

T H E   F A R   E A S T .

J   A   P   A   N .

The Trials in Tokyo.

- 25.1.46.      Reuter reported from Tokyo that Mr. Keenan, U.S.A. chief prosecutor had announced that Russia had decided to participate in the Tribunal as well as all the other eight signatories of the Japanese surrender. Russia had appointed a major-general as a member of the Military Tribunal and a director of judicial science as prosecuting counsel. The Dutch Government had appointed Judge Roling, from the court of Utrecht.
4. 2. 46.      Agency messages from Tokyo stated that Mr. A.S. Comyns Carr, K.C., chief British prosecutor in the Far Eastern war crimes trials, and his assistant, Mr. Christmas Humphreys, had arrived in Tokyo by air. The trials were expected to begin before the end of February.
5. 2. 46.      In a leading article entitled "Trials in Tokyo", The Times observed that "As in Europe, however, a distinction is being drawn between these men who are amenable to the jurisdiction of tribunals long recognised by international law, and the arch-criminals who are charged with ultimate responsibility for the abominations actually committed by their subordinates, and with offences 'that have no precise geographical location.' It is against these that Mr. Comyns Carr and Mr. Christmas Humphreys are to present the British share of the case."

After pointing out that, though all the Powers to which Japan surrendered had nominated members of the Court, only three—British, American and Filipinos—were to take part in the prosecution, the article continued: "Dr. Evatt, however, has announced in Sydney the appointment of an Australian assistant prosecutor; and, since the special position of China can scarcely be ignored, it will not be surprising if the list of counsel is further extended before the proceedings begin. The team will be led by Mr. Joseph Kennan, Assistant Attorney-General of the United States. The names of the accused have still to be published. It is reasonable to suppose that it will be headed by TOJO and the surviving members of his Cabinet who began the war against the United States and the western Powers in 1941. All of these were among the forty Japanese leaders whose arrest General MacArthur had ordered on September 11th, when TOJO attempted to commit suicide. Although Colonel Carpenter, who was then in charge of the preparation of the case, stated in October that the Emperor himself was not necessarily exempt from proceedings, the most exalted person against whom any charge has been stated to be pending is Field-Marshal Prince Nashimoto, a member of the Imperial family."

- 17.1.46.      As regards the procedure for the war crimes trials under the Charter, the Associated Press quoted a "Spokesman" as saying that the prosecution will have "to prove each defendant guilty of a criminal act. It would not be sufficient to prove that a defendant was a member of some malevolent organisation or war-making cabinet. Neither will the top-flight Japanese be tried on charges of negligence—that as officers they failed to take certain steps that would have helped prevent the Pacific conflict. Instead, the trials will seek to bring home to the Japanese people the personal guilt of each man—personal affirmation of acts which constitute a crime against humanity committed by him as an individual."

The Associated Press message added that the trials were expected to start early in March.

Tojo and his compatriots would appear before an international tribunal now in the process of formation.

Japanese lawyers had been retained by some defendants. Others, at their own request, would be represented by German attorneys living in Japan—providing the Germans were not personally objectionable to Allied Governments.

American counsel, probably military men, would be assigned to those defendants who did not have Japanese or German lawyers.

#### PHILIPPINES.

11.2.46. General HOMMA, former Japanese C.i.C. in the Philippines, was found guilty by the Military Commission at Manila of various crimes, including responsibility for the "death march" from Bataan, and was sentenced to be shot.

General Homma had appealed to the Supreme Court at Washington to intervene in the trial. This appeal was rejected (February 11th) by six votes to two. The two dissenting judges objected to the procedure of a military trial.

#### MALAYA, SINGAPORE and INDONESIA.

1.2.46. In the first war crimes trial held in Singapore, Lieut. Nakamura was sentenced to death.

7.2.46. The first death sentences on civilians for collaboration were recorded in the trial of Doreen Wales da Silva and her husband for acting as informers in the pay of the Japanese police.

30.1.44. The War Crimes Commission in Java has collected information concerning atrocities inflicted by Japanese prison camp staffs. The accused persons include a Lieutenant-General responsible for the murder of 300 British and a Lieut.-Colonel charged with causing the deaths of 1,000 British and Australian prisoners.

24.1.46. The correspondent of the Portuguese paper "O Seculo" sent his paper an account of the atrocities committed by the Japanese against Portuguese subjects during the occupation of Timor.

UNITED NATIONS (U.N.)

- 7.2.46. M. Medina, the Uruguayan delegate to the U.N.O., submitted a draft resolution, in committee, on February 6th, opposing the death penalty for war criminals, and asking that this view should be communicated to the International Military Tribunal. M. Manuilsky (Ukraine) protested, remarking that in Kiev alone, thousands of citizens had been assassinated. M. Gromyko (USSR) said that a discussion of the question would be an insult to the United Nations. The President asked M. Medina not to insist that his resolution should go before the Committee. M. Medina said that he had put it forward on instructions from his Government; he would "not withdraw but only postpone the resolution."
- 9.2.46. In the Political and Security Committee on February 8th, M. Kiselev. Byelo-Russian delegate, moved a resolution calling on member States to arrest war criminals of any nationality, and on non-member States to arrest them in their territories and allow them to be taken to countries where they had committed crimes. He expressed concern that some war criminals had found shelter, as refugees, in non-member and even in member States.

Sir Hartley Shawcross said that, as the man responsible for organising the prosecution of war criminals in British custody, he would be only too ready to hand over to others of the United Nations war criminals they were willing to try. But in practice he had not always found some of them ready to accept the transfer of war criminals. In the case of one State, which had suffered greatly from German crimes, he had for some months been offering the transfer of a considerable number of German war criminals so that they might be tried for crimes against the nationals of that State, but so far he had experienced some reluctance in securing acceptance of a transfer. He hoped this resolution would encourage some of his colleagues to accept some of the responsibility.

Sir Hartley Shawcross further asked: What did the term "war criminal of any nationality" mean? "War criminal" hitherto had been confined to persons of ex-enemy nationality, and that was the only type of case within the jurisdiction of the War Crimes Commission.

But there was another type of case which ought to be within the jurisdiction of the competent courts—the traitor, the quisling. He did not mind handing these people over or their being included in the term "war criminal"; he only wanted to be sure what the resolution meant.

Again, the resolution talked about handing war criminals over to the countries where they had committed their crimes. Did it mean handing over to countries which were at one time satellites of Germany—States which were war criminals themselves—nationals of other States—not of satellite Powers or of ex-enemy Powers—whose offence might have been that they adhered to the Governments of satellite States while those States were adhering to Nazi Germany? If it meant that, he would wish to enter a caveat about it, because in many cases he would not consider it consistent with the interests of justice to hand over persons of that kind for trial by their own accomplices.

The resolution was supported by the representatives of Poland, France, China and Yugoslavia.

(See Appendix B for revised draft of Resolution submitted on 12. 2.46.)

UNITED NATIONS (U.N.)

7.2.46. M. Medina, the Uruguayan delegate to the U.N.O., submitted a draft resolution, in committee, on February 6th, opposing the death penalty for war criminals, and asking that this view should be communicated to the International Military Tribunal. M. Manuilsky (Ukraine) protested, remarking that in Kiev alone, thousands of citizens had been assassinated. M. Gromyko (USSR) said that a discussion of the question would be an insult to the United Nations. The President asked M. Medina not to insist that his resolution should go before the Committee. M. Medina said that he had put it forward on instructions from his Government; he would "not withdraw but only postpone the resolution."

9.2.46. In the Political and Security Committee on February 8th, M. Kiselev. Byelo-Russian delegate, moved a resolution calling on member States to arrest war criminals of any nationality, and on non-member States to arrest them in their territories and allow them to be taken to countries where they had committed crimes. He expressed concern that some war criminals had found shelter, as refugees, in non-member and even in member States.

Sir Hartley Shawcross said that, as the man responsible for organising the prosecution of war criminals in British custody, he would be only too ready to hand over to others of the United Nations war criminals they were willing to try. But in practice he had not always found some of them ready to accept the transfer of war criminals. In the case of one State, which had suffered greatly from German crimes, he had for some months been offering the transfer of a considerable number of German war criminals so that they might be tried for crimes against the nationals of that State, but so far he had experienced some reluctance in securing acceptance of a transfer. He hoped this resolution would encourage some of his colleagues to accept some of the responsibility.

Sir Hartley Shawcross further asked: What did the term "war criminal of any nationality" mean? "War criminal" hitherto had been confined to persons of ex-enemy nationality, and that was the only type of case within the jurisdiction of the War Crimes Commission.

But there was another type of case which ought to be within the jurisdiction of the competent courts—the traitor, the quisling. He did not mind handing these people over or their being included in the term "war criminal"; he only wanted to be sure what the resolution meant.

Again, the resolution talked about handing war criminals over to the countries where they had committed their crimes. Did it mean handing over to countries which were at one time satellites of Germany—States which were war criminals themselves—nationals of other States—not of satellite Powers or of ex-enemy Powers—whose offence might have been that they adhered to the Governments of satellite States while those States were adhering to Nazi Germany? If it meant that, he would wish to enter a caveat about it, because in many cases he would not consider it consistent with the interests of justice to hand over persons of that kind for trial by their own accomplices.

The resolution was supported by the representatives of Poland, France, China and Yugoslavia.

(See Appendix B for revised draft of Resolution submitted on 12. 2.46.)

III.

THE NUREMBERG TRIALS.

---

The Proceedings

(January 21st - February 9th, 1946)

The French Prosecutors MM. Gerstoffer, Dubost and Delpech, continued to develop their case on Count 3 of the Indictment, dealing in particular with the economic spoliation of the western occupied countries.

On January 23rd the British Prosecutor (Sir D. Maxwell Fyfe) intervened to prevent individual evidence against Ribbentrop and others. On February 8th the Soviet case was opened by General Rudenko, Chief Prosecutor for the Ukraine, who produced evidence - including that of ex-Field Marshal Paulus - to show the deliberate planning of the aggression on Russia in 1941 and the complicity of the Army leaders.

POINTS OF INTEREST

The following points of interest in the proceedings were noted in the Press and radio:

- 30.1.46. The Tribunal refused an application by Rudolf Hess to conduct his own defence, owing to his own counsel, Dr. Roerscheidt being incapacitated by an accident. The Tribunal appointed Dr. Stahmer, counsel for Goering, to defend Hess.
- 5.2.46. Lord Justice Lawrence gave a ruling that the court could admit indirect evidence. Counsel for the German General Staff had asked that evidence given by Professor Loon van der Essen describing the destruction of Louvain Library and atrocities during the Germans' Ardennes offensive in December, 1944, should be struck from the records because the professor testified on the basis of statements of other persons and described events which he had not personally witnessed.
- Lord Justice Lawrence said that under the Charter governing procedure, the Tribunal was not confined to direct evidence from eyewitnesses.
- 11.2.46. An agency message from Greece said that it was denied at Athens that the omission of any mention of Greece in the opening speech of the Chief Soviet Prosecutor was due to the necessary documents not having been received from the Greek Government. On the contrary, all the documents had been submitted in plenty of time.
- 28.1.46. The Soviet News stated that Field Marshal BRAUCHITSCH had been brought to Nuremburg as a witness, and had addressed an application to Lord Justice Lawrence demanding to be heard immediately and immediately 'acquitted'. The report stated that "Brauchitsch stubbornly calls himself a prisoner of war though both in fact and in name he is a war criminal".

(Brauchitsch is on the UN/CC List of war criminals.)

THE NUREMBERG TRIALS (Cont.)

PRESS COMMENTS

25.1.46. The Spanish newspaper "ABC", referring, in an editorial, to the statement that Goering had intended to avert the world war by travelling to Britain, said "The whole world is aware that Hitler desired an understanding with Britain, though he insisted on having his hands free in the centre and east of Europe. Another Munich was the Führer's ideal. Therefore there is no reason to doubt Goering's assertion that he wanted to come to an agreement with Britain - on the understanding that Poland should give way on the territorial question."

6.2.46. In an address on "Some problems concerning war crimes" given to the Edinburgh University Law Faculty Society, Professor L. Goodhart K.C. (as reported in the Scotsman) said:

"In Great Britain hearsay evidence is strictly excluded, on the theory that no evidence should be admissible which cannot be subjected to the test of cross-examination. If this practice had been applied at the Nuremberg trials, much of the most relevant evidence would have had to be excluded as many of the witnesses are dead or missing.

"This interesting amalgam of British and Continental procedural law has worked exceedingly well in circumstances of peculiar difficulty. It may have great influence on the future development of this branch of the law in the various countries concerned. This is particularly important, because, for some reason, procedural law in the past has tended to be peculiarly static."

'The Trials on Trial

'Professor Goodhart said the importance of the Nuremberg trials lay not so much in the question of whether the 24 defendants were convicted or acquitted as in the vindication of the law. The trials themselves were on trial. The question was, were the Allies using the trappings of justice to disguise what was in fact an act of arbitrary force, or were they conducting a true legal trial?

"I believe the trial accords with the basic principles of justice," he declared. "These basic principles are that an impartial judge shall decide litigated questions according to law."

'Some critics had said that the Nuremberg Tribunal could not be impartial because it had been appointed by the Allies, and that it ought to have consisted, in part, of neutral judges. That was not true in the case of State law. A burglar had no right to complain that he was being tried by a body of honest citizens. It was in the character of the judges that they found the guarantee of impartiality.

'Professor Goodhart pointed out that although the Tribunal was termed an "international Military Tribunal", its judges were all trained legal experts. Remarking that the rules of evidence followed at the trials were less strict than those in force in British Courts, he said that had proved satisfactory because our rules were too narrow. The judges had had no difficulty in excluding irrelevant evidence.

THE NUREMBERG TRIALS (Cont.)

'In conclusion Professor Goodhart said:-

"These trials are serving three major purposes. In the first place, they have given the defendants an opportunity of proving, if they could, that they had not taken part in the Nazi conspiracy. In the second place, the trials have placed on record the full story of these crimes, so that in the future it will not be possible to say that these atrocities were only propaganda. In the third place, the trials will have established once and for all that aggressive war is an international crime and that those who are guilty of waging such a war must pay the penalty."

8.2.46.

Mr. R. Hopkins, in a letter to the Spectator wrote:

"The trials at Nuremberg are not being conducted under the common law of England, and no etiquette (a strange word in such a context) applicable to the latter can fairly be said to apply. For the Nuremberg trials have a very peculiar basis law, even international law. One might say that they are being conducted to create a precedent for holding such trials. After the last war we left the Germans to try their own "War criminals". The idea failed. Now the victorious nations are arraigning the prostrate enemy in the hope that the German people will thereby be convinced that might is not right, and that even right works judicially and democratically.

"From all the evidence available to date, it would seem that the German people are not being so convinced. They appear to take a very apathetic view of the whole proceedings, blandly assuming the inevitable conclusion and wondering what all the formality is for. . . . The present display of international justice is perhaps necessary as a means of building up to something better. But the trials seem to be giving little satisfaction to any members of the present generation, whatever their nationality."

---

(R/J/8/2 A)

APPENDIX A.

GENERAL MACARTHUR'S ORDER FOR JAPANESE  
WAR CRIMINAL TRIALS.

[The following are excerpts from the text of General MacArthur's order establishing the International Military Tribunal for the Far East, which was released in Tokyo on January 19th. The full text will be circulated in the Documents Series as soon as it is received.- R.O.]

Article I.- There shall be established an International Military Tribunal for the Far East for the trial of those persons charged individually, or as members of organisations, or in both capacities, with offences which include crimes against peace.

Article II.- The constitution, jurisdiction and functions of this International Military Tribunal are those set forth in the Charter annexed to this Order, which Charter is an integral part of this Order.

Article III.- Nothing in this Order shall prejudice the jurisdiction of any other international, national or occupation court, commission or other tribunal established or to be established in Japan or in any territory of a United Nation with which Japan has been at war, for the trial of war criminals.

The Charter of the International Military Tribunal for  
the Far East.

Article I .....

Article II.- Members.

The tribunal shall consist of no less than five nor more than nine members, appointed by the Supreme Commander for Allied Powers from names submitted by the signatories to the Instrument of Surrender.

Article III.- Officers and Secretariat.

(A) President. The Supreme Commander for the Allied Powers shall appoint a member to be President of the Tribunal ....

Article IV.- Quorum and Voting.

(A) Quorum. Presence of the majority of all members shall be necessary to constitute a quorum.

(B) Voting. All decisions and judgments of this Tribunal, including convictions and sentences, shall be by majority vote of those members of the Tribunal present. In case votes are evenly divided, the vote of the President shall be decisive.

Article V.- Jurisdiction over Persons and Offences.

The Tribunal shall have the power to try and punish Far Eastern war criminals who, as individuals or as members of organisations, are charged with offences which include crimes against peace.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility.

(A) Crimes against peace: namely, the planning, preparation, initiation or waging of a declared or undeclared war of aggression, or a war in violation of International Law, Treaties, Agreements or Assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(B) Conventional war crimes: namely, violations of the laws or customs of war;

(C) Crimes against humanity: Murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political or racial grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated. Leaders, organisers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan ....

Article VI.- Responsibility of Accused.

Neither the official position, at any time, of an accused, nor the fact that an accused acted pursuant to an order of his government or of a superior shall, of itself, be sufficient to free such accused from responsibility for any crime with which he is charged, but such circumstances may be considered in mitigation of punishment if the Tribunal determines that justice so requires ....

A Fair Trial for Accused.

Article IX.- Procedure for trial. In order to ensure a fair trial for the accused, the following procedure shall be followed:

(A) Indictment.

The indictment shall consist of a plain, concise and adequate statement of each offence charged.

Each accused shall be furnished in adequate time for defence with a copy of the indictment, including any amendment, and of this Charter, in a language understood by the accused.

(B) Hearing.

During trial, or any preliminary proceedings, the accused shall have the right to give any explanation relevant to the charges made against him.

(C) Language.

The trial and related proceedings shall be conducted in English and in the language of the accused. Translations of documents and other papers shall be provided as needed and requested.

(D) Counsel for Accused.

Each accused shall be represented by counsel of his own selection, subject to disapproval of such counsel at any time by the Tribunal ....

Judgment and Sentence.

Article XVI.- Penalty. The Tribunal shall have the power to impose upon an accused, in a conviction, death or such other punishment as shall be determined by it to be just.

Article XVII.- Judgment and Review. :

Judgment will be announced in open court and will give the reasons on which it is based. The record of trial will be transmitted directly to the Supreme Commander for Allied Powers for his action thereon. A sentence will be carried out in accordance with the orders of the Supreme Commander for Allied Powers, who may at any time reduce or otherwise alter the sentence, except to increase its severity.

---

APPENDIX B ....

APPENDIX B.

REVISED RESOLUTION CONCERNING ARREST OF WAR CRIMINALS

(as presented on 12.2.46 to the competent Committee of the United Nations.)

---

THE GENERAL ASSEMBLY

Taking note of the Moscow Declaration of 1st November, 1943, by President Roosevelt, Marshal Stalin and Prime Minister Churchill concerning enemy atrocities in the course of the war, and of the declaration by certain Allied governments of 13th January and 18th December 1942 concerning the same matter; and

Taking note of the laws and usages of warfare established by the Fourth Hague Convention of 1907; and

Taking note of the definition of war crimes and crimes against peace and against humanity contained in the Charter of the International Military Tribunal dated 8th August, 1945; and

Believing that certain war criminals continue to evade justice in the territories of certain States,

RECOMMENDS

That Members of the United Nations forthwith take all the necessary measures to cause the arrest of those war criminals who have been responsible for or have taken a consenting part in the above crimes, and to cause them to be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished according to the laws of those countries; and

CALLS UPON

The Governments of States which are not Members of the United Nations also to take all necessary measures for the apprehension of such criminals in their respective territories with a view to their immediate removal to the countries in which the crimes were committed for the purpose of trial and punishment according to the laws of those countries.

---

APPENDIX C.....

APPENDIX C.

EXTRACT FROM A RESOLUTION PROPOSED BY THE UNITED STATES DELEGATION  
TO THE UNITED NATIONS CONCERNING REFUGEES  
on 5th February, 1946.

THE GENERAL ASSEMBLY

1. ....
2. ....
3. RECOMMENDS to the Economic and Social Council to take into consideration in this matter the following principles:
  - (a) This problem is international in scope and nature.
  - (b) Subject to the provision contained in paragraph 3 (c), no uprooted persons, if they object to returning to their country of origin, shall be compelled to do so, provided, however, that every effort shall be made, in full consultation and agreement with the governments concerned, to encourage the repatriation or return to their homes of such persons.
  - (c) No action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, Quislings, and traitors in conformity with international arrangements and agreements.
  - (d) .....

In the Assembly on February 12th, M. VYCHINSKY spoke as follows:

"Finally, I come to the third addition, which I propose and you will see that there is in the report a paragraph (d) which reads as follows:

- '(d) Considers that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors, in conformity with present or future international arrangements or agreements.'

"Well, this is, of course, absolutely fair and should be wholeheartedly supported but we think that this paragraph did not go far enough. The report mentioned assistance to refugees, but it cannot be helped that traitors and quislings mentioned in this paragraph should profit by such assistance and such help. It is indispensable therefore that the Commission which shall be trusted with that mission far from helping these traitors and refugees should put them into hard labour camps so that they might repay for that they have inflicted in sufferings to countless citizens of the United Nations. That is why we suggest our third addition which reads as follows:

'Quislings, traitors and war criminals, as persons who discredited themselves by collaboration in any form with the enemies of the United Nations, should not be regarded as refugees who are

entitled ...

VIII

No. VIII.

February 28th, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

WAR CRIMES NEWS DIGEST

[ NOTE: The above title replaces that of "Press News Summary" used in previous numbers of this series. The Digest will include information officially communicated, as well as news from Press sources.- R.O.]

---

C O N T E N T S .

	<u>Page</u>
I. PUBLIC RELATIONS . . . . .	1
II. SUMMARY OF EVENTS . . . . .	2
III. THE NUREMBERG TRIALS . . . . .	9

---

I. .

PUBLIC RELATIONS

(Contributed by the Public Relations Officer)

The dying confession of Ziereis, the Mauthausen Concentration Camp Commander, handed out on January 12th, was given space of from four to five inches, single column, in several of the bigger provincial papers. A handout entitled "Killing by Work", in connection with Goebbels's personal instructions, given in September 1942, for the extermination of Jews, and certain classes of Poles and Czechs, was put out through the Ministry of Information on Friday, 22nd February.

The notice put out on February 27th regarding the 26th List of War Criminals was given prominent positions the next day in "The Telegraph," "The Times" and many provincial papers.

In regard to a replica of the Nazi Crime Exhibition touring this country, a telephone call to Paris indicates that this is nearly completed. Monsieur Green, a French representative stationed in London, is over with Monsieur Billiet making final arrangements. Definite news of duration, expenditure, etc., is expected within three days.

On the 19th and 20th February the national Press gave considerable publicity to Nazi experiments on bodies, and Soviet evidence given at Nuremberg on this subject. The experiments in question took place in a large soap factory and human fats were used to produce oils. It should be noted in this connection that evidence of these hideous experiments was first given by a special series of pictures shown at the Nazi Crime Exhibition in Prince's Galleries, Piccadilly; this was arranged by Dr. Lachs and the Public Relations Department.

---

II.

SUMMARY OF EVENTS.

A U S T R I A

9.2.46. The Linz Radio confirmed the announcement made by the Linz Court of Appeal that a Tribunal of the People's Court had been set up with the Linz Regional Court, to try Nazi war criminals. Since the Law banning the Nazi Party and the War Criminals Law were now also valid on Austrian territory not under Russian occupation, a People's Court would be established with the Regional Courts of Linz, Graz and Innsbruck. The Linz People's Court will have jurisdiction in Upper Austria, excluding the Muehlviertel and Salzburg.

3.2.46. An agency message from Vienna reported that an Inter-Allied court consisting of British, Soviet, American and French judges would meet in Graz, the British occupied zone in Austria, to try 30 men accused of war crimes. The main accusation was that the men took part in the murder of several hundred Hungarian Jews near Eisenerz in March, 1945.

C Z E C H O S L O V A K I A

8.2.46. The Czechoslovak Press Bureau reported that 15 minor war criminals were handed over to the Czechs by the US occupation authorities and were on their way to Pilsen.

8.2.46. The Prague radio announced that 16 German war criminals would probably be brought on February 9th from Dachau to Prague, under escort. They included Soppa and Jacobi of the SS-Reichsdienst in Prague; Rausch, the Gestapo chief of Brno; and Andre, the Deputy Gestapo chief of Prague.

F R A N C E

12.2.46. The Paris radio reported that the Hungarian Baron Banffy, sentenced to death on December 25th last for intelligence with the enemy, was executed on the morning of 12th February.

14.2.46. The Paris radio announced that the Military Tribunal at La Rochelle had accepted the indictment of Admiral Schirmitz as a war criminal. He had commanded the German troops in La Rochelle at the time of the siege.

G E R M A N Y

7.2.46. An agency message from Berlin stated that the legal division of the Allied Control Council was scrutinizing the remainder of the German criminal code from which all Nazi features would be deleted. In Law No. 11, effective as from February 11th, 1942, sections of the Criminal Code of May 15th, 1871, as amended and 16 new laws adopted during the Nazi régime, had been eliminated.

Law No. 11, passed by the Control Council on January 30th, followed Law No. 1, passed early in the Occupation period which repealed 25 Nazi laws. A chief directive at the start of the Occupation had suspended all discriminatory laws. In the block of criminal code laws repealed by Law No. 11 were a number of the infamous laws by which the Nazis punished not only criminals but all those who disapproved of Nazi doctrines. One of the rescinded laws provided for punishment according to "sound popular instinct"; the law which made it a crime to insult the Nazi Party was also repealed.

G E R M A N Y (Cont.)

British Occupied Zone.

10.1.46. An agency message reported that the S.S. leader Robert Schuler, who was in custody at Aachen, charged with war crimes, had hanged himself in his prison cell on February 9th.

13.2.46. Lt. Gerhardt Grunpeldt of the German Navy, was sentenced to seven years imprisonment by a war crimes court at Hamburg on February 13th for scuttling two German U-boats in Cuxhaven Harbour at the time of the German surrender last May.

[For details of this trial see official report R/G/22/2.7]

American Occupied Zone.

12.2.46. The American News Service in Germany reported from Munich that the new concepts of international law had engaged editorial attention in the Bavarian Press. The thesis that moral law for individuals should also apply to nations was put forth in several papers. The "Hochland Bote" in commenting on the Nuremberg trial wrote: "The charges are not only for mass murders, and other atrocities, but primarily for 'crimes against peace'. . . . concept of international law based on the personal responsibility of statesmen is to be created. The idea of personal responsibility exists in personal as well as business life, and even in primitive minds." "The Murnberger Nachrichten" is reported to have stated: "That applies to the individual should also become the moral dictate of nations."

7.2.46. The Information Control Division of USFET reported from Frankfurt that the trial of the Borkum Island case was to open on February 13th, at Ludwigsburg. This was the first case in which both German civilians and military were being jointly tried for applying the "Goebbels treatment" to American airmen. This treatment was an unpublished verbal order, whispered to the German public through Gestapo and SS channels, to lynch shot-down or crash-landed air personnel. The 10 defendants included a German naval captain, officers and men of a German AA unit, and the burgomaster of Borkum.

A report from Munich stated that a showing of the concentration camp documentary film "Death Mills" was given in one of the largest cinemas there; the film showed pictures of concentration camp scenes taken in Buchenwald, Dachau and Mauthausen. The audience watched intently and displayed signs of emotion.

8.2.46. An A.P. message from Frankfurt stated that USFET had fixed June 30th as the date for the release of all German prisoners, except those whose organisations were under indictment as criminal groups. Among the 800,000 (out of the original 7 million) still in custody, were 15,000 SS troops. The SS had been indicted as a criminal organisation, and none of these men would be released until the SS case was disposed of at the Nuremberg trials. Another group of prisoners, likely to be held longer, was an organisation of 7,000 formed into Labour Service battalions who were doing essential reconstruction work.

G E R M A N Y (Cont.)

Russian Occupied Zone.

The Deutschlandsender transmitted the following announcement of the Mark Brandenburg Provincial Administration: "Sterilisation as done under the Hitler régime constitutes a crime against humanity, punishable under Law No.10 of the Allied Control Council. This applies also to sterilisation to prevent the spreading of hereditary diseases. In cases where healthy human beings have been sterilised for racial or political reasons, punishment must be even more severe. The courts, the Public Prosecutor's Offices and the administrative authorities were instructed to search for and investigate such cases."

French Occupied Zone.

29.1.46. A report from Germany stated that Friedrich Merkling, former Head of the German Security Service detachment in the Lutetia Hotel in Paris during the German occupation of France, had been arrested in the French zone. When caught, he had attempted suicide but suffered only minor injuries.

The same message reported the arrest of another German in the French zone: Colonel Trippel of the Armed SS, head of the Bugatti motor car works at Molsheim, Alsace during the occupation. He is charged with a number of war crimes.

G R E E C E

7.2.46. The Athens radio reported that the competent Greek authorities were proposing to send police officials to Germany and other European countries to search out, arrest and bring back individuals who had been condemned for, or were responsible for, anti-national unity, or were held by the Allied authorities. It had been confirmed that the Anglo-American and other Allied military authorities did not object to surrendering Greek war criminals and collaborators.

15.2.46. An agency message from Athens reported the opening of the first trial of Axis war criminals in Greece. The accused - members of the Italian, German and Bulgarian occupying troops - were charged with torturing inhabitants of the Castoria area by making them sit naked on burning coals, and with hanging people up by wire by the wrists.

D E N M A R K

18.2.46. The Oslo radio reported that the Danish authorities, after combing out German refugee camps in their country, had discovered a number of SS men, a Gestapo executioner from Danzig and "terror doctors" from the German Military Hospital in Copenhagen.

The Danish Berlingske Tidende reported that a Nazi organisation had also been unmasked which established secret courts in the camps to sentence anti-Nazis. German doctors had removed SS tattoo markings and shielded Nazis whenever possible.

ITALY

- 11.2.46. "The Times" reported from Rome that a former officer of the Fascist Republican Forces was found guilty by an Allied Military Court of complicity in the illegal execution of a British officer, Lieutenant Clive Lyon Williams, in November, 1943, and that he had been sentenced to be shot. The British officer, after escaping from a prisoner of war camp, had been shot without proper trial.

NORWAY

- 14.2.46. The Stockholm radio announced that a Bergen Court had sentenced to death Max Roth, a German-born bricklayer, for having tortured 25 Norwegian patriots.

POLAND

- 8.2.46. The "Zycie Warszawy" in an article 'A Law which has not been put into effect', referred to the decisions of the Crimean Conference that war criminals were to be tried in the countries in which they had committed their crimes. 'Up to now', the paper wrote, 'our great Western friends have been in no hurry to hand over to Poland those great Nazi criminals who committed their worst crimes in our country.' The paper suggested that representations should be made by Poland, together with other Slav nations, with a view to these criminals being handed over to the countries which had suffered at their hands.
- 17.2.46. A radio message from Warsaw stated that the German police colonel Max Baume, who had taken part in the mass slaughter of Poles in Wawer in 1939, had been found by the British authorities. The Polish delegate to the War Crimes Commission had demanded his extradition.
- 19.2.46. Another radio message from Warsaw reported that the Leszno Special Criminal Court had sentenced to death a German, Oplatek, accused of ill-treating British prisoners of war.
- 25.2.46. An agency message reported that Karol Kurpanik, a former commandant at Oswiecim concentration camp, had been sentenced to death at Katowice.

ROUMANIA

- 9.2.46. A Press message stated that the trial as a war criminal of Marshal Antonescu, the former dictator of Roumania, would begin in Bucharest next month.

YUGOSLAVIA

- 7.2.46. The "Tanyug" service confirmed that Dr. Paul Messiner, the "well-known war criminal" had been arrested near Klagenfurt. From 1943 till the end of the war he was Chief of the Department for Justice of the Adriatic Littoral and was guilty of numerous crimes against Anti-Fascists. He was a friend of the notorious Gauleiter Rainer.
- 14.2.46. The Manchester Guardian correspondent reported from Rome that on February 13th, Doctor Felix Baraga was condemned to death at Lubiana in absentia, as a war criminal on a charge of torturing partisans and collaborating with the Germans.

YUGOSLAVIA (Cont.)

16.2.46. A "Tanyug" message stated that the Yugoslav War Crimes Commission had issued a statement describing the methods employed by the Hungarian occupation authorities to exterminate the Yugoslav people. Documents showed that the orders were issued for the rounding up of Jews and Serbs and their deportation for forced labour in Hungary and German-controlled areas. Over 25,600 Yugoslavs had been deported and numbers of these slave workers had perished. The Commission had established the guilt of a number of high Hungarian officials; the list is headed by Regent Horthy.

17.2.46. A Yugoslav telegraph agency reported from Belgrade that the Allied military authorities in Germany had handed over the following war criminals to the Yugoslav authorities: SS. General August Meissner(+), Gestapo Chief in Belgrade; Vladimir Kosak, Croat Minister to Berlin; Joseph Kugler, commander of the 118th German Rifle Division, which operated in Bosnia; Joseph Eckers; Joseph Forhart; Willi Munt; Ernst Blüemel; Kurt Siebert; Waldemar Dehm; Friedrich Rodenacher; Walter Zimmermann and Heinrich Hermann.

[(+ ) Meissner is on the UNWCC List of War Criminals]

MISCELLANEOUS

15.2.46. The correspondent of the Birmingham Post reported that a conference would soon be held in Washington to discuss the surrender of the many minor war criminals who had sought sanctuary in neutral States. The meeting was arranged by the Five Potsdam Powers, who had issued written invitations to the neutral nations of Western Europe - viz, Portugal, Spain, Sweden and Switzerland. The criminals whose expulsion had been asked for were Gestapo officers, SS men, etc. against whom charges had been made by one or more of the Allies.

The correspondent understood that, in preliminary talks on the subject, the United States Government had suggested the application, if necessary, of economic pressure to compel the neutrals concerned to take determined measures to hunt out and evict the wanted men.

THE FAR EAST

JAPAN

- 14.2.46. "The Times" reported that Lord Patrick had accepted an invitation to serve as United Kingdom member of the International Military Tribunal which had been established at Tokyo for the trial of Japanese major war criminals.

Lord Patrick took silk in 1933, and was elected Dean of the Faculty of Advocates (Scotland) in 1937. He was appointed a Scottish judge in May, 1939.

- 7.2.46. It was reported that the trial opened at Yokohama on February 6th, of Captain Shigeru Aona, medical officer of the Hakodate Camp in Hokkaido. It was alleged that he ill-treated prisoners and refused them medical aid. As a result, 8 British prisoners of war died.

- 19.2.46. A Reuter message from Tokyo stated that General MacArthur had named Sir William Webb, chief Australian delegate and Chief Justice of Queensland, as president of the International Military Tribunal which is to try the major Japanese war criminals.

- 14.2.46. Radio Tokyo announced that the Japanese Communist Party was demanding the trial of the Emperor Hirohito as a war criminal suspect. They had requested that the Emperor's war guilt, as C-in-C Armed Forces, should at least be clarified.

SINGAPORE, EAST INDIES & HONG-KONG.

- 6.2.46. "The Times" correspondent at Singapore reported that Major Chida Sotomatsu, commandant of a notorious Siam-Burma railway camp, Captain Mitsue, the adjutant, and four sergeants were charged there with beating to death two British officers, prisoners of war at Kanburi, Siam, and of ill-treating six others, in August, 1943.

- 8.2.46. The two Japanese officers were sentenced to death.

- 16.2.46. It was reported from Singapore that S.E.A.C. had held its first war crimes trial there. The President of the Court was Lt.-Colonel Coleman; with him were Major Gray of Sydney and Captain Konli, of Lahore. Ten Japanese, among whom were several officers, were charged with mal-treating Indian prisoners of war in Malaya.

- 7.2.46. It was reported from Morotai that Masakiyo Ichecuchi, a civilian who had been in charge of a prisoner of war camp at Ambon, was tried for ill-treating Australian and Dutch prisoners of war, causing over 400 deaths; he was one of 80 Japanese who were in the dock.

- 18.2.46. A message from Melbourne stated that Ichecuchi was sentenced to death by shooting on February 17th.

- 11.2.46. "The Times" correspondent reported from Melbourne that Colonel Kennosuki Noma had been brought to Hong-Kong from Japan to face charges of mass murder, atrocities and tortures during the Japanese occupation of Hong-Kong, when he was head of the Japanese Gendarmerie there.

SINGAPORE ETC. (Cont.)

6.2.46. A Reuter message from Canberra stated that Mr. Francis Forde, Australian Army Minister, had announced that the death sentence imposed on the Japanese Lieutenant Takchiko Tazaki on charges relating to cannibalism had been commuted to five years imprisonment with hard labour.

Under the English criminal code, Mr. Forde said, cannibalism was not a crime. The starving condition of the accused had also been taken into consideration.

PHILIPPINES

23.2.46. Yamashita, former Japanese commander in the Philippines, who was sentenced to death in December, was hanged on February 22nd, stripped of his uniform and decorations.

SINGAPORE ETC. (Cont.)

6.2.46. A Reuter message from Canberra stated that Mr. Francis Forde, Australian Army Minister, had announced that the death sentence imposed on the Japanese Lieutenant Takchiko Tazaki on charges relating to cannibalism had been commuted to five years imprisonment with hard labour.

Under the English criminal code, Mr. Forde said, cannibalism was not a crime. The starving condition of the accused had also been taken into consideration.

PHILIPPINES

23.2.46. Yamashita, former Japanese commander in the Philippines, who was sentenced to death in December, was hanged on February 22nd, stripped of his uniform and decorations.

III.

THE NUREMBERG TRIALS.

(February 9th - 22nd, 1946)

The presentation of the Soviet case for the prosecution was continued by General Rudenko, Chief Soviet prosecutor, and by his deputy-prosecutors, MM. Smyrnov, Skeynin, Zorya and Pokrovsky.

General Rudenko stated (February 20th) that he hoped to complete his country's case within seven to eight days. After that the legal argument as to the criminality of the various German national and party organisations will follow. These and other legal arguments may take several days, so that the earliest possible date of the opening of the defence would appear to be March 4th. The Tribunal had ruled that there would be no recess between the end of the prosecution and the opening of the defence. Lord Justice Lawrence said that adequate time had been given the defence to prepare their cases.

13.2.46. When the Soviet prosecutor, Colonel Pokrovsky, read extracts from affidavits by the German Generals, Halder and Warlimont, Keitel's counsel demanded that they should be called, as they were in the Nuremberg prison. In conformity with a previous ruling, Lord Justice Lawrence directed that this should be done.

Again--according to the "Red Star" (13.2.46)--"When the Soviet Prosecutor Zorya began to read General Paulus's testimony, he was interrupted by Keitel's counsel, who declared that the minutes of the witness's statement had not been attested and could not therefore be admitted as evidence. The Soviet Prosecutor replied that if the defence so wished, Paulus could give testimony personally. This reply caused panic among the defending counsel. Keitel's counsel tried to beat a retreat and said that formalities were unimportant and the defence did not insist on the confirmation of Paulus's written testimony. However, after an adjournment the Tribunal called Paulus."

In the Yugoslav "Borba" (12.2.46), Dr. Nedeljkovitch,<sup>(+)</sup> President of the Yugoslav War Crimes Commission, wrote about the chief characteristics of the new international criminal code being created at Nuremberg: "In accusations and documents produced at Nuremberg there exists the nucleus of the legal code which will enable the progressive forces of humanity to judge and prevent any future aggressive crimes against peace. It is important historically that the 20 foremost Hitlerite criminals and their Fascist organisations should be accused, primarily because long before the war they plotted against peace. For the first time in history aggression is legally qualified as a 'crime against peace'. This means that after Nuremberg there can no longer exist governments and ministers capable of dragging their nations into aggressive wars without running the risk of trial before a similar legal forum for criminal activity against peace." The writer also deals with comments by reactionaries and pro-Fascist cliques against the Nuremberg process who consider it illegal to hold the heads of nations legally responsible simply because of their 'policies.' "The development of the Nuremberg trial," he concluded, "is a new victory for the progressive freedom-loving peoples and represents a hard blow to the Fascist remnants and their defenders."

---

(+) Dr. Nedeljkovitch was a delegate at the Conference of National Offices May - June 1945.

THE NUREMBERG TRIALS (Cont)

- 9.2.46. An Agency message from Berlin stated that "Lessons on the Nuremberg trials were to be given to the higher classes in Berlin schools. This was already being done in schools in the Russian zone. Teachers from Berlin would probably attend the trials as observers and return to instruct their pupils.
- 12.2.46. The Moscow radio broadcast a story according to which Bormann, Chief of the Nazi Party Chancery, who is being tried in absentia at Nuremberg, and who was credibly stated to have been killed in Berlin, is not dead but escaped in a U-boat to Argentina, where he is now living near Overa.
-

IX

No. IX

March 15th, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

WAR CRIMES NEWS DIGEST.

[ NOTE: The above title replaces that of "Press News Summary"  
used in previous numbers of this series.- R.O. ]

---

C O N T E N T S

	<u>Page</u>
I. PUBLIC RELATIONS ... ..	1
II. SUMMARY OF EVENTS ... ..	2
III. THE NUREMBERG TRIALS ... ..	10

---

<u>S U P P L E M E N T:</u> ... ..	11
------------------------------------	----

---

I

PUBLIC RELATIONS

(Contributed by the Public Relations Officer.)

On March 6th, a Press Notice was issued via the usual Ministry of Information channels in regard to the 25th List of War Criminals. This was officially released at the Commission Meeting held on March 5th. The notice appeared in full in The Times, The Daily Telegraph, and many national and provincial papers.

A letter dated March 12th, from Monsieur Billiet of the French Ministry of Information, and addressed to the Public Relations department, confirmed the fact that there was no question but that the replica Exhibition would be in this country within a few days.

The demand for the showing of the Exhibition throughout the provinces seems to be quite definite; in fact, the Mayor of Stockton-on-Tees has already gone to extreme trouble to secure for us the use of a very large Drill Hall, which is in constant demand for many other purposes. The Public Relations Department is in contact with the Mayor, as it may be better to open in Stockton-on-Tees prior to Leeds, which was considered the first possible Exhibition site.

A very happy evening was enjoyed on the night of March 14th, at the Café Royal, where a dinner was given to the staff by Lord Wright, followed by a conjuring entertainment. The latter was performed by "Delvyn and Sally" who have had the privilege of entertaining most members of the Royal Family.

Lord Wright, in his closing speech, paid a tribute to his staff for having so bravely surmounted the inconveniences and troubles of a move, at such short notice, from one part of London to another.

---

S U M M A R Y    (   F   E V E N T S .

A U S T R I A .

- 25.2.46. A broadcast from Linz gave the position in regard to war criminals' trials at that date, as follows: Several leading war criminals were to be tried by the Vienna People's Court in March. Investigations against Dr. Guido Schmidt, Foreign Minister in the Schuschnigg Government were being speeded up, but the Mirko Jelusich case was likely to last for some time. The trial of the war criminal Brunner II was also coming up. (With his namesake Brunner I, he was in charge of the Vienna Central Office for Jewish emigrants, and organised the mass deportation of Jews to Terezin and to Polish concentration camps.) The case against the former Terezin camp commandant, Dr. Siegfried SEIDEL, was being prepared. Dr. SPITZNAGEL, a notorious Gestapo agent, connected with many deaths in the Steinhof Asylum, was under examination. The medical staff and male nurses of the Mauer-Oehling Asylum were to be tried in two groups, the first consisting of Dr. Utz, responsible for the murder of 1,500 patients, and six male nurses.
2. 3. 46. Up to March 1st, 1946, 30,949 National Socialists had been arrested in Austria. In Vienna 8,186; Lower Austria 7,072; Burgenland 766; Upper Austria 872; Salzburg 861; Tyrol 5,500; Vorarlberg 900; Styria 1,418; Carinthia 5,374. Of these the following are in Allied custody: In Vienna 436; Burgenland 65; Salzburg 434; Tyrol 2,013; Vorarlberg 900; Styria 643; Carinthia 5,200.
- 23.2.46. The Vienna radio announced that the Nuremberg War Crimes Court had allowed the request of the Austrian Government for an examining magistrate, Dr. SUCHER, to carry out investigations in Nuremberg.

C Z E C H O S L O V A K I A .

- 20.2.46. The Minister of Justice announced that the Extraordinary People's Courts had dealt with 3,934 cases up to the end of January, of which 3,151 ended in convictions, 272 cases were committed to regular courts and 461 were dismissed. The average sentence of imprisonment was eight years. A total of 117 accused were sentenced to death and 107 to life imprisonment.
- 27.2.46. The Prague radio announced that Professors Dr. PODLAHA and Dr. VITEK, together with Dr. BUSEK would leave shortly for Dachau to give evidence against war criminals of the Mauthausen concentration camp, where they were imprisoned for some years.

K.H. FRANK: Official Indictment.

- 4.3.46. The Prague radio announced: "The Public Prosecutor of the Extraordinary People's Court in Prague proposes to open proceedings against K.H. Frank, at present on remand in the District Criminal Court in Prague for crimes perpetrated against the State under Articles 1 and 2, Article 3, paragraphs 1 and 2, Article 5, paras. 1, 2 and 3, Articles 9, 10 and 11 of the Law of 24th January, 1945, in the text as promulgated by the Ministry of the Interior on 18th February, 1946. These crimes were committed by his endeavours forcibly to change the Constitution, particularly the independence, integrity and democratic Republican form of the State, and to incorporate territory of the Republic in a foreign State or cut off part of this territory.

"Deputy of Konrad Henlein and a leader of the Sudeten German Party, he was a member of a conspiracy, with other officials and members of this

Party, directed against the Republic." The indictment adds that: "Frank gathered armed or auxiliary forces for the same purpose and provided arms, ammunition and other means with intent to harm the Republic which he exposed to the danger of war, to hostile acts performed by a foreign Power or to armed aggression. Frank caused, supported and increased this threat to the Republic by organising an armed rising on the territory of the Republic with intent to menace its security from the outside and for this purpose entered into both direct and indirect contact with a foreign Power and foreign persons, particularly financiers and military persons. The indictment emphasises that Frank, both directly and indirectly, betrayed to a foreign Power facts, measures and motives kept secret in the interests of the Republic or which should not be made known to a foreign Power. Frank was a member of the SS. and leader or commander of the Sudeten German Party and NSDAP.

"The third count charges him with propagating and supporting the Nazi movement at a time of increased danger to the Republic in the Press, on the Radio, in the cinema, in theatres and at public meetings. Frank approved and defended a hostile Government on the Republic's territory and illegal acts committed by the command of the occupying Power, authorities and organs subordinated to them with the intention to bring about the moral and national disintegration of the Czechoslovak people, particularly Czechoslovak youth.

"The fourth count lists more of Frank's crimes in the service and interests of the Germans and their allies: Complicity in common murder within the meaning of Articles 134 and 137 of the Penal Code, treating men like slaves within the meaning of Article 95 of the Penal Code, restricting the personal liberties of citizens within the meaning of Article 93 and forcible extortion and dangerous threats. In the interests of Germany's war effort, Frank ordered the introduction of forced or compulsory labour, and co-operated in issuing and executing this order. The inhabitants of the Republic were forced to work abroad and under conditions dangerous to their lives and health. Frank shares the responsibility for the loss of liberty of a great number of inhabitants of the Republic, for severe damage to the bodies of many citizens, and also for the death of innumerable people. In addition, he is responsible for the forcible entry into immovable property and for arson. He also, by various decisions, was responsible for the loss of Czechoslovak State property. He abused the hardship caused by national, political and racial persecution, to enrich himself at the expense of the State and of the persons suffering damage. He also used the situation brought about by enemy occupation to denounce an enormous number of people. His denunciations, directly or indirectly, entailed the loss of liberty of many people, severe damage to their health, and death in many cases. These crimes were all perpetrated in Prague, at other places, and beyond the frontiers of the Republic.

"The indictment demands that the accused be punished in accordance with Article one, paragraph one of the Retribution Decree.

"The main proceedings will be held in Prague. We learn, in addition, that Frank will be tried by the People's Court at the end of March at the earliest."

27. 2.46. "Pravo Lidu" reported that the ex-President of the so-called Slovak State, D. Josef Tiso, now in a Bratislava prison awaiting trial as a war criminal, had appealed to the Vatican for help. His request, however, was futile. "We are convinced," the paper said, "that the Vatican will in no way support criminals of Tiso's type, as this would constitute interference in the internal affairs of another State."

D E N M A R K.

- 28.2.46. The Danish delegation at Nuremberg has been interrogating some leading members of the Gestapo about their activities in Denmark during the occupation. Such is the importance of the facts thus revealed that, according to Copenhagen morning papers, the Danish delegation is to propose setting up a Danish Court at Nuremberg. It is considered necessary to summon the Danish Police Attorney in charge of the Fritz Clausen case and Clausen's defence counsel to Nuremberg as soon as possible, so that they can conduct the preliminary proceedings there according to Danish law. Among the members of the Gestapo interrogated by the Danish delegation are: Dr. MEITZNER, SCHELIENBERG and (?) SHORTING.
- 4.3.46. Paris, reported from Strasburg: During an interrogation by the examining magistrate, former Gauleiter Robert WAGNER and men of his immediate entourage were charged with murder and complicity. This accusation refers to the Nazi crimes perpetrated in Alsace during the occupation.
2. 3. 46. Paris: The Ministry of Justice issued the following statement: "An evening paper has announced that it had been decided to drop legal proceedings against certain war criminals owing to lack of funds. This report is not based on fact."

G E R M A N Y.

American Occupied Zone.

- 23.2.46. The Information Control Division (USFET) reported from Frankfurt: "Seventy-one German diplomats, military experts and intelligence agents who had been operating from Spain and Portugal have been transferred to the custody of the United States Army, and are now being held at Asperg prison near Stuttgart. Transfer of custody was negotiated by the Allied Control Commission with the Spanish and Portuguese Governments."

"Among the group of 40 from Spain and 23 from Portugal are the following: Hans THOMSEN, leader of the former German Nazi party in Spain; Arno KLEYENSTÜBER, chief of the Madrid branch of the German military information service which gathered information on air and troop movements of the United Nations forces, for forwarding to Berlin. Sigismund BIBRA, who was German minister to Spain and who served as chief aide to German Ambassador DIECKHOFF; Gustav LEISSNER, alias Gustave LENZ, leader of the Kriegoorganization in Spain which controlled the German military intelligence units assembling information in Madrid; Hans KROLL, German consul general at Barcelona; Hans WEISS, major in the German counter-intelligence in Madrid since 1943; Emil GEIGER, German consul at Barcelona since July 1944; Otto Gustave von HALEM, German ambassador to Portugal; Eric SCHRÖEDER, Gestapo agent, liaison officer between the Portuguese civil police and the German Embassy in Lisbon.

Three Dachau Death Sentences commuted.

- 28.1.46. "The Scotsman" stated that the U.S. occupation authorities in Germany had announced that three of the 36 death sentences passed on December 13th last by a U.S. Military Court at Dachau (Bavaria) on officials of the Dachau concentration camp had been commuted. The death sentence on Dr. Hans Kurt EISELE had been commuted to life imprisonment; on Dr. Fridolin Karl PUHR (an Austrian) to 20 years; and on MAHL, who

was the camp hangman, to ten years. In the case of MAHL, the sentence was commuted "because the acts he committed under the orders of the SS superiors were the result of the moral degradation he suffered in the camp". Thirty-three death sentences still stand.

#### The Borkum Trial.

18.12.46. "News from Germany" reported that in the "Borkum Death March 20.2.46.Trial" held at Ludwigsburg, evidence was given (15.2.46) to show that 1. 3.3 the unarmed American fliers were deliberately exposed to brutality and then killed. After the close of the prosecution the defence moved to dismiss the case against those defendants who were and are prisoners of war, claiming that as soldiers they had the right to a general court-martial. The motion was denied. Major Bryan, heading the prosecution staff, argued first, that prisoners of war or not, these defendants were accused of a war crime, thus outside the jurisdiction of a general court and in the jurisdiction of this war crimes court; and second, that since this was occupied territory, this court actually replaced any German or civil court under which the defendants would normally have been tried for this crime.

6.3.46. The "Daily Telegraph" reported from Berlin: Under a plan announced by the American authorities nearly 2,000,000 Nazis, largely industrialists and financiers are to be punished by the Germans themselves. The plan provides for sentences up to ten years for major offenders. Lt.-Gen. Clay, Deputy C.-in-C. of the American zone, said that this means that United States Forces will remain in Germany for at least that period.

Four conditions to be fulfilled under the new law are:

1. Registration of Germans over 18;
2. Grouping into major offenders, offenders, lesser offenders, followers, those exonerated;
3. Punishment of the guilty, with from two to ten years' internment in labour camps for major offenders;
4. Establishment of German appeal tribunals. .

Major offenders will include those who participated in outrages and all who derived substantial economic advantages from Nazism.

#### The Mauthausen Trial.

20.2.46. "News from Germany" reported: About fifty former SS guards of the infamous Mauthausen concentration camp in Lower Austria will be tried at Dachau near Munich in about three weeks. The trial will be held in the Court of the Dachau camp. About 70 former inmates of Mauthausen camp will be heard as witnesses. The charges will be largely based on documents found in the files of the former camp commander Ziereis, who was fatally shot while trying to escape on May 11th last year.

+ + + +

7. 3.46. A B.U.P. message from Hamburg stated that SS. Otto MOLL, described as "the master killer" was awaiting execution at Landsberg fortress near Munich. British war crimes experts are making urgent representations to the U.S. authorities to postpone the execution, so that Moll may be questioned and possibly held for the trial on mass murder charges. Sentence of death was passed on him in the U.S. zone for having murdered a Jewish boy at Dachau.

8.3.46. The American news service in Germany stated that the arrest of 33 German bankers in the United States zone suspected of crimes against peace and humanity had been ordered by the American occupation authorities. The order was said to be connected with the case of Friedrich FLICK, a German industrialist who was arrested some weeks ago. The persons concerned are officials of the Dresdner Bank, the Deutsche Bank, the Commerzbank, and the Reichskreditgesellschaft.

#### G R E A T   B R I T A I N .

8.3.46. The British Press reported that a German prisoner of war had hanged himself in the prisoner of war cage in Kensington. He is said to have been on the war crimes list, and publication might hamper the search for other war criminals.

#### H U N G A R Y .

1.3.46. Ferenc Szalasi, Gabor Vajna, Jenoe Szoelloesi, Sandor Csia, Jozsef Gera, Gabor Kemeny and Karoly Beregffy were sentenced to death by hanging by the People's Court. Execution was postponed, pending receipt of a notification from the International Tribunal that these men were not required as witnesses.

1.3.46. "The Times" reported that Bela Imredy, former Prime Minister and Minister of Finance of Hungary, who was convicted on November 23rd, 1945, of war crimes and anti-Jewish acts, has been executed by a four-man firing party.

[ Note: Szalasi was hanged on March 12th. ]

#### I T A L Y .

22.2.46. A Press correspondent (A. Fischer) wrote in the Leicester Evening Mail that Marshal Graziani, "Italy's principal war criminal" had been handed over to the Italian authorities for trial.

#### P O L A N D .

21.2.46. Warsaw: The Special Criminal Court in Katowice began on 20th February the trial of Karol Kurpanik, one of the Oswiecim concentration camp officials. There were 16 blocks of barracks, inhabited by over 10,000 people, under his command. His barracks were called "quarantine blocks" because the inmates were never kept longer than six weeks. He was well-known for shooting and torturing inmates. During "games" organised by the accused at Christmas 1942, over 1,200 inmates were shot. Kurpanik was sentenced to death. (See also News Digest No. VIII.)

P O L A N D (Cont.)

2.3.46. The Warsaw Radio announced that "according to the principle that the German criminals should be judged in the countries where their crimes were committed, a Polish Military Mission, at the head of which is Colonel (?) MUSZCAT, Deputy President of the Military Tribunal, will in a few days leave for the American occupation zone in Germany. This commission, basing its researches on facts gathered by the Ministry of Justice and the High Commission for studying German crimes in Poland, is to look up and make researches in the American area for Hitler criminals still hiding in that zone, and also for those in concentration camps. These transgressors, who committed so many murders and atrocities in our country will be brought to Poland to be given up to our judicial authorities in order to be judged with just severity. As can be expected, the work of the Military Mission will last several months. It is also expected a similar mission will be sent to the British occupation zone as soon as the members of the mission have been agreed upon."

5.3.46. The Warsaw Radio said that the people who were, at the time of the German occupation, living in that part of Poland annexed by the German Reich wherein many places demanding that ex-Gauleiter Arthur GREISER be brought to trial before the Polish Court. The population expressed the desire that Gauleiter Greiser should be judged in Poznan from where he directed his criminal activities.

R U M A N I A.

29.2.46. The "Tanjug" correspondent reported from Bucharest that police organs handed over to the Military Tribunal in Bucharest a group of German terrorists and spies, members of the so-called "Abwehrstelle" Second Group. The head of this was Wilhelm SCHEID, called "Schermann", a native of the Rhineland and former Chief of Propaganda in the German Legation. It emerges from his statement that the task of this group was to destroy means of communication. Another terrorist is Anton GEIGER, called "Eger", a native of Nuremberg, who organised explosive dumps in Bucharest and other places.

S O U T H A F R I C A.

23.2.46. Reuter reported from Cape Town that Mr. Lawrence, Minister of Justice, had informed the Assembly that the question of war criminals was being followed up by the South African Government. Recently, he said, a team of picked officials representing the Departments of Defence, Justice and Police, went to the Continent to collect evidence. The Government was going to see the matter through, whether the cases occurred on the Continent or inside Africa itself. The criminals would be brought before the Courts where they would have an opportunity of defending themselves.

U. S. S. R.

In reply to criticisms in "Pravda" on the Uruguayan motion in the General Assembly of U.N.O., advocating clemency to the major war criminals (see News Digest No. VIII), the Uruguayan Minister in Moscow wrote to "Pravda":

"I deem it my duty to refute certain assertions made in this article—which does not mean in any way, however, that I am trying to defend the criticised proposal of the Uruguayan delegate.

"With the full responsibility imposed by my position, I assure you that by its proposal the Uruguayan delegation did not want to evoke the sympathy of mankind for these cruel criminals who have lost every semblance to human beings, nor to help them to escape deserved punishment."

The editor of "Pravda" commented on this letter that:

"It was only as a result of resolute objections on the part of the members of the General Committee, in particular on the part of the representatives of the USSR and the Ukrainian Republic, that the Uruguayan delegation stated that, if the result of the vote were negative it would not insist on its proposal, but would request instructions from its Government."

YUGOSLAVIA.

22.2.46. "Tanjug" reported that the State War Crimes Commission had put out details concerning the criminals responsible for the mass murder committed on 29th June, 1943, in Krusevac, Serbia, when 324 Yugoslav citizens were shot. The Commission demands that the culprits who include General August MEISSNER, Major KNIE and Captain Hans TLUTT, Gestapo chief in Krusevac, be judged by the People's Tribunal.

MISCELLANEOUS.

7.3.46. A correspondent signing himself "Justice" wrote to the "Manchester Guardian":

"May I, who have recently lost two valued friends in East Europe on a demonstrably exaggerated charge of being war criminals, join my voice to those who plead for a clearer definition by some international authority of what constitutes a war criminal and an appropriate punishment for him?

"Surely note should be taken of a 'collaborator's' pre-war record and tendencies, the stage of the war at which his 'collaboration' began, his motives for this, and his conduct during it. Some so accused genuinely helped the Axis Powers before and during the war; others did not take office until one or other of the Axis Powers was visibly collapsing and Quislings fled, leaving their country without a Government and a prey to anarchy. .... The appropriate punishments should be fixed by international authority. Otherwise, handing over 'war criminals' in bulk to their own country for 'punishment' will too often mean sending to an undeserved death men like my two friends." .....

THE FAR EAST

J A P A N

- 23.2.46. Reuter reported from Tokyo that General MacArthur ordered the arrest of a further 37 alleged war criminals. The list, mainly made up of prison guards, also included a number of suspects who will be brought from Manila and the Mariana Islands.
- 28.2.46. The Times reported from Tokyo that the Japanese Communist Party had framed a resolution denouncing the Emperor Hirohito as largely responsible for the war and describing him as a war criminal.
- 4.3.46. A B.U.P. message from Tokyo stated that the Emperor would probably be called as a witness at the trials of the Japanese major criminals.
- 2.3.46. The Law Journal, recapitulating recent appointments to the International Military Tribunal, wrote that on February 18th General MacArthur appointed Sir William Webb, Chief Justice of Queensland, to be president of the International Military Tribunal that is to try the major Japanese war criminals. The British member of the tribunal is Lord Patrick, who became a Scottish judge in May, 1939. Russia did not accept the American invitation to participate before the date specified for acceptance (January 15) and it seems that the Tribunal will not include a Russian member. The countries providing a prosecuting staff are, it is believed, the United States, the United Kingdom, and the Philippines. Mr. J.B. Keenan, who has been in Japan for some months, heads the American staff. The leader of the British prosecutors is Mr. A.S. Comyns Carr, K.C., and his juniors are Mr. T. Humphreys and Mr. R.S. Davies.

C H I N A

- 28.2.46. Reuter reported from Shanghai that five out of eighteen Japanese accused of ill-treatment of Allied prisoners of war at Kankow were sentenced to be hanged. Among them was Major-general Kaburagi, former chief of staff of the 34th Army. Twelve others were sentenced to imprisonment.

SINGAPORE AND MALAYA

- 25.2.46. The Netherlands News Agency reported that Lt.-General Itagaki, Japanese commander at Singapore - who threatened to make a "death stand" after the Japanese Emperor's unconditional surrender - has formally surrendered to Major-General Messervy, G.O.C. Malaya Command.
- 28.2.46. The Times reported from Singapore that Lt.-General Fukuei was sentenced to death by shooting, after a four-day trial by the War Crimes Court on charges of forcing prisoners of war to sign a parole by concentrating 17,000 of them into a barracks meant for 800, and being concerned in the execution of four prisoners.

III.

THE NUREMBERG TRIALS.

The last days of February and the first days of March were occupied with the hearing of requests to summon witnesses and with arguments by the prosecution concerning the six "criminal organisations". In regard to the latter, Justice Jackson declared that it would be a greater catastrophe to acquit them than to acquit the prisoners in the dock. At the same time he said there was no question of condemning individually all who had served in these organisations. This part of the prosecution was wound up by General Rudenko on March 2nd.

Reviewing the proceedings up to that date the Manchester Guardian (March 8th) wrote:

"With the opening of the case for the defence to-morrow the Nuremberg trial reaches its half-way point both as regards time and procedure."

"The lengthy prosecution - about 1,500,000 words have already been recorded - has been conducted by British, United States, Russian and French prosecuting teams, each taking particular sections of the case."

"The United States team, led by Mr. Justice Jackson, of the United States Supreme Court, opened the prosecution by dealing with what is called the "Common Plan" - the carrying out of the schemes of the Nazi party, schemes for world domination. Then Sir Hartley Shawcross, the British Attorney General, and Sir David Maxwell Fyfe, his predecessor in that office, dealt with crimes against peace. The French and Russian prosecutions under M. Champetier de Ribes and General Rudenko handled crimes against humanity, the French taking those committed in Western Europe, the Russians those in Eastern Europe."

After a short postponement to give Goering's counsel more time to prepare his case, the defence opened on March 8th when Air Marshal Milch gave evidence for Goering.

7.3.46. Reuter reported from Nuremberg that Dr. Mezger, counsel for Neurath had been arrested. An American security official said that "he was arrested not for any harmful activity in the conduct of his work in the Nuremberg court-house, but as a member of a Nazi organisation holding such rank as to render his arrest automatic".

6.3.46. The Berliner Zeitung of February 2nd, a paper published in the Russian zone, attacked Dr. Marx, one of Streicher's counsel, for the conduct of his cross-examination in language described as "violent and intimidating" by Lord Justice Lawrence. The latter declared on behalf of the Tribunal that such conduct could not be tolerated and asked the Allied Control Commission to investigate the publication.

PUBLICITY MEASURES

19.2.46. General McClure, the Director of the Information Control Division, announced that improved facilities had been provided for German newspaper correspondents in Nuremberg to assist them in coverage of the war crimes trials. Licensed papers in the US zone had been devoting an average of 20 to 25 per cent of news space to the trials.

THE FAR EAST

J A P A N

- 23.2.46. Reuter reported from Tokyo that General MacArthur ordered the arrest of a further 37 alleged war criminals. The list, mainly made up of prison guards, also included a number of suspects who will be brought from Manila and the Mariana Islands.
- 28.2.46. The Times reported from Tokyo that the Japanese Communist Party had framed a resolution denouncing the Emperor Hirohito as largely responsible for the war and describing him as a war criminal.
- 4.3.46. A B.U.P. message from Tokyo stated that the Emperor would probably be called as a witness at the trials of the Japanese major criminals.
- 2.3.46. The Law Journal, recapitulating recent appointments to the International Military Tribunal, wrote that on February 18th General MacArthur appointed Sir William Webb, Chief Justice of Queensland, to be president of the International Military Tribunal that is to try the major Japanese war criminals. The British member of the tribunal is Lord Patrick, who became a Scottish judge in May, 1939. Russia did not accept the American invitation to participate before the date specified for acceptance (January 15) and it seems that the Tribunal will not include a Russian member. The countries providing a prosecuting staff are, it is believed, the United States, the United Kingdom, and the Philippines. Mr. J.B. Keenan, who has been in Japan for some months, heads the American staff. The leader of the British prosecutors is Mr. A.S. Cornyns Carr, K.C., and his juniors are Mr. T. Humphreys and Mr. R.S. Davies.

C H I N A

- 28.2.46. Reuter reported from Shanghai that five out of eighteen Japanese accused of ill-treatment of Allied prisoners of war at Kankow were sentenced to be hanged. Among them was Major-general Kaburagi, former chief of staff of the 34th Army. Twelve others were sentenced to imprisonment.

SINGAPORE AND MALAYA

- 25.2.46. The Netherlands News Agency reported that Lt.-General Itagaki, Japanese commander at Singapore - who threatened to make a "death stand" after the Japanese Emperor's unconditional surrender - has formally surrendered to Major-General Messervy, G.O.C. Malaya Command.
- 28.2.46. The Times reported from Singapore that Lt.-General Fukuei was sentenced to death by shooting, after a four-day trial by the War Crimes Court on charges of forcing prisoners of war to sign a parole by concentrating 17,000 of them into a barracks meant for 800, and being concerned in the execution of four prisoners.

III.

THE NUREMBERG TRIALS.

The last days of February and the first days of March were occupied with the hearing of requests to summon witnesses and with arguments by the prosecution concerning the six "criminal organisations". In regard to the latter, Justice Jackson declared that it would be a greater catastrophe to acquit them than to acquit the prisoners in the dock. At the same time he said there was no question of condemning individually all who had served in these organisations. This part of the prosecution was wound up by General Rudenko on March 2nd.

Reviewing the proceedings up to that date the Manchester Guardian (March 8th) wrote:

"With the opening of the case for the defence to-morrow the Nuremberg trial reaches its half-way point both as regards time and procedure."

"The lengthy prosecution - about 1,500,000 words have already been recorded - has been conducted by British, United States, Russian and French prosecuting teams, each taking particular sections of the case."

"The United States team, led by Mr. Justice Jackson, of the United States Supreme Court, opened the prosecution by dealing with what is called the "Common Plan" - the carrying out of the schemes of the Nazi party, schemes for world domination. Then Sir Hartley Shawcross, the British Attorney General, and Sir David Maxwell Fyfe, his predecessor in that office, dealt with crimes against peace. The French and Russian prosecutions under M. Champetier de Ribes and General Rudenko handled crimes against humanity, the French taking those committed in Western Europe, the Russians those in Eastern Europe."

After a short postponement to give Goering's counsel more time to prepare his case, the defence opened on March 8th when Air Marshal Milch gave evidence for Goering.

7.3.46. Reuter reported from Nuremberg that Dr. Mezger, counsel for Neurath had been arrested. An American security official said that "he was arrested not for any harmful activity in the conduct of his work in the Nuremberg court-house, but as a member of a Nazi organisation holding such rank as to render his arrest automatic".

6.3.46. The Berliner Zeitung of February 2nd, a paper published in the Russian zone, attacked Dr. Marx, one of Streicher's counsel, for the conduct of his cross-examination in language described as "violent and intimidating" by Lord Justice Lawrence. The latter declared on behalf of the Tribunal that such conduct could not be tolerated and asked the Allied Control Commission to investigate the publication.

PUBLICITY MEASURES

19.2.46. General McClure, the Director of the Information Control Division, announced that improved facilities had been provided for German newspaper correspondents in Nuremberg to assist them in coverage of the war crimes trials. Licensed papers in the US zone had been devoting an average of 20 to 25 per cent of news space to the trials.

S U P P L E M E N T

March 18th, 1946.

C Z E C H O S L O V A K I A.

- 12.3.46. Dr. ECER, head of the Czech delegation at Nuremberg, stated that his Government would apply for the extradition of NEURATH, if the International Tribunal did not sentence him to death.
- 8.3.46. The People's Court at Prague sentenced to death Antonin PELMAN, ex-member of the German Security Police, who took part in the Lidice massacre. He was executed on the same day.

D E N M A R K

- 7.3.46. Radio Motala reported from Copenhagen that Renthe-Finck, ex-German Minister in Denmark, was being brought to Denmark for interrogation by a Parliamentary Committee.

F R A N C E

- 7.3.46. Radio Koblenz reported from Strasbourg that ex-Gauleiter Robert WAGNER was interrogated concerning the ill-treatment and execution of Alsations who refused to wear German uniform. Wagner said that he regretted these incidents.

G E R M A N Y

- 11.3.46. The DPD reported from Berlin: "The first sentence for a crime against humanity was passed by a German court, the Berlin-Pankow court with lay judges, on Monday. It is based on Law No.10, recently promulgated by the Allied Control Council, which allows German courts to pass sentences of any kind, including the death sentence, for crimes against humanity. A former acting branch leader of the NSDAP, Paul HEINEN, was sentenced to two years' and one month's penal servitude and three years' loss of all civic rights for a crime against humanity and for causing bodily harm."

American Occupied Zone

- 8.3.46. Three of the men convicted by an American military commission at Wiesbaden in October 1945 - namely KLEIN, Inspector, and RUOFF and WILLIG male nurses - were to be hanged on March 14th. The crime consisted in the killing by lethal injections of 400 Poles and Russians (see Law Report No.8 and C.150) at the Hadamar Asylum.

Mauthausen Trial

- 9.3.46. Sixty members of the staff of the Mauthausen concentration camp were formally charged at Dachau on March 7th by Lieut.-Colonel Denson, Chief Prosecutor. The charges included killings, tortures, starvation abuses and indignities, etc., committed against nationals of eighteen countries. The trial will be held before a general military government court convened by the General commanding the 3rd US Army, and was expected to begin on March 29th.

GERMANY (Cont.)

- 11.3.46. The "Dana" news service reported from Frankfurt : "From October 1st no German prisoner of war will remain in the U.S. zone of Germany. This does not however, mean that all the 532,000 German prisoners of war today held in over 100 camps within the U.S. zone will be released by this date. U.S. H.Q. have announced, that all prisoners of war will be subjected again to a political examination before October 1st and will be classed. All politically reliable prisoners will be released while the other groups will remain in U.S. custody as civilian internees according to regulations in force concerning persons liable to automatic arrest (automatischer Arrest). Up to now 3,000,000 out of a total of 5,000,000 German prisoners of war have been released from U.S. camps since the end of the war."

British Occupied Zone.

6.3.46. Poison Gas Trial at Hamburg

"News from Germany" reported the trial, before a British military court, of Dr. Bruno TESCH, WEINBACHER, clerk, and DROHSIN, technician, for supplying and employing poison gas, used to kill human beings. The evidence showed that, after it had been proposed at a conference to use cyanide gas for exterminating Jews, TESCH accepted an order to train SS men in this work. The gas was produced by a Dessau firm for the I.G. Farben subsidiary DEGESCH, which ceded the rights of sale for Greater Germany east of the Elbe to TESCH. The purchasers, including the SS, ordered the "Zyklon" cyanide gas through him; the prosecution alleged that it had been used in the concentration camps east of the Elbe, causing the deaths of millions of human beings. The prosecutor concluded that the defendants had participated knowingly in mass extermination of Allied nationals and were guilty of war crimes, in particular of violating Article 46 of the Hague Convention.

- 8.3.46. Tesch and Weinbacher were found guilty and sentenced to be hanged. Drohsin was acquitted.

- 17.3.46. An agency message from Bad Oeynhausen reported that Lieut-Colonel of SS Rudolf HOESS, former commandant of Auschwitz concentration camp, and afterwards a leading official of "Antsgruppe D", (the directorate of the concentration camps), had been arrested in the British zone. Hoess, who is described in the report as "the greatest mass-killer", is on the UNWCC List charged, as a war criminal, by the Belgian, Czechoslovak, French, Polish and Yugoslav Governments.

---

LORITZ, ex-commandant of Sachsenhausen, Dr. LOLLING, head of the medical services of the concentration camps, and Police General GLUECKS, Kommandeur of all concentration camps, are now known to have committed suicide.

---

X

No. X.

April 26th, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

WAR CRIMES NEWS DIGEST.

[NOTE: The above title replaces that of "Press News Summary"  
used in previous numbers of this series.- R.O.]

---

C O N T E N T S.

	<u>Page</u>
I. PUBLIC RELATIONS ... ..	1
II. SUMMARY OF EVENTS ... ..	2
III. THE NUREMBERG TRIALS ... ..	18
IV. LEGAL LITERATURE ... ..	21

---

I.

PUBLIC RELATIONS.

(Contributed by the Public Relations Officer)

The 28th List of War Criminals was issued to the Press on April 1st, and received its usual publicity in the national and provincial papers.

Under the title of "Lord Wright leaves for Tokyo" a handout was issued on the 8th April. This was broadcast by the B.B.C. as well as receiving publicity in the national and provincial Press.

On the 12th April, a brief notice was issued to the Press in regard to Sir Robert Craigie taking the Chair during the absence of Lord Wright. This appeared in the principal papers.

A story about claims made to the Germans for the expenses of executing their Czech victims, which was kindly furnished to the Public Relations Department by Dr. Mayr-Harting, was put out on the 15th April in abbreviated form and appeared in fifteen Kemsley newspapers throughout the land, and probably in other journals as well.

The following paragraph issued in the first week of February has recently come to hand. It appears to have been published in several Australian papers:

"The Australian and New Zealand Judges have left Brisbane for the trial of the principal Japanese war criminals at Tokyo. The party comprised Mr. Justice Webb, Australian representative on the War Crimes Court, Mr. Justice Northcroft, the New Zealand representative, Mr. Justice Mansfield, the Australian prosecutor, and Brigadier Quilliam, the assistant New Zealand Prosecutor."

This mention of Mr. Justice Mansfield will, no doubt, interest members.

The terrible story of how four captured British and French women parachutists, in officers' uniform, were burned alive in Natzweiler Concentration Camp received considerable publicity in the Sunday papers of April 21st. Details of this crime will be revealed in the British War Crimes Trials which start in Wuppertal on May 6th (see Part II).

As this notice goes to Press, this Department has been informed that Monsieur Green returns to-day from Paris with news in regard to a replica of the French Exhibition being shown throughout the British Isles. It will be more than satisfactory to get a definite decision one way or the other.

II.

SUMMARY OF EVENTS

AUSTRIA

- 21.3.46. Herr Figl, Austrian Chancellor, informed the Times correspondent that "Cost what it may we intend that none shall escape us who have committed war crimes, none who by means of influence with the Nazi party, whether they were members or not, have enriched themselves; none, in short, who under the widest interpretation of the phrase have made themselves subject to punishment through their Nazi connections".

Arrests and Investigations

National Socialists under Arrest

- 3.3.46. Neues Österreich: It was officially announced that since the collapse of the German rule of force in Austria the following numbers of National Socialists had been arrested in Austria up to March 1st, 1946: Vienna, 8,186; Lower Austria, 7,072; Burgenland, 766; Salzburg, 861; Styria, 1,418; Tyrol, 5,500; Vorarlberg, 900; Carinthia, 5,374; Upper Austria, 872.
- 3.3.46. Wiener Zeitung: Only after many months has it been possible to arrest the principal persons guilty of the mass murders at the compulsory labour camp at Engerau last year and of the subsequent murder of 102 sick Jews. These are the former camp commander, Edmund KRATKY, his successor Karl FALKNER, Dr. Erwin HOPP, section leader (Abschnittsleiter) and Josef TERZER. Kratky, Falkner and Dr. Hopp are at present under arrest at Salzburg. Their trial before the People's Court will probably be held in the near future.
- 13.3.46. Radio Vorarlberg: The Austrian Examining Magistrate, Dr. Suher, returned to Vienna from Nuremberg where he had gone to obtain material against Austrian war criminals, in particular Guido SCHMIDT. He was not able to examine Goering, Seyss-Inquart, Kaltenbrunner and von Papen, as they were now preparing their defence, but he was able to examine important documents. He intends to return to Nuremberg to continue his investigations.
- 19.3.46. Das Kleine Volksblatt: The former Regierungsdirektor, Dr. HAUSNER, has been arrested at Salzburg; he was one of the closest advisers of Gauleiter and Reichsstatthalter SCHIRACH. Another major Nazi, Ortsgruppenleiter Josef DIMMY, has been arrested at Seekirchen; also Hans KRAUS, Kreisamtsleiter and Gestapo hireling.
- 31.3.46. Neues Österreich: The most heavily incriminated person in the third Engerau war criminals' trial, Josef KACZOWSKI, is at present imprisoned in the provincial court. The continuation of the trial against Kaczowski presents difficulties without the presence of the remaining accused, KRATKY, FALKNER, Dr. HOPP and Dr. PRILLINGER, who are still in American custody.

After evidence had been taken from 90 witnesses and a vast amount of material sifted, the preliminary examination of BRUNNER II, (+) commandant of the Jewish camp at Drancy during the occupation of France, has been completed. Brunner II, who, as a Gestapo agent, was responsible for sending thousands of Viennese Jews to concentration camps, will probably come before the Vienna People's Court before Easter.

The preliminary enquiries against Dr. SCHMIDT, Minister for Foreign Affairs in the SCHUSCHNIGG Government, cannot be concluded before the Allied Tribunal in Nuremberg has given the Austrian examination judge permission to question important witnesses, who are at present imprisoned at Nuremberg. During the interval, witnesses are being questioned in Carinthia.

(+) Brunner is on the UNWCC List of war criminals. Charge No. 4/Pr/G/4.

A U S T R I A (Cont.)

- 31.3.46. The questioning of the former Federal Chancellor, Dr. SCHUSCHNIGG, in Rome is essential for the case of the prosecution. Evidence will be required from this witness before evidence is taken from witnesses in Nuremberg.

The case against the Gestapo official Johann RIXINGER, who was assistant to Brunner II, has demanded more enquiries than was at first assumed.

There is hope of a speedy conclusion of the preliminary enquiries against the 15 to 20 persons accused of the murder of mentally deficient patients at Mauer-Öhling and Gugging. Up to date evidence has been heard from 60 witnesses and following the appeal published by the examining judge in the newspaper, further witnesses are reporting every day. This trial can be regarded as the Lower-Austrian counter-part of the trial now taking place in Klagenfurt against the murderers of the inmates of the Carinthian provincial lunatic asylum. The trial has been rendered more difficult because the head doctor, Dr. GELNY, is not yet in custody of the Austrian authorities.

- 4.4.46. Neues Österreich: The transfer of Austrian war criminals and incriminated Nazis from the Western provinces, where they were in the custody of Allied authorities, to the Viennese Landesgericht has been carried out in part. Among the 26 prisoners transferred were the former judges, Gustav TAMELE and Rudolf KUNZE; the chief accused in the case of mass murders at the Jewish Camp at Engerau, Eduard KRATKY, Erwin HOPP and Edwin FALKNER; also "Wehrwirtschaftsführer" Dr. Hans MALZACHER; Hans BRAUN, accused of mass murders in the Semmering area in April 1945; and Leo PILZ, Kreisleiter of Neunkirchen.

- 7.4.46. Neues Österreich: A few days ago we reported that the Austrian judicial authorities had been able partly to overcome the difficulties regarding the transfer of prominent war criminals. . . . Unfortunately it has not yet been possible to transfer war criminals such as SCHARITZER, GOTZMANN and FRAUENFELD to the Viennese courts. However, we understand that the indictment against the former Provincial Court President, Dr. Paul LUX, is in preparation. The investigations against Dr. BERNWIESER are nearing their conclusion. The case against Philipp von SCHOLLER had been held up owing to investigations having to be made abroad. The same difficulties apply in the case of Dr. Guido SCHMIDT.

Trials

- 5.3.46. Österreichische Volksstimme: The new People's Court at Graz will start to hold trials towards the middle of March. Two big trials of National Socialist war criminals have been arranged. The massacre of Styrian resistance fighters by the SS during the final days of the war at Felikerhof near Graz, and the "liquidation" of a Hungarian Jewish convoy at Eisenerz will now be expiated. . . . The Graz People's Court has ruled that sentences imposed must be executed without respite.

- 10.3.46. Arbeiter Zeitung: Proceedings are pending against Alois KRATOWILL, SS Rottenführer, at the People's Court, under the war criminals law. Kratowill served between 1940 and 1943 in the concentration camps at Oranienburg and Dachau.

Proceedings are also pending at the People's Court against Franz DOPPELREIT, SS Unterscharführer, employed from 1943 to 1945 as a guard in the concentration camp at Mauthausen. Anyone possessing information about the activities of these two men is requested to inform the State Police, Room 214, 11 Landesgerichtsstrasse.

A U S T R I A (Cont.)

The Graz Mass Murder Trial

5.3.46. Das Kleine Volksblatt: On April 1st the trial of 18 Austrian civilians will begin before a British military court at Graz; they took part in the massacre of several hundred foreign workers on the Prebichl Pass. The accused include Otto CRISTANDL, former Kreisleiter of Leoben, Adolf SCHUMANN, senior Volkssturm officer at Eisenerz, and other members of the Motor Volkssturm who acted as escort to the foreign workers on their march to Mauthausen. The president of the military court is Mr. Glyn JONES; the prosecution will be conducted by Mr. Theodore TURNER and Lt. Col. G.W. TREADWELL, assisted by Dr. STOLZER, vice-president of the Graz court. The accused will be defended by Austrian lawyers.

4.4.46. Neues Österreich: The third day of the mass murder trial at Graz produced further evidence about the repellant scenes on the Prebichl. The final witness was Captain BILKE, who was chief of the police at Eisenerz at the time and who arrested KRENN.

Mr. Theodore TURNER stated for the prosecution that he hoped to have called all witnesses who could give information about the occurrences on the Prebichl tomorrow. It will then be necessary to elucidate the events at the Gsoll camp. Mr. Glyn JONES believes that he will be able to conclude the trial in three weeks, despite the great number of witnesses (some fifty for the prosecution and ninety for the defence). The defence, however, reckons with the proceedings lasting six to eight weeks.

The Klagenfurt Trial

5.4.46. Neues Österreich: The public prosecutor, in his opening speech said that "acting on orders from above" could not be used as an excuse. The accused had committed murder. Counsel for the defence emphasised that the accused had believed that what they had done was "according to law". The murders had, without doubt, been committed on orders from Berlin.

The verdict against Dr. NIEDERMOSER and those accused with him was announced on April 5th. Sentence of death by hanging was passed on Dr. Niedermoser, Sister PACHNER, Nurse SCHELLANDER, and (male) Nurse BRANDSTATTER. Five other defendants were condemned to imprisonment and two were acquitted. The executions will be carried out in the following order: Pachner, Schellander, Niedermoser, Brandstatter.

20.4.46. The Times reported from Vienna that the Americans had made 160 arrests in their zone of Austria. Among those arrested were Dr. Koudenhove Kalergi, lawyer to the Japanese Legation, and Franz von Neuhausen, leader of the Nazi party in Yugoslavia, described as the economic dictator of Yugoslavia from 1941 to 1944.

C Z E C H O S L O V A K I A

13.3.46. Prague Radio: The office of Gen. ECER announced: The former C.-in-C. of the Armed SS, Maj. Gen. Bernhard FOSZE, has been arrested in the U.S. Zone of occupation and brought to Prague today. In 1939 he ordered the execution of nine students in Prague and, directed by K.H. FRANK, sent an execution squad to Ruzyně. Fosze was discovered in Wiesbaden by Gen. Dr. Ecer and interrogated both as accused and as witness for the trial against Frank.

CZECHOSLOVAKIA (Cont.)

10.4.46. Prague Radio: The former Reich Protector Kurt DALUEGE was today taken to the prison of Pankrac Court in Prague. When his mixed US-Czechoslovak escort reached the Czechoslovak frontier, it was met by Czechoslovak police officers who arrested Daluege in the name of the Republic. Daluege seemed surprised at being arrested; the Americans, so he said, had told him he was merely wanted in Prague as a witness in the trial of K.H. Frank. . . . He was taken to the courtroom and there was formally charged (+). . . . Daluege behaved in an arrogant manner. . . . At one point the President of the Court firmly reminded him that he was to behave with due respect. He was facing this Court not as Reich Protector, but as prisoner. He would be treated fairly but would have to behave accordingly.

30.3.46. The Trial of K.H. Frank. In the course of this trial, which has been fully reported by the Prague radio, Frank was examined about the term "special treatment" (Sonderbehandlung), which provided for executions without trial. Frank admitted that every case of "special treatment" passed through his office and that he was informed about each case.

12.4.46. Prague Radio: During yesterday's Session in K.H. Frank's trial, the accused was confronted with the witness JEKL (++), former Commander of Terezin concentration camp, who described how Frank ordered the executions in the Fortress of Terezin. He had twice visited the Fortress. The witness then described the execution of 54 prisoners for whom "special treatment" had been ordered by Frank.

Another witness at yesterday's trial was the former Reich Protector, Kurt Daluege. He stated that when he was appointed Reich Protector by Hitler, he had been forbidden to deal with political matters of the Czech nation, since these matters were exclusively to be dealt with by Frank.

DENMARK

7.3.46. Motala: According to a Copenhagen report, the former German Minister in Copenhagen, Renthe-Finck, is now on his way to the Danish Capital as a prisoner. Danish police went to fetch him from an internment camp in Upper Hessen. He may be brought before the Parliamentary Committee, which has been convened for tonight for an important decision.

14.3.46. Radio Kalundborg: The Haderslev Court today sentenced Friedrich HAGENER, a member of the German minority to death. Another German was sentenced to imprisonment. The two Germans had informed against a Danish doctor, who was tortured and executed.

28.3.46. Dr. Werner Best. The Oslo radio reported that Dr. Best, former Reich Plenipotentiary in Denmark, had been taken to Nuremberg to act as a witness in the case against Ribbentrop. The international War Crimes Commission would then decide whether Dr. Best was to be tried in Denmark or France. It was probable that he would be tried in France, as there he could be charged with responsibility for the German police terror in 1942.

FRANCE

6.4.46. Paris Radio announced: Mufti of Jerusalem's extradition: "It will be recalled that during Wednesday's debate in the Commons, Mr. Bevin declared that France had refused to grant the British request for the extradition of the former Mufti of Jerusalem. A spokesman of the Quai d'Orsay has officially stated that no such request for extradition has ever been made by the British Government to the French Government."

(+) Concerning this charge see Czechoslovak Charge No.116/Cz/G/5.  
(++) Concerning Jekl see Documents Series No.37 and Czechoslovak Charge No.465/Cz/G/15.

FRANCE (Cont.)

- 9.4.46. On the same subject Thomas Cadett, Paris correspondent of the B.B.C., said in part: "The British government did not ask the French that the Mufti should be extradited, but that he should be transferred to British keeping. The French government asked whether the British regarded him as a war criminal, but were told that in the British view he did not come within that category. He would be better described as a Quisling. The French government did not feel justified in handing him over, and refused the British request. The Mufti is still somewhere in France, but the authorities will not say where. They simply say that although he is under guard, he has full personal liberties and is given the treatment due to his position as a religious leader."
- 16.4.46. It was announced that Robert WAGNER, ex-Gauleiter of Alsace, and his accomplices, were to be tried before the French Military Tribunal of Strasbourg on 23rd April, 1946 (see Document C.190).
- 8.4.46. The Daily Telegraph: Dr. FUCHS, the German official responsible for the destruction of many Paris statues, including that of Voltaire has been arrested at Nice.

GERMANY

Trials before German Courts.

- 28.2.46. News of Germany reported from Berlin: Karl KIELING, 57, a former (28.3.46) Nazi, has been sentenced to death by the Berlin jury court for killing an anti-Nazi on April 24th, 1945. The trial was the third of the case. The first, held in the Amtsgericht in June, last year, resulted in a death sentence, but the verdict was set aside by the American occupation authorities, on the grounds that the court was not empowered to try capital cases. The second trial, in October, 1945, brought Kieling a sentence of eight years and three months in the penitentiary, but the State attorney took an appeal.
- 12.3.46. Dresden: Crimes against humanity which may be tried before German courts according to Law No.10 of the Control Council will in Saxony State come before courts sitting with a jury (Schwurgerichte) whose verdict will be final.
- 28.3.46. News of Germany reported from Berlin: A woman doctor and the head nurse of the Obrawalde lunatic asylum near Meseritz have been condemned to death for the murder of 600 patients. The sentence was pronounced on Monday by the German criminal court at Moabit in the British sector of the city. The two women are Dr. Hilde WERNICKE, 47, and Helene WIECSOREK, 42. During the trial, Dr. Wernicke confessed that she had ordered the extermination of incurable insane patients of the asylum but denied she had actually done any of the killings herself.
- The nurse admitted that she killed "many" patients by injections. She also insisted she had acted under the law.
- 28.3.46. News of Germany reported from Weissenburg: The first large scale trial to be held in a German court of former Nazis for participation in the November, 1938 anti-Semitic pogroms began here on Wednesday. 59 defendants - three others are still in American custody - were brought into the court which is presided over by Landgerichtsdirektor REUTE of Nuremberg. Associate justices are Landgericht Councillor KERN of Nuremberg and Amtsgericht Councillor WOLL of Erlangen. The defendants are inhabitants of Weissenburg, Treuchtlingen and Ellingen. They are accused of burning down the Treuchtlingen synagogue and committing acts of violence against the Jews. All of them deny the charges.

GERMANY (Cont.)

28.3.46. (Continued) The first defendant called was Michael GERSTNER, former mayor of Weissenburg. He is accused of directing the action against the Jews during the nights of November 9th and 10th, 1938; participating in two other pogroms at Treuchtlingen and Ellingen; and stealing religious articles from the Treuchtlingen synagogue.

Gerstner denied any knowledge of the persons who started the fire, but admitted he had done nothing to stop it and the destruction and looting of Jewish homes, because orders for such measures had come "from higher up".

23.4.46. Daily Telegraph reported from Berlin: "Between 25 and 30 German judges are to attend at Nuremberg to study procedure to be followed when they conduct war crimes trials." (see also Nuremberg - Part III.)

5.4.46. The Jewish Chronicle wrote: "A uniform legal basis for the prosecution of war criminals and other similar offenders, apart from those being tried at Nuremberg, has been established in Germany, according to a communication sent by the United Nations War Crimes Commission to the Association of German Democratic Lawyers in Great Britain.

"The Association has been requested by the War Crimes Commission and by the British section of the Control Commission to furnish reports and evidence on war crimes, particularly concerning Control Council Law No.10 which deals with crimes against peace, war crimes and crimes against humanity, such as murder, extermination, deportation, etc., committed before or during the war, or persecution on political, racial, or religious grounds.

"All persons who committed such crime between January 30, 1933 and July 1, 1945, are liable to be prosecuted, and the Association appeals for evidence of cases, which must be supported by actual facts such as dates, place, and exact circumstances. The Secretary of the Association of Democratic German Lawyers in Great Britain is Dr. B. Mosheim, of 16, Elgin Court, London, W.9., to whom all data should be sent."

American Zone

22.3.46. The GNS reported from Dachau that Georg SPONSEL and Josef ZIEHNERT, Kreisleiters, were sentenced by a military war crimes tribunal to be hanged for the murder of Major Reynolds, a shot-down airman, near Ingolstadt.

23.3.46. The GNS reported from Stuttgart that, after a seven weeks trial, five out of 15 defendants in the Borkum Island "death march" trial were sentenced to be hanged; 8 to imprisonment; 1 was acquitted. Those sentenced to death were GORBELL, SEILER, WENZEL, officers of the island garrison; SCHMITS, a sergeant; and ACKERMANN, the mayor of the town.

29.3.46. The trial of 60 former officials of the Mauthausen Concentration Camp opened at Dachau on March 29th before a U.S. military government court. Evidence of atrocities was given by Commander Taylor (U.S.) and other former inmates of the camp (see Document C.189). The dying confession of Zieleris, the Commandant (Documents Series No.21) was also produced as evidence. A witness, Schmeling, deposed that 500 prisoners, arriving in a transport, were sprayed with a hose and left to freeze all night. The ground was covered with frozen corpses. Any who survived were beaten to death with iron bars, hammers and cudgels.

15.3.46. The GNS reported from Frankfurt that Josef GEIGER, founder of SS units in Frankfurt, and other cities was arrested on February 1st, 1946, by the special investigation section of the Frankfurt/Main criminal police and turned over to the American authorities. Geiger founded the SS units in Frankfurt, Offenbach, Mainz, Wiesbaden, Darmstadt, Bechtheim/Odenwald and Bad Homburg v.d. Höhe. He had under his command all SS organizations in the Rhine Land, Westphalia, Baden, Württemberg, and Hesse-Nassau.

GERMANY (Cont.)

American Zone

- 6.3.46. DANA reported from Frankfurt that 33 directors of large German banks have been arrested in the US zone; they are suspected of crimes against peace and humanity.
- 15.3.46. GNS reported from Bad Tolz that Professor Karl HAUSHOFER had committed suicide, by poison. Haushofer was an exponent of pan-German ideological theories (see Summary of Information No.46). He had been interrogated at Nuremberg and then released: it is believed that he feared re-arrest.
- 15.3.46. The Liverpool Daily Post wrote: "A verbatim film of the trial of a war criminal in the American zone in Germany forms the latest March of Time picture, "Justice Comes to Germany", shows the quite dispassionate atmosphere of the military court, and the scrupulous fairness with which the accused and his counsel are helped to state their case, though it is the sort of case, the cold-blooded murder of an unarmed prisoner of war, which might well have deserved more summary justice."
- 26.3.45. Frankfurt: In 60% of the 800 claims filed by liberated areas of Europe the property looted by the Germans during the war has been found and has been returned or is ready to be returned by the Restitution Control Branch of the U.S. Military Government. The claims were filed by private citizens and companies of Greece, Holland, Belgium, Luxembourg, France, Yugoslavia, Poland, Russia, Czechoslovakia, Norway and Denmark. The property includes expensive art works, books, rings, diamonds, machinery, horses, ships and pilot boats.
- 31.3.46. Waffen SS as civilian prisoners: Munich: Up to 1st June, 100,000 former members of the Waffen SS will be released from US military captivity, but they will remain in custody as civilian prisoners. The German authorities will provide them with normal civilian rations and clothing; the US Army will supply soap and disinfectants.
- 13.4.46. An agency message from Dachau mentioned that Field Marshal von BRAUCHITSCH was seen by two British officers in the prisoners cage at Dachau.  
[Brauchitsch is on the UNWCC List, charged by Poland.]
- 16.4.46. B.U.P. reported from Frankfurt: Hans MUELLER, assistant to Martin Bormann - formerly Hitler's right-hand man in the Nazi Party - has been arrested and is being interrogated by intelligence officers at Darmstadt.

GERMANY (Cont.)

British Zone.

Trials

- 15.3.46. Agency messages from Germany reported: Karl AMBERGER, a former sergeant-major in the German army, was sentenced to death by a military court at Wuppertal for shooting four Allied airmen. Five airmen were captured after they had baled out from a bomber, and as they were being taken to a station their guard, headed by Amberger, opened fire on them, killing four. The fifth man, an Australian, although wounded in the thigh, escaped in the darkness.
- 21.3.46. The Times reported from Berlin: A Royal Canadian Air Force court-martial at Aurich today passed sentence of life imprisonment on Johann NEITZ, a former marine, for the attempted murder of Flying Officer Rudolph ROMAN on March 16th, 1944. The sentence is subject to confirmation by the Officer Commanding, R.C.A.F. Roman baled out near a lighthouse at Voslapp, near Wilhelmshaven. Neitz was sent to conduct Roman to the battery. On the way he fired two shots at Roman after having said, according to the lighthouse keeper, that he would shoot the airman. Neitz's defence was that he did not shoot with intent to kill.
- 26.3.46. The Times reported from Berlin: Sentence of death by shooting was passed by a Canadian court-martial at Aurich on March 25th on two Germans found guilty of the murder of a member of the Royal Canadian Air Force at Oberweiler, Bavaria, on July 29, 1944. The accused were Wilhelm JUNG, former burgomaster and the Nazi leader of Oberweiler, and Johann Georg SCHUMACHER, a former member of the Wehrmacht. The sentences are subject to confirmation. Witnesses stated that an unarmed pilot who had baled out over Oberweiler was shot by Schumacher on the orders of Jung, who had previously ordered civilians to beat the airman to death or shoot him.
- 13.3.46. News of Germany reported from Brunswick: Seven men and one woman appeared before a war crimes trial court, which opened here in the British zone on Thursday, charged with participation in the killing by wilful neglect of a number of babies, born to Polish slave workers between May and December, 1944, at Velpke. The accused were NOTJ, burgomaster of Velpke; Dr. DEMERICH, local doctor; Fritz FLINT, of the Gestapo in Brunswick; BILIEN, matron of the baby clinic; and GERICKE, HESSLING, MÜLLER and CLAUS, all Nazi officials in the area. All the accused were represented by German lawyers and pleaded not guilty.

The Neuengamme Trial

- 19.3.46. The trial of 14 members of the Neuengamme Camp staff, including PAULY, commandant; TOTZAUER, adjutant; THUMANN, camp leader; KITT and TRZEBINSKI, camp doctors, opened on March 18th before a British Military Court.

The evidence showed that in just over two years 90,000 people were sent to the camp. When it was evacuated last April only 50,000 were left and internees were dying at the rate of 120 a day. Prisoners were chased by guards, who forced them to run over an imaginary line between two watch-towers and then shot them. Guards taking part in this "game" were rewarded with three days' leave for every person they shot.

The camp served as a killing ground for people to be executed by the Gestapo without trial. Out of 80 Netherlands nationals due to be executed at the camp on one occasion, 20 had died before their turn came to face the executioners. When 58 men and 13 women - Germans and Russians - arrived for execution on another occasion one resisted, so the doomed people were put in a bunker and blown up with hand grenades. Children were used for experiments, French boys and girls having tuberculosis bacteria rubbed into incisions made in their arms and bodies.

GERMANY (Cont.)

British Zone (Cont.)

Coming Trials at Wuppertal.

- 21.4.46. The Sunday Times reported from British H.Q. Germany: Four British women officers of the W.A.A.F. and F.A.N.Y. dropped by parachute into France to aid the Maquis were drugged and then thrown into a crematorium by Nazis at Struthof - Natzweiler camp, Alsace. An account of their death will be given at the series of war crimes trials beginning at Wuppertal on May 6th. The women were wearing uniform, as were the parachutists taken by the Nazis and were entitled to its protection on capture.

Many murders of uniformed personnel, including parachutists and British and Allied pilots who had baled out and members of the Maquis and Resistance movements, were committed at Struthof Natzweiler and 30 such crimes, a small percentage of the whole, will be charged against the accused in the Wuppertal trials.

Chief accused is Gen. SEEGER, who commanded the Wehrmacht in Alsace and others will be Gestapo and SS officers.

War criminals to be tried in the near future include Helene SCHWAERZEL, Nazi airwoman who denounced to the Gestapo Dr. Karl Goerdeler, former mayor of Leipzig and a leader of the 1944 bomb plot against Hitler. She received about £50,000 for informing against Dr. Goerdeler.

- 27.3.46. News from Germany reported: In connection with the Essen war crimes trial in December 1945 (see War Crimes News Digest - Press News Summary - No.V) an additional defendant, Franz KIRCHER, who was in the Russian zone, was to be charged on April 1st with aiding the seven Germans convicted of the murder of the British airmen.

+ + + + +

- 8.4.46. The Times reported from Berlin: A Royal Canadian Air Force court-martial at Aurich yesterday passed sentence of death on two former German soldiers, Robert HOELZER and Walter WEIGAL, for the murder of an unknown R.C.A.F. airman. A third ex-soldier, Wilhelm OSSENBACH, was sentenced to 15 years' imprisonment. The case concerned the shooting of an airman who baled out at Opladen in the Ruhr in March, 1945. The defence was that the shooting was ordered by an officer not in custody, and that the final shot was fired by this officer. The trial lasted six days and the accused were defended by German counsel.

- 11.4.46. An agency message from Germany stated: General Kurt STUDEMANT, who was to have led the Nazi paratroops in an invasion of Britain, is to appear before a British War Crimes Court in Celle on May 6.

The long indictment, which deals with his Crete campaign, includes: bombarding the British field hospital, using British and Dominion prisoners as a screen, telling his troops to refuse quarter, using prisoners for improper purposes, such as loading guns, and shooting them when they refused.

GERMANY (Cont.)

British Zone (Cont.)

21.3.46. A "Staff Reporter" wrote in the Manchester Evening News that two Lancashire officers with legal qualifications have been assigned the duty of defending war criminals in Western Germany at their trials. Many Germans on trial have chosen to be represented by British Army officers in preference to German lawyers.

14.4.46. The "Military Observer" on the "Sunday Sun" wrote in regard to trials in the British Zone: "In 30 Corps area alone 91 minor war criminals have been tried by military court since V.E. Day for crimes ranging from the misappropriation of Red Cross parcels to the murder of prisoners of war.

"There were 58 convictions and sentences varied from a years imprisonment to death. During February there were 18 such trials and 12 convictions were secured.

"The organisation of these trials is almost entirely in the hands of the Army. All the court officials, guards, escorts, orderlies, etc., are provided by British units. In addition, the prosecuting officer, most of the members of the court and frequently the defending officer come from infantry, artillery or armoured regiments or from sapper or R.A.S.C. companies.

"I have attended a large number of these minor war crimes trials in many places in the British Zone and watched with interest the effect on the German people of the British axiom "A man is innocent until he is proved guilty".

"It is patently obvious that most Germans scarcely begin to understand our impartiality in these trials. One has only to look at their faces as they crowd the back seats and galleries of court-rooms."

Arrests

20.3.46. Rudolf HOESS, former commandant of Auschwitz, who was arrested in the British zone signed a confession stating that he had personally arranged, on Himmler's orders, the gassing of 2,000,000 persons between June-July 1941 and the end of 1943. He joined the concentration camp organisation in 1936. He was first at Dachau and then at Sachsenhausen, and also held the position of chief of the internment camp. On May 1st, 1941, he was transferred to Auschwitz which he was to convert into a concentration camp for political internees from the eastern areas.

HOESS stated that over and above the extermination of Jews, there that was a systematic extermination on the same lines of gypsies on the ground they were anti-social and did not fit into the German economic war effort. Orders had been given to him regarding the extermination of gypsies in 1942.

23.3.46. An agency message from Hamburg stated that British security police are searching for Professor HEISSMEYER, German tuberculosis specialist, who once served in the SS hospital in Berlin. He was accused at the Neuengamme concentration camp trial today of infecting 20 children and 25 Russian and Polish prisoners with tuberculosis.

16.3.46. The B.U.P. reported from Herford: Col.-Gen. ZEITZLER, for more than two years Chief of the German General Staff, has been arrested in the British zone in Germany. He was wandering in disguise. Gen. Zeitzler has spent the last nine months leading a vagrant life.

GERMANY (Cont.)

British Zone (Cont.)

- 15.4.46. Reuter reported: A secret movement has been started among girl students of Germany to make a "Saint" of Irma GRISE, hanged "Blonde beastess" of Belsen. A student said: "These fanatics and foolish girls are meeting in secret and creating a new Nazi ritual which seeks to present Grese as a German Joan of Arc. Part of the ritual is the wearing of red caps in imitation of those of the British Military Police, whom the frau-lein fanatics depict as having tortured 'Saint Irma' into signing a false confession".

French Zone

- 22.4.46. Reuter reported: General von LOHR, former German Commander-in-Chief in the Balkans, has been arrested in the French zone of Germany.

G R E E C E

- 13.3.46. An agency message from Athens stated: The Greek War Criminals Department has asked the Inter-Allied Commission for the extradition of the German Generals MUELLER, KREIPPE and BREIER (?Brauer), who committed atrocities against the population when holding commands in Crete. Kreippe was captured by British Commandos, assisted by Crete resisters. The extradition has also been requested of General FELMY, who commanded occupation troops in Greece.
- 12.4.46. Athens radio announced: The Sofia semi-official "Otechestven Front" of the 20th March tried to present the Athens trial of the Bulgarian war criminal Anton KALCHEV as an anti-Slav demonstration. . . . These allegations are wholly groundless. There is no question of an anti-Slav trial since, along with Kalchev, the Italian war criminal RAVALLI is also being tried. The trial is being carried out in accordance with the Allied decisions concerning prosecution of war criminals. Following the withdrawal of the Germans, Kalchev was arrested by the Serb partisans in Yugoslavia and handed over to ELAS. In turn, ELAS handed him over to Greek justice; hence his trial today.

H U N G A R Y

- 19.3.46. The Press reported the execution of a number of Hungarian ex-  
29.3.46. ministers including KEMENY, SZOELLOESY, CSIA, BAKY, LASZLO ENDRE. Ferenc BASCH, leader of the Hungarian Volksbund, was sentenced to death on March 27th.

I T A L Y

- 14.3.46. In reply to a question in the House of Commons it was stated: Eight Italians have been tried as war criminals; five were tried in Bologna, one in Bari, and two in Naples. Cases have been prepared against 220 alleged war criminals, of whom 75 are in custody, and all possible efforts are being made to apprehend the remaining 145.
- 11.4.46. "Corriere Lombardo" comments at length on the death sentence passed by the Allied Tribunal on Col. Francesco Paolo TURCO (+). It says: "The public protested against the sentence, and the colonel was cheered when he came from the Tribunal to go back to prison. He replied with the military salute. The Allies intend to carry out at all costs their work of justice in trying all who have acted against them. Inspired by their

(+) TURCO, Francesco: Colonel, Commandant of Camp 62, BERGAMO, to which the working camp of Falche's Factory, SESTO SAN GIOVANNI, was attached. Charge 1262/UK/It/62, List 15/181 A.

ITALY (Cont.)

11.4.46. puritan conscience, by their traditional respect for formal right, they  
(Cont.) carefully select all responsible persons and bring them to trial. But did the colonel intend to kill? The Allied judges replied in the affirmative and a death sentence was passed. This sentence, however, did not take human passions into consideration. War is confused and complex, and incites men to violence and slaughter. How is it possible for a judge to decide on the actions of a soldier, finding out when he killed according to the laws of war and when he killed in violation of them? The fact is of burning importance. While the sentence seems just to the victims' comrades-in-arms, generosity would seem more humane and just to the fellow-citizens of the soldier. Is there any remedy against this procedure? An appeal can reach the Supreme Allied Commander in the Mediterranean. Gen. BELLOMO (+) refused to sign an application for a reprieve, for this went against his conscience as a soldier. The population of Bari appealed for him. F-M Alexander rejected the appeal and Bellomo was executed. Will Col. Turco take this final step? And will Gen. Morgan also reject an appeal for clemency? Perhaps the case of Turco has only just begun."

NETHERLANDS

16.3.46. Huizen radio announced: The Dutch "Haw-Haw", Max BLOKZIJL, was shot at dawn yesterday at Scheveningen Prison, near the Hague. He was the first person to be executed in Holland since 1854, the death penalty having been abolished in 1870.

NORWAY

12.3.46. Radio Oslo: The Jury Court in Oslo today began a case against three German Gestapo thugs who have the lives of nine Norwegians on their conscience, and who have tortured and permanently injured far more - Richard (?BRUNS); Rudolf SCHUBERT, and Emil KLEMENTS. Most of the witnesses summoned have been victims of the three criminals. All the Germans pleaded "Not Guilty".

21.3.46. The Daily Telegraph reported that three Germans, former members of the Gestapo had been sentenced to death in Oslo for torturing patriots.

20.3.46. The Daily Telegraph reported that a German Gestapo man named KESTING, convicted of torturing many Norwegians during the German occupation, had been sentenced to death at Bergen.

POLAND

15.3.46. Warsaw radio announced: The number of German war criminals who had been active in Poland runs into some 15,000. Following Polish demands, some 3,000 have so far been entered on the list of war criminals after incriminating evidence had been submitted. Owing to technical and transport difficulties only a fraction of these criminals, namely the most important ones, will be tried in Poland. The remainder will be tried on the spot. According to reports, the following people are now on the way to Poland: GREISER, BUEHLER and FISCHER. A number of others have been located and their extradition demanded, including Gen. STROOP of ghetto fame. Gen. vom BACH, who was recently interrogated by Sawicki, will also be entered on the list of war criminals and steps will be taken to have him extradited. The Polish delegation has further requested the extradition of SS Colonel Max DAUMES, who confessed to taking part in the Wawer massacre as a special "controller" sent from Warsaw. As regards Poland's chief executioner, Hans FRANK, the Polish delegation has submitted complete evidence regarding his régime in Warsaw and no doubt this evidence will greatly effect his future fate.

(+) BELLOMO, N. General. G.O.C. BARI Command.  
Executed on 11 Sept. 1945. Charge 155/UK/It/12, List 2/5.

P O L A N D (Cont.)

- 19.3.46. Radio Warsaw reported: The preparations for the handing over of the three German war criminals in Poland, GREISER, FISCHER and BUEHLER, have been ended. The prisoners will be brought to Warsaw by special aircraft from the U.S. zone, and tried in the places where their crimes were committed - Fischer in Warsaw, Greiser in Poznan and Buehler in Cracow. Preparations for the trial are being made and evidence collected by the Polish prosecutors SAWICKI and CYPRIAN.
- 1.4.46. Radio Warsaw reported: The Polish Military Mission which is to investigate German crimes has spent two days in Nuremberg. Eight members of the Mission are going to the American zone where they will work in Wiesbaden; eight others will go to the British zone. The members of the Mission going to the British zone will demand that Rudolf HOESS, commander of the Oswiecim concentration camp, shall be handed over to them.
- 16.4.46. Warsaw: Sixteen Hitlerite hangmen from the Stutthof Concentration Camp will be tried by the Special Criminal Court in Gdansk (Danzig). The trial will begin on 25th April, and will last until 18th May. Among the accused are five women, the so-called SS Frauen. All the accused tortured the inmates of the Stutthof Concentration Camp between 1939 and 1945. This trial will be the greatest of all trials against the concentration camp torturers. Journalists from all over Poland will be present.

R U M A N I A

- 17.3.46. The Press reported that 21 Hungarians had been condemned to death as war criminals by the Rumanian People's Court at Cluj in Transylvania.

S O U T H A F R I C A

- 22.3.46. A Reuter message stated: The South African Government are following up the question of war criminals who will be brought before the courts, Mr. H.G. Lawrence, Union Minister of Justice, announced in Pretoria. The Government would see the matter through, whether the cases occurred on the Continent or inside South Africa. The criminals would have the opportunity of defending themselves, and the Crown would have the opportunity of bringing evidence before the tribunal.

U. S. S. R.

- 16.3.46. Daily Telegraph: The existence of offices in Munich and other places in Germany, producing faked passports of various nationalities for war criminals, was alleged by Col. V.G. BRAGIN, Ukraine, at the United Nations' Committee on Refugees at Westminster yesterday. His Government had information that war criminals were now hiding under the guise of refugees at camps in Western Germany, Austria, Italy, Sweden, Switzerland and elsewhere.

Y U G O S L A V I A

- 17.3.46. The Yugoslav Delegation attached to the Allied Control Commission in Budapest informed the Hungarian Foreign Ministry that the inclusion of Lt. Gen. Pal PLATKY in the list of Yugoslav war criminals was due to a regrettable error.

YUGOSLAVIA (Cont.)

- 15.3.46. Tanyug: The Belgrade Press publishes details of the exhibition being held in Belgrade by the State War Crimes Commission. It shows about 1,000 photos and documents of the bestial crimes committed by the enemy against the Yugoslav peoples. The exhibition is to contribute to the speedier arraignment before the just court of the Yugoslav peoples of all war criminals registered with the International War Crimes Commission in London. Of the 469 Germans registered the Yugoslav authorities have received only 14, while not one of the 662 Italian war criminals has so far been handed over.
- 2.4.46. The trial of General MIHAILOVITCH: The Associated Press reported that the U.S. State Department had sent a Note to the Yugoslav Foreign Office, asking for an expression of views and referring to Mihailovitch's organisation of "important resistance forces against the occupiers" when the Germans overran Yugoslavia in 1941. The Note also mentioned the fact that "Many United States airmen were rescued and returned to the Allied lines through the undaunted efforts of General Mihailovitch's forces."
- 4.4.46. The "Tanyug" published a Note in reply, by the Foreign Ministry of the Yugoslav Government, regretting that it could not meet the United States Government's request, as the Military Court, which was to try the case had the sole right to call witnesses. Furthermore, the Note continued, "the Yugoslav Government could not agree with the contents of the U.S. Note in which the "reasonable stand of Mihailovitch during the war is denied." It was added that from November 1941 General Mihailovitch had co-operated with the Germans and Italians, as was proved by irrefutable evidence.
- 16.3.46. (B.U.P. from Belgrade)  
According to a statement made by FROL, Yugoslav Minister of Justice, only 13 Germans and no Italians had been handed over to Yugoslav authorities as alleged war criminals, although names of 662 Germans and 469 Italians had been registered with War Crimes Commission.

THE FAR EAST.

CHINA

- 13.4.46. Associated Press reported: Chen Kung-Po, whose role as Japanese-appointed puppet president for China made him China's major war criminal, was convicted of treason at Soochow to-day and sentenced to death. Nanking's highest court will consider an appeal against the death sentence.
- 15.4.46. The Associated Press reported from Shanghai that seven members of a Nazi spy-ring had been arrested by U.S. forces in China. They included Ludwig Ehrhardt, "confidant of Hitler"; Rathje, Göring's personal pilot; and Habemicht, a cypher expert. The arrests were the climax to many months' investigation. The network is said to have been in operation, in violation of Germany's surrender terms, as late as last September. United States officers said that sufficient witnesses were available for the group to be charged in China.
- 16.4.46. Reuter reported: In Shanghai a United States Military Commission tried four Japanese officers charged with the execution of three U.S.A. airmen who took part in General Doolittle's attack on Tokio on April 18, 1942.

All four were found guilty, with the extenuating circumstances "that they obeyed special instructions of their superior officers." One was sentenced to nine years' imprisonment and the other three to five years, all with hard labour.

JAPAN.

International Military Tribunal at Tokio.

- 24.3.46. China's Supplementary List: Judge Mei Ju-ao, who arrived in Tokio a few days ago, said he had brought with him a Chinese supplementary list of Japanese war criminal suspects. This list of 12 names will be submitted to the International Tribunal in case they are not included in its list. Judge Mei, although he did not reveal the names on his list, indicated that Emperor Hirohito is not included.
- 22.3.46. Melbourne Radio: A Justice of the Queensland Supreme Court has criticised the appointment of Sir William Webb, Chief Justice of that state, to adjudicate on cases listed against major Japanese war criminals. The critic contended that Sir William Webb had already investigated and reported to the British and Australian Governments on Japanese atrocities, and he should not be called upon to act in a judicial capacity. Replying to the criticism to-day, the Minister for External Affairs, Dr. Evatt, said it was based on a complete misapprehension; Sir William Webb had been appointed to inquire into atrocities committed by the Japanese on Australian territory, and later his commission was extended to include other parts of the South-West Pacific. Sir William Webb had made no report on investigations into the activities of major Japanese war criminals, and therefore was entirely free to give his judicial judgment on the matter. Dr. Evatt added that it was a compliment to Australia and Sir William Webb that General MacArthur had chosen Sir William from a panel of nine or ten judges to be President of the Court.

THE FAR EAST.

CHINA

- 13.4.46. Associated Press reported: Chen Kung-Po, whose role as Japanese-appointed puppet president for China made him China's major war criminal, was convicted of treason at Soochow to-day and sentenced to death. Nanking's highest court will consider an appeal against the death sentence.
- 15.4.46. The Associated Press reported from Shanghai that seven members of a Nazi spy-ring had been arrested by U.S. forces in China. They included Ludwig Ehrhardt, "confidant of Hitler"; Rathje, Göring's personal pilot; and Habemicht, a cypher expert. The arrests were the climax to many months' investigation. The network is said to have been in operation, in violation of Germany's surrender terms, as late as last September. United States officers said that sufficient witnesses were available for the group to be charged in China.
- 16.4.46. Reuter reported: In Shanghai a United States Military Commission tried four Japanese officers charged with the execution of three U.S.A. airmen who took part in General Doolittle's attack on Tokio on April 18, 1942.

All four were found guilty, with the extenuating circumstances "that they obeyed special instructions of their superior officers." One was sentenced to nine years' imprisonment and the other three to five years, all with hard labour.

JAPAN.

International Military Tribunal at Tokio.

- 24.3.46. China's Supplementary List: Judge Mei Ju-ao, who arrived in Tokio a few days ago, said he had brought with him a Chinese supplementary list of Japanese war criminal suspects. This list of 12 names will be submitted to the International Tribunal in case they are not included in its list. Judge Mei, although he did not reveal the names on his list, indicated that Emperor Hirohito is not included.
- 22.3.46. Melbourne Radio: A Justice of the Queensland Supreme Court has criticised the appointment of Sir William Webb, Chief Justice of that state, to adjudicate on cases listed against major Japanese war criminals. The critic contended that Sir William Webb had already investigated and reported to the British and Australian Governments on Japanese atrocities, and he should not be called upon to act in a judicial capacity. Replying to the criticism to-day, the Minister for External Affairs, Dr. Evatt, said it was based on a complete misapprehension; Sir William Webb had been appointed to inquire into atrocities committed by the Japanese on Australian territory, and later his commission was extended to include other parts of the South-West Pacific. Sir William Webb had made no report on investigations into the activities of major Japanese war criminals, and therefore was entirely free to give his judicial judgment on the matter. Dr. Evatt added that it was a compliment to Australia and Sir William Webb that General MacArthur had chosen Sir William from a panel of nine or ten judges to be President of the Court.

PHILIPPINES.

20.3.46. A Reuter message stated that General MacArthur, Supreme Allied Commander in Japan, had approved the death sentence on Lieut.-General HOMMA, former Japanese Commander-in-Chief in the Philippines. He was convicted of war crimes by an American military court on February 11 and sentenced to be shot. He petitioned the United States Supreme Court to be taken out of military jurisdiction, but the court refused to intervene in the trial.

Lieut.-General Homma was shot on April 3rd, 1946.

SINGAPORE.

16.4.46. Reuter reported: Seven Japanese, including a lieutenant-colonel, and one Chinese were sentenced to death in Singapore for atrocities committed in Changi Jail, Singapore, which Colonel Silkin, president of the Court, called "the Belsen of the East." Three other Japanese were sentenced to life imprisonment.

27.3.46. The "Scotsman" reported: General ITZUKI TOSHIO, former Japanese commander on Car Nicobar Island, was one of six Japanese sentenced to death by the Singapore War Crimes Court to-day. Major General TOSHIO will be shot and five warrant officers, N.C.O.s or other ranks are to be hanged. Imprisonment sentences passed on others of the accused included a 15-year term for a naval captain, two 12-year sentences, and five 10-year sentences. Two officers were acquitted.

16.4.46. A Press message from Singapore reported that eight Kempeitai—members of the Japanese Gestapo— were sentenced to death by the War Crimes Court. Lieut.-Colonel Silkin, the President, told them they were "professional bullies and torturers who had turned Singapore into the Belsen of the East, and had killed 15 of 57 civilian internees, including British administrators.

SOUTH PACIFIC.

17.4.46. Associated Press reported: A war crimes court at Rabaul sentenced ten Japanese and Formosans to be hanged. Two Japanese and seven Formosan civilian labourers were found guilty of the mass murder at Rabaul in March, 1943, of 30 Chinese. The tenth, Captain Takashi Takahashi, a Japanese medical officer, was convicted of cannibalism at Tanouri, New Britain, in April, 1943.

III.

THE NUREMBERG TRIALS.

(9.3.46 - 15.4.46.)

This period was occupied by statements by the defendants and their witnesses, commencing on the dates which follow: Göring, 9.3.46; Hess, 23.3.46; Ribbentrop 27.3.46; Keitel 4.4.46; Kaltenbrunner 12.4.46; Rosenberg, 16.4.46.

The Correspondent of the "Sunday Times" (31.3.46) wrote:

"The British visitor to Nuremberg receives a pleasant surprise. Quadripartite co-operation works smoothly. There is a quadripartite mess at which the judges and the members of the American, Russian, French and British delegations lunch every day. The conversation is general; the Russians are co-operative and affable. The atmosphere is in striking contrast to that which prevails in the zones.

"On the free admission of all four delegations this happy oasis of international goodwill has been created by the British genius of common sense, and high praise is due to Lord Justice Lawrence, who performs his functions of President, both inside and outside the court, with admirable tact and consideration."

The same Correspondent wrote (14.4.46) that "determined efforts were being made to speed up the Nuremberg trials, which had reached their 202nd session, and it was believed that the verdicts would be pronounced during the last week in June.

"Evidence and cross-examination of 16 Nazi leaders, whose cases remained to be heard, should not take more than three days each, and this would bring the proceedings to the end of May. Defence counsel would then address the tribunal, and, after the prosecution had made its final demand for verdicts of guilty, the prisoners themselves would have the opportunity of making a last plea.

"There would be no appeal against the sentences."

15.3.46. Leipzig: The Nuremberg trial was discussed by the women employees of Kammgarn Spinnerei, Leipzig. A resolution passed says: "We are following with great interest the Nuremberg trial and know that severe judgment will be passed. We pledge ourselves to play an active part in making reparations, and we see in the great German United Socialist Party the guarantor of a lasting peace."

10.4.46. GNS reported from Berlin: The Allied Control Authority co-ordinating committee, Monday approved the sending of two representatives of German education institutions from each of the four zones to the Nuremberg trials. German universities and educational systems are expected to elect their own representatives, providing their choices are non-Nazis and non-militarists. These representatives will be for the most part college professors or educational administrators who will influence teacher-training institutions and their university colleagues. Elementary and secondary school teachers, however, are not excluded.

13.4.46. Radio Vienna. The Nuremberg Court has granted the Ministry of Justice's request for the admission of a permanent observer, Public Prosecutor Dr. Wolfgang LASTMANN, to safeguard Austrian interests. This appointment does not affect the work of Dr. SUCHER, the Austrian Investigating Magistrate.

16.3.46. M. Benazet, speaking over the Paris radio, deplored the opportunities for propaganda afforded to Goering, in his defence: "The ex-Marshall, suddenly transformed into a skilful barrister, described at length all the excellent motives his country had for conquering living space. In turn, he attacked, ridiculed, justified and even gave lessons of morality before judges who have as yet reacted but weakly. The Prosecutors' turn will come, we know, but in the meantime the Führer's brilliant assistant will have exalted the greatness of the Hitler doctrine. Goering's speeches, spread by the Press and radio, will renew the faith and strengthen the courage of his compatriots. Was this the purpose of the Sorcerer's Apprentices who thought up the Nuremberg trial? ..... What madness; what an insult to justice! What a responsibility towards future generations! For people like Goering, all this judicial apparatus was needless. Once he had been identified he should have been put up against the wall and shot. Now we see him being judged before a tribunal which is ideal for his propaganda. Sensible people have given up trying to understand!"

1.4.46. In the Russian "Pravda Review", Professor Trainin also criticises the latitude allowed to the defence: "The methods of the members of the defence rather defeat than serve the interests of justice, by complicating and prolonging the trial. During the cross-examination of the first witness for the defence, General Bodenschatz, the original organisation of the defence became obvious; for, replying to Counsel for the Defence, the witness repeatedly referred to his notes. Cross-examination by the U.S. prosecutor, Jackson, brought several enlightening facts to light.

Jackson: "You had several consultations with Dr. Stahmer, did you not?" - Bodenschatz: "Yes; Dr. Stahmer put questions to me." - Jackson: "And you prepared written answers?" - Bodenschatz: "I was able to prepare answers to them."

26.3.44.

2.4.46. The "Daily Telegraph" published a series of articles on the trial. by Lord Birkenhead. Of the President he writes: "Lord Justice Lawrence was elected President of the Tribunal by his fellow-judges, and it implies no disrespect to his colleagues on the Bench to say that he dominates the judicial side of the trial, as Sir David Maxwell Fyfe does the prosecuting side." Of the German counsel he writes: "I am not honestly able to praise the German counsel for the defence. No doubt they have been given a difficult task; no doubt they are out of practice after 12 years' suspension of the normal judicial process; but they appeared to me to be too often tendentious and obstructive and prodigal in their consumption of time." Of the Russians he says that their behaviour has been admirable in this trial. The scrupulous presentation of fact insisted on at Nuremberg may not be entirely in line with current Russian legal practice, and it is all the more creditable how easily they have taken to it after some initial teething troubles. General Rudenko's opening speech for the prosecution on behalf of Russia was excellent. It was a cold and efficient presentation of a terrible indictment, and its documentation was flawless."

In regard to the alleged "waste of time," Lord Birkenhead comments: "Lastly I would suggest how dangerous a licence it is to our natural feelings of anger and repulsion to talk so of waste of time, drum-head courts-martial, and summary executions" ..... "surely we should safeguard our own self-respect, and remember the declared objects of the war, the recognition of treaties, the methods of negotiation rather than force, the rule of law, and general decency in human affairs."

- 16.4.46. "La Derniere Heure", criticising the organisation and conduct of the Nuremberg trials, says: "These trials present an uninterrupted sequence of muddles, and the extraordinary sight of a court allowing persons charged with murder to defend themselves by presenting murder as a legal political method, instead of allowing them only to defend themselves against the charge of murder. The accused should not have been permitted directly or indirectly to conduct their defence as heads of states, by indicting them as such. They should have been tried merely for the sordid crimes they ordered and committed. This would have avoided mocking the dead and arousing the scepticism of the living. Let us wait for the sentences before deciding whether the dead are being mocked, but we are certain of the scepticism of the living."
- 9.4.46. "The Times" Correspondent wrote: "In many respects the most damaging testimony in the Nuremberg trial is coming from witnesses for the defence. Whether they are accused Nazi leaders in the dock or men liable to be brought to trial themselves, each is so intent on justifying or safeguarding his own position that there are few charges of this massive indictment which have not been tacitly admitted. Most significant of all, not one of the prosecution's documents, even down to pencilled marginal comments, has been directly challenged."
- 25.4.46. "The Soviet News" reported: "Cartoons, satirical drawings and sketches--more than 100 of them--by Soviet artists who have attended the Nuremberg trial are on display at the "Nuremberg" Exhibition at the Moscow Writers' Club. Most of the drawings are the work of the three artists going under the composite name of "Kukryniksy." During the war the "Kukryniksy" produced some 2,000 cartoons featuring the Fascist ringleaders."

IV.

LEGAL LITERATURE.

(Contributed by Egon Schwelb, Legal Officer.)

P.H. Winfield: War Crimes and the Future of International Law.  
"Fortnightly Review", March 1946.

This article by Professor Winfield was written before Lord Wright's article on "War Crimes under International Law" was published in the Law Quarterly Review of January, 1946. (See Summary of Lord Wright's article in No. IV of this Series - Press News Summary.) In a footnote to his article, Professor Winfield points this out and adds that it is gratifying to note that Lord Wright's conclusions are in harmony with those which he (Professor Winfield) has set forth.

Professor Winfield deals with the trials of (1) the Belsen criminals; (2) the criminals at Nuremberg, and then assesses their value for the future of International Law.

As to the Belsen trial, which he has selected for special mention because it has been so much in the public eye, the author states that the trial was consonant with the rules of International Law already well-recognised, so that no further comment is needed, except "that the comparatively light sentences passed on some of the accused caused considerable surprise to most of us who had followed the course of the trial." A remark of this kind by such an authority should underline the usefulness, and even the necessity, of making complete information concerning the Belsen trial (and the more important trials of this kind) available with the least possible delay to students of law and politics, and also to the general public.

In dealing with the trial of the major war criminals, Professor Winfield emphasises the lucidity and brevity of the Four-Power Agreement of 8th August, 1945, and of the Charter of the International Military Tribunal annexed to it. He agrees with the view that the provision regarding crimes against peace does not lay down new law; and he bases this opinion mainly on the Kellogg-Briand Pact, to which Germany was a party. As regards crimes against peace, committed before the war (against Germans) in Germany itself, the author holds that this provision is new to International Law, but that it is justified as the atrocities inflicted on the Jews and other German civilians in concentration camps were all part of the Nazi scheme of preparation for a war of aggression.

Professor Winfield does not examine the detailed rules of procedure and evidence laid down by the Charter. The very nature of war crimes, he says, makes the collecting of evidence concerning them a long and complicated affair; a good example of this is the heavy and exacting work done by the Commission over which Lord Wright presides.

The Nuremberg trials and the Charter on which they are based undoubtedly present new features. The chief novelties are the constitution of the Tribunal and the inclusion by the Charter, in the category of war crimes, of the Nazi schemes and acts which preceded the outbreak of war, and were designed to ensure its success.

It might be urged, the learned writer says, that neither by treaty nor by custom was there authority for these novelties. In his view, the General Treaty for the Renunciation of War of 1928 was a law-making treaty. It may be argued that what the Pact referred to was war, and not the mere preparation for it; but Professor Winfield contends that the preparations of the Nazi government were in such clear contravention of the spirit of the Pact and of modern International Law that they were rightly treated by the Charter as war crimes.

The ...

The absence of any express sanction in the Pact is no valid reason for alleging that no sanction was implied. As to the Four-Power Agreement itself, it provides, as the author points out, that any Government of the United Nations may become a party to it, and accordingly 14 States have acceded to it, in addition to the original Signatories. Even with this accession, the parties to the Agreement do not constitute the majority of States, but it is beyond doubt that no civilised State, except the defeated Axis Powers and their satellites, would, in practice, take exception to the Charter or to the trials conducted in pursuance of it. As to international custom, the author maintains that, having regard to the express approbation of the Charter by many States and the implied approbation of other States, it may be fairly said that the Nuremberg trials are a step forward in the development of International Law relating to war crimes, and that they are so much in harmony with its general principles that the mere novelty of some of the features that they present is no sound argument for the contention that they are inconsistent with International Law.

When the Nuremberg trials and other similar trials under the Charter have been completed, the progress of this branch of International Law ought, Professor Winfield considers, to be taken in hand by the United Nations Organisation. The Security Council should frame a code of general rules founded upon the Charter and should also compile a complete list of war crimes, thus clearing up doubts which may still exist as to their exact limits.

---

Professor A.L. Goodhart: "The Legality of the Nuremberg Trials."  
"The Juridical Review," (Edinburgh) April 1946.

In a paper read before the Edinburgh University Law Faculty Society on 5th February, 1946, Professor Goodhart examines the jurisprudential questions whether the International Military Tribunal established by the Four-Power Agreement of 8th August, 1945, is a legal court in the true sense and whether the trials, which it is conducting can properly be described as legal trials.

A legal criminal trial may be defined as a trial in which an impartial judge determines the guilt or innocence of a defendant according to law and to the evidence produced by the prosecution and the defence. The judge, the law and the evidence are therefore the three essentials in every legal trial.

The Judges.

Professor Goodhart does not share the view that the Nuremberg Court lacks that impartiality which is an essential in all judicial procedure because its members represent only the victorious Allied Nations. Attractive as this argument may sound in theory, it ignores the fact that it runs counter to the administration of the law in every country. The prisoner has a right to demand that his judges shall be fair, but not that they shall be neutral. The learned author quotes Lord Wright, who has pointed out that the same principle is applicable to ordinary criminal law, for "a burglar cannot complain that he is being tried by a jury of honest citizens."

There are three grounds on which one can, with confidence, assert that the tribunal satisfies the essential element of fairness. The character of its judges, the fact that the trials are being conducted in the full glare of world publicity, and the provision in Article 26 of the Charter to the effect that "the judgment of the Tribunal as to the guilt or innocence of any defendant shall give the reasons on which it is based."

The absence of any express sanction in the Pact is no valid reason for alleging that no sanction was implied. As to the Four-Power Agreement itself, it provides, as the author points out, that any Government of the United Nations may become a party to it, and accordingly 14 States have acceded to it, in addition to the original Signatories. Even with this accession, the parties to the Agreement do not constitute the majority of States, but it is beyond doubt that no civilised State, except the defeated Axis Powers and their satellites, would, in practice, take exception to the Charter or to the trials conducted in pursuance of it. As to international custom, the author maintains that, having regard to the express approbation of the Charter by many States and the implied approbation of other States, it may be fairly said that the Nuremberg trials are a step forward in the development of International Law relating to war crimes, and that they are so much in harmony with its general principles that the mere novelty of some of the features that they present is no sound argument for the contention that they are inconsistent with International Law.

When the Nuremberg trials and other similar trials under the Charter have been completed, the progress of this branch of International Law ought, Professor Winfield considers, to be taken in hand by the United Nations Organisation. The Security Council should frame a code of general rules founded upon the Charter and should also compile a complete list of war crimes, thus clearing up doubts which may still exist as to their exact limits.

---

Professor A.L. Goodhart: "The Legality of the Nuremberg Trials."  
"The Juridical Review," (Edinburgh) April 1946.

In a paper read before the Edinburgh University Law Faculty Society on 5th February, 1946, Professor Goodhart examines the jurisprudential questions whether the International Military Tribunal established by the Four-Power Agreement of 8th August, 1945, is a legal court in the true sense and whether the trials, which it is conducting can properly be described as legal trials.

A legal criminal trial may be defined as a trial in which an impartial judge determines the guilt or innocence of a defendant according to law and to the evidence produced by the prosecution and the defence. The judge, the law and the evidence are therefore the three essentials in every legal trial.

The Judges.

Professor Goodhart does not share the view that the Nuremberg Court lacks that impartiality which is an essential in all judicial procedure because its members represent only the victorious Allied Nations. Attractive as this argument may sound in theory, it ignores the fact that it runs counter to the administration of the law in every country. The prisoner has a right to demand that his judges shall be fair, but not that they shall be neutral. The learned author quotes Lord Wright, who has pointed out that the same principle is applicable to ordinary criminal law, for "a burglar cannot complain that he is being tried by a jury of honest citizens."

There are three grounds on which one can, with confidence, assert that the tribunal satisfies the essential element of fairness. The character of its judges, the fact that the trials are being conducted in the full glare of world publicity, and the provision in Article 26 of the Charter to the effect that "the judgment of the Tribunal as to the guilt or innocence of any defendant shall give the reasons on which it is based."

Procedure and Evidence.

As to procedure and evidence, the greatest departure from Anglo-American practice is found in Article 19 of the Charter which provides that "the Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent, expeditious and non-technical procedure and shall admit any evidence which it deems to have probative value." If the Anglo-American principle under which hearsay evidence is strictly excluded had been applied at the Nuremberg trials, much of the most relevant evidence would have had to be rejected. Professor Goodhart says that it is interesting to speculate whether the experience gained at Nuremberg may lead to some relaxation of the rules of evidence in Anglo-American law.

The substantive law.

The third essential of a legal trial is that the guilt or innocence of the defendant shall be determined according to the law, i.e., according to a body of rules binding on the court. If a court is free to hold that it may, in its discretion, punish any act which it considers ought to be punishable, then it may be administering justice, but it is not administering law. The technical answer to the question of what is the law which the Nuremberg tribunal is bound to administer, is that the law is that laid down in Part II of the Charter, particularly in Article 6, where the three types of crimes (crimes against peace, war crimes, and crimes against humanity) are enumerated. The Allied Governments which have created the Tribunal have at the same time established the laws which it is to administer, just as the King-in-Parliament has created the courts in Great Britain and has established the laws which they are bound to apply.

But this technical Austinian answer cannot be regarded as a complete one, because it raises the further question: Were the Allied Governments justified in stating the law as they did in the Charter? Was this statement of the law a declaration of already existing International Law or was it the creation, after the event, of novel and previously unknown principles? If this were so, it might be in conflict with the principle of justice generally recognised by all civilised legal systems that criminal law should not be retroactive in effect. It is, therefore, necessary to consider two major questions:

- (a) To what extent is the law in the Charter ex post facto in character?
- (b) Insofar as it is ex post facto, can this departure from principle be justified?

Professor Goodhart examines the objection that all the law in the Charter must be ex post facto because, in the past, International Law has been applicable only to States and not to individuals. He comes to the conclusion that this objection is unfounded and that under International Law an individual can be under a legal duty not to commit certain international crimes. The fact that in the past there have been no international courts before which such crimes could be prosecuted does not, in his view, negative the existence of such a duty. It merely shows that the then existing machinery was defective. This defect has been remedied by the creation of the International Military Tribunal.

This conclusion does not solve the whole problem, because it is still necessary to consider whether the particular acts with which the defendants have been charged constituted crimes under International Law at the time when they were allegedly committed. In this connection the learned writer analyses the four counts of the Nuremberg indictment.

As to Count One ("The Common Plan or Conspiracy"), the author says, that both the purpose of the conspiracy—acquisition of territory at the expense of neighbouring and other countries—and the means of achieving this aim—aggressive war carried on in a ruthless and inhumane manner, not justified by military necessity—made the conspiracy an unlawful one. Just as in English law, so in this indictment, both the purpose and the means are parts of the charge of conspiracy. Under the law, each of the parties by deliberately entering into the conspiracy, adopts all his confederates as agents to assist him in carrying it out, and consequently any act done subsequently for that purpose by any of them will be admissible as evidence against him.

#### Crimes against Peace.

Count Two ("Crimes against Peace") raises the most controversial question which International lawyers have had to face, because it concerns the fundamental problem of the legality of aggressive war. Professor Goodhart quotes Professor Brierley's statement: "To hold at one and the same time that states are legally bound to respect each other's independence and other rights, and yet are free to attack each other at will, is a logical impossibility."

The Covenant of the League of Nations did not, in so many words, say that aggressive war was an international wrong, but it contained so many provisions concerning the steps that had to be taken before war could be declared that, for all practical purposes, aggressive wars were prohibited between Members of the League.

The Geneva Protocol of 1924 for the "Pacific Settlement of International Disputes", signed by representatives of forty-eight governments, had declared that "a war of aggression constitutes .... an international crime."

The eighth Assembly of the League of Nations in 1927, by a unanimous resolution of the forty-eight member nations, including Germany, declared that a war of aggression constituted an international crime. In the Kellogg-Briand Pact of 1928, over sixty States solemnly declared that they condemned recourse to war for the solution of international controversies and renounced it as an instrument of national policy in their relations with one another.

The argument that the Pact was not more than the expression of a pious hope because it provided no sanction for the case of its violation and no machinery for its enforcement, would destroy International Law as a whole, because there are no specific sanctions for the breach of its rules, and its legal machinery has never been more than voluntary.

Professor Goodhart submits that Professor Lauterpacht reached the right conclusion when he states: "The Pact constitutes a radical change in International Law and a removal of <sup>the</sup> principal objection to its recognition as a system of law .... War cannot now legally, as it could be prior to the conclusion of the Pact, be resorted to either as a legal remedy or as an instrument for changing the law."

The author disposes of the objection that the Pact did not contain a clause providing that the individuals who waged an aggressive war in the name of the State were committing an illegal act, by pointing out that the State is only an artificial person, acting through individuals who are its agents. It would be strange indeed if in International Law the State could be guilty of committing the greatest of crimes, while its representatives through whom alone it can act, were held to be innocent.

Even if there should be some uncertainty concerning the effect of the terms of the Treaty of Paris, there can be no doubt that the various wars waged by the Nazis were in breach of specific treaty provisions.

Count Two ("Crimes against Peace") IS, therefore, in accord with the provisions of existing International Law and cannot be regarded as being ex post facto in character.

War Crimes in the narrower sense.

The same conclusion can be stated, with even more confidence, concerning Count Three - War Crimes (Violations of the laws and customs of War). The only objection to the International Tribunal is a theoretical one, denying the existence of international criminal law as a whole. An international tribunal <sup>is</sup> in this view, incapable of applying the international laws of war to individuals because International Law is binding only on States, as such. Only an individual State can therefore punish the wrong-doer. This argument must not be confused with the exactly opposite one—which is equally false—that a national court cannot properly punish violations of the laws of war because these are international in character. The correct answer, Professor Goodhart submits, is that the violation of the laws of war constitutes both an international and a national crime and is, therefore, justiciable both in an international and a national court.

The Nuremberg trials differ from all previous war trials because, hitherto, defendants have only been charged with crimes committed either by themselves or under their immediate directions. Never before has cold calculated brutality played a leading role in military strategy. This does not, Professor Goodhart states, mean that there has been an innovation in the law, for all that has happened is that the law has been applied to novel circumstances. As Lord Jowitt, the Lord Chancellor, has said in the Joyce case, "It is not an extension of a penal law to apply its principle to circumstances unforeseen at the time of its enactment, so long as the case is fairly brought within its language." There can, therefore, be no question but that Count Three is also in accord with the established principles of International Law.

Crimes against humanity.

It is only when we turn to Count Four—crimes against humanity—that we encounter serious legal difficulty. Insofar as these crimes constitute violations of the laws of war there is no juristic problem because they are merely the same crimes as those set forth in Count Three under a different name; but novel considerations arise when the acts charged cannot be brought within this category.

As International Law is not concerned with the treatment which a State metes out to its own nationals, how can such acts (as murders in concentration camps before the war), however, brutal, be considered an international crime justiciable by an international court? Although International Law is not as a general rule concerned with the internal affairs of the various States, nevertheless these may be of such a special nature as to affect the international community, either morally or materially, and thus become matters of international concern. This is not a novel idea, for in the nineteenth century there were a number of instances where States intervened to protect the nationals of other States, and numerous international treaties were entered into for the guarantee of human rights. The Charter, in providing that the deliberate murder of hundreds of thousands of innocent people was punishable as an international crime, was therefore not taking a revolutionary step, because no one can doubt that these acts were contrary to the laws of every civilised nation. An international system which had no means of preventing such outrages against common decency would hardly be worthy of respect. Professor Goodhart adds that we must recognise, however,

that, in the past, this principle was of doubtful validity in International Law and that therefore Count Four is, in a sense, ex post facto in character. He maintains that this is not a ground on which the count can be criticised. The objection to ex post facto legislation is based on the ground that the actor might, at the time when he performed the act, have believed that he was entitled to perform it; but how could such a belief exist in the case of wholesale murder? Professor Goodhart concludes that the first three counts are in accord, not only with the Charter of the International Military Tribunal, but also with existing International Law, while the fourth count, although based on a novel international principle, is in accord with the principles found in every civilised system of law.

In explaining the provision of Article 10 of the Charter, dealing with criminal organisations and providing that the declaration by the Tribunal is binding on national courts, Professor Goodhart remarks that, although this provision may at first sight appear strange to most lawyers, it is obviously a convenient one, because if the same general evidence had to be produced at all future trials then it would be impossible, from a practical standpoint, to prosecute more than a few of the persons charged for these crimes. This provision is far less drastic than was the British-Indian Statute of 1836 enacted for the suppression of thuggery in India. This act proved highly successful in the suppression of thuggery in India. It is to be hoped that the Charter will have an equally successful influence in suppressing the thuggery which has disgraced Germany during the past generation.

---

Raphael Lemkin: "Genocide."  
"The American Scholar," March, 1946.

Dr. Raphael Lemkin, the author of the book "Axis Rule in Occupied Europe" (Washington 1944) where he has expounded, inter alia, his conception of what he calls "Genocide," a term which has been accepted by the Nuremberg indictment (Cmd. 6696, page 14., Statement of Offence under Count Three), has now elaborated upon his previous analysis in an article published in "The American Scholar".

On the basis of his considerations, the author proposes that the United Nations, together with other invited nations, enter into an international treaty which would formulate genocide as an international crime, providing for its prevention and punishment in time of peace and war. This treaty, he submits, should include, among other things, the following principles:

(1) The crime of genocide should be recognised therein as a conspiracy to exterminate national, religious or racial groups. The overt acts of such a conspiracy may consist of attacks against life, liberty or property of members of such groups merely because of their affiliation with such groups. The formulation of the crime may be as follows: "Whoever, while participating in a conspiracy to destroy a national, racial or religious group, undertakes an attack against life, liberty or property of members of such groups, is guilty of the crime of Genocide." The crime so formulated should be incorporated in every national criminal code of the signatories.

(2) The defendants should be liable not only before the courts of the country where the crime was committed, but in case of escape shall be liable, as well, before the courts of the country where they are apprehended.

(3) Persons accused of genocide should not be treated as political criminals for purposes of extradition. Extradition should not be granted except in cases where sufficient evidence exists to indicate that the requesting country will earnestly prosecute the culprits.

(4) The liability for genocide should rest on those who gave and executed the orders, as well as on those who incited to the commission of the

crime by whatever means, including formulation and teaching of the criminal philosophy of genocide. Members of governments and political bodies which organised or tolerated genocide will be equally responsible.

(5) Independently of the responsibility of individuals for genocide, states in which such a policy obtains should be held accountable before the Security Council of the United Nations Organisation. The Council may request the International Court of Justice to deliver an advisory opinion to determine whether a state of genocide exists within a given country before invoking, among other things, sanctions to be levelled against the offending country. The Security Council may act either on its own initiative on the basis of petitions submitted by members of interested national, religious or racial groups residing either within or without the accused country.

(6) The Hague Convention and other pertinent treaties should be changed to the effect that, in case of war, an international body (such as the International Red Cross) should have the right to supervise the treatment of civilian populations by occupants in time of war in order to ascertain whether genocide is being practised by such occupant.

(7) A multi-lateral treaty for the prevention and punishment of genocide should not preclude two or more countries from entering into bilateral or regional treaties for more extensive protection against genocide. In this connection it is well to note that the Allied Governments, in accordance with the Moscow agreements of December 1945, have decided to enter into formal treaties of peace with the Axis satellite countries, Hungary, Bulgaria and Rumania, which practised genocide in this war according to the German pattern. It is of impelling importance that anti-genocide clauses be included in these treaties.

---

Correspondence to the Editor of "The Times"  
on the Reporting by Press and Radio on the Nuremberg Trial.

In "The Times" of 10th April, 1946, Mr. E. Pakenham-Walsh protested against the methods in which the Nuremberg trial is being reported by the British Press and radio. He says that the accused are (unavoidably) denied many safeguards in procedure which they would enjoy in a trial in this country and asks whether this is any reason for denying them also the elementary right of freedom from attack and prejudging of their cases in the British reporting of their trial. He contends that the reporting of the trials in the British Press amounts to gross contempt of court.

The Times Special Correspondent at Nuremberg in a letter published on 12th April, 1946, replied to Mr. Pakenham-Walsh's charge, that it is by no means supported by the members of the British delegation in Nuremberg who may be accepted as reliable judges of these matters. The attempt to bring the rule of law into international relations departs so far from normal legal procedure that it is hardly surprising if reporting procedure has also departed from the purely British practice. But there is wide agreement that fair comment has never overstepped the bounds of objectivity and no one has been at greater pains to secure that the defendants shall not be prejudiced by the Press than the President of the Tribunal.

On 15th April, "The Times" published a letter from Lord Parmoor, pointing out that "The Times" Special Correspondent misses the main point. We all know, he says, that the British judges who have a most unenviable task will do their utmost to ensure that the accused have a fair trial. It is, however, all important that neutrals and others should feel that, whatever the

provocation, the trial is as free as possible from any kind of outside prejudice, in accordance with the first principles of British justice.

In "The Times" of 23rd April, 1946, Professor Goodhart comments on this correspondence as follows:

"Mr. Pakenham-Walsh suggests that the methods of reporting the Nuremberg trial in the Press and by the B.B.C. can be justly described as analogous to 'gross contempt of court'. With all respect, this view seems to be based on a misunderstanding of the English law of contempt. To constitute contempt of court a publication must, as stated by Lord Russell, C.J., in *R. v Payne* [1896] 1 Q.B.D. 577, either be clearly intended or at least calculated to prejudice a trial which is pending. It may prejudice the trial either by influencing the jury (or, in rare cases, the Judge) concerning the verdict to be reached, or by influencing the witnesses in regard to the evidence they may give. It is difficult to see in what sense any of the comments made on the Nuremberg trial can fall under either category.

"If the correspondents at Nuremberg are to be precluded from commenting on the evidence, then it will be impossible for them to give an intelligible picture of the proceedings. A mere transcript of the evidence, compressed, as it must be, into a few paragraphs, would make difficult reading, and would defeat one of the primary purposes of the trial, which is to bring home to the peoples of the world, including the British, the character and methods of the Nazi leaders.

"Mr. Pakenham-Walsh states that 'the accused are (unavoidably) denied many safeguards in procedure which they would enjoy in a trial in this country.' It will be unfortunate if this remark is interpreted as meaning that the defendants are not receiving a scrupulously fair trial. As your Correspondent has pointed out, the defendants are being given freedom to deliver Nazi speeches, a procedure which would not be permitted in the English courts. It is possible that Mr. Pakenham-Walsh is confusing the technical provisions of English law with the rules of natural justice, so that any departure from the former is regarded as a violation of the latter.

It is not clear whether Lord Parmoor, who is concerned with foreign opinion on this matter, has read the comments in the foreign Press. He would find that the major criticism advanced against the British in regard to the Belsen trial has been that, in the desire to secure a fair trial for the accused, the victims of the war crimes seem, at times, to have been forgotten. It may well startle those foreign observers to find that the English Press and the B.B.C. are now being accused of violating 'the first principles of British justice' because of their comments on the Nuremberg trial."

---

No. XI.

May 13th, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

WAR CRIMES NEWS DIGEST.

[NOTE: The above title replaces that of Press News Summary  
used in previous numbers of this series.- R.O.]

C O N T E N T S.

	<u>Page</u>
I. PUBLIC RELATIONS ... ..	1
II. SUMMARY OF EVENTS ... ..	2
III. THE NUREMBERG TRIALS ... ..	13

S U P P L E M E N T:

LEGAL LITERATURE

I.

PUBLIC RELATIONS.

(Contributed by the Public Relations Officer)

A cutting recently received from the U.S.A. shows that the publication of the 28th List of War Criminals was noticed in the "New York Times."

A further notice issued to the Press, giving more details of the ghastly crime committed against the four girl parachutists who were burnt alive at Natzweiler Concentration Camp received extensive coverage in the national and provincial Press of the 25th April.

The "Daily Dispatch" of the 25th April gave a note in "Our London Letter" on the Commission's activities, to the effect that the local feeling against the minor criminals in the places where the crimes were committed, was often far greater than it was against the big Nazis now on trial at Nuremberg.

A sworn statement made by Captain J.A.R. Starr, of Newcastle-under-Lyme, regarding the horrors of the Mauthausen Concentration Camp entitled "You will never come out" received considerable publicity in the Sunday Press of April 28th. It was also broadcast in full in the 1 p.m. B.B.C. news on Saturday, April 27th, and again on Sunday. A further story of Captain Starr's torture in Sachsenhausen Camp is on the way.

The announcement of the Thirtieth List of War Criminals, issued on the evening of May 1st, received its usual Press in the national and provincial papers.

The paragraph which appeared generally in the "Daily Telegraph" and other dailies of May 4th, 1946, regarding the Tokyo trials, finished up with the following lines: "Among official observers present was Lord Wright, Chairman of the United Nations War Crimes Commission, who is observing on behalf of the United Nations Organisation."

A Press notice sent out on May 7th, regarding 22 German Generals being held in the cage at Dachau, appeared in "The Times", "News Chronicle" and a few provincial newspapers.

II.

SUMMARY OF EVENTS

A U S T R I A.

- 16.4.46. "Neues Oesterreich": The Preparatory War Criminals' Trial Commission has compiled a third list of war criminals, quoting about thirty persons of whom almost half are in the custody of the Allied Military Authorities or of the Austrian Authorities. Further lists are in preparation.
- 21.4.46. The "Sunday Times" reported from Vienna: The Austrian authorities expect that SEYSS-INQUART and KALTENBRUNNER will be handed over for trial by the Allied Court at Nuremberg. The Austrian Ministry of Justice has also asked for the handing over of PAPEN, SCHIRACH and a number of other Austrian war criminals who are being held as witnesses at Nuremberg, as they committed crimes in Austria.
- 25.4.45. The U.S. documentary film "The Mills of Death", dealing with concentration camps, was shown in Vienna according to a Vienna Radio message.
- 25.4.46. "Neues Oesterreich" complained about the slow progress of war crimes trials. The trial of Guido Schmidt, for example, had been repeatedly postponed.
- 29.4.46. The Austrian Minister of Justice had replied to criticisms of needless delays. He said everything possible was being done to hasten the trial; the trouble was that many important criminals had fled and hidden or were in Allied, and not Austrian, hands. No decision had been reached about the handing over of the chief accused. The trial of Guido Schmidt would have to be postponed as he had fallen ill on his way to Nuremberg.
- 30.4.46. "Neues Oesterreich" reported: Schmidt was brought back to Vienna on April 27th.
- 30.4.46. "The Times" mentioned as awaiting trial: the former Gauleiter Eduard Frauenfeld; the industrialist von Schöller; and the Gestapo Chief Bernwieser.
- 6.5.46. Reuter reported from Vienna: "Anton Brunner, who became known as Brunner II, to distinguish him from Alois Brunner (known as Brunner I) started work in the Nazi department for the liquidation of Jewish property soon after the Anschluss. By the time the large-scale evacuations of Jews began in 1941, Brunner II had become the most active anti-Semite in Vienna, and was even more hated than Brunner I, nominally his chief, as leader of the "Central Office for Jewish Emigration."
- 1.5.46. An Agency message reported: Death sentences were passed on ten Austrians by a British Military Court at Graz on 30th April, 1946. The accused, members of the Volkssturm, murdered 800 Hungarian Jews just over a year ago. (See News Digest, No. X, page 4.)
- 4.5.46. The draft treaty of peace with Austria put forward by Mr. Byrnes at the Paris Conference was reported to contain clauses in regard to the problem of war criminals.

CZECHOSLOVAKIA.

Trial of K.H. Frank.

- 27.4.46. The Chief Prosecutor demanded the death penalty and execution in public for Frank, in his closing speech for the prosecution on April 26th.
- 29.4.46. The trial ended on April 27th with a speech by the accused, who admitted that the Nazis committed crimes, but denied all personal knowledge of them. The verdict was not expected for another ten days. ("The Times.")

Trial of Protectorate Government.

- 1.5.46. "The Times" reported: "The trial began at Prague on April 29th of members of the former Protectorate Government on charges of collaborating with the enemy. The accused are: Dr. Jaroslav Krejci, Richard Bienert, Adolf Hruby, Dr. Jindrich Kamenicky and Dr. Josef Kalfus. It is thought that the trial will involve not only the actions of the Protectorate Government, but also those of its predecessors during and before Munich.

DENMARK

- 29.4.46. Stockholm Radio reported: Jansen, a notorious Gestapo man in Denmark, has been handed over to the Danish authorities by the Americans. He belonged to a German paratroop formation and took part in the liberation of Mussolini. Later he was dropped in Yugoslavia in an attempt to capture Marshal Tito.

FRANCE.

- 23.4.46. Paris Radio reported the beginning of the trial <sup>of</sup> Robert Wagner at Strasbourg by a French Military Tribunal. This former Gauleiter of Alsace and Baden is accused of the massacre of great numbers of anti-Nazis in a death camp and the deportation of 30,000 Alsatians to German labour camps in the East.
- 16.4.46. Wagner said in defence that he only acted on orders from Himmler, Goebels or Bormann; Wagner's subordinates, many of whom were called as witnesses, testified that he passed on to them orders for summary executions, for the "hastening" of justice and other acts of violence.
- 4.5.46. Wagner was sentenced to death; with him, three other Nazi chiefs were also sentenced to death; they are: Adolf Schuppel, former chief of the general staff of the Nazi Party, Hugo Grüner, Nazi district leader of Thann, Alsace, and Walter Godecke, described as adviser to the German Government.
- 29.4.46. "The Times" reported: "Abetz, former Reich Ambassador in France, had volunteered to reveal to the French authorities the hiding place of a large ammunition dump and of his own archives in the Black Forest. They were located near Todtmoos. Abetz was brought back to Paris and is now awaiting trial.
- 29.4.46. "The Scotsman": The future of the Grand Mufti is likely to be the subject of discussions between the French and British Foreign Ministers. He was first listed by the Yugoslavs as a war criminal, because in 1942 he visited Bosnia to recruit Moslems for the S.S. The Mufti's name has, however, been removed from the Yugoslav list; towards the end of the war

FRANCE. (Cont)

he left Germany for Switzerland and has now found refuge in France. The Lebanese Government has offered asylum to the Mufti.

- 29.4.46. Moscow Radio reported from Madrid: 'A great number of French collaborationists were hiding in Spain. Among them were: Abel Bonnard, Maurice Gabolde, Paul Lerat, François Pietri, Comte de Hericourt; all these persons were connected with the Vichy Government.'

GERMANY.

American Zone.

- 23.4.46. Radio Frankfurt broadcast the publication by the Bavarian Ministry of the Interior of a new law under which persons will be tried for crimes against Jews committed during the Nazi era. (The text of this law is not yet available.)
- 27.4.46. "The Times" reported from Wiesbaden: It was announced on April 26th that General McNarney had commuted to imprisonment the death sentences passed on five former guards at Dachau. This with former reprieves also reduces the number of those awaiting execution to 28. The remainder are serving sentences of imprisonment ranging from five years to life. (See News Digest No. IX, page 4.)

Mauthausen Trial.

- 23.4.46. "The Manchester Guardian" reported from Dachau: Two of the staff of Mauthausen concentration camp on trial, TRAUNER and TCKERT retracted the confessions they made earlier during interrogation; one of them claimed that his confession was forced from him.
- 26.4.46. When giving testimony, the accused SS. Obersturmführer Werner GRAHN denied evidence of earlier witnesses.
- 1.5.46. GNS announced from Dachau: The trial of the Mauthausen guards had to be adjourned for a day and a half owing to the illness of one of the members of the court.
- 24.4.46. GNS reported from Dachau: 70 former members of the Adolf Hitler "Body Guard" will stand for trial on May 2nd. They are accused of murdering 75 American prisoners of war in December 1944.
- 26.4.46. GNS reported from Dachau that there are now 22 German generals held as prisoners of war in the former concentration camp. Among them are Brauchitsch, Kesselring, Milch, Falkenhausen and Falkenhorst.
- 11.5.46. All the 61 Mauthausen officials were found guilty by the Court at Dachau.

British Zone.

- 6.5.46. General Kurt STUDENT, former commander of the German paratroops in the attack on Crete in 1941, was arraigned before a Military Court at Luneberg. He was charged with using British hospital patients as a screen and shooting prisoners who refused to unload ammunition. This is said to be the first British trial of a general accused of atrocities while commanding in the field.

GERMANY

British Zone (cont)

Prisoners of war were ordered to unload ammunition, and when they refused three were picked out at random and shot.

23.4.46. Reuter reported: Three German doctors and three nurses will face trial at Brunswick on April 29th; they are former staffs of two clinics where babies of Russian and Polish slave workers had been placed. The accused are charged with causing by neglect and starvation the death of all the 450 babies entrusted to them.

3.5.46. GNS. reported from Hamburg: Ten women and 14 men who were on the staff of the former concentration camp for women in Hamburg Sasel are on trial here charged with mistreating and killing inmates. In the camp, which existed from October, 1944, to April 1945, several thousand women were imprisoned.

Trials at Wuppertal.

7.5.46. "The Times" reported from Wuppertal, under date 6th May: "There was opened to-day in one of the buildings of the local zoo a series of trials before a British military court in which the prosecution will seek to show the chain of responsibility for the murder of British prisoners of war, members of the Second Special Air Service Regiment operating behind the German lines in the Vosges." The trials extend from a number of rank-and-file policemen to generals of the Wehrmacht and S.S. directly responsible to Kaltenbrunner, and they are described officially as the most important yet to be held in the British zone. They are expected to last for five or six weeks. Eleven defendants, including Hauptsturmführer Karl Buckunter, Sturmführer Robert Wuensch, and Sturmführer Karl Zimmerman, described as connected with the administration of the Gaggenau internment camp in Baden, have been brought before a court presided over by Brigadier J.B.T. Hennessey. The prosecution is led by Major A.A.P. Hunt, assisted by Major Barkworth, who, since the end of the war, has been investigating the fate of 33 British parachutists, including four women, who, unlike the men, were introduced behind the German lines in civilian dress.

"As a result of searching inquiries this first batch of defendants are charged with the murder of six British and four American prisoners of war, three French abbots, and one French civilian. The accused, who are represented by German counsel, pleaded "Not Guilty" after the Judge-advocate had instructed the first defendant that the plea that he was acting under superior instructions would be considered as equivalent to "Not Guilty."

"The prosecution alleged that the parachutists, after being held in Alsace, were moved across the Rhine to Gaggenau camp, whence, in the belief that they were being sent to a prisoner-of-war camp, they were taken into a wood, shot in batches of three, stripped of their clothes, and buried in bomb craters. The precautions taken to conceal the crime were advanced as an indication that the perpetrators were well aware of its unjustifiable nature."

The court included a French officer among its members.

7.5.46. The "Daily Telegraph" reported, on the same subject:  
"During six trials in the series, all of which are interrelated, 48 Germans, including several generals of the Wehrmacht and S.S. will pass through the dock.

One charge relates to the death of two members of the W.A.A.F. and two members of F.N.N.Y., who were arrested by the Germans after parachuting into France in civilian dress, to help the Resistance movement. It is alleged that they were drugged with injections and burnt alive.

Generals who will be accused of carrying out 200 executions on the orders of Himmler and Kaltenbrunner include: Lt.-Gen. VATERRODT, Commandant of Strasbourg; Lt.-Gen. SEEGER, Commander of 405 Infantry Division; Lt.-Gen. von CIRCHBACH; S.S. Lt.-Gen. OBERG, Chief of Gestapo in France; S.S. Lt.-Gen. MUELLER, and SS. Lt.-Gen. HOFFMANN.

Circhbach, Mueller and Hoffman are not yet in custody.

9.5.46. It was announced that the trial of Karl GOLKEL and ten others charged with killing eight British prisoners at La Grande Fosse, France, on October 15th, 1944, would begin at Wuppertal on May 16th, 1946.

+ + +

4.5.46. The trial of officials of the Neuengamme Concentration Camp (see News Digest V, p. 9), which had lasted six weeks, ended at Hamburg on May 3rd, when 11 out of the 14 defendants were sentenced to be hanged. The remainder received terms of imprisonment. According to a B.U.P. report those sentenced were: Max Pauly, commandant, SS. colonel and former ironmonger. Anton Thumann, notorious throughout Europe as 'the Hangman of Lublin,' where he exterminated the ghetto. Dr. Bruno Kitt, one of the notorious 15 doctors from Auschwitz, who was only three weeks at Neuengamme, where he participated in human "Guinea-pig" experiments. Dr. Alfred Trzebinski, camp doctor, who admitted giving orders for the hanging of 20 "guinea pig" children just before the surrender, so that they would not fall into the hands of General Montgomery's troops. Willi Bahr, gassing expert, who exterminated 200 Red Army officers.

The rest sentenced to death were Willi Freimann, Heinrich Ruge, Willi Warncke, Adolf Speck, Johann Reese and Andreas Bremsl, all of whom were senior members of the staff of the Neuengamme Camp.

The evidence showed that children of five years of age were used for anti-tuberculosis experiments. Their axillary glands were deliberately infected with tuberculosis germs and later removed by operation.

#### French Zone.

22.4.46. "The Times" reported: General von LOHR, former German C.i.C. in the Balkans, has been arrested in the French zone of Germany.

#### Russian Zone.

15.4.46. "The Scotsman" reported: A number of doctors, some of them members of the S.S. from the Luckenwalde area in the Province of Brandenburg are to be tried for having sterilised some 125 persons on biological, racial and political grounds. They are to appear before a civilian court.

G R E E C E.

- 6.5.46. The "Daily Telegraph" announced: Germans from the Haidari concentration camp are to appear before a Greek war crimes court, charged with murdering 18,000 inmates.

H U N G A R Y.

- 5.5.46. Agency messages from Budapest reported: Emil Kovarcz, who was Minister for Total Mobilisation in the Cabinet of Szalasi, Hungarian "quisling" Premier, has been hanged as a traitor in Budapest.

I T A L Y.

- 26.4.46. General Giovanni Esposito, General Armando d'Acquino and ten other high-ranking officers stood for trial at the Extraordinary Assize Court in Trieste, according to the Italian Radio. They are charged with handing Trieste over to the Germans on the 8th September, 1943, and of having collaborated with the enemy. Three of the accused are being tried in absentia. Several hundred witnesses will be called by the prosecution, as well as by the defence. The trial is expected to last for some time.
- 6.5.46. Radio Rome announced that the trial of Graziani is to begin on 24th May before the Special Section of the Assize Court.

N O R W A Y.

- 5.5.46. The death sentence passed on Hagelin, ex-Minister of the Interior in Quisling's Government was confirmed by the highest court in Norway.
- 6.5.46. A number of Norwegian women, accused of causing the death of 30 patriots were put on trial at Trondhjem.

P O L A N D.

- 25.4.46. Warsaw Radio reported from Danzig: The trial was opened at the Special Court on April 25th, against 15 officials of the Stutthof concentration camp. Nine of the accused are men, and six women. The indictment charges them with participation, from September 1939 onwards, in ill-treatment and murder of inmates of the camp. 80,000 of the 120,000 inmates of the camp perished.
- 25.4.46. Radio Warsaw announced: Twelve wagon loads of articles from Warsaw museums and libraries removed by the Germans and recovered in Austria have now been brought back to Warsaw.
- 4.5.46. Radio Warsaw: The Polish authorities will demand the handing over of 7,000 persons accused of war crimes on Polish territory. The first batch of 100 may be expected to arrive in May. Others, among whom are Burgsdorff, former Governor of Cracow, Hoess, Commandant of Oswiecim (Auschwitz), Liest and Fechner, are to be sent to Warsaw shortly.
- 6.5.46. Arthur Greiser, Gauleiter of Wartheland, will appear for trial before the Supreme National Court in Poznan in mid-June, Fischer, the "butcher of Warsaw", will face the Court at a later date in Warsaw.

R U M A N I A.

- 2.5.46. Radio Romania: The trial of Antonescu and members of his Government is due to start on May 6th before the Bucarest People's Court. The indictment states that "Ion Antonescu and those who collaborated with him are guilty of the country's disaster and of war crimes, having betrayed the interests of the Rumanian people by placing themselves in the services of the Fascist and Hitlerite enemy."
- 6.5.46. General Dobre and Constantin Busila, ex-ministers are also to be tried for putting the country's resources at Germany's disposal.

S P A I N.

- 6.5.46. In the House of Commons a Member asked: "How many German political and military officials have been repatriated from Spain at the request of the Allied Control Commission up to the latest date for which figures are available; and how many such persons have still to be repatriated."
- Mr. McNeill, Under Secretary of State, replied that: "Up to date, 113 officials have been repatriated to Germany. About 1,300 remain in Spain of whom, however, only 192 have been so far listed for repatriation. Forty-four agents have been repatriated and 448 are still in Spain. One thousand two hundred and ninety-three military and paramilitary personnel have been repatriated and there are believed to be about 200 still in Spain.  
(See also Germany: American Zone and United Nations.)
- 6.5.46. The "Daily Telegraph" stated: "It has also been decided here (Madrid) to expedite the repatriation of Nazis. Another 200, including a group particularly wanted by the Allies, have been rounded up. Among them are former military, naval and air attaches. These 200, who will be repatriated as soon as possible, make a total of about 500 Nazis in Spain to be repatriated out of 800 odd wanted by the Allies. The German colony is estimated at 8,000. (+)

Y U G O S L A V I A.

- 23.4.46. An Agency message from Belgrade reported: The trial of General Mihailovitch on charges of treason will be held early next month, according to an announcement of the Yugoslav Minister of the Interior, General Rankovitch. It is to be expected that Mihailovitch will also face charges of collaboration and of crimes against the Yugoslav people, including murder, arson and plunder, as well as of handing over members of the National Liberation Army and Allied airmen to the Germans.

---

(+) DANA News Service (21.2.46) reported that a number of Nazi officials had been flown from Spain and Portugal to Germany, in pursuance of an agreement between the Governments of those countries and the Allied Control Council. They had been taken into custody by the U.S. Forces at Hohen-Saperg near Stuttgart. (For names of these Germans see Documents Series No. 41.)

YUGOSLAVIA (Cont)

4. 5.46. Major Macpherson, M.P., writing in "The Scotsman", observes that "He (Mihailovitch) cannot rightly be charged as a traitor for his actions during the period when Tito's was not the de jure Government of Yugoslavia. He could rightly be charged as a collaborationist or war criminal, but in that case the charge would be that he collaborated . . . against the Allied cause . . . and therefore the chief Allied Powers would be entitled to take part at his trial. . . . It is earnestly to be hoped, therefore, that the Military Court that is to try Mihailovitch will call the American officers whom the U.S.A. Government offered as witnesses, and that the Yugoslav Government will accord them every facility."
- 4.5.46. Later Press messages from Belgrade reported: "General Mihailovich accused by the Yugoslav Government of treason, has refused the offer of a famous American lawyer, Mr. Maurice Ernst, who had been prepared to come to Belgrade to defend him." General Rankovich was reported to have referred to the "intervention from abroad", as abuse of the sovereignty of Yugoslavia and an unwarranted suspicion about the country's law-courts.
- 4.5.46. An Agency message stated that Bastiani, ex-Governor of Dalmatia, who had been living under an assumed name in Switzerland, would not escape. "Switzerland has recognised the right of Yugoslavia to try him as a war criminal and will hand him over."

---

PARIS CONFERENCE.

- 2.5.46. "The Times" reported: "When discussing the question of a treaty with Italy at the meeting of the four Foreign Ministers in Paris, Mr. Bevin and Mr. Byrnes proposed that a clause should be included, ensuring the handing over to the Allies of Italian war criminals. No agreement has yet been reached on this question."
- 3.5.46. "The Times" Paris correspondent wrote: "They (the Foreign Ministers) disagreed, however, over a British and American suggestion that an Allied committee should be set up to co-ordinate and pass forward to the Italian Government all Allied requirements for the capture, extradition or trial of war criminals. Mr. Bevin and Mr. Byrnes both pointed out that the Foreign Ministers last September had agreed that Italy should be called upon to co-operate in all such requirements; and they further pointed out that the Allied Council in Italy was now the co-ordinating body."

"Fascist organisations and war criminals" were among the subjects for discussion on May 7th in connection with the Balkan treaties.

UNITED NATIONS.

- 25.4.46. The "Manchester Guardian" announced: At the London Meeting of the United Nations Special Committee on Refugees and Displaced Persons, the Chairman, Mr. Hector McNeil, said he did not think the Committee should engage on the actual separation of war criminals from refugees, but would make recommendations to ensure that war criminals would not enjoy the protection of refugee organisations.
- 27.4.46. The Manchester Guardian: The Canadian delegate suggested that one of two sub-committees would have to determine what action should be taken to avoid interference with the surrender and punishment of war criminals, when making plans for the return of refugees to their countries of origin.
- 7.5.46. An official statement issued in New York on May 6th said that the Security Council sub-committee on Spain had asked the United Nations War Crimes Commission to supply it with the names of wanted war criminals at present on Spanish territory. (See also under Spain)

THE FAR EAST . . . . .

THE FAR EAST

JAPAN

International Military Tribunal: Tokyo

3.5.46.

The Times: Twenty-six of Japan's war leaders, headed by the former Prime Minister, Tojo, will be arraigned on May 3rd before the International Military Tribunal for the Far East, on which 11 nations are represented. The indictment of the defendants has been given wide publicity in Japan, and it is reported that the Emperor has given priority over all other work to a close study of the indictment. / Parts of the indictment, which comprises 20,000 words, resemble the Nuremberg one; the defendants are charged on 55 counts with planning, preparing and waging wars of aggression in violation of International Law and of treaties, with committing wholesale murder, and crimes against peace and humanity. / Other leaders indicted are: Baron Hiranuma, Gen. Koiso, Koki Hirota, all former premiers; Yosuke Matsuoka who was Foreign Minister in 1940/31, Admiral Shimada, Navy Minister; Shigenori Togo, Foreign Minister; Lt.-Gen. Teiichi Suzuki; Naoki Hoshino; Akira Muto; Keijin Oka; Osami Nagano; Iwane Matsui; Shunroku Hata; Toshio Shiratori, former Ambassador to Italy; and Hiroshi Oshima, Ambassador to Germany.

4.3.46.

Two additional defendants, Generals Itagaki and Kimura were flown from Bangkok and the Court adjourned pending their arrival.

Sir Willian Webb is presiding over the Tribunal, and Lord Wright, Chairman of the United Nations War Crimes Commission, was present as an observer. The procedure is cumbersome, as everything has to be read aloud then translated into Japanese, and then re-read to the prisoners.

6.5.46.

Agency messages reported that Tojo pleaded not guilty on all counts. The other defendants individually pleaded not guilty to the charges that they had plunged Asia into war. The Tribunal gave the defendants until June 3rd to prepare their cases, when the trial will start.

23.3.46.

New York Times reports: Major Yaichi Rikitake was convicted at Yokohama of eighteen war crimes charges. An Eighth Army Tribunal recommended suspension of his fifteen-year sentence because of his age.

CHINA

20.4.46.

General Rikichi Ando, war-time Japanese Governor of Formosa who was awaiting trial in Shanghai on charges of atrocities against Allied nationals committed suicide by swallowing poison.

24.4.46.

An Agency message reported: Lieut.-General Tanaka, former Japanese Governor of Hongkong and C.-in-C. South China, appeared before a Chinese Court-Martial at Canton. He is charged with atrocities and massacres carried out by his troops, resulting in the deaths of thousands of Chinese in the Canton area.

MALAYA AND SOUTH EAST ASIA

25.4.46.

Captain Uyeno, Japanese Officer in Command of the Law Courts Jail at Rangoon, was sentenced to death by a military court there. He was found guilty of causing the death of three Allied airmen and of causing suffering to others.

25.4.46.

An Agency message reported: The War Crimes Tribunal at Singapore sentenced two Japanese seamen to death for beating and torturing to death two civilian residents at Port Blair, Andaman Islands, in June, 1945.

THE FAR EAST

JAPAN

International Military Tribunal: Tokyo

3.5.46.

The Times: Twenty-six of Japan's war leaders, headed by the former Prime Minister, Tojo, will be arraigned on May 3rd before the International Military Tribunal for the Far East, on which 11 nations are represented. The indictment of the defendants has been given wide publicity in Japan, and it is reported that the Emperor has given priority over all other work to a close study of the indictment. / Parts of the indictment, which comprises 20,000 words, resemble the Nuremberg one; the defendants are charged on 55 counts with planning, preparing and waging wars of aggression in violation of International Law and of treaties, with committing wholesale murder, and crimes against peace and humanity. / Other leaders indicted are: Baron Hiranuma, Gen. Koiso, Koki Hirota, all former premiers; Yosuke Matsuoka who was Foreign Minister in 1940/31, Admiral Shimada, Navy Minister; Shigenori Togo, Foreign Minister; Lt.-Gen. Teiichi Suzuki; Naoki Hoshino; Akira Muto; Keijiro Oka; Osami Nagano; Iwane Matsui; Shunroku Hata; Toshio Shiratori, former Ambassador to Italy; and Hiroshi Oshima, Ambassador to Germany.

4.3.46.

Two additional defendants, Generals Itagaki and Kimura were flown from Bangkok and the Court adjourned pending their arrival.

Sir William Webb is presiding over the Tribunal, and Lord Wright, Chairman of the United Nations War Crimes Commission, was present as an observer. The procedure is cumbersome, as everything has to be read aloud then translated into Japanese, and then re-read to the prisoners.

6.5.46.

Agency messages reported that Tojo pleaded not guilty on all counts. The other defendants individually pleaded not guilty to the charges that they had plunged Asia into war. The Tribunal gave the defendants until June 3rd to prepare their cases, when the trial will start.

23.3.46.

New York Times reports: Major Yaichi Rikitake was convicted at Yokohama of eighteen war crimes charges. An Eighth Army Tribunal recommended suspension of his fifteen-year sentence because of his age.

CHINA

20.4.46.

General Rikichi Ando, war-time Japanese Governor of Formosa who was awaiting trial in Shanghai on charges of atrocities against Allied nationals committed suicide by swallowing poison.

24.4.46.

An Agency message reported: Lieut.-General Tanaka, former Japanese Governor of Hongkong and C.-in-C. South China, appeared before a Chinese Court-Martial at Canton. He is charged with atrocities and massacres carried out by his troops, resulting in the deaths of thousands of Chinese in the Canton area.

MALAYA AND SOUTH EAST ASIA

25.4.46.

Captain Uyeno, Japanese Officer in Command of the Law Courts Jail at Rangoon, was sentenced to death by a military court there. He was found guilty of causing the death of three Allied airmen and of causing suffering to others.

25.4.46.

An Agency message reported: The War Crimes Tribunal at Singapore sentenced two Japanese seamen to death for beating and torturing to death two civilian residents at Port Blair, Andaman Islands, in June, 1945.

MALAYA AND SOUTH EAST ASIA (Cont.)

27.4.46. Press cables from Singapore reported: Lieut.-General Shimpei Fukuye, Japanese commander of prisoner of war camps in Malaya immediately after the fall of Singapore, was convicted here of inhumanely confining 18,000 Imperial troops in a camp built to accommodate 600 and for the execution of two British and two Australian soldiers who crossed the camp gates to fetch water. General Fukuye was executed by shooting.

7.5.46. "The Times" reported from Singapore: Lieutenant Takasaki, "the Frog" and Keneshiro, a Korean guard, both well known to Allied prisoners who built the Siam-Burma railway, were sentenced to be hanged by the Singapore War Crimes Tribunal for responsibility and complicity in the execution of six British prisoners of war.

6.5.46. Reuter reported from Tokyo:

When the nine Judges of the International Tribunal trying twenty-seven Japanese leaders on war crimes charges entered the courtroom to-day each of them found in front of his seat a pamphlet entitled "Japan's record and world security" placed there by mystery intruders. Describing the act as "most improper" Sir William Webb, the President, said he did not know who was responsible for it. "The pamphlet is anti-Japanese propaganda and will not have the slightest influence on the Court," he added.

All of the twenty-seven defendants individually pleaded not guilty to the charges that they had plunged Asia into war.

When the proceedings began Dr. Inchiyo Kiyose, chief defence counsel, challenged the right of Sir William Webb to sit on the bench on the grounds that he was prejudiced as a result of the official investigation into Japanese atrocities in New Guinea he had carried out on behalf of the Australian Government.

After a recess, the Tribunal ruled that they were unable to remove any of the Judges on any plea whatever because they had been appointed by the Supreme Commander.

After taking the pleas of General Tojo and of the other twenty-six defendants, the Tribunal set June 3rd as the date for the beginning of the trial. It then adjourned until May 13th, when the defence motion on jurisdiction will be discussed.

Dr. Kiyose told the Press later that Emperor Hirohito would not be called as a witness "for the simple reason that any evidence he might give could not aid any of the accused in any way".

The accused were allowed four weeks in which to prepare their defence. The 55 count indictment covers 18 years of history and millions of war dead.

III.

THE NUREMBERG TRIAL

16.4.46. - 10.5.46.

THE DEFENCE

The hearing of Rosenberg lasted till April 17th. He was followed by Hans Frank (April 18th). The Tribunal then rose for four days for the Easter recess and resumed its sittings on April 23rd to hear the defence of Frick, who called witnesses, but did not give evidence. The Court then heard in succession the cases of Streicher, Schacht, Funk and Dönitz, whose defence was still proceeding on May 10th.

On April 24th during the evidence Dr. Stahmer, counsel for Göring, objected to the evidence being given by Dr. Gisevius, a witness called in the defence of Frick. Justice Jackson, the U.S. Chief of Counsel, declared:

"I must tell the tribunal that there have been threats to this witness in this court house while he was waiting to testify. There have also been threats not only against him but against the defendant Schacht."

Dr. Stahmer, called on by Lord Justice Lawrence to explain, said that Göring's point of view was that, if Gisevius attacked the dead Blomberg, then he (Göring) would "unload" a lot he knew to the discredit of Schacht.

Dr. Stahmer and Dr. Dix, defending Schacht, mentioned a conversation they had, which was stated to have given rise to the "threats" allegation.

The President told Justice Jackson that he would of course have an opportunity to mention what he thought fit about the intimidation when cross-examining the witness.

8.5.46. In connection with Dönitz's defence The Times Nuremberg correspondent wrote:

"It is no secret that his presence in the dock together with Admiral Raeder, his predecessor, is not viewed without misgivings in professional circles, just as the inclusion in the trial of the soldiers Keitel and Jodl has already evoked outspoken military comment in the United States.

"It can only be repeated that the prosecution does not rest its case on the professional eminence of any of the prisoners. Dönitz, like the others, is charged as a member of a conspiracy to wage aggressive war, and, more closely, with responsibility for crimes on the high seas such as the murder of survivors of torpedoed vessels while he was in command of the submarine arm."

PUBLICITY MEASURES

26.4.46. The British correspondent of the Yorkshire Post wrote :

"My own belief is that most Germans do not accept political and moral guilt for events after 1933, when 'the power passed to the men who carried the guns'. For a long time the Nuremberg trials provoked little interest. The Germans tired of an 'unending prosecution and no defence'.

"Interest revived when the prisoners began to appear in the witness-box. While I was in Nuremberg the trials occupied a page - half the size of this - in most of the licensed newspapers. Arrangements were being made for visits by parties of German trade unionists. During March some 200,000

THE NUREMBERG TRIAL (Cont.)

copies of a German translation of Justice Jackson's opening speech were distributed throughout the American Zone, and at Baden-Baden the German writer, Alfred Doblin, produced a pamphlet which sold all over the French Zone. Two pamphlets are about to be published in the British Zone, and more will be published as the trials proceed."

28.4.46. News from Germany reported:

"First members of the German bench and bar to be invited by the U.S. Office of Chief of Council at Nuremberg were to attend the War Crimes trials Wednesday, it was announced by the legal division of Office of Military Government for Germany (U.S.). Guests the first day will be Dr. Georg Strucksberg, Kammergerichtspräsident (president of the highest court in Berlin) and Dr. Kurt Wergin, Rechtsanwalt (president of the Berlin Bar Association)."

27.4.46. Radio Brussels: M. de Menthon, former French Minister of Justice and Prosecutor at the Nuremberg trial, visited Brussels and delivered a lecture on certain aspects of the trial. Before returning home, M. de Menthon said, over the radio that as a Public Prosecutor at the International Military Tribunal he had spoken not only on behalf of France, but also in the name of the Western European countries which were occupied and enslaved by the Nazis. On behalf of Belgium, he condemned the aggression and the crimes perpetrated by the Germans in Belgium. For that reason, he made a special point of coming to Brussels to explain the essence of his charges against the National Socialist criminals.

13th May, 1946.

SUPPLEMENT TO WAR CRIMES NEWS DIGEST No.XI

---

SURVEY OF LEGAL LITERATURE.

(Contributed by E. Schwelb, Legal Officer.)

---

Professor A.H. Campbell: "Fascism and Legality".  
The Law Quarterly Review, April 1946.

In his inaugural lecture delivered in the University of Edinburgh on January 8th, 1946 (published in the Law Quarterly Review, Vol.62, p.141), Professor A.H. Campbell examines the question how far the spirit of legality has been maintained in the systems which we call "totalitarian". Confining himself to two only of the totalitarian countries, Fascist Italy and Nazi Germany, the learned writer comes to the conclusion that, with regard to their approach to the problem of legality, there was a great difference between the two régimes:

The Italian Fascist was a bandit, a criminal; he knew what law means, although he was ready to break the law where he could do so with profit and impunity. In matters of private law, where his own safety or profit was not directly concerned, he left the professional lawyers a fairly free hand, recognizing the value of maintaining a stable system of law and the principle of legality. But the German has a terrible and dangerous capacity for mystical faith, and the German Nazi - at least, the sincere Nazi - was so full of his nonsense about Blood and Soil and Race and Leadership and Domination that his mind was quite impervious to other ideas. Hence his utter rejection of the idea of legality and hence the appalling difficulty of the problem which confronts the world - what to do with Germany. It is not a question of teaching a wrongdoer a lesson; it is a question of curing a madman.

---

THE LEGAL BASIS OF THE NUREMBERG TRIALS  
by Murray C. Bernays.

(Reader's Digest, March 1946 -  
Condensed from Survey Graphic, January, 1946)

Colonel Bernays, who acted as military adviser to Mr. Justice Jackson in preparing the International Military Tribunal, gives in the present article - the original, which appeared in "Survey Graphic", is not available at present and this report is based on the condensed reproduction in the Reader's Digest - first a history of the moves which eventually led to the establishment of the International Military Tribunal. The writer gives the American aspect of this history by stating that it was in September, 1944 that the Personnel Division, G-1, of the United States War Department General Staff, recommended that the German leaders, civilian and military alike, together with such associations as the SS and Gestapo, should be charged before an international court with conspiracy to commit their notorious crimes. The distinguishing features were the employment of the legal principle of conspiracy and the recognition that aggressive war is a crime under international law for which guilty individuals may be punished.

The plan was endorsed in turn by the Assistant Secretary of War, the Secretary of War, the Legal Adviser of the State Department, and just a year ago (January 1945), the Secretary of State joined the Secretary of War in recommending the plan to President Roosevelt. Last May President Truman approved it, and designated Justice Robert H. Jackson of the U.S. Supreme Court as Chief of Counsel for the United States.

The writer then mentions the Four Power Agreement of 8th August, 1945, which he describes as an "Executive Agreement". It is submitted that it is an "Executive Agreement" only within the meaning of recent American constitutional doctrine, namely, that it is not a Treaty requiring the consent of the United States Senate and the concurrence of two-thirds of the Senators. This does not affect, however, its character as an international instrument laying down and re-stating rules of International Law.

Colonel Bernays says that all the doubts and questions which have been raised in the public press regarding this prosecution - and many more besides - were vigorously mooted in the War and State Departments and elsewhere before the plan was finally approved.

The writer can testify to this from personal knowledge since he initiated the project and saw it through, step by step, as Chief of the Special Projects Branch of G-1, General Staff. There were those who questioned the need for any trial at all, or its wisdom; they were in favour of punishment by decree. Others challenged the root concepts of the plan, such as the doctrine that aggressive war is a crime.

It may be added in this connection that Colonel Bernays, as is natural enough, in describing how the scheme was brought about, restricts himself to the internal American aspect of the relevant events. The same problems were, of course, examined and discussed also by other Allied Governments and on the international level. Reference may be had, for example, to the contribution made towards the elucidation of the difficult problems by the London International Assembly, which as early as October, 1943, adopted a Draft Convention for the creation of an International Criminal Court. It is appropriate to mention in this connection also the discussions held and the draft conventions and recommendations adopted by the United Nations War Crimes Commission in the first months of its existence, early in 1944.

The writer discusses the chief jurisprudential questions involved in the trial of war criminals independently of, but mainly on the same lines, as Lord Wright, Professor Goodhart and Professor Winfield in their recent articles summarised in Nos. IV and X of this series.

As far as war crimes in the narrower sense of the violation of laws and customs of war are concerned, the writer refers to The Hague Convention and maintains that although The Hague Regulations do not use the words "crime" or "criminals", their violation is criminal in traditional law.

He mentions the fact that a United States Tribunal has already convicted and executed the German General Anton Dostler, because he directed the killing of American parachutists. Dostler, he says, was acting under a direct Top Secret order issued by Hitler himself that Commandos were to be killed to the last man after capture, regardless of the fact that they were in uniform and engaged in a lawful military mission. It is respectfully submitted that a slightly different view may be held of the Dostler case (see Trial and Law Report Series No. 14). Dostler was not sentenced and executed because he acted under Hitler's order. The ratio decidendi, if one may use this term in connection with a case decided by a Military Commission, which does not give the reasons on which the sentence is based, was that Dostler's behaviour was not even covered by Hitler's order. Under Hitler's order he would have had to hand over the prisoners to the Security Service (Sicherheitsdienst), and he acted even contrary to this order in causing them to be summarily shot.

With regard to "crimes against humanity", Colonel Bernays makes the very important point, also made by Kelsen in "The Legal Status of Germany according to the Declaration of Berlin", (American Journal of International Law, Vol. 39 (1945), page 518), that here is a well settled ground of prosecution, because under the instrument of unconditional surrender which Germany signed the occupying Powers exercise all judicial authority in the occupied land.

The German courts are closed, or sit to hear only such cases as the occupying Powers permit. Allied military tribunals thus have full jurisdiction to try offenses against German laws and are in a position to deal even with Germans who killed or injured other Germans at any time in violation of such laws.

In dealing with the objection that no neutrals have been appointed to sit on the Bench at Nuremberg, the writer says:

How could one ask neutrals to judge a Germany, of which they must always remain a neighbour, without their being influenced by the fear that she may once again become powerful enough to exact political or economic retribution upon those of her feebler neighbours who dared to judge her?

After having shown the illegality of aggressive war by quotations from the Kellogg-Briand Pact, from the Geneva Protocol of 1924, and the Resolution of the Eighth League Assembly of 1927, he sums up by saying that what has happened at Nuremberg is revolutionary. But let us be clear as to the kind of revolution it is. It is not a revolution in the law. It is a revolution in law enforcement which opens a vista of hope to men of courage and good will everywhere.

---

Correspondence in "The Times"

on the Nuremberg Trial.

The correspondence in "The Times" summarised in War Crimes News Digest No.X of April 26th, 1946, (pages 27/28) was continued by a letter from the Warden of Rhodes House, Oxford (Dr. C.K. Allen), whose article in "Truth" of 23rd November, 1945, was summarised in Press News Summary (News Digest) No.IV of 19th December, 1945, on page 18.

In his letter to "The Times", which appeared on 26th April, 1946, Dr. Allen writes, inter alia:

"Professor Goodhart is doubtless right in saying that the English law of contempt of court does not apply to an international tribunal of unique character. But Mr. Pakenham-Walsh is equally right in saying - and this, not the technical definition of contempt of court, was surely his point - that comments such as I have quoted would not be tolerated in respect of any criminal trial in this country. The fact that certain foreign critics consider the comments insufficiently vituperative does not make them any more attractive to English taste.

"With all respect to Professor Goodhart, it begs the question to say that the accused at Nuremberg are having a 'fair trial' because they are allowed to make Nazi speeches - or, for that matter, to engage in shouting matches with some of the prosecutors. The far graver issue is whether a process before a military tribunal, of improvised constitution, procedure, and jurisdiction, on charges some of which have never before been heard of in national or international law, is a trial at all in any sense that Englishmen have ever understood the term, except in the days of political treason trials. Nuremberg is only one of many fair trials which are being conducted all over Europe on principles of 'natural justice'. There will be others; for example, the fair trial of General Mihailovitch will soon be added to the record. Indeed, it is safe to predict that every war of the future will have a long and bloody sequel of the fair trial of defeated enemies. Revenge, said Bacon, is a kind of wild justice; but let us not pretend that it is justice according to law."

In a letter which appeared on April 29th, Mr. E. Holroyd Pearce pointed out that "at Nuremberg a really fair, effective, and respected International Tribunal had been achieved for the first time in history. The future potentialities of this achievement are enormous, and it is fitting to express one's admiration of the courage and ability of those who have made it possible."

In the same issue, Mr. Henry Maxwell replied to Dr. C.K. Allen particularly referring to his statement that some of the charges - presumably those relating to the conspiracy to wage war of aggression - are invalidated because they have not been heard of before in English courts of justice. Mr. Maxwell asks:

"What does Dr. Allen suggest? That no one should be held responsible for such acts of mass murder? And what of all the other murders? Dr. Allen ignores the salient fact that those now standing trial were all warned time and again that if they continued with these dastardly crimes they would be arraigned and punished in the day of victory and reckoning."

"It is really outrageous to suggest that the Nuremberg procedure savours either of revenge or lynch law, and it is no little disservice to humanity to make such an innuendo."

Mr. Archibald Robertson, in a letter which appeared on 30th April, 1946, admitted that it is true that making war has never before been treated as a crime:

"But the very existence of civilisation at this stage of the world's history requires that war-making shall be so treated now and in future. The Nuremberg court is an engine of a new world order which the Allies are engaged in setting up. It is in fact a revolutionary tribunal."

"Obviously the principles involved in trying a forger or a pickpocket do not apply here. The guilt of the war-makers is a chose jugée. If the late rulers of Germany are innocent, the Allies are guilty of making war on them, which is absurd. While, therefore, it is right and proper that a trial should be held to establish the relative guilt of the individuals now in the dock, the general result cannot be in doubt, and public comment can be allowed a liberty which would be out of place in an ordinary trial."

"The Warden's gloomy anticipation of a trial of defeated enemies after every future war presupposes that future wars will occur. If they do, civilisation is unlikely to survive anyhow. In order that they may not, it is necessary that the launchers of the late war should be punished and rendered the objects of permanent public opprobrium; and the law must be made to fit the unprecedented case, not the case to fit the law of any nation."

In a letter published on 2nd May, Dr. Gilbert Murray makes the following point:

"Granted that the trials are being conducted with the most scrupulous justice; granted further that since the acceptance by the League of Nations of the rule that 'aggressive war is a crime against the international community,' certain actions not previously regarded as criminal may have become so; granted lastly that the monstrous and demonic cruelties introduced into warfare by the Nazis must receive some definite world-wide condemnation; nevertheless how can it be just, or to future generations ever seem just, that after a war the victors, because they are victors, should judge the offences of the vanquished, and, merely because they are victors, escape all judgment themselves? Do we claim that no war crimes were committed by any member of the British, American, or Russian armies?"

"I doubt if these trials will produce in history that moral effect which is claimed to be their main justification. A soldier judged and hanged by his enemies is to his own people an object of sympathy rather than horror."

Mr. Ewen E.S. Montagu writes on 2nd May, 1946:

"Dr. C.K. Allen is so persuasive in his letter of April 23rd that there is danger of the real fundamentals being obscured. These can be summarized in a few questions.

"(1) With the present shortage of newsprint, and the length of the trial, must newspapers print an almost verbatim report or remain silent? Or is a summarization coupled with the impression formed by a fair-minded listener sufficient? If Dr. Allen could produce any evidence that the reports in "The Times" (or in the other papers, having regard to the varying tone and method of their normal reporting) fall short of the latter standard, there might be something in the charge of "contempt of Court" in the sense in which he uses the words.

"(2) Have the defendants a fair trial? Does Dr. Allen really believe that either Lord Justice Lawrence or any of the British prosecution team would preside over, or take part in, any trial that was not scrupulously fair? If so, it should be sufficient to introduce him to any of those persons.

"(3) Is it right to charge men with crimes never before heard of in international law? Dr. Allen forgets all the normal crimes that they are charged with, but the answer to his question is that the civilized States among whom international law grew up never envisaged the possibility of a recession into a long abandoned barbarism far worse than anything that they were dealing with.

"(4) Is it right to level charges based on 'natural justice'? To this one can reply :- Is it right that Kramer should die for the crime of Belsen and the men who made him what he was and gave him his opportunities go free? When one looks at the lot of the inhabitants of the world in 1939 and in 1946 is it right that those responsible for wantonly creating the difference should go free? If charges such as those can be proved, surely Dr. Allen is answered. Can Dr. Allen point to any of the charges and say that any reasonable man, debating whether to commit the relevant act, would not realize he was about to commit a criminal act in the true sense of those words?"

Lord Parmoor on 3rd May, 1946, repeats that, in many of the reports published in the Press, the limits - not alone of taste and decency - have been outstripped and that the justification put forward by Professor Goodhart (and others) is no sufficient answer.

Mr. Constantine Gallop, on the other hand, denies Dr. Allen's statement that comment such as "The Times" has made on the Nuremberg proceedings would not be "tolerated" in respect of any criminal trial in this country.

A reply to Dr. Gilbert Murray's letter by Mr. E. Villiers was published on May 4th. Mr. Villiers admits that doubtless from time to time crimes were committed also by members of the Allied armies. But surely there is a world of difference between occasional crimes committed by individuals in the heat and bestiality of war and the premeditated, planned and unspeakable crimes which were made an integral part of the national policy of our enemies' warfare? Surely Dr. Murray's comparison is needlessly unfair and offensive?

In a letter which appeared on May 4th, Mr. Ralph Glasser supports Dr. Allen's point. He says:

"Doubtless there is to be found a powerful body of opinion which will support the court's proceedings on moral grounds, but all this does not dispose of the fact, uncomfortable to many, that the Nuremberg court is distinguished from others in that it makes its law as it goes along. To state this as a fact, or to discuss its validity as a proposition, is not to say, as Mr. Maxwell infers,

Mr. Ewen E.S. Montagu writes on 2nd May, 1946:

"Dr. C.K. Allen is so persuasive in his letter of April 23rd that there is danger of the real fundamentals being obscured. These can be summarized in a few questions.

"(1) With the present shortage of newsprint, and the length of the trial, must newspapers print an almost verbatim report or remain silent? Or is a summarization coupled with the impression formed by a fair-minded listener sufficient? If Dr. Allen could produce any evidence that the reports in "The Times" (or in the other papers, having regard to the varying tone and method of their normal reporting) fall short of the latter standard, there might be something in the charge of "contempt of Court" in the sense in which he uses the words.

"(2) Have the defendants a fair trial? Does Dr. Allen really believe that either Lord Justice Lawrence or any of the British prosecution team would preside over, or take part in, any trial that was not scrupulously fair? If so, it should be sufficient to introduce him to any of those persons.

"(3) Is it right to charge men with crimes never before heard of in international law? Dr. Allen forgets all the normal crimes that they are charged with, but the answer to his question is that the civilized States among whom international law grew up never envisaged the possibility of a recession into a long abandoned barbarism far worse than anything that they were dealing with.

"(4) Is it right to level charges based on 'natural justice'? To this one can reply :- Is it right that Kramer should die for the crime of Belsen and the men who made him what he was and gave him his opportunities go free? When one looks at the lot of the inhabitants of the world in 1939 and in 1946 is it right that those responsible for wantonly creating the difference should go free? If charges such as those can be proved, surely Dr. Allen is answered. Can Dr. Allen point to any of the charges and say that any reasonable man, debating whether to commit the relevant act, would not realize he was about to commit a criminal act in the true sense of those words?"

Lord Parmoor on 3rd May, 1946, repeats that, in many of the reports published in the Press, the limits - not alone of taste and decency - have been outstripped and that the justification put forward by Professor Goodhart (and others) is no sufficient answer.

Mr. Constantine Gallop, on the other hand, denies Dr. Allen's statement that comment such as "The Times" has made on the Nuremberg proceedings would not be "tolerated" in respect of any criminal trial in this country.

A reply to Dr. Gilbert Murray's letter by Mr. E. Villiers was published on May 4th. Mr. Villiers admits that doubtless from time to time crimes were committed also by members of the Allied armies. But surely there is a world of difference between occasional crimes committed by individuals in the heat and bestiality of war and the premeditated, planned and unspeakable crimes which were made an integral part of the national policy of our enemies' warfare? Surely Dr. Murray's comparison is needlessly unfair and offensive?

In a letter which appeared on May 4th, Mr. Ralph Glasser supports Dr. Allen's point. He says:

"Doubtless there is to be found a powerful body of opinion which will support the court's proceedings on moral grounds, but all this does not dispose of the fact, uncomfortable to many, that the Nuremberg court is distinguished from others in that it makes its law as it goes along. To state this as a fact, or to discuss its validity as a proposition, is not to say, as Mr. Maxwell infers,

that mass murder should go unpunished. But since when has there been a world-State, wielding a world legal sanction, on the basis of a world criminal code, which can try 'mass murder' as a breach of world law?

"Let us at least be clear about what is taking place at Nuremberg. Let us separate our moral judgments upon the facts of recent history from the consideration of legal facts. There is a distressing similarity between the court at Nuremberg and the court which tried and condemned King Charles I. In both cases every effort was made to make the proceedings look legal; in both cases the organizers of the court and their supporters felt that they had on their side overwhelming moral justification. At all events let us be clear-headed on these great matters."

Dr. C.K. Allen in a letter which was published on May 6th replied:

"Mr. Maxwell should pause before describing a difference of opinion as a 'disservice to humanity'. The real disservice is to undermine the conception of justice which, now more than ever, is essential to the health of this nation and of the civilized world."

"There has never been any doubt of the decorum of the proceedings. But the demeanour and personnel of a tribunal are wholly different from the basis of its jurisdiction."

Referring to Dr. Gilbert Murray's letter, the learned writer says:

"The large moral question raised by Dr. Gilbert Murray is really bound up with the legal issue. May I add this to his main point - that it is only a half-truth to describe the Nuremberg Court as an 'international' tribunal. It is a tribunal of victorious nations, one of which was on terms of 'non-aggression' (not to say co-belligerency) with the accused when they were committing some of their worst abominations."

The Debate was wound up in "The Times" of 13th May, 1946, by a letter from "The Times" Special Correspondent stating that those who groundlessly reproached the Press for prejudging the leaders of Nazi Germany are quite ready to prejudge the Nuremberg trial which stands at the bar of world opinion in far greater measure than the individual prisoners.

Mr. Henry Maxwell points out to the critics of Nuremberg that the alternative to such a tribunal is to let these most guilty men go unpunished. That, he thinks, is likely to set a precedent far more injurious to mankind than is the implementation of its moral judgments with penal sanction. It is for this reason that he maintains that criticism of the kind expressed by certain of the correspondents is a disservice to humanity.

In a leading article "A Reply from Nuremberg", "The Times", dealing with the right of the Nuremberg trial to be considered an act of law and justice, and not an example of disguised revenge, says:

"This is a fundamental issue which was discussed in these columns before the trial began, and was indeed in debate long before the present accused came into the hands of the Allies. The objections, though open to a complete answer, are not to be dismissed in a sentence: and it may be sufficient here to refer to a cogent and lucid vindication of the status of the proceedings in international law which appears in "The Juridical Review" of April, over the signature of Dr. A.L. Goodhart, Professor of Jurisprudence at Oxford." (see summary of Professor Goodhart's article in War Crimes News Digest No.X, page 22).

XII

No. XII.

May 23rd, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

WAR CRIMES NEWS DIGEST.

[ NOTE: The above title replaces that of Press News Summary  
used in previous numbers of this series.- R.C. ]

---

C O N T E N T S .

	<u>Page</u>
I. PUBLIC RELATIONS ... ..	1
II. SUMMARY OF EVENTS ... ..	3
III. THE NUREMBERG TRIALS .. ...	14

---

I.

PUBLIC RELATIONS.

(Contributed by the Public Relations Officer)

THE LATE BRIG.-GENERAL E.C. BETTS.

The members of the Commission will have heard with deep regret of the death of Brig.-General E.C. BETTS, Theatre Judge Advocate General of the U.S. Forces in Europe.

The following obituary notice appeared in "The Times of May 17th

Brigadier-General Edward Chambers Betts, who died at Frankfort on May 6, was an American officer of outstanding ability. When the United States troops crossed the Atlantic he came to London as Judge Advocate-General of the American forces in Europe. His handling of difficult problems such as the exclusion of the United States Army from the jurisdiction of the British courts and the adjustment of civilian claims brought him into particularly close contact with officials and others in this country. While they quickly learnt to respect the firmness and loyalty with which he maintained his country's interests, they fell at once under the spell of this visitor from the deep South, with his deliberate voice, his obvious sincerity, his old-world courtesy, and his irresistible personal charm. Fresh problems ranging from war criminals to "G.I. brides" continued to arise. They were met with the same imperturbable patience and resource. To him the war against aggression was from the first a crusade.

It was characteristic of the man that, though he was the soul of hospitality and though he could enjoy the comforts of life as well as other men, he lived a Spartan life among us, forswearing tobacco and alcohol, for instance, until the job should be finished. Invited to be the guest of the Athenaeum for the duration of his stay in England, he gladdened his ever-growing circle of acquaintance there by accepting permanent membership. Wherever he went, he won people's hearts. Like his close friend, General Eisenhower, he would tolerate no friction between the forces of the allies in matters great or small. One stage of his work was completed when victory came; few had better served the common cause. In what still remains to be done no one will be more sadly missed.

Brigadier-General Betts was born in Alabama, where in his youth he practised as a district attorney. He had travelled widely in the east. In the first world war he was one of the advance party which arranged the taking-over of part of the front line by American troops.

At the end of April a heart attack, probably brought on by the strain of overwork, caused him to be removed to the 97th General Hospital; after a week the attack proved fatal. Mrs. Betts had been brought by air from Washington to be with him in his illness. The sympathy of a host of English friends will go out to her.

+ + + + +  
An important handout ...

An important handout dated May 8th was compiled by this department and entitled "Forgery Part of German War Plan". In view of previous official criticism of a forgery story issued by this Commission it was considered advisable to consult the Bank of England. The Bank asked us especially not to release this issue, and have put their confirmation and sincere thanks in a letter informing us that in future they will be only too glad to help us in handling construction of similar subjects.

The 31st List of War Criminals containing the names of five hundred and three Germans received its usual publicity in the national and provincial press.

The following article entitled "War Criminals" appeared on the 16th May in the Daily Herald, the paper with the second largest net sale, if not the largest in the whole of Great Britain. It reads as follows:-

"This time the war criminals are certainly not getting away with it as the Germans did after 1918. Fears expressed during the war about the inconclusive activities of the War Crimes Commission have proved unfounded. In the background of the more exciting trials such as Belsen and Nuremberg, the Commission has gone on compiling comprehensive lists of names of wanted men and women for submission to the various Allied military authorities. The people named have been kept in custody, or arrested if not already held. There are many thousands.

"Though Belsen and Nuremberg have had the limelight of publicity, dozens of other trials have been carried on by military courts throughout Germany. Scores of killers and torturers have already been sentenced to death for their deeds in various concentration camps and prisoner of war camps. This is in striking contrast with the farcical trials after 1918 when German offenders were tried by German Courts. Then out of 900 cases of people known to have committed atrocious crimes, all but 13 were acquitted - and those 13 only got light sentences."

A story put out on May 8th for the morning papers of May 9th entitled "Compliant Justice" received little publicity according to cuttings to date. It appears it was the length of the story which killed it.

On May 16th an interview took place between General de Baer and an ace reporter of the Daily Dispatch. As a result, the following paragraph appeared on Friday, May 17th:-

"Fifty cases a day are still flowing into the offices of the War Crimes Commission for sifting and presentation to the various courts which will try the war criminals. I was talking to-day to General de Baer, Chairman of Committee I, the most important one dealing with facts and evidence. General de Baer is a Belgian soldier of the 1914 - 1918 war, Judge of the High Court at Antwerp, and later Chief Justice of the Eastern Province of the Belgian Congo. Small, dark and dapper, he has a fluent command of French, Dutch, German, Italian, Portuguese and Swahili. His English is better than that of most Englishmen. General de Baer told me that many of the criminals listed will never be found. Identification among an unhelpful German public presents the chief difficulty. It is his job to decide whether there is a prima facie case to be presented."

On May 16th, an important announcement entitled "Progress Report of War Crime Trials" was handed out officially via the Central Office of Information. The results in the British Press were very disappointing, but the report has been welcomed by the Chicago Tribune and the Chicago Sun, the Chicago New York Tribune, the New York Times, and the Australian and New Zealand Press agencies. In other words a good Empire coverage can be expected in this regard.

## S U M M A R Y   O F   E V E N T S

(up till May 17th, 1946)

### A U S T R I A.

#### TRIALS

##### The Graz Murder Trial (also called the Eisenerz Trial)

The conclusion of this case, which was tried in Austria by a British court, with Mr. Glynn Jones as President, was mentioned in No. XI of this Digest (page 2). The Wiener Zeitung of 25.4.46. described the acquittal of Major Schumann as follows:

A sensation then followed; in answer to a question by the President the Prosecuting Counsel stated that he had only brought a charge against Major Schumann on the grounds that he was the most senior officer at Eisenerz and it was for this reason that he had to appear before the Court. ... The decision remained with the Court but he would take the responsibility of asking the Court for a conviction. After conferring, the President of the court, Mr. Glynn Jones, stated: "The court finds Schumann not guilty. It is not for the Court to enquire whether he would have done better if he had been more energetic. Nevertheless, the Court deems it good for him that he had to account for his activities here. He fully deserves the verdict of not guilty and is entitled to leave the dock."

##### The Trial of Anton Brunner

This trial (see No. XI of this Digest) ended at Vienna on 11.5.46. Brunner, who was responsible for the deportation of 50,000 Jews to extermination camps in Poland, was sentenced to death.

[Note: Anton Brunner is also known as Brunner II; it is not clear whether he is identical with Brunner, former commandant of the Jewish concentration camp at Drancy in France (see UNWCC List 2, No.53)]

#### ARRESTS

Neues Osterreich (3.5.46.) reported the arrest of Karl Kraemer, a German, a former concentration camp official, who is held responsible for the deaths of 300 internees between 1933 and 1945.

Other arrests reported were those of Gertrude Greiss, a female overseer at the Theresienstadt concentration camp; and of Franz Dittrich, S.A. doctor, accused of crimes under the War Crimes Law, paras 6 and 8 and "an organizer on a large scale".

#### SURRENDER OF WAR CRIMINALS.

With reference to the expected surrender to Austria after the Nuremberg trial, of some of the major criminals, (Syess-Inquart, Kaltenbrunner, v. Papen, Schirach: see No. XI of this Digest, page 2) it is reported that a number of other war criminals now held at Nuremberg as possible witnesses would be surrendered to Austria. In this connection Neues Osterreich (21.4.46.) wrote: People coming under this heading include, in particular, the former Gauleiters RAINER and HOFER, the former National-Socialist Mayors of Vienna Dr. NEUBACHER, MUEHLMANN, TAVS and REINTHALLER, as well as the former Minister GLAISE-HORSTENAU.

#### A U S T R I A (Cont.)

The Gauleiter of Linz, EIGRUBER (+) whose surrender was also requested by the Ministry of Justice, is at present appearing before an American Military Court sitting in Dachau in connection with the atrocities at Mauthausen. Readiness to extradite Seyss-Inquart and Kaltenbrunner - no matter whether they are condemned or acquitted - is based on their former Austrian citizenship, while with regard to the extradition of Papen and Schirach the principle repeatedly proclaimed by the Allies, that war criminals should be tried in the countries in which they committed the actions of which they are accused, holds good. Dr. Ernst Kaltenbrunner will not only be prosecuted on the grounds of high treason, but will also be tried for murder according to paragraph 134 of the Austrian penal code. He is strongly suspected of having caused the murder of two Linz police officials, Dr. FENZ and Dr. BERNEGGER, for reasons of personal revenge.

#### B E L G I U M

Moscow radio reported (14.5.46.) under the heading "Degrelle Bargains With Court": It appears from an interview which UP has had with the Belgian war criminal, Degrelle, that this man makes conditions on which he will consent to appear before a Belgian Court. (Conditions enumerated: Court must be just, acquittal of all members of the Walloon Legion, permission to appear before Court in the uniform of German colonel.) So Degrelle wishes even to die in German livery!

Agency messages of 13.5.46. reported the conviction and sentencing to death, by a Belgian court, of 16 Belgian SS guards of a concentration camp (?Breendonck) who had been accomplices in the murder and torture of hundreds of patriots. Other defendants received varying terms of imprisonment.

#### D E N M A R K

Kalundborg radio (9.5.46): At the trial of the Danish citizen Knutzen, a former Director-General, Gustav Meissner, formerly Press attaché in the German Legation at Copenhagen, was called as a witness. He stated that Renthe-Fink, former German Minister in Denmark, had approved the foundation of the Danish-German Society.

A Danish ex-sergeant, Oestenkaer, a former member of the so-called "Free Corps" and of the Schalburg Corps (a German-controlled terrorist body), was tried at Copenhagen (9.5.46) by the City Court for delivering a number of people to the Gestapo, and was sentenced to death.

A female informer, Ruth Nielsen, who had informed against 60 Jews, was sentenced by the Hillerød Court to 16 years' imprisonment. The Prosecution had demanded the death sentence.

#### F R A N C E.

##### Trial of Robert Wagner.

Some additional details concerning this trial, which ended with the conviction of Wagner and his associates (see No. XI of this Digest, p. 3) were given in the New York Times (24.4.46). The statement that Wagner himself directed the decisions of the courts is of interest in connection with the trials of Alsatian deserters from the German army.

---

(+) Eigruber was sentenced to death on May 13th; see Germany, American Zone.

FRANCE (Cont)

"Wagner and his accomplices were accused of not only instituting throughout Alsace during the occupation a widespread campaign of terror but of causing the death of 180 persons in two concentration camps at Schirmeck and Struthof, of organising the drafting of Alsations into the German army and finally of the specific assassination of four British aviators who had been shot down in Alsace.

"Wagner, who had lost much of the bravado he showed when arrested, told the Court that his profession was that of "gauleiter." He admitted having issued orders for the execution of Allied aviators but asserted that he had countermanded them.

"On other points he said he acted only as an intermediary, on orders given by Adolf Hitler, Heinrich Himmler and Martin Bormann.

"German lawyers, appointed by the court to defend Wagner and the others, attempted to obtain dismissal of the case but the court confirmed its competence. The accused men disputed among themselves in giving evidence and all of them declared that they carried out the orders of Wagner, who, they said, directed everything in Alsace, including the decisions of the courts."

Paris Radio (8.5.46): The leaders of the National Front of Corsica have sent to the Four Foreign Ministers in Paris a letter asking that 500 Italian war criminals be delivered to French justice. Fifty-four of these Italians were sentenced in absence by the Military Tribunal of Corsica, on 3rd July, 1945.

GERMANY.

American Zone.

The Mauthausen Trial.

As briefly mentioned in No. XI of this Digest (page 4), the U.S. Military Court sitting at Dachau found all the 61 defendants guilty on May 11th, 1946. Judgment was pronounced on May 13th: 58 of the defendants were sentenced to be hanged, including August Eigruber, former Gauleiter of Upper Austria (see above under Austria).

The following passage in the President's remarks is of interest in connection with the charge of acting "in pursuance of a common design" which had been objected to by the defence (see Report on a visit to this trial: Document C.189).

Major General Prickett read the following unanimously agreed declaration of the findings of the Court and afterwards ordered it to be read in German:

The Court finds that the circumstances and conditions and the very nature of the concentration camp at Mauthausen combined with any and all of its by-camps was of such a criminal nature as to cause every official, Government, military, and civil, and every employee thereof, whether a member of the Waffen S.S., Allgemeine SS. Guard, or civilian, to be culpably and criminally responsible.

The president, in his findings, said that the Court found that it was impossible for the camp staff not to have "acquired a definite knowledge" of the criminal activities going on. It also found that the deaths "by shooting, gassing, hanging, regulated starvation, and other heinous methods" were brought about "through deliberate conspiracy and planning by Reich officials, either of Mauthausen concentration camp or of the higher Nazi hierarchy."

GERMANY (Cont.)

An agency message (10.5.46.) reported the end of the so-called Weissenburg trial, the first trial by a German court of Germans accused of atrocities under the Nazi régime. Fifty two residents of Weissenburg were sentenced to imprisonment for burning Jewish synagogues, plundering Jewish property "and other sordid and unprintable acts" in the November 1938 pogroms. The heaviest sentence was 4 years and 3 months. (See No.X of this series, pages 6 and 7).

Sepp Dietrich Trial

A Reuter message (16.5.46.) from Dachau stated: The third major war crimes trial in Dachau Court opened here to-day, when Colonel-General Sepp Dietrich, who was a colleague of Hitler in the 1923 beer-hall Putsch, and two other S.S. generals, Fritz Kraemer and Hermann Priess, and 71 other German soldiers, faced charges of murder by shooting unarmed members of the United States armed forces in the Malmédy area during "the battle of the bluge" between December 16, 1944 and January 13, 1945. Brigadier-General Dalbey, United States Army, is president of the court, which also includes six colonels.

[Note: Sepp Dietrich commanded the 1st SS Pz. Division "Adolf Hitler"; he has been charged, for atrocities committed by his troops by the Belgian government, List 1, No.2; and by the Polish government, List 1, No.432.]

The following information was given out at Munich (9.5.46.) by the Military Government of Bavaria: A total of 100,000 Nazis are expected to be behind bars by December; 60 tribunals are ready to start weeding out active Nazis throughout Bavaria. Some 2,400 Germans have been selected as judges, jurors and prosecutors and are ready to begin hearings against Nazis under the new "law for liberation from National Socialism and militarism". The tribunals will consist of about 20 members each, selected on the basis of their anti-Nazi records.

A spokesman for the Military Government said that most of the 60,000 internees already in Allied camps as "threats to security" would probably be listed as major offenders, and that the German tribunals would hold sessions inside the camps to hear evidence against inmates. These camps will be transferred shortly to German hands. Three former prisoner of war cages have already been turned over to German authorities to receive new Nazi offenders sentenced by the "decision tribunals".

A Reuter message from Nuremberg (16.5.46.) stated: Three former German military leaders have been flown here from Britain under escort. They are Field-Marshal Rundstedt, former C.-in-C., Western front; Field-Marshal Kleist, who commanded an army group on the Eastern front, and Gen. Blumentritt, who took part in the surrender negotiations with the British. They have been lodged in the same prison as the accused in the war crimes trial. No announcement of the reason for their presence is being made, but it is believed that they are needed for the preparations now going on for a new series of trials.

French Zone

Radio Koblenz reported (14.5.46.): The first proceedings before the High Court for the entire French zone will start tomorrow afternoon in the large hall of the Rastatt Schloss. From now on trials will be held at Rastatt of all guilty of war crimes or other grave offences against the occupation Power. This Rastatt Court, presided over by the Director-General for Justice for the zone,

GERMANY (Cont.)

Fordy, is the highest Court of Appeal and the Supreme Court of Justice in the French zone. Thirty-three persons will be brought to trial, all employed at the Neue Brenne concentration camp near Saarbrücken. Primarily, political deportees of all nationalities were accommodated in this transit camp where the inmates stayed three and half to four months. The camp usually quartered 300 to 400 men and about 200 women. The Commandant, Fritz Schmoll, had seven assistants and a considerable number of male and female guards. Conditions were similar to those at other notorious concentration camps. German counsel have been made available for the defence of the accused. It is expected the trial will last a fortnight as 80 witnesses will be called for the prosecution, among them several officers of the British Army.

President Ausset, Paris Court of Appeal, will be the Presiding Judge. Two representatives of the Rastatt Military Court and representatives of the French Military Government will be among the Judges. A British and a Saar Judge will attend in an advisory capacity. Prosecuting Counsel is Public Prosecutor Deranier. The Judge conducting the preliminary examination is Jourdan. The trial will be considered one of the most significant in the French zone both as regards the number of persons involved and its importance.

British Zone

The Wuppertal Trials

The trial opened (6.5.46.) of eleven SS and SD personnel, charged with the murder of six British officers and men of the 2nd Special Air Service Regiment, four American airmen, and four French civilians, including three priests at Gaggenau concentration camp, Baden, in November 1944. The Military Court was under the presidency of Brigadier J.B.T. Hennessy and included one French officer. Major Hunt was the prosecutor. The evidence showed that Zimmermann and 4 others defendants took 10 uniformed British and American prisoners and four Frenchmen to a bomb crater in the woods where they were shot in groups of three.

On May 10th five of the accused were sentenced to death: namely Karl Buck (53), camp commandant; Karl Nussberger (47), chief of the Security Police; Adolf Ostertag (42); Josef Ulrich (31); and Heinrich Neuschwanger (37). Josef Muth (40), who accompanied the firing party but remained on the edge of the woods, was acquitted.

The next of the Wuppertal Trials was due to begin on May 15th, when 14 Germans were to be arraigned for the murder of 8 special air service prisoners of war.

An agency message of May 14th stated: Mr. Anthony Marlowe, K.C., one of Brighton's two M.P.'s will leave for Germany next week to act as a judge at the war criminal trials taking place shortly at Wuppertal. He will preside at the trials of senior Gestapo officers, and men alleged to be responsible for the murder of four women parachuted into enemy territory, two of them W.A.A.F. officers.

The Neuengamme Concentration Camp Trial

This trial ended after six weeks (13.5.46.) when the 14 defendants were found guilty of "committing crimes, in that they at Neuengamme . . . were together concerned in the killing and ill-treatment of Allied nationals, being inmates of the said camp". The following sentences were pronounced: Condemned to death:- Max Pauly, Anton Thumann, Dr. Bruno Kitt, Will Dreimann, Heinrich Druge, Willi Warncke, Johann Reese, Adolf Speck, Andress Brems, Willi Bahr, Dr. Alfred Tryebinski. Three others received varying terms of imprisonment.

GERMANY (Cont.)

The Manchester Guardian correspondent wrote (13.5.46.): It is estimated that 90,000 people went into Neuengamme during those five years. No Gestapo records were found, but from competent interrogation and from such evidence as the dump of rotting boots found in the camp it is believed that 40,000 people died within the electrified perimeter.

Trial of General Student

This trial (see No. XI of this series, page 4) ended on 10.5.46. In his defence General Student declined any knowledge of the alleged acts of his troops (using hospital patients as a screen during an attack; bombing a hospital; and shooting British prisoners of war of the Welch Regiment who refused to unload ammunition), and attributed the responsibility for these acts to Generals Ringl and Richthofen, who had held "semi-independent" commands. In the proceedings on May 9th Brigadier Inglis, a New Zealand officer, who had volunteered to give evidence for the defence, denied that the hospital patients had been used by the Germans as a screen and attributed the bombing of the hospital to inadequate reconnaissance. General Student's counsel thereupon closed the defence without calling further witnesses.

The court found General Student guilty of responsibility for the shooting of the prisoners of war, but acquitted him on the other main charges. He was sentenced to imprisonment for 5 years.

The Times reported (14.5.46.): War crimes trials, including a second Belsen trial in which six men and three women members of the camp staff are accused of ill-treatment and the killing of allied nationals are due to open within the next few days.

At Helmstedt nine Germans, including three women nurses, are charged with murder through wilful neglect of 400 children of Soviet and Polish nationals. The children, who were removed soon after birth from slave workers, are alleged to have died in children's homes.

In the Worhtlag iron mine case five Germans are being accused of using British prisoners in unhealthy and dangerous work.

G R E E C E

The Trial of Kalchev and Ravalli

The Athens radio gave information (8.5.46.) concerning the trial of Ravalli, an Italian, and Kalchev, a Bulgarian, who were accused of war crimes. It was said that evidence given during the trial had implicated General Marinov, Bulgarian Minister in Paris, and that the Director of the Greek war criminals service had consequently indicted Marinov and would demand his extradition in order that he might be tried.

"France-Soir" (14.5.46.) published a statement by the Bulgarian Legation in Paris on the Marinov affair. It says that: (a) Gen. Marinov never sought a post of command in Greece or Macedonia and never headed occupation troops in these provinces. (b) There have never been Bulgarian troops under Gen. Marinov's command on Greek territory. (c) Gen. Marinov is absolutely unaware of anything that may have occurred on Greek territory.

Athens radio (15.5.46.) commenting on this statement said: The haste with which Gen. Marinov issued this statement, before the presentation of the extradition by Greece, shows clearly that his conscience is not easy. The very text of the statement reveals his guilt. After the revelations during the trial

#### G R E E C E (Cont.)

the public now knows that there has never been any question of a Military Command in Greece and especially not in Western Macedonia where - as is known - there was no permanent Bulgarian occupation. In fact, Marinov went to Western Macedonia on his own initiative; and he bears a moral share of responsibility for the crimes committed there. Incidentally, the distinction drawn in the statement between Macedonia and Greece is quite unjustified.

#### H U N G A R Y

The Budapest radio (14.5.46.) stated that the People's Prosecution Office was examining the case of Archduke Joseph and that, when the investigation was complete, the judicial authorities would demand his extradition.

#### I T A L Y

##### Italian War Criminals: debate in the Paris Conference

The British Press reported (11.5.46.) that in the discussions between the four Foreign Ministers at Paris on the previous day, on the question of setting up a supervisory commission for apprehension of Italian war criminals, Mr. Byrnes proposed as a compromise that the Foreign Ministers should fix a time-limit by which former Axis satellites must clear up war-criminal problems. This time-limit would come before the effective date of peace treaties with the various nations. Mr. Molotov favoured Mr. Byrnes's proposal generally, but asked for time to think over the problem.

The Milan radio announced (15.5.46.): According to an evening paper, Pellegrini Giampietro, former Finance Minister in the Italian Social Republic who escaped from prison several months ago, has now reached Spain. He is said to have a large suitcase containing important documents.

#### T H E N E T H E R L A N D S

Anton Mussert, the "Führer" of Holland during the German occupation, was executed on 7.5.46. after his appeal had been rejected.

Dr. Carp, former President of the so-called "Court of Peace" during the German occupation, was sentenced to imprisonment by the Special Court at The Hague.

#### N O R W A Y

With reference to the death sentence pronounced on Hagelin, described as Quisling's right-hand man during the German occupation, the Jewish Chronicle (10.5.46.) gives some details about the proceedings in appeal, in which Hagelin's counsel sought to minimise his client's responsibility for the deportations of Jews. The court rejected the appeal, and found that Hagelin, together with Quisling and Riisnæs, had promulgated the anti-Jewish laws, as a result of which 1,000 Jews were deported to Germany; of these only 10 had returned.

The Trial of Skancke, ex-Minister in Quisling's government, began at the Oslo Assizes on 9.5.46. He is charged with high treason, informing and Nazi propaganda. Skancke said he had not intended to nazify the Norwegian Church. He had told the clergy they could draw their salaries. He also said he had meant no harm by sending clergy and teachers to Northern Norway.

### P O L A N D

An agency message from Warsaw (12.5.46.) stated: Warsaw Supreme Court is preparing for the trial of Dr. Gustav Fischer, former Nazi Governor of Poland, who has been called "The Butcher of Warsaw". Poland plans to try so many war criminals that her Ministers of Justice and Security are discussing organisation of special camps to house the accused when they are transferred from occupied Germany.

The Warsaw radio reported (15.5.46.): Arthur Greiser will be tried in mid-June in Poznan. Siewierski, the prosecutor of the Supreme Court, and Sawicki, the Polish prosecutor at the Nuremberg trial, have arrived in Poznan to accelerate the investigation of Greiser's case.

The Polish newspaper "Polska Zbrojna" wrote in this connection (12.5.46): Poland is to hold an important trial of war criminals directly responsible for the destruction of our nation. The Nazis will be tried under Polish law in Polish Courts. Louis Fischer, ex-Governor of the Warsaw district, will be tried in July in Warsaw. His defence will probably be conducted by German barristers in Polish.

In the British and U.S. occupation zones there are still about 8,000 notorious war criminals who were responsible for the destruction of Poland. Not all will be tried before the Supreme National Court, only the extreme cases. Lesser criminals will be tried by special courts. Every criminal is to be tried in the very place where he committed his crimes. During the year the inhabitants of practically all Polish towns will have the opportunity of seeing in the dock their oppressors during the German occupation. By international law these criminals who were engaged in military units will be tried by special military courts. At one time there was a plan to form courts composed of juries representing the Allied countries, with Polish prosecutors and judges, but the number of criminals was too large and the plan had to be dropped. New problems have arisen regarding the criminals who are to be transferred to Poland, and there is some difficulty in finding them accommodation. The Ministries of Justice and Security are now debating a plan of organising special camps for German war criminals.

### R U M A N I A

#### The Trial of ex-Marshal Antonescu

The Moscow radio (13.5.46.) commented as follows on this trial: A few days ago a People's Tribunal in Bucharest began to try Rumania's No.1 war criminals, including Ion Antonescu, Mihail Antonescu and Pantazi. The indictment emphasises that the Antonescu Government consistently represented Hitler's interests in Rumania rather than those of the Rumanian people. Documents submitted at the trial prove that the Antonescu clique's collaboration with Hitler began long before the Axis attacked the Soviet Union. Two months after Antonescu seized power, he joined the notorious Tripartite Pact, following the entry of Hitlerite troops into Rumania. These troops intended to use Rumania as a spring-board for assault on the Soviet Union and the Balkans. The indictment says that the Antonescu Government committed the greatest crime in Rumanian history by joining Hitlerite Germany for aggression against the USSR, assisted by the reactionary circles of Maniu and Bratianu. Two years after the military Fascist clique had seized power in Rumania, Antonescu made himself a sort of ultra-dictator, taking to himself all legislative and executive power in the country.... It is significant that at the trial frequent mention is made of the names of Maniu and Bratianu, leaders of the historic parties.

R U M A N I A (Cont)

The Bucharest radio (17.5.46), reporting the prosecutor's closing address, said: He quoted from statements made by Mihail Antonescu in 1945 proving his responsibility for the mass deportations, the appalling conditions in concentration camps, the campaign to exterminate the anti-Fascists, and the sadistic mass murders in the occupied territories. He concluded by demanding, in the name of justice and of the people, capital punishment for all the major war criminals.

The Associated Press reported from Bucarest (17.5.46): Marshal Ion Antonescu, the former Prime Minister of Rumania, was sentenced to death for war crimes by a special People's Tribunal to-day.

Twelve others, including Mihail Antonescu, former deputy Prime Minister, convicted with him, also received death sentences. Eleven others received sentences ranging from ten to twenty years' imprisonment.

U. S. S. R.

German General Staff's War Guilt.

Moscow radio (14.5.46) broadcast a lecture given by General Zubkov on "The German General Staff as the organiser of Fascist aggression," at the Hall of Columns in the House of the Unions in Moscow, by request of the All-Union Lecture Bureau attached to the U.S.S.R. Ministry for Higher Education. In the first part of his lecture, the author gave a survey of the development of German imperialism, particularly after 1871 when, in Lenin's words, the German Empire "came to the table of capitalist delicacies at a moment when all places were occupied." He reviewed the part played by the German General Staff in the days of Moltke and Schlieffen in making ideological and organisational preparations for the first World War. After briefly discussing the way in which the German General Staff served the interests of German imperialism during the first World War, Zubkov told the story of the underground activities of the General Staff after the Versailles Treaty under von Seeckt, the creation of the "Black Reichswehr" and the "Society of Military Policy and Military Science" and the preparations for the second World War carried on by these organisations, emphasising that the Reichswehr was the first bulwark of German Fascism.

The second part of the lecture dealt with the development of the ideology of "total war" both before 1935, in Ludendorff's time, and during the years preceding the second World War, under Halder.

Zubkov pointed out the essential oneness of the principles of the General Staff and of those contained in "Mein Kampf" and enumerated facts proving that from the early 20's the General Staff was gearing German industry for war and working out detailed plans for the military campaigns subsequently carried out in the recent war. When German imperialism brought into being the Hitlerite Party, that Party had at its disposal a powerful military apparatus, created by the German General Staff, which became the organiser of Fascist aggression.

In the third part of the lecture, Zubkov discussed the part played by the leaders of the General Staff not merely as the most zealous executants of the designs of German imperialism, but also as the originators of the inhuman methods adopted by the Germans in both World Wars. He showed the futility of the attempts being made by members of the German General Staff at Nuremberg to dissociate themselves from the Fascist and military leaders of the war by asserting that people like Raeder, Doenitz, Keitel and Jodl were not representatives of the General Staff. (Statements by Brauchitsch and Lahousen ridiculed.) Such attempts would not save the German militarists from their responsibility for war crimes.

U. S. S. R. (Cont)

Zubkov continued: "They will not succeed in dissociating German military circles from German Fascism. The German General Staff has never been merely a technical military apparatus. It has always been the inspirer and organiser of the wars of conquest of German imperialism, the author of the political and strategic plans of these wars. It was the centre where world wars were prepared. The representatives of the German General Staff and all its institutions did not merely carry out somebody else's instructions. They were the creators of the most inhuman and most criminal methods of unleashing and waging wars. This is borne out by the whole past history of the German General Staff and also borne out by the second World War." After enumerating crimes committed during the war, he concluded: "The second World War has not only revealed to the world the true face of German Fascism, but has also unmasked the German General Staff, which for 75 years has been organising wars of conquest for the purpose of establishing the world domination of imperialist Germany. This is why all freedom-loving peoples welcomed with such profound satisfaction the decisions of the Crimea and Berlin Conferences on the destruction of the German General Staff, designed to prevent for all time any resurrection or reorganisation of German militarism and Nazism."

YUGOSLAVIA.

Budapest radio reported (7.5.46) that the trial of the war criminal Col.Gen. Feketealmi-Szeydner, one of the culprits of the Novisad massacre, is to begin soon before the people's court. The Hungarian authorities intend to extradite him to Yugoslavia only after his trial. The indictment contains interesting material which also gravely incriminates Horthy. Horthy had assured Feketealmi-Szeydner by letter of his protection against attacks from various quarters, provided the number of innocent victims did not exceed the usual measure.

The Mihailovich Trial.

The News Chronicle (14.5.46) stated: Written evidence from British officers who served as liaison officers with the forces of Gen. Mihailovich is to be forwarded to the Yugoslav Government by the Foreign Secretary. It will be put forward on behalf of the General at his forthcoming trial.

Mr. Hector McNeil, Parliamentary Under-Secretary, Foreign Office, told the House of Commons yesterday that requests had been made from the officers to give evidence.

MISCELLANEOUS.

Martin Bormann.

The Evening News (7.5.46) quoted a letter from a private individual in Argentina stating that Martin Bormann, Hitler's deputy and scheduled as a major criminal, was at Misiones, having been disembarked from one of the three German submarines which made their way to South America.

---

THE FAR EAST.

JAPAN.

The Emperor Hirohito.

The B.U.P. reported (12.5.46), on reliable information, that the higher Allied authorities had decided that the Emperor Hirohito would not be listed as a war criminal or called as a witness in the trials.

The Trial of the Major War Criminals:  
Plea to the Jurisdiction.

Agency messages from Tokyo stated that on 13.5.46 Dr. KIYOSE, chief defence counsel, challenged the competence of the tribunal, claiming that the Potsdam declaration applied only to Germany and other Axis nations. Mr. Keenan (U.S.A.), chief prosecutor, said in reply: Examination of two Japanese communications transmitted to various Allied Governments through the Swiss Government at the time of the surrender show that the surrender was without condition. Paragraph Six of the Potsdam declaration reads as follows:

"There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest."

Sir William Webb, President, said the Court's decision on its competence would be announced at a later date.

III.

THE NUREMBERG TRIAL.

(10.5.46 - 15.5.46.)

THE DEFENCE.

Doenitz continued his defence on May 11th-14th; he was followed on May 15th by ex-Admiral Erich Raeder.

PRESS COMMENTS

The "Polska Zbrojna" (12.5.46) sharply criticised recent letters to "The Times" questioning the fairness of the trial (see Legal Literature Supplement, by Dr. Schwelb to No. XI of this Digest). Why, the Polish newspaper asks, is such nonsense published in "The Times," the most serious British daily? Is it the objectivity complex, a super-sensitive sense of justice, or rather a parody of justice? "Let the word perish to secure justice." Who can find his way in the maze of the British soul? We do not intend to be psycho-analysts. If the readers of "The Times" want to forget Coventry, that is their business, but they cannot expect us to forget either Coventry or Warsaw. The ruins of Warsaw will make us remember for many years the behaviour of our conquerors. Is this the spirit of revenge? No, but we have security always in mind. It can be endangered only by the revenge of defeated Germany. Happily we are not alone in this view. Millions of people think the same, and among them are many readers of "The Times."

The Yorkshire Post (15.5.46.) wrote in an editorial on the same subject: "In some quarters we still find misgivings about the fairness of the proceedings at Nuremberg. It continues to be suggested that justice cannot be done where, as in this case, there has been no fear of contempt of court, so that the accused have not been regarded by the Press and the public as possibly innocent right up to the moment of the verdict. ... Does this mean that the accused, already condemned by Government disclosures and popular opinion, should not have been brought to trial? ... What more muddled thinking could there be? What needless if well-meaning stupidity! Visitors to the trial, one of the latest of whom is Mr. Harold Nicolson, agree that the tribunal is well able, by a conscientious intellectual process, to make certain that justice shall be done. That impression is shared by the two special correspondents of "The Yorkshire Post" who have attended the trial."

XIII

No. XIII.

June 14th, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

WAR CRIMES NEWS DIGEST

NOTE: The above title replaces that of Press News Summary  
used in previous numbers of this series. - R.O.

C O N T E N T S

	<u>Page.</u>
I. PUBLIC RELATIONS ... ..	1
II. SUMMARY OF EVENTS ... ..	2
III. THE NUREMBERG TRIALS ... ..	18

S U P P L E M E N T:

LEGAL LITERATURE

I.

PUBLIC RELATIONS.

(Contributed by the Public Relations Officer)

On p. 2 of the last Crimes News Digest No.12, and dated May 23rd, 1946, it was announced in the last paragraph that a handout entitled "Progress Report of War Crimes Trials" had received disappointing publicity. Press cuttings which have since come in indicated that the results were far better than anticipated. Good space was given on May 19th in The Observer, The Sunday Express, The People, and several Kemsley Newspapers. In The People the announcement took the form of a three column feature entitled "Operation Haystack finds the guilty men". The same announcement also appeared in the American Stars and Stripes, and in The Times of Monday, May 20th. It was also broadcast by the B.B.C. in their 8 a.m. Home News of Sunday May 19th, and acknowledgments have now been received from the American and Dominion press thanking us for the handout and saying that it will be of interest to their readers.

In the 8 a.m. B.B.C. bulletin of Sunday, May 26th, a United Nations War Crimes Commission handout was read. It concerned the appalling evidence about the children's clinics started by the Germans for the liquidation of the illegitimate offspring of Eastern Slave workers.

General de Baer reported to the Public Relations Committee that the Nazi Crime Exhibition has opened in Brussels with great success. It has been staged in the Palace of the Fiftieth Anniversary of Belgian Independence, where space is almost unlimited. In going through the main entrance one passes through a replica of the entrance to the Breendonck Fortress - a prison camp where many Belgians were tortured. General de Baer described the hall itself as being "colossal" similar to Olympia, and said that the display throughout was excellent. Most of the exhibits are life sized photographs and it appears that the Brussels Exhibition is on a greater scale than that shown in London, where it must be admitted space was strictly limited. At the end of the main hall there are several enlarged pictures showing the activities of the United Nations War Crimes Commission. Cinematograph arrangements have worked out smoothly and fifteen films are now being displayed.

After the Commission meeting on May 29th, a handout was issued in regard to the 32rd list of war criminals. This received good publicity in the general press and was also broadcast in the B.B.C. News Bulletin on Thursday, 30th May, at 7 and 8 a.m. The same notice was also published in the Scottish press.

II.

SUMMARY OF EVENTS

COMING WAR CRIMES TRIALS IN EUROPE.

In a statement broadcast by the B.B.C. on June 9th Lord Wright, Chairman of the UNWCC said that in all probability not more than 10% of the war criminals would ever be brought to justice. In his opinion, the important thing was that enough trials should be held to establish and define war-making as a crime under International Law.

\* \* \* \*

In the House of Commons, on 4.6.46., Sir H. Shawcross said, in a written reply that the trial of major war criminals at Nuremberg is expected to end in the course of the next two months, but as a great deal depends on the conduct of the defence, a matter which is outside the control of the prosecution, it is impossible to give any firm estimate. The question whether a further trial of major war criminals should take place is now under consideration between the four Powers concerned under the terms of the Charter of the International Military Tribunal. It is impossible yet to say by what date all British trials in respect of what are known as minor war criminals will have been completed. Two hundred and eighty-four such cases have been dealt with, and others are in progress. Cases against 327 minor war criminals are either in process of trial or are awaiting trial. In addition evidence is being collected in a considerable number of cases and the total numbers involved will depend on the progress of these investigations and the apprehension of wanted war criminals still at large.

The Military Government-controlled "News of Germany" reported from Nuremberg (24.5.46.): "The U.S. hopes to complete trials of all major war criminals in whom it has special interest by the end of this year, Brig. Gen. Telford Taylor, chief prosecutor for the Proceedings Subsequent to the present Nuremberg Trials, announced."

The G.N.S. service reported from Nuremberg (27.5.46.) that Brigadier Telford Taylor, head of the Subsequent Proceedings Division in Nuremberg had stated that negotiations to hold a second international trial against Nazis accused as war criminals are under way between the four Powers. This second trial would in the first place deal with Nazi industrialists and financiers. The main task of the trial, which would follow immediately upon the completion of the trial now going on in Nuremberg, will be to close the gap which was caused by the fact that Alfred Krupp von Bohlen-Halbach, who was among those originally indicted in Nuremberg, was too ill to stand trial. Apart from other German industrialists and financiers who contributed much to Hitler's rise to power and to his policy of rearmament, lesser leaders of the Third Reich may be indicted.

A Reuter message published in the Press of 31.5.46. gave the following survey of forthcoming trials in Europe:

"Twelve trials of war criminals, in addition to that at Nuremberg, are under way in Europe.

"At Danzig 18 concentration camp officials are being tried for causing the deaths of a number of Jews and Poles in the Stutthof camp.

"In the first war crimes trials in the French zone at Rastatt (Baden), 33 Gestapo men and members of the staff of Neuenbrenne concentration camp are facing trial.

"At Helmstadt, Germany, in the U.S. zone, Germans including a doctor and three nursing sisters are being tried for causing the deaths of 400 children.

"At Dachau 74 members of the SS Division are charged with the massacre of United States prisoners near Malmédy, Belgium.

"Five Frenchmen and two women are on trial at Versailles for denouncing traitors.

"Members of the Czech Quisling Government, including Dr. Krejci, former Premier, are on trial at Prague.

"In Warsaw 17 Poles accused of terrorist activities face their judges.

"Louis Bergmans and Armand Salden are appearing before a Brussels military court charged with trying to discover the hiding place of Prince Charles of Belgium and hand him over to the Gestapo.

"Before a military court in Brunswick six German employees of an iron ore mine near Goslar, are accused of employing British prisoners of war under conditions dangerous to their health."

## A U S T R I A

### TRIALS.

In a broadcast from Vienna on 16.5.46. Herr Kamrath said that public interest had been focussed on questions of criminal law and judicial procedure, as it was now, concerning the People's Courts. Their procedure and findings had been attacked in public. It appeared, however, that most of the critics were not acquainted with the legal principles on which the People's Courts were based. The constitutional principle of separation of executive and judiciary was not just a slogan but had a practical meaning. Herr Kamrath outlined the constitution and procedure of the People's Courts, emphasising the part of lay assessors nominated by the democratic parties, a sure safeguard of democratic procedure, according with ordinary people's ideas of right and wrong.

#### Trial of Anton Brunner (see No.XII of this Digest page 3)

The Austrian Arbeiterzeitung of 11.5.46. described the close of this trial: After the evidence had been heard . . . the public prosecutor stated that Brunner had placed himself outside the community of men and there could only be one punishment for him. Dr. Braun spoke in the name of the Israelite Kultusgemeinde: "Out of the 25,000 Jews who were deported, 700 came back alive! . . . The vice-president, Dr. Mironovici, declared that Brunner II had been found guilty under the terms of the indictment and he was condemned to death by hanging.

The sentence was carried out on May 24th.

A U S T R I A (Cont.)

Postponement of Guido Schmidt's Trial

The Neues Oesterreich, 11.5.46., wrote: The calling of Dr. Guido SCHMIDT as a witness before the Allied Tribunal at Nuremberg had been interrupted by his illness at Salzburg. The U.S. headquarters in Vienna again approached the Austrian Ministry of Justice, and Schmidt was handed over to the Americans and was taken to Nuremberg.

The Trial of Kampitsch

This trial was opened on 21.5.46. before the use of People's Court at Vienna. Kampitsch had been an underground member of the Nazi Party till 1938, when he dropped the mask. He had worked in close touch with Kaltenbrunner, Gauleiter Eiguber (recently sentenced to death by the U.S. court at Dachau), Gauleiter Leopold, and Dr. Tavs (recently arrested as a war criminal: see below). On 25.5.46. Kampitsch was found guilty and sentenced to 20 years imprisonment, and the confiscation of his property.

The Trial of Ex-Colonel Solche

The Oesterreichische Volksstimme (17.5.46.) reported the opening of the trial, before the Vienna People's Court of Colonel SOLCHE, former German Commandant of Krems for having blown up the Danube bridges at Stein Mautern on May 8th, 1945, after Doenitz and Jodl had signed the unconditional capitulation.

ARRESTS, EXECUTIONS AND RELEASES.

Neues Oesterreich (7.5.46) reported the following arrests: Dr. Leopold TAVS, by the French authorities at Innsbruck; he was transferred to the Landesgericht at Vienna, where he is charged as a war criminal. Hans SCHRENK, by the British authorities; he was Kreisleiter of Scheibbs and responsible for the murder of 100 Jews.

The same paper (23.5.46.) reported the arrest of ECKEL, ex-Kreisleiter of Baden; and PILZ ex-Kreisleiter of Stein; and the execution, on May 22nd of Zemhicka, SA guard at the camp of Guens, where he hanged Jewish inmates.

Proposed Capital Levy on Slave Labour Employer.

The G.N.S. reported from Linz (20.5.46.): A 20% capital levy on business enterprises which formerly employed slave labour and return of property stolen from concentration camp inmates was demanded by a conference of former political prisoners, of 10 nations, of the Mauthausen concentration camp. In addition it was demanded that the property of those sentenced in the recent Mauthausen trial at Dachau should be seized for the fund.

American Occupied Zone of Austria

The Office of the Mil. Gov. U.S. Zone reported from Salzburg (25.5.46.): A U.S. military court headed by Brig. Gen. Loyal M. Heynes, deputy chief of staff USFA has started trials of nine former enemy soldiers and civilians charged with the killing of ten American airmen last spring as they were about to surrender. The first case concerns six members of the Hungarian SS charged with killing five airmen on 7th March, 1945.

A U S T R I A (Cont.)

The Wiener Zeitung of 19.5.46. reported that according to the Salzburger Nachrichten, more than 2,000 National Socialist prisoners are shortly to be released from Camp Markus I on the Salzburg Alpine highway, so long as there is no objection thereto either on the part of the Occupational authorities or the Austrian State police. The release of former members of the SS, up to and including NCO's, is being considered. By contrast, in Vorarlberg there is a desire to employ National Socialists under arrest at the Ill Works.

B E L G I U M

Sentence on an informer:

An agency message from Brussels (19.5.46.) stated: Marie Honorez was condemned to death today by Brussels Court Martial. She was charged with being one of heads of German Gestapo in France, and with causing the deaths of members of the French Resistance.

Executions of Collaborators:

It was officially announced in Brussels on May 20th that 88 collaborators had, so far, been condemned and executed in Belgium since the Liberation.

C Z E C H O S L O V A K I A

Trial and Execution of K.H. Frank.

Press messages of May 21st from Prague announced that K.H. Frank, former Protector of Bohemia, had been declared by the People's Court to be guilty on seven major counts of the indictment, including partial responsibility for the destruction of Lidice, and was sentenced to be publicly hanged. He appealed unsuccessfully to President Benes. The sentence was executed in the Pankraz prison at Prague on May 22nd in the presence of 5,000 people.

Trial of Erich Daluge

Prague radio (14.5.46.) announced that Erich Daluge, brother of General Kurt Daluge, formerly Himmler's deputy, had been sentenced to 15 years hard labour by the People's Court.

D E N M A R K

Radio Kalundborg, 1.6.46., reported: The Danish Criminal Police have made a good capture at Unna, Westphalia, by arresting Rudolf RENNER, who was in charge of the Gestapo in Aarhus after the bombing of the HQ at the University until the capitulation. Renner committed many murders and acts of terror in Aarhus, and became notorious as one of the worst Gestapo gangsters. His supposed death was announced after the surrender, but the police did not believe the report and sent detectives to Germany, where they learned that Renner and his secretary, Baron von Hutten, had stayed in Flensburg under assumed names. They were traced to Unna, in Westphalia, where Renner was working in the coalmines.

A U S T R I A (Cont.)

The Wiener Zeitung of 19.5.46. reported that according to the Salzburger Nachrichten, more than 2,000 National Socialist prisoners are shortly to be released from Camp Markus I on the Salzburg Alpine highway, so long as there is no objection thereto either on the part of the Occupational authorities or the Austrian State police. The release of former members of the SS, up to and including NCO's, is being considered. By contrast, in Vorarlberg there is a desire to employ National Socialists under arrest at the Ill Works.

B E L G I U M

Sentence on an informer:

An agency message from Brussels (19.5.46.) stated: Marie Honorez was condemned to death today by Brussels Court Martial. She was charged with being one of heads of German Gestapo in France, and with causing the deaths of members of the French Resistance.

Executions of Collaborators:

It was officially announced in Brussels on May 20th that 88 collaborators had, so far, been condemned and executed in Belgium since the Liberation.

C Z E C H O S L O V A K I A

Trial and Execution of K.H. Frank.

Press messages of May 21st from Prague announced that K.H. Frank, former Protector of Bohemia, had been declared by the People's Court to be guilty on seven major counts of the indictment, including partial responsibility for the destruction of Lidice, and was sentenced to be publicly hanged. He appealed unsuccessfully to President Benes. The sentence was executed in the Pankraz prison at Prague on May 22nd in the presence of 5,000 people.

Trial of Erich Daluge

Prague radio (14.5.46.) announced that Erich Daluge, brother of General Kurt Daluge, formerly Himmler's deputy, had been sentenced to 15 years hard labour by the People's Court.

D E N M A R K

Radio Kalundborg, 16.46., reported: The Danish Criminal Police have made a good capture at Unna, Westphalia, by arresting Rudolf RENNER, who was in charge of the Gestapo in Aarhus after the bombing of the HQ at the University until the capitulation. Renner committed many murders and acts of terror in Aarhus, and became notorious as one of the worst Gestapo gangsters. His supposed death was announced after the surrender, but the police did not believe the report and sent detectives to Germany, where they learned that Renner and his secretary, Baron von Hutten, had stayed in Flensburg under assumed names. They were traced to Unna, in Westphalia, where Renner was working in the coalmines.

GERMANY

AMERICAN ZONE

Legislation

New German Laws for the Punishment of Nazi crimes:

The "Dana" News Service reported (21.5.46.):

"General Clay, Deputy Military Governor, on 23rd May approved two new German laws for the punishment of nazi crimes and for the reparation of nazi injustices, which had been drafted by the States Council. The first law provides for the reparation of injustices caused to enemies of the nazi régime by the judicial authorities of the Third Reich; the second provides a legal basis for the punishment of crimes committed in the name of National Socialism which have so far only partially been punished or not at all.

"The Law for the punishment of National Socialist crimes concerns, in particular, terrorist measures and persecutions for political, racial or anti-religious reasons committed during the National Socialist régime which were not punished for political, racial or anti-religious considerations. Such acts and crimes must be prosecuted provided that the principles of justice, especially the principle of equality before the Law, demand expiation. The law provides that laws, decrees or orders issued by the National Socialist Government which declare any such crime lawful, or the fact that criminal proceedings already begun were stopped or for other reasons not concluded, do not present an obstacle to criminal proceedings under the new law.

"The Law for the reparation of National Socialist injustices concerns political actions of resistance to National Socialism or militarism which are declared not punishable. Persons who endeavoured to overthrow or weaken the National Socialist tyranny, persons who by reason of their political convictions failed to obey regulations which were mainly calculated to maintain the National Socialist tyranny or the war potential and similar actions are not punishable."

(NOTE: The full texts of these two laws will be circulated when they have been received.)

✓The Legal Division of the U.S. Element, Allied Control Commission, has pointed out that the report issued by the Frankfurt radio of a Bavarian law for the punishment of crimes against Jews was incorrect (see No. XI of this series page 4). It would seem to have referred to a law which was then under consideration - possibly one of the two laws mentioned above.✓

Trials

Moscow radio announced (10.6.46.) that the trial of Father Tiso, puppet ruler of Slovakia under Hitler, was to begin about June 17th. Tiso was handed over to Czechoslovakia by the United States authorities.

The Trial of SS General Sepp Dietrich and 73 others

This trial, described in the American Press as "the biggest case involving war crimes against the American Army", opened at Dachau on May 16th before a War Crimes Commission consisting of 8 U.S. Generals and Colonels. The crimes were alleged to have been committed by the 6th SS Panzer Army, and in particular by the 1st SS Panzer Division. Other crimes alleged in the indictment were the shooting of between 175 and 311 American prisoners at La Gleise and 104 at Stourmont, during the German offensive in the Ardennes (Christmas 1944)

- 7 -

G E R M A N Y (Cont.)

The American staff correspondent, Maurice Baird, wrote on May 16th as follows:

"In his opening statement to the Army War Crimes Commission, Lt. Col. Burton F. Ellis, heading the prosecution, charged that the defendants, part of a combat group under the 1st SS Panzer Division, had deliberately shot, killed, abused and tortured unarmed Americans who had been captured by them.

"Although the exact numbers of killings attributed to this group is not known, Col. Ellis said that it amounted to hundreds during the week that the Panzer units terrorized the area around Malmédy and Stavelot, Belgium.

"In an answering statement, the defence offered two motions excepting 24 defendants who are charged with crimes against Belgian nationals; the motions were overruled by the court.

"Among the defendants were Josef ("Sepp") Dietrich, commanding the 6th SS Panzer army; his chief of staff, Brig. Gen. Fritz Kraemer, and Joachim Peiper, commander of the 1st SS Panzer Regt.

"The prosecution charges that orders were issued that the offensive through the Ardennes be fought in a ruthless manner, that rules were to be cast aside, humane inhibitions would not be shown and enemy civilians and prisoners of war would be shot."

Continuing the narrative on the next day, another correspondent wrote:

"The prosecution gained a point when the court ruled that statements made under oath by defendants prior to the trial were admissible as evidence against them. . . .

"The prosecution charged that for two days and nights preceeding the launching of the Rundstedt offensive, SS troops spearheading the attack were whipped into a frenzy of battle by officers and non-coms ordering them to 'fight in the traditional SS manner, killing everything that came before their guns'."

"Colonel Ellis pointed out just how effective this approach to battle had been and detailed 94 known incidents involving the slaying of 528 to 749 American prisoners of war and more than 90 Belgian civilians by SS troops during their 29 day reign of terror in the Malmédy area."

NOTE: A full text of the indictment, with names of the defendants, has been received from the United States Commissioner.  
The list of names will be circulated.

The Flossenbug Trial

"News of Germany" (25.5.46.) reported from Dachau: Charges have been made against 52 Germans, accusing them of burying political prisoners alive, torturing Allied prisoners and performing amputations without anaesthetics at the Flossenbug concentration camp and its 48 work camps. Lt. Col. Shaw, chief prosecutor for the trial scheduled to begin at Dachau on June 12th, said that more than 25,000 persons died in the Flossenbug camp between 1942 and the end of the war from execution, starvation, beatings and other abuses. Starved prisoners were stripped and severely beaten before they were taken to the gallows and on the last Christmas before liberation, the Christmas tree was overshadowed by six naked corpses hanging by the neck. When the camp was evacuated prior to the liberation, all those who could not keep up on the march were shot. At least 28 prisoners were buried alive. The Flossenbug