the accused should remain on List 'A'.

3) NETHERLANDS Cases.

Addendum

4939

On 'A'

New Cases.

6642

On 'A'

6643

1 on 'A'
2-11 on 'S'
12-15 on 'W'

6644

1-6 on 'A' for complicity in murder

6645

On 'A'

6646

1-8 on 'A'
9-14 on 'S'
15-20 on 'W'

6647

1-3 on 'A'
4 on 'S'
5-6 on 'W'

6648

1 on 'A'
2 on 'S'

6649

1-5 on 'A'
6-8 on 'S'

4) UNITED STATES Cases.

6631

On 'S' for crimes against peace and for murder, ill-treatment, deportation of civilians, forced labour of civilians in connection with military operations of the enemy, and employment of prisoners of war on unauthorised works.

6650

On 'S' for mass murder and for employment of prisoners of war on unauthorised works.

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5) CZECHOSLOVAK Cases.

- 6633 On 'A' for ill-treatment and torture
- 6634 On 'A' for torture
- 6635 On 'A' for complicity in illegal arrest
- 6636 On 'A' for persecution on racial or religious grounds, for deportation of civilians and pillage
- 6637 On 'A' on all counts except for denunciation
- 6638 The Committee took note of the fact that the Court which passed the sentences was a Gestapo Court and not a regularly constituted Court.
- It was decided to list the accused
1-3 on 'A'
- 6639 On 'A'
- 6640 On 'A' for ill-treatment
- 6641 On 'A' for complicity in murder.

III. Case of Oberst HESSELMANN, listed by France on Case No. 1186.
(Doc. I/96).

The Committee took note of a communication received from the United Kingdom Foreign Office with regard to the case of Oberst Hesselmann. In conformity with the Committee's usual practice it was decided that the case with regard to Hesselmann should be re-considered, and that the French National Office should be requested to submit any further information and observations in the matter which they might desire. The case was accordingly adjourned for a fortnight.

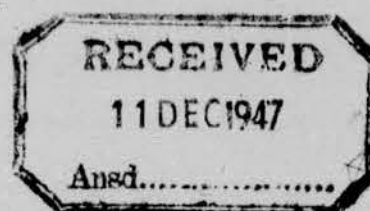
Dr. Litwinski

S. 34.
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AMBASSADE DE FRANCE
A LONDRES

9 Décembre 1947



Monsieur le Secrétaire Général,

J'ai l'honneur de me référer à la discussion tenue, au cours de la séance du Comité I le 9 Octobre dernier à 10 H.30 et concernant la situation faite, dans certains cas, aux individus inscrits sur la liste de la commission comme témoins.

Je n'ai pas manqué d'interroger à ce sujet les autorités françaises compétentes, et suis à même aujourd'hui de vous faire parvenir leur réponse. Il résulte des termes de celle-ci qu'il n'a jamais été dans les usages suivis en zone française d'occupation de procéder à l'arrestation et à l'incarcération, même temporaire, de témoins ainsi que l'ont pratiqué les Autorités Alliées et notamment les Autorités américaines.

Il peut se faire que des mandats d'amener aient été délivrés dans certains cas exceptionnels contre des témoins défilants et désireux de soustraire à leur comparution. Mais si le cas s'est présenté, ces témoins n'ont pas été incarcérés et ont pu regagner librement leur domicile après avoir déposé.

Colonel Ledingham
Secretary General United Nations
War Crimes Commission
Landsdowne House

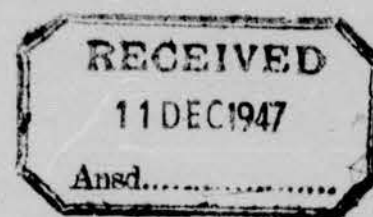
DR LITWINSKI

S. 34.
468

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AMBASSADE DE FRANCE
A LONDRES

9 Décembre 1947



Mon cher M. Lestage Général,

J'ai l'honneur de me référer à la discussion tenue, au cours de la séance du Comité I le 9 Octobre dernier à 10 H.30 et concernant la situation faite, dans certains cas, aux individus inscrits sur la liste de la commission comme témoins.

Je n'ai pas manqué d'interroger à ce sujet les autorités françaises compétentes, et suis à même aujourd'hui de vous faire parvenir leur réponse. Il résulte des termes de celle-ci qu'il n'a jamais été dans les usages suivis en zone française d'occupation de procéder à l'arrestation et à l'incarcération, même temporaire, de témoins ainsi que l'ont pratiqué les Autorités Alliées et notamment les Autorités américaines.

Il peut se faire que des mandats d'arrêter aient été décernés dans certains cas exceptionnels contre des témoins défectueux et désireux de soustraire à leur coopération. Mais si le cas s'est présenté, ces témoins n'ont pas été incarcérés et ont pu regagner librement leur domicile après avoir déposé.

Colonel Ledingham
Secretary General United Nations
War Crimes Commission
Lancaster House

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.....

Je crois toutefois devoir préciser que certains individus demandés par la France comme témoins, et notamment, inscrits en cette qualité sur les listes de Crowcase, ont été ^{nous} arrêtés par les Autorités américaines et ont été remis après une détention quelquefois assez prolongée. Mais à leur arrivée en Zone française, ces individus ont fait l'objet d'un examen de situation qui a entraîné leur libération. Ce cas ne s'est d'ailleurs produit, à ma connaissance, qu'à quelques reprises seulement.

Tous les individus, qu'ils soient criminels de guerre ou criminels de droit commun, détenus en Zone française, sont en effet placés sous mandat de justice et les prisons ne peuvent les recevoir si leur détention n'est pas régulière.

Je vous serais reconnaissant de bien vouloir faire part de ces indications à M. Robert Craigie qui avait, je crois, sollicité de les lui fournir chacun des membres de la Commission.

Très sincèrement votre

McNeill

TRANSLATION.

469

My dear Secretary General,

I have the honor to refer to the discussion held during the meeting of Committee I on 9th October last at 10.30 concerning the treatment of individuals listed as witnesses by the Commission.

I have made enquiries of the competent French authorities on the subject, and am now in a position to give you their replies. From these it appears that it has never been the policy in the French zone to arrest and detain witnesses, even temporarily, as has been the practice of other allied authorities, particularly the American authorities.

It is possible that warrants of summons (mandats d'amener) have been issued in certain exceptional cases against defaulting witnesses who tried to escape their audition. But if such cases have occurred, these witnesses have been free to return home as soon as they have made their declaration.

I think, however, that I should state that certain individuals wanted by France as witnesses, and particularly those listed as such on GROMCASS lists, have been arrested by the U.S. authorities and have been handed over to us, sometimes after quite a long detention. But on their arrival in the French zone, these individuals have been the object of an examination which has resulted in their liberation. These cases, so far as I know, have only been rather exceptional.

All persons, whether they are war criminals or common law criminals, who are detained in the French zone, are placed under the mandate of justice (mandat de justice) and the prisons cannot receive them unless their detention is regular.

I should be grateful if you would be good enough to pass on this information to Mr Robert Frajic, who, I believe, asked the members of the Commission to supply him with it.

Yours very sincerely,

(Sgd) MAILLARD



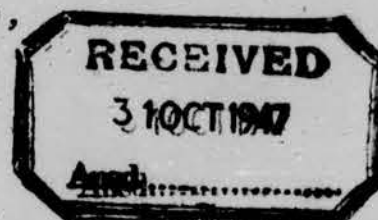
THE BELGIAN COMMISSIONER
ON THE
UNITED NATIONS WAR CRIMES COMMISSION

470

2983/C/R

325 Lansdowne House,
Berkeley Square,
London, W.1.

29th October 1947



Dear Dr. Litawski,

Further to my letter No. 2978/C/R dated 23rd October, concerning the treatment of witnesses in Belgium, I have now received the following information from the Belgian National Office:

Witnesses are not detained in prison as criminals. They are lodged in the barracks of the "Petit Château" where they are well treated. To ensure their own protection and to prevent disagreeable incidents, they are not allowed out of the establishment, but they can receive visitors. There is a canteen established for their use and they can correspond with the outside world. In short, they enjoy, more or less, the privileges of prisoners of war. As soon as their interrogation is completed they are released and allowed to return to Germany.

in action

file

Yours sincerely,

E. G. Gold. Adams

Dr. J. Litawski,
Legal Officer,
UNWCC,
Lansdowne House, W.1.



THE BELGIAN COMMISSIONER
ON THE
UNITED NATIONS WAR CRIMES COMMISSION

325 Lansdowne House,
Berkeley Square,
London, W.1.

23rd October 1947

5.34
471
RECEIVED
23 OCT 1947

And.....

2978/C/R

Dear Dr. Litawski,

With reference to your letter dated 14th October 1947, concerning the policy of the respective Governments with regard to the detention of witnesses, I have not yet received a reply from the Belgian National Office, but yesterday I was discussing the matter with a member of the Belgian Sureté, now the deputy head of the Belgian War Crimes Mission to BAOR.

He informed me that witnesses extradited to Belgium are provided with food and lodging, presumably commensurate with their personal status; that they are at liberty to go where they please, within reason, and that the Belgian authorities abide by the rule whereby they cannot retain a witness in Belgium for more than six weeks.

no action
file
I will let you have a fuller report when I hear from the Belgian National Office, but I thought it would be useful to you to have this interim report.

Yours sincerely,

E. M. Gold. Adams

Dr. J. Litawski,
Legal Officer,
UNWCC,
Lansdowne House, W.1.

24/c

See replies in
this file

1. 411

492

14th October, 1947.

I am instructed by Committee I to draw your attention to item II (Listing of Witnesses) of the Minutes of the meeting of that Committee held on 9th October 1947 (No. 116).

It would be appreciated if you could kindly make the necessary enquiries in order that the Committee could be furnished with the information indicated therein as soon as practicable.

J. LITAWSKI.
Legal Officer.

- | | | | |
|-------------|----|--|----------------|
| Poland | 1) | Colonel Muszkat,
69 Queen's Gate,
S.W.7. | |
| Yugoslavia | 2) | Dr. Milenkovic, | |
| France | 3) | Monsieur P. Maillard | reply received |
| Netherlands | 4) | Commander Mouton | |
| Czecho. | 5) | Dr. E. Zeman | |
| Belgium | 6) | Miss Gould Adams | reply received |

UNITED NATIONS WAR CRIMES COMMISSION

Amendment to the Summary Minutes of the
Meeting of Committee I
held on 9th October, 1947

Item III, (2) BELGIAN Cases

The Belgian case no. 6588 on page 3, should be
amended to read as follows:-

6588

1-3 on 'W';
4 adjourned until the unit
implicated in the alleged
crimes could definitely be
identified.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Summary Minutes of the Meeting of Committee I
held on 23rd October, 1947, at 10.30 a.m.

In the Chair

Mr. Kintner (United States of America)

There were also present:

Members of Committee I and their Deputies:

Colonel Springer	United States of America
Dr. Zeman	Czechoslovakia
M. Aars Rynning	Norway

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

Major Mason	United Kingdom
Mile. Capiomont	France
M. Dimitzas	Greece
Commander Mouton	Netherlands
Professor Piotrowski	Poland

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

Owing to illness, Sir Robert Craigie was prevented from attending the meeting.

I. Minutes No. 117

Minutes of the Meeting held on 16th October, 1947, were approved.

II. Proceedings in Individual Cases

The Committee considered 33 cases involving 315 persons submitted by the United Kingdom, France, the Netherlands, Poland, Greece and Czechoslovakia, and decided as follows:-

1) UNITED KINGDOM Case

6652

1-13 on 'A';
At the request of the National Office charge 3290 was withdrawn, as the present charge supersedes it. Accordingly, the persons indicated therein are to be removed from the Commission's Lists.

2) FRENCH Case:

6670

On 'A': 1-4, 8, 10-11, 19-21, 30-31, 35-36,
44, 50-52, 57, 76, 123;

On 'S': 5-7, 9, 12-18, 22-29, 32-34, 37-43,
45-49, 53-56, 58-75, 77-122, 124-149.

3) NETHERLANDS Cases

6661

1-8 on 'A'
9-11 on 'W'

6662

1 on 'A'
2-3 on 'S'
4-7 on 'W'

6663

1-5 on 'A'

6664

1-3 and 5-8 on 'A'
9 on 'S'
10-12 on 'W'
4 adjourned for further evidence.

6665

1 on 'A'
2-8 on 'W'

6666

On 'A'

6667

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

6668

1-2 on 'A'
3-6 on 'W'

6669

1 on 'A'
2-5 on 'W'

4) POLISH Cases

5993

5, 14 on 'A' for murder;
1, 12, 13 on 'A' for ill-treatment;
3, 10 on 'S' for murder;
2, 4, 6-9, 11, 15 on 'S' for complicity in
illegal arrest.

5999

On 'A' on the understanding that the Polish
National Office would submit a statement
referred to by Professor Piotrowski at the
meeting.

6654

On 'A'

6655

On 'A'

6656

On 'A'

6657

On 'A' for deportation and pillage

465

6658 On 'A'
6659 On 'A'
6660 1 on 'A' for deportation;
2-14 on 'A' for pillage; 2, 3, 5, 7 also on
'A' for wanton destruction of property.

5) GREEK Cases

6671 1-6 on 'A') for mass murder, ill-treatment,
7-36 on 'S') rape, pillage and wanton des-
truction of property, on the
understanding that all these
persons had been implicated and
identified in statements made
by witnesses.

6672 1 on 'A' for systematic terrorism
2-3 on 'A' for murder

6673 On 'A' for murder, pillage and wanton
destruction of property

6674 On 'A' for murder

6675 On 'A' for murder

6676 On 'A' for murder and pillage

6677 On 'A' for murder

6678 1-5 on 'A' for murder and pillage

6679 1-2 on 'A' for murder

6680 1-2 on 'A' for murder

6681 1-2 on 'A' for putting to death of hostages

6682 On 'A'

6) CZECHOSLOVAK Case

6653 On 'A' for complicity in ill-treatment
and murder

III. Closing of 64th List of War Criminals

The Committee decided to issue a new Commission's List of War Criminals (No. 64) which would include cases accepted by the Committee up to 23rd October, 1947, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 30th
October, 1947, at 10.30 a.m.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner
M. Aars Rymning

United States of America
Norway

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

Major Mason
Mlle Capimont
M. Dimitzas
Commander Mouton
Colonel Muszkat

United Kingdom
France
Greece
Netherlands
Poland.

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

I. Minutes No. 118.

Minutes of the Meeting held on 23rd October, 1947,
were approved.

II. Departure of Commander MOUTON.

Commander MOUTON said that the present occasion would be the last time he would be attending a meeting of Committee I in view of his impending departure to Holland to take up his new duties. Any future cases which there might be would be sent to the Committee direct from Holland.

Commander Mouton said he wished to take the opportunity of expressing his very real gratitude for the kindness and good will which he himself had always received from Committee I. It had been a great pleasure for him to be present at the meetings of the Committee, where he had been very conscious of a trust on both sides which had always seemed to prevail.

Sir Robert CRAIGIE said:

"I shall be expressing the opinion not only of present members of the Committee but also that of past members - and in particular of our late Chairman, Monsieur de Baer - when I say that we all very deeply regret Commander Mouton's impending departure. He has always been most helpful and loyal to our Committee, both when representing the Netherlands National Office

and also when, at times, he has stepped into the breach and acted as a member of the Committee on one or two occasions.

"I think we all agree that the Dutch cases have really been models. They have always contained full information of the type we require, and, while we have had many a spirited contest over some of the cases, it has always been in the interest of consolidating certain points; and Commander Mouton and his staff have been more than ready in attempting to supply supplementary information such as the Committee might require. That makes it all the more regrettable, as far as the Committee is concerned, that you, Commander Mouton, are having to depart just now; but we shall think of you with a great deal of sympathy and friendship, and we wish you every satisfaction and every success in the new duties which await you in Holland".

Mr. KINTNER said:

"I have great pleasure in seconding Sir Robert Craigie's words. I would like to add that even when members of this Committee - and I speak for myself personally - have had arguments with Commander Mouton over some of the cases, they have always been most enjoyable arguments; and I do trust that in your judicial duties which lie ahead, Commander Mouton, you will be able successfully to bring the guilty to justice".

Commander MOUTON thanked Sir Robert Craigie and Mr. Kintner for their kind words.

III. Case of Oberst HESSELMANN - French Charge No. 1186.
(Doc. I/96).

Referring to the Committee's decision a fortnight ago to postpone re-consideration of the case of Oberst Hesselmann until the present meeting, in order that the French National Office might have an opportunity of submitting further information if it so desired, Sir Robert CRAIGIE asked whether the French National Office had any statement to present to the Committee.

Mademoiselle CAPIOMONT replied that the French National Office had no further information yet, but were making investigations, and were fully aware that the matter was urgent.

Sir Robert CRAIGIE said that the evidence which would be particularly relevant and valuable was whether or not Hesselmann was party to the conspiracy to murder the French General Mesney; and whether the statement that Hesselmann was in hospital at the time of the murder was true or not.

Mr. KINTNER pointed out that under the Committee's rules of procedure appertaining at the time Hesselmann was listed as a Suspect, the Committee had no doubt been fully justified in listing him on the evidence submitted. Now, however, the Committee was confronted with a statement which seemed to belie assumption of Hesselmann's guilt, and he was of the opinion that unless the French National Office produced very convincing information to the contrary, his name should be removed from the Commission's Lists.

M. AARS RYNNING was also of the opinion that unless the French National Office produced positive evidence as to Hesselmann's guilt, his name should be removed from the Lists.

Sir Robert CRAIGIE also agreed, adding that as the matter was of some urgency he proposed that unless corroborative evidence was received from the French National Office to justify retention, the Committee should remove Hesselmann's name from the Commission's Lists in a week's time.

The Committee unanimously agreed to Sir Robert Craigie's proposal.

IV. Extradition of War Criminals in South East Europe.
(Colonel Muszkat's communication).

Sir Robert CRAIGIE referred to the following letter dated 20th October, 1947, which he had received from Colonel Muszkat.

"I am enclosing for your information copy of a letter which I have sent to Colonel Barratt of the JAG's Office.

"I should be very pleased to have your advice in the question which has been raised, as I consider the request of the British War Crimes Group, South East Europe - to establish prima facie case against the alleged war criminal Topper already listed by the Commission under serial number 675/58 - as a precedent which, once established, could nullify all the work of Committee I and render worthless the procedure adopted by the Commission on the basis of international obligations still in force in the province of the extradition of war criminals."

Sir Robert CRAIGIE said that as he had not yet received information on the subject from the British authorities, he was not in a position to reply to Colonel Muszkat at the present moment. He wished to point out, however, that the Commission had never denied the right of the holding authorities in Germany to query any particular individual case if in doubt, or to ask for evidence to be produced. He did not think, therefore, that the Polish National Office would necessarily be establishing a precedent should they decide to furnish the relevant information with regard to Topper. If the National Office so desired he suggested they might say they were prepared to supply the evidence requested by the holding authority on the understanding that this was an exceptional case.

Colonel MUSZKAT explained that Topper was a Polish Jew who had formerly been in Italy as a displaced person. He was subsequently taken into custody by the British authorities on the basis of evidence given by certain other Polish Jews who accused him of war crimes while he was a kapo in certain concentration camps in Germany. The British authorities would not extradite him, however, on the ground that he was not listed by the United Nations War Crimes Commission. His case was accordingly presented to the Commission by the Polish National Office on the basis of which he was listed as a war criminal in May of this year.

-4-

Later, apparently, certain persons intervened on his behalf, with the result that the British holding authority had asked for the submission of the evidence concerning him. This seemed unwarranted, in view of the fact that Topper was apprehended in the first instance by the British authorities on evidence which they themselves had received. The Polish National Office, in compliance with the British request, had merely listed Topper on that evidence.

Sir Robert CRAIGIE said that if the British authorities had received fresh evidence on behalf of Topper, they were fully justified in reserving the right to re-examine the case, even though he was listed by the Commission. The Committee itself had always been prepared to do the same. He would suggest that the National Office communicate with the British authorities, stating that as they understood the British were in possession of fresh evidence the National Office would appreciate if they could be furnished with that evidence in order that they might reconsider and re-examine the case.

Sir Robert further suggested that they might also request the Control Commission to transmit the additional evidence in its possession to the Committee since they might wish to modify their former decision.

The Committee supported Sir Robert Craigie's proposal, and he undertook to communicate with the Control Commission through the Foreign Office, drawing attention to the fact that whenever the Control Commission received additional information on behalf of any individual listed by the Commission, the Committee would appreciate if they could automatically be furnished with that information.

With regard to the listing of Topper in the United Nations War Crimes Commission Lists, Colonel Muszkat asked that supplementary information to the effect that Topper was a Polish subject, be additionally stated in the Lists.

The Committee consented.

V. Submission of Cases by Ethiopia.

With regard to the Commission's decision on 29th October, 1947, to accept cases presented by the Imperial Ethiopian Government, the Committee expressed the opinion that in view of the early termination of the Commission the Ethiopian Government should be informed that it was necessary that the cases be submitted not later than January 1st, 1948.

Dr. LITAWSKI reported that the Ethiopian Government had already submitted, in May of this year, two cases concerning Badoglio and Graziani, and enquired whether the Committee preferred to consider them in the near future or wait until additional evidence in respect of their cases had been presented.

The Committee preferred to postpone consideration of the two cases in question in order that all the cases might be examined together.

VI. Case of Dr. Dering (No. 4261) listed by Poland.

With regard to the case of Dr. Dering, listed as a Suspect on the basis of a charge presented by the Polish National Office, and concerning whose extradition Colonel Muszkat had written to the British representative in a letter dated 16th October, 1947, Colonel MUSZKAT reported that his National Office were in possession of considerable supplementary evidence concerning the case.

Sir Robert CRAIGIE said that the matter was being considered by the British authorities at the present moment, and if the National Office would care to transmit the documentation to him he would be pleased to pass it on to his Government.

VII. Proceedings in Individual Cases.

The Committee considered 82 cases against 254 persons submitted by the United Kingdom, the Netherlands, Poland and Greece, and decided as follows:-

1) UNITED KINGDOM Cases.

6683 On 'A'
 6720 6670 On 'A'

2) NETHERLANDS Cases.

Addenda

1985 Add. 1. 1-5 on 'A' for putting to death of hostages.
 6-7 on 'S'
 8-11 on 'W'

3910 Add. 2. 1-6 on 'A'
 7-8 on 'S'
 9-14 on 'W'

4749 Add. 1. 1-11 on 'A'

4939 Add. 2. Adjourned for information as to respective ranks and units of accused; further particulars concerning their participation in the shooting - and whether they constituted more than mere members of shooting squad ordered to carry out duty, having the guilty knowledge of the illegal proceedings against the victims.

6444 Add. 1 1-2 on 'A'
 3-4 on 'S'

New Cases.

6721 1-4 on 'A' for ill-treatment. 1-2 also for murder.
 5-6 on 'S'
 7 on 'W'

(NETHERLANDS Cases continued)

6722 On 'A'

6723 1 on 'A'
2 on 'W'

6724 1 on 'A'
2-3 on 'W'

6725 1-2 on 'A'
3-4 on 'S'

6726 1-2 on 'A' (possibly identical individuals)
3 on 'S'
4 on 'W'

6727 1-5 on 'A'

6728 1-2 on 'A'
3-4 on 'W'

6729 On 'A'

6730 1-3 on 'A' (Priority Case).
4 on 'S'
5 on 'W'

6731 1-2 on 'A'
3 on 'W'

6732 1 on 'A'
2-3 on 'W'

6733 1-3 on 'A'
4 on 'W'

6734 1-4 on 'A'
5 on 'W'

6735 1-3 on 'A'
4-5 on 'W'

6736 1-6 on 'A' except for count no. IX.

6737 1-25 on 'A'
26-27 on 'S'
28-31 on 'W'

3) POLISH Cases

6684 Mr. Kintner said he had recently been studying the Ministry of Justice Trial at Nuremberg - (case No. 2 of the subsequent proceedings) - from which he had been convinced that the Committee's practice of liberally listing members of the Standgericht had been fully justified. There was evidence in the document of a deplorable perversion of justice and of a deliberate policy of discrimination as far as Poles, Jews and persons considered by the Germans as racially inferior were concerned.

In view of Mr. Kintner's statement the Committee decided to list the accused 1 and 2 on 'A'.

(POLISH Cases continued)

6685	On 'A'
6686	On 'A'
6687	On 'A' for mass murder
6688	On 'A'
6689	1-5 on 'A'
6690	On 'A'
6691	On 'A'
6692	On 'A'
6693	On 'A'
6694	On 'A'
6695	On 'A'
6696	On 'A'
6697	9 on 'A'; 1-8, 10-11 adjourned in order that the case might be supplemented with concrete and detailed evidence concerning each individual's complicity in the alleged crimes; particulars of their ranks and functions as well as the position each occupied on the staff, also instances of each individual's activities and specific duties for which they were likely to have been responsible. Dates when the crimes were committed were required; and the date when one command ended and another took over.
6698	On 'A'
6699	1-2 on 'A'
6700	On 'A'
6701	On 'A'
6702	On 'A'
6703	On 'A'
6704	On 'A'
6705	1-3 on 'A'
6706	On 'A'
6707	On 'A'
6708	1-3 on 'A'
6709	On 'A'
6710	1-10 on 'A' for mass murder 11 on 'A' for pillage.

(POLISH Cases continued)

6711	1-2 on 'A'
6712	On 'A'
6713	On 'A'
6714	On 'A'
6715	On 'A'
6716	On 'A'
6717	On 'A' for deportation
6718	On 'A' for ill-treatment
6719	On 'A'

4) GREEK Cases.

6738	On 'A'
6739	On 'A' for putting to death of hostages
6740	1-2 on 'A'
6741	1-4 on 'A'
6742	On 'A' for murder and torture
6743	1-2 on 'A' for wanton destruction of property
6744	1-3 on 'A' for murder
6745	On 'A'
6746	On 'A'
6747	On 'A'
6748	On 'A' for murder
6749	On 'A' for murder
6750	1-5 on 'A' for mass murder and wanton destruction of property
6751	On 'A'
6752	1-2 on 'A' for complicity in murder and pillage
6753	On 'A'
6754	1-2 on 'A'
6755	On 'A'
6756	On 'A'
6757	On 'A'
6758	On 'A' for murder and wanton destruction of property
6759	1-10 on 'A' for murder.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 6th
November 1947 at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

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

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

Captain Smith	United Kingdom
Miss Gould-Adams	Belgium
Mlle Capimont	France
M. Dimitzas	Greece
Miss Deunk	Netherlands
Professor Piotrowski	Poland

I. Minutes No. 119.

Minutes of the Meeting held on 30th October, 1947,
were approved.

II. Case of Oberst HESSELMANN - French Charge 1186 (Doc. I/96.)

The following letter was submitted to the Committee by the
French National Office in connection with the case of Oberst
Hesselmann:

le 4 Novembre 1947.

Le Garde des Sceaux,
Ministre de la Justice,
Direction du Service de Recherche
des Crimes de Guerre Ennemis

Réf. à rappeler: 12746
AC/52/3247

a

Monsieur le Professeur Gros,
Ambassade de France, 4 Carlton Gardens,
London, S.W.1.

Le Colonel HESSELMANN commandait en 1945 l'Oflag IV C (forte-
resse de Koenigstein) où étaient internés des officiers Généraux
français.

Le 18 janvier 1945 trois officiers de l'O.K.W. prirent en

charge dans trois voitures automobiles 5 Généraux Français qui devaient changer de camp. Le Général MESNY monta seul dans une voiture avec, comme officier d'escorte le Capitaine SCHWEINITZER. Il était en tenue et avec ses bagages.

Le 19 Janvier 1945, le lieutenant-colonel Von FRIESSEN commandant le camp en second reçut un télégramme l'informant que le Général MESNY avait été abattu au cours d'une tentative d'évasion.

Les débats du procès de NUREMBERG au cours duquel cette affaire a été évoquée, ont révélé que le Général MESNY avait été exécuté à titre de représailles à la suite d'une décision du Haut Etat-Major Allemand prise en accord avec les services des Affaires Etrangères et de la Gestapo.

Il semble bien que les Services du camp (Col. HESSELMANN et Lieutenant Colonel Von FRIESSEN) n'aient pas connu le but criminel de ce transfert d'officiers généraux qui n'était en fait qu'un prétexte. Certains témoins (Général MOLINIE) soupçonnant fort le Colonel HESSELMANN d'avoir passé son commandement à son second sous le prétexte d'une maladie pour dégager sa responsabilité après avoir eu connaissance du crime qui se préparait.

C'est pour cette raison que la France a demandé l'inscription du Colonel HESSELMANN à l'U.N.W.C.C. en liste S et non en liste A.

Le rôle du Colonel HESSELMANN dans cette affaire devait être éclairci et précisé. En effet le Haut Etat-Major Allemand qui avait décidé l'exécution d'un Général Français à titre de représailles, ignorait tout du Général MESNY. Ce dernier était prisonnier avec une quarantaine d'autres officiers généraux dans l'oflag commandé par HESSELMANN. Comment, pour quelles raisons et par qui a-t-il été choisi comme victime. Telles étaient les questions que la justice française se proposait de poser à HESSELMANN. Ce dernier n'a-t-il pas joué un rôle dans la désignation de l'officier général? En effet il était seul qualifié avec ses services pour connaître le Général MESNY et donner des renseignements sur son activité.

Le Colonel HESSELMANN qui faisait l'objet d'un mandat d'arrêt et qui était régulièrement inscrit liste 13/S/No. 97 a été arrêté en zone anglaise. Transféré à la prison de WITTLICH il était envoyé en raison de son état de santé à l'hôpital de cette ville où il décédait le 21 mars 1947 d'un ulcère à l'estomac.

L'action publique est donc éteinte en ce qui le concerne. Son inscription en liste S était justifiée pour les raisons exposées ci-dessus et le décès du Colonel HESSELMANN étant donc intervenu avant toute réponse aux questions posées sur sa responsabilité dans le choix du Général MESNY. Il n'appartient pas à mon service de demander la suppression de son nom sur la liste des suspects."

Sir Robert CRAIGIE said that the letter clarified a certain number of points, and in particular the reason for the request of the French National Office to list HESSELMANN as a Suspect. He was of the opinion that the National Office had been perfectly justified in making this request, as it was clearly a case where it would have been necessary to interrogate HESSELMANN in order to ascertain the facts. In the circumstances,

however, since that was no longer possible in view of HESSELMANN's death, Sir Robert wondered whether the Committee were justified in maintaining HESSELMANN's name on the Lists, when his guilt could not definitely be established. With regard to the suggestion of certain witnesses that HESSELMANN's illness might have been assumed at the particular time of the crime, this seemed to be disproved by evidence of ill-health which eventually resulted in his death.

The Committee supported Sir Robert CRAIGIE's views, and were unanimously of the opinion that since it was no longer possible to carry out the original proposal of the National Office to interrogate HESSELMANN as to his responsibility, HESSELMANN's name should be removed from the Lists of Suspects.

Dr. ZIVKOVIC pointed out that the decision of the Committee was consistent with the general principles of penal law, in the sense that after the death of a suspected criminal, whose guilt could not be established, any legal action against him had to cease. As far as he was aware, according to French law in such a case not even a "casier judiciaire" remained.

HESSELMANN's name was accordingly removed from the Commission's Lists of Suspects.

III. Case of Dr. Hans BAUER - Yugoslav Charge 4998. (Doc. I/97).

The Committee considered the above Document concerning Dr. Hans BAUER, listed by the Commission as a War Criminal on the basis of a charge submitted by the Yugoslav National Office.

Sir Robert CRAIGIE and Mr. KINTNER observed that although there was evidence of BAUER's "humane activities" on behalf of certain persons in the last few weeks of the German occupation, that information in itself did not have a direct bearing on the charge; namely, the accused's participation in the atrocities committed in the Maribor area throughout the German occupation.

Sir Robert CRAIGIE said that in so far as the additional information now submitted was concerned, the relevant question appeared to be whether a person who had acted in so humane a manner could have been responsible for atrocities of the kind allegedly committed. BAUER had been listed merely in virtue of his official position. Before re-considering the case, the Committee would need to have more detailed evidence concerning the Yugoslav charge, and particulars of BAUER's personal responsibility for the crimes committed. In this connection it would be essential to know what were the specific duties, and activities involved, in his capacity as Expositursleiter des Politischen Kommissars and as Stellvertreter des Landesrats.

The Committee decided, therefore, to adjourn further consideration of the case, and to request the Yugoslav National Office to submit further evidence on the lines indicated above.

IV. Proceedings in Individual Cases.

The Committee considered 77 cases against 262 persons submitted by the United Kingdom, Belgium, the Netherlands, Poland and Greece, and decided as follows:

however, since that was no longer possible in view of HESSELMANN's death, Sir Robert wondered whether the Committee were justified in maintaining HESSELMANN's name on the Lists, when his guilt could not definitely be established. With regard to ~~the statement of the French National Office that HESSELMANN's illness was assumed at the particular time of the crime, there was, nevertheless, evidence of ill-health which eventually resulted in his death.~~ See Amendment

The Committee supported Sir Robert CRAIGIE's views, and were unanimously of the opinion that since it was no longer possible to carry out the original proposal of the National Office to interrogate HESSELMANN as to his responsibility, HESSELMANN's name should be removed from the Lists of Suspects.

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Sir Robert CRAIGIE said that in so far as the additional information now submitted was concerned, the relevant question appeared to be whether a person who had acted in so humane a manner could have been responsible for atrocities of the kind allegedly committed. BAUER had been listed merely in virtue of his official position. Before re-considering the case, the Committee would need to have more detailed evidence concerning the Yugoslav charge, and particulars of BAUER's personal responsibility for the crimes committed. In this connection it would be essential to know what were the specific duties, and activities involved, in his capacity as Expositursleiter des Politischen Kommissars and as Stellvertreter des Landesrats.

The Committee decided, therefore, to adjourn further consideration of the case, and to request the Yugoslav National Office to submit further evidence on the lines indicated above.

IV. Proceedings in Individual Cases.

The Committee considered 77 cases against 262 persons submitted by the United Kingdom, Belgium, the Netherlands, Poland and Greece, and decided as follows:

1) UNITED KINGDOM Cases.

6441 (Add. 1) On 'A' for internment of civilians
under inhuman conditions and ill-
treatment

6760 On 'A'

6761 1-2 on 'A'

6762 On 'A'

2) BELGIAN Cases.

2696 (Add. 2) On 'W'

3174 (Add. 8) 1 on 'S'
2-3 on 'W'

6591 1-2 to be re-classified from 'S' to
'A' for pillage and wanton destruction
of property.

6788 On 'A'

6789 Adjourned for information necessary
to establish the accused's responsibility
for the crimes alleged.

6790 1-60 on 'W'

3) NETHERLANDS Cases.

Addenda.

4184 (Add. 2) 2 on 'A' for murder after the Dutch representative
had stated that he shot two people who were trying
to escape from German-occupied territory to the
liberated area;
5 on 'A' for murder; 4 on 'A' for murder & pillage;
6 on 'A' for pillage; 1 on 'S' for murder;
3 on 'S' for ill-treatment.

4206 (Add. 3) 1-3 on 'S' for murder
REIBLE (accused No. 4 in original charge)
on 'S'

6737 (Add. 1) 1-6 on 'A' for murder.

New Cases.

6791 1 on 'A'
2 on 'W'

6792 1 on 'A' for murder
2-3 on 'A' for ill-treatment

6793 1-2 on 'A' for murder
3 on 'S'
4-7 on 'W'

458

(NETHERLANDS Cases continued)

- 6794 1 on 'W'
- 6795 1-6 on 'A' for pillage and wanton destruction of property
- 6796 1 and 5 on 'A'
2-4 and 6 on 'S'
7 on 'W'
- 6797 1 on 'A'
2-6 on 'W'
- 6798 1 on 'A'
2-8 on 'W'
- 6799 1-2 on 'A'
3 on 'S'
- 6800 1 on 'A' for pillage and wanton destruction of property;
2-3 on 'A' for ill-treatment;
4 on 'S' for wanton destruction of property;
5 on 'S' for ill-treatment and wanton destruction of property;
6 on 'S' for wanton destruction of property and pillage;
7-25 on 'W'.

4) GREEK Cases

Note: With regard to certain of the following Greek cases where no evidence in the form of testimony by witnesses had been submitted, M. DIMITSAS explained that such evidence was available in Greece, but would take some time to procure. There was actually little hope of ever apprehending the individuals concerned, or of bringing them to trial, but his Government were anxious to have their names recorded for historical purposes in the Commission's Lists of Suspects. M. DIMITSAS said that these were the only cases of the kind without supporting evidence that he intended to present to the Committee.

On the understanding that, where possible, the necessary evidence would be furnished as soon as practicable, and that no further cases would be submitted without the necessary evidence, the Committee agreed to consider the cases, and decided upon them as follows:-

- 6801 On 'A' for putting hostages to death
- 6802 On 'A' for ill-treatment and looting
- 6803 On 'S' for murder and ill-treatment
(See Note)
- 6804 Adjourned for more detailed information and evidence in general, and specific charges against each of the accused in particular

- 6805 1-2 on 'S' for murder and ill-treatment
(See Note)
- 6806 1-2 on 'S' for murder, ill-treatment and looting
(See Note)
- 6807 On 'A' for ill-treatment resulting in death
- 6808 On 'S' (See Note)
- 6809 Adjourned for more particulars and evidence
- 6810 1-2 on 'S' for ill-treatment and looting (See Note)
- 6811 On 'S' for murder (See Note)
- 6812 On 'S' for murder (See Note)
- 6813 On 'S' for murder (See Note)
- 6814 On 'S' for murder (See Note)
- 6815 Adjourned for more particulars and evidence
- 6816 1-3, 11-17 on 'S' for illegal economic exploitation
in violation of the Greek municipal law, and
Article 43 of the Hague Regulations, and for
exaction of illegitimate and exorbitant contri-
butions. (Article 49 of the Hague Regulations);

4-10 adjourned pending submission of individual
evidence showing the accused's connection with
the economic exploitation.
- 6817 On 'A' for ill-treatment and wanton destruction
of property
- 6818 On 'A' for murder and pillage.
- 6819 1-4 on 'A' for murder after M. Dimitzas had
stated that "the accused" mentioned in the testi-
mony of the witnesses related to all four persons
charged.
- 6820 On 'A' for ill-treatment resulting in death
- 6821 Adjourned for further information and evidence
necessary to establish that a war crime had been
committed.
- 6822 On 'A' for ill-treatment resulting in death
- 6823 1 on 'S' for mass murder (See Note)
2-4 adjourned for more particulars and evidence
necessary to establish their connection with,
and their responsibility for the alleged crimes
- 6824 On 'S' for murder (See Note)
- 6825 1-4 on 'S' for murder and ill-treatment (See Note)

6826

On 'S' for mass murder (See Note)

6827

Greek 1-10 on 'A' for murder and pillage, after M. DIMITSAS had stated that one of the witnesses, Peter Lolas, was commanding officer to the ~~German~~ Gendarmerie, who, after the liberation made a complete enquiry into all the war crimes committed in the Florina area by the Germans, Bulgarians and Italians. This witness had submitted to the Greek National Office a very considerable report, with evidence very well documented, which deposition had been used in the case concerning General Marinov.

5) POLISH Cases.Adjourned.

5535

On 'A'

5846

1-3 on 'A'

New Cases.

6763

On 'A'

6764

On 'A' after Professor Piotrowski had made the following statement:

"The accused himself admitted having been in charge of a unit fighting against the partisans and that those partisans were shot in accordance with Himmler's order, which the accused knew. He further admitted knowledge of tortures inflicted upon the partisans and said that, although he participated in actions directed against partisans, he denied having been personally responsible for shooting anybody".

6765

On 'A'

6766

On 'A' for ill-treatment and pillage

6767

On 'A'

6768

On 'A'

6769

On 'A'

6770

1-3 on 'A'

6771

On 'A'

6772

On 'A'

6773

On 'A'

6774

On 'A'

6775

On 'A'

(POLISE Cases continued)

6776	On 'A'
6777	On 'A'
6778	On 'A'
6779	On 'A'
6780	On 'A'
6781	On 'A'
6782	On 'A'
6783	On 'A'
6784	On 'A'
6785	1-3 on 'A'
6786	1-2 on 'A'
6787	On 'A'. <u>(Priority Case)</u> .

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 3rd
December, 1947, at 3 p.m.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

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

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

Colonel Muszkat Poland.

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

I. Minutes No. 120.

Minutes of the Meeting held on 6th November, 1947, were approved, subject to an amendment requested by Sir Robert CRAIGIE, which will be incorporated into the final text; and a correction on page 7, where, in Greek Case 6827, the phrase: "...Gorman Gendarmerie..." in the 4th line should be amended to "...Greek Gendarmerie..."

II. Extradition of War Criminals from the British and United States Zones. (Communication from Colonel MUSZKAT).

Sir Robert CRAIGIE read the following letter, dated 1st December, 1947, which the Commission had received from Colonel Muszkat:

"I wish to thank you for your letter of the 20th November.

"As regards the British Zone, the question of extradition procedure is almost settled. It is only a matter of indicating the wanted persons's numbers on the UNWCC lists as proof of having established a prima facie case of the commission of war crimes, should no further material be available to justify the reopening and re-examining of the relevant cases.

"But the most important question to be cleared up is the instruction given to the American War Crimes Group in Germany not to accept any more extradition requests, and this not only in regard to former war prisoners but to alleged war criminals generally.

"Taking this into consideration, I hope that you

"will be able to call a meeting next week at the latest. It will then be clear, from the discussion in the Commission, what instructions should be given to our War Crimes Investigation Missions in Germany, as regards their future activities".

With regard to extradition procedure in the British Zone, Sir Robert CRAIGIE drew attention to Document A.60, which explained the results of his latest enquiries on the subject. He hoped that the Committee would regard the procedure described therein as satisfactory and acceptable.

Mr. KINTNER said that his office knew of no divergence whatever between the United States procedure and the British procedure as described in Document A.60.

Colonel MUSZKAT said that he was fully in agreement with the procedure in principle, but experience had proved that this procedure was not always adhered to. The British War Crimes Group were requesting the submission of prima facie evidence not only in exceptional cases - when, for instance, some new material was available justifying the re-consideration of a case - but they were requesting the submission of evidence where no new material was forthcoming. Colonel Muszkat was of the opinion that the question should be brought before the Commission in order that a decision might be taken for guidance of the Allied Missions, as to whether or not the Commission recommended the establishment once again of a prima facie case in all instances where the extradition of a listed war criminal was requested. Should the Commission decide that this procedure was necessary, it would render superfluous the work of Committee I. Moreover, it would add to the already over-worked War Crimes Investigating Missions in Germany.

Colonel Muszkat said there was a second question which he would like to bring under consideration. The Polish Investigating Mission had reported that certain crimes with which accused persons had been charged, such as pillage, which were included in the Commission's working list of war crimes, were not always recognised by the apprehending authorities as war crimes, and therefore they were not prepared to hand over the persons charged with those crimes.

Sir Robert CRAIGIE thanked Colonel MUSZKAT for his explanation of the situation. The information which Colonel Muszkat had received was obviously at variance with that contained in Document A.60, and it was necessary therefore for the situation to be investigated and clarified. Sir Robert thought, however, that Colonel Muszkat's proposal to bring the matter to the Commission in order that it might issue a further recommendation would really have little practical effect, since the Commission had already issued a recommendation some time ago (Document C.177, dated 22nd February, 1946), which was virtually in accordance with the procedure as described in Document A.60. The Commission, moreover, had no executive power over the authorities in the different zones in Germany, and could not therefore enforce its decisions.

Sir Robert thought the most practical way of solving the problem would be for Colonel Muszkat to furnish him with the data relating to actual cases in which the procedure as stated in

Document A.60 had not been adhered to, and he would take the matter up direct with the Commander-in-Chief of the British Zone. Such instances should, however, be subsequent to about the middle of November, 1947, since before that time there were undoubtedly certain instances where requests for reconsideration of cases had been unwarranted, due no doubt to misapprehension as to the views of the United Kingdom Government. As a result of his representations, however, it was possible that the situation had changed since that time.

Colonel MUSZKAT said that perhaps any further recommendations would have little effect, but it was necessary on the other hand for the Investigating Missions to have some ruling as to whether or not the listing of alleged war criminals by the Commission was to be considered binding so far as extradition was concerned, except of course when new material was brought to light justifying the reconsideration of a case.

Mr. KINTNER said he was not aware that any decisions that the Commission had ever taken were binding on any of the member Governments, or that the Commission had any control over the various authorities in the field. It was for the individual Governments themselves to determine what action they should take. His Government held the view that the Commission, apart from its practical work of studying cases and listing accused persons was purely a policy-forming body, able to make recommendations but not able to enforce them. It was for precisely that purpose that the Commission had been set up by the various member Governments. His office had recently had a visit from Mr. Ben Smith, who was now concerned with extradition in the United States Zone, who had informed them that the decisions of Committee I and the listing by the Commission had always carried great weight, and still did so, but that they were not conclusive and therefore not binding upon the authorities responsible for extradition. That had always been the view held by the United States Government, and as far as he was aware the position had not changed in any way. He believed that was also the view held by the British Government.

Sir Robert CRAIGIE affirmed Mr. Kintner's statement.

Mr. AARS-RYNNING said he entirely agreed with the views expressed by Mr. Kintner. He also supported Sir Robert Craigie's proposal to investigate the cases of which Colonel Muszkat had spoken, in order to clear up any misunderstandings.

Colonel MUSZKAT said that he did not agree with Mr. Kintner's remark that extradition was a matter to be decided unilaterally. It was a question, surely, to be agreed upon internationally. In this connection he referred to Control Council Law No. 10, which was a uniform basis for each of the zones. According to that Law only those cases which were not considered bona fide were to be submitted to the Directorate of the Control Council in Germany. He thought the Commission should point out to the responsible authorities in Germany that all charges examined by the Commission are well documented and based upon testimony of witnesses.

The SECRETARY GENERAL reported that a letter dated 28th November, 1947, had been received from the Yugoslav Representative raising questions similar to those raised by Colonel Muszkat, and suggesting that they be brought before the Commission.

Sir Robert CRAIGIE said that naturally any member had a right to bring a matter to the Commission at the appropriate time if he so desired. He thought it advisable, however, to await the results of his investigations regarding specific cases to which Colonel Muszkat and Mr. Zimonjić had referred, in order that the situation might be clarified still further.

The Committee unanimously agreed to Sir Robert Craigie's proposal, and Colonel Muszkat was requested to submit specific cases which had occurred after 15th November, 1947, in which extradition of listed war criminals had been refused, or evidence demanded without apparent justification, and where certain war crimes included in the Commission's working list had not been recognised.

With regard to extradition procedure in the United States Zone, Dr. ZEMAN reported that he had received a telegram from Prague stating that his Government had just received a circular, No. AG 0005/LD dated 17th November, 1947, from the United States authorities in Germany, according to which it was still possible to continue to demand the extradition of war criminals from the United States Zone in Germany. His Government had previously thought they would not be able to get them after November 1st, although they were listed.

Mr. KINTNER observed that the position as stated in the circular to which Dr. Zeman had referred was, as far as he was aware, the latest information available, and suggested that the Polish Investigating Mission should request a copy of that order from the United States authorities in Germany. Mr. Kintner added that he would undertake to ask Colonel Springer, on his return from Germany, to inform Colonel Muszkat personally should any change in the situation have taken place meanwhile.

III. Proceedings in Individual Cases.

The Committee considered 76 POLISH Cases, against 294 persons, and decided as follows:-

.....

POLISH Cases.

6029	On 'A'
6116	On 'A'
6147	On 'A' for ill-treatment and pillage
6153	On 'A'
6864	On 'A'
6865	On 'A'
6866	On 'A'
6867	1-4 on 'A'
6868	1-2 on 'A'
6869	On 'S'
6870	On 'A' after Colonel Muszkat had stated that the evidence had been obtained from witnesses whose names were in the possession of the Polish National Office, and who were themselves workers at the factory at the same time as the accused.
6871	On 'A'
6872	1-3 on 'A'
6873	On 'A'
6874	On 'A'
6875	On 'S'
6876	On 'A'
6877	On 'A'
6878	On 'A'
6879	1-2 on 'A'
6880	On 'A'
6881	On 'A'
6882	On 'A'
6883	Adjourned in order that the National Office might obtain further information regarding the rank of the accused and his responsibility for the alleged crimes
6884	On 'A' for illegal arrests, ill-treatment and pillage.

(POLISH Cases continued)

6914	1-3 on 'A'
6915	On 'A'
6916	On 'A'
6917	This charge was withdrawn.
6918	On 'A'
6919	On 'A'
6920	On 'A'
6921	1-2 on 'A'
6922	On 'A'
6923	On 'A'
6924	On 'A'
6925	1-4 on 'A' for murder and ill-treatment
6926	On 'A'
6927	On 'A'
6928	On 'A'
6929	On 'A'
6930	On 'A'
6931	On 'A'
6932	On 'A' . <u>(Priority Case)</u> .
6933	1-2 on 'A'
6934	On 'A'
6935	On 'A'
6936	On 'A'
6937	On 'A'
6938	On 'A'
6939	1-3 on 'A' for murder and ill-treatment
6940	On 'A' for complicity in illegal arrests and deportation
6941	1-2 on 'A'
6942	On 'A'
6962	On 'A'
6963	On 'A'

(POLISH Cases continued)

6964	Adjourned in order that the Polish National Office might establish whether the victim was employed as slave labour or whether she had accepted employment voluntarily.
6965	On 'A'
6966	On 'A'
6967	On 'S' pending further information as to whether the accused participated knowingly and willingly in the shootings.
6968	On 'A'. <u>(Priority Case)</u> .
6969	On 'A'
6970	On 'A'
7046	On 'A'. <u>(Priority Case)</u> .
7047	1-3 on 'A'
7048	On 'A'
7049	1-3 on 'A'
7050	On 'A'
7051	On 'A'
7052	1-4 on 'A'
7053	On 'A'
7054	On 'A'
7055	On 'A'
7056	On 'A' for ill-treatment, deportation and compulsory enlistment
7057	On 'A'
7058	1-113 and 144 on 'A' } for complicity in 114-143, 145-197 on 'S' } deportation of civilians.

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No. 120(a)
Amendment

UNITED NATIONS WAR CRIMES COMMISSION

Amendment to the Summary Minutes of the
Meeting of Committee I
held on 6th November, 1947

The attached page 3, as amended by the decision of
Committee I on 3rd December, 1947, should replace page 3
of the Summary Minutes (No. 120) of the Meeting of
Committee I held on 6th November, 1947, already
circulated.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 4th
December, 1947, at 10.30 a.m.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

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

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

Captain Smith	United Kingdom
Miss Goold-Adams	Belgium
Mlle Capiomont	France
M. Dimitzas	Greece
Colonel Muszkat	Poland

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

I. Case of Johann MAJOR or MAYER. Listed by Poland. (Docs. I/91
and I/98).

In accordance with the Committee's decision of 30th July, 1947, the Committee re-examined the case in the light of further evidence submitted by the Polish National Office and contained in Document I/98.

The Committee were of the opinion that the testimonies of the German witnesses submitted in Major's defence were not of a convincing nature, and directly conflicted with the evidence contained in the affidavits submitted by the Polish National Office. The Committee decided therefore that there was no justification for the removal of Major's name from the Commission's List of War Criminals.

Colonel MUSZKAT stated that the Polish Government was not interested in the extradition of Major, so long as he was tried by any other competent court and enquired whether it could be possible for the British authorities to take the necessary steps to bring Major to justice.

Captain SMITH replied that if the available evidence was submitted to the J.A.G.'s office, with the suggestion that the case be further investigated, the British authorities would undoubtedly authorise a trial if they considered the evidence justified such action.

The Committee accordingly authorised the Secretary to transmit the relevant documents to the office of the J.A.G., in order that it might be determined whether or not the accused should be tried by a British court.

II. Proceedings in Individual Cases.

The Committee considered 75 cases against 136 persons submitted by the United Kingdom, Yugoslavia, Belgium, Greece, France, and Czechoslovakia, and decided as follows:-

1) UNITED KINGDOM Cases.

6885	1-2 on 'A'
7044	1-2 on 'A'
7045	1-2 on 'A'

2) YUGOSLAV Cases.

At the request of the Yugoslav Representative, who was unable to attend the meeting, consideration of these cases was adjourned until the next meeting.

3) BELGIAN Cases.

139 (Add.2)	1 on 'A'	
	2 left out in view of the fact that he is now dead	
	3-4 on 'W' pending further investigation and submission of more definite statements and evidence	
	5 on 'S'	
907 (Add.4)	1-2 on 'S' pending further evidence as to their participation in the crime	
1105 (Add.2)	1-8 on 'W'	
3177 (Add.1)	On 'S' for deportation of civilians only, pending further evidence.	
7008	1-2 on 'A' for ill-treatment	
7009	1 on 'A'	
	2-3 on 'S'	
7010	1-2 on 'A'	
	3 on 'S'	
	4 on 'C'	
7011	1-4 on 'A'	
	5-14 on 'S'	

4) GREEK Cases.

6897	2 on 'A') for ill-treatment of civilians.
	1 on 'S'	

(GREEK Cases continued)

6898	<u>Adjourned</u> for more information as to the circumstances of the alleged crime.
6899	3 on 'A' for murder and killing of hostages 1, 2, 4, 5 <u>adjourned</u> for further information and evidence as to their responsibility for the alleged crimes
6900	On 'A' for murder and ill-treatment
6901	1-2 on 'A' for killing hostages, ill-treatment and wanton destruction of property
6902	On 'A' for mass murder and wanton destruction of property
6903	On 'A' for mass murder. (<u>Priority Case</u>).
6904	1-2 on 'A'
6905	On 'A'
6906	On 'A'
6907	On 'A' for mass murder and wanton destruction of property
6908	1-3 on 'A' for murder and ill-treatment
6909	On 'A' for mass murder
6910	1-2 on 'A' for mass murder and wanton destruction of property
6911	On 'A' for mass murder
6912	1-2 on 'A' for mass murder and wanton destruction of property
6943	On 'A' for murder. (<u>Priority Case</u>).
6944	<u>Adjourned</u> for further information concerning the circumstances of the alleged crime .
6945	On 'A' for murder and wanton destruction of property
6946	1-2 on 'A'
6947	1-5 on 'A' for mass murder and torture
6948	On 'A'
6949	1-2 on 'A'
6950	On 'A' for murder
7062	On 'S' for complicity in murder.

5) FRENCH Cases.

- 3098 (Add.2) On 'A'
- 4747 (Add.4) On 'A'
- 4847 (Add.1) On 'S'
- 5384 (Add.2) Adjourned for information necessary to establish the responsibility of the accused; the evidence submitted in this addendum refers to REBING (charged in 4747), and not to the accused.
- 7012 1 on 'A'
2 on 'S'
3 - adjourned for further information as the evidence submitted is not sufficient to regard him responsible for the alleged crime
- 7013 On 'A'
- 7014 On 'A'
- 7015 On 'A' for pillage only
- 7016 On 'A'
- 7017 On 'A'
- 7018 On 'A'
- 7019 On 'A'
- 7020 1-2 on 'S'. (Priority Case).
- 7021 1-2 on 'A'
- 7022 On 'A'
- 7023 1 on 'S'
2-3 on 'W'
- 7024 On 'A'
- 7025 On 'A'
- 7026 1-2 on 'A'
- 7027 On 'A'
- 7028 Adjourned for further information necessary to substantiate the statement that the destructions were not justified by military necessity
- 7029 On 'S'

6) CZECHOSLOVAK Cases.

- 5155 JEX on 'K'
- 6570 (Add.1) On 'A'

449

(CZECHOSLOVAK Cases continued).

6886	1 on 'A' for murder and ill-treatment 2 on 'A' for ill-treatment
6887	On 'A'
6888	On 'A'
6889	On 'A'
6890	On 'A'
6891	On 'A'
6892	On 'A' for ill-treatment
6893	On 'A'
6894	On 'A' for complicity in illegal arrest, and for pillage
6895	On 'A' for deliberate starvation and attempts to denationalise the inhabitants of occupied territory
6896	On 'A'
6913	On 'A' for murder and illegal arrest committed after 1st September, 1939.

III. Closing of 65th List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 65) which would include cases accepted by the Committee up to 4th December, 1947, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 10th
December, 1947, at 3 p.m.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

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

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

Captain Smith	United Kingdom
Mlle Capiomont	France
Colonel Muszkat	Poland

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

Apologies for absence were received from Dr. Zeman.

I. Proceedings in Individual Cases.

The Committee considered 71 cases against 478 persons submitted by the United Kingdom, the Netherlands, France, and Poland, and decided as follows:-

1) UNITED KINGDOM Cases.

7066	1-13 on 'A' for ill-treatment Accused 3 and 4 in addition for murder
7067	On 'A'

2) NETHERLANDS Case.

7105	1-5 on 'A') for unlawful use of means of deception 6-8 on 'S') 9 on 'W'
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This decision was made in accordance with the decision taken in respect of a similar Dutch case, (No. 3271), (See Doc. I/66, July 1st, 1946).

3) FRENCH Cases.

7030	On 'A' for murder, pillage and wanton destruction of property
7031	On 'A' for murder and wanton destruction of property

(FRENCH Cases continued)

7032 On 'A' for ill-treatment
7033 1-2 on 'A' for murder
7034 1-4 on 'A' for wanton destruction of property
7035 On 'A' for murder
7036 On 'A' for torture resulting in death and for putting to death of hostages
7037 1-8 on 'A' for murder and torture
7038 1-4 on 'A' for murder
7039 On 'A' for pillage and wanton destruction of property
7040 1 on 'A'
2 on 'S' for ill-treatment
7041 1-7 on 'A' for torture
8-12 on 'W'
7042 On 'A' for murder
7043 On 'S' for murder
7068 Adjourned in order that the Secretariat might submit concrete proposals as to classification of the accused in accordance with the Committee's ruling

4) POLISH Cases.

Adjourned Cases.

5806 ✓ On 'S'
5834 ✓ 1-3 on 'A'
6096 ✓ On 'A' for ill-treatment and on 'S' for murder
6099 ✓ On 'A'
6152 ✓ On 'S'

New Cases.

6971 On 'A'
6972 On 'A'
6973 On 'A' for murder, ill-treatment, pillage and destruction of property. (Priority Case).
6974 On 'A' for wanton destruction of property.

(POLISH Cases continued)

6975	1-2 on 'A'
6976	On 'A' for pillage and wanton destruction of property
6977	On 'A' for pillage
6978	On 'A' for pillage
6979	On 'A' for pillage
6980	On 'A' for pillage
6981	On 'A' for pillage
6982	On 'A' for wanton destruction of property
6983	On 'A' for ill-treatment
6984	On 'A' for pillage and ill-treatment
6985	On 'A' for pillage and wanton destruction of property
6986	On 'A' for pillage
6987	On 'A'
6988	On 'A' for ill-treatment
6989	On 'A'
6990	On 'A' for pillage
6991	On 'A' for ill-treatment and pillage
6992	On 'A' for complicity in illegal arrests and for pillage
6993	On 'A'
6994	On 'A' for pillage
6995	On 'A' for complicity in murder, for ill-treatment and pillage
6996	On 'A' for pillage
6997	On 'A' for pillage
6998	On 'A'
6999	On 'A'
7000	On 'A' for pillage
7001	On 'A'
7002	On 'A'
7003	On 'A' for pillage

(POLISH Cases continued)

7004	On 'S' for extortion of private property
7005	On 'A'
7006	On 'A' for pillage
7007	On 'A'
7069	1-153 on 'A' for murder, torture, rape, deportation, internment under inhumane conditions, pillage.
7070	On 'A'
7071	On 'A'
7072	On 'A'
7073	On 'A'
7074	On 'A'
7075	On 'A'
7076	On 'A'
7077	On 'A'
7078	On 'A' for ill-treatment
7079	On 'A'

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 11th
December, 1947, at 10.30 am.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

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

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

Miss Goold-Adams	Belgium
M. Dimitzas	Greece
Dr. Milenković	Yugoslavia

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

I. Minutes Nos. 121 and 122.

Minutes of the Meetings held on 3rd December and 4th December, 1947, were approved.

II. Communication from CROWCASS.

The Committee took note of a letter from CROWCASS dated 2nd December, 1947, in connection with the future plans of that organisation, in which information was requested concerning the future plans of the United Nations War Crimes Commission, and in particular the date by which the Commission would cease to publish its periodical Lists of War Criminals.

In accordance with the decision taken at the last meeting of the Commission on 29th October, 1947, the Committee were of the opinion that CROWCASS should be informed that the Commission had agreed to terminate its activities not later than 31st March, 1948, and that it was anticipated that the last List of War Criminals would be published by that date.

III. Proceedings in Individual Cases.

The Committee considered 77 cases against 180 persons submitted by Belgium, Greece, Yugoslavia and the United States, and decided as follows:-

.....

1) BELGIAN Cases.

a) Addenda.

- 722 (1) ✓ 1-8 on 'A' } for ill-treatment of civilians
10-13 on 'S')
9 and 14 on 'W' pending submission of evidence
against these persons
15 on 'C' pending further information as to
his identity
- 1094 (1) ✓ 1-2 on 'A'
3 on 'S'
4 on 'W'
- 1886 (1) ✓ On 'A'
- 2401 (4) ✓ On 'S' pending submission of documentary evidence
as to his participation in the crimes
- 3174 (9) ✓ On 'S'
- 5087 (2) ✓ 1-5 on 'W'

b) New Cases.

- 7119 1-2 on 'A' for ill-treatment of civilians
3 on 'W'
- 7120 1 on 'A' for ill-treatment of civilians
2 on 'W' pending further evidence as to his
responsibility for the crimes
- 7121 1-3 on 'A'
4 on 'S'
5 on 'W'
- 7122 1, 2, 4, 5 on 'S' pending further evidence
6 on 'W'
3 - adjourned for information and evidence as
to his responsibility and participation in
the crime

2) GREEK Cases.

- 6954 Adjourned for elaboration of charges and detailed
evidence as to the responsibility of the accused
for crimes committed by the "Roman Legion".
- 6955 Adjourned. The National Office was requested to
state: a) whether the evidence submitted is a
direct or hear-say one, and b) the reason for
shooting the victim and the circumstances of
this crime
- 6956 On 'S' pending further evidence
- 6957 On 'A'
- 6958 On 'A'
- 6959 On 'A' for deportation of civilians and attempts to
denationalise the inhabitants of occupied territory.

(GREEK Cases continued)

6960	On 'A' for murder and torture
6961	On 'A'
7059	On 'A' for putting hostages to death and torture
7060	On 'S' pending further evidence as to the circumstances of the crime
7061	1-2 on 'A' for murder
7063	On 'A'
7064	1-2 on 'S' pending further particulars of the alleged crimes
7065	On 'A' for pillage
7123	On 'A'
7124	1-2 on 'S' pending further particulars and evidence
7125	On 'S' for torture pending further evidence
7126	On 'A'
7127	1-4 on 'A'
7128	On 'A'
7129	On 'A' for ill-treatment and torture resulting in death
7130	<u>Adjourned</u> for further information as to the circumstances of the alleged crime
7131	On 'A'
7132	On 'A'
7133	On 'A' for ill-treatment resulting in death and wanton destruction of property.

3) YUGOSLAV Cases.

5697	On 'A' for putting hostages to death
6951	On 'S' pending further evidence incriminating the accused
6952	On 'S' pending further evidence
6953	In this case the accused had been mentioned only in the "short statement" on p.1 which is not corroborated by the information submitted on other pages. The case was adjourned for further evidence as to his responsibility and participation in the alleged crimes.

(YUGOSLAV Cases continued).

7080	On 'A' for complicity in murder
7081	On 'A' for pillage only
7082	On 'A' :
7083	1-2 on 'A' for putting hostages to death
7084	On 'A' for murder and ill-treatment
7085	On 'A'.
7086	1 on 'A' for ill-treatment 5 on 'S' for ill-treatment 2-4 <u>adjourned</u> for further information as to their responsibility for specific crimes
7087	On 'A' :
7088	<u>Adjourned</u> for further information necessary to substantiate the accused's responsibility
7106	On 'A' for murder and ill-treatment
7107	1-2 on 'A' for mass murder
7108	On 'A'
7109	1 on 'A' for complicity in deportation and internment of civilians under inhuman conditions : 2-22 <u>adjourned</u> for further information necessary to substantiate their responsibility. (None of these accused is mentioned by the witnesses who cited only 2 names which are not on the list).
7110	On 'A'
7111	On 'A'
7112	On 'S' for complicity in the charge as stated in the case
7113	1 on 'S' for murder 2 - there is no evidence against this accused
7114	1-2 on 'A' for ill-treatment
7115	On 'A'
7116	On 'A'
7117	On 'A' for murder and ill-treatment
7118	On 'S' for pillage and wanton destruction of property

4) UNITED STATES Cases.

7089	1-3 on 'S'
7090	1-5 on 'S'

(UNITED STATES Cases continued).

7091	1-5 on 'S'
7092	On 'S'
7093	1-6 on 'S'
7094	On 'S'
7095	1-5 on 'S'
7096	On 'S'
7097	1-3 on 'S'
7098	On 'S'
7099	On 'S'
7100	1-2 on 'S'
7101	1-2 on 'S'
7102	1-2 on 'S'
7103	1-2 on 'S'
7104	1-5 on 'S'

COMMITTEE I.

7134 On 'A' after M. Aars Rynning had additionally stated that the accused had already been sentenced to 12 years imprisonment on October, 18th, 1947.

3) YUGOSLAV Cases.

7157	On 'A'
7158	On 'A'
7159	On 'A' for deportation On 'S' for murder
7160	<u>Adjourned.</u> The National Office was requested to state on what ground it had been established that the accused was responsible for the crimes alleged
7161	On 'A'
7162	On 'A'
7163	<u>Adjourned</u> for further information as to the circumstances of the alleged crime and more detailed evidence necessary to substantiate the accused's participation in, and his responsibility for, the crime.

4) CZECHOSLOVAK Cases.

7151	On 'A'
7152	1-2 on 'A'
7153	On 'A'
7154	On 'A' for complicity in deportation of civilians and confiscation of private property
7155	On 'A'
7156	On 'A' for murder and deportation of civilians

5) POLISH Cases.

7135	On 'A'
7136	1-4 on 'A'
7137	1-2 on 'A'
7138	On 'A'
7139	On 'A'
7140	On 'A'
7141	On 'S' pending submission of statements of witnesses residing in Zamosc
7142	On 'A'
7143	On 'A'

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(POLISH Cases continued)

7144

On 'A':

7145

1, 2, 4-8 on 'A'
3 and 9 on 'S'

10 adjourned for identification and submission of the names of the accused, and the periods of time at which they held their respective offices.

Mr. Kintner said that he would not support the listing on 'A' or 'S' of those mentioned under No. 10 (Presiding Judges and Public Prosecutors of the Sondergerichte) without further identification, for the reason that it is stated on page 26 of the Polish charge that the accused can be identified, and also for the further reason that it is generally undesirable to list unknown war criminals as members of a unit. Inasmuch as the case concerned the responsibility of courts for the alleged misuse of their judicial authority, he thought it far more desirable to have the names of the judges in order that their individual responsibility for the alleged crimes might be established. He appreciated Colonel Muszkat's statement that the Polish National Office was merely interested in having these accused listed for historical record and not for purposes of trial, but this record had already been established by the listing of the principals involved in the administration of German courts in Poland. No useful purpose could therefore be served by listing unidentified, subordinate members of the courts.

7146

On 'A' for ill-treatment and complicity in deportation

7147

On 'A' for ill-treatment and complicity in illegal arrests

7149

1 (Priority Case) and 4 on 'A' for complicity in mass murder and deliberate starvation of civilians
2-3 on 'W'

7150

Adjourned for further information necessary to substantiate the responsibility of the 6th accused by indicating the competence and activities of the Holzwirtschaft department and its connection with the policy of exploitation of Polish forestry.

The Committee also requested that the circular of Göring of 1940 laying down the principles and general policy of economic exploitation in Poland be circulated to members by the Secretariat.

6) FRENCH Cases.

7068

On 'A': 1-6, 25-27, 34, 47, 52, 54, 58, 61, 64, 66-67, 70, 72, 74-78, 80, 82, 88, 91, 97-98, 103, 108, 110-112, 115-116, 121, 127, 137-140, 145, 147, 154, 157-158, 164, 167, 170-177, 187, 189, 192-211, 213, 216-217.
On 'S': 7-24, 28-33, 35-46, 48-51, 53, 55-57, 59-60, 62-63, 65, 68-69, 71, 73, 79, 81, 83-87, 89-90, 92-96, 99-102, 104-107, 109, 113-114, 117-120, 122-126, 128-136, 141-144, 146, 148-153, 155-156, 159-163, 165-166, 168-169, 178-186, 188, 190-191, 212, 214-215.

(FRENCH Cases continued)

7148

1-7 on 'A' for torture
8 on 'W'

III. Closing of 66th List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 66) which would include cases accepted by the Committee up to 18th December, 1947, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION,

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 8th
January 1948 at 10.30 am.

In the Chair

Mr. Kintner (United States of America)

There were also present:

Members of Committee I and their Deputies:

Lord Wright

Chairman of the Commission

Dr. Zeman

Czechoslovakia

M. Aars Rynning

Norway

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

Miss Gould-Adams

Belgium

Mlle Capimont

France

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

Sir Robert Craigie was prevented from attending the meeting
owing to illness.

I. Minutes No. 125.

Minutes of the Meeting held on 18th December, 1947,
were approved.

II. Proceedings in Individual Cases.

The Committee considered 55 (89) cases against 673
persons submitted by Belgium, Denmark, and France, and decided
as follows:

1) BELGIAN Cases.

981 (Addendum 2) On 'W'. (No particulars could be found
in the main charge or in the first Addendum
regarding the alleged criminal execution of
the 3 Luxembourg citizens for which this
accused is charged. The National Office
should supplement this Addendum with such
particulars in order to enable the Committee
to judge upon the guilt of the accused).

1108 (Add.3):

1-5 on 'A'

(Add.4):

On 'W'

(Add.5):

1 adjourned for more particulars and for
qualifying the charge

2 on 'W'

(BELGIAN Cases continued)

3173 (Add.2) On 'A'

7226 On 'A'

7227 Adjourned. The case should be supplemented with fuller details of the circumstances in which the accused took part in the alleged crimes. Particulars are required to prove that they shared responsibility for the subsequent death of the victims. The wearing of allied uniforms in carrying out counter-espionage can represent an unlawful means of deception and thus represent a war crime in itself. Particulars are required to show which of the accused used this means and in what actual circumstances. As to using Allied nationals as counter espionage agents it is difficult to agree with the thesis of the National Office that it represents a violation of Article 46 of the Hague Regulations. Such act is illegal on the part of the Allied nationals and represents treason.

7228 On 'A'

2) DANISH Cases.

The National Office had submitted the evidence required in respect of 47 cases examined by the Committee on 10th July 1947.

The evidence in support of cases where the accused were listed on 'A' fully justified the previous decisions of the Committee. This concerned the following cases:

5715, 5716, 5718, 5720, 5722, 5723, 5726, 5727, 5729, 5730, 5731, 5732, 5733, 5739, 5741, 5743, 5744, 5746, 5748, 5749, 5750, 5751, 5752, 5754, 5755, 5757, 5758, 5759, 5760.

In the following cases the accused originally listed on 'S' have now been placed on List 'A':

5737 and 5756

In the following cases which previously were adjourned the Committee decided as follows:

5714 On 'A'

5717 As the National Office communicated that the case had not yet been completed, it remained adjourned.

5721 On 'A' for wanton destruction of property

5724 On 'A'

5725 On 'A' for murder

5728 Withdrawn.

5734 On 'A' for wanton destruction of property.

(DANISH Cases continued)

- 5735 On 'A'
- 5736 On 'A'
- 5738 Withdrawn
- 5740 On 'A'
- 5742 On 'A'
- 5745 On 'A' for complicity in murder
- 5747 On 'A'
- 5755 On 'A'

The National Office communicated that accused from case 5719 (listed on 'A') had been handed over for trial to the Belgian authorities and that under the circumstances the Danish authorities will abstain from prosecution.

3) FRENCH Cases.

NOTE: M. Aars-Rynning proposed that the French National Office be asked to substantiate their cases more fully in future. The Committee supported this proposal.

- 522 (Add.3) 1, 4-5, 7-11, 13, 18, 21-23 on 'A'
2-3, 6, 12, 14-17, 19-20 on 'S'
- 532 (Add.1) 1 on 'A'
2-5 on 'W'
- 831 (Add.1) 1-3 on 'A' for deportation and putting hostages to death
- 3391 (Add.1) 1-2 on 'W' pending further particulars and evidence
- 4094 (Add.1) 1-3 on 'A' for torture
- 4370 (Add.1) 1-2 on 'A'
3-9 on 'S'
- 4450 (Add.1) 1-14 on 'S'
- 4955 (Add.1) 1-9 on 'S'
- 7164 Adjourned for more details necessary to prove that the activities enumerated were of a criminal nature
- 7165 2 on 'A'
1 and 3 on 'W'
- 7166 Adjourned for particulars necessary to prove the personal responsibility of the accused for the deportations, and to show that innocent persons were deported. If the accused caused the arrest and deportation only of persons engaged in actual underground work there would be no ground for listing him.

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(FRENCH Cases continued)

7167	1-15 on 'A' 16 on 'S'
7168	1-3 on 'S' 4-5 on 'W'
7169	1-3 on 'A' 4-8 on 'S'
7170	On 'A'
7171	1-23 on 'A' for torture and ill-treatment
7172	1-7 on 'W' pending more particulars and evidence
7173	On 'A'
7174	1-16 on 'S'
7175	19 on 'A' 1-18 <u>adjourned</u> . The National Office was requested to specify which of the accused are those described by the witnesses in the statements attached to the charge, since there seems to be sufficient data to identify some of them. A clear statement regarding the guilt of each of the accused would be valuable.
7176	1-2 on 'A'
7177	1-3, 6, 18-20 on 'A' 4-5, 7-17, 21-27 <u>adjourned</u> for more particulars and evidence
7178	2, 4-7 on 'A' 1 and 3 on 'W'
7229	1-304 on 'S'. The Committee was agreeable to listing accused No. 1 on 'A' provided additional information and evidence concerning him are provided by the National Office.
7230	1-6, 10-12, 16 and 22 on 'A' 7-9, 13-15, 17-21, 23-31 on 'S'
7231	1-2, 4-6 and 12 on 'A' 3, 7-11 on 'S'
7232	1, 3 and 8 on 'A' 2, 4-7, 9-13 on 'S'
7233	1-3 on 'A'
7234	On 'S' pending more evidence
7235	1, 4, 20-25 on 'A' 2-3, 5-19, 26 on 'S'

(FRENCH Cases continued)

7236	1 on 'A' 2-12 on 'S'
7237	1-9 on 'A'
7238	1-4 on 'A'
7239	1-3 on 'A'
7240	1-4, 8-13 on 'A' 5-7 on 'S' 14 on 'W'
7241	On 'A' for ill-treatment

NO. 127.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 9th
January, 1948, at 10. 30 a. m.

In the Chair

Mr. Kintner (United States of America)

There were also present:

Members of Committee I. and their Deputies:

Dr. Zeman	Czechoslovakia
M. Aars Rynning	Norway

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

Captain Smith	United Kingdom
Colonel Muszkat	Poland
Dr. Milenković	Yugoslavia

Secretary to the Committee: Dr. J. Litawski (Legal Officer).Sir Robert Craigie was prevented from attending the meeting
owing to illnessI. Proceedings in Individual Cases.The Committee considered 65 cases against 175 persons
submitted by the United Kingdom, Norway, Czechoslovakia, Yugo-
slavia and Poland, and decided as follows:-1) UNITED KINGDOM Cases.

7204	1-3 on 'A'
7205	1-2 on 'A'
7206	1-4 on 'A'

2) NORWEGIAN Case.

7243	On 'A'
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3) CZECHOSLOVAK Cases.

7219	On 'S' pending further information and evidence
7220	On 'A' for complicity in deportation
7221	On 'A'
7222	On 'A'
7223	On 'A'

(CZECHOSLOVAK Cases continued)

- 7224 On 'A'
- 7225 On 'A' for putting hostages to death

4) YUGOSLAV Cases:

- 5699 On 'A'
- 6233 This case was adjourned on September 4th, 1947, for more information as to facts and evidence in support. As the present addendum did not supply such information, the case was again adjourned for the same reason
- 954 (Add.VII) On 'S' pending submission of extracts from the report of the accused of May 30th, 1941.
- 6272 (Add.I) On 'A'
- 7244 On 'S' for ill-treatment
- 7245 Adjourned for further information as to a) which of the accused personally took part in the punitive expedition, and b) on what ground the accused 19-39 had been charged in this case.
- 7246 From the particulars of the case and also in view of the official position of the accused it appeared that he cannot be held responsible for the crimes committed. The case was adjourned for further information necessary to substantiate his responsibility
- 7247 As the shooting of partisans occurred during the fight which was going on between the Liberation forces and the Germans, it was difficult, on the information submitted, to establish whether a war crime had been committed. The National Office was asked for further information as to circumstances in which these acts were committed. The case was adjourned.
- 7248 The Committee was of opinion that unless the National Office is in the position to establish the responsibility of the accused for some particular war crimes committed, his activities as an intelligence officer could not be qualified as criminal and the charge against him considered as a prima facie case of a war crime. The case was adjourned.
- 7249 On 'S'. (The accused has not been properly connected with any particular crime, and it is not known whether he personally conducted the operations or issued orders to commit the crimes alleged)
- 7250 On 'A'
- 7251 On 'A' for pillage only as there is not sufficient evidence in regard to other charges
- 7252 On 'A'

5) POLISH Cases.

5672	On 'A'
6098	On 'A'
6129	1 on 'A' for complicity in murder 2-3 on 'A' as submitted
6194	On 'A' for complicity in illegal arrest only
7179	On 'A'
7180	On 'A'
7181	On 'A'
7182	On 'A' for ill-treatment
7183	On 'A':- 1, 2, 24, 35-37, 45, 46, 51-54 On 'S':- 3-5, 7-12, 15-22, 25, 26, 29-34, 41 On 'W':- 6, 13, 14, 23, 27, 28, 38-40, 42-44, 47-50
7184	On 'A' after Colonel Muszkat had stated that the Polish National Office was in possession of considerable documentary evidence concerning the responsibility of the accused for the criminal activities of the Selbstschutz, and his responsibility, as Military Governor of the district, for the activities of other organisations such as the S.S. and German police. This evidence showed that all these organisations were subordinate to the accused and under his controlling authority.
7185	On 'A'
7186	On 'A'
7187	On 'A'
7188	On 'A'
7189	On 'A' for ill-treatment, complicity in deportation and pillage
7190	On 'A'
7191	On 'A'
7192	On 'A'
7193	On 'A'
7194	On 'A'
7195	On 'A'
7196	On 'A' for ill-treatment and complicity in deportation
7197	On 'A' for ill-treatment
7198	On 'A'
7199	On 'A'

(POLISH Cases continued)

7200	On 'A'
7201	On 'A'
7202	On 'A'
7203	On 'A'
7207	1-4, 7 on 'A' 5, 6, 8-12 on 'W'
7208	On 'A'
7209	On 'A'
7210	On 'A'
7211	On 'A'
7212	On 'A'
7213	On 'A'
7214	On 'A'
7215	On 'A'
7216	On 'A'
7217	On 'A'
7218	On 'A'

II. 3 Cases of extradition in which opinion has been asked for by the Legal Division, B.A.O.R. (Doc. I/100; cases: Yugoslav 4194, Polish 5074, Netherlands, 3382).

The Committee adjourned consideration of this matter until the next meeting.

III. War Crimes Trials in Poland (communication from Colonel Muszkat).

The Committee took note of a letter addressed by Colonel Muszkat to Sir Robert Craigie, dated 6th January, 1948, and adjourned its consideration until the next meeting.

IV. Closing of 67th List of War Criminals

The Committee decided to issue a new Commission's List of War Criminals (No. 67), which would include cases accepted by the Committee up to 9th January, 1948, inclusive.

V. Resignation of Mr. Kintner as Joint Chairman of Committee I

Mr. KINTNER stated that prior to the Commission's meeting on January 7th, 1948, he had requested Lord Wright to relieve him of his responsibility as Joint Chairman of Committee I, and he had today sent a letter to Lord Wright confirming that fact. Mr. Kintner said that he was very busy in connection with the Commission's History and the Legal Publications Committee activities.

NO. 128.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 20th
January, 1948, at 10.30 a.m.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

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

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

Mlle Capimont	France
M. Dimitas	Greece

Secretary to the Committee: Dr. J. Litawski (Legal Officer).I. Minutes Nos. 126 and 127.

Minutes of the Meetings held on 8th and 9th January 1948 were approved.

II. Proceedings in Individual Cases.

The Committee considered 79 cases against 222 persons submitted by France, the Netherlands, Czechoslovakia, Greece, and Poland, and decided as follows:--

1) FRENCH Cases.

7264	2-6 on 'S' pending submission of more specific evidence as to their guilt 1 on 'W'
7265	1 on 'A' 2-14 on 'S'
7266	1-4, 6-7, 11 on 'A' 5, 8-10, 12 on 'S'
7267	<u>Adjourned</u> for further evidence showing the individual responsibility of all the 18 accused. It is also necessary to state who was the officer mentioned by one of the witnesses as being responsible for setting fire to the school.
7268	On 'A' for ill-treatment
7269	On 'A' for ill-treatment
7270	1-4 on 'A'
7271	1-2 on 'S'

2) NETHERLANDS Cases.

4701 (Add. 2)	On 'W'
5489 6668 (ADD. 1)	1-3 on 'A' for murder and wanton destruction of property 4 on 'S' 5 on 'W'
5625 (Add. 1)	1-3 on 'A' for ill-treatment
5810 (Add. 1)	1 on 'A' 2 on 'S'
7242	1 on 'A' 2 on 'W'
7263	1-4, 6, 10, 12 on 'A' for pillage 5 and 11 on 'A' for wanton destruction of property 13-15 on 'S' 16-20 on 'W'
7305	1-2 on 'A' 3-5 on 'S'
7306	1-3 on 'A' 4-5 on 'W'
7307	2-3 on 'A' 1, 4-6 and 9 on 'S' 7, 8, 10, 13 on 'W'
7308	1-8 on 'A' 9-10 on 'S' 11-17 on 'W'

3) CZECHOSLOVAK Cases.

4833	On 'A'
7309	1-2 on 'A'
7310	On 'A'
7311	On 'A'
7312	On 'A'
7313	On 'A'
7314	On 'A'
7315	On 'A' for complicity in murder
7316	On 'A'
7317	On 'A'

(CZECHOSLOVAK Cases continued).

7318	On 'A'	100Y
7319	On 'A'	100Y
7320	On 'A' for pillage + ill-treatment; S for complicity in murder	100Y
7321	On 'A'	100Y
7322	On 'A'	
7323	On 'A' for ill-treatment	
7324	On 'A' for ill-treatment	

4) GREEK Cases.

7272	1-2 on 'S' pending further particulars as to circumstances of the alleged crimes
7273	1-3 on 'A' for murder and ill-treatment
7274	On 'S' pending further evidence as to his responsibility.
7275	On 'S'
7276	On 'A' for ill-treatment resulting in death.
7277	On 'S'
7278	On 'A' for extortion of private property and ill-treatment
7279	1-3 on 'A' for looting and wanton destruction of property
7280	On 'S' for complicity in internment
7281	On 'A'
7282	1-2 on 'A' for looting, deportation and wanton destruction of property
7283	<u>Adjourned</u> for further particulars as to facts and circumstances, and evidence as to who murdered the victim.
7284	On 'A' for wanton destruction of property
7285	1-3 on 'A' for ill-treatment only
7286	On 'A'
7287	On 'S' pending more specific evidence
7288	On 'A' for ill-treatment only
7289	On 'A' for ill-treatment resulting in death, and looting
7290	On 'A' for ill-treatment and destruction of monuments
7291	On 'A'

5) POLISH Cases.

- 7150 After the Committee took note of the Göring circular of 25 January, 1940, laying down the principles and general policy of exploitation of Polish forestry, it was decided to list the accused as follows:-
- 1-5 and 7-11 on 'A' for economic exploitation
6 on 'W' as no further information had been received from the National Office against this accused.
- 7253 On 'A'
- 7254 On 'A'
- 7255 On 'S'
- 7256 On 'A'
- 7257 On 'A'
- 7258 On 'A'
- 7259 On 'A'
- 7260 On 'A'
- 7261 1 and 3 on 'A' for ill-treatment
2 and 4 on 'S' for ill-treatment
- 7262 On 'S'
- 7292 On 'A'
- 7293 1-2 on 'A' for deliberate starvation of civilians
As to 3-5 the National Office was requested to substantiate the responsibility of these accused for the crimes alleged, especially with regard to their official position. The case was adjourned as regards these accused.
- 7294 On 'S' for murder pending submission of more specific evidence
- 7295 On 'A'
- 7296 On 'A'
- 7297 1-2 on 'A'
- 7298 On 'A'
- 7299 On 'A'
- 7300 On 'A'
- 7301 On 'A'
- 7302 On 'A'
- 7303 On 'A'
- 7304 On 'A'

III. 3 cases of extradition in which opinion has been asked for by the Legal Division, B.A.O.R. (Doc. I/100).

YUGOSLAV Case 4194 - Otto KRUSE.

Sir Robert CRAIGIE observed that the Committee had originally listed Otto Kruse as a war criminal on the ground that he was an officer in the 13th SS. "HANDZAR" Division which had committed serious atrocities as indicated in the case in question. Had the case been considered under the Committee's present procedure, however, where the submission of evidence concerning individual responsibility was required before classifying an individual as a War Criminal, Kruse would have been listed only as a Suspect.

Dr. AARS RYNNING suggested that the Yugoslav National Office should be requested to submit any further evidence in their possession concerning Kruse's individual responsibility, in order that the Committee might reconsider the case under its present ruling.

The Committee agreed.

The Committee further decided that a copy of the Yugoslav case should be transmitted to B.A.O.R. drawing their attention to the fact that under the Committee's present procedure Kruse would have been listed only as a Suspect, and saying that the matter had been referred to the Yugoslav authorities with the request that they will submit any further information in their possession to the Commission before a final decision is taken.

POLISH Cases 4947 and 5074 - Walter SCHWEEN.

With regard to the case of Walter Schween, the Committee decided that the case concerning him should be reconsidered and the Polish National Office asked to submit any further evidence in their possession concerning the accused's criminal responsibility as a member of the Gestapo in Warsaw between 1939 and July 1944, at which latter date he was reported to have left Poland.

It was decided to transmit to B.A.O.R. copies of the two Polish charges concerned (Nos. 4947 and 5074), and to say that the matter had been referred to the Polish authorities with the request that they will submit any further information in their possession to the Commission.

NETHERLANDS Case 3382 - Theodor DUES.

Sir Robert CRAIGIE observed that with regard to this accused the case was well substantiated by affidavits of witnesses, and the charge was of a type which the Committee had listed on a number of occasions. It would be necessary to draw the attention of the British authorities to the fact that from the particulars as stated in the case the accused reported the victim to the Gestapo because of his anti-German sentiments, using as a pretext a quarrel which the victim was said to have had with a fellow-worker.

The Committee agreed that a copy of the case should be transmitted to B.A.O.R. drawing attention to the points mentioned by Sir Robert CRAIGIE.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 22nd January 1948 at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom).

There were also present:

Members of Committee I, and their Deputies:

Mr. Kintner

United States of America

Dr. Aars Rynning

Norway

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

M. Dimitzas

Greece

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

An apology for absence was received from Dr. Zeman.

I. Proceedings in Individual Cases.

The Committee considered 45 cases against 247 persons submitted by Norway, Poland, Yugoslavia, France, and Greece, and decided as follows:-

1) NORWEGIAN Case.

7346 1-2 on 'A'

2) POLISH Cases.

6139 On 'A'

See Amendment
in Minutes No. 130.

7347 This case was referred to Committee III for its opinion as to whether or not the alleged crimes should be considered as war crimes and for what reasons.

7348 On 'A':- 1, 2, 3, 6-8, 11, 12, 14-16, 18, 19, 21, 23, 26.

On 'S':- 4, 5, 9, 10, 13, 17, 20, 22, 24, 27-30, 25: left out in view of the fact that he is dead.

7349 On 'A':- 2-4, 6-11, 14, 16-18, 23, 26-29, 33-39, 41, 43-44, 47, 52, 54, 56, 58

On 'S':- 1, 5, 12, 13, 15, 19, 20-22, 24-25, 30-32, 40, 42, 45, 46, 48-51, 53, 55, 57, 59, on the understanding that all persons not specifically mentioned in the body of the charge formed in fact part of the camp personnel.

In addition, charges against accused 3, 10, 16 and 44 were listed as Priority Cases.

3) YUGOSLAV Cases.

- 5703 On 'A'
- 7325 Adjourned for further evidence specifically incriminating the accused.
- 7326 1 and 4 on 'S' for murder and torture, pending further evidence incriminating these accused. Adjourned for further evidence against accused 2, 3, 5 and 6. MULLER on 'W'
- 7327 On 'A'
- 7328 On 'A'
- 7329 On 'A'
- 7358 On 'A' for looting and deportation
- 7359 On 'S' for murder and torture, pending more specific evidence as to the circumstances of the alleged crime
- 7360 On 'A' for murder, torture and wanton destruction of property
- 7361 On 'S'
- 7362 1-2 on 'A' on counts I, III and VIII.
- 7363 On 'S'
- 7364 On 'S' on all counts except XI, XII and XIII.
- 7365 On 'S' pending further evidence as to whether he was present
- 7366 On 'A'
- 7367 In view of the fact that the accused held no official position, his responsibility for the alleged crime seemed to be not sufficiently substantiated. The case was adjourned for further information and evidence.

4) FRENCH Cases.

- 7350 Adjourned for information as to whether any sentence was pronounced by a German Court against this accused.
- 7351 On 'S'
- 7352 Adjourned. This case comprises a series of arrests and deportations in direct connection with measures undertaken by the Germans in order to suppress the activities of the French resistance movement. In this respect the case is not supported by evidence showing that the arrested and deported persons were innocent, taking no part in the resistance movement.
-

(FRENCH Cases continued)

- 7352 continued There are, besides, several cases of killing members of the resistance movement. These cases should be supplemented with fuller particulars concerning the circumstances in which the executions took place, and, if possible, with the names of those who committed them.
- 7353 1-2 on 'A'
- 7354 1-2 on 'A'
- 7355 On 'A'
- 7356 1-2 on 'A'
- 7357 1-2 on 'A'

5) GREEK Cases.

- 7330 On 'A' for confiscation
- 7331 On 'A'
- 7332 On 'A' for pillage
- 7333 1-11 on 'A' for pillage
- 7334 On 'A' for murder
- 7335 On 'A'
- 7336 On 'A'
- 7337 On 'A'
- 7338 1-2 on 'A'
- 7339 1-2 on 'A'
- 7340 1-3 on 'A' for ill-treatment resulting in death
- 7341 1-2 on 'A'
- 7342 On 'A'
- 7343 1-4 on 'A' for murder and wanton destruction of property
- 7344 On 'A' for putting to death of hostages
- 7345 1-3 on 'A'

-4-

II. Other business.

1) French case 4695. The Secretary reported that additional information as to Prince von Hohenlohe's personal data had been received as requested in the letter to the National Office of 2nd December, 1947. The Committee considered this as sufficient for listing the accused, and accordingly directed the Secretary to include the name of Prince von Hohenlohe in the next Commission's List.

2) Polish case 4188. The Committee took note of a letter from Monsieur Maillard dated 13th January, 1948, requesting information as to the charges submitted by the Polish National Office against Marta Puretz, now in French custody, against whom request for extradition had been submitted by the Polish authorities. The Committee instructed the Secretary to transmit to the French authorities a copy of the relevant charge.

3) Netherlands case 5625. The Committee took note of a cable received from Commander Mouton requesting a certificate for extradition purposes testifying that accused Hildegard Schieber had been listed by the Commission. The Committee agreed to issue such a certificate.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 29th
January, 1948, at 10.30 a.m.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I, and their Deputies:

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

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

Mlle Capimont	France
M. Dimitas	Greece
Judge Hammes	Luxembourg
M. Heisbourg	Luxembourg

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

I. Minutes 128 and 129.

Minutes 128 and 129 of the Meetings held on 20th and 22nd January, 1948, were approved, subject to the following amendment in Minutes No. 129:

POLISH Case 7347: This case was adjourned until after the return of the Polish Representative to London.

In the meantime the Legal Secretariat has been asked to prepare a memorandum on this case as to whether or not the alleged crimes should be considered as war crimes

II. Proceedings in Individual Cases.

The Committee considered 33 cases against 506 persons submitted by France, Greece, Czechoslovakia, and Poland, and decided as follows:-

1) FRENCH Cases.

1515

2, 3, and 4 of Addendum I of 'S'
5-10 remains adjourned pending submission of further evidence. The documents now submitted evidently form part only of the investigation made by the French authorities and in themselves do not provide sufficient evidence against any of these accused.

(FRENCH Cases continued)

- 2073 Adjourned for further information necessary to establish that the act committed should be considered as a war crime.
- 4744 On 'S'
- 4910 On 'S'
- 5378 On 'S'
- 3070 (Add. I) Adjourned for evidence on which the French Court acted
- 3391 (Add. 2) As this was the same evidence as that submitted in addendum 1 the Committee was of opinion that there was no case for re-classifying the listing of this accused.

2) GREEK Cases.

- 7384 1-5 on 'A' for torture, putting hostages to death, looting and wanton destruction of property
- 7385 On 'A' for murder and ill-treatment
- 7386 On 'A'
- 7387 1 - left out as he had already been listed for these crimes
2-3 on 'A' for murder and looting
- 7388 On 'A'
- 7389 On 'A'
- 7390 On 'A' for murder
- 7391 On 'A' for murder
- 7392 2-4 on 'A' for mass murder
1 had already been listed

3) CZECHOSLOVAK Cases.

- 7368 On 'A' for illegal arrests and complicity in deportation
- 7369 On 'A'
- 7370 On 'A'
- 7371 On 'A'
- 7372 1-5 on 'A'
- 7373 1-2 on 'A'
- 7374 On 'A'
- 7375 On 'A'

(CZECHOSLOVAK Cases continued)

7376

On 'A' after Dr. Zeman had stated that the accused was not engaged in partisan activities since there were no partisans in that area during the war. The accused was actively engaged as liaison between certain Sokol groups whose members he provoked to give away information, and then denounced them to the Gestapo.

4) POLISH Cases.

6115

On 'A'

7377

On 'A'

7378

On 'S' pending submission of more evidence

7379

1-66 on 'A' in view of the fact that all accused with the exception of three were members of the .S.S., and that there was substantial prima facie evidence in this particular case to show that all the members of the staff listed participated in the crimes.

7380

1-13 on 'A'

7381

2, 4-7, 11-14, 25 on 'A' for forced labour
336-374 on 'A' for ill-treatment
26-122 on 'S' for complicity in forced labour
pending submission of more details regarding their personal guilt
123-335 on 'S' for ill-treatment pending submission of evidence as to their personal guilt
3, 8-10, 15-24 adjourned pending submission of more evidence
1 to be left out

7382

On 'A'

7383

On 'A'

III. Cases in which extradition has been refused by the Legal Division, B.A.O.R.. (Doc. I/101).(1) Netherlands case 4623 - Fritz KNUTH.

The Committee took note of a letter received from B.A.O.R. dated 23 December 1947, and agreed that no further action was called for, apart from acknowledging the letter and transmitting a copy of case 4623 to B.A.O.R. for their information.

(2) Polish case 3020 - Heinrich BRINKORD (BRINKORT) and Leo ZELLNER.

The Committee took note of a letter received from B.A.O.R. dated 3 January 1948, and instructed the Secretary to acknowledge the letter and to point out, with regard to BRINKORD (BRINKORT) that this accused had been listed in view of the fact that he was commandant of the camp concerned, and must therefore have been responsible for the handing over of the victims to the Gestapo.

IV. Case of H. RATZMANN - Polish Case 850.

Sir Robert CRAIGIE observed in regard to this case that Ratzmann had been listed by the Commission in virtue of his official position. Had the case been considered under the Committee's present procedure, however, where the submission of evidence concerning individual responsibility was required before classifying an individual as a War Criminal, Ratzmann would have been listed only as a Suspect. As far as the affidavits submitted on behalf of the accused were concerned, it did not appear that Ratzmann has taken any active part in the policy of confiscating Jewish and Polish property, and he, as he himself says, was primarily concerned in valuation.

Dr. AARS RYNNING said that he did not attach very much importance to the statements made by the Germans in Ratzmann's defence. But he thought the action of the British authorities in refusing extradition was perfectly justified in the absence of further evidence showing Ratzmann's guilt, and he favoured the retention of Ratzmann's name on the list of Suspects in the meantime.

Dr. LITAWSKI observed that the statement of the accused that he was only concerned with valuation was incompatible with his function as Leiter der Treuhandstelle. If he was holding such a position he must be assumed to have been responsible for the implementation of the policy of confiscating Polish property whatever his personal views on such a policy might have been.

Dr. ZEMAN said that Ratzmann's statement that he was engaged only in valuation of property was not consistent with his further statement that he wanted to keep the questions of property in suspense. Ratzmann must have known that the Treuhandstelle was an illegal institution and must therefore have been a party to the whole policy of taking over Polish property. It was not likely that he would have been given the position of Leiter der Treuhandstelle unless the Germans had been sure of his carrying out the policy which they intended. Dr. Zeman felt strongly against the Committee's taking any further action in the matter until the Polish representative had had an opportunity of stating his views on the case.

Mr. KINTNER said the Committee was only concerned in considering whether or not a prima facie case existed on the basis of the new evidence submitted, having due regard to the evidence on which Ratzmann had originally been listed. On that basis he himself felt inclined to favour the removal of Ratzmann's name from the Commission's List, but he thought the Polish representative should have an opportunity of expressing his views. Especially would he like an explanation of the statement that the Polish Government was prepared to renounce Ratzmann's extradition provided another individual was extradited in his place. Mr. Kintner said such a statement seemed hardly compatible with the belief that Ratzmann was guilty.

The Committee decided that the matter should be adjourned until it could be reconsidered more fully in the presence of the Polish representative. In the meantime it was agreed to inform B.A.O.R. of the Committee's decision.

425

V. Questions arising in connection with the closing down of Committee I's activities.

(1) Future charges.

In view of the decision of the Commission on 21st January, 1948, that the last date for submission of charges from the National Offices would be 19th February, 1948, the question arose as to what procedure the National Offices should be advised to follow when they could no longer submit charges against alleged war criminals for listing by the Commission.

The Committee considered that in cases where extradition was desired National Offices should be advised to make direct application to the holding authorities concerned.

(2) Archives.

With regard to the archives of Committee I, Sir Robert CRAIGIE suggested that these might possibly be wanted for reference in connection with law reports of trials, should the Commission decide to continue this work after the end of March, and for clearing up all matters of extradition which might still arise after that date.

The Committee agreed, and was of the opinion that the archives of Committee I should be held by the Commission until the reports on war crimes trials are completed, after which time they will be handed over to the United Nations.

It was decided to submit to the Commission for its approval the above two proposals adopted by the Committee.

VI. Closing of 78th List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 78) which would include cases accepted by the Committee up to 29th January, 1948, inclusive.

1.5 Ryo ✓
XXX.
426

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



LEGATION

Ref. GH/MB



27. WILTON CRESCENT,
SLOANE 6231. S.W.1.

28th January 1948

Dear Colonel Ledingham,

I thank you for your letter of the 23rd instant and would like to inform you that the Luxembourg National Office has been advised that the last date for submission of charges will be February 19th, 1948.

Yours sincerely,
FOR THE MINISTER



G. Heisbourg

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

File

428/1.411

23rd January, 1948.

I have to draw your attention to the fact that, in accordance with the decision of the Commission taken on 21st January, 1948, the last date for submission of charges from the National Offices will be 19th February, 1948.

I shall appreciate if you could kindly inform your National Office accordingly.

Colonel.
Secretary-General.

Dr. Aars Rynning,
42, Kingston House,
Princes Gate,
S. W. 7.

Also to:

Ethiopian Legation
Colonel Springer
Colonel Muszkat
M. Zimonjic
Miss Goold-Adams
Dr. Zeman
Dr. Schram-Nielsen
M. Maillard
Col. Barratt
M. Dimitzas
M. Glasen
Commander Mouton.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 5th February 1948, at 10.30 a.m.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I, and their Deputies:

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

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

M. Dimitzas	Greece
Dr. Milenković	Yugoslavia

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

I. Minutes No. 130.

Minutes of the Meeting held on 29th January, 1948, were approved.

II. Proceedings in Individual Cases.

The Committee considered 66 cases against 97 persons submitted by Yugoslavia, Poland and Greece, and decided as follows:

1) YUGOSLAV Cases.

4574 (Add. 2)	The case was adjourned for further investigation by the National Office.
7393	On 'A' for murder
7394	On 'S' for complicity in deportation
7395	On 'S' for murder
7396	1-2 on 'S' pending further evidence as to whether the accused were actually responsible for the particular crime.
7397	On 'S' pending further evidence as to whether the accused were actually responsible for the particular crime.

(YUGOSLAV Cases continued)

7398	On 'A' for murder, torture, pillage and wanton destruction of property
7399	On 'A' for deportation and pillage
7400	1-4 on 'S' pending further information and evidence as to the personal responsibility of the accused for the crimes.
7401	On 'A'
7402	On 'A' for looting
7403	On 'A'
7404	On 'A'
7405	<u>Adjourned</u> for further information as to the personal guilt of the accused and his connection with the crimes.
7406	On 'S' pending further evidence as to his personal responsibility
7407	1-2 on 'S' pending further information as to the connection of the accused with the crimes.
7408	<u>Adjourned.</u> In view of the fact that the crimes alleged were committed by German and Albanian soldiers, the National Office was requested to state on what ground the accused, having been chief of the Gestapo, is being held responsible.
7409	On 'S'
7410	On 'A'
7411	<u>Adjourned.</u> The National Office was requested to submit more detailed information and evidence, sufficient to establish the responsibility of the accused.
7412	On 'W' pending further information as to his personal guilt.
7443	The evidence as it stands is not sufficient to substantiate the particular charges and personal guilt of the accused. The case was <u>adjourned</u> for further information
7444	On 'S' pending further evidence as to his responsibility for the crimes
7445	On 'S' pending further evidence as to his responsibility for the crimes
7446	On 'A' for ill-treatment
7447	On 'S'

(YUGOSLAV Cases continued)

7448	On 'A'
7449	<u>Adjourned</u> for specific charges incriminating the accused personally
7450	On 'A'
7451	1 on 'A' 2-5 on 'S'
7452	On 'S' for attempts to denationalise the occupied territory
7453	On 'A'
7454	<u>Adjourned</u> for further evidence as to personal guilt of the accused.
7455	On 'A'
7456	1 on 'A' on counts VII and XII 2 on 'A' on counts III, VII and XII

2) POLISH Cases.

7413	1-2 on 'A'
7414	1-2 on 'S'
7415	On 'A'
7416	1-2 on 'A'
7417	On 'A'
7418	1-3 on 'A'
7419	On 'A'
7420	On 'A'
7421	On 'S'
7422	On 'A'
7423	On 'A'
7424	On 'A'
7425	On 'A'
7426	On 'A'
7427	On 'A'
7428	On 'A'
7429	1-2 on 'A'

(POLISH Cases continued).

- 7430 1, 2, 4, 5 on 'A' for murder and ill-treatment
3 on 'A' for ill-treatment
6 adjourned for more evidence as to his guilt
- 7431 On 'A'
- 7432 On 'A' for ill-treatment.

3) GREEK Cases.

- 6804 1-6 on 'A' for ill-treatment and pillage
- 7433 1-2 on 'A' for torture and murder
- 7434 1-2 on 'A' for murder
- 7435 1-2 on 'A' for ill-treatment and pillage
- 7436 On 'A' for murder
- 7437 On 'S'
- 7438 On 'A' for mass murder
- 7439 Adjourned for more detailed information and evidence
- 7440 1-2 on 'A' for rape
- 7441 Adjourned for more detailed information and evidence
- 7442 1-2 on 'A' for ill-treatment and pillage

III. Case of General KREIPPE - Greek case 3799.

Monsieur DIMITSAS requested that the name of General Kreippe should be removed from the Commission's List of War Criminals, since supplementary investigation had proved that he was innocent of the crimes with which he had been charged.

The Committee agreed to remove Kreippe's name from the List.

IV. Case of Wilhelm KOPF - Polish Charge 6766.

Sir Robert CRAIGIE drew the Committee's attention to an urgent matter which had been brought to his notice concerning the case of Wilhelm Kopf.

Wilhelm Kopf had been listed by the Commission as a war criminal for ill-treatment and pillage on the basis of a charge submitted by the Polish National Office on 6 November, 1947, in virtue of Kopf's function as a Member of a Commission for the Deportation of Poles. Sir Robert was now informed, however, that Kopf held a very high official position in the British zone of Germany, as Minister President of Lower Saxony, and was already occupying that position at the time he was listed last November as a war criminal. The Committee, at the time the case was presented, had not been informed of this fact, nor was the Committee made aware that before appointing him to that position the British authorities had already carefully investigated Kopf's past record during the Nazi régime and had completely satisfied themselves as to Kopf's integrity.

Sir Robert Craigie said that in view of this very material circumstance, he was of the opinion that the case of Kopf should be urgently re-considered by the Committee with a view to removing his name from the Commission's List. It would of course, always be open to the Committee to re-examine the question if at some future date the Polish Government were able to bring forward further evidence regarding Kopf's guilt.

Mr. KINTNER said he considered the matter to be a very serious one. At the time he was listed by the Commission Kopf occupied, unknown to the members of the Committee, one of the highest positions in Germany. Before occupying such a position it was essential that he should obtain the authorisation of the British authorities, and before that authorisation could have been given it was all too apparent that Kopf's past record and activities during the Nazi régime must have been the subject of the closest scrutiny by the British authorities. Therefore the fact that he occupied such a position was a point which was extremely material when it became a question of whether or not Kopf should be listed as a suspected war criminal. Mr. Kintner felt sure that had the Committee known that Kopf occupied an official position in Germany, and that the British authorities had already made extensive investigations, they would never have accepted the evidence which they did as a basis for listing him.

Mr. Kintner said that the Committee had listed about 40,000 suspected war criminals and witnesses, with only rare instances where a case had ever been questioned. This had been possible only because the National Offices when submitting cases had exercised the utmost good faith, and had consistently furnished the Committee with all available information. That procedure must inevitably be so because the Committee has only the information provided by the National Offices upon which to base its decisions. Mr. Kintner felt certain that the Polish representative had presented the case in good faith, and did not at the time know that Kopf occupied the position which he did under British jurisdiction.

However, since it had now become apparent that Kopf

did occupy an official position at the time he was listed, and since from the press statements by Lord Pakenham, Minister responsible for German Affairs in the British Zone, it was clear that the British authorities were convinced that Kopf was a person of the highest integrity and was not a war criminal, Mr. Kintner suggested that the Committee should forthwith and immediately remove Kopf's name from the Commission's List.

Dr. AARS RYNNING said he was in full agreement with all Mr. Kintner had said, and felt sure that the Polish representative did not, at the time the case was presented, know the position which Kopf occupied.

Dr. ZEMAN said he strongly disagreed with Mr. Kintner's statement, especially as it was difficult to pronounce judgment upon findings which had not been submitted to the Committee. The position which Kopf held was immaterial. The Committee was concerned with what he had done in Poland, and he did not think that without the co-operation of the Polish authorities in Germany or the examination of Committee I, the findings of the British authorities in Saxony could be considered complete.

Dr. Zeman agreed that the National Offices were expected to exercise good faith when submitting charges; but there had already been other instances where high positions had been given to alleged war criminals who succeeded in escaping to occupied territory where evidence was not so easily gathered. Dr. Zeman was strongly against removing Kopf's name from the Commission's List until they had had an opportunity of studying the findings of the British authorities, and until the Polish representative had had an opportunity of expressing his views on the case, and of substantiating the evidence more fully.

Sir Robert CRAIGIE wondered whether it might not perhaps be a case of mistaken identity.

Mr. KINTNER observed that according to the press reports Kopf had been identified as the individual whose name appeared in the Commission's List.

Sir Robert CRAIGIE said he agreed with Dr. Zeman that in ordinary circumstances the position occupied by an accused person should not affect the decision of the Commission, other things being equal. But this was a special case. It was not merely a question of Kopf's holding an official position in Germany, but of the fact that the British authorities had based their decision upon a full examination of Kopf's past record which had completely satisfied them. That was an important material fact which had not been brought to the attention of the Committee when it took its decision. Whenever there was evidence available both for the defence and for the prosecution the Committee's function was to consider both in order to get to the bottom of the case.

Sir Robert favoured Mr. Kintner's proposal, but modified to the extent that Kopf's name should only be suspended from the List until further investigations had been made, and

until the Polish representative on the Commission had had an opportunity of expressing his views.

Dr. ZEMAN objected to the suspension of Kopf's name from the List. Since they had no details whatever of the findings of the British commission he did not consider the Committee could, in fairness to the Polish authorities, accept those findings. They had no concrete evidence to disprove that Kopf had been in Poland or that he had committed war crimes.

Sir Robert CRAIGIE agreed that it would have been more desirable to discuss the matter in the presence of the Polish representative, but as no representative was present and the case was urgent on account of the publicity it had received, the Committee might be placed in a false position unless it took some action. He had suggested suspending Kopf's name from the List in preference to removing it in order to give the Polish representative an opportunity of expressing his views, and in order that the British authorities might have an opportunity of stating their reasons as to why they considered the Polish charges ill-founded.

The Committee voted on the proposal to suspend Kopf's name from the Commission's List of war criminals pending further investigations. Sir Robert CRAIGIE, Mr. KINTNER and Dr. AARS RYNNING voted in favour of the proposal; Dr. ZEMAN voted against the proposal. The proposal was therefore adopted.

It was decided to inform the United Kingdom Foreign Office of the Committee's discussion on the subject and of its decision, and to request the British authorities to forward to the Commission any evidence which they may possess rebutting the charges against Wilhelm Kopf. It was decided also to transmit a copy of the relevant case for their information.

Mr. KINTNER suggested, and the Committee agreed, that CROWCASS should also be notified of the Committee's decision to suspend Kopf's name from the Commission's List.

NO. 132,

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 11th
February, 1948, at 3 p.m.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Lord Wright
Mr. Kintner
Dr. Zeman
Dr. Aars Rynning

Chairman of the Commission
United States of America
Czechoslovakia
Norway

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

Miss Goold-Adams
Mlle Capiomont
Dr. Milenković

Belgium
France
Yugoslavia

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

I. Proceedings in Individual Cases.

The Committee considered 63 cases against 157 persons submitted by Belgium, France, the Netherlands, Yugoslavia, and Czechoslovakia, and decided as follows:

1) BELGIAN Cases.

3811 (Add. 2)	1-8 on 'W'
7548	1-3 on 'S' 4-11 on 'W'
7549	On 'A'

2) FRENCH Cases.

3415 (Add. 1)	1 on 'A' 2 <u>adjourned</u> for evidence
3550 (Add. 1)	1 on 'A' 2-4 on 'S'
do (Add. 2)	1-3 on 'A' 4 on 'S' 5 - to be left out.
4220 (Add. 1)	5-7 on 'S'
5982 (Add. 1)	1-25 on 'S'
6060 (Add. 1)	1-2 on 'A'

3) NETHERLANDS Cases.

7476	1-4 on 'A' 5 on 'C' 6-7 on 'W'
7550	On 'A'
7551	1-11 on 'A'

4) YUGOSLAV Cases.

585 (Add. 3)	1 and 9 on 'A' 2-8, 10-12 on 'W'
3087 (Add. 1)	This addendum did not supply new information implicating directly any of the accused. As all of them have already been listed (2 on 'A', the remainder on 'S'), no further action was taken.
7457	<u>Adjourned</u> for further evidence connecting this accused personally with the crimes
7458	On 'A'
7459	On 'A'
7460	On 'A'
7461	On 'A' (<u>Priority Case</u>).
7462	On 'A'
7463	1-2 on 'A'
7464	On 'A' for deportation only
7465	On 'A' for murder and deportation
7504	On 'S' for murder
7505	On 'A'. Dr. MILENKOVIC explained that the various Departments of the SD., Sicherheitspolizei , Belgrade, formed a kind of high policy planning board for the sole purpose of killing civilians, of whom 7.000 had been slaughtered.
7506	On 'S' pending evidence as to his personal responsibility for the shooting
7507	<u>Adjourned</u> for further evidence as to the substance of the denunciation made by the accused