report of the Commission's visit to Paris, Mr. Justice Jackson's report to President Truman, and the reports of Dr. Schwelb and Colonel Wade. He would be returning to Germany encouraged by this manifestation of progress and would be able to reassure his American colleagues there that they were not working in vain but were backed by the United Nations War Crimes Commission.

He hoped to return to London in three weeks in time to deliver a lecture at the Czech Institute under the chairmanship of Lord Wright. Although his talk was entitled "Mentality and punishment of war crimes in Germany", it would not directly concern the work of the Commission, but he nevertheless asked for the latter's sanction.

The CHAIRMAN was sure that the Commission would be happy to give that. Since Dr. Ecer was anxious to leave, he informed him that he had been elected chairman of the Legal Committee which would mean vacating the chairmanship of the Public Relations Committee, for which office Mr. Oldham had been nominated, subject to Dr. Ecer's acceptance of the chairmanship of the Legal Committee.

Dr. ECER accepted the honour and added that he hoped to be able to arrange a fortnightly visit of a few days to enable him to carry out his duties.

Colonel HODGSON wished to correct Dr. Ecer's statement regarding a "recommendation" sent to the United States Government by Mr. Justice Jackson. He believed that the latter had explained to Dr. Ecer that he would not object to the surrender of Frank providing certain conditions were met. He did not believe that Justice Jackson stated that he would "recommend" a surrender. Dr. ECER accepted this correction, adding that he was by nature optimistic, and was merely expressing a premature hope.

REPORTS FROM COMMITTEE CHAIRMEN

Adoption of 11th List of War Criminals: On the proposal of M. de Baer, chairman of Committee I, the 11th List of War Criminals (Germans) was adopted unanimously, having been verified by the National Offices concerned.

Closing of 12th List of War Criminals: A further proposal made by M. de Baer, on behalf of Committee, to close the 12th List of War Criminals (Italians, Bulgarians and Hungarians) was unanimously approved. It was pointed out that it would be a short list, but its early publication would ensure necessary action being taken by the military authorities.

Statement by M. de Baer: M. de BAER reported that he had written to certain members concerning the Convention for the Surrender of War Criminals adopted by the Commission (Doc. C.47). The Belgian Government had felt it wise to try to enter into such a convention with those countries situated close to Belgium, and also with the United States, since - unlike the British Government who enjoyed great freedom in this respect - other Governments were restricted by national legislation. He mentioned the matter, as he wished to explain why he had not approached all the members of the Commission.

SURRENDER OF LOOT BY GERMAN HOLDERS (Memorandum by M. de Baer): C.133

M. de BAER referred to a law issued by the Military Government in Germany (No. 52) providing for the seizure of property "which had been the subject of wrongful acts of confiscation", which he considered inadequate since it omitted to establish the holders of the looted property. He would therefore propose that it be made compulsory for any German havin, looted property in his possession to declare it.

Governor MOUTON doubted the expediture of the second sentence of M. de Baer's statement since he knew, for instance, that the Dutch Government had taken measures involving redistribution of loot sent to neutral countries, and its return to the rightful owners. On the question of principle, he did not believe that the Commission was the appropriate body to make such a recommendation, since its function was to punish war criminals, not restore stolen property. He also doubted the practicability of carrying out M. de Baer's recommendation.

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Professor GROS appreciated the intention behind the memorandum and believed that Germany must be "de-looted". He submitted further that the Commission was not the appropriate body to make such a recommendation and the Governments were aware that there were two international bodies to which questions affecting Germany should be submitted, the European Advisory Commission and the Allied Control Commission, who had already considered similar questions.

Colonel HODGSON fully concurred with the views of Commander Houton and Professor Gros. He felt that close scrutiny would be devoted to such a Recommendation by the Governments, in view of the severity of the penalty recommended, and it was very probable that the military authorities would not wish to take any steps unless they were prepared to use force against a person who failed to disclose the desired information. This fact should be borne in mind in addition to the other points raised, namely whether such a drastic recommendation should go forward.

Mr. BELL suggested that Monsieur de Baer should ascertain what measures had been taken already. He did not know what had been done, probably Shaef and the A.C.C. had taken certain action.

M. de BAER maintained that the whole question of surrender of loot was incidental to punishment and, as a means of investigation, was within the scope of the Commission. If, on the other hand, there was another competent organisation he would suggest that the Commission forward the recommendation to that body. He feared a repetition of what happened after the last war when not one of those holding loot was made to surrender it.

Dr. CYPRIAN felt the terms used were not specific enough and raised the question of the difficulty of identifying loot such as factory machinery which had been dismembered and was no longer recognisable.

After further discussion, M. de Baer was asked to re-draft his recommendation in a more complete form, despite the fact that some members were unwilling to accept his idea in principle.

REPORT OF COMMITTEE ON PREMISES

Mr. OLIVER reported that a meeting had been held to view the plans of the proposed new premises in Church House offered by the U.K. Office of Works, after which the members had themselves inspected them. It was their unanimous view that the Commission should accept the offer, as the premises were highly suitable and spacious for the present requirements of the Commission, with due allowance for future expansion. The only drawback was that a number of the windows were partially bricked in, but since 10 rooms, including a very fine Commission room, were not affected, it was felt that present requirements would be met. The Committee was strongly of the opinion that the Commission should not lose the opportunity of obtaining these premises.

The CHAIRMAN fully supported the Committee's view.

Colonel HODGSON found the premises excellent for the purposes of the Commission and a great improvement on present accommodation.

Captain LAMBE reported that, subject to confirmation at the present meeting, he would arrange a meeting with the members of the Office of Works with a view to making arrangements for the provision of furniture and installation of telephones. The suggestion was that a move be made on July 16th.

Colonel HODGSON moved that the very fine offer of the United Kingdom Government be accepted with gratitude and with thanks for making the space available, and that the Commission move as soon as the premises were ready.

The CHAIRMAN supported the motion, and it was unanimously agreed that an expression of the Commission's appreciation and gratitude of the very handsome hospitality of His Majesty's Government be made to the appropriate authorities.

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SECRET

M.69

# UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Sixty-Ninth Meeting

held on

July 11th, 1945.

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Chairman: Lord WRIGHT - Australia

There were also present:

| | |
|---|---|
| Lt.-Col. HODGSON accompanied by Captain WOLFF | - United States of America |
| Mr. OLDHAM accompanied by F/O BRIDGLAND | - Australia |
| M. de BAER accompanied by M. GOLSTEIN | - Belgium |
| Mr. Andrew BELL accompanied by Colonel WALKER | - Canada |
| Mr. DAO | - China |
| Dr. MAYR HARTING | - Czechoslovakia |
| Professor GROS accompanied by Dr. MALEZIEUX | - France |
| Mr. BEAUMONT | - United Kingdom |
| M. STAVROPOULOS | - Greece |
| Sir Torick AMEER ALI accompanied by Mr. DUTT | - India |
| Commander MOUTON | - Netherlands |
| Dr. ZIVKOVIC | - Yugoslavia |

and

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|---|---|
| M. FALCO | - Court of Cassation of France |
| Capt. ALLETSON | - Control Commission for Germany |

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## MINUTES

The minutes of the 67th meeting were approved and signed by the Chairman.

Amendments were submitted to the minutes of the 68th meeting by the Chairman, Mr. Oldham, Commander Mouton, Professor Gros, and Colonel Hodgson. They will be incorporated in the final text.

## STATEMENT BY EXECUTIVE OFFICER

The EXECUTIVE OFFICER reported that copies of the minutes of the 5th and 6th meetings of the Far Eastern & Pacific Sub-Commission had been received and circulated to members.

Mr. OLDHAM deplored the delay which had occurred in the circulation of the minutes of the 5th meeting held on March 16th. Mr. DAO assured him that the minutes had been forwarded immediately on receipt, and the EXECUTIVE OFFICER said they had been received by the Secretariat only a few days previously. Mr. OLDHAM suggested that the attention of the Sub-Commission should be drawn to the advisability of ensuring a more prompt transmission of the minutes to the London Commission.

APOLOGIES FOR ABSENCE

The EXECUTIVE OFFICER reported receipt of a letter from Mr. Burdekin dated 6th July, 1945, regretting his inability to attend the last meeting of the Commission and notifying the Chairman that he would also be absent from the two following meetings.

Mr. DAO conveyed the apologies of Mr. Wunsz King for his inability to attend the present meeting, as he was in Belgium.

MEMORIAL SERVICE FOR LORD FINLAY

The CHAIRMAN announced that a memorial service for Lord Finlay would be held on July 12th, at 4.30 p.m. in St. Dunstan's, Fleet Street.

DEATH OF MR. CURTIN, PRIME MINISTER OF AUSTRALIA

In his capacity as Chairman of the Commission and Representative of Australia, the CHAIRMAN had sent a cablegram to the Australian Government conveying the regret of the Commission at the death of Mr. Curtin. An acknowledgment had been received from Mr. Forde, Acting Prime Minister of Australia.

INTRODUCTION OF COLONEL WALKER OF CANADA

The CHAIRMAN introduced Lt.-Col. J.W. Walker, a member of the Canadian organisation in London dealing with war crimes. The Representative of Canada, The Hon. Vincent Massey, had been represented at the Commission's meetings by Mr. Andrew Bell who would no longer be able to attend owing to pressure of other work. His place would in future be taken by Colonel Walker. The Chairman said that the Commission would be sorry to lose Mr. Bell but would welcome the assistance of Colonel Walker.

Mr. BELL thanked the Chairman for his kind words and regretted that he would no longer be attending the meetings. He felt sure that Colonel Walker would prove a useful member of the Commission and would receive the same welcome which had been extended to himself.

Colonel WALKER expressed his thanks to the Chairman.

INTRODUCTION OF CAPTAIN ALLETSON, CONTROL COMMISSION FOR GERMANY

The CHAIRMAN reported that Major Hicks of the Control Commission, who had left for Germany, had been replaced by Captain Alletson, also a member of that Commission. He extended a welcome to Captain Alletson.

APPLICATION FOR MEMBERSHIP FROM DENMARK

The CHAIRMAN reported receipt of a letter from the Danish Minister, stating that Denmark was desirous of joining the Commission. That was welcome news and the Chairman hoped to be able to make an early pronouncement on the subject, possibly at the next meeting. Meanwhile the matter had been placed on the agenda for the present meeting in order that members might have the opportunity, if they deemed it necessary, of conferring with their Governments and receiving instructions.

REPORTS FROM COMMITTEE CHAIRMEN

Committee I: M. de BAER, Chairman, presented the 12th List of War Criminals (Italians and a Hungarian), stating that the National Offices of the countries concerned had had an opportunity of inspecting it. The List was unanimously adopted.

Public Relations Committee: Mr. OLDHAM, Chairman, reported that the Committee had decided at its meeting the day before to insert an advertisement in the London "Times" for the purpose of appointing a full-time Public Relations officer. The advisability of such an appointment had already been recognised and the matter was becoming increasingly urgent. If any member could recommend a candidate with the appropriate qualifications and experience, Mr. OLDHAM would appreciate hearing from him.

PREMISES

The CHAIRMAN said that arrangements were proceeding satisfactorily. An attempt was made to arrange for the removal of the bricks from the partly bricked-in windows, but in view of the delay which would result, it was decided to move in without waiting for that to be done.

PROSECUTION OF WAR CRIMINALS

The CHAIRMAN referred to the two letters dated July 5th and 6th which he had received from Mr. Justice Jackson, United States Chief of Counsel for the Prosecution of Axis Criminality, copies of which had been circulated to the members of the Commission. The letters conveyed an invitation to the Commission to give the benefit of their help in the plans for the prosecution of the major Nazi criminals.

The Chairman first expressed his appreciation of the flattering terms used by Mr. Justice Jackson in referring to the work of the Commission in the past, and his desire to obtain the benefit of the experience and knowledge acquired by the Commission as well as the cooperation of the National Offices of the countries represented on the Commission. He recalled that under the Moscow Declaration, a distinction had been drawn between the two types of war criminals: the major war criminals and the "ordinary" (his own term) war criminals. The latter category included those who had committed their atrocities in a particular locality, who were to be apprehended when the Commission had listed them on prima facie evidence and who were afterwards to be sent back to those countries which had charged them, for trial according to respective national laws. That had always been regarded in broad terms as a completely binding declaration. There might be, for example, questions of crimes on the high seas and in Germany, but he had always assumed that these might be particular cases where the military authorities would have to exercise a special discretion. The Commission was primarily concerned with prima facie evidence submitted by the National Offices.

The question of major war criminals had always been considered to be on a different footing because they would be dealt with according to the Moscow Declaration. Until quite recently, it was uncertain whether this would be worked out by executive action on the part of the Allied Authorities or whether military tribunals would be established, if their trial was decided upon. It had now been decided that there would be a trial and the basic features of the American plan of prosecution were embodied in Mr. Justice Jackson's report to President Truman. This masterly report was known to members: it has been circulated as Commission Document C.127. The CHAIRMEN had deemed it advisable to obtain a statement from Mr. Justice Jackson with regard to what exactly was required in the way of assistance from members, and the result was the two letters which had been circulated. He added that these should be regarded as Commission documents and treated as confidential.

The CHAIRMAN quoted the words in Mr. Justice Jackson's letter of 5th July, in which an outline was given of the type of report which was required.

Referring to the penultimate paragraph of the letter, regarding a search for "evidence supporting a direct tracing of responsibility to higher and perhaps to the highest authorities", the CHAIRMAN pointed out that the Commission had always borne in mind that, wherever possible, the atrocities should be traced to a plan or system or pattern emanating from higher levels. From time to time, documents had come into the possession of various Governments in support of that theory.

For the purpose of proving that common pattern, Mr. Justice Jackson had suggested certain types of evidence which might be obtained by the members of the Commission from their experience, particularly those European members whose countries had suffered at the hands of the German aggressor. Reading out the four points made by Mr. Justice Jackson on page 3, the CHAIRMAN added that the Commission's records were largely composed of instances of such "terrorisation", mass murder, etc. The

idea therefore was to obtain a picture of the total pattern of war crimes perpetrated throughout the whole length and breadth of Europe, from the firsthand experiences of member Governments, their representatives and the National Offices. In that way, the CHAIRMAN said, the Commission would also serve to promote what they all had at heart: the bringing to justice of the malefactors and arch criminals, and aid Mr. Justice Jackson in his work.

As a model of what Mr. Justice Jackson had in mind, a copy of a pamphlet issued by the U.S. Congressional delegation upon atrocities and other conditions in concentration camps in Germany was circulated to members at the meeting. Reports drawn up on such a model would help the United States Chief of Counsel because they could readily be used for the large trials which would cover an enormous field in which the ordinary common law of evidence would not be employed (as stated in the second letter dated 6th July).

The CHAIRMAN concluded by saying that this was a very important task and hoped that all members would approach it seriously with a view to fulfilling its requirements. It was his intention to lay this matter before the Commission at the present meeting in order that consideration might be given to the question before a discussion was held the following week.

Before closing the meeting, he wished to take the opportunity of referring to another matter. He had been wondering when the nations would be ready to start trying the various cases which had been laboriously accumulated in the Commission's records and embodied in the published lists. The collection of names was not an end in itself, but was a means of attaining the final end, i.e. the prosecution, trial and punishment of offenders. The trials of such war criminals would be held in the place where the crimes had been committed and would be the work of the countries themselves. He had been hoping that these trials would commence. He quite appreciated the need for careful preparation and investigation before

proceedings were launched; and realised that undue haste would be dangerous; nevertheless he felt that the time had come when the results of the work of the Commission ought to be visible. He therefore suggested that CROWCASS might be asked to submit a list of those names which appeared in the Commission's lists, showing which of them had been apprehended by the military authorities and were being held in custody - this would help in deciding how and where to start. He, together with one or two other members of the Commission, might go to Paris to find out whether it would be possible to identify the people mentioned in the lists.

He mentioned this matter, which had nothing to do with Mr. Justice Jackson's particular request, for the particular function of the Commission did not extend specifically to the major war criminals; although their help could and would be given, their responsibility lay with the "localised" war criminals. He referred to visits which he had paid to two prominent members of the French Government and of the former Underground movement who had been impressed with the importance of speeding up the trials.

In conclusion, the CHAIRMAN hoped that members would be prepared to do something definite in regard to both matters he had raised, which he felt deserved their immediate and careful attention. The Commission must show that there was some purpose in drawing up lists and must also give the benefit of their experience to Mr. Justice Jackson and his collaborators.

Wright

COLLECTIVE RESPONSIBILITY FOR WAR CRIMES (C.105 (1))

The EXECUTIVE OFFICER reported receipt of a letter dated 2nd July from the United States Commissioner, addressed to the Chairman, reading as follows:

> "In regard to the recommendation contained in Commission Document C-105(1), entitled 'Collective Responsibility for War Crimes', I am authorized to inform the Commission, in the light of Justice Jackson's report of June 7, 1945, to President Truman, that the United States Government has adopted a policy substantially in accord with the Commission's recommendation."

The CHAIRMAN said it was very gratifying to know this, and added that the United Kingdom Foreign Office had also acknowledged receipt of the Recommendation and said that it was being studied.

See Chairman's signature on page 7

2nd July

reading

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SECRET

M.70

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventieth Meeting

held on

July 18th, 1945

| | | |
|---|---|---|
| Chairman: | Lord WRIGHT | - Australia |
| There were also present: | Lt.-Col. HODGSON accompanied by Capt. WOLFF | - United States of America |
| | Mr. OLDHAM | - Australia |
| | M. de BAER accompanied by M. GOLSTEIN | - Belgium |
| | Lt.-Col. WALKER | - Canada |
| | Dr. LIANG accompanied by Dr. DAO | - China |
| | Dr. MAYR-HARTING | - Czechoslovakia |
| | Professor GROS accompanied by Dr. MALEZIEUX | - France |
| | Mr. BEAUMONT | - United Kingdom |
| | M. STAVROPOULOS | - Greece |
| | Sir Torick AMEER ALI accompanied by Mr. DUTT | - India |
| | Commander MOUTON | - Netherlands |
| | Major PALMSTRØM | - Norway |
| | Dr. ZIVKOVIC | - Yugoslavia |
| | and | |
| | Mr. Justice JACKSON | - U.S. Chief of Counsel |
| | Sir David Maxwell FYFE | - Attorney General of the United Kingdom |
| | Colonel BERNAYS | - accompanying Mr. Jackson |
| | Commander DONOVAN | - " " |
| | Captain ALLETSON | - Control Commission for Germany |

The ordinary business of the meeting was postponed until the next day, in view of the visit of Mr. Justice Jackson and his collaborators, and Sir David Maxwell Fyfe.

The CHAIRMAN introduced the four distinguished visitors, stating that the Commission felt very greatly honoured by their presence. The gentlemen were engaged in preparing the trial of the major war criminals, which, although in a sense outside the purview of the operations of the Commission, was a matter which concerned it very closely. Its members were only too

enough charges against those men and he could assure the meeting that there would be very active pursuits made - insofar, at least, as crimes against American prisoners of war were concerned.

One of the first things discussed between the four Allied prosecutors was the problem of utilising the great mass of experience and information accumulated by the Commission. Without going into details, he believed that the discussions with the Chairman and members of the U.N.W.C.C. had served to show the way in which both bodies could be of assistance to each other. He certainly did not wish to interfere, however, and whatever offer was made did not imply an obligation to accept nor would there be any ill-feeling if it were rejected. Within the limits of what they could do, they wanted to be as helpful as possible in developing the case of each of the occupied countries against the Nazi plan to dominate, subjugate, exploit and destroy. In order to be of use to the four prosecutors, a different emphasis would have to be laid upon the preparation of the cases. They were looking at the design and trying to get at the designers, while the Commission was looking into the individual features as they appeared in the different countries. Complete agreement existed between the United States, the United Kingdom, France and the U.S.S.R. with regard to the importance of the time element. They were endeavouring to find a way to overcome difficulties of procedure which varied in the different countries, and they hoped to find one which would be an improvement on all suggestions.

Mr. Justice Jackson hoped that members would feel entirely free with the delegation of the United States to voice any wishes, or make any criticisms of their work which was, after all, very important to the peoples represented on the Commission, and he and his collaborators would not be discharging their mission fully if they did not meet such demands with justice.

It was an enormous task and a start could be made only with relatively few cases in single trials, and the obstacles had to be overcome individually. As the details were developed, he hoped that the Commission would feel towards the four prosecutors as towards those who were trying to accomplish

very similar ends with different technical methods to convince the people of the world that law and decency were on their side, and that justice would be meted out to those who violated that law.

The CHAIRMAN thanked Mr. Justice Jackson and said that he could not imagine there being any feeling of jealousy; the Commission was only too proud to cooperate in promoting that general purpose which affected most intimately so many nations represented on it. He then asked Sir David Maxwell Fyfe to speak.

Sir David Maxwell FYFE said he wished first to take the opportunity of thanking the members for the work they were doing and had done, and the assistance given to him. As they knew, the principle had been that the National Office of the United Kingdom submitted cases to him, and after examination by the Commission, they were returned to him. From what he had seen, he was very conscious of the work done, and was very grateful for it.

As far as the work of dealing with war crimes committed against United Kingdom nationals was concerned, the procedure had been outlined in the published Royal Warrant and it was hoped that next month the results of the Commission's and the United Kingdom National Office's work would be shown in trials. To give a concrete example, he recalled the case of General Bellono and said that his trial would shortly begin, after which would come the cases arising out of Belsen. The Commission would have the satisfaction of seeing their work being brought before the military courts and he hoped the results would be what they desired.

The other point was a matter of immediate interest. He had just been fighting an election and had therefore had a chance of seeing what the public thought about this particular issue. There was no doubt that public opinion was very different from what he could remember of it after the 1914-1 war. At that time, there was a slightly hysterical urge to punish the Kaiser, but it had quickly evaporated. Now there was a general acceptance and understanding on the part of the ordinary man and woman in the street that punishment would vertake the wrongdoer and thus Europe would be rebuilt

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on a basis of severe and unswerving justice. That had been accepted very deeply and very completely. There were always some people who could not understand why the war criminals could not be put up against a wall and shot. That was a very natural attitude of mind and most people could understand it, but he had found that it was appreciated that not only the present generation but future generations had to be considered, and therefore it was necessary to establish the fact of wrongdoing, punishment for which should be administered on a basis which posterity would think not unworthy of the cause for which all had striven.

Sir David Maxwell Fyfe felt that it might interest members to get an immediate appreciation of British public opinion, which was not confined to his own party but all parties since during an English General Election campaign, the adherents of opposite political parties were usually more numerous at meetings, and he considered that what he had just said represented the general feeling among the people. But one thing must be remembered. In a democracy, even a well-founded and hard-held view was liable to cool, and people were liable to feel frustrated, and unless - as Judge Jackson had said, the trials and sentences could be carried into effect within a short time, there would be a feeling that the four Powers were just playing with the subject. He was sure that anyone who approached the problem must be staggered by the amount of brutal atrocities, and must desire that as much of that as possible should be made clear at the trials for posterity to judge. If the cases were overloaded or postponed through a desire not to omit anything which was of such a burning nature to their friends and themselves, they might defeat their own object. He and his collaborators had this point in mind, as the Commission must have too, as well as those responsible for the national trials, because speed and urgency were the essence of the task if public opinion was to be with them to the end.

Referring to the preliminary request which was being made to the Commission, Sir David Maxwell Fyfe asked members to consider what they could do to help by giving a brief but general picture of the German plan

as it was operated in their respective countries; he also asked them whether it would be possible at some stage to submit a précis which could be used in the most suitable manner as the trials developed. The other point concerned information on special matters typifying the execution of the plan in the various countries. He regretted that he was not a diplomat; it might be that on some points the correct method of approach was through diplomatic channels, in which case they would have to bow to Foreign Office pre-requisite.

In conclusion, he said that he felt they had been given a great opportunity. The heads of the Governments would have to decide many difficult matters regarding the future of Europe and the world, and these might or might not be within their purview to effect, but this was a problem where, in ten years certainly and maybe sooner, humanity would judge whether justice was worth while when it was placed against aggression. He believed that they could bring national law from rarely read textbooks into the lives of ordinary men and women.

(Mr. Justice Jackson left the meeting, after making his excuses.)

The CHAIRMAN opened the discussion by asking Dr. Zivkovic to speak.

Dr. ZIVKOVIC said that in sending an elaborate report to his Government and the Yugoslav National Office, accompanied by copies of Mr. Justice Jackson's letters and the report to President Truman, he had suggested that a report should be submitted based on the four points mentioned in the letter of July 5th. He hoped shortly to confirm that this report would be available within a brief period.

He then expressed his interest in the agreement reached between the four great Powers with regard to the proposal that major criminals should be charged not only with the crimes they had perpetrated all over the world, but also with the actual preparation and launching of the present war. He had been impressed at the great similarity between some of the ideas of Mr. Justice Jackson and some of those expressed at a meeting of the Commission held on October 17th, 1944. He therefore believed that all the preparation

that was expected would be given to the four-power body.

Colonel BERNAYS asked Dr. Zivkovic whether he thought his Government would be agreeable to add to their report any documentation from charges available, the general aspects of which were the points of primary interest: the foundation of the design, the planning of aggression, economic infiltration, the type of policy and manner in which the policies were carried out after aggression.

Dr. ZIVKOVIC said that those very items would be included. He was confident that documents in support of the facts would also be included.

He added that, at the suggestion of Colonel Bernays, he had conveyed to his Government the proposal of Mr. Justice Jackson's office to have a small mission sent to Belgrade to help the Yugoslav National Office to draw up the desired report (which he had asked to be submitted by the end of August).

Colonel BERNAYS wished to take the opportunity of expressing his gratitude to Dr. Zivkovic and his Government for the generous attitude in which the suggestion had been accepted.

M. de BAER said that his Government, to whom he had written immediately, was most anxious to cooperate. He had not mentioned any time limit, but would do so, and would insist that the report be submitted by the end of August. He believed that a great deal of the material desired by Mr. Justice Jackson's office in regard to crimes committed against individuals would be available from Belgium, but not as much in regard to the preparation and the launching of the war. The attention of the Belgian National Office had been drawn to crimes committed in Belgium but he (M. de Baer) had insisted that the top criminals also should be indicted in their charges.

He was deeply grateful to the United States for the initiative taken and particularly to Mr. Justice Jackson. He had been very relieved to hear

from Sir David Maxwell Fyfe that the Italians could shortly be tried, and also to know of public opinion in Great Britain. He agreed with him about the overloading of cases. As Chairman of Committee I, he had always maintained that it was far better to present cases even if incomplete, since further details could always be added. Belgium was ready to start the trial immediately. Belgium had asked for the delivery of the "wanted" criminals and hoped that her request would soon be granted, although it was understood that that question was subordinate to the question of major criminals. He would like to insist that the Commission be kept informed of arrests made and of the names of those placed in custody.

The CHAIRMAN believed that the question of the handing over of wanted persons to the countries making requests was being considered and a speedy method devised to carry it out.

Colonel BERNAYS said he was out of touch with the appropriate authorities but was having the question checked up. There were however certain normal and necessary reservations to be made. He had no doubt that it should be the policy (and it would be) that as far as persons listed by the Commission were concerned, they would be handed over, since they were wanted for proper reasons and had been listed by the Commission after examination of prima facie evidence: that was in his view sufficient proof of the fact that they should be delivered to the appropriate countries. But where a person was wanted by a certain country, and was also required as a witness or defendant in the international case, the latter distinction ought to take priority and the man would be detained until he was no longer needed. Secondly there was the problem of a criminal wanted by more than one country. Some arrangements had to be made and they would try to have an answer to that in the next few days.

The CHAIRMAN said that that question had caused trouble and anxiety to the various Governments, but he felt sure that they would not be unreasonable and would be satisfied that everything possible was being done to meet their issues. The other question of having a list of wanted persons

who had been detained was a matter for CROWCASS.

Mr. OLDHAM said that CROWCASS were having trouble as they were not receiving information from the various armies regarding wanted persons who were being taken into custody.

Colonel BERNAYS said it was difficult to rely on the armies who were moving about, and suggested that the correct line of approach was nevertheless CROWCASS who were responsible for checking with the Armies.

Sir David Maxwell FYFE, addressing M. de BAER, said that it would serve the purpose if an authenticated document, the result of an enquiry as to the general policy of deportation, were submitted. With regard to torture and murder, what they wanted was a really bad example of one case.

The CHAIRMAN then called on Professor Gros, who was both a member of the U.N.W.C.C. and a member of the Allied prosecuting body.

Professor GROS hoped that his position was a good example of cooperation. It was known that France would give its full share to the preparation of cases. Their policy would be to choose good example of different types of atrocities, e.g. Struthof camp would typify the concentration camp atrocities, Oradour-sur-Glane the crime of the wiping out of a village, and so on. It would be difficult to make a précis of atrocities in France, because they covered such an extensive area, but work was progressing in Paris.

The CHAIRMAN said that they were looking forward to the war crimes exhibition which would shortly be coming from France.

Colonel BERNAYS said that, before Sir David Maxwell Fyfe left the meeting, he wished to recommend what he was sure the Attorney General would not deem inconsistent, that in dealing with the atrocities, it was perfectly possible to take large numbers of existing instances, and without going into details, but by using them as illustrations, trace the matter down to a basic policy and systematic activity, so that it would be perfectly clear that the horror was not only in the suffering of the human flesh but in the malign and purposeful planning of it, the distribution and exercise

[illegible] Colonel [illegible] and the [illegible] on atrocities committed [illegible] and, as had been pointed out, suffering [illegible] or less in his country than in those countries occupied by the Nazis in Europe. He was very appreciative of the [illegible] the Dutch Government for the [illegible] cooperation [illegible] that [illegible] in Germany, and he had also spoken with other [illegible] like him.

(Colonel [illegible], having [illegible] his remarks).

[illegible] Colonel [illegible] statement and said that the Dutch Government was [illegible] particular interest in Holland to concern the information which [illegible] the destruction of Rotterdam harbour. [illegible] would be precise that the report [illegible] within [illegible] conditions, in view of the [illegible] of harbour, [illegible] conditions, etc. this country was experiencing.

[illegible] Colonel [illegible] his thanks [illegible] country [illegible] Colonel [illegible] Mr. Davis had [illegible] ; [illegible] wished to be [illegible] , [illegible] [illegible] , [illegible] [illegible] only [illegible] the [illegible].

With regard to the Hitlerli it, it was merely a target date which had been set subject to conditions of "wind, weather and the seas".

Commander COUTON thanked Colonel Bernays for his kind words. He would certainly convey the offer of a team to his Government, if necessary.

Colonel BERNAYS said that with the kind cooperation of the Norwegian authorities, they had been permitted to send to Oslo a specially picked officer who would interest himself while there in the proceedings against Quisling and would also try to cooperate in the preparation of a report along the lines discussed already - provided the Norwegian Government gave its consent. He added that there was scarcely a place in Europe where what happened was more strikingly illustrative than in Norway. The arrangements for this representative to visit Norway had been made before Colonel Bernays had come to London, through diplomatic channels, but if there were anything that the representative of Norway on the Commission could do to forward the project, he would be profoundly grateful.

Major PALSTRÖM said that he had just spent three weeks in Norway, in an effort to speed up the work of war crimes, and was very glad to hear what Colonel Bernays had said. The first case against a quisling had been heard last week, and sentence of death was passed - the first time since about 1872. Two German witnesses had said that until 1941, there had been no torture of civilian prisoners, but at that date, Rediess and Fehlis had asked the German Government to be allowed to use torture during interrogation of prisoners. Regarding the concentration camps, the Norwegian National Office would shortly forward their reports to the Commission. They were not sending a team to Germany, but could examine Norwegian nationals who had been in the camps.

Colonel BERNAYS said that the information about permission to use torture would be of great value and that the transcript notes of such trials would be admissible on self-proving in the case of the trial of major criminals. It would be a judicially authenticated instance that

would be glad to collect such orders as well as those which were only available to his Government, if they could be of assistance.

Colonel BERNAYS said he would be very interested to receive them, since ordinances and orders were not similar in the different countries. A translation would be appreciated but was not essential.

M. STAVROPOULOS reported that he had transmitted the report to his Government and hoped that the time -limit would be observed. He asked whether information about Bulgarian atrocities would be appreciated.

Colonel BERNAYS: Yes.

The CHAIRMAN observed that the Greek Minister had spoken very feelingly of what the Italians had done.

Major PALMSTRÖM asked whether it would be the responsibility of the international tribunal to try the criminals of the concentration camp atrocities, or whether member Governments should make a request for surrender to national courts.

Colonel BERNAYS said that question required explanation. Some of the military courts had already been set up in Germany; the "Beast of Belsen" would shortly be tried before a British military court, and the Americans were also ready to start. He could not say how far down the line that would go. The primary duty of the four prosecutors lay with major war criminals. His Government hoped that in the trials before the international tribunal there would be findings of criminality against certain of the notorious organisations which had been major instrumentalities in the carrying out of the design; it was common knowledge that most of the concentration camp officials had been members of the Gestapo or SS. If the prosecution followed the line which was hoped for, the result of a conviction in a trial before the international tribunal would be a prima facie showing of guilt by reason of membership in those organisations. Whether the next step would be taken by the military courts of the Allied Governments in Germany or whether they would look to the nations whose nationals had suffered in the camps - he was not

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in a position to say, but thought that the criminals would be tried in some type of court or another. His own personal view was that if there were any particular persons whom a nation wished to ensure being brought to justice, it should consider the possibility of requesting surrender.

Lt.-Col. [illegible] said his Government was anxious to cooperate in full. But from Mr. Justice Jackson's letters, he did not think that Canada could contribute usefully to the four points made in those letters, since Canada's principal interest naturally centred on offences against Canadian servicemen.

Colonel [illegible] agreed that neither Canadians nor Americans had been in the concentration camps, but if their interest were limited to cases of specific ill-treatment by the Germans, the field of prosecution would be a fairly limited one, because cases of that kind could be tried in a short time, and there the matter would finish. Their countries must take a serious interest in the general design. In the U.S.A., for example, there must be an investigation of the efforts of infiltration into the political and economic systems. They were therefore trying to prove that such efforts had actually been made, although the plan had not been consummated by invasion. Any inquiry into meetings, for example, at which such plans were mentioned, would be of value. It did not follow that there would be nothing for Canada to contribute in building up that type of case.

Lt.-Col. [illegible] asked whether reports from prisoners of war regarding personal ill-treatment would be useful.

Colonel [illegible] thought they would be of use only to the extent that the facts indicated a policy in higher echelons. When German prisoners had been ill-treated it was generally in most instances not because there was an order that German nationals should be ill-treated but because some guard had disobeyed orders. It was a different matter for nationals of certain countries who had been systematically ill-treated, and it is in these, fully documented, cases that they are under and accurate from a military authority, it would seem to set up a general pattern

There was definite information, for example, with regard to the destruction of parachutists, whether in uniform or not, whether engaged in lawful military operations or not. Some War Office might be able to provide information which would help to prove this.

The CHAIRMAN referred to the question of economic infiltration which he said had certainly taken place in the United States. What about India?

Sir Torick AMEER ALI said that question would arise between Japan and India, and would be very strong. Presumably the same was true of China.

Mr. CHERNIN, ventured to suggest that the Dominions of Canada, Australia and New Zealand, might consider it a good idea to forward the following questions to their respective National Offices :

a) Whether they had in their possession any orders establishing a plan against prisoners of war, or troops;

b) Whether there was any evidence of cartels or bunds or other economic infiltration of that type.

Colonel BERRIGS approved and added that when considering the subject, other points would certainly come to mind. He stated that the following types of proof would be of particular interest from any country :

a) Enemy films - a type of testimony of particular value, since it had dramatic as well as historical value;

b) Cartels - a subject to be considered in a special way in this respect. He didn't conceive of the international tribunal deciding whether cartels were legal or illegal methods, but the use of cartels, the theory of German racialism, the establishment of commercial enterprises to shatter the economic resistance of any country, might serve as proof of a major plan. If it could be proved, for example, that some of the tourist agencies were really nests of spies and propagandists, that would be useful, especially if it could be traced back to Government circles.

The important thing was that the people engaged on the work should be successfully briefed on what was wanted.

The CHAIRMAN said that the discussion had been most interesting and profitable and might be followed some time by another. Colonel BERRIGS said he was glad to have had the opportunity of an exchange of views, and promised that he would not return to the U.S.A. without warning the Chairman first.

Wright

SECRET

M. 71

# UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventieth-First meeting

held on

July 19th, 1945.

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|---|---|---|
| Chairman: | Lord WRIGHT | - Australia |
| There were also present: | Lt.-Col. HODGSON accompanied by Capt. WOLFF | - United States of America |
| | Mr. OLDHAM | - Australia |
| | Lt.-Col. WALKER | - Canada |
| | Dr. LIANG accompanied by Mr. DAO | - China |
| | Dr. MAYR HARTING | - Czechoslovakia |
| | Mr. BEAUMONT | - United Kingdom |
| | Mr. DUTT | - India |
| | Commander MOUTON | - Netherlands |
| | Major PALMSTROM | - Norway |
| | and | |
| | Dr. MALEZIEUX | - France |
| | Capt. ALLETSON | - Control Commission for Germany |

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

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.

[illegible] list of the number of criminals [illegible] lists [illegible] held in custody, in order to assist the Allied Governments in decisions on trials.

The Acting Secretary General [illegible] to send convocations to all members of the Commission and representatives of National Offices.

INFORMATION FROM COMMITTEES

Committee I. In the absence of the Chairman, Mr. Baer, Dr. Schwalb, 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. O'DELL, 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 Hodson for the supply of two additional sets of lists to Mr. Justice Jackson's Office be granted. It was explained that these were required by the personnel of that organisation working on the continent.

A similar request from Dr. Mayr 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 membership of the Finance Committee, which had been vacant since Lord Wright's death, would have to be filled, but he did not think to elect a successor at that, and therefore asked Mr. Olmos to act as chairman temporarily.

Mr. O'Dell reported that, in consultation with Colonel Wade and Captain Ewen [illegible] Mr. Mitchell's secretary 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. Wright

SECRET

M. 72

# UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-Second Meeting

held on

July 25th, 1945

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Chairman: Lord WRIGHT - Australia

There were also present.

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|---|---|
| Lt.-Col. HODGSON accompanied by Captain WOLFF | - United States of America |
| Mr. OLDHAM accompanied by F/O BRIDGLAND | - Australia |
| M. de BAER | - Belgium |
| Lt.-Col. WALKER | - Canada |
| Dr. LIANG | - China |
| Dr. MAYR HARTING accompanied by Dr. FINDERLIK | - Czechoslovakia |
| Professor HURWITZ | - Denmark |
| Mr. BEAUMONT | - United Kingdom |
| Sir Torick AMEER ALI accompanied by Mr. DUTT | - India |
| Commander MOUTON | - Netherlands |
| Mr. BURDEKIN | - New Zealand |
| H.E. Terje WOLD accompanied by Major PALMSTRÖM | - Norway |
| Dr. ZIVKOVIC | - Yugoslavia |

and

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

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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.

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.

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 Baer had dealt with them when forming his lists, as in the case of Gunther Paneke, 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.

.. (.) For P. DEAN "

REPORT FROM COMMITTEES:

Committee I: Mr. [illegible], chairman, referred to the information which was daily being sent in Colonial Mail 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 issued this would entail an unnecessary accumulation of paper, but at the suggested date anybody who was interested should come and read the [illegible] documents.

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. OLDHAM, 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 the Trustee [illegible], Mr. PATT 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 said - [illegible] - and considered this a reasonable proposal.

It was decided that the proposal should be circulated to the members and submitted at the [illegible] Committee which would report on it [illegible] at the [illegible].

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.

Wright

SECRET

M.73

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-third Meeting

held on

August 1st, 1945

Chairman: Lord WRIGHT - Australia

There were also present:

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| Lt.-Col. HODGSON accompanied by Capt. WOLFF | - United States of America |
| Mr. OLDHAM | - Australia |
| M. de BAER accompanied by M. GOLSTEIN | - Belgium |
| 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 accompanied by Mr. DUTT | - India |
| Commander MOUTON | - Netherlands |
| M. Terje WOLD accompanied by Major PALMSTRÖM | - Norway |
| 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 correspondence from and with CROWCASS should be dealt with by the Executive Secretary, Mr. Lyman.

[illegible]

The [illegible] consisted of two letters from Mr. Gibson stating the views of the Australian Government regarding certain recommendations of the Commission:

Recommendation concerning persons suspected of war crimes and their prosecution as witnesses. (Doc. C.82).

The letter on this subject dated 6th July, 1945, states:

"With regard to the Commission's recommendation concerning "persons suspected of war crimes and enemy persons wanted as "witnesses (Doc. C.82 of 12th March, 1945) the Australian "Government has pointed out that the only Japanese war criminals "who 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 "apprehend 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 "[illegible] 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.125(1)).

The letter on this subject, dated 6th 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.125(1) of "July 20th, 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 contents of the above letters, Mr. Ko Ko said that he had written to the Commission, stating that the Burmese Government had agreed to the above resolution regarding the order of trial of war criminals.

REPORT OF COMMITTEE I

Mr. Ko Ko said the Committee had agreed that in Committee I (Mr. Schmidt (Belgium)) in the name of the Commission had [illegible] the draft. Draft 1, [illegible] draft, is not [illegible] the Commission of the [illegible] would be

urged:

(i) The fact that the trial would be before a British Military Court showed that Kramer was not considered as a major criminal, but as belonging to the class of criminals destined for trial by national courts;

(ii) Nationals of many of the United Nations were included among Kramer's victims, but it was not yet known whether the convening officer of the contemplated court had appointed persons other than British nationals to sit on it;

(iii) While not the first trial to be begun under the Royal Warrant, the trial was the most important so far contemplated;

(iv) The Commission had an interest both in the facts disclosed and in the law which would be applied at the trial;

(v) The trial would doubtless be attended by a number of journalists, but this was no guarantee that accurate reports on the legal issues involved would be available;

(vi) Records of the trial would be kept, but even if open for inspection they were not likely to be available for some time;

(vii) The special rules of evidence laid down in the Royal Warrant were of particular interest to all the United Nations.

Mr. OLDHAM dissented from the proposal. All the information needed by the Commission should be obtainable from the Judge Advocate General. The Commission had too much work on its hands to be able to afford sending missions abroad for considerable periods.

M. de BAER asked that the minutes should record that he supported the proposal.

The CHAIRMAN, as at present advised, did not feel able to support the proposal, as he felt that nobody could be spared. Doubtless, it would be useful to send Colonel Wade, but he did not feel it possible to part with him.

Dr. ZIVKOVIC drew a distinction between the interest which the individual Governments had in seeing the wrongs of their nationals avenged and the interest which the Commission had in acquiring

Colonel [illegible]
Mr. HOPKINS
Cecil HURST

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 obser Should it prove that an overwhelming proportion of Kramer's victims were nationals of a particular United Nation, it seemed probable

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 Czehhoslovakia, 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.

Cdr. HOPKINS

Mr. BEAUMONT suggested that if the proposal was adopted, it might be with the proviso that full records of the trial would 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. LAL, 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 CONSIDERATIONS OF THE ADMISSION OF AFGHANISTAN: REPORT BY THE FINANCE COMMITTEE (Doc. [illegible]).

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

SALARIES

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

COMPOSITION OF FINANCE COMMITTEE.

At the beginning of the discussion of the next item, the CHAIRMAN proposed and Colonel HODSON 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 [illegible] REGARDING THE ITEM "MISCELLANEOUS AND UNFORESEEN HEAD AS GENERAL 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. LI NG 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 for hearing. The minutes of the Sub-Commission gave no information about cases having been presented to it.

Dr. LI NG repeated that the proper course was to address an enquiry to the Sub-Commission, which the Embassy would be very glad to foward. 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. LI NG 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.

Wright

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| M. [illegible] | | | | | | | | | | | | | x | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prof. [illegible] | x | | | | | | x | x | x | | | | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Lt.-Col. [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | | | | | | | x | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Sir Cecil [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | x | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Dr. [illegible] | x | | x | x | x | x | x | x | x | x | x | | x | x | x | | | x | x | x | x | | x | x | x | x | | x | x | | x | x | | x | x | x | x | x | x | x | x | x | x | x | x | x | | x | | | x | x | x | | x | | x | x | x | | | | | | | | | |
| Lt.Col. [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | | | | | | | | | | | | | | | | | | | | | |
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| [illegible].FA[illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | x | x | x | x | x | x | | x | x | x | x | | | | | | | | | | |
| Lord [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | | | | | | | | |
| [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | | | | | | | | | x | | | | | | | | | | | |
| Sir [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sir C. [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | | | | | | | | | | | | | | | |
| Prof. [illegible] | x | x | | x | x | x | x | x | x | x | x | x | | x | x | x | x | x | x | | x | x | x | | x | x | x | x | x | | | x | | | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | x | x | x | | x | x | | x | | x | x | | | | | | | | | |
| Prof. [illegible]OS | | x | x | x | x | x | x | x | x | x | x | x | | | x | x | x | x | x | x | x | x | | x | | x | x | x | x | x | x | x | x | x | | x | x | x | x | x | x | x | x | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | | | | | | | | |
| [illegible] | | | | | | | | | | | | | | | x | x | x | x | x | x | | x | x | x | x | x | x | x | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | | | | | | | | | | | | | | | | | | | | | | | |
| [illegible] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | x | x | x | x | x | x | x | | | x | x | | | | | | | | | | |
| [illegible] HICKS | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | x | x | x | | x | x | x | x | x | x | x | x | x | x | | x | x | x | x | | | | | | | | | |
| [illegible] HIORT[illegible] | | | | | | | x | x | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Colonel [illegible]DGSO | | | | | | | | | | | | | | | | | | | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | | | | | | | | | x | | x | x | x | x | | | x | x | x | x | x | x | x | x | | | | | | | | | |
| W/Cdr.HOP[illegible]S | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | x | x | x | x | | | | | | | | | |
| Sir Cecil HURST | x | x | x | x | x | x | x | x | x | x | x | x | | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | [illegible] | [illegible] | x | x | x | x | x | x | | | | | | | | | | | | | | | | | | | | | | | | | | |

|  | 26.10.1943<br>1 | 2.12.1943<br>2 | 4.1.1944<br>3 | 11.1.1944<br>4 | 18.1.1944<br>5 | 25.1.1944<br>6 | 1.2.1944<br>7 | 8.2.1944<br>8 | 15.2.1944<br>9 | 22.2.1944<br>10 | 29.2.1944<br>11 | 7.3.1944<br>12 | 21.3.1944<br>13 | 4.4.1944<br>14 | 25.4.1944<br>15 | 2.5.1944<br>16 | 9.5.1944<br>17 | 16.5.1944<br>18 | 23.5.1944<br>19 | 30.5.1944<br>20 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Prof. HURWITZ |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr.Justice JACKSON |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. D.M. JERVIS |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| W/Cdr. JONES |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible]. KE[illegible]IG |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| H.E. Dr. W.KOO | X | X | X | X | X | X | X |  |  |  |  |  | X |  | X |  |  | X | X | X |
| Dr. [illegible] |  |  | X |  | X | X | X | X | X | X | X | X | X |  |  |  |  |  |  |  |
| Lt.-Col.LA[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible].LIANG |  |  |  |  |  |  | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Lt.-Col.MACDONALD |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sir [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  | X | X |  | X | X | X | X |
| [illegible] | X |  |  |  |  |  |  |  |  |  |  |  |  |  | X | X | X | X |  | X |
| Dr. [illegible] | X |  | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. OLD[illegible] |  |  |  |  |  |  |  |  |  |  |  |  | X | X | X | X | X | X | X | X |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. [illegible] |  | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. [illegible] |  |  |  |  |  | X | X | X | X | X | X | X | X | X | X |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| [illegible] | X |  | X |  |  |  | X | X | X |  | X | X | X | X |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sir [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible].STAVROPOULOS | X |  | X | X | X | X | X | X | X | X | X | X | X |  | X | X | X | X | X | X |
| Lt.Col.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Lt.Col.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] CHENG |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sir William [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Brigadier [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] Dwight [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. WOLD |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Captain WOLFF |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

|  | 7.6.1944<br>21 | 1[illegible].6.1944<br>22 | 27.6.1944<br>23 | 11.7.1944<br>24 | 25.7.1944<br>25 | 1.8.1944<br>26 | 8.8.1944<br>27 | 22.8.1944<br>28 | 29.8.1944<br>29 | 5.9.1944<br>30 | 12.9.1944<br>31 | 19.9.1944<br>32 | [illegible].9.1944<br>33 | 3.10.1944<br>34 | 10.10.1944<br>35 | 17.10.1944<br>36 | 31.10.1944<br>37 | 7.11.1944<br>38 | 15.11.1944<br>39 | 22.11.1944<br>40 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Prof. HURWITZ |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr.Justice JACKSON |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. D.M. JERVIS |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| W/Cdr. JONES |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible]. KE[illegible]IG |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  | X | X | X | X | X | X | X | X | X |  |  |  |
| H.E. Dr. W.KOO | X | X | X |  | X |  |  | X |  |  |  |  |  |  |  |  |  | X | X |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Lt.-Col.LA[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible].LIANG | X | X | X | X | X | X | X | X |  |  |  |  |  |  |  |  |  | X | X | X |
| Lt.-Col.MACDONALD |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X |
| Dr.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sir [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] | X |  |  |  |  |  |  |  |  | X |  | X | X | X |  | X |  |  | X | X |
| [illegible] | X | X | X | X | X | X | X | X | X | X | X | X |  |  |  |  |  |  |  |  |
| Dr. [illegible] | X | X | X |  | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. OLD[illegible] |  | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. [illegible] | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] | X | X | X | X |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  | X |  |  |  |  |  | X |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sir [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible].STAVROPOULOS | X |  | X |  | X |  | X | X |  | X |  | X | X | X | X | X | X | X | X | X |
| Lt.Col.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  | X |  |  |  |  |  |  |  |  |  |  |
| Lt.Col.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] CHENG |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sir William [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Brigadier [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] Dwight [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. WOLD |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Captain WOLFF |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X | X |

|  | 6.12.1944<br>41 | 13.12.1944<br>42 | 20.12.1944<br>43 | 17.1.1945<br>44 | 21.1.1945<br>45 | 31.1.1945<br>46 | 7.2.1945<br>47 | 14.2.1945<br>48 | 21.2.1945<br>49 | 28.2.1945<br>50 | 7.3.1945<br>51 | 14.3.1945<br>52 | 21.3.1945<br>53 | 4.4.1945<br>54 | 11.4.1945<br>55 | 18.4.1945<br>56 | 24.4.1945<br>57 | 2.5.1945<br>58 | 3.5.1945<br>59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Prof. HURWITZ |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr.Justice JACKSON |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. D.M. JERVIS |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X | X |  |  |  |  |  |  |  |
| W/Cdr. JONES |  |  |  |  |  |  |  |  | X |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible]. KE[illegible]IG |  |  |  |  |  | X | X | X | X | X | X | X | X |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X | X |  |  |  |  |  |  |  |  |  |  |
| H.E. Dr. W.KOO |  | X |  |  |  | X | X | X |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Lt.-Col.LA[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible].LIANG | X | X | X | X | X | X | X | X | X | X | X | X | X | X |  |  |  |  |  |  |  |  |  |  |  |  |
| Lt.-Col.MACDONALD |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sir [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X | X |  |  |  |  |  |  |  |  |  |  |
| [illegible] |  |  | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |  |  |  |  |  |  |  |
| Dr.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X | X | X | X | X |  |  |  |  |  |  |  |
| [illegible] |  | X |  |  |  |  | X | X | X | X | X | X |  | X |  |  |  |  |  |  |  |  |  |  |  |  |
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| Dr. [illegible] |  | X | X |  | X | X | X | X |  | X | X |  | X | X | X | X |  |  |  |  |  |  |  |  |  |  |
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| Mr. OLD[illegible] | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |  |  |  |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| Mr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| Dr. [illegible] |  |  |  |  |  |  |  |  | X |  |  | X | X |  |  |  | X | X |  |  |  |  |  |  |  |  |
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| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  | X | X |  |  |  |  |  |  |  |  |  |  |  |
| Sir [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| [illegible].STAVROPOULOS | X | X | X |  |  | X | X |  | X | X |  |  |  | X |  |  | X | X |  |  |  |  |  |  |  |  |
| Lt.Col.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| Major [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Lt.Col.[illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Dr. [illegible] CHENG |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Sir William [illegible] |  |  |  |  |  | X |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Brigadier [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  | X |  |  |  |  |  |  |  |  |  |  |  |
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| Dr. [illegible] |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Mr. WOLD |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Captain WOLFF | X | X | X | X | X | X | X | X |  | X | X | X | X | X |  |  |  | X | X |  |  |  |  |  |  |  |

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| | | X | | 31 | 12.9.1944 |
| | | X | | 32 | 19.9.1944 |
| X | | X | | 33 | 26.9.1944 |
| X | | X | | 34 | 3.10.1944 |
| | | ~~X~~ | | 35 | ~~10.10.1944~~ |
| X | | | | 36 | 17.10.1944 |
| X | | X | | 37 | 31.10.1944 |
| X | | X | | 38 | 7.11.1944 |
| X | | X | | 39 | 15.11.1944 |
| X | | X | | 40 | 22.11.1944 |
| X | | | | 41 | 6.12.1944 |
| | | X | | 42 | 13.12.1944 |
| X | | | | 43 | 20.12.1944 |
| | | X | | 44 | 17.1.1945 |
| X | | X | | 45 | 21.1.1945 |
| X | | X | | 46 | 31.1.1945 |
| | | X | X | 47 | 7.2.1945 |
| | | X | | 48 | 14.2.1945 |
| | | X | | 49 | 21.2.1945 |
| | | X | | 50 | 28.2.1945 |
| | | X | | 51 | 7.3.1945 |
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SECRET

C.157
21st 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 ( .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 (ibidem).

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.

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(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.

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# ANNEX

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

| | Number of Units | Basic contributions 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 ¾ of year only | 4½ | £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 |
| | 1,581½ | £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.

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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. WOLD | - Norway |
| accompanied by Major PAJMSTRÖM | |
| Dr. ZIVKOVIC | - Yugoslavia |

and

Capt. ALLETSON - Control Commission for Germany.

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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 Enriecetto

The SECRETARY-GENERAL reported the receipt from Colonel Hodgson of a cable stating that Colonel John Enriectto 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 willi 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.

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 Committees 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. LING 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. LING 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 13th, at 3.30 p.m. in order to discuss the procedure for securing the punishment of Japanese war criminals.

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.

OSWIECIM 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.

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. He 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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SECRET M.75

# UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Seventy-fifth meeting

held on

August 15th, 1945

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| In the Chair: | Lord WRIGHT | - Australia |
| There were also present: | Lt.-Col. HODGSON accompanied by Capt. WOLFF | - United States of America |
| | Mr. OLDHAM | - Australia |
| | M. GOLSTEIN | - Belgium |
| | Lt.-Col. WALKER | - Canada |
| | Dr. LIANG | - China |
| | Dr. MAYR HARTING accompanied by Dr. FANDERLIK | - Czechoslovakia |
| | Dr. SCHRAM-NIELSEN | - Denmark |
| | Dr. MALEZIEUX | - France |
| | Mr. BEAUMONT | - United Kingdom |
| | M. STAVROPOULOS | - Greece |
| | Mr. DUTT | - India |
| | Mr. BURDEKIN | - New Zealand |
| | Mr. WOLD accompanied by Major PALMSTRÖM | - Norway |
| | Dr. ZIVKOVIC | - Yugoslavia |
| | and | |
| | Captain ALLETSON | - Control Commission for Germany |
| | Miss Katherine Fite | - U.S. visitor |

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## 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 nam 39 of which figured in the Commission's card index. A further 21 pers included in the List were possibly the persons listed by the Commissio 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 post, one copy of a memorandum explaining the operation of CROWCASS, th 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 ou 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 CHAIRM of the Commission presented the 13th List, stating that the National Offices concerned had had an opportunity of inspecting it.

Dr. MAYR HARTING asked that adoption of the List be suspended, as h wished to make certain amendments in the charges brought by Czechoslova The CHAIRMAN requested that such amendments be submitted to the Secreta 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 INS JAPANESE TERRITORY TO INVESTIGATE WAR CRIMES: C.122

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

"13th August, 1945.

"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. MALEVEUX 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. MALMILUX 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.

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.[1]

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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[1] These meetings were subsequently cancelled.

SECRET

M.76

# UNITED NATIONS WAR CRIMES COMMISSION

Minutes of the Seventy-Sixth Meeting

held on

August 22nd, 1945

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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 HARTING - 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

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## MINUTES

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

Amendments to the draft minutes of the 75th meeting were submitted 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.

TRIBUTE TO JUDGE BURGER

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 a 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. McClausland 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 organisation.

(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 6th, when the question of the financing of the organisation would have to be considered. Armies might continue their financial support, but, in M. de Baer's

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

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.

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

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

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

The CHAIRMAN said the question was one which ought to be on a definite footing. Although it was purely a question of voluntary action, he hoped that the different Governments might be led to feel 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 lists 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, but the situation in Canada and the United Kingdom was different.

M. de. BAER, closing the discussion, said that CROWCASS dealt with three catogories 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.

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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."

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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SECRET

M.77

UNITED NATIONS WAR CRIMES COMMISSION

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

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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. ALLETSON - 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 L. de Baer, Colonel Walker and Mr Beaumont. They will be incorp 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 mili 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. Edwar H. Lyman, should be authorised 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 Commissio or the Acting Chairman, would be the chairman. The following were ele to serve: M. de Baer (chairman of Committee I), Colonel Hodgson (chai of Committee II), Dr Eeer (chairman of Committee III) or Mr. Wold in Dr. Eeer's absence, Mr. Oldham (chairman of the Public Relations Comm and Dr. Wollington Koo or his deputy. The Committee would not be limi to the above members, but might be temporarily increased when it was f that other members and special interests, or a

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Surrender of War Criminals by U.S.R.

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particular contribution to make to, the subjects under discussion.

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, without 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 fadilitate 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.N.W.C.C. 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 for 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 take 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 or 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 over 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 himself 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 18th.

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IONS CONCERNING JAPANESE WAR CRIM
Far Eastern and Pacific Committee

, chairman, made the following state
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document which I mentioned in
5th August. It has drawn up the
ocument C.145, which as Chairman
Commission's approval.

ndations are expressed in summary
thorities to whom they are address
the details of their application.
recommendations do not contain
with appropriate changes proposals
the European theatre of war, as
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of 8th August 1945 for the prosec
r criminals of the European Axis

submits the recommendations with
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ould be found to be in any way in

were unanimously adopted by the
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ed Lt.-Colonel Palfrey, head of
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lonel Palfrey to state his opinion
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 liaison with 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

[illegible] French Government would [illegible] to meet the expense. It was [illegible] by Colonel Pilfrey that CROWCASS might be [illegible] the United Nations [illegible] (Colonel Pilfrey) would like to [illegible] the U.N.R.R.A. to look favourably on this proposition. In reply to Mr. GLOSTAD, Colonel PILFREY 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 disclose the occupants of the floor above. Perhaps the Commission could [illegible] supporting CROWCASS' request to the French Government.

Mr. GLOSTAD 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.

Mr. de BAER thought there was some difficulty with the Ministry of [illegible] and there was a lack of cooperation between the Ministries.

Mr. MIVROVIC suggested that the French representative might clarify the situation.

Mr. MARTELSEN 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 very difficult problem.

Mr. GLOSTAD said that the position of the Commission was the same as that of the French Government, i.e. they were recipients of services given by CROWCASS, and could not [illegible]. The financing of CROWCASS had nothing to do with the question of [illegible] which should be settled without delay.

Mr. de BAER said that [illegible] examining the question of financing [illegible] report [illegible] the Commission. He clearly understood from Colonel Pilfrey [illegible] of the requirements. He asked that the Commission [illegible] French Government [illegible] and CROWCASS should be financed [illegible] nations, [illegible] the question be dropped from it.

The CHAIRMAN said that the expenses of CROWCASS would 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. ZIVKOVIĆ 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 would 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

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. Ecer'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.

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In the Chair : Lord WRIGHT - Australia

There were also present:

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| Lt.-Col HODGSON accompanied by Captain WOLFF | -United States of America |
| Mr. OLDHAM | -Australia |
| M. de BAER accompanied by M. GOLSTEIN | -Belgium |
| Major GRIFFIN | -Canada |
| Dr. LIANG | -China |
| Dr. ECER accompanied by Dr. MAYR HARTING | -Czechoslovakia |
| Dr. SCHRAM-NIELSEN | -Denmark |
| Professor GROS accompanied by Dr. MALEXIEUX | -France |
| M. STAVROPOULOS | -Greece |
| Sir Torick AMEER ALI accompanied by Mr. DUTT | -India |
| Commander MOUTON | -Netherlands |
| Mr. BURDEKIN | -New Zealand |
| Major PALMSTROM | -Norway |
| Dr. SZERER accompanied by Dr. CYPRIAN | -Poland |
| Dr. ZIVKOVIC | -Yugoslavia |
| and | |
| Capt. ALLEYSON | -Allied Control Commission. |

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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 "provided" was substituted for "lent" on page 10, line 13.

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

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COMMISSION'S LISTS.

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| Major GRIFFIN | -Canada |
| Dr. LIANG | -China |
| Dr. ECER accompanied by Dr. MAYR HARTING | -Czechoslovakia |
| Dr. SCHRAM-NIELSEN | -Denmark |
| Professor GROS accompanied by Dr. McLEXIEUX | -France |
| M. STAVROPOULOS | -Greece |
| Sir Torick AMEER ALI accompanied by Mr. DUTT | -India |
| Commander MOUTON | -Netherlands |
| Mr. BURDEKIN | -New Zealand |
| Major PALMSTROM | -Norway |
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> "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.

JOR GRIFFIN

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

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Walker, would attend the Commi

IONS TO THE AGREEMENT AND
THE MAJOR WAR CRIMINALS

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French Government and the Sove
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INISTER IN MOSCOW OF THE GRAN
UXEMBURG

letters, dated 3rd July and
pressing his sympathy with the
the deaths of Dr. de Moor
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nutes of that meeting (p.
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."

<u>Report on interview with Representatives of the Association of German Democratic Lawyers.</u>

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 Mr. 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 Mr. Baer's behalf, Dr. Mayr Harting had proposed that the Commission would bear the expenses which amounted to £50. M. de Baer had told the representatives that he would 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. BOER 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 alue; 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.

[illegible] shared Mr. Oldfield's anxiety. 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 cultural understanding. The Jewish organisations were not interested in the ill-treatment of minorities which was the main preoccupation of this Association.

Mr. CHAMBERS 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. Oldfield's view regarding the Commission's position as trustee. He therefore asked whether the Association would be prepared to work on a speculative basis.

Mr. MAYR HARTING said two members of the Association would have to give up their present income for three months 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. DEWAR compared the situation to that of the author of a book before it was launched on the market. The Commission was responsible for the [illegible] Government could not be paying greater attention to its accounts.

Mr. SMITH thought that, in that case, the Government would be prepared to take the risk.

Professor COLE was still uncertain as to the type of report and the authorities which were concerned. The Commission's concern was to 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.

Mr. [illegible] said that in [illegible] he referred to a report drawn up by the World Jewish Congress [illegible] for the prosecution of Major War Criminals [illegible] the persecution and loss of population and [illegible] the evidence the Association's present [illegible].

Sir Torick AMEER ALI 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.

M. de BAER 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. Nahy, 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 agree 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. Ecer 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.

M. de BAY 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 ON THE PROVISIONAL POLISH GOVERNMENT OF NATIONAL UNITY.

At the request of Mr. Cyprian, 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 atrocities in Europe until the complete occupation of Germany.

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

Wright

SECRET

C.144
30th August, 1945

UNITED NATIONS WAR CRIMES COMMISSION

M.79.

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

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-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.

SECRET

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."

SUMMARY RECOMMENDATIONS CONCERNING
JAPANESE WAR CRIMES AND ATROCITIES

Adopted by the Commission on 29th August 1945

M. 79.

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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."

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.

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

I

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 those 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 nationals 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;

(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.

(6) 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 nationals 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.

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In the Chair ; Lord WRIGHT - Australia

There were also present:

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| Colonel HODGSON accompanied by Capt WOLFF | - United States of America |
| Mr. OLDHAM | -Australia |
| M. de BAER accompanied by M. GOLSTEIN | - Belgium |
| Dr. LIANG accompanied by Mr. DAO | - China |
| Dr. ECER accompanied by Dr. MAYR HARTING | - Czechoslovakia |
| Professor GROS | - France |
| Sir Robert CRAIGIE | - United Kingdom |
| M. STAVROPOULOS | - Greece |
| Sir Torick AMEER ALI | - India |
| Commander MOUTON | - Netherlands |
| Mr. BURDEKIN | - New Zealand |
| Dr. SZERER | - Poland |
| Dr. ZIVKOVIC | - Yugoslavia |
| and | |
| Captain ALLETSON | - 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.

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. Eder 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 satify 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. Eder 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. ZIVNOVIC, 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. SZESER 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 28th 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

two weeks time.

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's 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 should 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.

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. Ecer 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.

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REQUEST FROM THE REPRESENTATIVE OF THE NETHERLANDS AND POLAND FOR ACCOMMODATION IN THE COMMISSION'S PREMISES

The CHAIRMAN reported that letters had been received from Commander Moston and Dr. Cyprian 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 Hodson 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 SHAWCOTT FOR RESEARCH DOCUMENTS

The CHAIRMAN said that a request had been received from Brigadier Shawcott, 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 WAR CRIMINALS, 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 noted 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.

Wright

SECRET.

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 so and some not. Dr. Eder enumerated certain crimes which had been

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. Those 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.

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. Léer 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. Léer 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.