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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventieth-First meeting

held on

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July 19th, 1945.

Chairman:	Lord WRIGHT	- Australia
There were also		
present:	Lt.-Col. HODGSON	- United States of America
	accompanied by Capt. WOLFF	
	Mr. OLDHAM	- Australia
	Lt.-Col. WALKER	- Canada
	Dr. LIANG	- China
	accompanied by Mr. DAO	
	Dr. MAYR MARTING	- Czechoslovakia
	Mr. BEAUMONT	- United Kingdom
	Mr. DUTT	- India
	Commander MOUTON	- Netherlands
	Major PALMSTROM	- Norway

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Dr. MALEZIEUX	- France
Capt. ALLETSON	- Control Commission for Germany

MINUTES

The minutes of the 68th meeting were approved and signed by the Chairman.

The draft minutes of the 69th meeting were approved for circulation.

With reference to the discussion recorded on page 2 of the minutes of the 69th meeting, regarding the delay in the transmission of minutes from the Chungking Sub-Commission, Mr. DAO reported that he was making enquiries and that it was hoped that the Chungking secretariat would be able to furnish an explanation. The Commission would be informed as soon as information was received. Mr. Dao had reason to believe that the delay had been inevitable.

LETTERS FROM MRS. HAYES

The CHAIRMAN referred to the letter of condolence sent to Mrs. Hayes on the occasion of the death of her father, Viscount Finlay. A further letter had also been sent enclosing extracts from the minutes of the 68th meeting at which tributes had been paid to the United Kingdom representative by his colleagues on the Commission. Mrs. Hayes had acknowledged receipt of these letters and expressed her appreciation of their sympathy and added that the tributes paid to her father would always stand to her as an especially intimate and spontaneous memorial of his work with the Commission. She asked that her thanks be conveyed to the Chairman and members of the Commission.

APPLICATION OF DENMARK FOR MEMBERSHIP OF THE COMMISSION.

The CHAIRMAN referred to a letter he had received from Sir Basil Newton of the United Kingdom Foreign Office dated July 11th 1945, which read as follows:

"You recently enquired what the Foreign Office views would be about the admission of Denmark into the United Nations War Crimes Commission.

In the first place I would like to make it clear, in connexion with McKinnon Wood's letter of the 12th June, that the end of hostilities in Europe has, in our view, changed the considerations of security and so forth which led us on a previous occasion to urge that the membership of the Commission should not be enlarged. Now, I think there can be no harm and, indeed, some gain in increasing its membership.

If this is agreed, Denmark would, in the opinion of the Foreign Office, be one of the nations which could most properly be admitted to the Commission, for Denmark is a combatant member of the United Nations, and the Danes are a sound people who may be expected to be discreet and to submit only such charges as are fully supported by evidence.

The admission of Denmark may of course encourage other countries to seek membership, but if so any such request can then be considered on its merits. I can assure you therefore that no objection is seen in the Foreign Office to Danish participation."

He presumed that no objections would be raised to the admission of Denmark.

Commander MOUTON stated that the request of the Danish Government had been conveyed to the Dutch Government but his written communication was so

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far unanswered. It was a mere formality, however and he did not believe there would be any objection on their part.

It was unanimously agreed to accept Denmark's application for membership of the Commission.

SURRENDER OF WAR CRIMINALS

The following letter from Mr. Oldham dated 10th July 1945, was communicated to members:

"On behalf of Lord Wright, I wish to advise that the Australian Government approves, in principle, the draft Convention for the Surrender of War Criminals (Doc.C.47), but has the following comments to make:

- (a) In connection with Article 1, the Australian Government would wish to see the scope of the Convention expanded to cover the dependent territories of the Governments who are parties to the Convention, and the nationals of those dependent territories.
- (b) The provision of Article 4, that any person surrendered should not have recourse to judicial procedure should, in the opinion of the Australian Government, be included in Article 7 to prevent recourse to judicial procedure in any territory through which the surrendered person is passing."

The CHAIRMAN pointed out that it dealt with the question of surrender between nations and not with surrender of wanted persons by the army authorities to the requesting country.

Mr. OLDHAM added that, at the time of making the above communication, the Australian Government had not been in possession of any information regarding the proceedings of the National Offices Conference in regard to the subject.

VISIT OF 2nd LT. CAPIOMONT OF CROWCASS

Mr. OLDHAM reported the visit to London of 2nd Lt. Capiomont of Crowcass who had been authorised by Lt.Col. Palfrey to give any information that was required to members of the Commission.

He therefore proposed that a meeting should be arranged for Tuesday, July 24th, at 3.p.m. to which representatives of the National Offices should also be invited and at which 2nd Lt. Capiomont would reply to questions. She had been given full powers to explain the workings of CROWCASS and to discuss with members of the Commission and officers of the National Offices any suggestion for improvements in the relations between the United Nations War Crimes Commission and Crowcass.

The CHAIRMAN said he would like to see a list of the number of criminals appearing on the Commission's lists who were held in custody, in order to assist the National Offices in deciding on trials.

The Acting Secretary General was asked to send convocations to all members of the Commission and representatives of National Offices.

REPORTS FROM COMMITTEES CHAIRMAN

Committee I. In the absence of the Chairman, Mr. de Baer, Dr. Schwelb, Legal Officer, reported that Committee I had dealt with a number of charges brought by private bodies or individuals, concerning German crimes against Germans, and Austrian against Austrians, prior to September 3rd, 1939, and had decided to inform the Allied Government and Control authorities.

Public Relations Committee. Mr. Oldham, Chairman, reported that a letter had been received from the "Sunday Express" asking for information regarding major criminals not yet in Allied hands. It was decided that this information should not be disclosed and that a reply should be sent to the editor in this sense by the Executive Officer.

Premises Committee: The EXECUTIVE OFFICER reported that the Secretariat was moving the next day and by Monday morning hoped to be established in its new premises in Church House. A notice of this change of address and telephone number was being circulated.

TRANSMISSION OF LISTS

A request from Colonel Hodgson for the supply of two additional sets of lists to Mr. Justice Jackson's Office was granted. It was explained that these were required by the branches of that organisation working on the continent.

A similar request from Dr. Kayr Harting for an extra set to be supplied to the Ministry of Interior in Prague was also granted.

FINANCE COMMITTEE REPORT

The CHAIRMAN announced that the chairmanship of the Finance Committee, which had been vacant since Lord Finlay's death, would have to be filled, but he did not wish to elect a successor as yet, and therefore asked Mr. Oldham to act as chairman temporarily.

Mr. Oldham reported that, in consultation with Colonel Wade and Captain Lyman and greatly assisted by Dr. Litwinski's memorandum of

16th July, the needs of the Research Dept. had been reviewed, with the result that it had been decided that the following officers were necessary, as an absolute minimum:

- 1) Research Officer - Colonel Wade.
- 2) Assistant. Applications for the post were invited in last Thursday's "Times" and some 120 replies were received. A selection among these had been made and it was hoped to make an appointment shortly.
- 3) Indexer. Up till now the Research Dept. had managed without the services of such an officer, but the position had now been reached where it was impossible to continue the work satisfactorily without such an appointment. Mr. Oldham had enquired into the position and was satisfied that the appointment was necessary. The opportunity had arisen to obtain the services of Mrs. Brade formerly with the O.W.I. Authority was therefore requested for her appointment at a salary of £380.p.a.
- 4) Secretary. Colonel Wade had had the excellent assistance of Miss Edwards as secretary. Mr. Oldham was satisfied that her present salary was inadequate and asked that it be increased from £300 to £350.
- 5) A typist was attached to the Department but unfortunately was leaving for the United States and they were seeking the assistance of someone to take her place.

Mr. Oldham therefore on behalf of the Finance Committee, asked leave of the Commission to increase the Research Department's staff by the addition of an Assistant and an Indexer. Both appointments appeared absolutely necessary.

Approval was unanimously given.

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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-Second Meeting

held on

July 25th, 1945

Chairman: Lord WRIGHT

- Australia

There were also
present:

Lt.-Col. HODGSON

- United States of America

of America

accompanied by Captain WOLFF

Mr. OLDHAM

- Australia

accompanied by P/O BRIDGLAND

M. de BAER

- Belgium

Lt.-Col. WALKER

- Canada

Dr. LING

- China

Dr. MAYR HARTING

- Czechoslovakia

ia

accompanied by Dr. FANDERLIK

Professor HURWITZ

- Denmark

Mr. BEAUMONT

- United Kingdom

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Sir Torick AMEER ALI

- India

accompanied by Mr. DUTT

Commander MOUTON

- Netherlands

Mr. BURDEKIN

- New Zealand

H.E. Terje WOLD

- Norway

accompanied by Major PALMSTRÖM

Dr. ZIVKOVIC

- Yugoslavia

and

Dr. MILEZIEUX

- France

Capt. ALLETSON

- Control Commission
for Germany

The CHAIRMAN wished to congratulate everyone on being able to meet in very attractive new premises. The United Kingdom Foreign Office had indeed succeeded in finding accommodation for the Commission, and deserved warm thanks.

approved,

The Chairman wished also to pass a vote of thanks to the Executive Secretary, Mr. Lyman, for the great trouble he had taken in arranging the various rooms and getting them ready in time for the present meeting, which had been no easy task.

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WELCOME TO ACCREDITED REPRESENTATIVES OF DENMARK AND NORWAY

The CHAIRMAN said he had two pleasant duties to perform. First he wished to welcome Professor Hurwitz, Doctor Juris, the representative of Denmark. At the last meeting of the Commission, an application for membership from that country had been approved by all the Governments represented on the Commission. Professor Hurwitz was attending the present meeting as a visible symbol that Denmark was now a member and it was hoped he would attend regularly. The Commission had been looking forward with hope and expectation to the time when the Danish Government would be liberated and able to join in the work of punishing those who had committed crimes not only against the various countries of Europe but against Denmark herself. They now hoped to utilise the machinery of the Commission for the purpose of seeing that retribution was exacted in favour of Denmark against the various Nazi elements which had persecuted her. Some cases from Denmark had already been submitted and M. de Boer had dealt with them when forming his lists, as in the case of Gunther Pancke, who had been charged by the Commission with war crimes committed against Denmark. Finally, the Chairman said that, in welcoming Denmark's membership, he was welcoming the last remaining member of the Western European countries who had suffered from Axis aggression.

The second welcome the Chairman wished to extend was to His Excellency Terje Wold, the newly accredited representative of Norway. Lately the Commission had benefitted from the help of Major Palmström, but it was some time since it had lost the services of M. Colban, the first Norwegian representative. M. Colban had been greatly respected and liked by all the members, who now welcomed his successor with the conviction that he would be equally effective and agreeable to them.

The Chairman concluded by saying that the distinguished representative whom he had welcomed belonged to two countries which - to Englishmen at least - were always dear. England had been associated with them for many centuries, ever since in fact they overran and invaded England herself. He was sure that other member countries would join in his greeting.

Professor HURWITZ, on behalf of the Danish Government, expressed their deep feeling of gratitude and joy at being formally adopted as a member of the highly esteemed Commission. He wished to assure his new colleagues that Denmark would do her utmost to collaborate in securing the punishment of war criminals, especially, of course, those who were of interest to Denmark. The Chairman's warm welcome would be highly appreciated in the whole of Denmark.

Mr. WOLD thanked the Chairman for his kind words. He could not promise to be as effective and agreeable to the Commission, as M. Colban had been, but would do his utmost.

MINUTES

The minutes of the 69th meeting were approved and signed by the Chairman.

Amendments to the draft minutes of the 70th meeting were received from Lt.-Col. Walker, Commander Mouton, M. de Baer and Mr. Oldham. Colonel HODGSON submitted corrections to remarks made by Colonel Bernays, based on the latter's suggestions. The final text of the minutes will be circulated in due course.

STATEMENT BY SECRETARY GENERAL

The SECRETARY GENERAL reported receipt of a letter, dated 17th July, 1945, from the United Kingdom Foreign Office, relating to the Recommendation concerning Collective Responsibility for War Crimes (document C.105(1)). The letter read as follows:

"Dear Lord Wright,

In a letter which I wrote to Lord Finlay on 9th June, I told him that we were studying the United Nations War Crimes Commission's recommendation regarding collective responsibility for war crimes. I believe this information was passed on to the Commission.

I now wish to inform you that His Majesty's Government in the United Kingdom accept the principle of collective responsibility in respect of certain classes of war crimes and are at present engaged in discussing the practical implications of this principle with representatives of the Governments of the United States of America, the Union of Soviet Socialist Republics, and the Provisional Government of the French Republic.

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REPORTS FROM COMMITTEE CHAIRMAN

Committee I: Mr. De BAEY, chairman, referred to the information which was daily being sent to Colonel Wade by military authorities, Foreign Offices, and National Offices. It appeared to be absolutely indispensable that such information should be available to members and to the National Offices. On behalf of Committee I, he therefore proposed that a bulletin be issued weekly by the Commission giving particulars of the documents received, and where necessary, an explanation of their contents. The Research Department were unable to copy the documents for circulation, and indeed that would entail an unnecessary accumulation of paper, but it was suggested that anybody who was interested should come and read them at the Secretariat.

The proposal was seconded by Mr. Beaumont, and the CHAIRMAN said that the idea was so obviously useful and convenient that there could be no opposition to it.

Public Relations Committee: Mr. OLDFIELD, chairman, reported that a great number of applications had been received for the position of Public Relations Officer and applicants were still being interviewed. The delay in making an appointment was certainly inconvenient, but it was advisable to make the right choice and not miss the best man.

BUDGET FOR 1945-46

With the permission of Sir Torick Under Ali, Mr. DUTT asked to raise a technical point with regard to the budget.

He made the following proposal:

Items of expenditure, in excess of £100, under the "Miscellaneous" heading of the budget, shall be submitted for the prior approval of the Commission on each occasion.

He had already spoken to UN Secretary General who considered that a reasonable proposal.

It was decided that the proposal should be circulated to the members and submitted to the Finance Committee which would report on it at the Commission's next meeting.

MEMORIAL SERVICE FOR SIR WILLIAM MALKIN

Before the meeting rose, the CHAIRMAN stated that he intended to attend that afternoon the memorial service for Sir William Malkin, who had taken part in the affairs of the Commission in his capacity of legal adviser to the United Kingdom Foreign Office. The Secretary General would accompany him.

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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-third Meeting

held on

August 1st, 1945

Chairman: Lord WRIGHT

- Australia

There were also present:

Lt.-Col. HODGSON	- United States of America
accompanied by Capt. WOLFF	
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
accompanied by M. GOELSTEIN	
Lt.-Col. WALKER	- Canada
Dr. LIANG	- China
Dr. MAYR-HARTING	- Czechoslovakia
M. SORENSEN	- Denmark
Dr. MALEZIEUX	- France
Mr. BEAUMONT	- United Kingdom
Sir Torick AMEER ALI	- India
accompanied by Mr. DUTT	
Commander MOUTON	- Netherlands
M. Terje WOLD	- Norway
accompanied by Major PALMSTRÖM	
Dr. ZIVKOVIC	- Yugoslavia

and

Capt. ALLETSON

- Control Commission
for Germany

MINUTES

The minutes of the 70th meeting were signed.

The draft minutes of the 71st and 72nd meetings were approved,
with amendments which will appear in the final text.

NOTES OF MEETING WITH REPRESENTATIVES OF CROWCASS - July 24th, 1945.

The CHAIRMAN signed a copy of this document for conservation in
the Commission's archives after referring to an amendment which he
had made on page 12 for the purpose of showing that all corres-
pondence from and with CROWCASS should be dealt with by the Executive
Secretary, Mr. Lyman.

SECRETARY GENERAL'S REPORT

The SECRETARY General reported the receipt of two letters from Mr. Oldham stating the views of the Australian Government regarding certain recommendations of the Commission:

Recommendation concerning persons suspected of war crimes and enemy persons wanted as witnesses (Doc. C.32).

The letter on this subject, dated 25th July, 1945, states:

"With regard to the Commission's recommendation concerning persons suspected of war crimes and enemy persons wanted as witnesses (document C.32 of 12th March, 1945) the Australian Government has pointed out that the only Japanese war criminals whom it would be possible to apprehend at present would be members of the Armed Forces who would be taken and kept in custody as prisoners of war quite apart from any action to apprehend them as war criminals. They do not consider it advisable at the present time for the military authorities to segregate war criminals who have been apprehended as prisoners of war but they advise that the records of all prisoners of war appearing on the list of suspects and witnesses will be endorsed to that effect and the necessary action will be taken when tribunals for the trial of Japanese war criminals are ready to function."

"The above information is forwarded on behalf of Lord Wright."

Recommendation regarding the order of trial of war criminals whose delivery is asked for by more than one of the United Nations (Doc. C.123(1)).

The letter on this subject, dated 27th July, 1945, states:

"On behalf of Lord Wright I wish to advise you that the Australian Government has expressed its agreement with the Commission's recommendation (document C.123(1) of July 18th, 1945) regarding the order of trial of war criminals whose delivery is asked for by more than one of the United Nations."

Referring to the receipt of the above letters, M. de BAEK said that he also had written to the Commission, stating that the Belgian Government had agreed to the Recommendation regarding the order of trial of war criminals.

REPORT OF COMMITTEE I

M. de BAEK, the Chairman, mentioned a proposal made to Committee I by Dr. Schmidt (Legal Officer) to the effect that the Commission should send some of its members, or of its legal staff, to act as observers at the trial of France, the Comptant of the Commission being of course, that a member of this nature could be

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information about the trial. As regards the second point, he believed that the necessary information could be obtained without sending observers. As regards the first, it was possible that representation of Governments other than the United Kingdom Government in the proceedings might be contemplated.

The CHAIRMAN thought that the attendance of representatives of other Governments as observers was contemplated.

Mr. BEAUMONT said that representatives of the other Governments could, under the Royal Warrant, be made members of the court, but he could not say that this was contemplated in the particular case.

In reply to the Chairman, Mr. BEAUMONT said that he could ask the Judge Advocate General for a full report of the proceedings of the trial, and Dr. ZIVKOVIC said that this would satisfy him.

Colonel HODGSON had no doubt that the War Crimes Commission was competent to send observers to the trial, and probably to do so would have some value for the Commission's work, but he shared Mr. Oldham's misgiving as to how valuable it would be in practice. The question was whether time was better spent on attending the trial or doing the work which the Commission had on its hands in London. He felt it would be more profitable to concentrate on the latter work.

Committee I had that day considered a hundred cases, to deal with which required a great deal of work, and there were other matters also with which the Commission would have to busy itself. He thought it was better to spend time on the Commission's work than on attending the trial.

Dr. LIANG could well imagine that the Commission's hands were full, but shared the view that it might possibly be desirable to send members of the Commission as observers, and in any case the Commission must not fail to get information about so important a trial.

Mr. BEAUMONT did not think it would be worth while to send observers. Should it prove that an overwhelming proportion of Kramer's victims were nationals of a particular United Nation, it seemed probable

Colonel HODGSON
Cdr. HOPKIN
Colonel HODGSON

that that United Nation would be invited to be represented at the trial by an observer or a member of the court. If this was not the case, the trial would be held in public and the records would probably be available to the Commission.

M. WOLD thought the work in London was more important than sending observers to the trial, but if the work was not hampered he was favourable to the latter course.

Commander MOUTON thought one of the Legal Officers might be sent.

The CHAIRMAN did not think a Legal Officer could be spared.

Dr. MAYR-HARTING supported M. de Baer's view. The Czechoslovak Investigation Team would be on the spot, and while its primary task was to deal with the aspects of the trial which interested Czechoslovakia, he had no doubt that Dr. Ecer would agree to its collaborating with a representative of the War Crimes Commission in the preparation of a report which would be useful to all the United Nations.

The CHAIRMAN said everybody regarded the question as a practical one to be settled on practical grounds, and personally he was not satisfied that the presence at the trial of a member or officer of the Commission would be useful. The Commission was not concerned with the guilt or innocence of the accused, and therefore there was no need for its representatives to be able to see the witnesses giving evidence. The Commission was concerned with the lessons to be learnt from what happened at the trial, and for this purpose one could learn as much from the study of a transcript of the proceedings as by having observers at the trial. The shorthand note ought to be available for all the members to study. Unless convincing arguments could be produced, he was bound to oppose sending Colonel Wade, or any other member of the staff, as an observer. Individual members of the Commission could obviously go as observers, but he should regret their doing so.

Mr. BEAUMONT suggested that if the proposal was rejected, it might be with the proviso that full records of the trials should be available.

The general sense of the meeting appearing to be against the proposal, the CHAIRMAN said that unless objection was made, he would treat the proposal as rejected without calling upon the members to vote.

In reply to Dr. LIAW, who asked that active steps should be taken to obtain records of the trial, the CHAIRMAN said that he would see the Judge Advocate General personally for this purpose.

BUDGETARY CONSEQUENCES OF THE ACCESSION OF DENMARK: REPORT BY THE FINANCE COMMITTEE (Doc. C.137).

Mr. OLDHAM, Acting Chairman, presented this report, which was unanimously adopted.

SALARIES

Mr. OLDHAM also reported that the Finance Committee had approved increases in the salary of Miss Pittendrigh (Chief Clerk), Miss Sirey and Mrs. Watts.

COMPOSITION OF FINANCE COMMITTEE

At the beginning of the discussion of the next item the CHAIRMAN proposed and Colonel HODGSON seconded a motion that India should be represented on the Finance Committee.

The motion was adopted unanimously.

BUDGET FOR 1945-1946: PROPOSAL BY THE REPRESENTATIVE OF INDIA REGARDING THE ITEM "MISCELLANEOUS AND UNFORESEEN AND EMERGENCY EXPENDITURE".

Mr. OLDHAM reported that the Finance Committee considered the Commission as a whole should examine and decide on Mr. Dutt's proposal.

A discussion followed, in which Mr. Dutt explained that his proposal was based on technical grounds. Under all budgetary systems, items of expenditure were shown as clearly as possible, and if expenditure was expected to be incurred, however problematical such expenditure might be, an item covering it should appear in the Budget. Miscellaneous heads of account were in general practice intended to cover small items of unexpected expenditure. He felt, however, that in the text of his resolution the Finance Committee should be substituted for the Commission.

The SECRETARY GENERAL ventured to think that it was right and proper that expenditure under the "Miscellaneous" item should be controlled by the Finance Committee.

Mr. OLDHAM agreed with the proposed amendment.

Mr. DUTT's proposal was unanimously adopted in the following form:

"Items of expenditure, in excess of £100, under the 'Miscellaneous' heading of the Budget, shall be submitted for the prior approval of the Finance Committee on each occasion".

REPORT OF PUBLIC RELATIONS COMMITTEE

Mr. OLDHAM, Chairman, reported that out of a large number of candidates for the post of Public Relations Officer, three had been selected and out of them the Committee's choice had fallen upon Mr. Lionel Fielden whom it unanimously recommended for appointment. Mr. Fielden had served with the League of Nations Secretariat in 1921-1923, from 1927-1935 he was Director of Talks at the B.B.C., from 1935-1940 he was Controller of Broadcasting for the Government of India and from November 1943 until a recent date he was Director of Public Relations for the Allied Commission, Italy. He had also served on the staff of the "Observer", writing under the name "Audax", and contributed to many other papers. He gave as references, Lord Perth, Lord Reith, Lord Linlithgow, Sir James Grigg, Admiral Ellery Stone, U.S.N.R., and General Sir N. Mason Macfarlane. It had been possible to interview the latter person.

The Commission unanimously approved the appointment of Mr. Fielden.

DISTRIBUTION OF LISTS OF WAR CRIMINALS

The Commission approved the supply to the Headquarters, United States Forces, European Theatre, of a complete set of the Commission's lists for use in the preparation of "locatur" lists.

PROBLEMS RELATING TO THE WAR WITH JAPAN

Colonel HODGSON suggested that it would be well for the members

of the Commission and its Committees to give thought to the preparation of recommendations regarding the apprehension and trial of the perpetrators of war crimes in the Far East and Pacific area. He had no concrete proposals for the moment, but felt the subject called for immediate attention.

Mr. OLDHAM supported this suggestion, saying that at least two Governments felt the Commission did not give enough attention to the Far East and Pacific. The Government of India must have a relatively large amount of information available. The subject should be referred to Committee II.

M. de BAER was surprised at the suggestion that the Commission neglected the Pacific. It was for the Governments concerned to submit cases to it. So far only one Government had done this.

Mr OLDHAM agreed, but urged the advantages of stirring the Governments into action.

Inquiries by the CHAIRMAN elicited the information that Australia was acting for the United Kingdom in the Pacific, but not for the Netherlands, which had their own office in Australia.

Sir Torick AMEER ALI said India had some cases ready, but had not decided whether to submit them to the Commission or the Sub-Commission at Chungking.

Dr. LIANG said it had been assumed that the bulk of Eastern and Pacific cases would go to Chungking, but sending them to the main Commission was permissible. To the best of his knowledge, the Chungking Sub-Commission was proceeding normally with its work. The Chinese cases were before it, but he could not say how many had been dealt with.

The CHAIRMAN felt the time had come for a full and clear statement on the work of the Sub-Commission to be supplied to the Commission. He also felt the Commission should have particulars of the persons who should be considered "key-men" in respect of war crimes against the Chinese.

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Dr. LIANG said the Chinese Embassy had only information contained in the minutes of the Sub-Commission which had been circulated to the Commission, but he had the impression that the Sub-Commission's work was proceeding according to plan and not more slowly than circumstances warranted. The beginning stage of the Sub-Commission's work should be compared with the beginning stage of that of the main Commission. If desired, the Embassy would be glad to ask the Sub-Commission for a statement. The main Commission had only recently taken up the question of major criminals. When its attitude was clearly defined, the Sub-Commission would do the same; it was easy to ask the latter to investigate evidence and establish lists of major criminals.

Mr. OLDHAM observed that at the National Offices Conference Colonel Goff and he himself had suggested that the drawing up of a list of Japanese major criminals, guilty of offences against the Chinese, should become one of the urgent tasks of the Sub-Commission. China had had two excellent representatives at the Conference and he had been expecting the suggested list to be forthcoming. The minutes of the Sub-Commission gave no information about cases having been presented to it.

Dr. LIANG repeated that the proper course was to address an enquiry to the Sub-Commission, which the Embassy would be very glad to forward. A responsible statement as to its work could only come from the Sub-Commission. He would consult the minutes of the National Offices Conference and ask the Chinese Government to take up the listing of major war criminals.

BUDGET FOR 1945-1946.

Dr. LIANG reported that the Chinese Government agreed to the contribution payable by it under the Budget as adopted by the Commission, and would naturally have no objection to the reduction in the contribution resulting from the accession of Denmark.

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SECRET

C.157
31st July, 1945

UNITED NATIONS WAR CRIMES COMMISSION

BUDGETARY CONSEQUENCES OF THE ACCESSION
OF DENMARK

Report by the Finance Committee

Under the Resolution on Financial Administration of 21st March, 1944, and the Financial and Administrative Regulations (Docs. C.10 and C.45), the Danish Government on joining the Commission becomes liable to make the following contributions towards its expenses :

- (i) A single payment of £400 to the Working Capital Fund under the amended text of Article 4 of the Regulations, paragraph 1, first sentence, which reads as follows (M.64, p.7) :

"Until otherwise decided by the Commission, the amount of the working capital to be accumulated in accordance with Paragraph 2 of the Resolution shall be £6,000 as originally provided by the present paragraph plus a sum of £400 from each Government joining the Commission after 28th February, 1945, such sum to be payable in addition to the Government's normal share of the Commission's expenses."

- (ii) A "basic contribution" of £400 in each fiscal year (Resolution on Financial Administration, Appendix, paragraph 1).

- (iii) Its share of the amount by which the total budget exceeds the sum of the basic contributions (ibid.).

Two points fall to be considered :

- (1) The scale of allocation of UNRRA's administrative expenses for 1943-1944^(a) which has been employed to determine how much of the amount mentioned at (iii) above shall be payable by each member Government does not include Denmark. Denmark is, however, included in the scale of allocation of the first year's expenses of the "Food and Agriculture Organisation of the United Nations" ^(b). It is there allotted the same share as Norway.

The Finance Committee proposes that this precedent shall be followed and Denmark be given the same number of units in the War Crimes Commission allocation scale as are paid by Norway, namely, 6 units.

Should the UNRRA scale be modified by including Denmark with a different allocation from that of the Food and Agriculture Organisation scale, Denmark will be entitled to re-open the question in respect of subsequent fiscal periods under paragraph 2 of the Annex to the Resolution on Financial Administration.

(a) See the Stationery Office Publication, Miscellaneous No. 6 (1943), Cmd. 6497, page 34.

(b) Stationery Office Publication, Miscellaneous No. 4 (1945), Cmd. 6590, page 9.

(1) The Commission shall submit to the Council a report on the progress of the work of the Commission during the year. The Commission shall also submit to the Council a report on the progress of the work of the Commission during the year. The Commission shall also submit to the Council a report on the progress of the work of the Commission during the year.

The effect of the entry of the Commission into the Council shall be to ensure that the Commission shall be able to carry out its functions in a more effective manner. The Commission shall also be able to carry out its functions in a more effective manner. The Commission shall also be able to carry out its functions in a more effective manner.

It shall be the duty of the Commission to ensure that the Commission shall be able to carry out its functions in a more effective manner. The Commission shall also be able to carry out its functions in a more effective manner. The Commission shall also be able to carry out its functions in a more effective manner.

A N N E X

Contributions due for the fiscal year
1945-1946 revised as the result of the
accession of Denmark.

	Number of Units	Basic con- tributions outstanding on July 30th	Share of excess of total budget over basic contributions i.e. £28,000.	Total due
Australia	30	£400	531. 2.10	931. 2.10.
Belgium	20	paid	354. 1.11	354. 1.11
Canada	60	"	1,062. 5. 8	1,062. 5. 8
China	100	"	1,770. 9. 5	1,770. 9. 5
Czechoslovakia	20	"	354. 1.11	354. 1.11
Denmark - 6 units for $\frac{3}{4}$ of year only	4 $\frac{1}{2}$	£300	79.13. 5	379.13. 5
France	80	paid	1,416. 7. 6	1,416. 7. 6
Greece	10	£400	177. 1. 0	577. 1. 0
India	80	paid	1,416. 7. 6	1,416. 7. 6
Luxembourg	1	£400	17.14. 1	417.14. 1
Netherlands	30	£400	531. 2.10	931. 2.10
New Zealand	6	paid	106. 4. 7	106. 4. 7
Norway	6	"	106. 4. 7	106. 4. 7
Poland	20	"	354. 1.11	354. 1.11
United Kingdom	550	"	9,737.11. 9	9,737.11. 9
U.S.A.	550	"	9,737.11. 9	9,737.11. 9 (a)
Yugoslavia	14	£400	247.17. 4	647.17. 4
<hr/>				
	1,581 $\frac{1}{2}$	£2,300	£28,000. 0. 0	£30,300. 0. 0
		Basic contributions already paid	4,400. 0. 0
		Total Budget	£34,700. 0. 0

VALUE OF 1 UNIT £17.7047107
= £17. 14. 1

(a) £4,568.16. 1 of this amount has already been paid.

SECRET

M. 74

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-Fourth Meeting

held on

August 8th, 1945.

Chairman: Lord WRIGHT - Australia

There were also present :

Lt.-Col. HODGSON	- United States of America
accompanied by Captain WOLFF	
F/O BRIDGLAND	- Australia
M. de BAER	- Belgium
accompanied by M. GOLSTEIN	
Lt.-Col. WALKER	- Canada
Dr. LIANG	- China
Dr. MAYR-HARTING	- Czechoslovakia
accompanied by Dr. FANDERLIK	
Dr. SCHRAM-NIELSEN	- Denmark
M. STAVROPOULOS	- Greece
Mr. BEAUMONT	- United Kingdom
Mr. DUTT	- India
M. Alphonse ALS	- Luxembourg
Commander MOUTON	- Netherlands
Mr. BURDEKIN	- New Zealand
M. FOLD	- Norway
accompanied by Major PAJMASTRÖM	
Dr. ZIVKOVIC	- Yugoslavia

and

Capt. ALLETSON - Control Commission for Germany.

MINUTES

The minutes of the 72nd meeting were signed by the Chairman.

Amendments to the draft minutes of the 73rd meeting were received from Dr. Liang and Mr. Dutt and will be incorporated in the final text.

APOLOGIES FOR ABSENCE

Professor Gros, Sir Torick Ameer Ali and Mr. Oldham sent apologies for their unavoidable absence from the meeting.

STATEMENTS BY SECRETARY-GENERAL

Order of trial of War Criminals

The SECRETARY-GENERAL reported receipt of a letter from M. de Baer dated 7th August, confirming his statement that the Belgian Government agreed to the recommendation C.125(1): order of trial of war criminals etc. It was pointed out that so far only Australia and Belgium had accepted the Commission's proposal.

Arrival of Colonel John Enrieetto

The SECRETARY-GENERAL reported the receipt from Colonel Hodgson of a cable stating that Colonel John Enrieetto was arriving in London from Oslo on August 8th.

The CHAIRMAN suggested that the Colonel should be asked to attend a meeting of the Commission and give his impressions, provided he were willing to do so.

REPORTS FROM COMMITTEE CHAIRMEN

Committee I

M. de BAER, Chairman, made the following proposals on behalf of Committee I :

(a) To consider the next list of war criminals closed as from August 1st last. It would contain about 1000 names.

(b) That the names of the Commandant of Belsen concentration camp (Josef Kramer) and staff of 44 men and women be included in that list, as Commission charges. The suggestion was made owing to the imminence of the trial of Kramer and the fact that no charge had been made against Kramer in his capacity of Commandant of Belsen by any of the United Nations although charges had been brought against him in other capacities by the Yugoslav and Czech Governments.

The CHAIRMAN supported the proposal. The victims of Belsen came from almost every United Nation and it seemed therefore quite reasonable that the appropriate body to charge the perpetrators of war crimes committed at Belsen should be the United Nations War Crimes Commission, representing all the United Nations. He added that it was important that

the principle thereby implied should be recognised, since similar cases might arise in the future.

Mr. WOLD asked whether what had been said meant that the Commission had established a prima facie case against the forty-five accused persons.

M. de BAER answered in the affirmative and the CHAIRMAN explained that the Commission was being formally asked to ratify Committee I's decision. It was a practical method of dealing with what had been a difficulty and it was consistent with the functions of the Commission.

The Commission unanimously approved both proposals.

PUNISHMENT OF WAR CRIMES IN THE FAR EAST AND PACIFIC

Colonel HODGSON speaking as Chairman of Committee II, suggested that the Committee might meet in the following week to consider recommendations concerning the war in the Far East. He pointed out, however, that there existed a Far Eastern and Pacific Committee to which such questions might perhaps more suitably be referred.

A discussion arose regarding the jurisdiction of Committee II and that of the Far Eastern and Pacific Committee which had been formed to consider the establishment of the Sub-Commission in Chungking, and had consisted of all the representatives on the United Nations War Crimes Commission of countries interested in the war in the Far East.

Col. HODGSON said that Committee II was primarily concerned with enforcement, but it might be considered that questions relating to Japanese war criminals were within the scope of both Committees, whose jurisdictions overlapped. He felt that so long as all of the representatives of countries actually participating in the Japanese war were members of the Committee it was immaterial which committee considered the matter. Personally he was in favor of the Far East and Pacific Committee.

Dr. LIANG felt that the composition of the Far Eastern Committee was more comprehensive and rendered it suitable for dealing with questions affecting all countries interested in the Far Eastern war. He had no doubt that Committee II's jurisdiction also covered these questions, but, if it was to deal with them, he ventured to suggest that its membership be enlarged to include representatives of all the nations interested in the Far East.

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Mr. DUTT thought that the Far Eastern Committee had been an ad hoc Committee elected for the purpose of establishing the Sub-Commission in Chungking. He doubted whether it had been considered a permanent Committee of the Commission.

The CHAIRMAN was not disposed to distinguish between war criminals of different nationality and therefore thought that questions of enforcement should be referred to Committee II, whether they related to Japanese war criminals or other war criminals.

He supported Dr. Liang's proposal to enlarge the membership of that Committee and added that it had been his intention to take measures with this object before now, since its functions were very extensive. He asked the Chairman of Committee II for his opinion.

Col. HODGSON replied that he was under the impression that Committee II was composed of all the members of the Commission.

The SECRETARY-GENERAL said all members could attend the meetings.

Dr. LIANG thought that only members elected to the Committee had a vote.

The CHAIRMAN said that was his position: he had no vote but could attend as an observer.

Dr. LIANG said there was a difference between membership of a Committee and attendance at its meetings. If a decision were to be made regarding the jurisdiction of Committees, he would ask for it to be postponed to enable him to obtain Dr. Wellington Koo's opinion. His statements during the present meeting were unofficial and personal.

Mr. DUTT supported the request for postponement. He added that the matter of setting up agencies in the Far East had been discussed in Committee II.

Commander MOUTON was surprised to hear of the existence of a Far Eastern and Pacific Committee and asked to become a member of it.

The CHAIRMAN said that he could, of course, sit on the Committee. He regretted having delayed the reconstitution of Committee II but he was awaiting the appointment of a representative from the United Kingdom on the Commission. He had however certain proposals to make and would

endorse the suggestion to adjourn the question. There were a number of matters connected with the Far East, affecting a large number of countries and he would like to have a full-dress debate since questions other than the jurisdiction of Committee II were involved.

Col. HODGSON felt that the matter should first be discussed in a Committee. He had understood that the subject under discussion concerned recommendations regarding the Far Eastern war, not the jurisdiction of Committee II.

The CHAIRMAN said that, if jurisdiction were limited to the question of war criminals, there was no difficulty in referring the matter to Committee II, but other questions might be raised.

Dr. LIANG did not wish to question the competence of Committee II. He was merely anxious that all the countries interested in the Far Eastern war should participate in the discussion regarding the punishment of Japanese war criminals. He had asked for postponement in order to enable members to study the basis of authority of the former Far Eastern and Pacific Committee.

F/O BRIDGLAND supported the proposal to adjourn the discussion.

Dr. LIME also supported the motion. He said that the British Ambassador in Chungking who had been acting Chairman of the Far Eastern and Pacific Sub-Commission, was expected to arrive shortly in London. If questions concerning Japanese war criminals were first discussed in Committee and draft recommendations submitted to the Commission, the Ambassador might be asked to attend a meeting and give the Commission the benefit of his views as well as a report on the work of the Sub-Commission.

It was ultimately decided to convene an ad hoc Committee consisting of the representatives of the United States of America, Australia, Canada, China, France, United Kingdom, India, Netherlands, New Zealand, to meet on Monday afternoon, August 15th, at 3.30 p.m. in order to discuss the procedure for securing the punishment of Japanese war criminals.

CONFIDENTIAL (Info. R. Sec. 1.1.1)

The report was presented by Mr. R. H. Schell on his initiative.

Mr. Schell considered that the report was very useful and important and should be thoroughly studied and discussed by the Commission. The decisions of the Potsdam Conference were decisions of the United Nations and should be endorsed - as far as our principles were concerned - by the other United Nations, who were equally concerned. He also referred to the Four-Power Agreement which had just been signed on the subject of the trial of war criminals. In his opinion, the Commission which was the only that represented all the United Nations concerned, should also endorse this agreement, after its terms had been thoroughly studied. He was very grateful for the Legal Officer's report and felt it should be discussed and approved.

Mr. Schell proposed that the report should be referred to Committee III for consideration of any suggestion of further action to the Commission.

Dr. SIMONIS expressed his personal approval of the report and of a practical nature the Commission should be asked to take action.

Mr. SIMONIS, Chairman of the Legal Committee of the Commission, proposed for the reconstitution of Committee III an emphasis on the importance of its work. He suggested that Mr. Schell be asked to act as rapporteur to the Committee. Dr. Schell accepted the suggestion.

It was agreed to refer the report to Committee III.

It was decided that the Committee should consist of the four existing members: Dr. Boer (Chairman), Mr. Thompson, Col. Hargrave, Dr. Liang, and Mr. Schell.

Dr. Schell
Mr. Liang
Mr. Thompson
Col. Hargrave
Dr. Boer

M. STAVROPOULOS proposed that the Chairman of the Commission, in view of his great legal repute, should also serve on the Legal Committee, but the Chairman said he would attend as observer only. A suggestion that the United Kingdom should also be represented was temporarily postponed. In view of Dr. Ecer's absence, the Committee would decide on its chairmanship at its meeting on Thursday, August 16th, at 5.30 p.m.

OS IECIM AND BIRKENAU CONCENTRATION CAMPS (Report by Committee I): C.140

M. de BAER presented the report which described a method of preparing charges concerning concentration camps, and if approved would be circulated to the National Offices for their information. The Czech National Office had sought to indict not only the persons in authority and the actual perpetrators of crimes, but also the intermediate authorities.

Dr. MAYR-HARTING proposed that the Commission should recommend the National Offices to prepare and present similar charges. No new principle was involved; it was merely a different form of presentation, which would facilitate the work of the authorities concerned by enabling them to bring the charge against the whole of the police authorities which were responsible for the various arrests. It would also facilitate the work of Committee I who would not have to investigate every single case but could accept the evidence as valid against the police authorities as a whole.

The CHAIRMAN considered that the Commission had no power to ask the National Offices to draft their charges in a particular way. He suggested that a covering note be attached to the document, drawing the attention of the National Offices to the recommendations which it contained, leaving the Offices to decide for themselves how they would draft charges relating to concentration camps.

Dr. MAYR-HARTING observed that Document C.87(1) had made recommendations of a similar nature which had been followed to a certain extent by the National Offices.

Dr. ZIVKOVIC thought that Dr. Mayr-Harting's point might be met if members of the Commission were to recommend the Czech procedure to their respective National Offices. He personally intended to do that.

The CHAIRMAN observed that that was a matter for decision by the individual members of the Commission.

THE DECISIONS
OF THE COMMISSION

M. STAVROPOULOS suggested that M. de Baer and Committee I might study improvements in procedure and from time to time bring cases of a typical nature to the knowledge of the whole Commission.

M. de BAER said Committee I's action in bringing the Czech case to the notice of the Commission proved the value attached by Committee I to the work of the Czech National Office, but did not necessarily imply that other cases of concentration camps could be similarly treated: it depended on the nature of the particular case.

It was agreed that a covering letter should accompany C. 140 when it was circulated to the National Offices.

COLLABORATION WITH THE USSR.

M. de BAER referred to a proposal he had made a few weeks ago that the USSR should be approached with a view to obtaining their co-operation with the Commission. He feared that, unless a link were established, the Commission's lists of war criminals would have no effect in the zone occupied by the USSR. If an assurance to the contrary could be obtained, there might be no need to raise the delicate question of co-operation.

Mr. WOLD fully agreed. An opening might be found for raising the question in connection with the Four-Power Agreement which had just been signed. He stressed the urgency of the matter.

Dr. ZIVKOVIC referred to the attitude of the Yugoslav delegation at the Conference of the National Offices which proposed that the USSR should be called on to join the Commission, and whose proposal was adopted by the Conference; therefore, fully approved General de Baer's suggestion.

The CHAIRMAN recalled previous efforts which had not succeeded, but thought that further efforts might now prove more effective.

He proposed that M. de Baer should draft a circular letter to the member Governments, to be signed by the Secretary-General.

Mr. WOLD suggested that the letter might recommend that the Soviet Union be asked to appoint a representative on the Commission, and if that were not accepted, that an observer should be sent.

Mr. BEAUMONT asked if that had been the meaning of M. de Baer's proposal. M. de Baer assented.

The CHAIRMAN considered that a letter should first be addressed to the member Governments and, if that were unsuccessful, an approach might be made to the Soviet Extraordinary State Commission. He felt that the need for collaboration was becoming more acute.

It was decided that the draft letter would be circulated to the members in time for consideration at the next meeting of the Commission.

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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-fifth meeting

held on

August 15th, 1945

In the Chair: Lord WRIGHT - Australia

There were also
present: Lt.-Col. HODGSON - United States of America
 accompanied by Capt. WOLFF
 Mr. OLDHAM - Australia
 M. GOLSTEIN - Belgium
 Lt.-Col. WALKER - Canada
 Dr. LIANG - China
 Dr. MAYR HARTING - Czechoslovakia
 accompanied by Dr. FANDERLIK
 Dr. SCHRAM-NIELSEN - Denmark
 Dr. MALEZIEUX - France
 Mr. BEAUMONT - United Kingdom
 M. STAVROPOULOS - Greece
 Mr. DUTT - India
 Mr. BURDEKIN - New Zealand
 Mr. WOLD - Norway
 accompanied by Major PALMSTRÖM
 Dr. ZIVKOVIC - Yugoslavia

and

Captain ALLETSON - Control Commission for
 Germany
Miss Katherine Fite - U.S. visitor

MINUTES

The minutes of the 73rd meeting were approved and signed by the Chairman.

Amendments to the draft minutes of the 74th meeting were received from Colonel Hodgson and Dr. Zivkovic. They will be incorporated in the final text.

APOLOGIES FOR ABSENCE

Apologies were made for the unavoidable absence of Dr. Wellington Koo and Sir Torick Ameer Ali.

COMMUNICATION OF LIST OF MEMBERS TO SWISS LEGATION IN LONDON

The Commission approved a request received by the Secretary General from the Swiss Legation in London for a list of the members of the Commission.

RECEIPT FROM CROWCASS OF DETENTION LIST NO. 1 AND MEMORANDUM CONCERNING ITS ORGANISATION AND ACTIVITIES

The EXECUTIVE SECRETARY announced that five copies of Detention List No. 1 were available for each member. The List contained 405 names, 39 of which figured in the Commission's card index. A further 21 persons included in the List were possibly the persons listed by the Commission but owing to insufficient details, it was not possible to confirm this. The Executive Secretary added that further Detention Lists would be issued fortnightly and would be similarly circulated. In addition, members could each take with them after the meeting, or receive later by post, one copy of a memorandum explaining the operation of CROWCASS, the services it performed and the assistance it required.

The CHAIRMAN said that the Detention Lists should be carefully studied by the Secretariat, with a view to checking the information given in the Lists against the information in the office. He also suggested that members might wish to discuss points of interest arising out of the Lists at the next meeting of the Commission.

ADOPTION OF 13TH LIST OF WAR CRIMINALS, SUSPECTS AND WITNESSES (GERMANS)

In the absence of M. de Baer, chairman of Committee I, the CHAIRMAN of the Commission presented the 13th List, stating that the National concerned Offices/had had an opportunity of inspecting it.

Dr. MAYR HARTING asked that adoption of the List be suspended, as he wished to make certain amendments in the charges brought by Czechoslovakia. The CHAIRMAN requested that such amendments be submitted to the Secretariat the next day, in order that the List could be presented for approval at the Commission's special meeting on August 17th.

RECOMMENDATION REGARDING THE ESTABLISHMENT OF AN AGENCY OR AGENCIES IN JAPANESE TERRITORY TO INVESTIGATE WAR CRIMES: C.122

The CHAIRMAN read the following letter which he had received from Dr. Wellington Koo:

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"I beg to inform you that I have just received a cable from the Far Eastern and Pacific Sub-Commission in Chungking requesting me to inform the Commission that the Sub-Commission cordially endorses the proposal set forth in Document C.122 of the Commission regarding the establishment of War Crimes Agencies inside Japanese territory to investigate Japanese war crimes."

Colonel HODGSON, recalling that document C.122 had been prepared by Committee II and provisionally adopted by the Commission, subject to the views of the Chungking Sub-Commission, moved that the Recommendation be formally adopted. The report was unanimously adopted.

COOPERATION WITH THE UNION OF SOVIET SOCIALIST REPUBLICS: DRAFT LETTER TO THE GOVERNMENTS OF THE UNITED NATIONS REPRESENTED ON THE COMMISSION:
(submitted by M. de Baer): C.142

The SECRETARY GENERAL read the draft letter.

Colonel WALKER ventured to make a personal suggestion. It might expedite matters if the representatives of China, France, the United States and the United Kingdom were asked to convey the opinion of the Commission to their Governments and request them to take the question up as a matter of urgency at the forthcoming meeting of Foreign Ministers. He felt that there would be greater prospects of immediate action and success if those channels were used.

The CHAIRMAN asked if there was any likelihood of those Governments making that effort. It was a question of diplomatic action.

Dr. ZIVKOVIC approved Colonel Walker's proposal, but did not believe that the Commission should refrain from sending the recommendation to all the member Governments. Some of the smaller states had relations with the Soviet Union which might enable them to contribute to carrying out the recommendation. He therefore agreed to Colonel Walker's proposal but did not think only four Governments should be approached.

Mr. BEAUMONT thought that if the recommendation were submitted in the form of the proposed letter, it would be unlikely to achieve any substantial results. He agreed that an approach should be made through diplomatic channels, but he also agreed with Dr. Zivkovic that it was desirable to

have the other States associated with the four great Powers. The Yugoslav Government might, for instance, have found a modus vivendi with regard to the handing over of war criminals in Russian hands. That might give it a possibility of obtaining facilities for other United Nations.

In reply to the Chairman, Mr. OLDHAM said that it would take about two months before the Council of Foreign Ministers could take up such a question.

Mr. BEAUMONT suggested that it would be quicker to approach the Soviets through the Ambassadors of the Powers.

Dr. LIANG thought that Colonel Walker and Mr. Beaumont were referring to different bodies. The Council of Foreign Ministers had their own agenda: they were engaged in drawing up the peace treaties but were also empowered to consider any other questions submitted by a member of the Council. He could see no insuperable difficulty to submitting such a question to the Council, the first meeting of which would take place before September 1st.

Dr. MALBIEUX felt there were other means of achieving cooperation with the U.S.S.R. The case of major war criminals was provided for in the recent Agreement between the four Powers. As regards ordinary war criminals, it might be possible to reach an agreement through the channel of the administrative machinery in Germany, e.g. through the Control Commission, on which every United Nation could be represented. In his opinion, that would be the way to achieve coordination between the U.S.S.R. and the other nations.

Colonel HODGSON concurred with the remarks made by the representatives of the United Kingdom and China. Probably the quickest way would be to approach the different Governments, but that should not necessarily bar action in other directions.

Mr. BEAUMONT maintained that the National Offices should not be hindered from playing an independent rôle. Some National Offices were in a position to reach an ad hoc agreement with the Soviet Forces regarding their own war criminals, and nothing should be put in the way of their doing so.

The CHAIRMAN took the sense of the meeting to be that the four Great Powers should be asked to take the matter up with the Soviet Government in whatever form was most convenient and most expeditious.

Dr. LIANG felt that the first step would be to ascertain the present views of the U.S.S.R. regarding collaboration with the Commission.

The CHAIRMAN said that when an informal approach was made four or five months ago, it was quite clear what their attitude was: they were quite willing to discuss the matter, but certain conditions were preliminary even to such a discussion. That had put a stop to further progress.

Dr. ZIVKOVIC was in favour of putting before the Governments both what was said in M. de Baer's draft and also the recommendation formulated at the National Offices Conference. Although diplomatic channels should be used, he saw no reason for not using any other available channels, one of which was the Council of Foreign Ministers, a second was all the Governments represented on the Commission, and a third might be the Allied Control Commission. He would also agree that the U.S.S.R. should be approached with a view to obtaining their reaction to the recommendation. It should also be borne in mind that apart from the practical purpose of securing the handing over of war criminals detained by the Soviet forces, an effort should be made to obtain the representation of the Soviet Union on the Commission before the latter was disbanded. He would therefore suggest the adoption of M. de Baer's proposal supplemented by such further action as he had indicated.

The CHAIRMAN said that if diplomatic action were to be taken, it would have to be done by someone in the diplomatic world.

Mr. WOLD favoured an approach to the U.S.S.R. by the Governments represented on the Commission.

In reply to the Chairman, Mr. WOLD said that, being an organ of its member Governments, the Commission could not in his opinion directly approach the U.S.S.R.

Mr. BEAUMONT and Colonel HODGSON expressed agreement with this view.

Dr. MALEZIEUX feared that to act through diplomatic channels would raise political issues and for that reason he had suggested the Allied Control Commission.

The CHAIRMAN thought that if the results of consulting the Governments proved unsatisfactory, they would at least show where the difficulty lay. He therefore proposed that the draft letter C.142 should be approved.

Mr. BEAUMONT and Mr. WOLD called attention to the passages in the draft letter which it would be desirable to amend, for example the reference to the Polish Government.

M. ZIVKOVIC expressed the same views in respect of other paragraphs in the letter.

In reply to Mr. Wold's observation that Poland appeared not to be represented on the Commission, the CHAIRMAN said there had been no resignation and it was hoped Poland would appoint a representative at an early date.

The CHAIRMAN further said that the matter in hand could not wait for the appointment of such a representative and he proposed that M. de Baer's draft letter should be submitted to a drafting committee.

This was agreed to. Mr. Beaumont, Dr. Liang, M. Wold and Dr. Zivkovic were appointed to form the drafting committee.

INTERIM REPORT OF THE SPECIAL FAR EASTERN AND PACIFIC COMMITTEE

In the absence of the Chairman, Dr. Wellington Koo, the report was presented orally by Dr. Liang, and was as follows:

"The special Committee appointed by the Commission last Wednesday to report on the recommendations which the Commission should make regarding punishment of war crimes in the Far East and Pacific held its first meeting on Monday.

Representatives of Canada, China, India, the Netherlands, New Zealand, the United Kingdom and the United States were present.

The Committee gave a first informal reading of a most excellent and comprehensive document on the subject which Colonel Hodgson had been good enough to prepare for its use. All its members present agreed to take it up as a basis of discussion. A preliminary examination took place and it was decided to continue the examination as a matter of urgency on Thursday.

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EASTERN AND PACIFIC COMITTEE
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Accordingly, it has asked me as its Chairman to propose to the Commission:

1. That as the Special Far Eastern and Pacific Committee will meet again at 3.30 p.m. on Thursday afternoon (August 16), the meeting of Committee III which was scheduled for that time be rearranged to take place on another date.
2. That the Commission shall hold a special meeting on Friday to receive and consider the results of the Special Committee's work, if they are ready. The time which the Committee suggested for this meeting was 3 p.m. but I understand that the Chairman of the Commission will only be able to be present if the meeting is held in the morning."

Colonel HODGSON said that he claimed no credit for the document which was prepared as a mere basis for discussion and attempted to incorporate the views expressed both formally and informally by the Commission.

It was decided to hold a special meeting of the Commission at 10.30 a.m. on Friday, August 17th, to consider the report of the Special Committee. The latter would meet at 3.30 on Thursday afternoon to draw up the report.*

MEETING OF COMMITTEE III

The meeting arranged for Thursday afternoon was postponed until 10.30 a.m. on Monday, 20th August.

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*These meetings were subsequently cancelled.

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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of the Seventy-Sixth Meeting

held on

August 22nd, 1945

In the Chair: Lord WRIGHT - Australia

There were also
present:

Lt.-Col. HODGSON	- United States of America
accompanied by Captain WOLFF	
M. de BAER	- Belgium
Lt.-Col. WALKER	- Canada
Dr. LIANG	- China
Dr. MAYR MARTING	- Czechoslovakia
accompanied by Dr. FANDERLIK	
Dr. SCHRAM-NIELSEN	- Denmark
Dr. MALEZIEUX	- France
Mr. BEAUMONT	- Great Britain
M. STAVROPOULOS	- Greece
Sir Torick AMEER ALI	- India
accompanied by Mr. DUTT	
Commander MOUTON	- Netherlands
Mr. Terje WOLD	- Norway
accompanied by Major PALMSTRÖM	
Dr. ZIVKOVIC	- Yugoslavia

and

Judge HAMMES	- Luxembourg National Office
Capt. ALLETSON	- Control Commission for Germany

MINUTES

The minutes of the 74th meeting were approved and signed by the
Chairman.

Amendments to the draft minutes of the 75th meeting were sub-
mitted by the Secretary-General, Mr. Beaumont, Dr. Zivkovic and Dr. Liang,
which will appear in the final edition.

ADOPTION OF 13th LIST OF WAR CRIMINALS, SUSPECTS AND WITNESSES

The List, with the changes made at the request of the Czechoslovak
representative, was formally approved.

WELCOME TO JUDGE HAMMES

The CHAIRMAN expressed the satisfaction of the Commission at the presence of the head of the Luxembourg National Office, as representative of Luxembourg.

REPORTS OF COMMITTEE CHAIRMEN

Committee I

M. de BAER, Chairman, said that in view of the number of questions which the Committee had to consider, it had been decided to hold another meeting next day. The questions which would come under discussion were, put briefly:

(a) Consideration of "C" Cases: During his recent visit to Paris, he had been in consultation with CROWCASS. The conclusion had been reached that a great number of "C" cases could be further elucidated with regard to the identification of the actual perpetrators, for example - if a list could be made and submitted to CROWCASS for this purpose. Mr. McCausland had already been at work and it was hoped the Committee I would soon be able to propose the promotion of certain cases to the "A" List and the abandonment of others.

(b) Cooperation with CROWCASS: M. de BAER also hoped to make certain suggestions with regard to CROWCASS:

(i) CROWCASS was doing an extremely important piece of work and it seemed very desirable that there should be closer cooperation between them and the Commission, in the sense that a representative from CROWCASS should attend a meeting of the Commission about once a month with a view to reporting the progress made by that organization.

(ii) CROWCASS was partly financed by the American and British armies, and partly by the French Government who paid the salaries of the 250 girl-employees and the rent of the premises. There was now the possibility that this would stop on November 8th, when the question of the financing of the organization would have to be considered. The armies might continue their financial support, but, in M. de Baer's

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Opinion, the best thing would probably be for CROWCASS to be financed on a United Nation scale, as was the United Nations War Crimes Commission. Such a measure would ensure the continuation of CROWCASS as a central body and would avoid the risk of its being divided up between the four Allied zones, which he felt would be a tragedy.

M. de BAER said that the Commission's opinion on this question would be valuable. Another suggestion had been that CROWCASS should be part of the United Nations War Crimes Commission, but this would mean losing the invaluable services of the head of the organisation, Colonel Palfrey, who could not hold a position in which he would cease to draw his pay from the British Army.

(iii) At present, CROWCASS was under the direction of the British and American armies. In view of the fact that the organisation was operating in Paris, and that France was one of the four Allied occupation authorities in Germany, it would seem desirable, in order to facilitate CROWCASS' work, that the French army should be one of the authorities controlling CROWCASS.

(iv) M. de BAER then referred to the policy of the occupying authorities in respect of persons listed by the Commission and wanted by several nations. Instructions had recently been given to Allied commanders in Germany, with the exception of the Russian commander, to the effect that when a nation requested the actual handing over of a man who was on the Commission's list and had already been arrested, it was for the military commander of the zone in which the man had been arrested, to hand him over to the Government asking for him. When the accused did not figure on the Commission's lists, the handing over would be left to the discretion of the military commander, but if he were satisfied that the crime was not just a political offence but a war crime, he would probably agree to the surrender. No policy had yet been adopted, however, in respect of war criminals wanted by more than one United Nation. M. de Baer recalled the

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Commission's recommendation C. 123(1) which proposed that the Commission should act as arbitrator in such cases, but so far only Belgium and Australia had accepted the Recommendation. The lack of a policy on the part of the Supreme Allied Authorities in this respect would mean that the military commanders would refuse to hand over such a war criminal to any nation. M. de Baer would therefore propose that the Allied occupation authorities and the military authorities should be made acquainted with the Commission's proposal for arbitration.

The CHAIRMAN said that the Commission was greatly obliged to M. de Baer for his lucid explanation of the questions to be raised at the next meeting of Committee I. He agreed that it was very important to see what could be done to clarify CROWCASS' position and their future relations with the Commission. There was a close affinity between the two organisations, which were however quite separate, and reciprocity between them should be strengthened and accelerated and put on the best basis.

M. de BAER wished to raise another matter of a different nature.

(v) Lists of Prisoners of War: CROWCASS had appealed for the attention of the Commission in regard to this matter. The importance of the Detention Lists was well known. When an accused was arrested, a Detention Report was immediately drawn up and sent to CROWCASS to complete their files. If this were not done, there would be no means of knowing who was in custody. It appeared that the United States command were sending in thousands of reports and the British 21st Army Group were beginning to follow suit, but many countries had not sent in a single one. Some countries had no doubt captured prisoners among whom there would be war criminals, Belgium, Holland, Norway, Czechoslovakia, etc. were in that case. It was equally important that Detention Reports should come in from prisoner-of-war camps in Canada and the United Kingdom, where there were certainly war criminals, and from where no detention reports had yet arrived. M. de Baer repeated that CROWCASS had made this appeal to him and he had promised to mention it to the Commission.

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 but so far only Belgium and
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The CHAIRMAN stressed the fact that one object of the Commission was that particular persons should be brought to trial and, if found guilty, punished. How could the trials be brought about? The first thing was to have the presence of the offender, as it was presumably not intended to try a man in his absence. Except in the case of the major war criminals, the charge would be brought by the country whose territory or whose nationals had been outraged by the crimes - roughly speaking. Such a country could only act if it had the accused man in its own country - which was not likely to be the case generally speaking - or if it could ascertain who, if anyone, had him in custody. CROWCASS was the Central Registry from which it ought to be possible to ascertain what persons listed by the Commission were in custody and where they were, and by its operation a great hindrance in the way of trying war criminals would be abolished. For this object there should be close reciprocity with the various armies, or rather with CROWCASS which embodied the records of the various armies, which had actual custody of the offenders.

THE CHAIRMAN then referred to the main object of the Commission's consideration of these questions which was to secure that the lists should not merely be lists but should quite definitely relate to individuals whose identity could be ascertained and who, if not already in the possession of the prosecuting country, could be made available to that country so that the country could prosecute. In that connection, he read the letter which he had just received from the United Kingdom Foreign Office (circulated as document C.143). The last paragraph showed the importance which was to be attached to the functions of the Central Registry.

The letter, however, did not refer to the question of the surrender of a war criminal wanted by more than one United Nation. The Chairman considered that the matter had a practical aspect at present and it might be a good moment to draw the attention of the different Governments and

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of the various military or other authorities interested to the suggestion of arbitration by the Commission.

Sir Torick AMER ALI could see no objection, personally, but would follow the lead of the United Kingdom. Mr. BEAUMONT said Government was studying the matter.

The CHAIRMAN said the question was one which ought to be on definite footing. Although it was purely a question of voluntary action, he hoped that the different Governments might be led to that arbitration by the Commission would settle the difficulty. He added that the Commission would of course use a wide discretion.

Lt.-Col. WALKER, referring to the necessity of having Detention Reports sent to CROWCASS, said he would bring the matter to the attention of his Government. He understood that the furnishing of returns on prisoners of war held in Canada was being handled by the War Office. Perhaps Mr. Beaumont in discussing the matter generally with the War Office, would confirm his understanding.

Lt.-Col. WALKER had understood that CROWCASS had asked for list of prisoners-of-war detained in Canada, regardless of whether there were any war criminals among them. M. de BAER concurred with this opinion. Some prisoners of war were being released in Germany; those detained were those in respect of whom Detention Reports had been made out, the situation in Canada and the United Kingdom was different.

M. de BAER, closing the discussion, said that CROWCASS dealt with three categories of persons: Detained Persons, Wanted Persons and Prisoners-of-War, and had different forms for each case and it greatly desired to learn from each Government how many of each form the Government required in order that it might supply the forms.

Committee III

Mr. WOLD reported that, in the absence of Dr. Eder, he had been elected Acting Chairman. Dr. Schwelb had been appointed Secretary.

other authorities interested by the Commission. could see no objection, personally to the United Kingdom. Mr. BEAUMONT matter.

question was one which ought to be it was purely a question of whether different Governments might be the Commission would settle the difficulties. I should of course use a wide discretion according to the necessity of having the Chairman's letter to the representatives. He understood that the furnished in Canada was being handled by Mr. BEAUMONT in discussing the matter to confirm his understanding.

He understood that CROWCASS had asked the United Kingdom, regardless of whether the M. de BAER concurred with this. The persons released in Germany; those Detention Reports had been made. The United Kingdom was different. In discussion, said that CROWCASS: Detained Persons, Wanted Persons. Different forms for each case and to determine how many of each form might supply the forms.

the absence of Dr. Eder, he had been appointed Secretary.

The Committee would have a further meeting at an early date and hoped to report at the Commission's next meeting. Certain questions arising out of the Potsdam Conference had been referred by it to Committee I as they might affect the Commission's Lists, particularly the List of "Keymen".

COOPERATION WITH THE U.S.S.R.

Mr. BEAUMONT, on behalf of the drafting committee, presented a draft letter by the Chairman to the Governments represented on the Commission, intended to be transmitted through their representatives on the Commission, and a draft letter by which the Secretary General would forward the Chairman's letter to the representatives.

After some discussion and the making of some amendments in the second letter, these letters were adopted in the following form:

Letter from the Chairman

"I have the honour to inform you that members of the United Nations War Crimes Commission have on several occasions expressed concern at the fact that the Government of the Union of Soviet Socialist Republics is not represented on the Commission. A similar concern was expressed at the Conference of National War Crimes Offices held in London from 31st May to 2nd June, 1945. It is felt that, in order to bring war criminals to justice with all possible speed, the participation of the Union of Soviet Socialist Republics in the work of the Commission can only be to the benefit both of the Governments represented on the Commission and of the Government of the Union of Soviet Socialist Republics itself.

Many of the persons who have been listed by the United Nations War Crimes Commission, and who, up to the present time have not been traced, may well be found on territory liberated by the Soviet forces and could thus be apprehended with the collaboration of the Soviet Government. On the other hand, it is to be expected that numerous war criminals wanted by the Government of the Union of Soviet Socialist Republics are to be found in the territories at present occupied by the forces of Governments represented on the United Nations War Crimes Commission, and Soviet participation in the Commission would facilitate the location and apprehension of these offenders.

Similar considerations would apply to the collection and exchange of evidence.

The United Nations War Crimes Commission, therefore, strongly urges participation of the Soviet Government in the Commission's work, and requests that your Government and the other Governments represented on the Commission shall take the necessary measures to secure that participation at the earliest opportunity."

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Covering Letter from the Secretary-General

"I am directed to transmit to you herewith a letter from the Chairman of the United Nations War Crimes Commission addressed to the Minister for Foreign Affairs of your Government on the subject of the participation of the Union of Soviet Socialist Republics in the work of the Commission.

In requesting you to transmit this letter to your Government, I am to ask you to point out that the United Nations War Crimes Commission hopes that your Government will agree to the Commission asking the Government of the United Kingdom to approach in the name of your Government and in the name of all the other member Governments, the Government of the Union of Soviet Socialist Republics inviting it to join the Commission."

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the United Kingdom to approach in the
the name of all the other member States
the Union of Soviet Socialist Republics
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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-Seventh Meeting
held on
August 29th, 1945

In the Chair: Lord WRIGHT - Australia

There were also present:

Lt.-Col. HODGSON - United States of America
accompanied by Capt. WOLF

Mr. OLDHAM - Australia
accompanied by F/O BRIDGLAND

M. de BAER - Belgium

Lt.-Col. WALKER - Canada

H.E. Dr. Wellington KOO - China
accompanied by Dr. LIANG

Dr. ECER - Czechoslovakia
accompanied by Dr. MAYR HARTING & Major FANDERLIK

Dr. SCHRAM NIELSEN - Denmark

Dr. MALEZIEUX - France

Mr. BEAUMONT - United Kingdom

M. STAVROPOULOS - Greece

Sir Torick AMEER ALI - India
accompanied by Mr. DUTT

Commander MOUTON - Netherlands

H.E. Mr. WOLD - Norway
accompanied by Major PALMSTROM

Dr. ZIVKOVIC - Yugoslavia

and

Lt.-Col. PALFREY - C.R.O.W.C.A.S.S.

Capt. ALLENTSON - Control Commission for Germany

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MINUTES

The Minutes of the 75th meeting were approved and signed by the
Chairman.

Amendments to the draft minutes of the 76th meeting were submitted

By M. de Baer, Colonel Walker and Mr Beaumont. They will be inserted in the final text.

STATEMENT BY SECRETARY GENERAL

Surrender of War Criminals by U.S.F.E.T.

The SECRETARY-GENERAL reported receipt of a letter dated 24th August from Colonel Hodgson, which read as follows:

"I have been authorized by the United States Government to inform the United Nations War Crimes Commission that the Commanding General of the United States Forces, European Theater, is being instructed to advise the Commission directly as to all war criminals named on official lists prepared and adopted by the Commission who have been or may be hereafter taken into United States military custody in the European Theater."

The Commission expressed appreciation of the very valuable and services being rendered to the Commission by the United States military authorities.

Minutes of the Sub-Commission in Chungking.

The SECRETARY-GENERAL reported receipt of the Minutes of the seventh meeting of the Far Eastern and Pacific Sub-Commission, which he said would shortly be circulated to members of the Commission.

Signature of the Commission's cheques

The Commission resolved that the Executive Secretary, Mr. Edward H. Lyman, should be authorized to be one of those to sign cheques under Article 8 (2). of the Administrative and Financial Regulations.

ESTABLISHMENT OF AN EXECUTIVE COMMITTEE

On the proposal of the Chairman, it was decided to appoint an Executive Committee which would meet either before or after the weekly meeting of the Commission, and at which the Chairman of the Commission or the Acting Chairman, would be the chairman. The following were elected to serve: M. de Baer (chairman of Committee I), Colonel Hodgson (chairman of Committee II), Dr. Eeer (chairman of Committee III) or Mr. Wold in Dr. Eeer's absence, Mr. Oldham (chairman of the Public Relations Committee) and Dr. Wellington Koo or his deputy. The Committee would not be limited to the above members, but might be temporarily increased when it was felt that other members had a special interest in, or a

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AGREEMENT BY

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The Executive Secretary was appointed Secretary to the Executive Committee.

ABSENCE OF CHAIRMAN

The CHAIRMAN announced that he would be absent on holiday from September 8th until September 22nd.

AGREEMENT BETWEEN THE UNITED KINGDOM, THE UNITED STATES, FRANCE AND THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE PROSECUTION AND PUNISHMENT OF THE MAJOR WAR CRIMINALS OF THE EUROPEAN AXIS:
Report by Committee III - C.144 (1).

Mr. WOLD, Acting Chairman of Committee III, presented the report.

He said that Committee III had held several meetings to discuss the Agreement and the decisions of the Potsdam Conference and had greatly benefited from Dr. Schwelb's two reports and the informal information obtained from the Office of Mr. Justice Jackson and the United Kingdom Foreign Office. He wished to make three points with regard to the document.

Firstly, it was the unanimous view of the Committee that the Commission should endorse the Agreement of August 8th and the Charter, the principles of which had been under discussion by it and had been embodied in recommendations made by it or accepted by a number of its member Governments. The Commission's endorsement might not have a very great practical effect but it would have a great moral and perhaps a political effect.

Secondly, it was the unanimous view of the Committee that a recommendation should be made that all the United Nations or at least all the Governments represented on the Commission should accept the invitation to adhere to the Agreement.

Thirdly, it should be recommended to the member Governments that they should give to the Signatory Governments any assistance in the way of reports and evidence for which they might be asked.

In moving the adoption of the report, Mr. WOLD wished to propose an amendment, on his own behalf, for the deletion of the last sentence of the first paragraph and the entire second paragraph. The reference to the U.S.

Chief Prosecutor and the United Kingdom Foreign Office was not necessary and the amendment would make it unnecessary to annex Dr. Schwelb's report III/13 and III/13A.

The CHAIRMAN supported the amendment on the grounds that a report of the Commission should contain the views of the Commission and not those of an individual official or lawyer. He deprecated the introduction of opinions from officers of the Commission.

Dr. ZIVKOVIC also supported the amendment, as a member of the Committee. He was anxious to add to Mr. Wold's statement the observation that the members of the Committee had had in mind not so much the effect of the Agreement and Charter in punishing crimes which had been committed as their importance for the future.

Dr. Wellington KOO felt obliged to abstain from voting both on the report and on the recommendation. The principles laid down in the Agreement were so important that his Government should have the opportunity of fully considering them, and he preferred, as its representative, to take no action which might prejudice such consideration.

After further discussion, the report, as amended, and the recommendation were unanimously adopted, Dr. Wellington Koo maintaining his abstention from voting. Dr. Koo said that if and when a press announcement was made he had no objection to its being stated that the vote was unanimous, with any reference to his abstention.

Referring to Article 6 of the Agreement, the CHAIRMAN said that the Commission might feel itself impelled to agree, as a corporate body, upon a declaration affirming the principles embodied in that Article. Such a declaration would be a record for the future of a consensus of opinion on questions of international law by expert lawyers from practically the whole civilised world.

REPORT OF DR. ECER

The CHAIRMAN welcomed Dr. ECER, on his return from Germany, and congratulated him on his new rank of Minister Plenipotentiary.

Dr. ECER said he wished to report on his activities since his last visit and also to give his impressions concerning the attitude of the Czechoslovak

people towards the war criminals.

Investigation of war crimes in Germany

There had been some reorganisation in the American zone of occupation. Dr. Ecer was now attached as head of the Czech liaison team to U.S.F.E.T. in Frankfurt, but the main body, the War Crimes Branch, headed by Colonel Mickelwait, was in Wiesbaden. It was now the only United States body for dealing with the investigation of war crimes; it had been reorganised and was doing very useful work.

There were six national teams attached to the War Crimes Branch: French, Belgian, Polish, Yugoslav, Norwegian and Czechoslovak. The six teams were in the same building and in constant touch with the American War Crimes Branch. When Dr. Ecer had left Frankfurt, all the national teams had requested the Branch to appoint an American liaison officer to facilitate their work.

The work of the Czechoslovak team was nearing the end of the first phase: dealing with the major war criminals. He (Dr. Ecer) had interrogated seven or eight of them, among whom were Keitel and Dammers. He had arranged that the Research Department of the U.N.W.C.C. should have copies of the statements made during the interrogation of these war criminals.

Dr. Ecer's main purpose had been to get Karl Hermann Frank, and he wished to stress the fact that with the collaboration of the American Authorities he had "got" Frank and escorted him to Prague. It was the greatest evening in the life of Czechoslovakia.

Both the Czech and other national teams were now preparing material for the trial of the major war criminals at Nuremberg, in order to assist the Allied Chief Prosecutors.

The second phase would then begin. He had been told in Prague that about 2,000 German war criminals wanted by Czechoslovakia had escaped to the Western zones of occupation. They were not major war criminals in the "geographical" sense, but "master" criminals in the moral sense. A certain number of them were already in the custody of the occupying forces, but a certain number were still at large. There were for instance in the western zones of occupation about 200 Slovak Quislings, still at large, for whose arrest

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Czechoslovakia had asked. On behalf of his Government, he had asked U.S. for permission to send to the Allied Zones special police teams, headed by experienced army officers who had been police officers in civilian life. The task of these police teams, working as mobile units, would be to go through the camps and check all the documents and lists and ask for the arrest of criminals still at large. These police officers had themselves been in concentration camps for six years and knew personally all the war criminals. Then the Czechoslovak Government would ask for extradition.

A question of principle was involved. Through what channels should the request for extradition be made? Dr. Ecer intended to recommend his Government to approach the U.N.W.C.C. The Czechoslovak Government had the material and, when they had the men, they would ask the Commission to put on their lists of war criminals. It might be easier perhaps to obtain some of the criminals directly from the military commander, but it was better to let the Commission to list them in order to emphasise the solidarity of the United Nations in matters affecting war criminals. Frank, for instance, would be tried in a fortnight's time and it was expected that his trial would only last three days because all the material had already been assembled and carefully prepared last year by the Commission, and by the authorities now in Prague. Public Opinion in Czechoslovakia.

Dr. Ecer said that a number of German war criminals had been arrested and the trials of traitors had begun. He himself had attended one of the trials and had been very much interested to witness how fairly it was conducted. He admitted he feared some incident. Frank would be tried in Prague in a fortnight's time, but after the trial he would be turned over, as a witness as a defendant, to the International Military Tribunal if they required him because Frank was not only the Governor of Bohemia and Moravia but had been a member of the German Government since 1933. He was in fact ninety per cent a Czech case, but ten per cent an international case. The sentence, however, would be executed in Czechoslovakia as agreed by that country with the four Allied powers. It was hoped that Czechoslovakia would have all the wanted criminals in her custody within six months and that the trials would be completed within a year.

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Referring to the attitude of the Czechoslovak people, Dr. Ecer said
 that he had realised, while he was only in indirect contact with his country,
 that the masses of the people were principally interested in the question of
 war criminals - perhaps more even than in questions of food, but he was him-
 self surprised to see the immense interest. He would like to give a few
 examples. He had been asked to give a lecture about his work on the
 United Nations War Crimes Commission and his work in Germany. He had of
 course already reported to his Government, but he felt that he was also
 obliged to report to his people. His first lecture had been at Brno, where
 he had been vice-mayor for some years. Two thousand five hundred men and
 women attended that lecture. The second lecture was delivered to army
 officers and other ranks and the attendance was one thousand five hundred.
 His third lecture was in Prague and was attended by over six thousand people.
 When he had explained to this audience, in quiet terms, the work of the
 U.N.W.C.C. and when he quoted the Agreement of the Four-Powers - an Agreement
 for which the Commission had done such valuable preparatory work - there was
 an outburst of enthusiasm. He was not exaggerating when he said that Lord
 Wright, Professor Trainin and Mr. Justice Jackson were the most popular men
 in Czechoslovakia. The newspapers were full of leading articles. His
 country was satisfied with the Agreement and extremely satisfied with the
 extradition of Frank and was full of confidence that this time the big
 mistake of 1919 would not be repeated.

Of course, this popularity had had some disagreeable consequences
 for Dr. Ecer, and he was obliged to take refuge in a village in order to get
 some rest. But he had been recognised at a popular festival and put on the
 list of prominent guests and forced to dance with all the maidens of the
 village.

The CHAIRMAN thanked Dr. Ecer for his interesting report.

REPORT OF PUBLIC RELATIONS COMMITTEE

Mr. OLDHAM, chairman, reported that Mr. Fielden, who had accepted
 the position of Public Relations Officer on a temporary basis, had concluded
 his services on August 15th.

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proposed that Mr. Douglas Gibson, of the Intelligence Division of the Ministry of Information, had served during the last war as a journalist. According to Mr. Gibson, he had served along well with the press, was a man of sense of discretion. He had shown that he had improved the appointment at the salary of Mr. Gibson would start work on the Far Eastern and Pacific Committee, chairman, made the following statement:

Far Eastern and Pacific Committee has the document which I mentioned in my letter of 15th August. It has drawn up the document C.145, which as Chairman of the Commission's approval.

Recommendations are expressed in summary form to the authorities to whom they are addressed. The details of their application. The recommendations do not contain anything with appropriate changes proposed in the European theatre of war, measures in that theatre and provisions contained in the document of 8th August 1945 for the prosecution of criminals of the European Axis.

submits the recommendations with a view to being taken up without knowledge of the terms of the recommendations, they may require reconsideration. It could be found to be in any way prejudicial.

were unanimously adopted by the Committee. In preparing the final document, the Secretariat embodied Dr. Koo's statement.

ed Lt.-Colonel Palfrey, head of the Commission.

Colonel Palfrey to state his opinion to the Commission.

Colonel PALFREY regretted that his American colleague had not been able to attend the present meeting, although they had left Paris together with that intention. He had just listened to Dr. Ecer's statement and had been delighted to find that the Commission was not only concerned with the major war criminals; it was the lesser war criminals who made the crimes of the major criminals possible. He was firmly of the opinion that CROWCASS should be represented at the Commission's meetings. It had been set up by the Supreme Allied Command to assist all the United Nations in discovering war criminals. The Commission was the only body where there was international representation and where, therefore, CROWCASS could exchange views with the various United Nations. They would welcome an opportunity of coming to the meetings.

The Commission approved the maintenance of CROWCASS through periodical attendance of representatives of that institution at its meetings.

M. de BAER then asked about the financing of CROWCASS.

Lt.-Col. PALFREY said that CROWCASS had originally been controlled by SHAEF, who bore the expenses, which were covered by Lease-Lend. There were two American and two British officers, but the rest of the staff, numbering at present two hundred, were French - or people who resided in France. As long as SHAEF and Lease-Lend operated, everything was well. The girl-employees were paid by the French Government; the machinery was mostly captured enemy stock from Germany and presumably no charge would be made, although some of it came from the U.S.A. and Great Britain. The stationery was largely supplied by the U.S.A.

At the moment, Colonel PALFREY was uncertain as to the future control of CROWCASS from the British side, although from the American side U.S.F.E.T., through the Control Commission, had taken over. The original intention had been for the 21st Army Group to take over for the British, but when it was discovered that CROWCASS also worked with other groups, it was felt that the War Office should assume responsibility.

No decision had yet been reached with regard to finance. Colonel PALFREY estimated that the monthly pay roll amounted to £5,000 but he did not

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known. Whether the French Government would continue to bear the expense. It had been suggested by C-1 Division of SHAEF that CROWCASS might be financed by the United Nations and Mr. (Colonel Palfrey) would like to ask the U.N.W.C.C. to look favourably on this suggestion. In reply to Mr. OLDHAM, Colonel PALFREY said he was unable to give a full estimate of expenses. They urgently required an extension of their premises, but the French authorities were unable to dislodge the occupants of the floor at present. Perhaps the Commission could assist by supporting CROWCASS' request to the French Government.

Mr. OLDHAM said that the matter had been raised with the French Minister of Justice and the Minister for Foreign Affairs, and the former had suggested that the two floors above should be made available immediately, i.e. within a month. The Minister for Foreign Affairs had also promised support.

M. de BAER thought there was some difficulty with the Ministry of Justice and there was a lack of cooperation between the Ministries.

Dr. ZIVKOVIC suggested that the French representative might clarify the situation.

Dr. MAJEZIEUX asked if the Commission intended to make a recommendation to the Governments regarding the financial position of CROWCASS. If so, the question should be examined by a committee because it raised a great many difficult problems.

Mr. OLDHAM said that the position of the Commission was the same as that of the French National Office - both were recipients of services given by CROWCASS, and both had acknowledged it. The financing of CROWCASS had nothing to do with the question of premises which should be settled without delay.

M. de BAER said that Committee I was studying the question of finance and would shortly present a report to the Commission. He merely wished to benefit from Colonel Palfrey's presence at the meeting. He asked whether the Commission was in favour of proposing that CROWCASS should be financed by the United Nations, either through the Commission or separate from it.

The CHAIRMAN said that the expenses of CROWCASS could be roughly double those of the Commission.

Colonel HODGSON was not prepared to vote on the question of finance, although he was prepared to vote in principle that CROWCASS should continue its work.

Dr. MALEZIEUX suggested that a solution might be for the expenses to be borne in the same way as the occupation expenses in Germany - through the Control Commission.

Colonel HODGSON said the proposal was worth exploring. The occupation costs were charged against Germany and so collected.

Mr. OLDHAM agreed. The Commission might also recommend to the French Government that adequate facilities, preferably the two top floors of their present premises, be made available to CROWCASS without delay.

Dr. ZIVKOVIC supported Colonel Hodgson and was prepared to vote on the principle that the existence of CROWCASS was essential for the termination of the Commission's task. Mr. OLDHAM added that it was also essential for the work of the various National Offices.

Colonel HODGSON moved that a recommendation should be made that it was essential that CROWCASS should continue in existence in order to perform the very useful functions which it had performed in the past.

Unanimous approval was given. It was agreed that details of administration should be discussed at a later date.

Dr. ECER, speaking from his personal experiences in Germany, said that the greatest obstacle to his work was the lack of centralisation, and therefore this central registry was an absolute necessity.

M. de BAER then asked Colonel Palfrey what he thought of the idea of including France in the administrative body controlling CROWCASS.

Colonel PALFREY replied that he could not say anything about that. It would of course have first to be agreed to by the British and American controlling elements, to whom the Commission should send a recommendation, if they thought fit. As to the usefulness of such a step, he personally would support anything which would facilitate the work of CROWCASS. Maybe the second floor

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would be easier to obtain if France were represented. In reply to Colonel Hodgson, he said that the question was partly allied to the question of financing CROWCASS, since the French Government paid the wages of the girl-employees.

It was agreed that the question of the participation of France in the administration of CROWCASS should be postponed until Professor Gros had been consulted.

ACCOMMODATION FOR REPRESENTATIVES

The CHAIRMAN stated that fully equipped offices were ready for the use of the representatives and their staffs who wished to work at the Offices of the Commission. Research indexes, research material and documents were available. Extra typewriters and other equipment were at their service. The Executive Secretary was anxious to see that the fullest assistance was given to those who wished to work at the Commission's Offices and enquiries regarding facilities should be made to him.

EFFECT OF PUTTING A PERSON ON THE COMMISSION'S LISTS.

Colonel HODGSON, referring to Dr. Eeer's report, said he had been informed, and authorised to advise the Commission, that it is the view of the State and War Departments of the United States, that great weight should be given to a determination of the War Crimes Commission placing a name upon the War Crimes List, and that in the absence of extraordinary circumstances this determination should be accepted.

Wright

SECRET

M. 78

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-eighth Meeting
held on
September 5th, 1945.

In the Chair : Lord WRIGHT

There were also

present: Lt.-Col HODGSON

accompanied by Captain WOLFF

Mr. OLDHAM

M. de BAER

accompanied by M. GOLSTEIN

Major GRIFFIN

Dr. ELANG

Dr. EGER

accompanied by Dr. MAYR HARTING

Dr. SCHRAM-NIELSEN

Professor GROS

accompanied by Dr. MALEXIEUX

M. STAVROPOULOS

Sir Torick AMER ALI

accompanied by Mr. DUTT

Commander MOUTON

Mr. BURDEKIN

Major PALMSTROM

Dr. SZERER

accompanied by Dr. CYPRIN

Dr. ZIVKOVIC

and

Capt. ALLETSON

- Australia

- United States of
America

- Australia

- Belgium

- Canada

- China

- Czechoslovakia

- Denmark

- France

- Greece

- India

- Netherlands

- New Zealand

- Norway

- Poland

- Yugoslavia

- Allied Control
Commission.

MINUTES

The minutes of the 76th meeting were approved and signed by the
Chairman.

To obviate any possibility of misinterpretation, it was agreed,
on the suggestion of Mr. Dutt, to amend the paragraph on page 2 of the
draft minutes of the 77th Meeting, headed "Signature of the Commission's
cheques" to read:

"The Commission resolved that the Executive Secretary, Mr. Edward
H. Lyman, should be authorised to be one of those to sign cheques under
Article 8 (2) of the Administrative and Financial Regulations"

On the proposal of Mr. Oldham, the word "promised" was substituted
for "lent" on page 10, line 15.

The minutes of the 77th meeting, with the above amendments, were
approved for final circulation.

SECRET

M. 78

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-eighth Meeting
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September 5th, 1945.

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Dr. SCHRAM-NIELSEN
Professor GROS
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M. STAVROPOULOS
Sir Torick AMEER ALI
accompanied by Mr. DUTT
Commander MOUTON
Mr. BURDEKIN
Major PALMSTROM
Dr. SZERER
accompanied by Dr. CYPRIAN
Dr. ZIVKOVIC
and
Capt. ALLETSON

- Australia
- United States of America
- Australia
- Belgium
- Canada
- China
- Czechoslovakia
- Denmark
- France
- Greece
- India
- Netherlands
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- Norway
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On the proposal of Mr. Oldham, the word "promised" was substituted for "lent" on page 10, line 13.

The minutes of the 77th meeting, with the above amendments, were approved for final circulation.

Wright

MAJOR GRIFFIN

welcome to Dr. Mieczyslaw Jan
e of the Polish Government
He also welcomed the return of

comed Major H.H. Griffin who, Mr.
Walker, would attend the Com

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French Government and the Sov
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EN, M. STAVROPOULOS and Dr. ST
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MINISTER IN MOSCOW OF THE GERM
DREMBURG

letters, dated 3rd July and
expressing his sympathy with the

the deaths of Dr. de Meur and
condolences to the families of

etary-General to send an approp
Commission.

ed to the discussion held in
minutes of that meeting (p. 15)

recommended and could be

a letter from the Chairman asking the members to convey the Commission's
views to their Governments. A draft of such a letter had been prepared
by the Secretary-General.

The draft was then read.

The CHAIRMAN said that the essential point of the letter was the
reference in the first paragraph to the Commission's recommendation that
CROWCASS should continue in existence. Pending the receipt of further
information, the Commission should adjourn discussing the question of
financing the Registry. He asked whether Professor Gros could throw any
light on the pressing question of the extension of premises.

Professor GROS said that when in Paris recently he had found that
the matter was not so simple as it seemed; buildings had been requisitioned
and some, which should have been, had not yet been released. The French
Government took the view that, as long as the situation remained unsettled,
the tenants of the floors above CROWCASS' present premises could hardly
be expelled. It was hoped, however, that in about two weeks the Allied
forces would vacate certain buildings. He was prepared to write and inform
his Government of the Commission's views on the extension of CROWCASS'
premises and ask them to provide adequate accommodation.

Mr. OLDHAM thought that the letter should specify a time limit
of perhaps six weeks.

Professor GROS agreed but doubted whether it would be wise to insist
on obtaining the two upper floors.

The CHAIRMAN considered that the matter should be left in Professor
Gros' hands.

Professor GROS thought that the question of finance was a matter for the
Allied Control Commission, since CROWCASS were also working for the military
and political sections of that organisation. The French element, which he had
already approached on the subject, seemed to be agreeable to such a solution.

The CHAIRMAN, on behalf of the Commission, thanked Professor Gros for
his statement. Mr. OLDHAM hoped that if no reply was received, say, within
three weeks, Professor Gros would follow up the matter.

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Professor GROS, in conclusion, said that the argument might carry greater weight with his Government (which was paying the salaries of the staff of 300) if a reference to the cessation of Lease-Lend was inserted in the letter.

The draft letter was approved in the following form:

"I am requested by the United Nations War Crimes Commission to ask the individual members of the Commission to call their Governments' attention to the resolution which the Commission adopted on 29th August 1945, that it was essential that the Central Register of War Criminals and Security Suspects (CROWCASS) should continue in existence in order to perform the very useful functions which it had performed in the past for the benefit of the Commission and of the National Offices of the Governments.

Certain questions were mentioned during the discussion in the Commission for whose solution the Commission did not feel able to make recommendations but whose settlement is clearly desirable in the interest of the maintenance and efficiency of CROWCASS. These were the questions how the institution was to be governed and financed after the dissolution of SHAEF which has now taken place and the cessation of "lease-lend", and the question of adequate premises. The record of the discussions will be found in the Minutes of the Commission Nos. 77 and 78.

I beg that you will be so good as to communicate the foregoing to your Government and to insist upon the importance which the Commission attaches to the maintenance and development of CROWCASS."

Report on interview with Representatives of the Association of German Democratic Lawyers.

M. de BAER recalled the decision taken on August 8th to hold a meeting of Committee I jointly with representatives of the above organisation. A request had been received from Dr. Fahy for information on cases submitted to the Commission in regard to minorities, such as the Jews. At the meeting, therefore, the representatives of the Association of German Democratic Lawyers were asked whether they could submit a report on the persecution of German minorities - M. de Baer stressed the word "minorities", because, although its activity was mainly concerned with Jews, the organisation was non-confessional. The representatives seemed rather hesitant in replying and Dr. Mayr Harting had then pointed out that the Association had no funds of its own and any work it undertook would have to be paid for. Accordingly, on Dr. Baer's behalf, Dr. Mayr Harting had proposed that the Commission should bear the expense which amounted to £ 60. M. de Baer had told the representatives that he could refer the

matter to the Commission and he now pointed out that, quite apart from the payment involved, a question of principle also arose.

The CHAIRMAN said that in any case the Finance Committee would have to approve the grant, after the question of principle had been settled.

Dr. EGAR formally moved the proposal referred to by M. de Baer. The persons who would draw up the report had already worked for his Government and had given complete satisfaction.

Professor GROS did not doubt their ability but wondered what material would be at their disposal. Unless they had access to official material, their report would have merely historic value; it would not be an authentic document which the Commission could adopt as a finding. He was also anxious to avoid overlapping.

M. de BAER thought that they would work on available Governmental material, material from the Free German Movement and various Jewish organisations and material in libraries. That had been expressly said. He did not believe that they would have access to the kind of documents to which Professor Gros referred.

Colonel HODGSON explained that the whole matter had arisen out of the interest taken by Mr. Justice Jackson in the nine cases which the Association had prepared and which had been forwarded to him.

The CHAIRMAN said that if a document were prepared and excellently prepared under the auspices of this Association, it would be of considerable help to the Allied Control Council.

Colonel HODGSON maintained that its value would depend on whether the material were authentic. If submitted to the Commission, it would be sent to the Council under the Commission's auspices.

Mr. OLDHAM as Acting Chairman of the Finance Committee, doubted the advisability of expending a sum on a report which the Commission might afterwards be unwilling to accept. The Commission was trustee of the funds it received from its member Governments and must account to them for its expenditure. He did not think that the Finance Committee should authorise the grant of £ 60.

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M. de HAER shared Mr. Oldham's opinion. He had asked the representatives of the Association whether they could not get help from other organisations, but there appeared to be a lack of mutual understanding. The Jewish organisations were not interested in the ill-treatment of minorities which was the main preoccupation of this Association.

The CHAIRMAN felt that if the Commission were satisfied that the report would be a first-rate contribution to the general scheme of the prosecution, it might be justified in supporting the proposal in principle but it was difficult to judge the value of an unwritten report. He also shared Mr. Oldham's view regarding the Commission's position as trustee. He therefore asked whether the Association would be prepared to work on a speculative basis.

Dr. FAYR HARTING said two members of the Association would have to give up their present income for three weeks in order to write the report and would have nothing to live on, unless the Commission took the risk and made an advance payment to them.

Mr. OLDHAM compared the situation to that of the author of a book before it was launched on the market. The Commission was responsible for the money entrusted to it and the Governments would now be paying greater attention to its accounts.

Dr. MEYER thought that, in that case, his Government would be prepared to take the risk.

Professor GROS was still uncertain about the type of report and the minorities which were concerned. The Commission's concern must be the value of the report. If presented under its auspices, it would be admissible as evidence in the court before the International Military Tribunal. The situation was delicate as the Association was a German one.

M. de HAER agreed with Professor Gros. He referred to a report drawn up by the World Jewish Congress which was of no use for the prosecution of Major War Criminals owing to its vagueness and lack of precision and he pointed out that it would be impossible to judge the value of the Association's report in advance.

Sir Torick EERER agreed with Professor Gros. He asked whether the Commission intended to treat persecution of minorities in itself as a war crime, and to what minorities this would apply.

M. 79.

Mr. de BIER thought that what was contemplated was the acts described in the Charter of August 8th, as crimes against humanity.

The CHAIRMAN felt that the Commission could not authorise the expenditure in advance.

Colonel HODGSON referred to his earlier statement regarding the origin of the whole matter. Mr. Justice Jackson had suggested that the nine cases be sent to Mr. Fahy, Legal Adviser to the Legal Division of the Allied Control Commission, with a view to their use before the Occupation Courts in Germany. Later he had received a memorandum from Colonel Bernays suggesting that the Association might send information upon which a report could be written, similar to that which was being prepared by the different European Governments. Such a report might be presented to the Commission and if considered authentic, adopted as a Commission report to be used as evidence before the International Military Tribunal. But it had specifically been stated that no commitment could be made to the Association that the report would be used. The Chief Prosecutors, like the Commission, wished to scrutinise the report before committing themselves. The important point now was whether the Commission would want to accept a report from an unofficial organisation and put its stamp of approval on it, so that it became admissible at the trials. He agreed with Dr. Eeer that the Commission's funds should be used in matters of war crimes investigation. The question was whether this report would fulfil that description.

Colonel HODGSON was naturally anxious to offer every assistance to the Chief Prosecutors; but Colonel Bernays' suggestion had been only a tentative suggestion, not a definite request.

It was finally decided to reject the proposal to grant a sum of £ 60 to the Association of German Democratic Lawyers. The possibility of raising the question at a later date, under different conditions, was not excluded.

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M. de BARR handed the Secretary-General the report of the World Jewish Congress and proposed that a copy should be sent to Mr. Justice Jackson for his information.

ISSUE OF PRESS COMMUNIQUE REGARDING THE COMMISSION'S VIEWS ON THE FOUR POWER AGREEMENT.

The CHAIRMAN said the proposal was to announce publicly the recommendation in Committee's III Report (Document C 144).

Dr. ECER moved the proposal as Chairman of Committee III.

Dr. ZIVKOVIC seconded it.

The CHAIRMAN was in favour of informing the public of the Commission's views.

Colonel HODGSON also supported the proposal.

It was unanimously agreed to inform the press of the recommendation adopted by the Commission.

COPIES OF COMMISSION'S LISTS FOR THE PROVISIONAL POLISH GOVERNMENT OF NATIONAL UNITY.

At the request of Dr. Cyprich, the Commission agreed to send a complete set of its Lists to the Polish Government in Warsaw, without waiting for it to receive the copies from its London office which had not yet been wound up.

REPORT OF PUBLIC RELATIONS COMMITTEE.

Mr. OLDHAM referred to the appointment of the new Public Relations Officer and said that the press were constantly pressing him for information about the problem of Japanese War Criminals. He suggested that a discussion be held to decide what could be released to the press.

The CHAIRMAN considered that some form of communique should be issued.

Colonel HODGSON's personal view was that, while some general publicity would be necessary, the Commission should not endanger Allied troops, or render the apprehension of the criminals more difficult by releasing additional information from London, until the occupation of Japan was complete. Such information had not been released in regard to the European Theatre until the complete occupation of Germany.

It was decided to hold a meeting of the Special Far Eastern and Pacific Committee on the following afternoon to discuss the question.

Wright

SECRET

C. 144
30th August, 1945

UNITED NATIONS WAR CRIMES COMMISSION

AGREEMENT BETWEEN THE UNITED KINGDOM, THE UNITED STATES,
FRANCE AND THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE
PROSECUTION AND PUNISHMENT OF THE MAJOR WAR CRIMINALS OF
THE EUROPEAN AXIS

M. 79.

-REPORT OF COMMITTEE III AND RECOMMENDATION-

Adopted by the Commission on 29th August, 1945.

The Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis which was concluded on 8th August 1945, between the Governments of the United Kingdom, United States, France and the U.S.S.R., and to which (Article 5) the Government of any United Nation may adhere, and the Charter of the International Military Tribunal which is annexed to and forms part of the Agreement, are documents which give effect to far-reaching principles which have been long and fully discussed in the Commission and have been embodied in recommendations made by it or have obtained the assent of a number of its member Governments.

The adherence to the Agreement of all the States invited to adhere, which (as the Committee has ascertained) include all States entitled to sign the Charter of the United Nations, would greatly add to the authority not of the International Military Tribunal only but still more of the principles of law embodied in the Charter, the most important of which are mentioned above. The Committee feels that the four Powers in so clearly enunciating these principles, and in setting up a court to apply them have strengthened the protection against aggression which international law should give to all States and their populations and have reinforced the provisions for the prevention of war contained in the Charter of the United Nations. It seems most desirable that they should receive all possible support from the other United Nations.

For these reasons, Committee III proposes that the Commission shall adopt the following recommendation:

RECOMMENDATION

The United Nations War Crimes Commission welcomes the conclusion by the Government of Great Britain and Northern Ireland, the Government of the United States, the Provisional Government of the French Republic and the Government of the Union of Soviet Socialist Republics, of the Agreement of August 8th 1945, for the Prosecution and Punishment of the Major War Criminals of the European Axis, and it recommends that the Governments represented on the Commission, which are not signatories, shall adhere to this Agreement.

The Commission further recommends that the Governments represented on the Commission shall give the Signatory Governments all possible assistance by providing reports and such other material for prosecutions as they may be invited to supply.

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C.145.(1)
29th August 1945

M. 79.

UNITED NATIONS WAR CRIMES COMMISSION

SUMMARY RECOMMENDATIONS CONCERNING
JAPANESE WAR CRIMES AND ATROCITIES.

Note by the Secretary General

In circulating the attached Recommendations the Secretary General, on instructions from the Commission, begs to call attention to the explanations and observations made by His Excellency Dr. Wellington Koo in his oral report to the Commission on 29th August. This report was in the following terms:

"The Special Far Eastern and Pacific Committee has completed its examination of the document which I mentioned in my oral report to the Commission on 15th August. It has drawn up the recommendations circulated in Document C.145, which as Chairman of the Committee I now submit for the Commission's approval.

These recommendations are expressed in summary form. This is partly because the authorities to whom they are addressed must obviously be responsible for the details of their application. It is also due to the fact that the recommendations do not contain entirely new proposals. They embody with appropriate changes proposals made by the War Crimes Commission for the European theatre of war, measures taken by the military authorities in that theatre and provisions contained in the Inter-Allied Agreement of 8th August 1945, for the Prosecution and Punishment of Major War Criminals of the European Axis.

The Committee submits the recommendations with the proviso that having been drawn up without knowledge of the terms of surrender to be imposed on Japan, they may require reconsideration by the Commission if those terms should be found to be in any way inconsistent with them."

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SUMMARY RECOMMENDATIONS CONCERNING
JAPANESE WAR CRIMES AND ATROCITIES

Adopted by the Commission on 29th August 1945

M. 79.

The Governments of the United Nations have repeatedly protested against and denounced the monstrous crimes and atrocities of which the Japanese are guilty, and have declared that those responsible shall not escape retribution.

The United Kingdom, the United States and China in the ultimatum issued at Potsdam on July 26, 1945, stated:

"... stern justice will be meted out to all war criminals, including those who have visited cruelties on our prisoners."

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These crimes and atrocities consist not alone of individual outrages. They are crimes and brutalities deliberately planned and systematically perpetrated throughout the Far East and Pacific areas. In consummation of their evil plan, the Japanese treacherously launched wars of aggression without ultimatum or declaration. They openly and flagrantly violated the solemn obligations which States, including their own, had undertaken by treaty or custom. They refused the ordinary protection of the law to the inhabitants of the countries they invaded. They did not respect family honour, the lives of persons, as well as religious convictions and practices. Inhabitants of countries which they overran have been ruthlessly tortured, murdered and massacred in coldblood; rape, torture, pillage, and other barbarities have occurred where their forces have operated; and cities have been wantonly destroyed and entire countrysides devastated for no military purpose. Despite the laws and customs of war and their own assurances, prisoners-of-war and other nationals of the United Nations have been systematically subjected to brutal treatment and horrible outrages calculated to exterminate them. These barbarities include massacre, murder, torture, starvation and other ruthless oppressions.

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Having in view the foregoing, and in order to effect the practical measures to bring to justice the persons responsible, the Commission recommends:

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That those Japanese who have been responsible for the plans or policies which resulted in these abominable crimes and atrocities should be surrendered to or apprehended by the United Nations for trial before an international military tribunal. These individuals and officials should include those in authority in the Government, in the military and police establishments, in the secret societies and other criminal associations, and in the financial and economic affairs of Japan who by all civilised standards are provable to be war criminals. The case against these major criminals is that they have devised, set in motion and carried out the criminal plans and enterprises which

which incited or resulted in the aggressions, cruelties and brutalities which have outraged the civilised world. All of these barbarities are flagrant violations of international law, including the laws and customs of land and naval warfare. The persons to be charged should be determined by the rule that all who participate in the formulation or execution of a criminal plan involving multiple crimes are liable for each of the offences committed and responsible for the acts of each other.

II

That those Japanese holding key-positions in the civil, military or economic life of Japan who, perhaps, did not devise or set in motion plans which resulted in these crimes and barbarities, but nevertheless directed the carrying out of such plans within Japan or in the territories of more than one of the United Nations, should be surrendered to or apprehended by the United Nations for trial before an international military tribunal. This category of criminals includes those individuals and officials, usually in key-positions in the Government, who have willingly planned the details of and put into execution the monstrous schemes of the Japanese leaders. It also includes those brutal and ruthless criminals who, both inside and outside Japan, have been guilty of mass criminality towards the nationals of many of the United Nations. Among such persons were those in charge of certain prisoner-of-war and civilian internment camps where the people of many nations have been starved, tortured, murdered or otherwise atrociously maltreated.

III

That those Japanese who have been responsible for, or have taken a consenting part in the crimes or atrocities committed in, or against the nationals of, a United Nation should be apprehended and sent back to the countries in which their abominable deeds were done or against whose national crimes and atrocities were perpetrated in order that they may be judged in the courts of those countries and punished.

IV

That a Central War Crimes Agency be established and maintained in Japan by the military authority and adequately staffed with investigators, detectives, lawyers and other technicians selected from the United Nations, to perform the following duties:

- (a) To investigate all war crimes planned, directed or perpetrated inside Japanese territory;
- (b) To gather all evidence inside Japanese territory relating to Japanese war crimes and atrocities wherever committed;
- (c) To transmit to the United Nations War Crimes Commission or its Sub-Commissions evidence of war crimes detected by it, evidence of war crimes committed by persons whose names are not yet on the lists of the Commission or its Sub-Commissions, or evidence of crimes which point to the existence of a general enterprise or pattern;
- (d) To establish and maintain a register of all Japanese war criminals wanted or apprehended by it or any United Nation, or tried by any United Nation or the International Military Tribunal. Each United Nation should promptly notify the Agency of all war criminals wanted, apprehended or tried by it, and the Agency should circulate to each Government and the United Nations War Crimes Commission and its Sub-Commissions lists of such criminals. The register should be similar to that maintained by the Central Recording Office of War Criminals and Security Suspects in the European Theatre of Operations;

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(e) To establish and maintain a Central War Crimes Evidence Centre to which should be sent all evidence of war crimes secured by any Government or Agency. The evidence should be indexed and be open to the examination of the representatives of any interested United Nation Government. These representatives should be given free access to the records and should be permitted to make certified copies of such papers as they may require;

(f) To arrange for the apprehension and detention of all Japanese war criminals in Japan whose names or identifying data are discovered by it or are furnished by the United Nations War Crimes Commission and its Sub-Commissions or any United Nation Government;

(g) To notify the United Nations War Crimes Commission and its Sub-Commissions and the Governments of all war criminals so apprehended;

(h) To arrange for the surrender to the interested Governments any of the Japanese war criminals mentioned under III above, who are apprehended in Japan and whose surrender is requested by a United Nation Government. In case a war criminal is wanted by two or more Governments, the Agency should decide the terms of surrender;

(i) To co-operate with the United Nations War Crimes Commission and its Sub-Commissions, the Central War Crimes Prosecution Office and the interested United Nation Governments in all matters regarding Japanese war crimes;

(j) To maintain branch offices throughout the Far East and Pacific areas to receive evidence and other information concerning war crimes and war criminals, and to co-ordinate its work with that of the National War Crimes Offices.

Representatives from each of the National Offices concerned, acting as liaison officers, should, if desired, be attached to the Central War Crimes Agency or to any branch. They would be invited to take charge, and, in conjunction with the Central War Crimes Agency, to investigate war crimes committed in or against the nationals of their own countries.

All of the military forces and other agencies of the Governments should co-operate with and assist the Central War Crimes Agency in the discharge of its duties.

V

That a Central War Crimes Prosecution Office should be established and maintained in Japan, adequately staffed to prepare and file the charges, to collect, analyse and sift the evidence, and to present to an International Military Tribunal the cases of the war criminals mentioned under I and II above.

VI

(a) That the Supreme Commander of the United Nations military forces or any Control Council or other Authority in Japan should appoint one or more International Military Tribunals for the trial of the war criminals mentioned under I and II above, each of which Tribunals should be composed of five members. The members should be selected and appointed on each Tribunal, after designation by their respective Governments, from the military forces of Australia, Canada, China, France, India, the Netherlands, New Zealand, the Union of Soviet Socialist Republics, the United Kingdom and United States. The appointing Authority should adopt rules for its procedure.

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(b) The Tribunal should have jurisdiction to try any of the war criminals mentioned under I and II above, who are charged with any of the crimes and atrocities which the Japanese have perpetrated. The law to be applied by the Tribunal should be the laws and customs of war, ^{generally} and the law in respect to crimes against peace and crimes against humanity defined in the Inter-Allied Agreement of August 8th, 1945, applicable to the major war criminals of the European Axis.

VII

That the war criminals mentioned under III above, upon apprehension, should be promptly surrendered to the countries in which or against whose nationalities they committed their crimes unless they are wanted as accused or witnesses in any trial before an International Military Tribunal. In the latter event, their surrender should be deferred until the conclusion of such trial or immediately effected upon such terms as may be agreed upon.

VIII

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.

SECRET

M. 79.

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-ninth Meeting

held on

26 th September 1945.

In the Chair ; Lord WRIGHT

There were also present:

Colonel HODGSON
accompanied by Capt WOLFF
Mr. OLDHAM
M. de BAER
accompanied by M. GOLSTEIN
Dr. LIANG
accompanied by Mr. DAO
Dr. ECER
accompanied by Dr. MAYR HARTING
Professor GROS
Sir Robert CRAIGIE
M. STAVROPOULOS
Sir Torick AMER ALI
Commander MOUTON
Mr. BURDEKIN
Dr. SZERER
Dr. ZIVKOVIC
and
Captain ALLETSON

- Australia

- United States of
America
- Australia
- Belgium

- China

- Czechoslovakia

- France
- United Kingdom
- Greece
- India
- Netherlands
- New Zealand
- Poland
- Yugoslavia

- Allied Control
Commission.

WELCOME TO NEW REPRESENTATIVE OF THE UNITED KINGDOM

The CHAIRMAN introduced the Rt. Hon. Sir Robert Leslie Craigie, G.C.M.G., C.B., who was attending the meeting for the first time as the representative for the United Kingdom, in succession to the late Viscount Finlay. In welcoming him, the Chairman said that Sir Robert Craigie had held a number of distinguished posts in the United Kingdom Diplomatic Service and had been H.M. Ambassador in Tokio from August 1937 until the outbreak of war with Japan. He had retired from the service last year.

A warm welcome was extended to Sir Robert by all the members of the Commission, on behalf of their Governments.

Sir Robert CRAIGIE thanked the members for the reception they had given him, and said he would do his utmost to help in the work of the Commission.

COMMISSIONER OF POLICE

The Chairman congratulated Colonel Jackson on his promotion to full Colonel in the United States Service.

RESTRICTION OF THE JURY TRIAL

The Chairman said that while on holiday, he had received a letter from Mr. Wood-Baker, Minister of State dated September 11th 1945, reading as follows :-

"The work now being done by the Executive Committee of the United Nations Preparatory Commission in building up a new World Organisation, is of the greatest importance, and I have for some time been anxious to secure, as an expert assistant on the United Kingdom Delegation, Mr. H. McKinnon-Wood, who has been acting as secretary to the War Crimes Commission.

I wonder whether the Commission would now find it possible to release Mr. McKinnon-Wood from these duties? I need hardly say how much I would regret putting the Commission to any inconvenience but Mr. McKinnon-Wood's particular experience and knowledge lies very much in the field in which the Executive Committee is now working, and I therefore hope that it will be possible to release him. If this is the case, we should like to have his services as soon as can be arranged.

I know you will agree with me in thinking this work to be of the highest importance, and no one else could help us so well as Mr. McKinnon-Wood."

In reply the Chairman sent the following letter which had been acknowledged by Mr. Wood-Baker on September 29th :-

"I have just received your letter of the 11th inst. but I had already heard from McKinnon-Wood, that his services were likely to be required with as little delay as possible by the Executive Committee of the United Nations Preparatory Commission.

I fully appreciate what you say about the immense importance of the work of the Preparatory Commission and feel justified in saying on behalf of the War Crimes Commission, that the War Crimes Commission would not think of letting its requirements stand in the way of the Executive Committee, or that so far as the Commission is concerned he may regard himself as free to transfer his services to the Executive Committee, without any delay. The Commission can go on with its present staff temporarily until McKinnon-Wood's successor has been appointed."

In view of the urgency of the matter, the Chairman had accepted Mr. McKinnon-Wood's resignation, without first consulting the Commission. He hoped that the Commission would approve his action.

Regarding the appointment of a successor to Mr. McKinnon-Wood, the

CHAIRMAN intended shortly to make suggestions to the Commission. In the meantime, Mr. Lyman, Executive Secretary, would temporarily perform the duties appertaining to the Secretary-General.

Colonel HODGSON said he had learned of the resignation of Mr. McKinnon Wood with deep regret. It had been a pleasure to work with him during the period of his (Colonel Hodgson's) connection with the Commission. He felt that the services of an able assistant had been lost. He wished to propose that a fitting resolution be prepared and addressed to Mr. McKinnon Wood, thanking him for his valuable services.

Commander MOUTON seconded the proposal and it was agreed that a letter be prepared for signature by the Chairman and transmitted to the late Secretary-General, recording the above resolution.

APOLOGIES FOR ABSENCE

The ACTING SECRETARY-GENERAL reported that Dr. Schram Nielsen and Mr. Dutt had sent apologies for their absence.

MINUTES

The minutes of the 77th meeting were signed by the Chairman.

Amendments to the minutes of the 78th meeting had been received from Dr. Schram Nielsen and Mr. Oldham. They would be incorporated in the final text to be circulated in due course.

REPORTS OF TRIALS OF WAR CRIMINALS BY NATIONAL COURTS.

The CHAIRMAN referred to his letter of the 30th August, 1945, addressed to the representatives on the Commission, requesting that they should send regularly to the Commission the report or records of trials of war criminals in which their Governments were interested. He had now been informed that the representatives of the following countries had transmitted the Commission's request to their respective Governments :
India, Canada, U.S.A., Australia, Denmark, Norway, Poland and the Netherlands.

M. de BAER, M. STAVROPOULOS, Dr. ZIVKOVIC, and Dr. ECER declared at this point that they had taken similar action.

The CHAIRMAN was anxious that the Commission should begin as soon as possible the task which it had clearly undertaken to record the trials

of war criminals. He therefore urged that representatives should impress upon their National Offices the importance, from the point of view of a future historical record of war crimes, of showing that this time there had been no fiasco.

Dr. Eöer had already submitted a full report of the trial and execution of Josef Pfitzner, deputy to the Lord Mayor of Prague, who had recently been tried in Czechoslovakia. However, the Commission would not insist on receiving a complete or formal record and in some cases a good summary would satisfy requirements. A decision would shortly have to be made regarding those who would prepare and revise the material. He thought that the Legal Officers of the Commission's staff would take a substantial part, but a committee might also have to be appointed for the purpose.

APPOINTMENT OF CHIEF PROSECUTOR FOR THE UNITED KINGDOM GOVERNMENT AT THE TRIALS OF THE MAJOR WAR CRIMINALS

The CHAIRMAN reported receipt of the following letter dated 17th September 1945, from the United Kingdom Foreign Office:

"I am directed by Mr. Secretary Bevin to inform you that the Prime Minister has approved the appointment of Sir Hartley Shawcross, K.C., the Attorney General, to be Chief Prosecutor on behalf of His Majesty's Government in the United Kingdom for the investigation of charges against and the prosecution of the major war criminals of the European Axis.

2. Sir Hartley Shawcross has appointed Sir David Maxwell Fyfe, Attorney General in the late Government, to be his deputy.

3. I shall be grateful if you will convey this information to the members of the United Nations War Crimes Commission."

The CHAIRMAN welcomed the appointment as deputy of Sir David Maxwell Fyfe, who had recently addressed the Commission on the subject of the trials in a very satisfactory and encouraging manner.

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

The CHAIRMAN reported receipt of a letter from Dr. Eöer dated 18th September, 1945 :

"I have the honour to inform you that according to the cable of the 16th instant, which I have just received, the President of Republic has consented - on the recommendation of the Czechoslovak Government - to the adherence of the Czechoslovak Republic to the Agreement of August 8th, 1945, concerning the Prosecution and Punishment of the Major War Criminals of the European Axis."

Dr. ZIVKOVIC, referring to the second paragraph of the Commission's

recommendation C. 144 on the above matter, said that his government had submitted reports to the Chief Prosecutors.

M. de BAER declared that he had prepared certain material relating to Belgium for submission to the Office of the U.S. Chief of Counsel and to the British War Crimes Executive. Subsequently, however, he had learned that the interests of his country in respect of major war criminals would be represented by France, and he had therefore decided to amend the above-mentioned reports for transmission to M. de Menthon, with whom he hoped shortly to have a meeting.

Dr. SZERER said his Government had also prepared nine Polish charges for the Nuremburg trials.

The CHAIRMAN felt sure that every representative would give all assistance possible to those who were going to prosecute at Nuremburg.

SECRETARIES OF COMMITTEES

The Commission agreed to the appointment of Dr. Litawski, in place of Dr. Schwelb (who was now secretary of Committee III), as secretary of Committee I, and of Mr. Gibson as secretary of the Public Relations Committee.

REQUEST FOR PARTICIPATION OF THE U.S.S.R.

The CHAIRMAN referred to the letter addressed to member Governments on August 26th regarding the suggestion that the United Kingdom Government invite the Government of the U.S.S.R. to join the Commission. He reported that letters had been received from a number of the member Governments stating that they agreed to the United Kingdom Government being asked to take that step.

REPORTS OF COMMITTEE CHAIRMEN

COMMITTEE I

Closing of Fourteenth List

The Commission agreed to the suggestion of M. de Baer, Chairman, to close another list of German war criminals. The list, which would be No. 14, and would contain about 1,000 names, would be ready for approval in about

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Material Received From the Jewish Agency For Palestine

M. de BAER said that Committee I had received material concerning 576 instigators of war crimes against Jews. Part of the information consisted of general reports concerning the extermination of Jews in Kharkov, Lwow, Radom, etc., and the remainder consisted of individual cases of crimes committed by Germans against Jews. As most of the crimes had been committed in Poland, it had been suggested that the dossiers be passed to the Polish representative in order that his office might prepare charges for submission to Committee I.

Dr. SZERER said he would do his best to study the reports before the next meeting.

Letter from Crowcass Requesting Instructions for Disposal of Paul Kanstein

M. de BAER said a letter had been received from CROWCASS asking for instructions with regard to Paul Kanstein who had been apprehended and was held by AFHQ Mediterranean. Kanstein had been placed on the Commission List of Key Men, having been charged with crimes committed in Denmark. Committee I had proposed that the Danish representative be requested to bring a charge against the man in order that he be delivered to Denmark for trial.

It was decided to inform Dr. Schram Nielsen, who was not present at the meeting, of the proposal made by Committee I.

PUBLIC RELATIONS COMMITTEE

Mr. OLDHAM, as Chairman, reported that the Committee had discussed earlier that afternoon the question of the proposed War Crimes Exhibition the French Government was bringing to London. As the Exhibition would be under the auspices of the United Nations War Crimes Commission he felt that he was expressing the wish of every member that all possible assistance be given by the Commission to the Exhibition.

Mr. OLDHAM added that he hoped to ascertain when he was in Paris in what way the French Government would welcome assistance. Mr. Gibson had already been asked to take an active part in publicity for the Exhibition, and various notes concerning the Exhibition had appeared in the newspapers.

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Professor GROS said he was grateful for the help which the Commission had offered and also for the assistance of Mr. Gibson. He was sure that preparations were proceeding satisfactorily and he was anxious that no effort should be spared in view of the great importance of such an exhibition.

The CHAIRMAN said that the Commission welcomed the Exhibition. He expressed appreciation of the French Government's gesture in giving the British public an opportunity to see such an admirable Exhibition.

FINANCE COMMITTEE

Mr. OLDHAM as Acting Chairman, informed the Commission that a request had been made to the late Secretary General asking him to prepare a full and detailed report on the financial procedure and position of the Commission at the present time. The financial position was very sound indeed owing to the number of member Governments who had already paid their contributions, but it had been thought advisable that a detailed report as to the methods employed would assist the new Chairman of the Finance Committee.

In this connection the CHAIRMAN proposed, and Colonel HODGSON seconded the proposal, that Sir Robert Craigie be elected Chairman of the Committee in succession to the late Viscount Finlay.

The Commission unanimously approved the proposal and Sir Robert Craigie expressed his willingness to serve.

COMMITTEE II

Colonel HODGSON, Chairman, said that the Committee had held no meetings since his last report.

COMMITTEE III

Dr. ECER, Chairman, gave a full report on the subject of the attempt to denationalise, which has been circulated as Commission Document C.148.

At the end of his report, Dr. Ecér proposed that Dr. Szerer be appointed to Committee III, in place of the former Polish representative, Professor Glaser who had left the Commission some time ago. The Commission unanimously approved the proposal.

REQUESTS FROM THE REPRESENTATIVES OF THE NETHERLANDS AND POLAND FOR
ACCOMMODATION IN THE COMMISSION'S PREMISES

The CHAIRMAN reported that letters had been received from Commander Mouton and Dr. Cyprich asking permission to occupy a number of rooms in the Commission's premises reserved for the Representatives of the National Offices. After consultation, the Ministry of Works had stated that they were willing to give their consent provided certain conditions were accepted. In view of the fact however that one of the rooms might be required for another purpose, it was decided to adjourn a decision being taken at the present meeting.

TRANSMISSION OF LISTS

A request from Colonel Hodgson for a complete set of the Commissions Lists for transmission through his office, to the U.S. Representative on the Control Commission at Budapest was approved by the Commission, in accordance with arrangements previously made in the case of the Control Commissions at Sofia, Bucharest and Rome.

The Commission also approved the step taken by the Acting Secretary General in forwarding 20 copies of List No. 4 (Japanese war criminals) to SACSEA, at their urgent request. It was explained that it had not been possible to secure the Commission's approval before despatch.

REQUEST FROM BRIGADIER SHAPCOTT FOR RESEARCH DOCUMENTS

The CHAIRMAN said that a request had been received from Brigadier Shapcott, the Judge Advocate General, for certain material from the Research Dept. including the Summaries of Information and reports relating to concentration camps, even those emanating from British sources. There was no objection to sending such material subject to considerations of secrecy, and appropriate action was therefore being taken.

CROWCASS LIST OF WANTED PERSONS. PART I

The ACTING SECRETARY GENERAL reported the receipt from CROWCASS of 260 copies of Part I of a List of Wanted Persons and was asked to send 10 copies to each Representative for further distribution to their National Offices. It was hoped that Part II would be available in less than two weeks time.

LETTER FROM U.S. FORCES CHINA THEATRE REGARDING DR. E. NEWMANN

The CHAIRMAN reported that he had received a letter from Colonel Hodgson stating that Colonel Hodgson had received a cable from the U.S. Forces, China Theatre, to the effect that Dr. E. Newmann alleged former Kommandant of Dachau Concentration Camp, had been reported as residing in Shanghai since 1941, and asking whether it was desired by the Commission that he be apprehended and detained. As Newmann did not appear on the Commission's Lists so far, it was not clear whether he had been the Dachau Kommandant before or after 1939, it was felt that the Commission would not be justified in having him detained. Such a request could only be made by a National Office.

It was therefore decided that a reply should be drafted and sent to Colonel Hodgson for transmission to the China Theatre, stating that the United Nations War Crimes Commission would investigate further.

Mr. BURDEKIN suggested that enquiries might be made in Germany from the records available there.

RECEIPT OF MINUTES FROM THE CHUNGKING SUB COMMISSION

The ACTING SECRETARY GENERAL said that he had just been handed copies of the Minutes of the 8th and 9th Meetings of the Far Eastern and Pacific Sub-Commission. The Minutes would be circulated in the usual manner.

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C/148

28th September 1945.

UNITED NATIONS WAR CRIMES COMMISSION.

PRELIMINARY REPORT BY THE CHAIRMAN OF COMMITTEE III.

Presented orally to the Commission on 26th September 1945.

Dr. Eder reported on the work of Committee III, which had been considering the question of whether "denationalisation" should be regarded as a war crime or not. The Committee had not yet completed its discussion and was therefore not in a position to present its recommendations, but, in view of his impending departure for Prague, it had been agreed that Dr. Eder should report on the discussion up to date.

The subject had been referred to Committee III by Committee I which had felt some doubt about a charge presented by the Yugoslav National Office, against four Italian war criminals, concerning the attempt to denationalise the inhabitants of occupied territory. Committee III had at first been unable to decide whether the question should be examined from the general point of view or whether the examination should be limited to the case of the four Italians. In Dr. Eder's opinion, the terms of reference as recorded in the minutes of Committee I might admit of either interpretation. It was felt however, that even if the charge against the four Italians were first discussed, it would be wise to attempt a general solution of the question and to establish a guiding rule for similar future cases.

Committee III had then examined the problem from the general aspect; whether and in which circumstances acts of denationalisation were to be considered war crimes and their perpetrators war criminals.

It was well known that, in 1919 the so called Responsibilities Committee had already placed attempts of denationalisation on the List of War Crimes. In December 1943, the List had been adopted by the United Nations War Crimes Commission as a basis for its work, and therefore, that specific crime, among others, had been accepted. Dr. Eder maintained, however, that the Commission was not bound by the 1919 List and it would be useful to re-examine the problem afresh in view of the knowledge gained since 1943, of Axis methods constituting a general criminal policy, which various allied statesmen had characterised as a "gangster" policy.

Dr. Eder then outlined the method and procedure adopted by Committee III. In several meetings, the Committee had tried to find if not a definition, at least a description of what is to be understood by denationalisation. It was very difficult to find a general definition; every expert held another opinion. The Committee had first decided to examine certain concrete facts, as they appeared from the charges submitted by National Offices, then to proceed from there. The second phase began with the examination of whether such crimes or acts which aimed at denationalisation were or were not prohibited by international law. If the former were the case, then it would have to be decided whether denationalisation was a crime according to the general principles of criminal law because it was obvious that not every contravention of a rule of International law was ipso facto a crime.

The Committee, after discussion of the above points, had reached certain conclusions. It seemed to it that the expression "denationalisation" was a collective noun for a certain group of measures, provisions or acts, applied or carried out by the occupying powers, some of which were crimes in se and some not. Dr. Eder enumerated certain crimes which had been

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noted in the charges submitted to the Commission, such as for instance the closing of universities and schools, compulsory education in the language of the occupying power, deportation of children for the purpose of educating them in the language and spiritual atmosphere of the occupant, interference with religious services, attempts to disintegrate a nation by creating artificial minorities etc. These were all measures adopted by the occupying Axis powers for the purpose of disrupting and disintegrating the national conscience, spiritual life and national individuality. Certain measures, such as deportation of children, were war crimes in se, since they were crimes against personal freedom. Some were not crimes in se apart from their purpose. The Committee had been unanimous in its opinion that certain characteristics, pertaining to such measures, should be borne in mind. First, whether the final result, within the framework of the general policy of the aggressor, aimed at "killing the soul of the nation" - the counterpart to the physical act of killing the body, which was ordinary murder. The Germans were special masters in "killing the soul". Dr. Eder explained that his use of that expression was intended to convey the deprivation of a Czech, or a Pole or a Russian of his national language, national customs, by killing all national feeling. The second step was to transform those men into Germans or Italians, etc, the "Germanisation" or "Italianisation" of inhabitants of occupied territory.

Secondly, such crimes were not committed against individuals but against a whole nation. They were mass crimes perpetrated as part of a state policy of the Axis Powers. Thirdly, they were perpetrated by means, or rather by the abuse of the power possessed by the de facto occupying Power. Dr. Eder said that the Committee's conclusion was not intended to give an exhaustive description or definition, but merely an idea of its approach to the problem.

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The second point was whether such crimes were prohibited under international law. The fact that an act was not prohibited by The Hague Regulations did not imply that it was legal. In the preamble to the regulations, the authors had been wise enough to foresee that, when war started, it would not be possible to know in advance what would happen and they had therefore framed the famous preamble which declared that when an act was not covered by a specific clause of the Hague Regulations, it must be examined according to principles derived from the laws of humanity, and dictated by public conscience. The Committee had therefore considered that, although The Hague Regulations did not specifically mention denationalisation, there were certain Articles which, when interpreted in the spirit intended, formed a sufficient basis for the conclusion that the act of denationalisation was prohibited by international law. In Dr. Schwelb's valuable report mention had been made, inter alia, to Articles 46 and 56, from which that conclusion had been drawn. When Article 46 laid down that individual life must be protected, it was obvious that it did not refer only to the physical person but also to the spiritual life of the person. The Article 46 mentioned family rights, it implied that children should be educated in their national language, and if Article 56 provided that cultural institutions should be protected, it covered not merely the building itself, but also the spiritual values which the building served. When the two Articles had been interpreted in the spirit of the Preamble, the Committee had come unanimously to the conclusion that denationalisation was forbidden by International law.

The third point concerned the question of whether denationalisation was a crime from the point of view of criminal law. The Committee considered that the fact that an individual changed his nationality was not a crime, provided such a change took place by natural means, or by assimilation. But it was not dealing at present with a process of natural change, but with a process imposed compulsorily by the occupying Power on

the population of occupied territory, by means of a whole system of measures ranging from psychological compulsion to violence. The fact that the occupying power was using its authority for that purpose made its policy a criminal one.

Although Committee III had not yet completed its discussion, Dr. Eder stated that a resolution would shortly be submitted to the Commission, declaring that denationalisation, under the circumstances described above, and through the use of the power of the occupying forces, should be regarded as a war crime. Moreover, his personal inclination would be to go a step further. He considered that it was not only a war crime in the traditional sense, but a genuine international crime - a crime against the very foundations of the Community of Nations. He himself was well aware of the definition of crimes given by Blackstone and Stephen: a breach of law as injures the community. In the present case the attempt to denationalise was an attack against members of the international community - an attack against the foundations of the family of nations.

In conclusion Dr. Eder wished to express his appreciation of the full participation of all members in the discussion. The problem was a difficult one which was unknown forty years ago, but in the light of recent experience he felt that the conclusions reached would be just.

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SECRET

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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 ^{you} 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⁽¹⁾ 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.⁽²⁾ 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.

The reports now coming in from the British authorities included not only those from the British zone of occupation but also from prisoner of war camps in the United Kingdom and Canada. The number that had to come in from those sources was far in excess of that expected from American sources.

The CHAIRMAN stated that the Commission of the War Criminals was in the process of preparing laws and usages.

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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. FÄNDERLIK 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 GRIFFIN	- 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 CROWCASS

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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 CROWCASS 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 CROWCASS".

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:

"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.

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.

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.

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.W.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.

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

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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 HANTING - 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. Pounce, 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⁽¹⁾ 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. Zivkovic'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. ZIVKOVIC 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. Zivković 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.

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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⁽¹⁾ 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. YR-M RTIAG 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.

NUREMBERG 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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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 USFET 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.

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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.