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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Eightieth Meeting

held on

October 3rd, 1945

In the Chair: Lord WRIGHT - Australia

There were also

present: Colonel HODGSON - United States of America  
- accompanied by Captain WOLFF  
Mr. OLDHAM - Australia  
M. de BAER - Belgium  
- accompanied by M. GOLSTEIN  
Dr. LIANG - China  
Dr. FANDERLIK - Czechoslovakia  
- accompanied by Dr. MAYR HARTING  
Dr. SCHRAM NIELSEN - Denmark  
Sir Robert CRAIGIE - United Kingdom  
M. STAVROPOULOS - Greece  
Mr. DUTT - India  
Commander MOUTON - Netherlands  
Mr. BURDEKIN - New Zealand  
Dr. SZERER - Poland  
- accompanied by Dr. CYPRIAN  
Dr. ZIVKOVIC - Yugoslavia

and

Captain ROSSELLI - French National Office  
Dr. SAWICKI - Chief Prosecutor in trials  
of war criminals in Poland  
Dr. F. WOJCICKI - Judge of the Court of  
Appeal in Poland  
Captain ALLETSON - Control Commission for  
Germany  
Major PRICHARD - A.G.3., V.W., War Office

WELCOME TO POLISH GUESTS

The CHAIRMAN welcomed two representatives of the Polish Government in Warsaw, Chief Prosecutor Dr. Sawicki and Judge Wojcicki, who were on a visit to London.

WELCOME TO REPRESENTATIVE FROM THE WAR OFFICE

The CHAIRMAN introduced Major W.A. Prichard, representing the department of the War Office, concerned with questions of war criminals who wished to make some observations concerning CROWCASS.

MINUTES

The minutes of the 78th meeting were approved and signed by the Chairman.

Amendments to the draft minutes of the 79th meeting were received from Colonel Hodgson, Mr. Oldham and Commander Mouton, which together with two minor other amendments, will be incorporated in the final text for distribution.

APOLOGIES FOR ABSENCE

The ACTING SECRETARY GENERAL reported that Sir Torick Ameer Ali sent apologies for his unavoidable absence from the meeting.

REPRESENTATION OF THE U.S.S.R.

The CHAIRMAN stated that he had received a letter from the Acting Secretary of State of the United States of America, dated September 21st 1945, to the effect that his Government felt that participation by the Soviet Union in the work of the Commission would be highly desirable and he was therefore acquainting the British Government with the Commission's suggestion. He added that if the British Government considered that the time was propitious for making a request to the Soviet Union, such action would be agreeable to the Government of the United States.

ACCOMMODATION IN THE COMMISSION'S PREMISES

The CHAIRMAN reported that the Executive Committee had proposed that four rooms belonging to the Commission on the 3rd floor of Church House should be allocated as follows:

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- 1 room to Sir Robert Craigie, United Kingdom representative on the Commission,
- 2 rooms to the representative of the Netherlands War Crimes Office,
- 1 room to the representative of the Polish War Crimes Office.

It was pointed out that further accommodation was not available, as the British War Crimes Executive was occupying temporarily a number of rooms which had been unoccupied before. The approval of the responsible Government department (the Ministry of Works) had been obtained, on condition that it was understood that the occupation was subject to 24 hours' notice either from that Ministry or from the Commission.

Unanimous approval was given to the Committee's proposal, and Sir Robert Craigie, Dr. Szerer and Commander Mouton expressed their thanks to the Commission.

#### STATEMENT BY THE ACTING SECRETARY GENERAL

Recommendation regarding Order of Trial of War Criminals whose delivery is asked for by more than one of the United Nations: C. 123(1)

The ACTING SECRETARY GENERAL reported the receipt of the following two letters, the first from Dr. Zivkovic dated September 10th 1945, and the second from Commander Mouton dated October 3rd, 1945:

1. "I am instructed to inform the United Nations War Crimes Commission that the Jugoslav Government express their agreement in principle with the Commission's recommendation Doc. C. 123(1), dated 18th July, 1945, regarding the order of trial of war criminals, whose delivery is asked for by more than one of the United Nations, with the following reservation:

The Jugoslav Government is ready to accept the arbitration of the United Nations War Crimes Commission in all such cases, but is not prepared to authorise the Commission to delegate this task to some other body."

2. "In reply to your communication of the 20th June regarding the above, I have pleasure in informing <sup>you</sup> that the Netherlands Government agrees with the procedure recommended in document C.123(1)."

#### ADHERENCE TO THE FOUR POWER AGREEMENT OF AUGUST 8th, 1945.

M. de BAER stated that the Belgian Ambassador in London had received instructions to notify the United Kingdom Foreign Office that the Belgian Government adhered to the Four Power Agreement concerning the Prosecution and Punishment of the Major War Criminals of the European Axis.

Commander MOUTON said that the Netherlands Government had also adhered to the Agreement, and Lord WRIGHT made a similar statement on behalf of the Australian Government.

It was announced that the following Governments had notified their accession to the Agreement: Australia, Belgium, Czechoslovakia, Denmark, Greece, Netherlands, Yugoslavia.

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REPORTS OF COMMITTEE CHAIRMEN

COMMITTEE I

Copies of Dr. R. Lemkin's book

M. de BAER, Chairman, stated that Dr. Lemkin had presented the Commission with 80 copies of his book "Axis Rule in Occupied Europe", and that each representative would receive three copies. It was agreed that a letter of thanks should be sent to Dr. Lemkin on behalf of the Commission.

Request for Surrender of Paul Kanstein

M. de BAER, Chairman, referred to the decision taken at the last meeting of the Commission to inform the Danish representative that Paul Kanstein (who figured on the Commission's List No. 7 - Keymen) was being held by A.F.H.Q., Mediterranean, and to request instructions as to his disposal. It appeared that the Danish authorities were anxious that he should be handed over to them for interrogation, although they were unable to bring any concrete charges against him at present. Major Hemingway of the Security Police, Copenhagen, would try through military channels to have Kanstein transferred to Denmark.

Dr. SCHRAM NIELSEN confirmed M. de Baer's statement and added that he had just returned from Copenhagen where he had discussed the question with Professor Hurwitz and the Danish Ministry for Foreign Affairs. As far as he could see, his Government was not in a position to bring any concrete charge at present because Kanstein appeared to have fought against the German Gestapo and it would be necessary to investigate the matter fully, in order to discover whether he had been deceiving the Danish or the German authorities. His Government was also anxious to interrogate Kanstein on the question of the German war criminals in Denmark. Dr. Schram-Nielsen said that, according to Dr. Litawski, other Governments had been consulted and were also not in a position to establish charges against Kanstein.

It was agreed that a reply should be sent to A.F.H.Q., Mediterranean informing them that the Danish Government requested the handing over of Paul Kanstein for purposes of interrogation.

EXECUTIVE COMMITTEE

The CHAIRMAN reported that the Executive Committee had met to discuss various questions, among which were the matter of accommodation and matters with respect to the Far Eastern Committee.

FINANCE COMMITTEE

Sir Robert Craigie, Chairman, said that a meeting of the Finance Committee would take place as soon as it received the report which the late Secretary-General had been asked to prepare.

PUBLIC RELATIONS COMMITTEE

Mr. OLDHAM, Chairman, asked the Secretary of the Committee to make his report.

Mr. GIBSON, Secretary, said that he had arranged for a press conference to be held the next morning at 11.15, at which Dr. Zivkovic would speak for 20 minutes on the question of war crimes, in so far as his own country was concerned; he would not be speaking on behalf of the Commission but on behalf of his own Government. It was hoped that there would be a large attendance, as a cordial welcome had been given to all members of the

press. Mr. Gibson stressed the advantage of holding the conference at 11.15 which would permit the evening papers to mention it and the morning papers to make a good story out of it. It was intended to hold a series of conferences in the future.

The CHAIRMAN suggested that, on the next occasion, it might be desirable to inform all the members of forthcoming press conferences in case they should wish to attend.

He also wished to propose that Colonel Palfrey should be invited to come over from Paris to explain to the press the nature and purpose of CROWCASS, of whose existence many people were quite ignorant.

Mr. GIBSON said he was already planning on those lines.

### COMMITTEE III

In the absence of the Chairman and Deputy Chairman, Dr. ZIVKOVIC<sup>(1)</sup> reported that Committee III had terminated its examination of the question whether and in what way the attempts to denationalise the inhabitants of occupied territory represented a war crime. A provisional verbal report had been made to the Commission last week by Dr. Ecer, but a full report was being prepared and would be submitted at the next meeting of the Commission.

Committee III had also discussed the question of law reports, previously mentioned by Lord Wright.<sup>(2)</sup> It recommended that such reports dealing with the legal aspects of important trials should be submitted at intervals either by Committee III or another committee, for distribution to the members of the Commission and to National Offices.

The CHAIRMAN of the Commission pointed out that, first of all, the Commission would need to have a fair collection of reports of trials before beginning the work of analysis.

Dr. ZIVKOVIC announced finally that the transcript of the Belsen trial was being received by the Commission.

### Membership of Committee III

On the proposal of M. Stavropoulos, the Commission unanimously agreed to appoint Sir Robert Craigie to Committee III.

### RELATIONS WITH CROWCASS

The CHAIRMAN asked M. de Baer to give a report on the visit which some members of the Commission had paid to CROWCASS.

M. de BAER said that he could only make a provisional report, since it had not been possible to see Major Palfrey, head of the organisation, who had been at a conference in Berlin. The visit had been disappointing in one respect, for the question of an extension of premises for CROWCASS was still unsettled and it had been pointed out that it was absolutely impossible for that body to continue its work in a fruitful manner until further accommodation was available. M. de BAER illustrated the difficult conditions under which it was working by saying that half a million detention reports which had been received from the United States were still lying unpacked owing to lack of space for unpacking, while a further four to

(1) This report was made later in the meeting.

(2) See page 9 of these minutes.

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An official of CROWCASS had informed the members of the Commission of the reason for Colonel Palfrey's presence in Berlin, which was to discuss lack of cooperation with the U.S.S.R. As long as the U.S.S.R. failed to set up an organization equivalent to CROWCASS, half of the "wanted persons" would escape from the other United Nations who claimed them, because they would remain in the Russian zone of occupation. There was no central index of any kind in the U.S.S.R., and the authorities in Moscow did not even know the names of the prisoners in their own camps. M. de Baer added, however, that the results of the conference in Berlin were not known, as Colonel Palfrey had not returned when they left.

Finally, M. de Baer referred to the Commission's recommendation C.123(1) regarding the order of trial of war criminals wanted by more than one United Nation, in which it was proposed that the Commission should act as arbitrator in such cases. It had now been decided, it appeared, that CROWCASS would be charged with such arbitration. Although it did not have complete records, its policy would be to obtain information from each nation requesting surrender with a view to determining which charge was the gravest and recommending delivery to the nation making that charge. The final decision, however, would rest with the Control Commission. He was unable to say what CROWCASS would decide if the charges were of the same nature and degree.

The CHAIRMAN stated that there were many other fundamental questions connected with the operation of CROWCASS which had not been discussed in Paris as members had felt it desirable to await Colonel Palfrey's visit to London. Among the functions which CROWCASS performed, one of the most important was that of preparing a complete record of every German prisoner of war which would be of value when prisoners were chosen for reconstruction work in the liberated countries.

An official of the French National Office had mentioned one matter which was causing some embarrassment. Whereas the American military authorities in Paris had appointed a Major Sullivan to deal with any questions arising between CROWCASS and the American forces, there was no liaison with the British military authorities in Paris.

Mr. OLDHAM, who had also been to Paris, felt very strongly about the crisis which existed in regard to CROWCASS' premises. He pointed out that in order to keep abreast with the work, CROWCASS must go through 30,000 cards every day; under present conditions, it was only able to deal with 5000 to 7000. The reasons which had been advanced for not satisfying CROWCASS' demands had not commended themselves to him at all. On the occasion of their previous visit, the matter had been taken up with two Ministers and appeared to have been settled. The present position meant that the entire work of apprehending war criminals was being held up on a, in his opinion, trifling point.

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Major PRICHARD said he had come to talk about the Wanted Lists which had been distributed by the U.N.W.C.C. to the National Offices. Each office had received 10 copies and if any more were required, a request should be made to him through Mr. Lyman. The Lists, which were in two volumes each one about the size of the London Telephone Directory, contained the names of war criminals and security suspects; owing to CROWCASS' activities being more pronounced in that direction, they included a far larger number of the latter, - members of the Gestapo, SS., Sicherheitsdienst, etc. who were wanted, and classified in the "Automatic Arrest" category. Now that the Lists had been issued and would be supplemented at fortnightly intervals, Major Prichard was anxious that they should be put to the best use and that National Offices should be told how they could assist CROWCASS in discovering and apprehending war criminals.

Their first task was to make a register of all German prisoners of war in Allied hands, of which there were about seven million. (He added that they were only concerned with Germans and German-controlled satellites) A prisoner of war form was used for the purpose and each government should fill in one form for each prisoner, for transmission to CROWCASS.

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That briefly was the way CROWCASS was organised and the way it hoped to achieve good results. But the system could only succeed if everybody collaborated, especially by advising CROWCASS of the prisoners held - in particular those appearing on the "Wanted List". Failing that, it would not be possible to locate the many thousand wanted persons.

The CHAIRMAN thanked Major Prichard for his report and asked how many persons there were in the first part of the first Wanted List. The ACTING SECRETARY GENERAL thought there were over 49,200 on the A to L List and over 43,200 on the N to Z List. The bulk of those were security suspects. Major PRICHARD pointed out that many SS. men listed as security suspects might be wanted as war criminals as well.

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Major PRICHARD was gratified to hear that and hoped that all the other National Offices would follow suit.

Dr. ZIVKOVIC added that the Secretary of the Yugoslav National Office had taken the Wanted List back to Yugoslavia with him.

Dr. FANDERLIK reported that he had done the same thing and two months ago he received a reply that the work was being started in Prague. He was shortly going to visit the Czech National Office and hoped to establish contact with CROWCASS. There were a number of war criminals in Czechoslovakia who had committed crimes in other countries.

In reply to questions, Major PRICHARD said that his department of the War Office had been established in April last and it covered the Far Eastern theatre as well as the European.

Referring to the question of CROWCASS' premises, he stated that new representations had been made through military channels, at the highest level.

Sir Robert CRAIGIE enquired whether representations had been made through diplomatic channels. The CHAIRMAN said that, on the previous occasion, the representatives of the Commission had seen the French Minister of Justice and Minister for Foreign Affairs. Mr. OLDHAM favoured the idea of making more representations and if the United Kingdom Government would point out the deplorable conditions under which CROWCASS was working, it would be all to the good. The CHAIRMAN felt, however, that everything that could be done was being done.

In reply to Mr. BURDEKIN, Major PRICHARD confirmed that the names of war criminals listed by the Commission would appear in CROWCASS' Wanted Lists, but unfortunately there were very few.

#### WAR CRIMES EXHIBITION

Mr. OLDHAM reported that he had paid a short visit to the French War Crimes Section of the French Ministry of Justice. It became clear that not only were the French Government asking the Commission to support the Exhibition - which would be held under the auspices of the Commission - but that they welcomed the desire of the Commission to cooperate as actively as possible. Technical details were discussed, such as the supply of lorries for transport, passport facilities for the French officials, etc. The Exhibition would be shown in London in its entirety and Mr. Oldham took the opportunity to point out that it did not limit itself to war crimes committed against French nationals but against the nationals of all the United Nations. The question of premises also arose and it was felt that the proposed site of Princes' Gallery should not be the final choice. The space required was 6,300 sq.ft. The exhibits were being assembled at present and it was hoped to open the Exhibition in London on December 1st. The Director of the Exhibition would shortly be arriving here and would consult with Mr. Gibson.

In order that the Commission should play its full part, Mr. OLDHAM felt that a full-time liaison officer should be appointed on a temporary basis, as Mr. Gibson had his hands full on the purely publicity side.

M. ROSSELLI welcomed the proposal and felt sure that the French Director would appreciate such assistance.

The CHAIRMAN mentioned that the British or American army might be prepared to supply army lorries to transport the material the whole distance without need for transshipment. Such an arrangement would be of great help.



On a formal proposal being made by Mr. Oldham, the Commission unanimously agreed that the Public Relations staff be increased by one member, on a temporary basis, to act as liaison officer with the French War Crimes Exhibition, the appointment to be until the end of the year.

In reply to Mr. Dutt's question about the expenditure such an appointment would involve, Mr. OLDHAM stated that the French Government was bringing the exhibition over at its own expense and the Commission should endeavour to offer the best assistance. Mr. GIBSON added that the expense would be infinitesimal compared with what it would have cost the Commission to bring over the whole exhibition as had been suggested at one time.

#### REPORTS OF TRIALS OF WAR CRIMINALS

The CHAIRMAN expressed concern that the Commission was not receiving any reports on the trials of war criminals which he knew were already taking place. He had been pressing for statements from the different Governments and could not understand why they were not being sent to the Commission. The Commission had no coercive or executive power, but it was regrettable that the Governments were not submitting such information. He was not asking for elaborate verbatim reports, but merely a clear and decisive summary giving an outline of all the material facts and indicating the particular type of charge - whether under international or municipal law - and stating whether the criminal had been acquitted or convicted, and if convicted what sentence had been pronounced. He appealed to the different countries to take the trifling amount of trouble necessary.

In addition, the National Offices should do their duty by sending in the reports. It would then be necessary to have someone in the Commission produce the law reports, on a moderate scale as far as length was concerned. He felt that it would be a technical matter for a technically trained person and he was therefore disposed to suggest informally that a departmental committee should be set up consisting of Colonel Wade and the two Legal Officers, to be responsible for the production of the reports, with one or two members of the Commission acting as a supervisory body to whom reference could be made if necessary.

The CHAIRMAN said he preferred, however, to adjourn the formal proposal until the next meeting, and he asked Dr. Cyprian to make a report on the Belsen trial, which he had been attending.

(At the suggestion of M. Stavropoulos, it was decided to circulate Dr. Cyprian's report as a separate document.)

*Wright*

SECRETUNITED NATIONS WAR CRIMES COMMISSION

## Minutes of Eighty-first Meeting

held on

October 16th, 1945

In the Chair: Lord WRIGHT - Australia

There were also  
present:

Colonel HODGSON	- United States of
accompanied by Capt. WOLFF	America
F/O BRIDGLAND	- Australia
M. de BAER	- Belgium
accompanied by M. GOLSTEIN	
Major GRITTLER	- Canada
accompanied by Major MORDEN	
Dr. LIANG	- China
Dr. SCHRAM NIELSEN	- Denmark
Professor GROS	- France
Sir Robert CRAIGIE	- United Kingdom
M. STAVROPOULOS	- Greece
Sir Torick AMER ALI	- India
accompanied by Mr. FOUNDE	
Mr. BURDEKIN	- New Zealand
Dr. SZERER	- Poland
Dr. ZIVKOVIC	- Yugoslavia

MINUTES

The minutes of the 79th meeting were approved and signed by the Chairman.

The CHAIRMAN said that it was not necessary for the minutes of the 80th meeting to reproduce in full the letter from the Acting Secretary of State of the United States (see page 2). It would be sufficient to state that a letter had been received, the effect of which was as follows.

Dr. SCHRAM NIELSEN wished to insert the words "according to Dr. Litawski" between "said that" and "other Governments" in line 10, para 2, under the heading "Request for Surrender of Paul Kanstein", on page 4.

Professor GROS pointed out that Captain Rosselli's name in the list of those present should not appear among the members of the Commission as representative for France; he had attended the meeting as an observer from the French National Office.

The above amendments will be incorporated in the final text of M. 80.

STATEMENT BY PROFESSOR GROS REGARDING CROWCASS

Referring to the discussion reported in the minutes of the last meeting\* regarding CROWCASS' accommodation, Professor GROS asked to make a statement, in his capacity of representative of the French Government.

\*Cf. page 5: Relations with CROWCASS



He explained that Captain Rosselli had been unable to reply to the criticisms levelled at the French Government, as he had attended the last meeting as an observer from the French National Office and not as a member of the Commission. Professor GROS therefore felt that some explanation should be given and inserted in the minutes of the present meeting.

He confirmed that his Government were still considering the requisitioning of the two upper floors of the building occupied by CROWCASS, but the situation was much more complex than the members of the Commission appeared to think. First, on the general question of requisitioning there was a great waste of space; some of the buildings, requisitioned for certain allied authorities were still vacant. In the case of CROWCASS itself, when Colonel Palfrey had been seeking accommodation, he had discovered that the rue des Mathurins building, requisitioned on November 8th, 1944, for the American Forces, had remained vacant until April 1945. With the great crisis of installations in Paris such waste of space should be avoided, in the future, and this was a consideration which the requisitioning authorities must have in view.

In addition, Professor GROS explained that the four Governments had decided in Berlin to establish a controlling body of CROWCASS, but that, actually, the situation did not correspond to that decision and that one power only was controlling CROWCASS. He would suggest therefore that consideration of problems concerning CROWCASS should be adjourned, pending a further meeting to be held in Berlin on 20th October, which he hoped would serve to make the situation quite clear, establish the four Power control, the principle of which had already been decided, and therefore permit the division of responsibilities equally.

#### APOLOGIES FOR ABSENCE

It was reported that apologies for absence had been received from Dr. Eeer and his deputies; Commander Mouton, Major Palmström and M. Stavropoulos. The latter however attended the latter part of the meeting.

#### WELCOME TO MR. POUNDE, INDIA OFFICE

The CHAIRMAN introduced Mr. Pounce, who would replace Mr. Dutt during the latter's absence in Paris.

#### REPRESENTATION OF AUSTRALIA

The CHAIRMAN announced that Mr. Oldham had been called to Washington for important discussions connected with the Far Eastern Advisory Commission. F/O Bridgland would act as Australia's representative for the time being.

#### STATEMENTS BY THE CHAIRMAN

##### Letter from Mr. McKinnon Wood, late Secretary-General

The CHAIRMAN reported that Mr. McKinnon Wood had acknowledged with thanks the letter of appreciation which the Commission had addressed to him.

##### Conferral of Diplomatic Privileges on the Commission

The CHAIRMAN reported receipt of a letter dated 13th October 1945 from the United Kingdom Foreign Office stating that the Order-in-Council extending the Diplomatic Privileges Act to the Commission was issued at Holyroodhouse on 28th September, 1945.

Copies of the provisions - covering one representative of each member Government - were distributed at the meeting.

M. de BAER felt that he would be expressing the feelings of all members if he placed on record the Commission's appreciation of the British Government's action.

Recommendation concerning CROWCLASS

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The CHAIRMAN read a letter, dated 12th October 1945 from Mr. Clasen, enclosing a communication from the Luxembourg National Office, in which it was pointed out that "although the utility of CROWCLASS was of minor importance to the Luxembourg National Office, the Luxembourg Authorities would adhere to the views expressed by the majority of the members of the U.N.W.C.C. on the question of the maintenance of CROWCLASS".

Directives from Commanding General, U.S.F.E.T., concerning Delivery of War Criminals and Witnesses

The CHAIRMAN informed the Commission that Colonel Hodgson had transmitted two copies of two directives dated 13th September, 1945, from the Commanding General of the United States Forces, European Theater, concerning the delivery by the mentioned Forces to other United Nations and Italy of persons accused of war crimes and of witnesses and evidence required in the trial of war crimes. As Colonel Hodgson added that the directives should be called to the attention of representatives, the CHAIRMAN stated that the documents would be kept in the Commission's archives, for inspection and reference. He suggested that the National Offices would have a particular interest in studying the directives, with a view to obviating any misunderstanding arising from ignorance of procedure.

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Appointment of U.S. Members of the International Military Tribunal

The CHAIRMAN reported receipt of a letter from Colonel Hodgson, dated October 3rd, 1945, enclosing two copies of President Truman's Executive Order of September 24th, 1945, which appointed The Honorable Francis Biddle to be the member for the United States of the International Military Tribunal and The Honorable John J. Parker to be the alternate member.

Representation of the U.S.S.R.

The CHAIRMAN read the following letter, dated 9th October, 1945, from Dr. Mayr Harting:

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"I have the honour to inform you that the Czechoslovak Ministry of Foreign Affairs has informed me of their agreement to the Commission asking the Government of the United Kingdom to approach also in the name of the Czechoslovak Government, the Government of the Union of Soviet Socialist Republics inviting it to join the Commission.

May I ask you to inform the Commission accordingly."

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In conclusion, the CHAIRMAN said he hoped to give a report at the next meeting on the position of certain matters referred to member Governments for their consideration. He had the following particularly in mind: (a) Letter of 28.8.45 urging participation of the U.S.S.R. in the Commission's work; (b) Recommendation regarding adherence to the Four-Power Agreement of 8.8.45 - C.144; (c) Letter of 14.9.45 asking for reports and records of trials of war criminals.

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REPORTS OF COMMITTEE CHAIRMEN

Public Relations Committee

Lord WRIGHT proposed that Dr. Zivkovic be elected Chairman, in place of Mr. Oldham. The Commission unanimously agreed.

Committee I

Adoption of 14th List

M. de BAER, Chairman, presented the 14th List of German war criminals, which the National Offices concerned had inspected and approved. The List was unanimously adopted.

Closing of 15th List

It was unanimously decided to close the 15th List containing about 500 names of Italian and Bulgarian war criminals. The List would be submitted for approval in two weeks' time.

Report of Legal Commission of Free German Movement in Great Britain

M. de BAER reported that the Commission had just received the above report and had prepared it for circulation as document C.152. It was agreed that the report would be put on the agenda for the next meeting.

Committee II

Colonel HODGSON, Chairman, said that the Committee had not met, as no questions had been referred to it.

Committee III

Although it was decided to adjourn consideration of the Committee's report on "Criminality of attempts to denationalise the Inhabitants of Occupied Territory" (document C.149) - at the request of M. Stavropoulos who had said he would be unable to attend the present meeting - some comments were made by several members.

Dr. ZIVKOVIC explained that the report was the result of Committee III's deliberations and its unanimous conclusion that denationalisation in the criminal sense comprised the use of de facto power wielded by an occupant in execution of a policy aiming at depriving the inhabitants of the territory of their national characteristics and/or transforming the ethnological character of the region. It had also pointed out that the criminality of such acts was based on the general principles of criminal law and that it was fully confirmed on the other hand by the customary and conventional provisions of international law. Committee III now asked the Commission to approve those views.

In reply to the Chairman, M. de BAER recalled that the question of denationalisation had been raised in Committee I in connection with a Yugoslav charge; of the 24 persons mentioned, 20 had been accused of heinous crimes but the remaining four were teachers or members of the Italian administration who had ordered children to speak Italian in the schools. Committee I had been unable to decide whether that was a war crime and had referred the case to Committee III, which had discussed it from a wider angle.

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Dr. ZIVKOVIC said that several members of Committee III had felt that the Yugoslav case raised the question of principle as to whether and in what sense the attempt to denationalise inhabitants of occupied territories was a war crime. The report now submitted dealt with the question of principle and gave some examples of certain acts of denationalisation considered to be criminal acts, but attention should be drawn to the last paragraph of C.149 which declared that each case should be decided on its own merits. It was felt that the report would enable Committee I to decide on the particular case before it.

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Colonel HODGSON felt that the report should be submitted to Committee I which had referred the question to Committee III, rather than to the Commission.

Dr. ZIVKOVIC replied that Committee III was anxious to obtain first the approval of the Commission as a whole. M. de BAER concurred; his own Government had a similar charge to bring, and he would prefer that a general ruling be given by the Commission.

Professor GROS said that in the Indictment against the Major War Criminals, "Germanisation" was considered a war crime. M. de BAER pointed out, however, that the Yugoslav charge before Committee I dealt with only one aspect of "Germanisation".

The CHAIRMAN appreciated M. de Baer's request for a general ruling from the Commission on the meaning of denationalisation, and its relationship to the particular Yugoslav charge.

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The discussion was then adjourned.

#### REPORT ON VISIT TO WIESBADEN AND ATTENDANCE AT HADAMAR TRIAL

The CHAIRMAN reported that a small party of Commission members, consisting of M. de Baer, Colonel Hodgson, Dr. Szerer and himself, accompanied by Colonel Wade, had attended proceedings of the Hadamar trial. He asked Colonel Wade to say a few words.

Colonel WADE said that he had written a report which would be circulated as Commission Document C.150 and he would therefore now only give a brief summary. He added that the written report was necessarily incomplete as the full transcript of the proceedings was not yet available and he had only attended part of the trial.

The charge related to the extermination by lethal injections of Russian and Polish nationals in the Hadamar sanatorium. There were seven accused. The trial was held in the Court Room of the Landeshaus at Wiesbaden before a military tribunal of the U.S. 7th Army, consisting of six officers, appointed by General Eisenhower. The prosecution was conducted by an American officer, the chief of the Trials Section of the War Crimes Branch; the defence by three American officers and four German lawyers.

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The evidence given in court and questions to witnesses were translated, but not, as a rule, the arguments on points of law and procedure. The American authorities had evidently wished to ensure that the proceedings should make an impression on the German public. It had been announced beforehand that 200 seats would be placed at their disposal, that the Chairman of the U.N.V.C.C. besides Polish and Russian observers would be present, and "all thinking Germans" were invited to be present and witness the administration of justice.

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As soon as the charge had been read the defence asked that it should be dismissed on the ground that there was no body of international law under which the defendants could be tried; that the Commission was only

was unable



competent to try crimes committed during - not prior to - the Occupation, and only against American nationals. Further, that Poland was conquered not occupied territory; governed by German legislation; and that, as regards the treatment of Russians, Germany was not bound, as towards Russia, by the Geneva Convention. The Prosecutor opposed these arguments, founding himself inter alia on the clause of the Hague Convention which compels an Occupying Power to respect the "lives" of the inhabitants and likewise on the American and German Manuals concerning the Laws and Customs of War. He also contended that, in addition to written law, a great body of unwritten international laws had been established by custom and usage among nations.

The case for the Prosecution rested principally on the evidence of two former nurses of the Institution, the medical evidence of the autopsies on the victims, the statements made voluntarily by some of the accused while under arrest and the affidavit of a former patient in the Institute, who had disappeared before the trial. The admission of the latter evidence was opposed by the defence, but the objection was overruled by the Court, which had power to make its own rules as to the admissibility of evidence. The witnesses testified that the Russians and Poles, who were tubercular - not mental - patients, had been given lethal injections immediately after admission to the Institute, and had all died within a few hours.

The party from the U.N.W.C.C. had left before the final addresses; but the general line of defence appeared to be that the killings were part of a regularised system, prescribed by the German authorities, and that the defendants could not have failed to carry it out, or have resigned their posts without risk of being sent to a concentration camp - which might well mean torture and death. Their witnesses testified that some people had been arrested by the Gestapo for talking of what happened in the Institute. On the other hand, the Prosecutor showed that none of the defendants had alleged any such fear in their voluntary statements made while awaiting trial, and he successfully resisted the attempts by the defence to extend the evidence to the killing of German inmates, as well as of members of the United Nations. The female prisoner - the chief nurse - who elected to give evidence, maintained that she had never had anything to do with the Russian and Polish victims.

Some evidence, which had an interest outside the limits of this trial, was given by Dr. Quambusch, a former prosecutor for the Wiesbaden area. His Chief Prosecutor, at Frankfurt, had told him that he and other prosecutors had been invited by "the Minister" (presumably the Minister of Justice, Thierack) to Berlin; they were taken to his private room, where he showed them a photostat of an order by the Führer, authorising the killing of mental patients "in certain circumstances" - which were never defined. That order, Quambusch said, was not a law, but an Administrative Regulation; in cross-examination he said it only applied to mental cases, not to other sick persons.

The attitude of the German audience appeared to be generally one of apathy, perhaps due to their want of familiarity with the procedure and the bad acoustics of the hall. There were certainly no signs of sympathy with the defendants. Some figures given in court concerning the numbers who had been killed made an evident impression. When a witness was being questioned on this subject a man in the audience shouted out: "More than 40,000." He was at once removed by the military police.

The CHAIRMAN thanked Colonel Wade for his statement and referred to the conclusion of the trial and the sentences passed, as reported in the press the day before. Some critics might say that it was a mass crime, but if so each individual was entitled to a full opportunity to state

his own case and defend himself. As he had not attended all the proceedings, the CHAIRMAN could not express any opinion on the sentences passed.

The CHAIRMAN then referred to the visit paid by Colonel Hodgson and himself to Nuremberg. They had visited the premises occupied by the American prosecuting counsel in the court house. As a result of that visit, they had formed an opinion about the alleged delays of the trial of major war criminals which they felt ought to be communicated to the press. Lord Wright had therefore drafted a statement which he read out to the Commission.

Dr. SZERER wished to add one observation to the remarks already made on the Hadamar trial. Although there had been no American citizens among the victims (who were all Poles or Russians), the American authorities had made very extensive preparations for the trial, in a spirit of disinterestedness and from a sense of conviction that they were vindicating the rights of humanity. He wished to emphasize that spirit of disinterestedness.

Sir Robert CRAIGIE had heard the Chairman's proposed statement to the press with great interest. He felt that, as a member not only of the U.N. W.C.C. but also of the general public, the issue of such a statement would be of great public benefit at this time.

#### WAR CRIMES EXHIBITION

At the request of the Chairman, Mr. GIBSON reported the progress which had been made with regard to preparations for the Exhibition. Consultations had been held with Monsieur Billiet, Director of the French War Crimes Information Division, who had now returned to Paris. The French representatives were very cooperative and appreciated the Commission's help. Mr. Gibson had obtained a complete set of pictures of a war crimes exhibition which had been shown in 140 provincial towns of Great Britain, called the "Evil we Fight", produced by the U.N.I.C. and Ministry of Information. The French representatives had been very interested in the pictures as some already displayed by UNIC were amongst those which the French themselves intended to show in December. For that reason, Mr. Gibson had been asked to obtain further new pictures for the Exhibition which he was helping to organise.

He therefore made an urgent appeal for pictures or exhibits or films (it was hoped that a room would be available for showing films) which he would collect for despatch to Monsieur Billiet, who would prepare them for display in London.

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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Eighty-second Meeting

held on

October 24th, 1945

In the Chair: Lord WRIGHT - Australia

There were also

present: Colonel HODGSON - United States of America  
accompanied by Captain WOLFF  
F/O BRIDGLAND - Australia  
M. de BAER - Belgium  
Major MORDEN - Canada  
Dr. LIANG - China  
Dr. MAYR HARTING - Czechoslovakia  
Dr. SCHRAM NIELSEN - Denmark  
Professor GROS - France  
Sir Robert CRAIGIE - United Kingdom  
M. STAVROPOLOUS - Greece  
Commander MOUTON - Netherlands  
Mr. BURDEKIN - New Zealand  
Mr. WOLD - Norway  
accompanied by Major PALMSTROM  
Dr. SZERER - Poland  
accompanied by Dr. CYPRIAN  
Dr. ZIVKOVIC - Yugoslavia

and

Captain ALLETSON - Control Commission for  
Germany  
Major THOMSON - A.G.3., V.W., War Office

MINUTES

The minutes of the 80th meeting were approved and signed by the Chairman.

No amendments having been received, the draft minutes of the 81st meeting were approved for final circulation.

APOLOGY FOR ABSENCE

An apology was received from Mr. Pounds, India House, who was unable to attend the meeting, owing to a previous engagement.

INTRODUCTION OF MAJOR THOMSON, WAR OFFICE

The CHAIRMAN welcomed Major W.K. Thomson from A.G.3., V.W., War Office and said he was gratified to see the interest taken by that Office in the Commission's work.

Major THOMSON explained that his department dealt with the policy of the War Office in relation to war criminals both in Europe and the Far East, and also coordinated the collection of evidence in connection with trials of major and minor war criminals.

STATEMENTS BY THE CHAIRMAN

Memoranda from the U.S. Judge Advocate General on "War Crimes committed by Enemy Nationals performing Judicial Functions".

The CHAIRMAN reported receipt of a letter dated October 22nd, 1945, from Colonel Hodgson, enclosing two memoranda on the above subject. It was explained that the memoranda had formerly been classified as secret, but were now only "restricted". It was agreed that they should be retained in the Commission's archives for inspection and reference by those members interested.

Letter from the Board of Deputies of British Jews

The CHAIRMAN referred to a letter, dated 17th October, 1945, received from the President of the Board, relating to certain observations made by defending counsel at the Belsen trial, in which he was reported to have described the victims of the Belsen and Auschwitz atrocities as "the dregs of the ghettos of Central Europe, people with little idea of what to do with their own lives."

After reading out the letter, the CHAIRMAN said that its tone was very temperate. He considered it very regrettable that any such expression should have been used by a lawyer in the course of defending a prisoner. He quoted an article from the New York Times (dated October 9th, 1945) and called attention to the question raised and answer given in the House of Commons on October 23rd. In the circumstances, he did not feel that the Commission could usefully do more than agree unanimously that such statements, reflecting as they did so very injuriously on the whole Jewish community, should not pass unnoticed.

On the suggestion of the Chairman, it was agreed that the Acting Secretary General should thank the President for his letter and express the Commission's regret that defending counsel, in the course of his duties, should have made a statement of that nature, and should say that the Commission hoped his example would not be followed by defending counsel in similar cases. The Chairman added that, as there would be a considerable number of similar trials, it would be most unfortunate if the occasions were used to express contempt and reprobation for members of the Jewish race.

List of German Industrialists named in Kilgore Report (U.S. Information Service).

The CHAIRMAN reported receipt of a letter, dated October 16th, 1945, from Colonel Hodgson, enclosing the above list, which had been issued to the press on October 8th. The list would be retained in the Commission's archives for inspection and reference.



Requests for surrender of war criminals received by U.S.F.E.T.

The CHAIRMAN reported receipt of a letter, dated October 22nd, 1945, from Colonel Hodgson, which read as follows:

"... I am now informed that, as of October 11, 1945, the Theater Judge Advocate, United States Forces, European Theater, had received from representatives of other Governments 34 requests for the surrender or extradition of alleged war criminals. The 34 requests relate to 116 individuals, and were received from Belgium, Czechoslovakia, France, Greece, Hungary, Norway, Russia, Yugoslavia and the United Kingdom. 12 individuals have been delivered in response to these requests and 13 others, on October 11th, were in the course of being delivered.

I wish to mention especially that the foregoing information was derived solely from the records of the War Crimes Branch in the Office of the Theater Judge Advocate which did not receive surrender and extradition responsibility until September 13th, 1945."

In reply to M. de Baer, Colonel HODGSON said he was unable to give details regarding the number asked for by each Government. The figures were given to him at Wiesbaden.

War Crimes Liaison Officers attached to War Crimes Branch, U.S.F.E.T.

The CHAIRMAN said that a list of addresses of liaison officers had been received from Colonel Hodgson and would shortly be circulated to members.

REVIEW OF STATUS OF CERTAIN RECOMMENDATIONS OF THE COMMISSION

Representation of the U.S.S.R.

The CHAIRMAN recalled that on 28th August last, a letter had been sent to member Governments urging the participation of the U.S.S.R. in the Commission's work and suggesting that the United Kingdom be asked to approach the Soviet Government inviting it to join the Commission. Letters agreeing to that course had been received from the representatives of Norway, Canada, Belgium, Australia, Denmark, Greece, U.S.A. and Czechoslovakia.

Later in the meeting, M. de Baer referred to two recent Allied conferences held in Berlin, at which the question of the participation of the U.S.S.R. in the investigation and detection of war crimes had been raised. He thought that the Commission would have an interest in knowing what decision had been reached and whether the Soviet Union were cooperating in any way.

M. STAVROPOULOS had heard that the Soviet Government had requested the British Government to surrender a number of war criminals. That appeared to be a good omen for reciprocal action.

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Professor GROS said that was probably in connection with the additional terms to be imposed on Germany, Article 36(a) of which laid down that the four Occupying Powers would ask the German authorities to deliver to them certain war criminals. M. de Baer's question was different and it would be interesting to know whether the Soviet authorities would deliver a German war criminal if asked, say, by Belgium. The normal procedure, however, seemed to be for the Belgian Military Mission in Berlin to raise the matter with the four chiefs of legal divisions of the Control Commission. He added that the meetings M. de Baer referred to were probably those held in connection with CROWCASS.

NEW ZEALAND. "No such trials have been conducted up to the present by the New Zealand Government. If any such trials are held before New Zealand Courts in the future I will see that reports are supplied promptly to the Commission. It is, however, unlikely that any cases of War Crimes against New Zealanders will be dealt with by a special New Zealand court. The present intention of the New Zealand Government is that such charges should be dealt with by a United Kingdom Military Court on which a New Zealand member would probably be appointed, while a suitable New Zealand officer would probably be appointed as Prosecutor in such cases". (Letter from Mr. Burdekin, October 24th, 1945)

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The CHAIRMAN recalled that the purpose of the request was to obtain, not full reports (which might be required later for the more important trials) but a synopsis of the charge itself, the foundation of the charge (e.g. whether it was based upon an article of the Hague Convention), the material facts of evidence, and the decision of the Court

Dr. SZERER said he hoped shortly to submit a report on the first Polish war criminal trial of six S.S. men from Maidanek concentration camp.

Professor GROS, in reply to the Chairman, said that none of the war criminals, mentioned in the summary of French trials which he had sent to the Commission, had yet been executed. They still had the right to appeal to another court and to the Head of State. Any decision of a military court might be referred to a military Court of Cassation on legal grounds.

Order of Trial of War Criminals wanted by more than one United Nation.

The CHAIRMAN reported that some member Governments<sup>(1)</sup> had favoured the Commission's recommendation that such cases should be dealt with by the Commission (see document C.123 (1)), but added that according to reports heard in Paris, it appeared that the task of arbitration would be entrusted to CROWCASS; however, there did not seem to be any foundation for the reports.

Colonel HODGSON recalled that he had notified the Commission last August that instructions had been issued to the Commanding General of the United States Forces, European Theatre, that in case individuals were requested by more than one nation the matter should be referred to the Control Council and Professor GROS said that none of the Governments represented on that Commission accepted the view that CROWCASS was in a position to give a decision on such a question.

Mr. WOLD said his Government were at present considering the Commission's recommendation and it would be unfortunate if the task of arbitration were not entrusted to the U.N.W.C.C. after all.

REPORTS OF COMMITTEE CHAIRMEN.

Committee I

Adoption of 15th List. M. de BAER, Chairman, presented the 15th List of war criminals (Bulgarians and Italians) and stated that the National Offices concerned had verified and approved it. The List was unanimously adopted.

Colonel HODGSON suggested that in future the former practice of first presenting the list to Committee I - whose members had prepared the material for it - should be adhered to.

Documentation available in the offices of the Allied Chief Prosecutors.

M. de BAER said he had received a note from Colonel Wade, asking, on behalf of several members, what steps were going to be taken to ensure that the documents to be used at the Nuremberg trial would be made available for

(1) Australia, Belgium, Yugoslavia, Netherlands and New Zealand.



national trials. He suggested that the Chief Prosecutors might be asked to make a list of those documents - many of which would be extremely important for national trials - so that the countries interested might obtain photostat copies if they wished.

Dr. SCHRAM NIELSEN supported the suggestion in the name of his Government who would certainly be interested.

M. de BAER made a formal proposal that the documents collected for the Nuremberg trial should be made available, after that trial, for the national Governments concerned and that the Chief Prosecutors should be asked to make a list thereof and communicate it to the Commission. In reply to Colonel Hodgson's observation that the documentation in question was very voluminous, M. de BAER contended that such material would form the basis on which some national courts would try war criminals and that it was therefore very important for the Governments to have access to them.

Dr. CYPRIAN distinguished between two kinds of documents: (a) those to be used during the trial and (b) those which would not be used. If the first kind were not available to Governments, they would no doubt be published during the Nuremberg proceedings: the second kind would not be used there but the Commission should obtain them for distribution to the Governments interested.

Professor GROS supported M. de Baer's proposal. He knew that there were literally tons of documents. He asked, however, that the Chairman should consider the proposals he had made in a letter written that day, suggesting two methods of dealing with the matter. He agreed with Dr. Cyprian's distinction and pointed out that the first kind of document only concerned the major-war criminals; the verdict of the International Military Tribunal would be binding on the national courts and occupation courts of the signatory Powers, notably for the so-called criminal associations. (He referred to the terms of the Charter of the Tribunal). He said there was a list of the second kind of documents reporting atrocities in occupied countries which could be used by the Commission and was actually in the offices of the British War Crimes Executive; it was being and would be added to daily, right up until the end of the Nuremberg trial; he did not believe, however, that the list was sufficiently detailed to be of use to the Governments in itself.

He said that there was therefore a practical issue to the present discussion: was the Commission going to be in a position to deal with that amount of documentation in two months' time, and to ask for its delivery?

The CHAIRMAN also felt that a practical solution must be found and proposed that the discussion be adjourned until the following week.

Report of the Legal Commission of the Free German Movement regarding the Persecution of the German Anti-Nazis since 1933: C.152.

M. de BAER reported that Committee I had examined the report and pronounced it to be of great value, moderately worded and without any inaccuracies. Taken as a whole, the Committee had felt that the Commission might endorse it, after further thorough examination by the Legal Officers. There were however two amendments proposed.

- (1) on page 19, under the heading "Catholic Church", delete entire first paragraph;
- (2) on page 19, paragraph (b) headed "The Protestant Church": delete the whole sentence beginning in the sixth line with the words "The great majority" and ending "conflict with Protestantism". At the beginning of the following sentence, change the word "They" to "The Nazis".

It was pointed out that the implied criticism of the Catholic Church was unacceptable.

Colonel HODGSON made the following statement:

"Since the filing of the report with the Commission, I communicated with Justice Jackson's office this noon, concerning whether it desired that the report be adopted and authenticated by the Commission in order that it might be introduced in evidence at the Nurnberg trial.

I was requested to thank the Commission for causing the report to be prepared for which the office of the United States Chief of Counsel is grateful. They were very glad to secure it and feel that the report will be valuable in preparing the case and in interrogating witnesses. It has directed their attention to materials which they did not have. However, I was informed that so far as they were concerned, they did not feel that it was suitable for introduction into evidence inasmuch as it cuts across the method they have determined upon for presenting this phase of the case and duplicates materials which they have already prepared for presentation.

Their answer, of course, is made only in respect of the use of the report at the Nurnberg trial, and they wished it made clear that if the Commission desired to adopt the report for other purposes, they would not presume to comment."

After some discussion, it was unanimously agreed that the report was of sufficient value to be retained in the Commission's archives, and that - provided the Finance Committee agreed - a grant of £60 should be paid collectively to the authors, in recognition of their meritorious work.

Sir Robert CRAIGIE, while agreeing that the amendments put forward by Committee I were desirable, proposed leaving the report in its present state, since the Commission did not intend to endorse it. The Commission agreed to the proposal, noting that the amendments would be recorded in the minutes.

It was decided to reply to the Legal Commission informing them that the Commission appreciated their work.

REPORT ON THE CRIMINALITY OF ATTEMPTS TO DENATIONALISE INHABITANTS OF OCCUPIED TERRITORY - Report by Committee III: C.149

Dr. ZIVKOVIC, on behalf of Committee III, reported that the discussions of the Committee on the subject of crimes against humanity had been concluded and that a report would be submitted to the Commission after the next meeting of the Committee.

As regards the question of denationalisation, Committee III asked for the Commission's views on its report C.149.



At the request of the Chairman, Dr. SCH ELB quoted extracts from the minutes of Committee I, No. 29, recording the terms of reference adopted by Committee I when referring the question to Committee III.

Dr. ZIVKOVIC observed that Committee III had merely attempted to clarify the meaning of the crime described in the list of the 1919 Responsibilities Commission as the attempt to denationalise the inhabitants of occupied territory (Cf. para 6 of C.149). He did not believe that that meaning had been amplified by Committee III in any way.

The CHAIRMAN asked whether the question put by Committee I was to the following effect: on the allegations against each person, is there a prima facie case in law of a war crime?

M. de BAER recalled the facts of the Yugoslav case No. 1434 which was the particular question referred to Committee III by Committee I which had been unable to decide whether (1) the mere fact of forcing Yugoslav children to speak Italian in schools was a war crime (that was only one aspect of the "Italianisation"), and (2) were mere executants of such an order guilty of a war crime? In other words, how far down should the line of guilt be drawn? Although Committee III had discussed the question of principle, i.e. whether denationalisation was a war crime, the question remained a practical one for Committee I, i.e. should the four persons accused by Yugoslavia be listed at all, and if so, how many of them?

M. de Baer recalled his statement at the last meeting, requesting that the Commission should take the decision rather than Committee I. Was that offence (which was only one small item in the whole process of denationalisation) sufficient to put a person on the Commission's list of war criminals? He had a similar case to submit on behalf of his own Government. In the district of Malmédy, a Catholic priest had preached in French although the Germans had forbidden it; he was deported to Germany but not sent to a concentration camp. Was the offence committed against the priest to be considered a war crime?

The CHAIRMAN was unwilling to embark upon hypothetical and abstract considerations, and therefore not inclined to endorse every statement in document C.149, which seemed to go beyond the answer requested by Committee I to a specific question. He would be in favour of submitting a set of facts to Committee III and asking for an expression of opinion as to whether there was a prima facie case of a war crime.

M. de BAER fully agreed that denationalisation was a war crime. What he wanted to know was whether one particular act out of the many included in that heading was a war crime if committed singly?

Colonel HODGSON had examined the report and supported the Chairman's view. He would have no hesitation in listing the person who had forbidden the Malmédy priest to preach in French, on the grounds of a breach of Article 46 of the Hague Convention, which provided that the religious practice of the people should be respected. In concrete cases, the law could be applied and the question resolved. But he would hesitate to endorse general statements which, due to the inaccurate methods of expression in English, might not be perfectly correct.

Dr. ZIVKOVIC appreciated the Chairman's point of view, but said that many members of Committee III considered that the Committee should not act as a "court of appeal" for decisions of Committee I. It was felt that a guiding rule should be elaborated by Committee III and Committee I should decide upon each charge according to its merits.

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M. STAVROPOULOS declared that Committee III had unanimously decided that any act aiming at denationalisation was in principle a war crime if the occupant had used force. Committee I had, however, to decide whether the facts of the case under consideration could be included in the general principle.

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Dr. SCHRAM NIELSEN considered that M. de Baer was asking for two opinions (1) what were the limits of denationalisation as a war crime, and (2) how far was participation in the act to be considered a war crime? The question of the principle of participation in crime was not special to war crimes, but was an ordinary question of criminal law.

Dr. MAYR HARTING also thought that the purpose of Doc. C. 149 was to describe what was meant by denationalisation not to give a decision on Committee I's particular enquiry.

Mr. WOLD felt that if the details of the Yugoslav charge had been included in the terms of reference given to Committee III, the approach to the report would have been different.

The CHAIRMAN agreed; it was essential to define exactly the presumed facts of a case in law before a court could examine it.

Dr. LIANG had studied document C.149 and upheld Dr. Živković's view that Committee III could not regard itself as a court of appeal for legal questions. He also agreed with the penetrating remarks made by the Chairman and Colonel Hodgson that, since an opinion had been requested on a specific case, any additional information given would seem to be obiter dictum.

With regard to the use to be made of the report, he ventured an opinion that it would be very useful for reference. He was interested to see that the first item mentioned on page 2 was the closing of universities: that was one of the first things the Japanese had done in China. If it were to be adopted by the Commission as a guiding rule, however, it would first have to be scrutinised very carefully. He would therefore like to see the document adopted not as an instrument of future guidance, but as a document for reference.

The CHAIRMAN proposed the Commission, which did not pledge itself to accept every statement, should refer C.149 to Committee I, stating that it regarded it as a valuable contribution on the subject. Committee I should form its own conclusion on the particular problem it had to consider, with special reference to paragraph 9 on page 3.

Sir Robert CRAIGIE supported the proposal.

Dr. ŽIVKOVIĆ wished to add that Committee III had purposely inserted paragraph 9, as it never had the intention of prejudicing the examination of a particular case by Committee I. It merely sought to clarify the idea already clearly expressed in the 1919 list of war crimes.

The Chairman's proposal was adopted and Dr. Živković was asked to bring the matter before Committee I at its next meeting.

#### PUBLIC RELATIONS COMMITTEE

The Committee had not had a meeting, but Mr. GIBSON reported satisfactory progress in the arrangements for the War Crimes Exhibition. Premises had been secured for the showing of films and members had generously responded to the appeal made at the last meeting for exhibits and photographs of war crimes. The Soviet Government was also anxious



to join in the display.

Mr. Gibson referred to the recent approval by the Commission of an assistant to help him with work he was doing for the Exhibition. He had a candidate in view and hoped that the Finance Committee would approve the appointment.

ATTENDANCE AT PELEUS AND BELSEN TRIALS

The CHAIRMAN reported that he had visited Hamburg, accompanied by M. Stavropoulos who had devoted attention to the Peleus trial, whereas he (the Chairman) had attended the Belsen trial. The proceedings of the latter had caused him a considerable amount of thought and as there would be many more such trials, he felt that careful consideration was required regarding the best method of conducting similar cases.

M. STAVROPOULOS was grateful for the opportunity given him to attend the Peleus trial, which had been extremely interesting as the first trial of a British mixed military court and the first to deal with naval crimes. Colonel Halse had conducted the prosecution in an admirable manner, with expediency and great objectivity and the summing up speech was extremely good.

M. Stavropoulos was asked to prepare a report on the trial, for the benefit of the Commission.

At the request of the Chairman, Major Thomson agreed to obtain a copy of the Judge Advocate General's summing up.

*W. H. S.*

SECRET

M. 83

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Eighty-third Meeting held on  
October 31st, 1945

In the Chair: Lord WRIGHT - Australia

There were also

present: Colonel HODGSON - United States of America  
accompanied by Captain WOLFF  
F/O BRIDGLAND - Australia  
Major GRIFFIN - Canada  
Dr. WELLINGTON KOO - China  
accompanied by Dr. LIANG  
Dr. FANDERLIK - Czechoslovakia  
accompanied by Dr. MAYR-HARTING  
Dr. SCHRAM-NIELSEN - Denmark  
Professor GROS - France  
Sir Robert CRAIGIE - United Kingdom  
M. STAVROPOULOS - Greece  
Sir Torick AMEER ALI - India  
Commander MOUTON - Netherlands  
Mr. WOLD - Norway  
accompanied by Major PALMSTRÖM  
Dr. SZERER - Poland  
M. MARCOVITCH - Yugoslavia

and

Major THOMSON - A.G.3., V.W., War Office

APOLOGIES FOR ABSENCE

Dr. Zivković and Mr. Pounds sent apologies for absence.

The CHAIRMAN welcomed Sir Torick Ameer Ali on his return.

MINUTES

The Minutes of the 81st meeting were approved and signed by the Chairman.

The Minutes of the 82nd meeting were approved for circulation subject to certain corrections which had been received from Colonel Hodgson and Professor Gros.

INTERIM REPORT OF THE COMMITTEE OF THE LEGAL DIRECTORATE  
OF THE CONTROL AUTHORITY FOR GERMANY CONSTITUTED TO EXAMINE  
THE QUESTION OF THE CONTROL OF THE CENTRAL REGISTER OF  
W.R. CRIMINALS AND SECURITY SUSPECTS

The CHAIRMAN said that a copy of this document had been transmitted by Colonel Hodgson.

/Colonel



Colonel HODGSON reported that earlier in the month he had received a copy of an interim report of the Committee. He had had no information as to subsequent meetings. A meeting convened for the 9th October in Berlin had been postponed till the 20th. He had no information as to the proceedings of the Committee concerning CROWCASS and had received no interim minutes.

The CHAIRMAN said that naturally everyone was interested in what happened to CROWCASS, but the Commission had no power to present its views, and it would be necessary to await the outcome of the meeting in Berlin.

Mr. WOLD asked if the report had been circulated.

The CHAIRMAN said that not every document which appeared on the agenda was circulated. The intention was to inform the representatives that the document in question was in the offices of the Commission and open to examination by any member interested.

AVAILABILITY OF DOCUMENTS FROM OFFICES OF CHIEF PROSECUTORS  
(continuation of discussion)

The CHAIRMAN said that Professor Gros had written a useful and important letter on this subject. As the letter had not been circulated he would ask Professor Gros to make some explanations and suggestions.

Professor GROS said that his letter had been written before the last meeting of the Commission and his intention had been in the first instance only to ask the Chairman for his views. But as the matter had been discussed at the last meeting of the Commission he would now explain what had been intended for consideration. During the three months he had worked with the investigating teams and with the Chief Counsel for the prosecution of war criminals he had been impressed by the number of documents submitted from different sources. They concerned not only the question of the major war criminals, which would be dealt with at Nuremberg, but also atrocities committed in occupied countries during the war, that was to say the results of the whole policy set up by the major war criminals. Many of these documents not being of direct interest to the Chief Counsel, a screening took place and a large number were put aside. After the Nuremberg trial it was unlikely that there would be a second trial of major war criminals. What was to become of that documentation? What was the Commission's intention? Was it to continue in 1946 filing dossiers sent in by National Offices or was it to make a synopsis of everything received during the past two years and try to present a report or reports on German - and possibly Japanese - atrocities? If the intention was to adopt the latter course, a special study should be started at once, as otherwise it might not be possible to draw up the general report within the prescribed time - say within eighteen months - but before assuming that task the Commission should decide whether it wanted to do so; whether it had any terms of reference; and whether such a study would be desirable from the point of view of the general policy of the Commission.

The CHAIRMAN said the matter needed careful consideration. Professor Gros had suggested either of two ways: (1) the appointment of one or more representatives to be assisted by the two Legal Officers and Colonel Wade, or (2) the formation of a new committee entrusted with the task of preparing a draft report. These were tentative suggestions: the matter was one of great importance which the members of the Commission should examine carefully. The task would be an enormous one and it was essential that the Commission should at the outset arrive at a definite view of the object at which it was aiming.

He felt no doubt that it was within the Commission's capacity as a corporation to prepare such a report. It was part of its functions to report and this was a matter clearly appertaining to its general duties, purposes and objects. One of two courses might be followed: The task might be confided to the two legal officers and Colonel Wade, with a member of the Commission to act as referee and in an advisory capacity. The other course would be to form a new committee consisting either of members of the Commission or of new officers chosen ad hoc, again with a member or members of the Commission acting in an advisory capacity. But, as had been pointed out by Professor Gros, if the setting up of this machinery were delayed too long it might not be possible to draw up a general report within the prescribed time, say within the next eighteen months. It was important to know what was meant by the prescribed time as it was part of the Commission's duties to present a general report at a later stage on the whole position of war criminals, to discharge our responsibility and also to enlighten future generations as to the prosecution of war criminals: why it has taken the course which it has done and why it was proved necessary to do it exactly on these lines.

Professor GROS said he meant "prescribed" in the sense that politically it might be useful not to delay it more than 18 months. People had already forgotten, and he wondered if there would be any general interest in war crimes in, say, 1950.

The CHAIRMAN said he was sure international lawyers would be interested.

M. STAVROPOULOS asked if the documents had been translated.

Professor GROS replied that they existed either in English or French. Nearly everything in Russian or German had been translated at least into English.

The CHAIRMAN having asked if members were prepared to discuss the proposals of Professor Gros, Commander MOUTON said he was in favour of the second proposal. He felt the task would be too enormous to be undertaken by the legal officers. He thought the material would be chiefly useful to National Offices and that every Government should send someone to Nuremberg to try to find documents which might be of interest to their National Offices.

The CHAIRMAN said that experience so far had shown there would be extreme difficulty in getting National Offices to undertake any work which was arduous and would involve expenditure of time and effort and money. He wondered if a new staff ought not to be appointed to deal with this matter. If, as he considered, it was part of the Commission's duty to produce a report sooner or later towards the end of operations, he agreed with the majority the time had come to take it up seriously because the enormous mass of material was accumulating. The report would not only be based on all cases coming before the Commission but in addition would include what might be extracted from the mass of documents.

Professor GROS said that if the Commission did not ask for the documents they would possibly be sent to the Washington Library or the British Museum Library and lost for years.

The CHAIRMAN estimated that trials resulting in the elucidation of actual crimes and showing how they were dealt with by courts would supply 1,000 cases in the next twelve months. All these would have to go into the report. He felt strongly that it was rather hard on the legal members of the staff to put this extra burden on them.

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Colonel HODGSON thought Professor Gros had raised an important question. The preparation of a report based upon authenticated material relating to war crimes in Europe had been proposed from time to time and consideration of the question had been useful. It would be one of the final and most important tasks of the Commission. The form of the report would depend very much on the materials which could be used as its basis. The important question was whether the Commission should proceed with this task and, if so, how. He felt it would be well to appoint a special committee charged with studying the entire question. That committee might consider (1) the magnitude of the task; (2) whether the Commission should proceed; and (3) if it were decided to proceed, how this should be done. He thought particular attention should be paid to the last point, probably in consultation with the four Chiefs of Counsel at Nuremberg. It would be necessary to ascertain whether the documents in question could be made available to the Commission. He did not know whether any plans had been made as to their disposal. The committee would, after consulting the proper offices - in particular the four Chiefs of Counsel - and making a study of the plan of work, furnish a report to the Commission, both factual and opinion, as to the manner of proceeding.

M. SZERER said he would be prepared to second Colonel Hodgson's proposal.

The CHAIRMAN observed that the question of a general report had been mooted and shelved many times. He thought the position now was such that the matter could not longer be delayed. Committees had the reputation of being rather deliberate bodies and he thought one should be appointed at once which would give its whole heart to the work. The method of work of the operation committee would be defined largely by the constituent committee. It might be the two would merge into one. He supported Colonel Hodgson's proposal for the formation of such a committee, provided this were done without delay. It must be remembered that a great part of the history and prosecution of war crimes would hinge on the proceedings of the Nuremberg trial. It might be that in Nuremberg it would only be the war crimes of the major criminals which would come into question. In that sense it might be said it did not concern this Commission, but the Commission must be concerned with all forms of war crimes. The crimes of the major criminals would almost inevitably be associated with those of others who were the actual executants. The upshot was that a committee should be appointed and set to work with a general mandate leaving the members to work out a precise programme.

Sir Robert CRAIGIE felt that a committee should be appointed which would get to work as quickly as possible. It was obvious the Commission would have to make a report, the value of which would be enormously increased if the documents could be consulted and real evidence obtained against these war criminals. The terms of reference of the committee should be drafted as clearly as possible. He would like to ask Professor Gros if in the process of screening any evidence found against minor war criminals was sent automatically to National Offices or if it was put aside.

Professor GROS replied that when one of the investigating teams saw evidence against certain allied nationals the National Office concerned was informed.

The CHAIRMAN said that the committee appointed might draft its own terms of reference and submit the draft to the Commission.

After some discussion, in which Dr. WELLINGTON KOO urged that the committee appointed should not be too large - he suggested five as a good number - the following were appointed on the proposal of Dr. WELLINGTON KOO seconded by the CHAIRMAN: Professor GROS, M. SZERER,

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Sir Robert CRAIGIE, Colonel HODGSON and Commander MOUTON. Sir Torick ALI, who had been proposed by the Chairman, asked to be excused as he might be going to India.

Professor GROS thought the committee should be in a position to report to the Commission in a fortnight's time.

DRAFT LETTER TO THE UNITED KINGDOM SECRETARY OF STATE FOR  
FOREIGN AFFAIRS REGARDING JAPANESE WAR CRIMINALS

The CHAIRMAN submitted the following draft letter:

"Sir,

"On August 29th the United Nations War Crimes Commission adopted and decided to refer to Member Governments certain Recommendations regarding the measures which might most usefully be taken to ensure that Japanese war criminals, both major and minor, are brought to a speedy and just trial. These Recommendations were based on the views expressed by Delegates from the respective National War Crimes Offices at the United Nations Conference which met in London on May 31st, as well as on the practical experience of the Military authorities in the European theatre and the provisions contained in the inter-allied Agreement of August 8th for the Prosecution and Punishment of the Major Criminals of the European Axis.

"Members of the Commission are agreed upon the desirability of bringing Japanese war criminals to justice with the least delay and are anxious to see the fullest co-operation between the United Nations to this end.

"Therefore, and in accordance with the above-mentioned Recommendations, they have asked me, as their Chairman, to request that His Majesty's Government in the United Kingdom should convene as soon as possible an inter-Governmental conference to consider carrying out such of the Commission's Recommendations as may require implementation.

I have the honour to be, etc."

The CHAIRMAN said that what was proposed in this draft letter was that he should request His Majesty's Government in the United Kingdom to "convene as soon as possible an inter-Governmental Conference to consider carrying out such of the Commission's Recommendations<sup>(1)</sup> as may require implementation". He took that to mean that overt steps should be taken with as little delay as possible to carry out such recommendations as required the establishment of particular instrumentalities. Since the letter was drafted an alternative proposal had been put forward which would eliminate the activities of the Commission. The letter should stop at "end" and then proceed as follows:

"Therefore, and in accordance with the above-mentioned Recommendations, they have asked me, as their Chairman, to request that His Majesty's Government in the United Kingdom should arrange as soon as possible for consideration to be given, at an inter-Governmental Conference, to the question of carrying out such of the Commission's Recommendations as may require implementation."

(1) Doc. C.145(1)



The effect of this alternative proposal was that use should be made of the Conference already sitting in Washington, called the Far Eastern Advisory Commission, so that it might give consideration to the question. The matter would thus be put on the level of inter-Governmental action, making use of the machinery already operating or about to operate in Washington.

Colonel HODGSON said that it was only late in the afternoon of the previous day that he had received a copy of the draft letter and a notice that the draft would be considered at the present meeting. This was the first information he had received concerning the proposal and he regretted that due to the shortness of time he had not had the opportunity of studying it or of receiving the views of his Government - views which he desired to have before acting on a matter of such importance. For that reason he was at present unable to take a position upon the merits of the proposal one way or the other and he believed it would be advisable to postpone the matter for the time being and until the members were in a position to act upon it.

He felt, moreover, that the proposal should first be referred to the Special Far East and Pacific Committee where it could be studied and informally discussed by the representatives of the nine member Governments especially concerned with Japanese war crimes. He felt it would be beneficial to permit these representatives to develop their views and make such recommendations to the Commission as they might believe advisable, before consideration in the Commission.

F/O BRIDGLAND said it was now more than two months since the Commission adopted those recommendations and referred them to the member Governments and so far very little practical action seemed to have been taken. The proposal was not a new one: one of the recommendations, the eighth, already adopted, stated:

"That His Majesty's Principal Secretary of State for Foreign Affairs in the United Kingdom be requested to convene as soon as possible a conference to carry out such of the foregoing recommendations as may require implementation".

It might be that some of the member Governments had not felt it was incumbent on them to take any initiative in view of the terms of that recommendation. Colonel Hodgson's suggestion that the matter be referred to the Far Eastern and Pacific Committee seemed unnecessary in view of the fact that the recommendations had been considered by that committee, which had submitted them to the Commission. The sending of the draft letter seemed to him to be a logical corollary of the recommendation already adopted. He would like to have a letter on the lines of the amended draft sent to the United Kingdom as soon as possible in order that practical measures should be taken without delay. So far as the second paragraph was concerned the members agreed upon the desirability of inter-Governmental co-operation and co-ordination of activities already in progress. Investigating teams from some countries were already collecting evidence in the Far East. He was sure members would agree on the desirability of not delaying this matter any longer than was necessary. As far as the venue of the Conference was concerned, that was a matter for the Governments to decide.

The CHAIRMAN said that if the alternative were adopted there would be no need for the Commission to intervene. He understood Australia would be represented on the Far Eastern Commission in Washington and the point could be pressed on what was now called the inter-Governmental level, making intervention by the Commission supererogatory.

F/O BRIDGLAND said that, as he understood it, the proposed new last paragraph to the draft letter left it open for the Inter-Governmental discussions to be held at the meeting of the Far Eastern Advisory Commission in Washington or at some other conference to be convened.

Sir Robert CRAIGIE found himself in very much the same position as Colonel Hodgson, owing to his not having had time to read the recommendation. He proposed adjournment to another meeting of this question, which he considered rather important. Not only the question of referring the matter to the inter-allied meeting in Washington but also the question of a conference should be carefully studied. He therefore proposed adjournment for one week.

Commander MOUTON agreed with what Colonel Hodgson had said. Point VIII of the Recommendations envisaged some such letter but so long as his Government had not expressed its views on these Recommendations he did not feel in a position to prejudice them by voting for the sending of the letter. He would try to obtain an answer from his Government by next week.

Dr. WELLINGTON KOO said that as the draft letter had been received by the Chinese delegation only that morning he had not been able to give it thorough consideration. He shared the Chairman's view as to the desirability of bringing Japanese war criminals to justice. He saw no objection in principle to the suggestion contained in the last paragraph of the draft letter because it was based on point VIII of the Commission's Recommendations adopted on 29th August, 1945. In that document the Governments were asked to consider and express their views upon various other matters. His Government had not yet completed its consideration of those Recommendations, and he had received no reply. He felt he should await his Government's instructions before expressing a definite view, although the suggestion appeared to him to be very apt. In the circumstances he felt that the various members of the Commission might be asked to urge their Governments to reply as soon as possible. He was ready to approve sending the draft letter to the Special Far Eastern and Pacific Committee asking it to report to the Commission, after consideration, on the feasibility of the suggestion, and after a sufficient number of members had received the views of their Governments. Alternatively, members could be asked to urge their Governments to reply. He himself would certainly do so, in order that the Commission could consider the proposal at a later meeting.

The CHAIRMAN said it was certainly a matter of urgency to proceed with the apprehension and trial of Japanese war criminals. So far as these operations depended on machinery which the Recommendation suggested should be set up, it seemed to him these operations might be indefinitely postponed. Perhaps some Governments would be able to proceed with the trial of Japanese criminals in their custody. It might be all this apparatus would be by-passed and that would have the advantage of avoiding delay which, so far as he could see, might extend to months and months. He quite appreciated there ought to be a short postponement, but he was not prepared to support the view that there should be an indefinite delay. Delay might have very serious consequences if the various Governments concerned did not take prompt action. There might be adjournment for one week.

Mr. BURDEKIN sympathised entirely with the proposal of the Australian Representative. Though he appreciated the difficulties of representatives whose Governments had not yet replied, he could not see what useful purpose would be served in referring the matter back to the Far Eastern and Pacific Committee unless, at any rate, any of the Governments notified their disagreement with the recommendations already made.



The CHAIRMAN said nothing new was being asked for. The Governments were really being asked to accept Recommendations of the Commission all of which had been very carefully studied for some time and had met with approval both of the Committee and the Commission. Individual Governments could proceed in their own way.

Professor GROS said the Commission's terms of reference included punishment of Japanese war criminals and up to the present the Commission had had no information except from newspapers. The Commission had seen that some criminals had been judged but did not know by what jurisdiction. He thought the letter would be a reminder that the Commission would like to know. He saw no difficulty in postponing the matter for one week.

Sir Robert CRAIGIE said he knew the question of the prosecution of Japanese war criminals was being discussed among some Governments particularly interested in the Far East and that it was desired to proceed with the trials as quickly as possible. The only fear was that the Commission might take some action which would have the effect of delaying the trials. He thought a week's delay would enable the Commission (1) to get definite replies from Governments on the Recommendations, and (2) to see whether the particular method proposed was the best for obtaining what was wanted, namely, the expediting of trials and having them put on the same basis as the trials against Italians and Germans.

The CHAIRMAN urged very strongly that the draft letter, which was circulated at short notice, should be dealt with next week. Members would then have had nine or ten days to consider it. It contained nothing new. It might be that some Governments would be able to go on with the work without waiting for joint action by all the various countries interested in the Far East.

Colonel HODGSON thought the matter should be referred to the Far Eastern Committee. The eighth Recommendation was a Recommendation to Governments, only one or possibly two of which had advised the Commission of their approval.

The CHAIRMAN said the Far Eastern Committee should not be asked to consider again what had been already confirmed by the Commission.

Dr. WELLINGTON KOO proposed that the question whether or not to refer to the Far Eastern Committee might be left open till next week. Personally he thought it was not a bad idea. If all the Recommendations were accepted the situation would be simple; if on the other hand only part were accepted, amendments proposed, or new suggestions submitted, particularly as regarded the eighth, it would be desirable for the Commission to study the matter through its Far Eastern Committee.

The question was adjourned for one week.

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REPORTS OF TRIALS OF WAR CRIMINALS

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The CHAIRMAN announced that a letter had been received from Col. HODGSON dated 29th October containing three separate reports of trials which were available to any member of the Commission who wished to consult them.

REPORTS OF COMMITTEE CHAIRMAN

Dr. WRIGHT said Committee III had discussed a question of procedure which was whether, when matters were referred to it by Committee I, a report should be made only to Committee I or to the Commission as well. The majority felt that as a rule Committee III should submit reports to the Commission. The Committee had also continued the discussion on the case of Sepp Dietz. He hoped to be able to submit a final report in a fortnight.

The CHAIRMAN hoped the report would be circulated in time for members to consider it.

PUBLIC RELATIONS COMMITTEE

Mr. GIBSON (Public Relations Officer) said he had nothing particular to report. Everything was going on well. Arrangements for the War Crimes Exhibition, which had taken up much of his time, were proceeding smoothly.

MURENBERG TRIALS

Mr. WOLD apologised for raising a question about the Nuremberg trials. As a representative of one of the smaller countries he would like to know if the Commission as such had taken any steps to provide opportunities for its members to be present as observers during the trials. He thought it would be of particular interest for members of the Commission to be present for a few days at the trial proceedings.

The CHAIRMAN said he would not venture to prognosticate how long the trials would last. He did not think that members individually or collectively would be likely to wish to stay there for the whole of the trials but it might well be that at intervals three or four might wish to go to Nuremberg, when application might perhaps be made to the American authorities to provide transport and accommodation.

Col. HODGSON said he had no information on the subject. He had made personal arrangements to go.

The CHAIRMAN said perhaps the members of the Commission might discuss the matter among themselves and draw up a list which Col. Hodgson could lay before his Government.

Col. HODGSON said facilities were very limited, the approximate time should be indicated as the trials might last a long time.

The CHAIRMAN advised members to apply to the American Government through Col. Hodgson, specifying dates.

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UNITED NATIONS WAR CRIMES COMMISSION

Report of Special Meeting

held on

November 7th, 1945

In the Chair: Lord WRIGHT - Australia

There were also

present: Colonel HODGSON - United States of America  
F/O BRIDGLAND - Australia  
M. de BAER - Belgium  
accompanied by M. GOLSTEIN  
Major MORDEN - Canada  
Dr. LIANG - China  
Dr. ECER - Czechoslovakia  
accompanied by Dr. MAYR-HARTING  
and Major FANDERLIK  
Dr. SCHRAM-NIELSEN - Denmark  
Professor GROS - France  
Sir Robert CRAIGIE - United Kingdom  
M. STAVROPOULOS - Greece  
Sir Torick AMER ALI - India  
M. van den BERG - Netherlands  
Mr. BURDEKIN - New Zealand  
Mr. WOLD - Norway  
accompanied by Major PALMSTROM  
Dr. SZERER - Poland  
Dr. ZIVKOVIC - Yugoslavia

and

Major Leon TURROU - Assistant Director, CROWCASS  
Major PRICHARD - A.G.3., V.W., War Office

THE CHAIRMAN: Gentlemen, our meeting today is specially called in order to have a statement from Major Turrou of the United States Army. He will be able to tell you what he has been doing in connection with CROWCASS since he settled in Paris a comparatively short time ago. It is very important and very valuable, I think, that you should hear what he has to say. He will only, I think, this afternoon deal with pure matters of fact and explain what he is doing from a practical point of view and how he is conducting the operations of CROWCASS, and he will answer any questions as to the past, present or future. Beyond that at this moment it does not seem to me to be possible to take the matter any further. Before this very eminent officer, if I may spare his blushes, is called upon to speak, may I say that he has been concerned in and has successfully achieved some very important coups. I think he was the first - and he will contradict me if I am wrong - to track down in such a way as to lead to their apprehension, the Nazi spy ring, and he has been engaged in many other very important detective operations. It would be very

interesting if we could hear from him accounts of those famous proceedings which would throw into the shade any of the detective novels which we sometimes read in bed when we want to go to sleep.

Before I ask him to give us the benefit of his ideas, I think Dr. Zivković, who paid a visit to Paris quite recently, I think in the middle of last week, will tell us what he saw and what ideas he formed, because he attended a meeting of the members of the Executive Committee last Friday, and it was what passed between us on that occasion which has led to your being called together today for this special limited purpose.

There are some ordinary items of business of the Commission, but that, I think, subject to the wishes of the Commission, could be usefully dealt with if we had a short Ordinary Meeting tomorrow at 3 o'clock, which will, I think, be quite short. I regret to have to bring you here on two days in the week, but I have no doubt you will be able to put up with the inconvenience.

Now, Dr. Zivković, what have you to say for yourself?

Dr. R. ZIVKOVIĆ (Yugoslavia): My Lord Chairman and Gentlemen, I paid a visit first to the United States Army, War Crimes Branch, in Wiesbaden, and then, having terminated my visit there, I passed through Paris. There I had an opportunity of meeting the new leaders of CROWCASS, and Major Turrou, who was one of them, kindly showed me the work of CROWCASS. There is one point in which I was particularly interested from the point of view of our Commission; it is related to the Commission's lists which we are sending out to the apprehending authorities in the various zones of occupation and to CROWCASS. I believe that many of us, if not all of us, have been up to now under the impression that once our lists were in the hands of the apprehending authorities that was all which we were supposed to do on our part about having these listed criminals apprehended by the military authorities. However, I found that this is not exactly what should be done. We had many conferences with CROWCASS representatives, and we received documents and letters explaining the proceedings, and it appears that the chief technical procedure consists in filling up a form which is called a "Wanted" Report, and I find now in Wiesbaden and in Paris that these "Wanted" Reports are an essential technical step to be undertaken by all the Governments concerned to have a man detected and eventually apprehended and handed over. I was under the impression that our lists were used by either the apprehending authority or CROWCASS in such a way that they would fill in these Wanted Reports. Now, I established that this was not the case, and that we are, all of us, requested, apart from bringing charges before the Commission, to fill up these Wanted Reports, to send them first to CROWCASS, after which CROWCASS would, of course, get the Detention Reports, etc., and the machinery would be put into motion. This is the chief feature, and I think that if any of us are still in doubt about it we should not be, because practically speaking this means, for instance, that the Yugoslav National Office in London would at some time when preparing charges for the Commission prepare Wanted Reports for each of the individual criminals who is charged before the Commission, and that these Reports would be sent to CROWCASS, and that would be only the right procedure for having these men arrested eventually.

That is, I think, all I have to say in regard to this very important point. Apart from that, I feel it my duty to point out that I was very kindly received everywhere I travelled by the representatives of the American Army. In Paris I was, as I



have mentioned before, shown the work of CROWCASS, which seems to be very efficient indeed. I would only, perhaps, as a point of benevolent criticism, say that I think that CROWCASS should now rather concentrate more on war criminals than on security suspects, and if this could be done rather quickly I hope that as regards the names of all criminals that appear in our lists we can in a very short time find their whereabouts and have them reported to the Governments concerned.

COLONEL J.V. HODGSON (United States of America): My Lord Chairman, I was quite surprised to hear Dr. Zivković say that he thought the lists alone were sufficient. On the 3rd September I sent a letter to the Commission which specifically stated that there should be a request made by the Government desiring the surrender of a major criminal from the American authorities for his surrender, which would seem clearly to state that there should be a separate request. About the 1st October I furnished members of the Commission with the current United States Forces directive, together with the forms for request for the surrender of alleged war criminals from the American authorities. It would seem from a reading of the first-mentioned letter, as well as the directives and the forms, that there was certainly something more contemplated than merely putting names on the list of the Commission.

DR. ZIVKOVIĆ: May I say that I was probably mistaken. What I thought was this, that these forms which we have received were related to the whole machinery of CROWCASS, which consists not only in getting from us Wanted Reports, but also Detention Reports and Prisoners of War Reports, and I thought also that these requests that should be made to the apprehending authority should be made on the basis of what CROWCASS would inform the National Offices or their representatives of the whereabouts of those criminals, and I thought also that those could be done on the basis of our lists. Of course, that was my mistake. I thought that the Wanted Reports should be submitted only once and that we would get from CROWCASS information as to their whereabouts. I did not think, as regards fuller information, such as where a criminal was detained and by whom detained, we should present that apart from the lists of Wanted Reports; but now that has been cleared up, and I am quite satisfied, and I am ready to do what is required of me.

COLONEL HODGSON: I do not see how it could be stated any clearer than it is in this letter of mine which was circulated to this Commission, Commission's Document C.146.

THE CHAIRMAN: I thought we had discussed that Document 146 more than once, and I confess it appeared to me, as Colonel Hodgson has said, to be as clear as anything can be. But there it is: the document is on the file of the Commission, and anyone who is interested can consult it. It is a very clear directive which was arrived at, I understand, after very long discussion and consideration. But having disposed of any misapprehension of that character, we can now go forward with the help of Dr. Zivković, who has looked into the proceedings on the spot, and consider what is the procedure actually adopted.

We have the benefit of the presence here of a very eminent officer, Major Turrou, who will give us a short account of the operations which are now being carried on at the office of CROWCASS in Paris. He will give any further explanation to any member of the Commission who desires it. Would it be convenient for you, Major Turrou, to give just an outline of the procedure which you are following at this moment in Paris?

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Dr. R. ZIVKOVIĆ (Yugoslav): I  
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MAJOR LEON G. TURROU (Assistant Director, CROWCASS): My Lord  
Chairman, in connection with Dr. Zivković's statement, I think  
he is a little bit misinformed, or perhaps he did not get it  
quite clear. We spoke about the books received from the Com-  
mission. They are immediately turned over to a special section  
who have one thing to do, and that is to transpose the informa-  
tion from the books on to Wanted forms and then let it go through  
our process machinery. As a matter of fact, almost 150 persons  
have been located in the past two months through listings made in  
the Commission's books. All that information had come to  
CROWCASS, and in turn CROWCASS had informed the Commission of  
the apprehension and the present location of the individuals  
listed in those books. I think we told Dr. Zivković that in order  
to expedite matters it would be advisable, if at all possible,  
for each nation to submit to us Wanted Reports in addition to  
the books that you are actually publishing, first because we have,  
I believe, a larger distribution (to every camp and every prison  
in the United States, Great Britain and many other countries we  
send a copy of our Wanted Report which contains, of course,  
the names from the books which you are publishing); and, secondly,  
I thought that it might expedite matters by submitting to us in  
addition to those books Wanted lists for incorporation in our  
publications which are contemplated as monthly or bi-monthly  
periodicals; that is to say, the actual facts in connection  
with the Wanted Report which I have explained to you. I think  
Colonel Elms, the newly appointed Director of CROWCASS, also  
explained that to you, if you recall.

DR. ZIVKOVIĆ: As far as I recollect, you told me that you thought  
we should send Wanted Reports, and I do not feel any difficulty  
in doing so, in addition to the lists and the books of the Com-  
mission. I understood that you mentioned that you were rather  
short of staff for this kind of work in your own office, and  
that it would not only expedite the work, as you mentioned just  
now, but also facilitate the work in respect of the listed  
criminals. I was under the impression that all this could be  
easily done by you. I appreciate very much that you cannot do  
it in present circumstances, and that is why I am ready to fulfil  
all requirements.

MAJOR TURROU: The present condition of CROWCASS is as follows:  
We have, or we will have in the near future, forms submitted to  
CROWCASS containing the names and the whereabouts of seven  
million war prisoners located in practically every Allied  
country. We have on the file at the present time about 200,000  
wanted war criminals, suspects and witnesses to crimes. We have  
approximately 35,000 detained war criminals as reported to  
CROWCASS. However, out of the seven million P.W. Reports we  
have processed to date approximately one million. There are  
six million forms to be processed. Up until three weeks ago we  
were processing in the neighbourhood of 7,000 to 8,000 per day.  
It has been expedited and increased to about 13,000 to 15,000 per day.  
This number is inadequate, because it would take approximately  
fourteen months to process 6 million more forms, which constitutes  
our basis for all the searches which we conduct on our machines in  
CROWCASS. Our aim and our goal is 30,000 per day, or 1 million  
forms per month. With that figure we estimate that we will have  
completed the processing of all the 7 million P.W. forms which, as  
I said, would constitute our main basis and foundation for our searches  
as to war criminals. We have decided that the security suspects,  
which we had been filing together with the war criminals up until  
about three weeks ago, are to be separated. In most instances we

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found that security suspects are those who have been high officials in the Nazi Party or have held Gestapo positions or have had some designation in the various Cabinets of Germany and in German industry and science. Actually none of them or most of them, were not known as war criminals. They were wanted for interrogation, they were wanted for many other details and reasons, but not as war criminals; so it was decided to separate them and hereafter publish exclusively lists of war criminals wanted by all the Allied nations. As I said, we have about 35,000 at the present time. Now, the first list of such wanted war criminals and witnesses to crimes will be published within the next two weeks and widely disseminated. We understand that a lot of prisoners of war are being freed now, discharged and sent to Germany. They have stopped the discharge of such prisoners until the receipt of this publication, so that they can screen everyone before he is discharged. If we can get enough space, we figure that we will be able to process all of our forms and give ready answers to all inquiries submitted to our office by all the Allied nations within approximately six months. Our greatest difficulty up to date has been the securing of space. At the present time we have two buildings, one of them located at 53, Rue des Mathurins, and the other at 58, Rue Galilee, in Paris. The building located at Rue Galilee exclusively deals with the coding of the forms, the publication and the typing and shipping of periodicals which we publish from time to time. The administration and the machine records, approximately 100 machines, are located at the present time at 53, Rue des Mathurins. The building consists of six storeys high, two of which are occupied by business concerns. There is absolutely no security in that building with an outsider occupying two floors. For the past eight or nine months we have tried to secure the additional two floors, but we have been unsuccessful.

THE CHAIRMAN: There is a common staircase?

MAJOR TURROU: Yes, there is a common staircase and one entrance. I understand that an order of requisition has been signed by General Juin of the French Army, but so far up to date we have not received definite orders to the people on the upper two floors, those who have their offices there, to leave our building, and consequently we are hampered. If we could have that space our operations would be accelerated and brought to a successful conclusion within the next six months or so. I suggested this morning to Lord Wright that if the combined efforts of this Commission, of every member, to prepare a Petition and to submit that to the French authorities, pointing out the urgency and the necessity of the two floors at 53, Rue des Mathurins, for the use of CROWCASS, could be brought to bear on the matter, I am quite certain that you would probably succeed. It is one of the most urgent things that confront CROWCASS at the present time. The newly appointed Director, Colonel George G. Elms, has talked to Major-General Lewis, who is in charge of the Combined Anglo-American Mission in Paris, and I understand that the matter has been taken up with General de Gaulle or his Cabinet. That was about a month ago. To date we have received no reply as to the result of that conversation. I want to emphasise or to stress very strongly the importance and the necessity of the acquisition of this additional space, because otherwise CROWCASS will be hampered in its operations.

I shall be glad to answer any questions that you may ask me to the best of my ability in connection with the operations of CROWCASS.

THE CHAIRMAN: Thank you, Major Turrou.

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PROFESSOR A. GROS:(France) Would Major TURROU explain in what way the situation has changed in the last three weeks, as he says it has, and why he has not made any reference to the two meetings concerning CROWCASS held in Berlin by the Legal Division of the Allied Control Council. Could he tell us what happened at those meetings

MAJOR TURROU: I was not present at the last meeting in Berlin. I think on September 29th there was a meeting held in Berlin of the Control Council, at which France, Great Britain, the United States and Russia were represented. I do not think that anything definite happened at that meeting. It was decided to call a second meeting. Colonel Palfrey attended this meeting. I have not seen the Minutes of the first meeting. However, I have seen the Minutes of the second meeting, when it was attended by three nations, France, the United States and Great Britain, and I think certain figures were given as to the cost of the operations of CROWCASS. The Control Council, I understand, decided to become the Governing Body of CROWCASS. In other words, the policy set forth in the future will be planned and devised by the Control Council. They will make the necessary appointments of personnel and apportion the cost of CROWCASS. I further understand that the matter was referred to the Legal Committee of the Control Council to devise a certain policy for CROWCASS. In the meantime the British and the American Chiefs of Staff have determined to devise a policy for CROWCASS in the interim, and to-day we are responsible to those two bodies, that is, the British Army of the Rhine and to USEFT at Frankfurt, and we are getting directives under which CROWCASS is being governed at the present time.

PROFESSOR GROS. That is quite satisfactory. That being the position, it appears to me that the War Crimes Commission is quite incompetent to deal with the problem of the acquisition of additional space for CROWCASS. Since CROWCASS is responsible either to the Control Council or to the Chiefs of Staff, I would suggest that those very important bodies get in touch with the French Government. I would like to make it clear at the very outset that I personally would object strongly to any démarche being made by the Commission which might be interpreted by the French Government as an unjustifiable intervention. Since an organisation like CROWCASS is in a position to appeal for the protection of the Control Council for Germany or for the intervention of the British and American Chiefs of Staff, why appeal to us who are only very humble persons with very much less influence. Other arguments might be brought forward in this matter, but I think that one should suffice for the time being.

I must reserve my position on a second matter. The Control Council for Germany has apparently decided to become the governing body of CROWCASS. I am the Representative of a Power on the Control Council, and I fail to understand how it is that, even for an interim period, two of the four Powers represented on the Control Council can issue directives without any prior consultation with the other two members. For this second reason I would find it difficult to make any recommendation whatsoever until the situation was cleared up. The situation can not be cleared up whilst only one or two Governments are appointing officers and issuing instructions to CROWCASS without keeping the other Governments informed.

I suggest, therefore, that the whole matter be referred to the Governing Body of CROWCASS, i.e., the Control Council for Germany, and in particular to the four Legal Divisions whose members are well aware of the situation and will be in a position to make direct recommendations, if they wish to do so.



MAJOR PRICHARD (War Office) May I make a point? The British and American Military Authorities have actually made representations to the French Government in the past for help with a view to getting CROWCASS more accommodation, but so far they have met with no success.

PROFESSOR GROS May we consider the two questions separately, and if you wish deal first of all with the problem of accommodation.

I do not know if you were present at the meeting of the Commission when I explained the situation as it was when CROWCASS was looking for additional space, and when Colonel PALFREY discovered that the building in the Rue des Mathurins had been originally requisitioned by the American Authorities and left vacant for five months. There is a lot of requisitioned space in Paris not being put to any use, and there are one million homeless people in Paris. It is not possible to turn people out of premises like that; you know what the situation is like in this country by reading the British Press; in France our position is similar.

The problem I have raised goes far beyond the problem of accommodation. We are not fighting for two storeys; we are fighting for the application of an Agreement reached in Berlin on the 20th September, - i.e., the control of CROWCASS by the Control Council for Germany.

I still submit that this Commission cannot deal with any matter referred to it by the controlling authority at present in charge of CROWCASS.

MAJOR TURROU: My Lord Chairman, may I, in order to clarify the position, inform the Commission that at the present time, that is, until the present time, 99 per cent and 9/10ths of all expenditure incurred in connection with the operations of CROWCASS has been borne by the United States Government.

MAJOR PRICHARD What has that cost?

MAJOR TURROU Approximately as follows. The payroll alone of 400 employees amounts to about 40,000 dollars per month.

PROFESSOR GROS Would it not be more exact to say that it was paid on Reverse Lend-Lease?

MAJOR TURROU Yes.

PROFESSOR GROS That is not exactly the same thing.

MAJOR TURROU It is charged against the Americans.

PROFESSOR GROS. It is but one of those numerous things which the French Government are doing for the Allied Forces on its territory and I suppose that is a slightly different matter from paying completely. It is not a generous gift but it is one of those services which are rendered between Allies.

MAJOR TURROU I do not know about that. I have made an investigation into those specific matters on orders from General Elms, as to who actually bore the expense of CROWCASS, whether it was an Allied question or whether it was exclusively borne by the United States. I procured the payrolls which have been prepared by the Ministry of Finance and Ministry of Labour in France and each page is stamped: "Charged to the Americans" so that consequently it is not charged to any two or three nations but to one on Reverse Lend-Lease.

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THE CHAIRMAN: Are not we getting into some questions which do not affect this Commission? This Commission, of course, is interested in the efficient conduct of the affairs of CROWCASS, because the Commission has expressed the view that the operations, which, of course, means the central operations, of CROWCASS, were something which were of the greatest value to the purposes of this Commission. As I understood it, what we were doing this afternoon was ascertaining exactly the processes which are being adopted by CROWCASS, but it looks to me now as if there were some question of difference between what are now described as Governmental levels; but I do not appreciate that the Commission is concerned with those matters. The Commission is greatly concerned, as it appears to me, with the successful operation of CROWCASS. Various Governments may have to deal with other questions which it seems to me cannot be usefully proceeded with at this Board where we are sitting today. I do not know how it strikes other members of the Commission, but my view is that we ought to stick to the particular matters which I have indicated. It is perfectly clear and perfectly true that we have from time to time tried to help the operations of CROWCASS by doing what was in our power to secure these two upper floors which have been the bone of contention, and the absence of which undoubtedly has hampered those operations. That is one thing. Our powers, there, as in other matters, are merely advisory or hortatory; we do our best to see if we cannot help to tide over the difficulties; but we have got no coercive or operative powers at all in this or in any other matter, except one or two matters not important here. That being so, I do not think the Commission is concerned to attempt to disentangle any question in regard to the internal management of CROWCASS from the point of view of the Governments concerned. It is an important point, and I should like the views of the other members of the Commission about this.

SIR ROBERT CRAIGIE (Great Britain): My Lord Chairman, I would agree with what you have said on that latter point. It does not seem to me that this Commission has any locus standi for attempting to expedite or to deal with the particular question which is under discussion in regard to the control of CROWCASS. That is a matter which has been discussed presumably between Governments and has now, we understand, been referred by the Allied Control in Berlin to the Judicial Committee, if that is its right name.

MAJOR TURROU: The Legal Committee.

SIR ROBERT CRAIGIE: Yes, the Legal Committee. But the other question, the question of the efficient functioning of CROWCASS, does, it seems to me, affect this Commission, at least indirectly, and since we have been informed several times that that efficiency is being impaired by the failure up to date to evict the tenants from the two top floors of the building at present occupied by CROWCASS, I am wondering whether there is not some practical step which could be taken in the meanwhile.

THE CHAIRMAN: Beyond what we have already taken?

SIR ROBERT CRAIGIE: Yes, beyond what we have already taken. Professor Gros has kindly informed us of some of the difficulties that we all, of course, appreciate, the very great difficulty at present of finding accommodation, whether in Paris or London or anywhere else. Here, as I understand it, is the problem: CROWCASS has these three floors. They have installed very extensive machinery and spent a lot of money there, on wiring and so on, so that it would be difficult and would involve further delay if CROWCASS were to move its headquarters. Therefore there seems to be only one alternative, unless there is to be very considerable delay, which would be the acquisition of those two

floors, which are interested. Professor Gros has these two questions of policy at stake. If the Commission is in order to

PROFESSOR GROS: lot. Member saw two Secretaries were despatched on a démarche. I to make one CROWCASS and

THE CHAIRMAN:

PROFESSOR GROS: authorities have already building, we beyond the scope of the French Republic when we know, tion wasted in one, but let if I were in hopeful as to

DR. ZIVKOVIC: Major Turrou's views which are would it be possible for people on these

MAJOR TURROU: comparable accommodation matter of fact was overruled, de Gaulle - it taken. It has his personal desire two tenants in offered them, Office in Paris be evicted from have a guarantee of compliances in the be in the appropriate located, which, requisitioned but we could not give comparable quarters

PROFESSOR GROS: two floors in a is difficult to course to follow to go to General



floors, which thus becomes a matter of general concern to all those interested in the question of war crimes. I understood from something Professor Gros said that he thought we might possibly be able to separate these two questions, which are really very different. One is the question of policy and the other is purely and practically a question of accommodation. If Professor Gros thinks it is possible, perhaps he could give the Commission some idea as to what steps would be possible or desirable in order to secure an early settlement of the accommodation question.

PROFESSOR GROS: My Lord Chairman, I think we have already done quite a lot. Members of the Commission will remember that Lord WRIGHT went and saw two Secretaries of State. Immediately after that visit, two letters were despatched, reminding the French Authorities of the Chairman's démarche. It is always open to the Commission to write one more letter, to make one more intervention. If that course is agreeable to the CROWCASS authorities, I certainly would agree to it.

THE CHAIRMAN Will you say that again, please?

PROFESSOR GROS: I meant that if it were agreeable to the CROWCASS authorities that we remind once more the French authorities that we have already asked for the requisitioning of two more floors in that building, we can always adopt that course; but I think it is a little beyond the scope of the problem to send a petition to the President of the French Republic merely to ask for two floors in a building, especially when we know, and I repeat it once more, that there is a lot of accommodation wasted in Paris. If we want to make a formal gesture, let us make one, but let us make it to the authorities already informed. Nevertheless, if I were in the place of the CROWCASS authorities, I would not be very hopeful as to its results.

DR. ZIVKOVIC: My Lord Chairman, I should like to ask a question, and Major Turrou will probably be in a position to answer. Among the buildings which are still requisitioned for the United States Forces in Paris would it be possible to accommodate anywhere in such buildings these people on these two floors?

MAJOR TURROU: We have offered to the two tenants of the upper two floors comparable accommodation if they would leave 53, Rue des Mathurins. As a matter of fact, an Eviction Order was signed by General Juin, but that was overruled, and the matter is at present in the Cabinet of General de Gaulle - it is right in his office to-day - but no action has been taken. It has been submitted by the Anglo-American Mission in France for his personal disposition, because we could not get anywhere. Now, the two tenants in question were not satisfied with the quarters which we offered them, which were proposed to them by the American Real Estate Office in Paris. They wanted to have a guarantee that they will not be evicted from that place for ninety-nine years. They wanted also to have a guarantee that we will instal all the necessary electrical appliances in that office, and they specifically asked that the new locus be in the approximate neighbourhood where our building is presently located, which, of course, is an impossibility. There were no buildings requisitioned by the American authorities in that neighbourhood, so that we could not give them any other place; but we did offer them suitable comparable quarters.

PROFESSOR GROS: May I repeat that once the question of the requisition of two floors in a building has reached the cabinet of the Chief of State it is difficult to see what else we can do. I would suggest that the best course to follow would be for the British and American Ambassadors in Paris to go to General de Gaulle's Cabinet and ask for the papers themselves.

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SIR TORIC ALDER ALI (India): My Lord Chairman, listening to Professor Gros on a matter that is purely French, I feel, with great diffidence, that it is rather a psychological matter and that perhaps it would be better if it were left alone for the moment by us.

THE CHAIRMAN: I am not for one moment doubting the wisdom of what you say; in fact I am very much puzzled by it; but let us see what M. de Baer has to say.

M. TREFLE OLD (Norway): My Lord Chairman, before M. de Baer replies, may I say that I agree in regard to what has been said about these two storeys in Paris? I do not think the Commission ought to deal any further with that matter. I agree with you, my Lord Chairman, that we should bring this question of CRO CASS within the terms of reference of this Commission. Of course, we are sitting here as representatives of our Governments in an advisory capacity, and the important point to-day, in my opinion, is as has been stated, that the four occupying Powers in Germany have decided to take on the business of the administration of CRO CASS, and I think that until we can have further information about how those four powers are going to administer CRO CASS, and in regard to the whole business, it will be difficult for this Commission to do anything about it. I entirely agree that we must not interfere in any way with the requisitioning difficulties in all these occupied countries. I think that is outside what this Commission ought to do. Specially I could agree with Professor Gros that when this matter has been brought so far as to be put before the Council of the Government of France and General de Gaulle, I think there is very little we can do. But I should like to stress all the same that I think all members of this Commission agree that it is of essential importance that all four occupying Powers of Germany should agree in some way on how to administer CRO CASS in the future. That is a most important point, and until that has been decided I think some decision must be taken very soon, and as Professor Gros states that the four Legal Officers in Berlin are fully acquainted with everything and the importance of the whole matter, I think, therefore for the time being, probably it would be for the best if we did not take any more steps just now.

THE CHAIRMAN: We are waiting to hear M. de Baer.

M. DE BAER (Belgium): My Lord Chairman, I should like to say how much I sympathise with Professor Gros's point of view and how well I understand the difficulties in which he and his Government are at this moment. All the same, this Commission is now faced with certain problems, and it seems to me that we must solve them one way or the other. We have first either to accept Major Furrou's proposal, or there is the second possibility, which is doing nothing at all, that is the easiest course; and the third proposal is doing something different. I am glad to hear Professor Gros, when he spoke the second time, make it clear that he did not any longer object to this Commission doing something. It seems to me we are justified in doing something, because after all we have an interest, a vital interest in CRO CASS functioning properly. We must not forget that this question of the two floors is not an unimportant question, because it is holding up the whole



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work of CROWCASS. As we were saying, this is a vital condition for the work of CROWCASS going on. If we do not get those two floors - and I have been personally on the spot and have seen these dossiers accumulating in halls, in corridors and everywhere - we shall be in great difficulties, so that within a very short time, if this goes on, it will not be possible for us to face up to a very difficult situation. I realise it. It is holding everything up, and if something is not done about those two floors, well, the whole work of the apprehension and the localising of war criminals is going to be held up too. Also it seems to me that although there have been errors made in the past - let us say that the building has been left free and has been left unoccupied for five or six months, which is very sad, of course - the important question is whether that ought to weigh in regard to the whole future, even if it has happened in the past. Therefore I would be very much in favour of this Commission doing something, showing at least that we have an interest in the question, because the question is now before the President of the French Republic; it is there; that is the fact. Is not it, therefore, our duty to try to give some weight to our point of view so that a decision is taken, and is at least taken in favour of CROWCASS? That was the only thing that I wanted to say, and I very much hope that something will be done in this respect.

DR. ZIVKOVIĆ: My Lord Chairman, I should like to say a few words more about this, and again ask Major Turrou to answer the question. I should like to know whether your explanation is definite as to the time limit which you foresee for the processing of all the seven million prisoners of war and security suspects? You said that if you cannot extend your premises you will require fourteen more months, which would lead us up to the end of 1946 or the beginning of 1947. Is it a definite estimate?

MAJOR TURROU: That is correct, Sir. We are at present processing 13,000 to 15,000 a day, and if we double that amount, that is to say, if we process 30,000 or, with a little overtime, 35,000 a day, it will be about a million a month, and that is with the additional cost and the corresponding number of machines which we have right now. We have not got any place in which to put them to work. We can get a competent trained personnel; we have the machines, and we have the facilities, but we have no place, and as long as we have no place we cannot humanly increase the operations and the efficiency of CROWCASS.

DR. ZIVKOVIĆ: In other words, that means that if this question is not solved comparatively shortly many trials of war criminals may have to be postponed and delayed until later in 1946, and possibly also into 1947, which means from one to two full years after the end of hostilities.

MAJOR TURROU: It also means retarding the apprehension of criminals who may be among the 7 million files which have to be processed.

MAJOR FRICHARD: In view of the very large number of German prisoners we have demobilised, it is going to be very difficult to find them, so that if we do not find a man through CROWCASS until, say, eight months from now, and he has been out of the armed forces then for a year, it will take another six months to find him.

PROFESSOR GROS: May we know how many names have been sent in by CROWCASS up to now and how many people have been tried by any of the National Courts?



MAJOR TURROU: I believe I can give the figures for the last two months. It is an average of fifty a day.

PROFESSOR GROS: That would be fifteen hundred a month. Let us double the amount, even treble it; that would mean five thousand a month. One can always juggle with figures, but statistics never lead one very far.

THE CHAIRMAN: Major Turrou is very anxious to double, to treble, to quadruple, or to do any other multiplication that you think fit. That is his great ambition, but, Professor Gros, you are as interested as any one of us in getting on with this whole question of the apprehension and punishing of war criminals. Now, we are all agreed that the functions of CROWCASS are most vital; we are all agreed that it is essential to hurry up these operations, and we are all agreed, now that we have heard Dr. Zivković put the point so clearly in regard to the part to be played by CROWCASS, that something ought to be done at once. You have suggested, I gather, that the Commission ought to do something, and I agree fully with that. The difficulty is to know, not only that it ought to do something, but how it can best do something and that is where I confess at the moment I feel a very great difficulty. I am sure the Commission would be most grateful now if you could indicate, from your knowledge of the position from both sides, what is the practical course you suggest the Commission should take in order to speed up its operations, because I know well enough, having twice visited the CROWCASS establishment, how vital these two floors are. It sounds a small thing, but from the point of view of the operations of CROWCASS it is most vital. Now, Professor Gros, would you kindly give us the benefit of your suggestions and advice as to the course which we could take?

PROFESSOR GROS: My Lord Chairman, I said that I would accept any suggestion or any recommendation of the Commission, but I stick to the first point I made, and that is that this request is wrongly directed to the Commission.

THE CHAIRMAN: Wrongly directed by the Commission?

PROFESSOR GROS: No, to the Commission. I mean that CROWCASS, through its representative here, is asking the Commission to make a formal recommendation to the French Government to get these two floors.

THE CHAIRMAN: Do you mean that the Commission has no locus standi?

PROFESSOR GROS: We have already asked for that already.

THE CHAIRMAN: Yes, we have.

PROFESSOR GROS: We have repeated that request. What more is there we can do? I still insist that the best way of securing satisfaction is to proceed through normal channels. A central body has been constituted in Berlin to control CROWCASS. That body is composed of representatives of the four Powers, amongst them a French Representative. The British and American members will certainly secure better results in Berlin or in Paris by approaching their opposite numbers on that body.

THE CHAIRMAN: Yes. You are saying that the Commission, however interested practically in the result, has no power and no right to do anything more?

PROFESSOR GROS: I would not say that the Commission had no right. We can always make recommendations, and, as many speakers have stressed, we have

an interest in the good functioning of CRO CASS. But there are many sides to this problem. May I inform the Commission, if they are not aware of the fact, that the American representative on the Control Council said on the 7th September that CRO CASS ought to be wound up.

THE CHAIRMAN: Yes, we know about that.

PROFESSOR GROS: Now we think it is essential to retain CROWCASS. In two weeks or in two months' time, another decision may be reached. We must, therefore, not raise a storm in a teacup over this matter.

THE CHAIRMAN: No. I think we remember sufficiently well what happened in the early part of September. We know that that proposal or tentative idea was abandoned, and that it is now generally agreed that CROWCASS is important. This Commission cannot for one moment admit that CROWCASS is otherwise than important for the location and apprehension of war criminals. That being so, I still would like to know what you suggest the Commission could do.

PROFESSOR GROS: My position is a bit difficult, as I appear to be the only Delegate to have definite instructions and I also possess a good knowledge of the different aspects of the situation. My instructions are that I am not competent to deal with questions relating to CROWCASS, since it is controlled by a central body in Berlin.

THE CHAIRMAN: I see.

PROFESSOR GROS: That applies only to me. That is the reason why I said that the Commission could make any recommendation they wished to. What I objected to was a formal petition to General de Gaulle, as I thought it went too far.

DR. ZIVKOVIC: May I submit to the Commission, not as a motion but as a tentative proposal, that as far as the Commission is concerned, that is, as a body, we should request our French colleague in writing to make such representations on behalf of the Commission to the Cabinet of General de Gaulle?

PROFESSOR GROS: I would prefer a formal request from the Commission, because I do not like to transmit requests to my Government. If you want to make a request, I think that the Chairman should communicate with my Government by channels more important than through me. I would remind you that this question is of special interest to two Governments who have diplomatic representatives in Paris. One can always make representations via those diplomatic channels, rather than through a body like ourselves.

THE CHAIRMAN: Yes.

DR. SZERER (Poland): My Lord Chairman, it seems to me that M. de Baer has put the situation with his usual clarity and perfection. Supposing an extract from the Minutes of this meeting were made, together with the speech of M. de Baer himself, would not our colleague then transmit it?

PROFESSOR GROS: All Minutes are transmitted.

DR. SZERER: But I mean a special extract, with the speech of M. de Baer.

PROFESSOR GROS: I would not say that it represented the unanimous views of the Commission, because the Norwegian delegate spoke in support of my views.



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DR. SZERER: Perhaps he has changed his opinion.

M. WOLD: No, I have not changed my opinion.

PROFESSOR GROS: At any rate, my Government get the Minutes and a summary of every Meeting, and therefore will be fully informed of this discussion. I am also perfectly willing to stress personally the importance of this matter.

M. WOLD: My Lord Chairman, we have discussed this matter about these two floors long enough, and as we have a meeting to-morrow again...

THE CHAIRMAN: No, I think not, not as far as I am concerned. The Commission, of course, is dominus of the situation, but I would like to remind the Commission that Major Turrou is here at the invitation of the Commission, and we must express our appreciation of his coming here and of the very valuable information he has given us. As to the further question, in view of what has been said in the course of this discussion, and in view of the form the discussion has taken, I do not feel that we are likely to get any further to-day by any further discussion. As far as I can follow, every possible point of view has been touched upon. Speaking for myself - and it may be that in expressing the view I do and the feelings I am now expressing I am also expressing the feelings of the other members of the Commission - I want to think this matter over. Whether the result of my reflections will be any further enlightenment or any further practical idea I do not know; but I do not think we shall do any good by further discussion now. The discussion has certainly been very valuable, because it has made several things clear which, certainly to me, were not clear, and it may well be that as a result of this discussion either we or some other authorities will be able to pursue the matter further to some practical result. I really do not know, but I would ask the Commission to agree with me that no advantage can be gained by pursuing the matter further. If anyone has anything to say to the contrary, let him say it.

M. WOLD: My Lord Chairman, I must apologise if I in any way have said anything against the Chairman at this meeting; but M. de Baer said, I thought, that the matter was exhausted in any case for the time being, and I think that upon that point I agree with you. I should like to add that I must not be taken as implying that I do not very much appreciate that we have had representatives of CROWCASS here, and all the information we can get in dealing with the activities and the work of CROWCASS, of course, will be valuable to every member of this Commission.

M. C. STAVROPOULOS (Greece): Could not we write a letter to the Control Commission in Germany stating that we consider the work of CROWCASS is very valuable and that everything that can be done ought to be done, not as a special matter but as an ordinary routine matter, for helping forward the work of CROWCASS, and at the same time that in our opinion we consider that work very valuable?

THE CHAIRMAN: Yes, there is a great deal to be said for that view; but, of course, we have already expressed and indicated as clearly as words can our feelings on the matter. As I say, speaking for myself, I think the best course to adopt is to explore the matter further - I think that is the technical expression - either in our own minds or by consulting other authorities. Unless the Commission wish to continue this discussion,

I venture to suggest that we should now conclude it with an expression of thanks to Major Turrou for coming here to-day, coming over from Paris, to give us the benefit of his ideas. We had a long discussion this morning, and we have had a not so long but still quite a lengthy discussion this afternoon.

If it is not asking too much of the members of the Commission, there are one or two pieces of business which it would be desirable to bring before the Commission to-morrow afternoon; it will not take long. One is a matter of great importance, and that is the question of the Commission electing a Secretary-General. A candidate has appeared and has been interviewed by some of the members, and it may be that to-morrow would be a convenient time for coming to a decision. There are one or two other things which we ought to deal with also. That being so, I shall ask the Commission to be patient with me and not to be too angry if I suggest a meeting at 3 o'clock to-morrow. I may add that I do not consider the time we have spent to-day, though it has resulted in nothing definite, as having been wasted.

W. H. H.



SECRET

M. 85

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Eighty-fifth meeting

held on

November 8th, 1945

In the Chair: Lord WRIGHT

- Australia

There were also

present: Colonel HODGSON

- United States of America

F/O BRIDGLAND

- Australia

M. de BAER

- Belgium

accompanied by M. GOLSTEIN

Major MORDEN

- Canada

Dr. Wellington KOO

- China

accompanied by Dr. LIANG

Dr. MAYR HARTING

- Czechoslovakia

Professor GROS

- France

Sir Robert CRAIGIE

- United Kingdom

M. STAVROPOULOS

- Greece

Mr. BURDEKIN

- New Zealand

Mr. WOLD

- Norway

accompanied by Major PALMSTROM

Dr. SZERER

- Poland

accompanied by Dr. CYPRIAN

MINUTES

The minutes of the 82nd meeting were approved and signed by the Chairman.

Amendments to the draft minutes of the 83rd meeting were received from Mr. Burdekin, F/O Bridgland, and Professor Gros. They will be incorporated in the final text for distribution.

APOLOGIES FOR ABSENCE

Dr. Zivkovic and Commander Mouton sent apologies for being unable to attend the meeting.

APPOINTMENT OF NEW SECRETARY GENERAL

The CHAIRMAN reported that a candidate had been found for the post of Secretary General, which had been vacant since the resignation of Mr. McKinnon Wood last September, Mr. Lyman having performed the duties in a temporary capacity.

Colonel George Alexander Ledingham, D.S.O., M.C., was educated at Aberdeen Grammar School and The Royal Technical College Glasgow and had qualified as a Civil engineer. He had served during the 1914-1918 war, was awarded the M.C., wounded and mentioned in despatches. From 1919-1939 he was engaged in various business

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undertakings. He commanded Surrey and Sussex Yeomanry Field Regiment, R.A., from 1937 to 1942; awarded the D.S.O. in 1940, mentioned in despatches twice, promoted to Colonel in 1942, and appointed Commander Bucks Sub-District. He was transferred to Civil Affairs Military Government in July 1944, proceeded overseas and served with Second Army and later the Canadian Army in Holland. He was Civil Affairs Commander for Brabant until the Netherlands took over administration in March 1945, when he became Military Government Commander for Westphalia, until released under his Age and Service group on 23rd August 1945.

The CHAIRMAN considered that Colonel Ledingham's experience was such as to give him an especially intimate acquaintance with matters connected with the tracking down and apprehension of war criminals, which was of vital importance for the work of the Commission in its present stage. He would therefore strongly recommend the appointment of Colonel Ledingham, whom some members had already had the opportunity of meeting.

Members having expressed their approval of the appointment, Colonel Ledingham was asked to join the meeting. Having been welcomed by the Chairman on behalf of the Commission, Colonel LEDINGHAM expressed his thanks and said he would do his utmost to justify the confidence which had been placed in him.

#### REPORTS OF COMMITTEE CHAIRMEN

##### Committee I

##### Commission's Lists of Witnesses

M. de BAER, chairman, said that a question had been raised regarding the fate of those persons listed as witnesses by the Commission. It seemed unfair that those who had voluntarily given evidence should be treated as accused persons, placed in custody and detained until the time of trial. In that connection, Mr. Kent had informed the Committee that as far as the British National Office was concerned, it was not intended to penalise any German who had volunteered to give evidence, provided he was not concerned in the commission of war crimes; arrangements were therefore being made to release such persons. It would be left to the discretion of the military authorities to decide whether the witness could be relied upon to appear before the court; if he were suspected of Nazi leanings, however, he would be retained in custody.

M. de Baer and the CHAIRMAN of the Commission expressed appreciation of the satisfactory manner in which the British National Office had handled the problem.

##### Disposal instructions for General Hartmann

Referring to the recent case of Paul Kanstein (Cf. M. 79, p.6., and M.80, p.4), M. de BAER said that another letter had been received from CROWCASS requesting instructions for the disposal of General Hartmann, who figured on the Commission's List No.7, Key-men. The situation this time, however, was not one in which a National Office might be asked to apply for the surrender of the criminal, inasmuch as General Hartmann had committed war crimes against the U.S.S.R., in addition to having taken part in the framing of Nazi policy. Committee I therefore considered that an appropriate communication should be sent to the U.S.S.R. authorities, informing them that Hartmann had been captured in the Mediterranean area and was being detained pending instructions.

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Mr. WOLD said that if Hartmann were a key criminal, the Allied Control Commission in Berlin might have an interest in him. He was not clear as to the distinction between a "major war criminal" and a "key criminal". He felt that the Commission should discuss that question.

After further discussion, it was decided to inform the National Offices of the detention of General Hartmann, requesting them to consult their Governments and report at the next meeting.

#### Request for extradition of Franco Scasselati

It was unanimously agreed to issue a certificate - similar to the one relating to Giuseppe Bastianini (Cf. M.63, p.5) - to the Yugoslav representative on the Commission, to enable his Government to secure the extradition of Franco Scasselati, Italian war criminal listed in the Commission's List No. 5, who had taken refuge in Switzerland.

#### Italian charges against German war criminals

M. de BAER referred to the Commission's decision to receive charges against German war criminals presented by the Italian Government. A suggestion had been made that one of the member Governments might examine such charges and present them formally to the Commission; the later decision was to the effect that such charges should be taken up as Commission charges in order that the accused, when apprehended, might be handed over direct to the Italian Government.

The case of Colonel Langsdorff had now been discussed by Committee I and it had been proposed that the material relating to the looting of Italian art treasures should be transmitted to Signor Manzini of the Italian Embassy, in order that he might formulate a charge.

The proposal was unanimously adopted, the CHAIRMAN pointing out that similar cases might arise in the future.

#### Committee III

Dr. MAYR HARTING, on behalf of Dr. Ecer, chairman, reported that the Committee hoped to submit its final report on the Czechoslovak case No. 26 after its next meeting.

#### Finance Committee

Sir Robert CRAIGIE, chairman, said that two meetings had been held during the last fortnight, after a considerable lapse of time. Two matters had been thoroughly examined.

#### Financial situation of the Commission

The actual balance held by the bank to date amounted to £17,671. Sir Robert explained that the Commission had provided in its budget for the establishment of a number of agencies overseas, particularly in the Far East, as well as for certain expenditure which had in fact not been incurred. The budget items foreseen under those headings amounted to £17,000, so that the present balance was actually not very great. That was due to the fact that outstanding contributions (budget excess over "basic contributions") from member Governments were £19,000 in arrears. He ventured to suggest that members of Governments whose contributions had not been paid should urge their Governments to do so. He added that the moment for considering whether the balance was excessive would be when the next budget was being discussed.

Increases of Staff salaries

A number of proposals for increases in salary had been received, and after thorough consideration, the Committee had felt they were justified and approved them.

The CHAIRMAN thanked Sir Robert Craigie for his report.

RECOMMENDATION CONCERNING JAPANESE WAR CRIMES AND ATROCITIES - C. 145 (1)

The CHAIRMAN requested the representative of Australia to open the discussion - which had been adjourned at the last meeting - by stating his views on the draft letter to the United Kingdom Secretary of State for Foreign Affairs.

F/O BRIDGLAND did not have much to add to the statement he had already made. In his opinion, the responsibility of the Commission in regard to the question of dealing with the Japanese war criminals extended beyond making recommendations on how to bring them to justice. It was important that the recommendations should not be shelved for so long that their effectiveness would be impaired, if and when it was eventually decided to carry out the plans proposed. He said this, having in mind the fact that there were investigating teams already at work in the Far East, but no central inter-Governmental agency existed to co-ordinate the evidence collected. In that spirit of urgency, he had suggested that a letter, on the lines of the draft submitted at the last meeting, should be sent to the United Kingdom Foreign Office in accordance with Recommendation VIII adopted by the Commission on August 29th, 1945 (Cf. C.145(1)). He had no information regarding the number of representatives who had received the views of their Governments on the recommendations, but provided a sufficient number had received replies, he suggested that the question of sending the draft letter might be put to the vote.

The CHAIRMAN asked whether any members were in a position to state the views of their Governments.

Sir Robert CRAIGIE said that he had received an interim reply and was willing to give a provisional report, but he would prefer to make a detailed statement at the next meeting.

Dr. Wellington KOO said that he had telegraphed to his Government and had received a reply to the effect that the recommendations had been examined and, speaking generally, no objections had been found. He was requested to add, however, that since conversations were proceeding between certain Governments principally interested in the subject with very much the same object in view, his Government wondered whether the moment was opportune for taking a decision. If the Commission should consider it opportune, however, Dr. KOO would be authorised to express more definitely the views of his Government which were, speaking generally, favourable.

The CHAIRMAN then asked Colonel Hodgson to express the opinion of his Government.

In reply, Colonel HODGSON stated that the United States, as one of the signatories of the Potsdam declaration, had declared that Japanese war criminals should be swiftly and surely punished. His Government was extremely anxious that these perpetrators of monstrous war crimes should be quickly apprehended and brought to trial and justice as soon as possible, and wished to do everything necessary to achieve that end. For some time, it had been studying the most appropriate methods to effectuate that purpose and in the course of

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those studies and the preparation of a plan, had found the recommendations contained in document C.145(1) very valuable. They had been of much assistance and in a number of respects were very close to its own policy.

In view, however, of the desire for swift punishment for Japanese war criminals, discussion through diplomatic channels had already begun with Governments especially concerned with the punishment of Japanese war criminals. It was not felt, therefore, that it would be appropriate to request the United Kingdom Foreign Office to take action in accordance with recommendation VIII, contained in document C.145(1). For that reason, it was also believed that action upon document C.145(1) should be deferred pending consideration of the subject through diplomatic channels.

Professor GROS said his position was the same as that of Colonel Hodgson. The question was at present being considered by the French Government also and he would find it difficult to give any information at this stage. He was inclined to agree with Colonel Hodgson that it was extremely difficult to participate in a decision of the Commission on a matter which was being considered on a diplomatic level. The Commission no doubt appreciated that as soon as a decision was taken, it would be communicated to it.

Mr. BURDEKIN was then asked to speak. He had received no definite instructions from his Government but felt justified in saying that its only interest lay in providing adequate machinery to be set in motion as soon as possible. He considered that the Far Eastern Advisory Commission, now meeting in Washington, might appreciate receiving the views of the U.N.W.C.C. as set forth in document C.145(1). Without wishing to make difficulties - in view of the diplomatic conversations now proceeding, he felt personally that his Government would wish the Commission's recommendations to be brought to the attention of the Washington Commission.

Major MORDEN reported that his Government considered the Chairman's proposal inopportune at the present moment in view of the fact that Canada - and presumably other Governments - were considering the proposals of the Far Eastern Commission in Washington. The Canadian Government, however, wished to make it known that it generally supported the suggestion that the U.N.V.C.C. should acquaint the Washington Commission with the recommendations set forth in C.145(1).

Sir Robert CRAIGIE stated that, since other members had made preliminary statements, he would add that the United Kingdom Government had been studying the Commission's recommendations very carefully and had found them very valuable. As had been mentioned, discussions were taking place between the Governments interested and, so far as he could see, they were very much on the lines of the Commission's recommendations, i.e. a proposal for international military tribunals, for a central registry and generally for the early detention of prisoners and their trial. So far as the area under British occupation was concerned, steps had already been taken to set up national courts and to detain prisoners and generally to set the machinery in motion, pending a final decision between Governments as to what exactly the machinery was to be.

As regards any action by the Commission, it was of course open to it to send the letter proposed, but in his opinion it would be preferable to await developments. He was sure that the question was being considered as a matter of urgency, and it seemed very doubtful whether anything which the Commission would do at this stage would

expedite it further. Neither did he believe that it would serve any useful purpose for the Commission to propose that the recommendations be submitted to the Washington Advisory Commission. He was certain that the Governments would themselves do that if they considered it to be the best method of achieving their object. He would therefore suggest that the Commission confine itself to advising the member Governments that the matter was of the greatest urgency and to expressing the hope that detailed information would be sent to the Commission.

The CHAIRMAN felt that, after hearing the statements made by the representatives of certain Governments, the question was being thoroughly and vigorously considered by those Governments and he would therefore be reluctant to support a view which would involve the Commission's pursuing the matter by sending the draft letter or by taking any other action. He would be disposed to suggest that the matter be left in abeyance for at least a week or two. If it were then possible to show that there were reasons of real practical importance why the Commission should interfere, the matter could be raised again. He personally took the view that the Governments concerned were doing their best and that the Commission's recommendations were receiving full attention. He ought to add that the recommendations were neither final nor complete in form or effect. He asked the Australian representative for his opinion.

F/O BRIDGLAND replied that he was prepared to defer the question in view of the statements just made. The position might be clarified in a week or two: the problem might solve itself. If not, the Commission might reconsider the whole question.

The CHAIRMAN said he would have an opportunity to raise it again if he felt that a useful purpose would be served thereby.

#### MEMBERSHIP OF COMMITTEE III

Sir Robert CRAIGIE asked to be relieved of membership of Committee III, owing to commitments on other committees, particularly on Committee I, the meetings of which Mr. Beaumont was no longer able to attend.

The CHAIRMAN and Mr. WOLD, chairman of Committee III, regretted the necessity for Sir Robert's resignation and hoped that he would return as soon as circumstances permitted. Mr. WOLD suggested that, to replace Sir Robert, another member be appointed, whose mother-tongue was English and who was fully conversant with Anglo-American law. Mr. STAVROPOULOS supported Mr. Wold's suggestion.

Colonel Hodgson and Mr. Burdekin were each invited to join the Committee but did not feel able to accept.

The CHAIRMAN reminded the meeting that the proceedings and conclusions of the Committee had to be reconsidered by the Commission in any case and that the Committee was assisted by a secretary.

Colonel HODGSON pointed out that one of the members of Committee III was Dr. Liang who was an expert not only on international law, but also on Anglo-American law. He had already produced valuable reports for the Commission.

#### RECOMMENDATION CONCERNING ORDER OF TRIAL - C.123(1)

The CHAIRMAN stated that a letter had been received from Dr. Mayr Harting, reporting agreement by the Czechoslovak Government to the proposal for arbitration by the Commission in the case of a war criminal being wanted by more than one United Nation. The following Governments had now agreed to the recommendation: Australia, Belgium, Yugoslavia, New Zealand, Netherlands and Czechoslovakia.

M. de BAER suggested that the Allied Control Commission might be informed of the number of Governments who had agreed to the recommendation, in order that, in the event of arbitration being necessary, the question might be referred to the Commission.

The CHAIRMAN said he would prefer to await further replies from member Governments, but hoped to raise that point shortly.

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ATTENDANCE AT DACHAU CONCENTRATION CAMP TRIAL

Colonel HODGSON made the following statement, at the request of the Chairman:

"This noon I received a telegram, dated November 6th, from the United States Forces, stating that approximately 40 major perpetrators in the Dachau Concentration Camp case who are charged with murder and other mistreatment of civilian nationals and members of the armed forces of nations then at war with Germany, will be tried by General Military Government Court at Dachau, Germany, on or about 15 November 1945.

It was also stated that because of the importance of this proceeding it is believed the trial will be of interest to the members of the United Nations War Crimes Commission.

Accordingly I was requested to convey to the members of the Commission an invitation to be present throughout the course of the trial or at any time during the progress thereof.

I was further requested, in case any or all members of the Commission desired to attend the proceedings, to advise the War Crimes Branch at Wiesbaden as soon as possible of the names of the members, dates they may desire to be present and the probable duration of their visit in order that adequate accommodations may be assured. Therefore, in case any or all members desire to accept this invitation, it will be appreciated if they will give the mentioned items of information to the Secretary General at the earliest convenient time."

Professor GROS asked whether it would not facilitate matters for the United States authorities if members were to go in a party rather than individually.

Colonel HODGSON thought it would be preferable in view of transport difficulties. He added that Colonel Straight would like to know as soon as possible, in order to arrange for accommodation.

Appreciation of the offer made by the American Army was expressed by the Chairman and all members.

M. de BAER asked whether Colonel Hodgson could tell him whether there was any intention of adding foreign judges for the Dachau trial. A precedent had recently been set at the Peleus trial, to which two Greek judges had been invited. He added that if the prisoners at the Belsen trial were to be acquitted (he referred to Professor Smith's statement, reported in the "Times"), it would be unfair that the British judges alone should have to bear the responsibility of that decision and the resulting unpopularity in all countries.

Colonel HODGSON said that his military authorities were giving careful consideration to that matter. There were many difficulties to be overcome in bringing 40 major perpetrators to trial, and so far as the Dachau trial was concerned, the proceedings would be before an American court. He understood that observers had been invited from those countries whose nationals had been confined in Dachau.

Referring to M. de Baer's reference to Professor Smith's statement, Professor GROS urged that a full report be made available to the Commission, to be studied by the Legal Officers and then discussed by the Commission. He felt that it was of great importance that a statement should be issued, when the report had been examined.

The CHAIRMAN suggested that the matter be made the subject of discussion at a future meeting.

*Wright*

SECRET

M. 86

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Eighty-Sixth Meeting

held on

November 14th, 1945

In the Chair: Lord WRIGHT - Australia

There were also  
present:

Colonel HODGSON	- United States of America
accompanied by Captain WOLFF	
E/O BRIDGLAND	- Australia
M. GOLSTEIN	- Belgium
Major MORDEN	- Canada
Dr. LIANG	- China
Dr. MAYR HARTING	- Czechoslovakia
Dr. SCHRAM-NIELSEN	- Denmark
Professor GROS	- France
Sir Robert CRAIGIE	- United Kingdom
M. STAVROPOULOS	- Greece
Mr. DUTT	- India
Mr. BURDEKIN	- New Zealand
Mr. WOLD	- Norway
accompanied by Major PALMSTROM	
Dr. ZIVKOVIC	- Yugoslavia

and

Mr. AIKMAN	- New Zealand National Office
Major LABORDE	- French National Office

WELCOME TO MR. AIKMAN AND MAJOR LABORDE

The CHAIRMAN welcomed Major Laborde and Mr. Aikman, of the French and New Zealand National Offices respectively, stating that he was always glad to establish contact with the National Offices.

Major LABORDE and Mr. AIKMAN expressed appreciation for the opportunity of following the proceedings of the Commission at first hand.

RESIGNATION OF MR. LYMAN

The CHAIRMAN reported that the Commission would soon be deprived of the services of the Executive Secretary who planned to return to his home in the United States shortly. His loss would be particularly felt by the newly appointed Secretary General and the Chairman therefore hoped that a candidate would very soon be found to replace him.



The CHAIRMAN referred to the fact that Mr. Lyman had been placed in a very difficult position by the sudden retirement of the former Secretary General and mentioned various functions Mr. Lyman had performed and the efficient way in which he had arranged the affairs of the Commission when the Secretariat moved from the Law Courts to Church House. He moved a resolution expressing the Commission's indebtedness to Mr. Lyman for admirable, efficient and self-sacrificing services. The Chairman also felt that the Commission would support him if he secured Mr. Lyman's passage to America.

Dr. LIANG and Sir Robert CRAIGIE supported the Chairman's resolution. Professor GROS thought that support was unanimous and proposed that a letter be addressed to Mr. Lyman to that effect. Sir Robert CRAIGIE - who, as a newcomer, had been greatly assisted by Mr. Lyman - wished him every good fortune in the future.

The CHAIRMAN said he would write a letter to Mr. Lyman as suggested.

#### MINUTES

The minutes of the 83rd meeting were approved and signed by the Chairman.

Amendments to the draft minutes of the 85th meeting were received from the Chairman, P/O Bridgland, Sir Robert Craigie and Colonel Hodgson. They will be incorporated in the final text for distribution.

#### APOLOGIES FOR ABSENCE

Apologies for absence were reported from M. de Baer and Commander Mouton, and Sir Torlok Amoor Ali.

#### REPRESENTATION OF THE U.S.S.R. ON THE COMMISSION

Dr. LIANG declared that the Chinese Government had agreed to the Commission's proposal to approach the United Kingdom Government with a view to inviting the Soviet Government to join the Commission.

Mr. DUTT made a similar statement on behalf of the Government of India.

#### AMENDMENT OF DOCUMENT C.155 - MEMBERSHIP OF COMMITTEES

Dr. LIANG asked that his name be substituted for that of Dr. Wellington Koo in the list of members of Committee III. He pointed out that he had been appointed to and served on Committee III in his own right and not as deputy for Dr. Wellington Koo.

An amended text of C. 155 will shortly be circulated.

#### ACCOMMODATION FOR CROWCASS

The SECRETARY GENERAL read the following note of a conversation between Major Turrell and Mr. Lyman, on November 9th:

"General de Gaulle has signed an order which directs the tenants of the upper floors in the CROWCASS building to vacate the premises in order that CROWCASS may promptly move in.

While it is not certain, it is probable that the tenants will vacate within the next eight days.