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I. 411

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Summary Minutes of the Meeting of Committee I held on 16th May, 1946,
at 10-30 a.m.

In the Chair: Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting	Czechoslovakia
Sir Robert Craigie	United Kingdom
Lt. Kintner	United States of America

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

Major Dr. Fanderlik	Czechoslovakia
Mlle. Capionmont	France
Monsieur C. Stavropoulos	Greece
Commander Mouton	Netherlands
Dr. Zivković	Yugoslavia

I. Minutes No. 60:

Minutes of the meeting held on 9th May, 1946 were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of Greek, Netherlands, Yugoslav, French, Czechoslovak and Polish cases, as follows:-

1) Greek Case:

3115 1 and 2 on 'A' on all accounts except that of deliberate bombardment. With regard to the latter, the National Office was asked for more particulars as to the circumstances in which the bombardment of the villages in question was effected and, especially, as to whether or not the bombardment was carried out while military operations were in progress.

2) Netherlands Cases:

3124 On 'S'

3125 1 on 'A';
2 on 'W'

3) Yugoslav Cases:

3118 } These four cases, alleging deliberate bombardment
3120 } of undefended places, were adjourned in order that
3121 } the National Office might be asked for more particu-
3123 } lars as to the circumstances in which the alleged

Yugoslav Cases
(Contd)

crimes were committed and, especially, as to whether or not the bombardment was effected while military operations against regular or partisan forces were in progress, or was directed at any military objectives.

3119

2 - 4 on 'A'.

With regard to the first accused the case was adjourned until the next meeting as it was not clear why he had been made responsible for demolishing the café.

3122

1 and 2 on 'A';
3 on 'C'

4) French Cases:

a) Addenda

501 (1)

1 - 8 on 'S'

674 (1)

2 - 5 on 'A'.

As the first accused had already been listed on the original case no further action was necessary. SCHMIDT on 'C', as there was nothing in the case against this accused.

915 (3)

As all the accused had already been listed upon the original case, the present addendum was accepted as additional information only and no further action taken.

2705 (1)

On 'A'.

b) New Cases:

3089

1 and 2 on 'A'

3090

1 - 3 on 'A'

3091

On 'A'

3092

1 on 'A';
2 - 7 on 'S'

3093

1 and 2 on 'A'

3094

1 on 'S';
2 on 'A'

3095

1 - 5 on 'A'

3096

1 - 3 on 'A'

3097

1 - 3 on 'A';
4 and 5 on 'S'

3098

1 - 28 on 'A'; 29 on 'S', for torture and deportation only.

3099

1 and 2 on 'A'

3100

1 - 6 on 'S'

- 3101 1 - 3 on 'A'
- 3102 1 and 2 on 'A'
- 3103 1 - 3 on 'A'
- 3104 On 'C' as the accused had not been sufficiently identified.
- 3105 On 'A'
- 3106 On 'A'
- 3107 On 'A'
- 3108 On 'A'
- 3109 On 'A'
- 3110 On 'A'
- 3111 On 'A'
- 3112 On 'A'
- 3113 On 'A'
- 3114 1 and 2 on 'A'

5) Czechoslovak Cases:

- 424 (Addendum) 1 - 12 on 'A' in view of the fact that these judges were appointed to the Special Court in Prague.
13 - 17 on 'A' as these accused were Public Prosecutors at the Court.
18 - 26 on 'A' in view of what had been stated in page 2 of the Addendum.
27 - 29 on 'S' as proposed by the National Office.

Four persons mentioned in the last paragraph in page 2 of the Addendum were re-classified from 'S' to 'A' as it had been established that they were judges of the Special Court.

- 1965 (Addendum) 1 - 9 re-classified from 'A' to 'W'.

6) Polish Cases:

- 3116 On 'A' for confiscation and pillage. The Committee were of the opinion that there was also a sufficient prima facie case against Dr. von HUMMEL and, accordingly, decided to list him on 'S', subject to the approval of the National Office.

- 3117 On 'A'

3018 (Involving 296 individual cases prepared by the Jewish Agency for Palestine):

These were adjourned as no Representative of the National Office was present and the points raised at the last meeting had not been clarified, (Minutes No. 60).

III. Control Council Law No. 11 (Doc. I/59):

The proposal submitted in Doc. I/59 was withdrawn by Dr. MAYR-HERTING.

IV. Date of the next meeting:

The Committee adjourned until 30th May, 1946.

No. 60

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I

Summary Minutes of the Meeting of Committee I held on 9th May, 1946,
at 10-30 a.m.

In the Chair: Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting	Czechoslovakia
Lt. Kintner	United States of America

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

Miss Goold-Adams	Belgium
Major Dr. Fanderlik	Czechoslovakia
Mlle. Capionmont	France
Monsieur C. Stavropoulos	Greece
Colonel Halse	United Kingdom
Dr. Zivković	Yugoslavia

In the absence of Monsieur de BAER, Sir Robert CRAGIE
took the Chair.

I. Minutes No. 59:

Minutes of the meeting held on 2nd May, 1946 were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of United Kingdom, Yugoslav, Greek, Czechoslovak, French, Belgian and Polish cases, as follows:-

1) United Kingdom Cases:a) Addenda .

847	1 - 5 on 'A'
2777	1 and 4 on 'A'; 2, 3 and 5 on 'S'. BERGER and BRUCKLE to be deleted from the Commission's List.

b) New Cases:

3042)	These were adjourned on the request of Colonel HALSE.
3043)	
3044)	
3045)	
3071	1 and 2 on 'A'
3072	1 and 2 on 'A'; 3 on 'C'.

3073

On 'A'

2) Yugoslav Cases:

3086

1 to 22 on 'A', on the understanding that BLUMEL, one of the accused, had been charged only with crimes committed during the period he actually held the official position.

3087

As the particulars of this case did not provide any indication as to the individual responsibility of the accused, the Committee decided to list the Officer Commanding the unit and the Gestapo Agent on 'A'; all members of the unit on 'S', and all others on 'W'. Accordingly, the individual classification was decided as follows:-

1 and 17 on 'A';
2 - 6, 9 - 16, 19, 21 - 29, 33 and 34 on 'S';
7, 8, 18, 20, 30 - 32 on 'W'.

3088

1 - 11 on 'A'

3) Greek Cases:

3083

On 'A'

3084

On 'A'

3085

1 - 3 on 'A'

4) Czechoslovak Cases:

1792 (Addendum)

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

5) French Cases:

a) Addenda

455 (2)

1 - 32, 35 - 37, 40, 42, 43, 47 - 56, 59, 60, and 62 - 73 on 'A';
33, 34, 38, 39, 41, 44 - 46, 57, 58, 61 on 'S'.

511

1 on 'A'.
As the accused 2 - 4 had already been listed for the crime submitted in this case, no further action was necessary. Additional data and corrections to be noted on the Commission's List.

759

2 on 'A'.
As the accused 1, 3 and 4 had already been listed for the crimes submitted in this case, no further action was necessary. Additional data and corrections to be noted on the Commission's List.

2086 (1)

on 'A'

2156 (1)

1 - 7 on 'A'

b) Adjourned case:

1716

(a) of List 'A' in the original charge:

1, 3 - 8, 10, 11, 13, 14, 17, 19 and 20, plus
WEISSELT, WELTI, GOEFFERT, and MISCHKE
mentioned in pages 1 and 5, Annexe 3, on 'A'.

These accused were listed on the understanding
that they had been identified by the French
authorities as persons responsible for the crimes
submitted in the case, either as direct perpetra-
tors or because of their official position.

As the accused 2, 9, 12, 15, 16 and 18 had already
been listed on 'A', on addendum 2, no further
action was taken.

(b) of List 'S' in the original charge:

1, 21 - 29, 32 - 34 and 36 - 41 on 'S';
30, 31 and 35 on 'W';
2 - 20 and 42 - 49 adjourned until further
information be submitted by the National
Office as to the particular crimes committed by
these accused.

Note: With regard to all persons listed under
(a) and (b) original SS ranks will be shown on
the Commission's List, instead of the military
ones indicated by the National Office.

(c) Addendum No. 3:

As this contained additional information only,
no further action was necessary.

c) New Cases:

3046

On 'A'

3047

The Committee were of the opinion that the
information submitted in this case was not sufficient
to establish a prima facie case of a war crime.
It was, therefore, decided to adjourn the case in
order that the National Office might be asked for
more particulars, and also for a clarification as to
whether or not the alleged crime was committed while
military operations were in progress.

3048

1 - 3 on 'A'

3049

1 and 2 on 'A'

3050

On 'S'

3051

On 'A'

3052

1 and 2 on 'A'

3053

On 'A'

- 3054 : 1 and 2 on 'A'
- 3055 : 1 and 2 on 'A'
- 3056 : 1 - 9 on 'A';
10 on 'W'
- 3057 : 5 on 'A' for murder, torture and deportation;
2, 9 - 11, 13 - 15, 17 - 19 and 21 on 'S'
for torture and deportation;
1, 3, 4, 6 - 8, 12, 16, 20 and 22 - 43 on 'S'
for pillage and destruction of property.
- 3058 : 1 - 4 on 'A'
- 3059 : On 'A'
- 3060 : On 'A'
- 3061 : This case was adjourned in order that the
National Office might be asked for more
information as to the circumstances of the
alleged crime.

The Committee were of the opinion that facts
as presented in the case were not sufficient
to establish that the destruction of the
property in question was not necessitated by
military reasons.
- 3062 : On 'A'
- 3063 : 1 - 4 on 'A'
- 3064 : On 'A'
- 3065 : On 'A'
- 3066 : 1 - 3 on 'A'
- 3067 : On 'A'
- 3068 : On 'A'
- 3069 : On 'A'
- 3070 : 1 - 7 on 'A'

6) Belgian Cases:

a) Addenda

- 1803 (3) : 1, 2, 4 - 8 on 'A'.
As the third accused had already been listed upon
addendum No. 1, no further action was necessary.
- 1892 (10) : 2, 6 and 7 on 'A';
4, 5, 10 and 11 on 'S';
1, 3, 8, 9 and 12 - 14 had already been listed on
cases 939 and 1892.

- 1894 (2) 1 on 'A';
2 - 4 on 'S'
- 1894 (3) On 'S'
- 1894 (4) On 'A'
- 2395 (4) 1 and 2 on 'A';
3 on 'C'

b) New Cases:

- 3074 1 on 'S';
2 - 5 on 'W'
- 3075 1 - 3 on 'A';
4 - 21 on 'S'
- 3076 1 on 'C'; 2 - 9 on 'W'
- 3077 1 - 7 on 'W'
- 3078 1 - 2 on 'A'
- 3079 This was adjourned at the request of the National Office, in order to establish the proper spelling of the accused's name.
- 3080 1 on 'C'; 2 on 'S'
- 3081 This case was adjourned in order that the National Office might be asked for more particulars of the alleged crimes.
- 3082 1 and 2 on 'A'

7) Polish Case No. 3018, involving 296 individual cases prepared by the Jewish Agency for Palestine:

As Monsieur de BAER has not had the opportunity to examine the files because of his absence from London, it was decided to adjourn consideration of these cases until the next meeting.

However, Sir Robert CRAIGIE took the opportunity to express some doubt as to the procedure adopted by the National Office while submitting to the Commission cases prepared by a private body. He also thought that the individual cases should have been submitted on Commission forms and in a sufficient number of copies.

After some preliminary discussion it was decided to approach the Polish Representative on the Commission in order to ascertain what action the Polish National Office had itself taken in respect of the material collected and prepared by the Jewish Agency for Palestine and also as to whether the Polish Government was prepared to take full responsibility for the material made available by that body.

Sir Robert CRAIGIE took it upon himself to raise the matter with Dr. SZERER before the next Committee meeting.

III. Control Council Law No. 11 (Dec: 1/59):

On the request of Dr. MAYR-MARTING consideration of this matter was adjourned until the next meeting.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Summary Minutes of the Meeting of Committee I held on 2nd May, 1946
at 10-30 a.m.

In the Chair:

H. de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting	Czechoslovakia
Sir Robert Craigie	United Kingdom
Lt. Kintner	United States of America

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

Major Dr. Fanderlik	Czechoslovakia
Mlle. Capionmont	France
Commander Mouton	Netherlands
Dr. Lachs	Poland
Colonel Halse	United Kingdom
Dr. Zivković	Yugoslavia

I. Minutes No. 58:

Minutes of the meeting held on 11th April, 1946 were approved.

II. Proceedings in Individual Cases:

The Committee decided upon a number of Netherlands, French, United Kingdom, Czechoslovak, Yugoslav, Belgian and Polish cases, as follows:-

1) Netherlands Cases:

2987	1 and 2 on 'A'
3004	1 and 2 on 'S'
3005	1 - 10 on 'O'; witnesses 1 - 11 on 'W'
3006	1 and 2 on 'A'; 3 on 'W'
3007	1 and 2 on 'L'; witnesses 1 - 4 on 'W'
3008	On 'A'
3009	On 'A'; suspects 1 - 6 on 'S'
3010	1 and 2 on 'A'; 3 on 'W'
3011	1 - 3 on 'A'
3012	1 on 'S'; 2 on 'W'

- 3013 1 - 6 on 'A'
- 3014 1 on 'A'; 2 on 'C'
- 3015 1 on 'A'; 2 on 'C'.
The accused HAUSER had also been listed on
'C' as no charge appeared to be possible
against this accused as he succeeded the first
one after the material time.
- 3016 On 'A'
- 3017 This case adjourned sine die as the alleged
offence was considered a minor one.

2) French Cases:

a) Addenda

- 732 (4) 1 - 87 on 'A'
- 861 (1) 1 - 4 on 'A'
- 2066 (1) On 'A'
- 1716 Consideration of this case was adjourned
until the next meeting.

b) New Cases:

- 2805 1 on 'C'; 2 on 'A'
- 2806 On 'A'
- 2807 On 'A'
- 2808 1 - 2 on 'A'
- 2809 1 - 2 on 'A'
- 2810 On 'A'
- 2811 1 - 6 on 'A'
- 2812 On 'A'
- 2813 On 'A'
- 2814 1 - 57, 59 - 66, 68, 69 on 'A'; 58 and 67
.....on 'C'.
- 2815 1 - 8, 10 - 14, 16, 17, 19, 20, 22, 24 - 26
.....on 'A'.
With regard to the accused 9, 15, 18, 21, 23
and 27, the case was adjourned for further
information to be submitted by the National
Office as to the particular crimes committed
by them.
- 2816 1 - 5 and 7 - 9 on 'A'.
With regard to the sixth accused the case was
adjourned as there is nothing in the charge to
justify listing him as a war criminal.

-3-

2817 On 'A'

2818 This case was adjourned in order that the National Office might be asked for more information as to the circumstances of the alleged crime. The Committee were of the opinion that facts as presented in the case were not sufficient to establish that the destruction of the Cherbourg Port was not necessitated by military reasons as it was carried out at the time of the Allied invasion operations.

2819 1 - 2 on 'A'

2820 On 'A'

2821 On 'A'

2822 On 'A'

2823 1 - 3 on 'A'

2824 On 'A'

2825 1 - 2 on 'A'

2826 On 'A'

2827 1 - 2 on 'A'

2828 On 'A'

2829 On 'A'

2830 1 - 2 on 'A'

2831 On 'A'

2832 On 'A'

2833 On 'A'

2834 On 'A'

2835 On 'A'

2836 1 - 2 on 'A'

2837 On 'A'

2838 On 'A'

2924 1 on 'C'; 2 on 'A'

2925 1 on 'C'; 2 on 'A'

2926 On 'A'

2927 On 'S'

2928 1 - 6 on 'A' for murder; 7 - 8 on 'A' for ill-treatment; 9 - 10 on 'W'.

2929 On 'A'
2930 On 'A'
2931 On 'A'
2932 On 'A'
2933 On 'A'
2934 On 'A'
2935 On 'A'
2936 1 and 2 on 'A'; 3 on 'W'
2937 1 - 3 on 'A'
2938 On 'A'
2939 1 and 2 on 'A'
2940 On 'A'
2941 1 - 4 on 'A'
2942 On 'A'
2943 On 'A'
2944 On 'S'
2945 1 and 2 on 'A'
2946 1 - 3 on 'S' as it is not sufficiently
clear which of the accused should be
considered responsible for the crime.
2947 On 'A'
2948 On 'A'
2949 1 - 3 on 'A'
2950 On 'A'
2951 On 'A'
2952 1 - 3 on 'A'

3) United Kingdom Cases:

2953 1 - 3 on 'A'; 4 and 5 on 'W'
2954 1 - 3 on 'A'; others on 'O'
2955 1 - 4 on 'A'
2956 1 - 2 on 'A'
2957 1 - 8 on 'A'
2958 1 - 4 on 'A'; 5 and 6 on 'S'.

- 2959 1 - 3 and 7 - 8 on 'S'; 4 - 6 and 9 - 10 on 'A'
- 2960 On 'A'
- 2961 On 'A'
- 2962 On 'A'
- 2963 On 'S'
- 2964 1 and 2 on 'A'; 3 on 'O'
- 2965 On 'A'
- 2966 On 'A'
- 2967 1 and 2 on 'O'
- 2968 On 'A'
- 2969 On 'A'
- 2970 On 'A'
- 2971 On 'A'
- 2972 1 - 27 on 'A'
- P. 289 3 - 8, 10, 11, 14 - 16, 18 - 20, 22 - 24 on 'A';
9, 13, 17 and 21 on 'S';
1, 2, 12 and 25 on 'O'
- P. 290 2, 5 - 11, 13 - 15, 17 - 19 on 'A';
4, 12 and 16 on 'S';
1 and 3 on 'O'
- P. 291 1 and 2 on 'A'

United Kingdom cases involving crimes in concentration camps and the like committed against non-British Nationals:

The following cases submitted by the Office of the Judge Advocate General in accordance with the decision reached at the meeting held on 28th March, 1946 (Minutes No. 56) were decided as follows:-

- 3021 1 - 7 on 'A'
- 3022 1 and 2 on 'A'
- 3023 1 - 4 on 'A'
- 3024 On 'A'
- 3025 1 - 15 on 'A'
- 3026 1 - 9 on 'A'
- 3027 1 - 24 on 'A'

3028 On 'A'

3029 On 'A'

3030 On 'A'

3031 1 - 13 on 'A'

3032 1 - 6 on 'A'

3033 1 and 2 on 'A'

3034 1 and 3 on 'A'; 2 also on 'C' as he had already been found "not guilty" by British Military Court at Hamburg.

3035 1 - 10 on 'A'

4) Czechoslovak Cases:

a) Addenda

465 (2) 1 - 14 on 'A'

952 (2) 1 - 25 and 81 - 87 on 'A'; 26 - 80 on 'S'

952 (4) METZGER on 'A'; as the witness GÜTZHABER had not been sufficiently identified, the case with regard to him was adjourned.

1960 (2) 1 on 'A'.
As the second accused had already been listed as HERBERLEIN upon the original charge and addendum No. 1, no further action was necessary.

1964 (2) 1 - 31 on 'A'

2679 HUBSCH on 'A'

b) New Cases:

2973 1 - 3 on 'S'

2974 1 - 11 on 'A'

2975 Consideration of this and the following case was adjourned until after the Nuremberg Trials were completed. The Committee were of the opinion that it would be premature to list persons for membership of the SS, SA and the like before these organisations were declared criminal by the International Military Tribunal. It was felt that the Nuremberg judgment would provide a guidance as to what extent the membership of such organisations should be considered criminal and the persons involved listed as war criminals.

2976 This was adjourned. See note above under 2975.

2977 1 - 5 on 'A'

2978 1 and 3 - 14 on 'A'; 2 on 'C';
HERBERT on 'W'

2979 1 - 19 on 'A'

2980 On 'S'

2981 On 'A'

3036 1 and 2 on 'A'

3041 1 - 9 on 'A', plus KRUGER and
HEGER on 'S'.

5) Yugoslav Cases:

a) Addenda

364 CLIPORALI on 'A'

2566 Officer Commanding 172 SS Division on 'A';
others on 'C'

b) New Cases:

2982 On 'A'

2983 1 on 'C'; 2 on 'S'; 3 on 'A'

2984 1 - 3 on 'A'; 4 on 'C'

2985 1 and 2 on 'A'; 3 on 'C'

2986 1 and 2 on 'A'; 3 - 7 on 'S'

3037 1 - 3 on 'A' for murder;
4 - 10 on 'C' as the information submitted
in the charge is not sufficient to estab-
lish a prima facie case with regard to these
accused.

3038 1 - 4 and 9 on 'A'; 5 - 7 on 'S';
8 on 'W'; 10 on 'C'.

3039 1 on 'A'; 2 on 'S'

3040 1 and 3 on 'C'; 2 on 'A'

6) Belgian Cases:

2575 On 'A'

2988 1 - 12 on 'A'

2989 On 'C'

2990 On 'S'

2991 After Monsieur de BAER stated that he was in
possession of a detailed report which shows
that the destruction of the Library at Louvain
was carried out purposely and was not necessi-
tated by any military reasons, the Committee
decided to list KEITEL, Walter von BRAUCHITSCH
and the Commandant of the unit on 'A'; KLANCKE
on 'W'.

- 2992 1 and 2 on 'A' for pillage only;
3 - 26 on 'W'.
- 2993 1 on 'A'; 2 on 'W'
- 2994 On 'A'
- 2995 On 'W'
- 2996 On 'W'
- 2997 On 'A'
- 2998 Commandant of the unit on 'A'
- 2999 On 'W'
- 3000 On 'C'
- 3001 1 and 2 on 'S'
- 3002 On 'S'
- 3003 1 on 'S'; 2 on 'A'

7) Polish Cases:

- 3019 On 'A'
- 3020 1 - 3, 5 - 7 and 9 - 13 plus DIEMER-
WILLRODA on 'A';
HAGE on 'S'.
It was decided to list the third and
fourth accused as one person (TOSBIJ
or TOSBOJ), with all personal data
referring to these two names.
The eighth accused had been left out
as his description is identical with the
second accused.

III. Closing of the 32nd List of War Criminals:

The Committee decided to issue the new Commission's List (No. 32) of German war criminals. This would include cases accepted by the Committee up to 2nd May, 1946, inclusive.

IV. Control Council Law No. 11 (Document I/59):

Consideration of this matter was adjourned.

No. 58.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE ISummary Minutes of the Meeting of Committee I held on 11th
APRIL, 1946 at 10-30 a.m.

In the Chair:

M. de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting	Czechoslovakia
Sir Robert Craigie	United Kingdom
Captain Wolff	United States of America

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

Professor Hurwitz	Denmark
Dr. Schram-Nielsen	Denmark
Mlle. Capimont	France
Commander Mouton	Netherlands
Mr. Burdekin	New Zealand
Colonel Halse	United Kingdom
Captain Fletcher	United Kingdom
Lt. Boucek	United States of America
Lt. Kintner	United States of America

The Chairman extended a cordial welcome to Professor HURWITZ and expressed the pleasure of the Committee at his presence.

I. Minutes No. 57:

Minutes No. 57 of the meeting held on 4th April, 1946, were approved.

II. Proceedings in Individual Cases:

The Committee decided on a number of Danish, Netherlands, United Kingdom, French, United States, Czechoslovak and Belgian cases, as follows:-

1) Danish Cases (Nos. 2869 to 2923):

Monsieur de BAER pointed out that the majority of Danish cases under consideration consist of short statements only and no particulars of the alleged crimes had been submitted. He hoped that future cases would be more fully substantiated.

Professor HURWITZ explained that this was the first time Danish cases were submitted to the Commission and, therefore, his National Office had not sufficient experience in preparing them. He pointed out that all charges were based on concrete cases, evidence of which was available in Denmark, and that none of the accused had been charged only because of the official position he held during the occupation.

On this basis the Committee proceeded to consider the individual cases and decided as follows:-

(a) The following persons were listed on 'S':

APEL, BLUHME, Von BUTLER, FALKENBERG, GÖLLER,
GRUNWALD, HIMMEL, JOHN, NEUHAUS, PREISLER and
WERTH.

(b) The following persons were listed on 'A':

JESSEN	-	for torture only;
MÜSSENER	-	for murder committed on the 17th March, 1945 only and for torture;
SCHNLEIN	-	for murder and destruction of property only;
THYSSEN	-	for murder and deportation;
WASCHE	-	for ill-treatment and destruction of property only.

(c) All other accused (except von KAMPTZ) were listed on 'A' without any reservations.

(d) With regard to the accused von KAMPTZ, the case was adjourned in order that the National Office might be asked for its clarification to the effect that there were no legitimate military or security reasons for confiscating the bicycles in question.

While considering the case against General PANCKE, the Danish Representative agreed to taking over the Commission's charge No. 9 against this accused.

2) Netherlands Cases:

2863 1 on 'A' for ill-treatment and deportation only.
2 - 4 on 'W'.

2864 As it appeared from the case that some of the victims were tried by a German Court Martial for sabotage and intelligence with the enemy, the case was adjourned in order that the National Office might be asked for further information as to whether there was any justification of such charges and whether the victims were or not members of a properly recognised Resistance Movement.

The National Office was also asked to submit information as to any other circumstances of the alleged trial which might have a bearing on the responsibility of the accused.

2865 On 'A'.

2866 1 - 2 on 'S'.

3) United Kingdom Cases:

2681 1 - 2 on 'A'.

2740 1 - 7 on 'A'.

2757 1 - 2 on 'A'.

2758 On 'A'.

2759 On 'A'.
 2760 On 'A'.
 2761 On 'A'.
 2762 1 - 6 on 'A'.
 2763 1 - 5 on 'A'.
 2764 1 - 4 on 'A'.
 2765 1 - 5 on 'A'.
 2766 On 'A'.
 2767 On 'A'.
 2768 On 'A'.
 2769 1 - 7 on 'A'.
 2770 1 - 3 on 'A'.
 2771 1 - 7 on 'A'. 8 on 'C'.
 2772 1 - 9 on 'A'. 10 on 'S'.
 2773 On 'A'.
 2774 1 - 2 on 'A'.
 2775 1 - 2 on 'A'.
 2776 On 'A'.

4) French Cases:

1716 Consideration of this case was adjourned to the next meeting.

915 (2) As all accused had already been listed upon the original charge, this addendum was considered as additional information and no further action taken.

2009 (3) 1 - 31 on 'A'. (The names under 7, 16, 18, 20, 25 and 26 listed as Christian names, and that under 9 as nick-name).

2778 1, 2, 4 and 6 on 'A' with the proviso that the name of the sixth accused should read 'MACHATCHEK'.
 In regard to the third and fifth accused, the case was adjourned in order that the National Office might be asked for more particulars as to their responsibility.

2779 1 - 2 on 'A'.
 2780 1 - 2 on 'A'.
 2881 1 - 2 on 'A'.
 2782 On 'A'.
 2783 1 on 'C' (not sufficiently identified); 2 on 'W'.

2784 1 on 'C' (not sufficiently identified); 2 on 'W'.

2785 On 'A'.

2786 The Committee took note of the fact that the first, fourth and seventh accused had already been listed on 'A' for the same crime ("BELLERSDORF" case) and therefore considered that the present case might be regarded as an addendum.

With regard to the second, third and fifth accused, the Committee was of the opinion that the case had not been sufficiently substantiated to justify their listing as war criminals. The case was accordingly adjourned in order to ask the National Office for additional information.

2787 On 'A'.

2788 1 - 2 on 'A'.

2789 On 'A'.

2790 1 on 'A'; 2 - 3 on 'W'.

2791 On 'A'.

2792 On 'A'.

2793 1 - 2 on 'A'

2794 On 'A'.

2795 1 - 3 on 'S'.

2796 1 on 'C'; 2 on 'A'.

2797 On 'A'.

2798 On 'A'.

2799 1 and 2 on 'A'.

2800 On 'A', for pillage only.

2801 1 - 2 on 'A'.

2802 On 'A'.

2803 1 - 2 on 'A'.

2804 1 - 23 on 'S'.

5) United States Cases:

2321 1 - 2 on 'A'; 3 on 'C'.

2849 On 'A'.

2850 On 'A'

2851 1 - 4 on 'A'.

2852 On 'S'.

-5-

2853 1 - 11 on 'A'.
 2854 On 'A'.
 2855 1 - 7 on 'A'.
 2856 On 'A'.
 2857 On 'A'.
 2858 On 'A'.
 2859 1 - 7 on 'A'.
 2860 1 - 3 on 'A'.
 2861 1 - 5 on 'A'.
 2862 On 'A'.

6) Czechoslovak Cases:

(a) Addenda.

433 1 - 8 on 'A'.
 952 On 'A'.
 1964 1 - 5 on 'A'.

(b) New Cases:

2839 On 'A', for deportation only.
 2840 1 - 3 on 'A'.
 The case was accepted on the ground that at the material time a state of war existed between Czechoslovakia and Germany and a war crime was committed after the occupation of Czechoslovakia.
 2841 On 'S'.
 2842 1 - 15 on 'A'.
 2843 On 'A'.
 2844 On 'A'.
 2845 On 'S'.
 2846 1 - 25 on 'S'.
 2847 1 - 5 on 'A'; 6 - 20 on 'S'.
 2848 On 'A'.

7) Belgian Cases (Addenda):

2395 (1) As DRESS had already been listed on 'A', no further action was necessary. Additional data to be shown on the List.
 FRITSCH on 'S'.

(2) 1 - 3 on 'A'.

(3) On 'A'.

2576 (1) 1 - 2 on 'S'.

2583 (1) As both accused had already been listed on 'A', no further action was necessary.

2867 - 1 - 2 on 'A' for pillage only.
(new case) With regard to the third accused the case was adjourned in order that the National Office might be asked to substantiate the charge against him.

III. Closing of 31st List of War Criminals:

The Committee decided to issue a new Commission's List (No. 31) of German war criminals. This would include cases accepted by the Committee up to 11th ~~March~~^{April}, 1946, inclusive.

IV. Control Council Law No. 11 (Document I/59):

Consideration of this matter was adjourned to the next meeting.

V. Acquittals of persons listed by the Commission (Document I/63):

The Committee took note of the information furnished by the Office of the United Kingdom Judge Advocate General and circulated to members in Document I/63. As no points were raised the matter was considered as closed.

VI. Easter Vacation:

It was agreed the next Committee meeting would be held on 2nd May, 1946, unless the accumulation of new charges caused the necessity to convene an additional meeting for 1st May, 1946.

No. 57.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 4th April 1946
at 10.30 a.m.

In the Chair, M. de Baer, (Belgium)

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom,
Lt. Kintner, and later during	} United States of America.
the meeting,	
Captain Wolff,	

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

Mlle. Capiomont,	France,
Commander Mouton,	Netherlands,
Colonel Halse,	United Kingdom,
Captain Fletcher,	
Dr. Marković,	Yugoslavia.

I. Minutes No. 56.

Minutes No. 56 of the meeting held on 28th March 1946, were approved subject to the following amendments.

Page 2, (a) The last sentence of Dr. Mayr-Harting's statement should be deleted.

(b) Captain Wolff's statement should read as follows:

" Captain WOLFF said it was not customary, at least not for American Military Courts, to acquit the accused merely because the offence was a minor one. It would be interesting to find out why the accused referred to in M. de Baer's statement had been acquitted. "

Page 3. 1st paragraph should read as follows:

" Sir Robert CRAIGIE said that some explanations had already been given in the letter of the 22nd March, 1946, by the JAGD, addressed to the Secretary General, and that it might help the Committee in considering the matter if, with the concurrence of Colonel Halse, the information could be circulated to the members.

" Colonel Halse agreed on the circulation to the Committee of those parts of the letter only which explained the reasons for the acquittals."

II. Proceedings in Individual Cases.

1) Czechoslovak Case.

- 465 Referring to his statement at the last meeting, Dr. MAYR-HARTING additionally explained that the only information in the possession of his National Office with regard to the first accused in this case was that he was an official of a German State Department in Prague, presumably a Police Department, which, according to the statement of Joeckel, one of the accused and Commandant of the Theresienstadt Prison, was responsible for the conditions in that prison. The competence of the department was not known. Dr. Mayr-Harting suggested that this information be added to the charge and shown on the Commission's List instead of his previous submission. This was agreed.

2) United Kingdom Cases.

- 1296 (amendment) CAPURSO and FANTACCI on A. The first, second and third accused of the original case to be deleted from the Commission's Lists.
- 2734 On 'A'.
- 2735 1 - 4 on 'A'.
- 2736 1 - 2 on 'A'.
- 2737 1 - 4 on 'A', 6 - 7 on 'S', 5 on 'W', as there was nothing in the case to substantiate a charge against him.
- 2738 1 - 3 on 'A'.
- 2739 1 - 4 on 'A', 5 on 'C'.
- 2740 This case was adjourned on the request of Colonel Halse.
- 2741 On 'A'.
- 2742 On 'A'.
- 2743 1 - 2 on 'A'.
- 2777 1 - 5, 7 - 10, 12, 14 - 17 plus WUTTKE and SCHOSSIG on 'A', 6, 11, 13 on 'S'.

3) Yugoslav Cases.

- 2744 1 - 2 on 'A'.
- 2745 1 - 2 on 'A'.
- 2746 1 - 3 on 'A'. 4 - 5 adjourned. 6 - 7 on 'C'.
Decision as to the accused Nos. 4 and 5 was adjourned in order that the National Office might be asked for additional information as to whether the victims were members of the partisan forces or merely ordinary civilians.
- 2747 After Dr. Marković stated that the accused should be listed only for the second arrest of the victim and that the arrest had been an arbitrary one for the sole purpose of sending him to Dachau Concentration Camp, the Committee decided to list the accused on 'A'.

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2748 On 'A'.
 2749 1 on 'A', 2 on 'C'.
 2750 On 'A'.
 2751 On 'S'.

4) Netherlands Cases.

2752 1 - 2 on 'A'.
 2753 1 - 2 on 'A'.
 2754 On 'A'.
 2755 1 on 'A', 2 on 'C'.

5) French Cases.

(a) Addenda.

529 (3) 1 - 2 on 'A', 3 - 10 on 'S'.
 1188 (2) On 'A'.
 1521 (1) On 'S'.
 1716 Consideration of this case was adjourned for one week.
 1863 In view of the fact that the additional information submitted by the National Office did not solve the difficulty as to whether the alleged victims were compelled to do work at places where military operations were actually being conducted, the case in regard to the second count was adjourned until further information from the National Office be received.

(b) New Cases.

2704 1 - 5 on 'A'.
 2705 1 - 17 on 'A'. 18 - 22 on 'S'.
 2706 'A'.
 2707 1 - 4 on 'A'.
 2708 'A'.
 2709, 2710,)
 2711,) On 'A'.
 2712 1 - 2 on 'A'.
 2713 1 - 2 on 'A'.
 2714 1 - 9 on 'A'.
 2715 1 - 9 on 'A'.
 2716 1 - 6 on 'A'.

2717 'A'.
2718 1 - 2 on 'S'.
2719, 2720 }
2721, } On 'A'.
2722 1 - 2 on 'A'.
2723 1 - 25 on 'A', 26 - 65 on 'S'.
2724 1 - 2 on 'A'.
2725 1 - 3 on 'A'.
2726, 2727, 'A'.
2728 1 - 2 on 'A'.
2729 1 - 6 on 'A'.
2730 1 - 3 on 'A'.
2731, 2732, On 'A'.
2733 1 on 'A'. 2 - 4 on 'S'.

6) Belgian Cases.

(a) Addenda.

1109 (3) On 'A'.
1802 (2) 2 and 3 on 'W'.
All others on 'A' except those already listed. Differences
in spelling and additional personal data to be shown on the
List.
1803 (4 - 7) All on 'A'.
1890 (1) 1 - 5 on 'A'.
1892 (1-9) All on 'A' except those already listed. Differences in
spelling and additional personal data to be shown on the List.
1894 (1) On 'A'.

(b) New Cases.

2696 1 - 6 on 'A'.
2697 1 - 2 on 'A'.
2698 1 - 3 on 'S'.
2699 1 - 2 on 'S'.
2700 'S'.
2701 'A'.
2702 'S'.

-5-

2703 On 'S'.

7) Canadian Case.

2756 On 'A'. BERGER on 'S'.

III. Letter to the Association of Democratic German Lawyers. (Doc. I/62.)

The Draft of the letter to be sent to the above Association, was approved.

Dr. Lelawski

STATEMENT BY M. de BAER.

I was much impressed, when reading document Miscellaneous No.17, to note that there have been four acquittals out of seven Germans listed as "Accused" by this Commission.

From the beginning I have endeavoured to point out how undesirable was the inclusion in the lists of offenders who have not committed important crimes. Yet although I was supported by Sir Cecil Hurst, when expressing the view that charges should not be brought except for very serious offences, and Lord Wright has consistently been of the same opinion, it has not always been possible to carry out this policy.

The consequence may be that an important proportion of offenders listed as "Accused" by this Commission will be acquitted, when tried by the competent courts. It is essential that the high credit that attaches to the Commission's lists be maintained. To press for the inclusion of the less serious cases may be detrimental to that credit.

In the interests of the Commission, and in view of the recent acquittals, I respectfully express the hope that the National Offices will help us by abstaining from presenting to the Commission dossiers concerning charges which are either purely technical, or doubtful as to their issue, or insufficiently serious as to their consequences, to justify judicial action against the doers.

23rd March 1946.

Minutes No. 56

STATEMENT BY M. de BAER.

I was much impressed, when reading document Miscellaneous No.17, to note that there have been four acquittals out of seven Germans listed as "Accused" by this Commission.

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23rd March 1946.

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DE LA BELGIE

LONDON

No. 56

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE ISummary Minutes of the Meeting of Committee I held on 28th March, 1946at 10.30 a.m.

In the Chair:

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their deputies:

Dr. Heyr-Harting	Czechoslovakia
Major Dr. Wanderslik	Czechoslovakia
Captain Wolff	United States of America

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

Lord Wright	Chairman of the Commission
Mlle Capionmont	France
Commander Dr. Meaton	Netherlands
Colonel Halse	United Kingdom
Captain Fletcher	United Kingdom
Lt. Kintner	United States of America

In the absence of M. de Baer, Sir Robert Craigie took the Chair.I. Minutes No. 55:

Draft Minutes No. 55 of the meeting held on 21st March, 1946, were approved, subject to certain amendments by Sir Robert CRAIGIE and Captain WOLFF, which will be incorporated into the final text.

II. Cases Involving Crimes in Concentration Camps:

Sir Robert CRAIGIE referred to a matter which had been submitted to him by Colonel HALSE. That was that J.A.G.D. had been preparing lists of persons who are to be tried in the British Zone in Germany for crimes committed in concentration camps against non-British nationals. So far cases of this kind had not been brought before the Commission amongst the British charges and the question had arisen as to the procedure in dealing with such cases.

Colonel HALSE explained that in the case of the Belsen trial the question arose as to who was to register the defendants with the Commission, as there were no British nationals among the victims. Lists of the defendants had finally been sent to the Commission which had listed them as war criminals on its own initiative. Colonel HALSE suggested that he should in a similar way forward lists of the defendants in other concentration camps cases to the Commission for listing them accordingly.

Sir Robert CRAIGIE pointed out that there had been a desire to avoid any more charges by the Commission and thought of a different procedure which might be applied in future for such cases.

Colonel HALSE added that the cases concerned were a liability of the British because they concerned crimes committed in the territory of the British Zone of occupation and the occupying power have responsibility of bringing the offenders to trial.

Dr. Mayr-Harting suggested and it was finally agreed, that it would be possible for the Commission to consider charges dealing with such cases if they were submitted by the British National Office.

III. Acquittals of Persons Listed by the Commission - (Statement by M. de Baer):

Sir Robert CRAIGIE read the following statement sent by Monsieur de BAER and dated 23rd March, 1946:

"I was much impressed, when reading document Miscellaneous No. 17, to note that there have been four acquittals out of seven Germans listed as "Accused" by this Commission.

"From the beginning I have endeavoured to point out how undesirable was the inclusion in the lists of offenders who have not committed important crimes. Yet although I was supported by Sir Cecil Hurst, when expressing the view that charges should not be brought except for very serious offences, and Lord Wright has consistently been of the same opinion, it has not always been possible to carry out this policy.

"The consequence may be that an important proportion of offenders listed as "Accused" by this Commission will be acquitted, when tried by the competent courts. It is essential that the high credit that attaches to the Commission's lists be maintained. To press for the inclusion of the less serious cases may be detrimental to that credit.

"In the interests of the Commission, and in view of the recent acquittals, I respectfully express the hope that the National Offices will help us by abstaining from presenting to the Commission dossiers concerning charges which are either purely technical, or doubtful as to their issue, or insufficiently serious as to their consequences, to justify judicial action against the doers."

Sir Robert CRAIGIE fully agreed with Monsieur de BAER's statement and suggested that at this stage of its activities the Commission should restrict itself to listing cases of real importance only. As regards the particular document referred to by Monsieur de BAER, however, Sir Robert CRAIGIE said that enquiries had been made and one reason given for the high proportion of acquittals was that they did not require confirmation by superior authority and, therefore, the data with regard to them were being received more quickly than that of sentences. At a later date there would be a higher proportion of the latter. * Notwithstanding this, however, the fact that out of seven Germans, four were acquitted should bring home to the members of the Commission the desirability of not over-loading the Commission's lists with less important cases.

Dr. MAYR-HARTING agreed entirely with the substance of Monsieur de BAER's statement but wondered whether the acquittals were due to the fact that the crimes concerned were considered too unimportant. He thought that the issue might have been caused rather by the fact that in the particular cases the guilt of the offenders could not be proved. Nevertheless he agreed that the Committee should in future be more careful in deciding whether or not there was a CRIMINAL case against the accused.

Colonel HILL explained that as regards some of the acquittals, the original evidence against the accused was brought to the investigating authorities by other Germans who later during the trial had been completely discredited as witnesses. In other cases, concerned with ill-treatment of Allied Prisoners, the Court was not satisfied with the evidence submitted by the Prosecution.

Captain GLENN agreed with Dr. MAYR-HARTING and pointed out that it was not customary to acquit the accused simply because the offence was a minor one. He felt that the acquittals must have been due to unsatisfactory evidence.

No. 56.
Page 2 (a).

UNITED NATIONS WAR CRIMES COMMISSION

Page 2 of Summary Minutes No. 56 of the meeting of Committee I held on 28th March, 1946, as amended by decision of the meeting of Committee I held on 4th April, 1946 (Minutes No. 57).

Dr. MAYR-HARTING suggested and it was finally agreed, that it would be possible for the Commission to consider charges dealing with such cases if they were submitted by the British National Office.

III. Acquittals of Persons Listed by the Commission - (Statement by M. de BAER):

Sir Robert CRAIGIE read the following statement sent by Monsieur de BAER and dated 23rd March, 1946:

"I was much impressed, when reading document Miscellaneous No. 17, to note that there have been four acquittals out of seven Germans listed as "Accused" by this Commission.

"From the beginning I have endeavoured to point out how undesirable was the inclusion in the lists of offenders who have not committed important crimes. Yet although I was supported by Sir Cecil Hurst, when expressing the view that charges should not be brought except for very serious offences, and Lord Wright has consistently been of the same opinion, it has not always been possible to carry out this policy.

"The consequence may be that an important proportion of offenders listed as "Accused" by this Commission will be acquitted, when tried by the competent courts. It is essential that the high credit that attaches to the Commission's Lists be maintained. To press for the inclusion of the less serious cases may be detrimental to that credit.

"In the interests of the Commission, and in view of the recent acquittals, I respectfully express the hope that the National Offices will help us by abstaining from presenting to the Commission dossiers concerning charges which are either purely technical, or doubtful as to their issue, or insufficiently serious as to their consequences, to justify judicial action against the doers."

Sir Robert CRAIGIE fully agreed with Monsieur de BAER's statement and suggested that at this stage of its activities the Commission should restrict itself to listing cases of real importance only. As regards the particular document referred to by Monsieur de BAER, however, Sir Robert CRAIGIE said that enquiries had been made and one reason given for the high proportion of acquittals was that they did not require confirmation by superior authority and, therefore, the data with regard to them were being received more quickly than that of sentences. At a later date there would be a higher proportion of the latter. Notwithstanding this, however, the fact that out of seven Germans, four were acquitted should bring home to the members of the Commission the desirability of not over-loading the Commission's Lists with less important cases.

Dr. MAYR-HARTING agreed entirely with the substance of Monsieur de BAER's statement but wondered whether the acquittals were due to the fact that the crimes concerned were considered too unimportant. He thought that the issue might have been caused rather by the fact that in the particular cases the guilt of the offenders could not be proved.

Colonel HALSE explained that as regards some of the acquittals, the original evidence against the accused was brought to the investigating authorities by other Germans who later during the trial had been completely discredited as witnesses. In other cases, concerned with ill-treatment of Allied Airmen, the Court was not satisfied with the evidence submitted by the Prosecution.

Captain WOLFF said it was not customary, at least not for American Military Courts, to acquit the accused merely because the offence was a minor one. It would be interesting to find out why the accused referred to in M. de BAER's statement had been acquitted.

-3-

Sir Robert CRAIGIE said that Colonel HALSE had been good enough to give some explanations but suggested that in considering the matter it might help the Committee if J.A.C.D. could submit further information with regard to the cases in question showing in more detail the reasons of acquittals. Colonel HALSE agreed on the circulation to the Committee of those parts of the cases which could give the information required.

Sir Robert CRAIGIE suggested that further consideration of Monsieur de BAER's statement be adjourned until the Committee would have had an opportunity of examining the information from J.A.C.D. This was agreed.

IV. Distribution of the Commission's Lists:

Captain VOLFE, who had asked for an adjournment of this matter at the last meeting, stated that the United States' Representative had no objection to the transmission of the Commission's List to the Soviet Element of the Control Council for Germany.

The question arose as to the channel through which lists should be transmitted. Sir Robert CRAIGIE said that the Foreign Office would be prepared to communicate a copy of each list through the British Element of the Council.

The Committee agreed that the Commission's Lists should be regularly transmitted to the Soviet Element of the Council but the matter be submitted to the Commission for final decision at its next meeting.

V. Procedure in Individual Cases: The Committee decided upon a number of Yugoslav, Netherlands, United Kingdom, French and Czechoslovak cases, as follows:

1) Yugoslav Cases.

596 (Addendum)	1 - 3 and 5 on 'A'. ZERBINO has already been listed.
1736	1 - 10 on 'A'.
2691	On 'A'.
2692	1 - 9 on 'A'; 10 on 'C'.
2693	On 'A'.
2694	1 - 6 on 'A'.
2695	On 'A'.

2) Netherlands Case.

2690	1 - 2 on 'A'; 3 on 'B'.
2637	The following additional name was listed on 'A': ENTZEL.

3) United Kingdom Cases

2631	This case was adjourned at the request of Colonel HALSE in order to re-draft the charge.
2682	On 'A'.
2683	On 'A'.
2684	1 - 2 on 'S'; 3 - 15 on 'A'.
2685	1 - 5 on 'A'; 6 on 'C'.
2686	1 on 'A'; 2 on 'C'.
2687	1 - 2 on 'A'.
2688	On 'A'.

2689	On 'A'.
4.) <u>French Cases.</u>	
1019	1 and 2 on 'A'.
1382 (Addendum)	HILMER on 'A'.
2648	On 'A'
2649	1 - 20 on 'A'.
2650"	On 'A'
2651	This case was adjourned in order that the National Office might be asked for additional information and clarification of the circumstances of the alleged crime. The Committee were of the opinion that the facts as submitted in the case had not established a PRIMA FACIE case of a war crime as, according to Article 53 of the Hague Regulations, an army of occupation is entitled to take possession of means of transport belonging to the State or private persons which may be used for military purposes.
2652"	On 'A'.
2653	1 - 2 on 'A'.
2654	1 - 2 on 'A'.
2655	On 'A'.
2656	This case was adjourned in order that the National Office might be asked for additional information as to the responsibility of each of the accused separately.
2657	On 'A'.
2658	1 - 5 on 'A'; 6 - 17 on 'S'.
2659	1 - 7 on 'A'.
2660	On 'S' on the assumption that no military operations were taking place at the material time.
2661	On 'A'.
2662	On 'A'.
2663	On 'A'.
2664	On 'A'.
2665	1 - 2 on 'A'. With regard to the third accused, the case was adjourned in order to ask the National Office for further information as to whether this accused was in the service of the Gestapo or any other enemy organisation.
2666	On 'A'.
2667	On 'A'.
2668	1 - 3 on 'A'.

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- 2669 1 - 4 on 'A'.
- 2670 On 'A'.
- 2671 On 'A'.
- 2672 On 'A'.
- 2673 On 'A'.
- 2674 On 'A'.
- 2675 1 - 5 and 7 on 'A'; 8 on 'S'. As regards the sixth accused the case was adjourned because of the incorrect spelling of his name.
- 2676 1 - 24 on 'A'.
- 5) Czechoslovak Cases.
- 2675 (Addendum) With regard to the first accused, Dr. MAYR-WARTING stated that the original name of the Office he held was "DEUTSCHER MIT". This Office was responsible for deciding who should be considered as a Jew according to racial laws and also for deporting Jews to concentration camps. The Committee decided to list the accused 1 - 47 on 'A' and 48 on 'C'.
- 2677 With regard to the first part of this case dealing with a crime allegedly committed before the outbreak of war, the Committee decided to refer to Committee III the question as to whether or not this particular crime should be considered as a crime against humanity, and for what reasons.
- The second part of the case (crimes committed during the war) was also adjourned in order that the National Office might be asked for additional information as to the circumstances of the alleged crimes and persons involved in their commission.
- 2678 On 'A'.
- 2679 1 and 2 on 'A'. The third accused was listed on 'C' as the case was lacking the particulars necessary for his identification.
- 2680 1 - 7 on 'A'.

VI. Charges Submitted by the Association of Democratic German Lawyers -
(Documents 1/60 - 61):

The Committee took note of four charges submitted by the above Association and decided to transmit them to the Control Council for Germany for further action.

In connection with the above charges a question arose as to whether such charges should more properly be sent in future by the Association directly to the Control Council for Germany instead of transmitting them through the Commission as this might incur upon the Commission a certain amount of responsibility, notwithstanding the reservations already made known to that Body. This view was expressed and supported by Dr. MAYR-WARTING.

On suggestion of Sir Robert CRAIGIE it was decided to advise both Associations of German Lawyers in Great Britain that in order to expedite the procedure in dealing with cases submitted by them the Committee considered it more practicable if such charges and reports were communicated by the Association direct to the Control Council for Germany and only copies of them submitted to this Commission for information. To this effect the Secretary was charged with preparation of an appropriate draft-letter.

VII. Control Council No. 11 (Dr. MEYER-HARTING's proposal - Document I/59):

After some preliminary discussion, consideration of this matter was adjourned for two weeks.

VIII. Closing of 30th List of War Criminals:

The Committee decided to issue a new Commission's List (No. 30) of German War Criminals. This would include cases accepted by the Committee up to 28th March, 1946, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 21st March, 1946,
at 10 30 a.m.

In the Chair: M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Dr. Mayr-Harting	Czechoslovakia.
Major Dr. Fanderlik	Czechoslovakia.
Sir Robert Craigie	United Kingdom.
Captain Wolff	United States of America.

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

Lord Wright	Chairman of the Commission
Professor Gros	France
Mlle Capimont	France
Commander Mouton	Netherlands
Mr. Kent	United Kingdom.
Colonel Halse	United Kingdom.
Lt. Kintner	United States of America.
Dr. Zivkovic	Yugoslavia

I. Minutes No. 54.

The draft Minutes No. 54 of the meeting held on 14th March, 1946, were approved, subject to certain amendments submitted in writing by Sir Robert CRAIGIE and Captain WOLFF which will be incorporated into the final text.

II. Distribution of Commission's Lists.

Referring to document I/49, Sir Robert CRAIGIE stated that according to information he received, the British authorities concerned were not in the habit of sending the Commission's Lists to the Soviet element of the Control Council for Germany. As it was desirable that the Soviet authorities should be supplied with copies of the Lists, he suggested considering the procedure which should be adopted in future for this purpose.

At the request of Captain WOLFF consideration of this matter was adjourned until the next meeting.

III. Proceedings in Individual Cases.

The Committee decided upon a number of United Kingdom, Yugoslav, Netherlands and French cases as follows:-

1) United Kingdom Cases.

270 (re-draft) 1 and 2 on 'A'. The charge against NICOLLETTI was withdrawn.

1292 (addendum) KOKAIL on 'A'.

1) United Kingdom Cases (cont:)

- P.286 1 on 'S'; 2 - 15 on 'A'.
P.287 5 and 9 on 'C'; all the others on 'S'.
P.288 3 on 'A'; 1, 2 and 5 on 'S'; 4 and 6 on 'C'.
The accused were listed for ill-treatment of civilians.

2) Yugoslav Cases.

- 397 (second addendum) HAMM and LARSSON on 'A'. As the other two accused mentioned in Part 3 of the addendum had already been listed on the same charge, no further action was taken.

Dr. ZIVKOVIC stated that a copy of this case had been transmitted by his Office to the Norwegian National Office for information.

1552 The name of the accused No.7 will be corrected on the Commission's List as proposed by the National Office.

2644 1 on 'A'; 2 on 'C'.
2645 On 'A'.
2646 1 - 2 on 'A'.
2647 1 - 2 on 'A'.

3) Netherlands Cases.

- 2634 1 - 2 on 'A'; 3 - 4 on 'W'.
2635 1 - 2 on 'A'.
2636 1 - 3 and 5 on 'A'; 4 adjourned as there was nothing against him in the charge.
2637 1 - 18 on 'A'.
2638 1 on 'A'; 2 on 'C'.
2639 1 - 6 on 'A'; 7 on 'S'.
2640 1 - 2 on 'A'.
2641 On 'A'.
2642 On 'A'.
2643 On 'S'.

4) French Cases.

a) Adjourned Cases and Addenda.

- 444 In view of the fact that the entire Division had been charged with the shooting of four persons, the case was adjourned in order that the National Office might be asked for additional information as to whether any other crimes

a) Adjourned Cases and Addenda (continued)

444 were committed by this Division.

732 1 - 47 of addendum No.2 and all persons indicated on pages 1 and 3 of addendum No.3 on 'A'.

1053 (continuation of discussion. See Minutes No.52 and No.53) Referring to the discussion at the meeting of 28th February, 1946, and consultations he had had with his Government, Sir Robert CRAIGIE stated that in view of the measures forced upon the Allies through German breaches of international law the British Government were not disposed to bring up cases based on the charge of sinking of merchant vessels without warning. Consequently it was doubtful whether persons charged with such crimes by other Governments would be surrendered if they were in British custody.

Sir Robert CRAIGIE further expressed doubt whether the fact of the granting by the Italian authorities of a safe conduct to the French merchantman in question could be dissociated from the 1940 Armistice Convention which preceded the issue of such a permission and he, therefore, saw some danger in listing persons accused of crimes allegedly committed in breach of an Armistice which was not recognised by the United Nations.

With regard to the alleged attitude of the accused, Sir Robert CRAIGIE thought it highly improbable that the accused would have torpedoed the ship if he had actually been in possession of the instructions permitting the ship to sail, and if the ship was flying the French flag at the material time.

Professor GROS, while eliminating from the discussion all political implications of the Armistice, was of the opinion that only the factual aspects of the case should be considered. These were firstly, that the sinking occurred in July, 1940, when the practice in sea warfare differed from that prevailing in the later stage of the war. From this point of view it was unlawful at the time to torpedo a non-belligerent merchantman without warning. Secondly, there was the attitude of the accused himself whose duty it was to comply with the special permission given by his superior authorities for the ship to sail. The ship was visibly flying the French flag, and if the accused was in doubt, he had the right and it was his duty to stop the ship in order to establish her identity, but he was not entitled to sink a ship sailing under a safe conduct in which the exact date of sailing and the route were stated.

Here, M. de BAER pointing out that the case was the first of its type, suggested referring it to Committee III for its legal opinion.

After Captain WOLFF had said that it was the informal view of the United States Navy that the sinking of a merchant vessel without notice does not constitute a war crime under the rules of modern warfare, Professor GROS agreed to withdraw the charge on the first count but, strongly supporting the charge on the second count, asked for its consideration by Committee I without further delay.

1053
(cont.)

With regard to this, Captain WOLFF said there was a difficulty in considering the second count, namely, the question as to whether the merchantman was flying the French flag at the time of sinking. He pointed out that the statement on page 4 under paragraph 4 of the original charge submitted by the National Office gave him the impression that it was admitted that the merchantman was not flying the French flag. Then in the addendum the following words had been used:-

" le navire navigant sans son pavillon
national fut torpillé " (page 1, para.7) and

"même en l'absence de marque de nationalité
(page 2, para.2)

which statements he thought were in accordance with the facts alleged in the original charge. Taking these two documents together, he had some difficulty in reconciling them with the statement made by Professor GROS that the ship was flying the French flag.

Captain WOLFF asked, therefore, whether this discrepancy could be cleared up as the matter might have some bearing on the second count.

In reply Professor GROS stated that the original charge was prepared by the National Office without consulting the French Naval authorities and that, later on, after the case had been submitted to the Commission, it had been finally established that the ship was flying the French flag. The word "sans" used in the addendum should accordingly be substituted by the word "sous". To meet the difficulty and in order to reach a decision without further delay, he eventually suggested listing the accused on 'S' and adding to the charge the Chief of the Italian Submarine Command in the Mediterranean.

Captain WOLFF said he felt that the record should clearly show whether or not it was alleged that the ship was flying the French flag. He suggested postponing further consideration in order to clarify this particular point.

Sir Robert CRAIGIE said that it would help the Committee in establishing a prima facie case against the accused if the French National Office could submit a copy of the safe conduct issued to the vessel and a statement to the effect that the terms of such a safe conduct had been fully complied with. This might assist the Committee in determining whether it had been clear to the accused that the ship was French, irrespective of whether she was flying her flag. If such evidence were produced, the Committee might consider placing the accused and the Chief of the Italian Submarine Command on 'S' on the sole charge of having been responsible for the sinking of a ship sailing under Italian safe conduct. This could be done, he believed, without raising the question of the validity of the Armistice.

Captain WOLFF supported the proposal requesting the National Office to produce a copy of the safe conduct.

- 5 -

1053 (cont:) Professor GROS, while withdrawing his suggestion as to putting the accused on 'S', agreed to submit such a copy and the case was accordingly adjourned.

2025 On 'A'.

915 No action was taken as all the accused had already been listed on 'A' in the original case.

2009 1 - 4 of addendum No. 2 on 'A'.

2076 (addenda Nos. 1 and 2) No action was taken as all the accused had already been listed under 'A' in the original case.

459 1 - 7 on 'A'.

b) New Cases.

2606 1 - 2 on 'A'.

2607 1 - 7 on 'S'.

2608 On 'A'.

2609 1 on 'A'; 2 on 'W'.

2610 1 - 11 on 'A'.

2611 1 - 2 on 'A'; 3 on 'S'.

2612 1 - 2 on 'A'; 3 - 4 on 'S'.

2613 On 'A'.

2614 1 - 17 on 'A'.

2615 On 'A'.

2616 1 - 3 on 'A'.

2617 1 on 'A'; 2 - 6 on 'S'; 7 on 'W'.

2618 On 'A'.

2619 On 'A'.

2620 1 - 3 on 'A'; 4 on 'W'.

2621 On 'A'.

2622 On 'S'.

2623 1 - 2 on 'A'.

2624 1 - 2 on 'A'.

2625 On 'A'.

2626 1 - 2 on 'A'.

2627 On 'A'.

2628 On 'A'.

b) New Cases (cont:)

2629	On 'A'.
2630	1 - 2 on 'A'.
2631	1 - 2 on 'A'; 3 on 'W'.
2632	On 'A'.
2633	1 - 4 on 'A'.

IV. Closing of 29th List of War Criminals.

The Committee decided to issue a new Commission's List (No.29) of Japanese War Criminals. This would include cases accepted up to 21st March, 1946, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Summary Minutes of the Meeting of Committee I held on 14th March, 1946,
• at 10.30 a.m.

In the Chair: M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Dr. Mayr-Harting	Czechoslovakia.
Sir Robert Craigie	United Kingdom.
Captain Wolff	United States of America.

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

Major Morden	Canada.
Commander Mouton	Netherlands
Lt. Boucek	United States of America.
Lt. Kintner	United States of America.
Dr. Zivković	Yugoslavia.

I. Minutes No.52 and No.53

An amendment to Minutes No. 52 of the meeting held on 28th February, 1946, was received from Professor GROS to the effect that the statement he made during the discussion on the French case No. 1053 (page 2 of the Minutes) should read as follows:-

At the request of Captain WOLFF, Professor GROS explained that the charge was based on the grounds that the torpedoing of the French merchantman in question - a non-belligerent ship - was a violation of the special Franco-Italian relations in force at the material time i.e., the special permission given by the Italian Headquarters for that ship to sail. The voyage was lawful and it was the duty of the Italian authorities to see that their instructions permitting the ship to sail were properly issued and carried out. In any case it was unlawful to torpedo without warning a non-belligerent merchantman visibly flying its flag.

Minutes 53 of the meeting held on 7th March, 1946, were approved subject to amendments submitted in writing by Sir Robert CRAIGIE and Captain WOLFF which will be incorporated in the final text. It was also decided that in the third full paragraph on page 2 the words "he did not see" should be substituted by the words "there was a doubt".

II. Yugoslav Cases 1323, 1461 and 1462 alleging Crimes against Humanity
(continuation of discussion)

Referring to the discussion at the last meeting, Dr. ZIVKOVIC supported his proposal as to the procedure which he hoped would be adopted by the Committee in dealing with the above cases. He said that in his opinion all these cases were clear examples of crimes against humanity and it was not relevant to the conception of such crimes whether they were committed before or during the war. This applies also to crimes committed in pursuance of a policy of persecution on political or racial grounds, provided that such acts were committed in connection with any of the crimes enumerated in Article 6 of the Charter. He also believed that the authors of the Charter when framing the rules on responsibility for crimes against humanity had in mind not only major war criminals, but also the actual perpetrators as would appear from the provisions enacted later in Law No.10.

Sir Robert CRAIGIE said that the question of what constitutes a crime against humanity was now under consideration by Committee III and it would be premature to discuss these cases before that Committee arrive at a conclusion. He believed that when the provisions of the Charter dealing with crimes against humanity were drawn up, the contracting parties had in mind only major war criminals and the planning of such crimes at a high level and therefore it was doubtful in what measure the notion of crimes against humanity should also be applied to lesser perpetrators. He suggested that in these circumstances consideration of these cases would be more properly postponed until such times as Committee III had given a definition of crimes against humanity.

Captain WOLFF said that it was the opinion of his government, as had been stated at the meeting of the Commission held on January 23rd 1946, that the Commission, pending developments in the next stage of the Nurnberg trials should continue to restrict itself to listing only persons accused of violations of the laws and customs of war, as it had done in the past. However, he appreciated Dr. Zivkovic's desire to proceed with consideration of these cases which involved very serious crimes and he therefore supported Sir Robert Craigie's suggestion to refer to Committee III the question of how crimes against humanity should be defined. He reserved his decision as to how far he could participate in discussing these cases but was prepared to consider the matter in the light of what Committee III reported to this Committee.

Monsieur de BAER also agreed with the suggestion of Sir Robert CRAIGIE that it would be premature for this Committee to take any decision in these cases before Committee III had given its opinion.

Dr. ZIVKOVIC suggested that in the event of the matter being referred to Committee III the latter should provide a very clear definition as to what offences constitute crimes against humanity in order to avoid referring every single case to Committee III for its opinion. He stressed this point especially as the cases under consideration involved not only judicial crimes but also other offences such as murders, torture, and deportation etc., and that was why Committee III should not restrict itself to any particular cases but should take the Yugoslav cases only as examples and try to provide a general definition. Having such a definition, this Committee would then be in a position to consider each case on its own merits.

M. de BAER pointed out that any definition which Committee III might arrive at could never be exhaustive, and therefore he would prefer to refer to that Committee each specific class or type of case such as these three represented.

- 3 -

Dr. MAYR-HARTING, while agreeing that it was important that Committee III should arrive at something like a general definition, supported M.de BAER'S proposal that the terms of reference should be restricted to the type of cases now under consideration.

Sir Robert CRAIGIE felt that as it might be difficult to lay down any general definition of crimes against humanity, it was preferable that each new type of case should be referred to Committee III, but that Committee III should at the same time be asked to give its reasons, for or against. He believed that an important principle was at stake and therefore the Committee should proceed with great caution in the interests of the Commission.

The Committee decided to refer to Committee III the question as to whether or not the crimes involved in these particular cases should be considered as crimes against humanity, and for what reasons. This decision of Committee I concerned paragraphs III, IV, VII, VIII and IX of case 1323 and case 1462.

No action was taken with regard to case 1461 in view of the fact that at the meeting held on 24th October, 1945, this case was adjourned on the proposal of Dr ZIVKOVIC to enable him to place before the Committee the additional information indicated in the Minutes of that meeting (Minutes NO.35). As this had not yet been submitted, the case was adjourned sine die.

III. Proceedings in Individual Cases.

1) Yugoslav Cases.

2596	1 and 2 on 'A'.
2597	On 'A'.
2598	1 and 2 on 'A'.
2599	On 'A'.
2600	On 'A'.

2) Canadian Cases.

2588	On 'A'.
2589	On 'A'.
2590	JUNG plus SCHUMACHER and ANSELM Oskar on 'A'.
2591	BROICHAUS plus SCHAEFER on 'A'.
2592	On 'A'.
2593	1 - 9 on 'A'.
2594	On 'A'.
2595	On 'A'.

3) Netherlands Cases

2601 1 on 'A'; 2 on 'W'.

2602 This case was adjourned in order that the National Office might be asked for more particulars of the alleged crimes as some doubt was expressed as to whether the betrayal of underground workers can be regarded as a war crime.

2603 1 - 3 on 'A' for torture of civilians and complicity in attempted murder.

2604 1 - 7 on 'A'

2605 On 'A'

2235+ The following additional names were Listed on 'W':

PHATSWALD, Arthur, Feldwebel
CHIMINSKI, N.C.O. (Christian name probably HANS)
WOLFGANG Bernard, Obergefreiter.

2238+ The following additional name was Listed on 'W':

TEEWIS, Sturmscharführer.

+ with the proviso that all these witnesses should be included in the Commission List No.28 now in preparation.

4) United States Cases.

During the discussion on the following United States cases, Sir Robert CRAIGIE expressed the opinion that too many cases of insufficient gravity were being submitted by the National Offices and that at this stage the Commission should concentrate and restrict itself to listing cases of real importance only. He hoped the National Offices would see their way to avoid bringing up cases of minor importance. This view was very strongly supported by M. de BAER.

273 (continued) Lt. BOUCEK explained that the incident reported in this case was not an isolated one and referred to a number of other cases already accepted, which, viewed collectively, show the general pattern of conduct of Japanese personnel in P.O.W. Camps. He also stated that the United States authorities concerned recommended this case for trial and intended to initiate prosecution.

Captain WOLFF said he agreed with Lieutenant BOUCEK and pointed out that this case was not analogous to the Netherlands Case 2461. This latter case had been rejected by the Committee because it involved a minor and isolated incident growing out of a private quarrel.

The case was accepted and the accused listed on 'A'

275 (continued) Supporting the case, Lt. BOUCEK referred to the 1919 list of war crimes in which employment of P.O.W. on unauthorised works was also included. The fact that the circumstances of this case were such as to constitute a technical offence only was not relevant. He also referred to a precedent recently created by this Committee in accepting similar cases (270 and 272).

It was decided to list the accused on 'A'.

5) Belgian Cases.

At the suggestion of Sir Robert CRAIGIE the attention of the Belgian National Office was drawn to the fact that the copies of their charges are often completely illegible. The National Office was asked for a substantial improvement in this respect in order to help the Committee in the proper discharge of their duties.

- 1893 (Addendum) 1 - 6 on 'A'
- 2568 Dr LOWIN on 'A'. As all the other accused charged in this case had already been listed on 'A' (see Belgian case 1803 dealing with the same subject) no further action was taken in regard to them.
- 2569 2 on 'A'. All the others had already been listed in case 1803.
- 2570 On 'A'.
- 2571 1 - 4 on 'A'; 5 - 6 already listed (see case 1803).
- 2572 As both accused had already been listed in cases 2410 and 1803, no further action was necessary.
- 2573 1 - 3 on 'A'.
- 2574 On 'A'
- 2575 As there is nothing in the case to establish that the alleged crime was committed by the accused and also nothing to substantiate the charge of deportation of civilians, the case was adjourned and the National Office asked for additional information.
- 2576 All named persons on 'S'; the unit on 'C'.
- 2577 On 'A'.
- 2578 1 - 8 on 'S'.
- 2579 1 - 5 on 'A'.
- 2580 This case was adjourned in order to ask the National Office the meaning of "FLG JANKO".
- 2581 1 - 2 on 'S'.
- 2583 Blockführers 9, 21 and 23 on 'A'; others omitted.
- 2584 1 - 4 on 'A'.
- 2585 1 - 9 on 'A' unit on 'C'.
- 2586 1 on 'A' for ill-treatment only; 2 - 4 on 'C'.
- 2587 1 - 2 on 'A'.

IV. Control Council Law No.11.

At the suggestion of Dr. MAYR-HARTING the Committee decided to place on the Agenda in two weeks' time the question whether in view of Law No.11 enacted by the Control Council for Germany (Document Series No.30) this Commission should not draw the attention of that body also to other German ordinances than those indicated in Law No.11 which should as well be repealed.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE ISummary Minutes of the Meeting of Committee I held on 7th March, 1946,
at 10.30 a.m.

In the Chair: M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies

Major Dr. Fanderlik	Czechoslovakia.
Dr. Mayr-Harting	Czechoslovakia.
Sir Robert Craigie	United Kingdom.
Captain Wolff	United States of America.

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

Mlle Capiomont	France.
Commander Mouton	Netherlands
Mr. Kent	United Kingdom.
Lt. Boucek	United States of America.
Lt. Kintner	United States of America.
Dr. Zivkovic	Yugoslavia.

I. Minutes No. 52.

In view of the proposed amendments to the draft Minutes of the last meeting submitted by Sir Robert CRAIGIE and Captain WOLFF, approval of these was adjourned until next week.

II. Yugoslav Cases 1323, 1461 and 1462 alleging Crimes against Humanity.

On the motion of Dr. ZIVKOVIC, the Committee decided to list on 'A' the accused CAU who having been charged with committing a war crime (see para. I of case 1323) was accidentally omitted when the decisions regarding that part of the case were made on 21st November, 1945.

The CHAIRMAN then opened a discussion upon cases 1461, 1462 and those parts of case No. 1323 which deal with crimes committed by Italians against Italian citizens of Yugoslav origin, consideration of these having been postponed on 24th ~~March~~ 1945, pending a decision as to the action to be taken by the Commission with regard to crimes against humanity. This decision of Committee I concerned paragraphs III, IV, VII, VIII and IX of case 1323 and the two other cases. (Minutes 35 and 39).

Referring to his report on the above-mentioned cases, (Document I/30) Dr. ZIVKOVIC said that in addition to Yugoslav citizens, persons described as Italians of Yugoslav origin were also sentenced by the Italian Special Court indicated in the charges. This was in pursuance of the Italian policy of persecuting the Yugoslav minority in Italy who in point of fact were not protected by the State as Italian citizens should be. The members of this Special Court committed crimes which should be considered

10 October

as crimes against humanity as this category of crimes also covers crimes committed by Italians against Yugoslavs of Italian citizenship. In support of his case Dr. Zivković referred both to the recent decision of the Commission establishing its competence with regard to crimes against humanity and the SEPP DIETZ case accepted by Committee I only last week.

Sir Robert CRAIGIE said that he was disposed to consider the cases now submitted by the Yugoslav National Office provided that they were discussed individually, each case being considered on its own merits.

Dr. MAYR-HARTING, while agreeing that the crimes were committed, expressed doubts as to whether the accused in these particular cases should be listed upon charges brought by Yugoslavia which in consequence would give to the Yugoslav Courts jurisdiction over Italian citizens merely because they had committed crimes against Yugoslavs of Italian citizenship.

M. de BAER pointed out that the question of jurisdiction was very important. As there were as yet no provisions with regard to Italian territory corresponding to Law No.10, he did not see what Courts would be granted jurisdiction in such cases.

Dr. MAYR-HARTING suggested that this matter should be referred to Committee II for examination and its opinion.

Captain WOLFF, while agreeing that the crimes in question should be punished, stressed the importance of determining how to handle these particular cases. He was of opinion that while the crimes were committed by Italians against Italians, it did not appear to be relevant to the problem that some of the victims were of Yugoslav origin. In view of these circumstances he felt that the accused should not be listed by the Commission, but that the cases should more properly be referred to the Allied Control Commission for Italy. Captain WOLFF also expressed the opinion that SEPP DIETZ' case was not analogous to the cases under discussion as the former dealt with a crime committed against Allied nationals on Allied territory, and pointed out that the listing of the accused in these cases by the Commission would establish a very important precedent.

Dr. ZIVKOVIC said that he could not agree to the procedure suggested by Captain WOLFF in view of the fact that the Commission had declared itself competent to deal with cases involving crimes against humanity and consequently the Committee should consider such cases, each of them of course upon its own merits. Referring to the question of jurisdiction, he suggested postponing a final decision until the territorial question between Yugoslavia and Italy now under consideration be settled as this would have a bearing on the competence of the Courts.

Captain WOLFF, while reiterating his proposal as to the course which should be adopted in dealing with these cases, pointed out that examination of individual cases where the victims were enemy nationals might create some difficulties, and as he had no instructions in the matter he asked for an adjournment.

Dr. ZIVKOVIC replied that in his opinion the nationality of the victims is not relevant to the problem as, in view of the provisions of the Charter, prosecution in respect of crimes against humanity might be initiated irrespective of the nationality of such persons. The only important matter in dealing with these cases was to decide whether the crime committed by the accused falls within the definition of crimes

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No. 53.
Pages 2 and 3 (a).

UNITED NATIONS WAR CRIMES COMMISSION.

Page 2 and the last sentence under II (page 3) of
Summary Minutes No. 53 of the meeting of Committee
I held on 7th March 1946 as amended by decision of
the meeting of Committee I held on 14th March 1946
(Minutes No. 54).

as crimes against humanity as this category of crimes also covers crimes committed by Italians against Yugoslavs of Italian citizenship. In support of his case Dr. Zivkovic referred both to the recent decision of the Commission establishing its competence with regard to crimes against humanity and the SEPP DIETZ case accepted by Committee I only last week.

Sir Robert CRAIGIE said that he was disposed to consider the cases now submitted by the Yugoslav National Office provided that they were discussed individually, each case being considered on its own merits. He believed that great caution should be shown by the Committee in listing individual executants of policy on the basis of a crime against humanity.

Dr. MAYR-HARTING, while agreeing that the crimes were committed, expressed doubts as to whether the accused in these particular cases should be listed upon charges brought by Yugoslavia which in consequence would give to the Yugoslav Courts jurisdiction over Italian citizens merely because they had committed crimes against Yugoslavs of Italian citizenship.

M. de BAER pointed out that the question of jurisdiction was very important. As there were as yet no provisions with regard to Italian territory corresponding to Law No. 10, there was a doubt what Courts would be granted jurisdiction in such cases.

Dr. MAYR-HARTING suggested that this matter should be referred to Committee II for examination and its opinion.

Captain WOLFF, while agreeing that the crimes in question should be punished, stressed the importance of determining how to handle these particular cases. He was of opinion that while the crimes were committed by Italians against Italians, it did not appear to be relevant to the problem that some of the victims were of Yugoslav origin. In view of these circumstances he felt that the accused should not be listed by the Commission, but that the cases should more properly be referred to the Allied Control Commission for Italy. Captain WOLFF also expressed the opinion that SEPP DIETZ' case was not analogous to the cases under discussion as the former dealt with a crime committed against Allied nationals on Allied territory, and pointed out that the listing of the accused in these cases by the Commission would establish a very important precedent.

Dr. ZIVKOVIC said that he could not agree to the procedure suggested by Captain WOLFF in view of the fact that the Commission had declared itself competent to deal with cases involving crimes against humanity and consequently the Committee should consider such cases, each of them of course upon its own merits. Referring to the question of jurisdiction, he suggested postponing a final decision until the territorial question between Yugoslavia and Italy now under consideration be settled as this would have a bearing on the competence of the Courts.

Captain WOLFF said that his present instructions did not permit him to agree to the Committee examining cases where the victims were enemy nationals. He asked for an adjournment so that he might secure further instructions from Colonel Hodgson.

Dr. ZIVKOVIC replied that in his opinion the nationality of the victims is not relevant to the problem as, in view of the provisions of the Charter, prosecution in respect of crimes against humanity might be initiated irrespective of the nationality of such persons. The only important matter in dealing with these cases was to decide whether the crime committed by the accused falls within the

definition of crimes against humanity as provided by the Charter. Dr. Zivković further pointed out at the moment he did not insist on listing the accused in the way generally adopted by the Commission. He would like Committee I to consider each case on its own merits, decide upon the responsibility of the accused, and record its decisions in Minutes or a separate paper. Then the final decision as to the listing of the accused could be held in abeyance until the Governments concerned should come to a decision regarding the competence of the Courts.

Further consideration was adjourned for one week.

against humanity as provided by the Charter. Dr. Zivković further pointed out at the moment he did not insist on listing the accused in the way generally adopted by the Commission. He would like Committee I to consider each case on its own merits, decide upon the responsibility of the accused, and record its decisions in Minutes or a separate paper. Then the final decision as to the listing of the accused could be held in abeyance until the Governments concerned should come to a decision regarding the competence of the Courts. This was unanimously agreed and further consideration was adjourned for one week.

III. Proceedings in Individual Cases.

1) United Kingdom Cases.

- 2542 On 'A'.
- 2543 1 on 'S', 2 on 'A'.
- 2544 1 on 'S' until the fact that the victims were military personnel be established.
2, 3, 5 and 6 on 'A' 4 on 'C'.
- 2545 On 'A'.
- 2546 1 on 'A'. 2 on 'W'.
- 2547 (a) As it was very difficult to determine the responsibility of the accused at this stage, it was decided to list him provisionally on 'S'.
(b) It was also decided that Exhibit 'A' should be circulated by the Research Office to all the National Offices for information.
- 2548 1 on 'A'. 2 on 'S'. (See p.4)
- 2549 1 - 6 on 'A'.
- 2550 1 - 28 on 'A'.
- 2551 On 'A'.
- 2552 On 'A'.
- P.281 1 - 5 on 'A'.
- P.282 1 - 4 on 'S') as the Committee were of opinion
P.283 1 - 4 on 'S') that both these cases required
some further investigation.
- P.284 1 - 8 on 'A'. 9 - 10 on 'C'.
- P.285 1 - 6 and 8 on 'A'; 7, 9, 10 on 'C' only because these three accused had not been sufficiently identified.

2) Yugoslav Cases.

- 2565 1 on 'A'; 2 - 3 on 'C'.
- 2566 1 on 'A'; 2 on 'C'.

2) Yugoslav Cases (cont.)

2567 1 - 11 on 'A'.

3) Netherlands Cases.

2556 1 on 'A'; 2 - 3 on 'S' and six witnesses on 'W'.

2557 1 - 3 on 'A' for deportation and internment of civilians under inhuman conditions.

2558 1 - 5 and 7 on 'A'; 6 on 'S'.

2559 On 'A'.

2560 On 'A'.

2561 1 - 2 on 'A'.

2562 1 - 3 on 'A'.

2563 1 - 3 on 'A'; 4 on 'C'.

2564 1 - 2 on 'A'.

4) French Case

2494 In view of the fact that at the last meeting Professor GROS stated that he was prepared to change the description of the alleged crime to systematic terrorism on the ground that the victims were hanged in circumstances which were intended to terrorise the inhabitants, the Committee had some doubt on the principle whether a person could be listed as a war criminal for the way he hanged the victim. The Secretary of the Committee was asked to prepare a paper on the legal aspects of this matter, and further consideration of this case was accordingly adjourned.

5) United States Cases.

245 1 on 'A'; 2 on 'C'.

246 1 - 3 on 'A'; 4 on 'C'.

247 On 'A'.

248 After the case had been supplemented to the effect that the accused 2, 3 and 4 had taken part in the operations described in the charge, it was decided to list all the accused (1 - 4) on 'A'.

249 1 - 2 on 'A'; 3 - 4 on 'C'.

250 On 'C'.

251 1 on 'A'; 2 on 'C'.

252 1 on 'A'; 2 - 3 on 'C'.

253 On 'A'.

- 5 -

5) United States Cases.(cont:)

- 254 1 - 24 on 'A'.
- 255 On 'A'.
- 256 1 - 2 on 'A'.
- 257 1 - 2 on 'A'.
- 258 1 - 2 on 'A'.
- 259 1 - 2 on 'A'.
- 260 1 - 2 on 'A' for torture of civilians and internment of civilians under inhuman conditions. (The victims were not prisoners of war).
- 261 1 on 'A'; 2 - 3 on 'C'.
- 262 1 - 3 on 'S'; 4 on 'C'.
- 263 1 - 3 on 'S'; 4 on 'C'.
- 264 1 - 3 on 'S'; 4 on 'C'.
- 265 1 - 3 on 'S'; 4 on 'C'.
- 266 On 'C'.
- 267 1 - 3 on 'S'; 4 on 'C'.
- 268 On 'A'.
- 269 1 - 3 on 'S'; 4 on 'A'.
- 270 On 'A'.
- 271 1 - 2 on 'A'.
- 272 After the case had been supplemented to the effect that
- a) all the accused had taken part in the alleged crimes, and
 - b) civilians were also among the victims,
- it was decided to list all the accused on 'A'.
- 273 As some doubt arose as to whether the crime dealt with in this charge was in comparison to other crimes sufficiently grave for putting the accused on the Commission's List, the case was adjourned for a week in order to enable the National Office to reconsider the case in conjunction with the opinions expressed during the discussion upon the Netherlands case 2461 held on 21st February, 1946.
- 274 1 - 3 on 'A'.
- 275 Sir Robert CRUGIE pointed out that in this case prisoners of war were employed on unauthorised works in circumstances which constituted a technical offence

275 (cont:) only and which caused no danger to the victims. He, therefore, doubted whether the accused should be listed by the Commission. The decision in this case was adjourned until the next week.

276 On 'A'.

277 1 on 'A'; 2 on 'C'.

278 1 on 'A'; 2 on 'C'.

279 On 'A'.

280 1 - 3 on 'A'.

6) Belgian Case.

1090 (Addendum) 1 - 13 on 'A'.

7) Czechoslovak Case.

2553 As the National Office submitted that the individual crime involved in this case should be considered as a crime falling under Article 6 (C) of the Charter, it was decided to refer the case to Committee III for its opinion as to whether this particular crime should be considered as a crime against humanity and if so, for what reasons. The case was accordingly adjourned.

IV. Correspondence with the Association of German Democratic Lawyers and the Legal Commission of the Free German Movement.

(a) With regard to the above-mentioned letter of 1st March, 1946, (Document I/56) received from the Legal Commission, the Committee decided that it would not be in order for this body to be supplied with the Commission's forms for the preparation of further charges, but that it should submit cases on its own forms.

(b) With regard to the letter of 2nd March, 1946, (Document I/57) received from the Association of German Democratic Lawyers and asking whether further charges can refer to crimes committed in the Russian zone of occupation, it was decided to state in reply that the Commission would be prepared to receive and transmit any cases submitted by the above Association.

(c) The Committee approved the draft letter to be sent to the Association in reply to its letter of 18th February, 1946, (Document I/58).

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I

Summary Minutes of the Meeting held on 28th February, 1946, at
10.30 a.m.

In the Chair: M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies

Major Dr. Fanderlik	Czechoslovakia
Dr. Mayr-Harting	Czechoslovakia
Sir Robert Craigie	United Kingdom
Captain Wolff	United States of America

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

Professor Gros	France
Mlle Capiomont	France
Commander Mouton	Netherlands
Lieutenant Boucek	United States of America
Dr. Zivkovic	Yugoslavia

I. Minutes Nos. 49 and 51.

Minutes Nos. 49 and 51 of the meetings held on 7th and 21st February respectively were approved.

II. Proceedings in Individual Cases.1) Netherlands Cases.

2538 On 'A'

2539 1 and 2 on 'A'

2540 1 and 2 on 'A'.

2541 ARLT on 'A', plus VOGEL on 'S'.

2) United Kingdom Cases.

1295 At the request of the National Office the accused TRIPPI
(Rectifica- was removed from the Commission's Lists of war criminals.
tif)

3) Yugoslav Case

2506 On 'A'.

Dr. ZIVKOVIC stated that the accused in this case was detained by the French authorities and that the Yugoslav Government would like to apply for his surrender at once, without waiting for his name to be published in the Commission's List. In order to enable his Government to do so, he asked for a certificate showing that the accused had been listed by the Commission as a war criminal.

2506 (cont:) It was decided to submit the matter to the Commission at its next meeting.

4) French Cases.

(a) Addenda and adjourned cases.

2494 Professor GROS stated that he was prepared to change the description of the alleged crime to systematic terrorism on the ground that the victims were hanged in the centre of a peaceful town in circumstances which were intended to terrorise the inhabitants.

Captain WOLFF requested that the decision in this case be adjourned for one week. This was agreed to.

50 In view of the fact that the accused had already been listed under 'A' on the same charges in the main case, the present addendum was regarded as additional information only, and no further action was considered necessary.

- 438 (a) 1, 10 and 12 on 'A'.
(b) Witnesses Nos. 2 and 3 on 'W'.
(c) The accused 2 - 9 and 11 had been previously listed on 'A' on charges submitted in the main case and in additif No. 1. No further action was, therefore, required except that the name of the accused 5 will be corrected in the next List to read "JURA" instead of "JURD" and that of the accused No. 7 to read "KUDOKE" instead of "KUDDOCK".
(d) The present annulment by the National Office of previous dossiers 178 and 265 necessitated that the accused EBNER and suspects STREME and DIEKMANN already listed on 'A' and 'S' respectively should be removed from the Commission's Lists, and that AHRENDT should be transferred from List 'A' to List 'W'.

460 On 'A'.

1023 3 - 5 on 'A'. (1 - 2 already listed on 'A').

1053 At the request of Captain WOLFF, Professor GROS explained that the charge was based on the ground that the torpedoing of the French merchantman in question - a non-belligerent ship - was a violation of the special Franco-Italian relations (the Armistice) in force at the material time. The voyage was lawful, and it was the duty of the Italian authorities to see that their instructions permitting the ship to sail were properly issued and carried out. In any case it was unlawful to torpedo a merchantman without warning.

Sir Robert CRAIGIE said that he would like to have instructions from his Government before deciding on this case and asked for an adjournment. Captain WOLFF expressed the same wish.

Further consideration of the case was adjourned for two weeks.

- 3 -

(a) Addenda and adjourned cases. (cont:)

- 1604 HEINSON on 'A'. All the others had already been listed on 'A' or 'S'. No further action was therefore required.
- 1959 1 - 32 on 'A', 33 on 'C'.
- 2161 BOLLREIT on 'A'. DOLLERING was removed from the Commission's List.
- 2259 After Professor GROS had explained the circumstances of the alleged crimes, the Committee considered as criminal only those activities and instructions issued by the accused No.1 which resulted in wanton destruction of buildings not necessitated by the defence of the town in question, and accordingly decided to list the accused as follows:-
- 1 and 2 on 'A'.
- 3 - 8 on 'S'.

(b) New Cases.

- 2507 1 - 3 on 'A'.
- 2508 1 - 2 on 'A', 3 on 'S'.
- 2509 1 - 3 on 'A'.
- 2510 1 - 3 on 'A'.
- 2511 1 - 7 on 'S'.
- 2512 1 - 2 on 'A'.
- 2513 On 'A'.
- 2514 1 - 4 on 'A', 5 - 8 on 'S'.
- 2515 On 'A'.
- 2516 1 - 4 on 'A'.
- 2517 On 'A'.
- 2518 This case was adjourned in order to ascertain from the National Office whether the victims were sentenced to death by a court or without any legal proceedings.
- 2519 1 - 2 on 'A'.
- 2520 1 - 5 on 'A', 6 - 9 on 'W'.
- 2521 1 - 4 on 'A'.
- 2522 1 - 2 on 'A'.
- 2523 1 - 7 on 'A' for shooting hostages, not for murder.
- 2524 1 - 2 on 'S'.

(b) New Cases (cont.)

- 2525 On 'A'.
- 2526 1 - 6 on 'A'.
- 2527 It was decided to adjourn this case and ask the National Office for clarification as to whether the victims were shot to death during a military action or after they had been taken prisoner.
- 2528, 2529)
2530, 2531) On 'A'.
2532, 2533)
- 2534 1 on 'A' for ill-treatment, not for murder. 2 on 'C'.
- 2535 1 - 2 on 'A'.
- 2536 1 - 2 on 'A'.
- 2537 On 'S'.

5) Czechoslovak Cases

- 952 (Addendum) All on 'S'.
- 1960 -do- The accused Nos. 1 - 13, 15 - 28 and 30 - 32 were reclassified from 'S' to 'A'.
- 1962 The Committee took note of a report by Committee III on the legal problems involved in this case (document C.175) and decided to ask the National Office for further information and clarification of all the relevant points set down in the report before any final decision be taken. The case was accordingly adjourned.
- 2504 On 'A'.
- 2505 1 - 4 on 'A'.
- 2553 Dr. MYR-HARTING stated that the accused in this case had been charged with a crime against humanity in view of the fact that the crime was committed before the war.
- In order to give members of the Committee more opportunity to study the case, it was decided to adjourn this for a week.

2554 On 'A'.

2555 On 'A'.

6) Belgian Cases

- 275 (Addendum) KLRPINKE as the accused "X" (previously unknown) on 'A'.
- 143 Reclassified from B.1 to 'A'.
- 1876 1 - 7 on 'A'.

- 5 -

6) Belgian Cases (cont.)

2401

The accused 79 - 82, 108, 117 and 135-137, were reclassified from 'S' to 'A' on the strength of information submitted in the addendum.

The accused 151, 152 and 178 were reclassified from 'S' to 'A' because of the notorious activities of the respective Gestapo departments.

III. Case of SEPP DIETZ (Czechoslovak Case No.26).

The Committee took note of a report by Committee III on the legal aspects of this case (documents C.156 and 156A) and the subsequent discussion and decision at the Commission's meeting held on 23rd January, 1946 (Minutes No.92).

Captain WOLFF said that the position of his Government and of Colonel Hodgson had been stated at the meeting of the Commission held on January 23, 1946, and fully appeared in the Minutes of that meeting. While he thought it was unnecessary to re-state what was said at that meeting, he wished to summarize the position briefly: The crime was committed presumably in peacetime on Czechoslovak soil, against Czechoslovak citizens, in violation of Czechoslovak law. Therefore, it was felt that the most practicable way for the Czechoslovak Government to handle the case was to request Dietz's surrender, so that he might be tried in Czechoslovakia before Czechoslovak Courts. An atrocious crime had been committed which called for stern punishment.

At the said meeting of the Commission, the view had been expressed that extradition treaties were not applicable, and that the only way for the Czechoslovak Government to obtain delivery of Dietz was to list him as a war criminal.

Captain WOLFF agreed that the extradition treaties were not applicable to this case, but he did not agree that the only way to obtain Dietz's delivery was to list him as a war criminal. Col. Hodgson felt that the applicable principle was this, that Allies form one side in a war, and that one Ally could surrender an enemy national to another Ally as he saw fit. He felt certain that if a proper request were made by the Czechoslovak Government, the United States Military Authorities could surrender Dietz, provided of course, that he was in their custody. He appealed to the Czechoslovak representative to withdraw the case, even at this late date, and adopt the course suggested by him. He said his instructions were to vote against listing Sepp Dietz, and it would be greatly regretted if the United States representative were forced into the position of having to object to the list when it came before the Commission. So far, the lists had always been unanimously adopted, and it was earnestly hoped that unanimous adoption would be possible in the future.

Sir Robert CRAIGIE agreed that the course suggested by Captain Wolff would be preferable and expressed the hope that such a procedure would be agreeable to his own Government. In any case he would like to consult his Government as to whether SEPP DIETZ would be surrendered by the British authorities in the event of a similar request being made to them.

Dr. MEYER-HARTING pointed out that at the Commission meeting referred to above it had already been decided that the Commission is competent to deal with crimes against peace and crimes against humanity. Therefore it was not relevant that his Government could get the accused by other means than that of listing him as a war criminal. In these circumstances he saw no reason why the case should not be considered by the

Committee and the accused put on the Commission List. He was prepared to vote on the issue.

Captain WOLFF once more pointed out that the course suggested by his Government offered a better and more practicable means of securing the surrender of the accused.

Sir Robert CRAIGIE expressed the hope that Dr. MAYR-HARTING would not press for the listing of SEPP DIETZ by the Commission until after the Nuremberg trial. Meantime Captain Wolff's suggested procedure seemed to offer a practical way round the difficulty.

As Dr. MAYR-HARTING asked for a clear decision, the case was finally accepted by three votes to one, M. de Baer, Sir Robert Craigie and Dr. Mayr-Harting voting for and Captain Wolff against. The case was listed under 'A'.

IV. Closing of 28th Commission List of War Criminals.

The Secretary reported that already about 1,000 names of German war criminals had accumulated for the Commission's new List and suggested closing the 28th Commission List. This would include cases accepted up to 28th February, 1946, inclusive on the understanding that all persons listed in the Belgian case No.2401 should be included in that list in order to obviate splitting up this case between two lists. This was agreed.

V. Letter received from the Association of German Democratic Lawyers (Document I/55)

In view of the second sentence in paragraph 1 of the Association's letter, it was decided on the suggestion of Captain WOLFF that in acknowledging receipt of their letter, the attention of the Association should be drawn to the decision taken at the meeting held on 17th January, 1946 (Minutes No.45, Document I/51). This was that action by the Commission in dealing with cases of that kind would merely consist in transmitting them to the appropriate military authorities and that the Commission would not take any share in the preparation of such cases.

No. 51 (a)
Supplement to Page 2.
UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I.

Supplement
to the Summary Minutes of the Meeting held
on 21st February, 1946.

The following is the text of a supplementary statement
by Mr. Kent which as requested by him should be added as paragraph 2
to his statement made during the discussion on the Netherlands case
No.2461:-

"He suggested that the requirements of the
Commission and the views of the National Office
and the British military authorities might
be met by reservation of the right of the British
prosecuting authorities to institute proceedings
in cases of insufficient gravity to justify in-
clusion in the Commission's lists of war criminals.
This was recognised as a satisfactory solution".

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I.

Summary Minutes of the Meeting held on 21st February, 1946, at
10.30 a.m.

In the Chair: M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies

Major Dr. Fanderlik	Czechoslovakia .
Dr. Mayr-Harting	Czechoslovakia.
Sir Robert Craigie	United Kingdom.
Captain Wolff	United States of America.

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

M. Golstein	Belgium.
Mlle Capicmont	France.
Commander Mouton	Netherlands.
Mr. Woltman	Netherlands.
Major Palmström	Norway.
Dr. Cyprian	Poland.
Mr. Kent	United Kingdom.
Lt. Kintner	United States of America.

I. Minutes No. 50.

Minutes No. 50 of the meeting held on 14th February, 1946, were approved.

The Secretary stated that Minutes No.49 would be submitted for approval at the next meeting.

II. Re-consideration of Belgian Case No.2401.

M. GOLSTEIN stated that his National Office would like to submit additional information regarding this case. In his opinion, this would involve a change in the classification of the accused which was decided upon at the last meeting, and he therefore asked that this case be re-considered at the next meeting. This was agreed on the understanding that additional information should be submitted by the National Office in writing and circulated to the members of the Committee.

III. Proceedings in Individual Cases.

1) Polish Case.

2423 On 'A' for murder, putting hostages to death, indiscriminate mass arrest, torture of civilians and exaction of illegitimate contribution.

2) Norwegian Cases.

2499 On 'A'.

2500 1 - 2 on 'A'

2) Norwegian Cases (cont:)

- 2501 1 - 2 on 'A'.
2502 1 - 4 on 'A'.
2503 1 - 2 on 'A'.

3) Netherlands Cases.

- 2460 1 - 3, plus General RAUTER on 'A'.

2461 Submitting this case for consideration, the Chairman said that it involved an insignificant offence and he therefore had doubts whether the accused should be listed by the Commission. He himself would prefer to leave the case in abeyance.

Sir Robert CRAIGIE agreed with the Chairman and added that in his opinion the National Offices when transmitting cases to the Commission should restrict them to serious charges and refrain from bringing up cases dealing with trifling offences.

Captain WOLFF, while agreeing with Sir Robert CRAIGIE, pointed out that though such a procedure appeared desirable, it could not be adopted as a general rule, as in some cases even trifling offences viewed collectively might constitute a pattern and have a bearing on judging enemy criminality in general. He was therefore in favour of the Committee considering each such case on its own merits.

Mr. KENT stated that his National Office always intended to avoid bringing up cases which involved minor offences such as in this particular case, but did not wish to hinder or prejudice the policy of the British military authorities who might in some circumstances consider it proper and necessary to prosecute for even such minor offences.

Commander MOUTON agreed that this particular case deals with a trifling offence and explained that the intention of his National Office was to put it before the Committee as a test case in order to ascertain to what extent offences coming under the category of tortures of civilians should be dealt with in future. He therefore asked for a clear decision in this case.

The CHAIRMAN explained that the policy of this Committee in similar cases had always been to adjourn them or to leave them in abeyance, so as to obviate any refusal or rejection. There was therefore no precedent for complying with Commander MOUTON's request.

Commander MOUTON appreciated these rules of procedure adopted by the Committee, but nevertheless supported his previous request for a clear decision.

The Committee unanimously decided to reject the case on the understanding that the decision in this particular case should not prejudice the Committee's consideration of similar cases in future.

Letters should be addressed to—
THE TREASURY SOLICITOR,
and the following reference quoted on the
cover and in the letter :
WCB/III/PHBK

Telephone No. : WHITEHALL 1124.
EXTENSION : 33
Telegraphic Address : "PROCTOREX, LONDON."
Code used : A.B.C. 6TH EDN., 5 letter.



1.41
39
STOREY'S GATE,
ST. JAMES'S PARK,
LONDON, S.W.1.

RECEIVED

27th February 1946.

- 1 MAR 1946

Ans'd.....

Sir,

I have for acknowledgment Summary Minutes of
the Meeting of Committee I held on 21st February 1946,
for which I am obliged.

Referring to the discussion under Commission
No. 2461, a case presented by the Netherlands, I think
I am perhaps not sufficiently reported. To avoid
possibilities of misunderstanding in the future, I should
be glad to have the following amendment considered in
the form of an additional sentence to the remarks by
myself as recorded. Such sentence would be as follows :-

He suggested that the requirements of the
Commission and the views of the National Office
and the British military authorities might be
met by reservation of the right of the British
prosecuting authorities to institute proceedings
in cases of insufficient gravity to justify
inclusion in the Commission's lists of war
criminals. This was recognised as a satisfactory
solution."

PHBK/DEC

I am, Sir,
Your obedient Servant,

P. J. Kent

O. i/c War Crimes Branch
Treasury Solicitor's Department

The Secretary-General,
United Nations War Crimes Commission,
Lansdowne House, Berkeley Square, W.1.

3) Netherlands Cases. (cont:)

- 2462 On 'A' for deportation, not for murder.
- 2463 On 'A' for false imprisonment - not for murder.
- 2464 On 'A' for torture and pillage only.
- 2465 On 'A'.
- 2466 On 'A'.
- 2467 1 - 2 on 'A'.
- 2468 On 'A'.
- 2469 On 'A'.
- 2470 1 - 2 on 'A'.
- 2471 On 'A'.
- 2472 On 'A'.
- 2473 On 'S'.

4) United Kingdom Cases.a) Addenda.

- 599 In complying with the request put forward by the National Office, the Committee decided to remove General Helmut FELMY's name from Commission List No.1, serial No.654.

- 2050 Gefreiter FAGAI on 'A' as the accused No.4.

b) New Cases.

- 2424 On 'A'.
- 2425 On 'A'.
- 2426 1 - 2 on 'A'.
- 2427 1, 2 and 4 on 'A'. 3 on 'C'.
- 2428 On 'A'.
- 2429 The Committee took note of a paper drafted on this case by the Secretary of Committee I (Document I/54) and decided to list the accused on 'A' for scuttling of enemy submarines after surrender. (Article 41 of the Hague Regulations).
- 2430 1 on 'A', 2 on 'C', plus FISCHER on 'S'.
- 2431 1 on 'C', 2 on 'A'.
- 2432 On 'A'.
- 2433 1 on 'A', 2 on 'C'.
- 2434 1 - 2 on 'A', 3 on 'C'.

b) New Cases (cont:)

2435	On 'A'.
2436	1 - 2 on 'A'.
2437	On 'A'.
2438	On 'A'.
2439	1 - 2 on 'A'.
2440	1 - 3 on 'A', 4 on 'C'.
2441	1 on 'A', 2 on 'C'.
2442	On 'A'.
2443	1 - 2 on 'A'. 3 - 4 on 'C'. ("Hans" and "Max" are Christian names and this is not sufficient for identification).
2444	On 'A'.
2445	On 'A'.
2446	1 on 'A', 2 on 'C'.
2447	1 - 2 on 'A'.
2448	1 - 2 on 'A'.
2449	1 - 11 (a - k) on 'A'. (The last named of the accused will be listed as "KRAWALD" or "HARWATH")
2450	On 'A'.
2451	1 - 2 on 'A'. 3 - 7 on 'S'.
2452	1 - 4 on 'A'.
2453	On 'A'.
2454	On 'A'.
2455	On 'A'.
2456	1 - 8 on 'A'. 9 on 'S'.
2457	1 - 5 on 'A'. 6 on 'S'.
P. 243	1 - 4 and 6 on 'A', 5 on 'C'.
P. 245	1 - 5 on 'A', 6 on 'C'.

5) French Cases.

2474	1 - 5 on 'A', 6 - 10 on 'S'.
2475	On 'A'.
2476	1 - 6 on 'A'.
2477	1 - 2 on 'A'.

5) French Cases (cont.)

2478	1 - 2 on 'A'.
2479	On 'A'.
2480	1 - 2 on 'A'.
2481	On 'A'.
2482	1 - 2 on 'A'.
2483	1 - 3 on 'A'.
2484	On 'A'.
2485	1 - 2 on 'A'.
2486	On 'A'.
2487	On 'A'.
2488	On 'A'.
2489	On 'A'.
2490	On 'A'.
2491	On 'A'.
2492	On 'A'.
2493	1 - 4 on 'A'.
2494	This case was adjourned until the following week in order to enable the National Office to submit additional information with regard to the circumstances of the alleged crime and also to elaborate more clearly the statement as to the responsibility of the accused.
2495	1 - 2 on 'A'.
2496	On 'A'.
2497	On 'A'.
2498	On 'A'.

IV. Czechoslovak Case 1962 (Report by Committee III - Document C.175)

Consideration of this matter was adjourned until the following week.

No. 50.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I.

Summary Minutes of the Meeting held on 14th February, 1946, at 10.30 a.m.

In the Chair M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Sir Robert Craigie	United Kingdom
Captain Wolff	United States of America.

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

Mlle Capionmont	France
Commander Mouton	Netherlands
Major Palmstrom	Norway
Lt. Boucek	United States of America.
Lt. Kintner	United States of America.

Dr. MAYR-HARTING had sent apologies for not being able to attend the meeting.

I. Minutes No.48.

Minutes No. 48 of the meeting held on 5th February, 1946, were approved subject to some alterations suggested by Sir Robert CRAIGIE and sent to the Secretary in writing.

II. Proceedings in Individual Cases.

1) Netherlands Cases.

2417	1 - 6 on 'A'.
2418	'A' for tortures of civilians and deportation - not for murder.
2419	1 on 'A'. 2 - 30 on 'S'. 31 on 'C'.
2420	1 - 2 on 'A', plus BEHLEN on 'A'.
2421	1 - 11 on 'A'.
2422	On 'A'

2) Yugoslav Cases.

1337 (Addendum)	1 - 17 on 'A'
2416	On 'C'.

3) Norwegian Cases.

2413 On 'A'.
2414 On 'A'.
2415 On 'A'.
2458 On 'A'.
2459 1 - 10 on 'A'.

4) French Cases.

(a) Addenda and adjourned cases.

4 1 - 4 on 'A'.
443 1 - 8 on 'A'.
Chief of the Gestapo at Munich and
Obersturmführer RUPPERT on 'S'.
482 1 - 8 on 'A'. 9 on 'W'.
728 1 - 2 on 'A'.
1025 OBERLAND and HEBERUCHT on 'A'.
All others on 'S'.
1185 Both on 'A' for pillage and deportation.
1518 1 - 6 on 'A' on the understanding that the
accused were not Army officers.
1058 1 - 4 on 'A'.
1352 1 - 40 on 'A'.
1716 1 plus BARBIE, ARNOLD, KRULL, SLOTTANA,
OBERMANN and GREIFF on 'A'. 2 - 13 on 'S'.
2009 1 - 13 on 'A'. 14 on 'C'.

(b) New Cases.

2282 1 on 'S'. 2 and 3 on 'W'.
2364 1 - 17 and 19 - 20 on 'A'. 18 on 'C'.
2365 'A'.
2366 'A'.
2367 1 - 9 on 'A'.
2368 'A'.
2369 1 - 4 on 'A'.
2370 On 'A'.
2371 on 'A'.

- 3 -

2372 'S'.
 2373 1 on 'A'. 2 on 'W'.
 2374 'A'.
 2375 1 - 3 on 'A'.
 2376 1 on 'A'. 2 on 'C'.
 2377 'A'.
 2378 1 - 17 on 'A'.
 2379 1 on 'A'. 2 on 'S'.
 2380 On 'A'.
 2381 On 'A'.
 2382 1 - 5 on 'A'.
 2383 1 - 2 on 'A'.
 2384 'A'.
 2385 'A'.
 2386 1 - 4 on 'A'.
 2387 1 - 8 on 'A'.
 2388 1 - 3 on 'A'.
 2389 'A'.
 2390 'A'.
 2391 'A'.
 2392 'A'.
 2393 1 - 2 on 'A'.
 2394 'A'.

5) United States Cases.

P.212 1 - 3 on 'A'.
 P.213 1 on 'A'. 2 on 'C'.
 P.214 1 on 'A'. 2 on 'C'.
 P.215 1 on 'A'. 2 and 3 on 'C'.
 P.216 1 - 2 on 'A'.
 P.217 1 on 'A'. 2 - 3 on 'C'.
 P.218 1 on 'A'. 2 on 'C'.
 P.219 'A'.

P.220 1 on 'A'. 2 on 'C'.
P.221 1 on 'A'. 2 - 3 on 'C'.
P.222 'A'.
P.223 1 - 2 on 'A'. 3 on 'C'.
P.224 'A'.
P.225 'A'.
P.226 1 - 4 on 'A'.
P.227 1 - 4 on 'A'.
P.228 'A'.
P. 229 'A'.
P.230 1 on 'S'. 2 on 'A'. 3 - 8 on 'S'.
P.231 1 on 'A'. 2 - 3 on 'C'.
P.232 1 - 3 on 'A'.
P.233 1 on 'A'. 2 on 'C'.
P.234 1 - 4 on 'A'.
P.235 1 - 3 on 'A'. 4 on 'C'.
P.236 1 on 'A'.
P.237, P.238,) 'A'.
P.239, P.240,) 'A'.
P.241
P.242 1 - 3 on 'A'.

6) Belgian Cases.

1803 (2 addenda) 1 - 50 plus additional 5 persons on 'A'.
2395 1 - 22 on 'A'.
2396 1 - 6 on 'A'.
2397 1 - 4 on 'A'. 5 and 6 on 'W'.
2398 'A'.
2399 1 - 3 on 'A'. 4 on 'W'.
2400 1 - 3 on 'A' (Official position of the accused should be clarified as all of them have been described as commandants).
2401 1 - 4 on 'A'. All others on 'S'.
2402 'A'.

- 2403 1 on 'A'. 2 on 'W'.
- 2404 'A'.
- 2405 'A'.
- 2406 1 - 3 on 'A'.
- 2407 'A'.
- 2408 1 - 8 on 'A'. 9 on 'W'.
- 2409 'A'.
- 2410 1 - 5 on 'A'.
- 2411 'A'.
- 2412 1 - 3 on 'A'.

III Six Charges Brought by the Legal Commission of the Free German Movement in Great Britain (Document I/53).

In accordance with what was agreed upon at the meeting held on 17th January, 1946, (Minutes No.45 and Document I/51 (1)), it was decided to transmit the above cases to the Legal Department (British Element) of the Control Commission for Germany. To that effect the Secretary was instructed to draft an appropriate covering letter pointing out that this Commission is in no way responsible for the preparation of these charges. The letter should be sent subject to the approval of its draft by the Chairman.

IV Closing of Two Commission Lists of War Criminals.

The Secretary reported that already about 140 Italian, Hungarian and Rumanian and about 1,000 German names of war criminals had accumulated for the Commission's new Lists, and suggested the closing of the appropriate Lists. The Committee agreed to this and decided to issue two new Commission Lists of War Criminals, i.e., No. 26 (Italians, Hungarians and Rumanians) and No. 27 (Germans) which will include cases accepted up to 14th February, 1946, inclusive.



OFFICE OF THE REPRESENTATIVE OF BELGIUM
ON THE
UNITED NATIONS WAR CRIMES COMMISSION

38 Eaton Square,
S.W.1

12th February, 1948.

1541/W.C.

1.411
45
RECEIVED
13 FEB 1948
And.

Dear Dr. Litawski,

With reference to your letter of 11th
February, I have read the Draft Minutes No. 49
of Committee I meeting held on 7th February,
but, personally, have no observations to make.

Yours sincerely,

M. de Meester

from Lit.

Dr. Litawski,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square, W.1.

372

1.411

46

11th February 1946.

JL/MG.

Dear Monsieur de Roor,

I enclose the Draft Minutes No.49 of Committee I meeting held on 7th February, and would be grateful for your observations.

Yours sincerely,

JL

Secretary to Committee I.

Monsieur M. de Roor,
38, Eaton Square,
London, S.W.1.

3742.

1,411

47

11th February 1946.

JL/MG.

Dear Dr. Mayr-Marting,

I enclose the Draft Minutes No.49 of Committee I meeting held on 7th February, and would be grateful for your observations.

Yours sincerely,

JL

Secretary to Committee I.

Dr. Mayr-Marting,
Flat 3, Furncroft,
George Street,
London, W.1.

3724

1,411

48

11th February, 1946.

JL/MG.

Dear Sir Robert,

I enclose the Draft Minutes No.49 of Committee I Meeting held on 7th February 1946, and would be grateful for your observations.

Yours sincerely,

JL

Secretary to Committee I.

Sir Robert Craigie, G.C.M.G., C.B., P.C.,
Flat 11,
36, Curzon Street,
London, W.1.

3724

1.411

50

11th February 1946.

JL/MG.

Dear Lt. Kintner,

I enclose the Draft Minutes No.49 of Committee I meeting held on 7th February and would be grateful for your observations.

Yours sincerely,

JL

Secretary to Committee I.

Lt. Kintner,
27, Aldford House,
Park Lane,
London, W.1.

3724

1.411

49

11th February 1946.

JL/MG.

Dear Dr. Zivković,

I enclose the Draft Minutes No.49 of Committee I meeting held on 7th February and would be grateful for your observations.

Yours sincerely,

JL

Secretary to Committee I.

Dr. R. Zivković,
Yugoslav Embassy,
195, Queen's Gate,
London, S.W.7.

Office of the Czechoslovak
Representative on the
United Nations War Crimes
Commission



52
3. FURSECROFT
GEORGE STREET,
LONDON, W.1

AMBassador 2281 ext. 27
AMBassador 1527

14th February, 1946.

Dear Dr. Litawski,

I confirm receipt of draft minutes No. 49 and I would be grateful if you would substitute the following in place of my statement on page 2.

< Dr. Mayr-Harting said that he considered the Yugoslav Charge against Horthy as a prima facie case with regard to both war crimes proper and crimes against peace. He was of the opinion that a possible pressure on Horthy, from a legal point of view, would not be relevant.

We cannot consider that pressure on the head of a sovereign state from without frees him from responsibility, any more than an order given to a subordinate relieves the latter of his responsibility.

He was prepared to vote on the issue.

Yours sincerely,

Aug. 2.11.46

OFFICE OF THE CZECHOSLOVAK
REPRESENTATIVE ON THE
UNITED NATIONS WAR CRIMES
COMMISSION.

Dr. J. Litawski,
Legal Officer,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
W.1.

*To be attached
to Minutes No. 49
J.L.*

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Summary Minutes of the Meeting of Committee I held on 7th. February 1946
at 10.30 a.m.

In the Chair: M. de Baer (Belgium),

There were also present:

Members of Committee I and their deputies:

Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom,
Lt. Kintner,	United States of America.

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

Mlle. Capiomont,	France,
Commander Mouton,	Netherlands,
Major Palmström,	Norway,
Lt. Boucek,	United States of America,
Dr. Cyprian,	Poland,
Dr. Zivković,	Yugoslavia.

Captain Wolff had sent apologies for not being able to attend the meeting.

Lt. Kintner had been instructed to deputise for Captain Wolff.

I. Minutes No. 47.

Minutes No. 47 of the meeting held on 30th. January 1946 were approved.

II. Case against Admiral Horthy (2138.)

Opening the discussion on the Yugoslav case No. 2138, the Chairman said that the Committee have to decide upon charges against Admiral Horthy and General Werth, both of them accused of war crimes proper and upon the charges against Admiral Horthy accused also of crimes against peace.

Sir Robert CRAIGIE had no objections to listing Horthy for war crimes proper though he had some doubt as to whether Horthy could be regarded as directly responsible for atrocities committed in Yugoslavia by Hungarian soldiers.

With regard to crimes against peace, he was of the opinion that with the limited information they possess, the Committee was not in a position to ascertain whether Horthy approved himself of the invasion of Yugoslavia, and this particular point required very careful examination. He pointed out that Horthy was originally on the side of the resistance to Germany, but later changed his mind, under German pressure, after Teleki's suicide. There is not, in his opinion, a prima facie case against Horthy with regard to crimes against peace.

Lt. KINTNER concurred with Sir Robert CRAIGIE and added that in his opinion if the case be brought before a court it would be difficult to convict Horthy on charges against peace. He had no objections as to listing Horthy for war crimes proper.

See letter
attached.

Dr. MAYR-HARTING said that he considered the Yugoslav charge against Horthy as a prima facie case with regard to both war crimes proper and crimes against peace. He was of the opinion that a possible pressure on Horthy, from a legal point of view, would not be relevant.

We cannot consider that pressure on the head of a sovereign state from without frees him from responsibility, any more than an order given to a subordinate relieves the latter of his responsibility.

He was prepared to vote on the issue.

Dr. ZIVKOVIC said that the Yugoslav charge is based on notorious facts such as that Hungary attacked Yugoslavia and invaded her, that Horthy, having had a special position in Hungary, himself issued orders to Hungarian troops to invade Yugoslavia and signed the decree of annexation of Yugoslav territory, and finally that during the invasion, Hungarian forces committed many atrocities. He, therefore, did not see how Horthy could not be charged with crimes against peace. In his, and his Government's, opinion, there is no doubt as to Horthy's responsibility for the aggression. He may have resisted German plans but was actually in power and finally agreed to invade Yugoslavia. Horthy's acts and not his intentions should be decisive in judging his responsibility.

Sir Robert CRAIGIE felt that in order to insure the arrest of Horthy it would be sufficient to list him now for war crimes proper and then during the trial his part in crimes against peace could come into more light.

Lt. KINTNER then stated that his Government felt that pending the Nuremberg trial, the Commission should refrain from charging and listing people for crimes against peace.

The Committee unanimously decided to list both the accused on 'A' on count 2 (war crimes proper). With regard to count 1, (crimes against peace), it was decided to adjourn that part of the case until after the Nuremberg trial was completed, with the proviso that the Yugoslav National Office should, in the meantime, supplement the case with further evidence and information as to Horthy's personal willingness to start aggression.

III. Proceedings in Individual Cases.

1) Polish Case.

2244 1-5 on 'A'

2) Yugoslav Cases.

2245 1-2 on 'A'

2246 On 'A'

2247 On 'A'

2248 On 'A'

3) Netherlands Cases

- 2359 1-2 on 'A'
- 2360 1-2 on 'A' for deportation and confiscation of property.
- 2361 On 'A'
- 2362 1-2 on 'A'

4) Norwegian Case

- 2363 1-2 on 'A'

5) French Cases.

- 2249 1- 'A' 2- 'C'
- 2250 On 'A'
- 2251 1-29 on 'A'
- 2252 1-6 on 'A'
- 2253 1-5 on 'A', 7-15 on 'S'
- 2254 'A' on counts 2, 3 and 4 only.
- 2255 1 and 2 on 'A' on count 2. With regard to count 1, the case was adjourned on the motion of Captain WOLFF in view of the fact that the victim of that crime was an American national.
- 2256 1 on 'A', 2-4 on 'W'
- 2257 1-6 on 'A'
- 2258 On 'A'
- 2259 With regard to this case, the Committee were of the opinion that the statement that the systematic destruction of St. MALO was not necessitated by military reasons and that the town was outside the zone of military operations, is not supported by the facts submitted in the case. Therefore, there was some doubt whether the action taken by the accused should not be regarded as a military necessity. To solve this difficulty it was decided to adjourn the case and ask the French National Office for more information as to the circumstances of the alleged crime.
- 2260 1-2 on 'A'
- 2261 1-2 on 'A'
- 2262 1-2 on 'A'
- 2263 1 - 'A', 2 - 'S'
- 2264 On 'A'
- 2265 1 on 'A', 2-4 on 'S', 5 on 'W'
- 2266 1-2 on 'A'

- 2267 On 'A'.
- 2268 On 'A'.
- 2269 On 'A'.
- 2270 On 'A'.
- 2271 On 'A'.
- 2272 On 'A'.
- 2273 1-4 on 'A'.
- 2274 1-2 on 'A'.
- 2275 On 'A'.
- 2276 This case was adjourned in order to ask the French National Office for clarification of the statement in paragraph 1, page 2 of the case, in which it is alleged that a camp for forced labour was attacked by the Germans. The Committee were of the opinion that there is some inconsistency in that statement.
- 2277 1-2 on 'A', 3-6 on 'S', 7 on 'W'.
- 2278 On 'A'.
- 2279 On 'A'.
- 2280 On 'A'.
- 2281 1-2 on 'A', 3-4 on 'W'.
- 2283 On 'A'.
- 2284 1-6 on 'A', 7 on 'S'.
- 2285 On 'A'.
- 2286 1-2 on 'A'.
- 2287 On 'A'.
- 2288 1-2 on 'A', 3-4 on 'S'.
- 2289 1-4 on 'A', 5 on 'S'.
- 2290 On 'A'.
- 2291 1-4 on 'A', 5-8 on 'W'.
- 2292 1-2 on 'S'.
- 2293 On 'A'.
- 2294 1 on 'A', 2 on 'W'.
- 2295 1-2 on 'A'.
- 2296 1 on 'A', 2-3 on 'S'.

57
No. 49 (a)

Supplement to Page 5.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Supplement
to the Summary Minutes of the Meeting held
on 7th February, 1946.

The following should be inserted at the
foot of page 5 after case No.2323:-

" 2324

On 'A' "

- 5 -

2297 On 'A'.
2298 On 'A'.
2299 On 'A'.
2300 1-2 on 'A'.
2301 On 'A'.
2302 On 'A'.
2303 On 'A'.
2304 On 'A'.

P.211 (2282) 1-3 on 'A'.

6.) United States Cases.

2305 After the case had been supplemented by the United States National Office to the effect that the ambulances commanded by the accused were provided with the Red Cross emblem, it was decided to list the accused on 'A'.
2306 On 'A'.
2307 On 'A'.
2308 1-3 on 'A'.
2309 1-2 on 'A'.
2310 1-2 on 'A'.
2311 1-2 on 'A'.
2312 1-2 on 'A'.
2313 On 'A'.
2314 1-3 on 'A'.
2315 On 'A'.
2316 On 'A'.
2317 1-5 on 'A'.
2318 1-4 on 'A'.
2319 1-2 on 'A'.
2320 1 - 'A', 2 - 'C'.
2321 This case was adjourned and the United States National Office was asked to submit more particulars with regard to the description of the accused.
2322 On 'A'.
2323 1-4 on 'A'.
2324 On 'A'

- 2325 1-2 on 'A'.
2326 1-2 on 'A'.
2327 On 'A'.
2328 On 'A'.
2329 On 'A'.
2330 On 'A'.
2331 1-4 on 'A'.
2332 1-2 on 'A', 3 on 'C'.
2333 1-3 on 'A'.
2334 On 'A'.
2335 1-2 on 'A'.
2336 1-2 on 'A', 3 on 'S', 4 on 'C'.
2337 1-4 on 'A'.
2338 1-7 on 'A'.
2339 1-4 on 'A'.
2340 On 'A'.
2341 1-22 on 'A'.
2342 1-6 on 'A'.
2343 1-4 on 'A'.
2344 1-3 on 'A'.
2345 1-3 on 'A'.
2346 1-7 on 'A'.
2347 On 'A'.
2348 On 'A'.
2349 1 and 3 on 'A', 2 on 'S'.
2350 1-3 on 'A'.
2351 1-2 on 'A'.
2352 1-5 on 'A'.
2353 1-3 on 'A'.
2354 1-5 on 'A', 6-7 on 'S'.
2355 1-2 on 'A'.
2356 On 'A'.

2357 1-2 on 'A'.

2358 1-7 on 'A'.

IV. Charges brought by the Legal Commission of the Free German Movement in Great Britain (Doc. 1/53.).

After some preliminary discussion the matter was adjourned until the next meeting and Dr. MAYR-HARTING was asked to prepare a paper on the procedure to be applied in dealing with cases of this kind.

57

UNITED NATIONS WAR CRIMES COMMISSION.

C.172.

First List of Japanese War Criminals submitted by Australia.

On the 5th. February 1946, a special meeting of Committee I was held for the purpose of considering the list of Japanese Major War Criminals submitted by Australia.

The Committee having been of the opinion that Australia's proposal involved the question of general policy which should be considered by the Commission itself, decided to refer the matter to the Commission at its meeting to be held on the 13th. February, 1946.

As no special report of Committee I is to be submitted to the Commission, the enclosed Minutes No.48 of Committee I meeting are circulated to all members of the Commission for their information.

Encl: Committee I Minutes No.48.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE ISummary Minutes of the Meeting of Committee I held on 5th. February, 1946.

In the Chair: Sir Robert Craigie, (United Kingdom)

There were also present:

Lord Wright,	Chairman of the Commission,
Professor Bailey,	Australia,
F/O Bridgland,	Australia,
Dr. Mayr-Harting,	Czechoslovakia,
Mr. Burdekin,	New Zealand,
Lt. Kintner,	United States of America.

In the absence of M. de BAER, Sir Robert CRAIGIE took the chair,

Lt. KINTNER apologised for the absence of Colonel HODGSON and Captain WOLFF who were prevented from attending the meeting, owing to illness. He said that he had been instructed to attend the meeting as an observer only.

Sir Robert CRAIGIE extended a welcome to Professor BAILEY who was representing Australia.

I. Minutes No. 46.

Minutes No. 46 of the meeting held on 23rd. January, 1946 were approved.

II. First List of Japanese Major War Criminals, submitted by Australia.

Sir Robert CRAIGIE said that the meeting had been convened especially for the purpose of considering the list of Japanese major war criminals submitted by Australia and asked Professor BAILEY whether he had any observations to make.

Professor BAILEY spoke in support of the list submitted by his Government and suggested that the 62 Japanese criminals be put on the Commission's List. He referred to the Agreement of 20th. October, 1943 establishing the United Nations War Crimes Commission, where it was decided that the Commission should investigate and record evidence of war crimes, indentifying where possible the individuals responsible, and report to the Governments concerned cases in which it appeared that adequate evidence might be expected to be forthcoming.

Professor BAILEY also referred to the Minutes of the 33rd. meeting of the Commission, held on 26th. September, 1944 (Minutes 33, page 5), when it was unanimously decided that the names of persons whose crimes consisted less in the perpetration of specific atrocities than in their having acted as ring leaders in the organisation of war crimes, should be included in the Commission's Lists of war criminals. He pointed out that when taking this decision the Commission felt it would be unnecessary to compile a voluminous documentation concerning each of these persons as their activities were notorious. The list submitted by Australia was exactly of that kind, and was prepared in the same principles as those laid down in the introduction to similar Commission Lists Nos. 7 and 9 containing German major war criminals. The list submitted by Australia would of course, be subject to further investigation of those therein listed in accordance with the requirements set up in the said introduction.

Professor BAILEY further on pointed out that the Australian list was submitted in accordance with the recommendations adopted by the United Nations War Crimes Commission on 29th. August, 1945, (Doc.C. 145) and includes criminals falling within the first two categories of those recommendations, which read as follows:

- I. " That those Japanese who have been responsible for the plans or policies which resulted in (these) abominable crimes and atrocities... These individuals and officials should include those in authority in the Government, in the military and police establishments, in the secret societies and other criminal associations, and in the financial and economic affairs of Japan who by all civilised standards are provable to be war criminals. The case against these major criminals is that they have devised, set in motion and carried out the criminal plans and enterprises which incited or resulted in the aggressions, cruelties and brutalities which have outraged the civilised world. "
- II. " That those Japanese holding key-positions in the civil, military or economic life of Japan who, perhaps, did not devise or set in motion plans which resulted in these crimes and barbarities, but nevertheless directed the carrying out of such plans within Japan or in the territories of more than one of the United Nations, should be surrendered to or apprehended by the United Nations for trial before an international military tribunal. This category of criminals includes those individuals and officials, usually in key-positions in the Government, who have willingly planned the details of and put into execution the monstrous schemes of the Japanese leaders. It also includes those brutal and ruthless criminals who, both inside and outside Japan, have been guilty of mass criminality towards the nationals of many of the United Nations. Among such persons were those in charge of certain prisoner-of-war and civilian internment camps where the people of many nations have been starved, tortured, murdered or otherwise atrociously maltreated. "

All persons indicated in the list submitted by his Government, continued Professor BAILEY, are charged with crimes against peace, war crimes, and crimes against humanity which are within the Four-Power Agreement of 8th. August, 1945.

Summing up and referring once more to the Commission's Lists Nos. 7 and 9, Professor BAILEY requested that the same type of action be taken by the Commission with regard to the Australian List now under consideration.

Lord WRIGHT expressed his regret because of the unfortunate absence of M. de BAER, Chairman of the Committee, and that of the representative of the United States, Colonel HODGSON, and felt it would be most difficult to arrive at any conclusions at this meeting without having them, as well as representatives of other countries interested in the Far Eastern questions, at the discussion.

As the matter submitted by Australia involved a question of general policy, he felt, there were three possibilities of procedure:

- (a) to refer that question and the examination of the list to the Commission, for its plenary session,

No.48
Pages 3 and 4 (a)
(Combined.)

- (b) enlarge Committee I for the purpose, so as to include all countries interested, and
- (c) convene a special ad hoc Committee with representatives of those countries.

As for himself, he would prefer the first course so as to have all members of the Commission present while the Australian proposal was under discussion, and therefore thought it advisable to refer the matter to the Commission.

Sir Robert CRAIGIE enquired whether before deciding on one of the proposals put forward by Lord WRIGHT, it would not be preferable to have the opinion of M. de BAER and Colonel HODGSON.

Dr. MAYR-HARTING was of the opinion that the most important question of competence of the Commission with regard to crimes against peace and crimes against humanity having been already decided at the Commission's meeting on 30th January, 1946 (Doc.M.93), Committee I should now consider the individual cases included in the Australian List, if possible in the presence of all Governments interested.

Sir Robert CRAIGIE said that he was not quite sure as to whether it would be a useful service to issue a list such as proposed by Australia in the present circumstances when all necessary steps are now being taken by the team of allied prosecutors in Japan, on which representatives of all countries interested take part. As this task will be now expeditiously discharged by that body, he had some doubt whether this Commission also should make its contribution without having the possibility of undertaking proper investigation into the details. In his opinion, it would be unfortunate to put on the list persons who, however unsuccessfully, had opposed the war of aggression.

Professor BAILEY appreciated the reservations made by Sir Robert CRAIGIE, and said that his Government does desire that this Commission should nevertheless exercise its authority and function in this particular matter. He of course, felt no objection against the Commission carefully examining all details and individuals proposed for listing.

Mr. BURDEKIN referring to the example set up with regard to the Nuremberg trial and the improbability of bringing to trial all the persons included in the Australian List, suggested whether the Australian representative could not eventually reconsider the practicability of putting on the list so many people.

Sir Robert CRAIGIE suggested that it might meet the Australian Government's intention if similar procedure be agreed upon as that adopted recently by Committee I with regard to the proposed further list of Germans holding key positions (Committee I Minutes No.44, p.7 (a) para.VI), namely to circulate an agreed list to all members of the Commission for information as a Commission Document but not to publish it in the same way as Commission's Lists Nos. 7 and 9, with the proviso that those listed should not be actually charged with war crimes by the Commission.

Taking into account that the Australian proposal involved a question of general policy which should be considered by the Commission, the Committee finally decided to refer the matter to the Commission at its plenary session, to be held on 13th February 1946.

CONSTITUTION OF COMMITTEES I & III

as at January 30th, 1946.

COMMITTEE I

M. de Baer, Chairman	Belgium
	Australia
Dr. Eder acting: Dr. Mayr Harting	Czechoslovakia
Sir Robert Craigie	United Kingdom
Colonel Hodgson acting: Capt. Wolff	United States of America

Note: Mr. Justice Mansfield's resignation leaves the Committee one member short, and the deputy chairmanship unfilled.

Mr. Wold addressed a letter to you (see) asking that Sir Robert Craigie be re-appointed to Committee III. ~~Mr. Wold suggested~~ Dr. Mayr Harting suggested, at the last meeting, that Mr. Beaumont be asked to serve on Committee I, instead of Sir Robert Craigie.

COMMITTEE III

Dr. Eder, Chairman acting: Dr. Mayr Harting	Czechoslovakia
Mr. Wold, deputy Chairman	Norway
Dr. Liang	China
M. Stavropoulos	Greece
Dr. Schram Nielsen	Denmark
Commander Mouton	Netherlands
Dr. Szerer	Poland
Dr. Zivkovic	Yugoslavia
	Australia

Note: Mr. Justice Mansfield's resignation leaves the Committee one member short.

Mr. Wold suggests that Sir Robert Craigie be re-appointed.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Summary Minutes of the Meeting Held on 30th January, 1946 at 10.30 a.m.

In the Chair, M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom,
Captain Wolff	United States of America.

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

Commander Mouton,	Netherlands,
Major Palmstrom,	Norway,
Lt. Boucek,	United States of America
Lt. Kintner	United States of America,
Mr. Kent	United Kingdom,
Dr. Zivkovic	Yugoslavia.

I.. Meetings of Committee I.

As proposed by the Chairman, it was decided that as from next week the Committee will meet on Thursdays at 10.30 a.m. instead of on Wednesdays.

II. Request to National Offices (Persons in Custody)

At the suggestion of Sir Robert CRAIGIE it was decided to ask all National Offices when bringing charges before the Commission, to indicate all cases where the persons charged were already in custody. The Committee were of opinion that such a practice would be of much help to the agencies entrusted with the apprehension of war criminals.

III. Minutes No.46.

The approval of Minutes No.46 of the last meeting was adjourned until the next meeting as some members had not received copies in time.

IV Case against Admiral Horthy.

Referring to Minutes No.45, Dr. MAYR-HARTING said that at the meeting held on 17th January, 1946, it was decided to adjourn consideration of the Yugoslav case against Admiral Horthy (No.2138) until 30th January and asked for the reason why this matter had been omitted in the agenda.

The Secretary explained that this was an accidental omission and that no other purpose was involved.

On the suggestion of Dr. MAYR-HARTING the Committee agreed that any further delay in considering charges against Admiral Horthy should be avoided, and decided to take up the matter at its meeting on Thursday next.

V. Proceedings in Individual Cases.

The Committee decided upon a number of Netherlands, Norwegian, British, United States and Yugoslav cases as follows:-

1) Netherlands Cases.

2234 On 'A'.
2235 Both on 'A'.
2236 1 on 'A', 2 on 'C'.
2237 Both on 'A'.
2238, 2239)
2240) On 'A'.
2241 All on 'A'.
2242 On 'A'.

2) Norwegian Cases.

2218 All on 'A'.
2219 All on 'A'.
2220, 2243 On 'A'.

3) British Cases.

2191 Both on 'A'.
2192 Both on 'A'.
2193 All on 'A'.
2194 Both on 'A'.
2195 1 and 2 on 'A', 3 on 'C'.
2196 1 on 'A'. 2 and 3 on 'W'.
2197 On 'A'.
2198 All on 'A'.
2199 On 'A'.
2200 Both on 'A'.
2201 Both on 'A'.
2202, 2203 On 'A'.
2204 All on 'A'.

- 3 -

- 2205 1 on 'A'. 2 and 3 on 'W'.
- 2206 Both on 'A'.
- 2207 Both on 'A'.
- 2208, 2209 On 'A'.
- 2210 Both on 'A'.
- 2211 On 'A'.
- 2212 Both on 'A'.
- 2213, 2214,) On 'A'
2215, 2216,)
- 2217 1 - 6 (Main charge plus addendum) on 'A'.
- 2221 All on 'A'. (The name of the accused No.2 was corrected to read "Dalla-Pria".)
- 2222 1 on 'A'. 2 on 'C'.
- 2223 On 'A'.
- 2224 On 'A'.
- 2225 On 'A'.
- 2226 All on 'A'.
- 2227 All on 'A', plus Bott and Thielker also on 'A'.
- 2228 On 'A'.
- 2229 Both on 'A'.
- 2230 All on 'A'.
- 2231, 2232,)
2233,) On 'A'.
- P.174 All on 'A'.
- P.175 1-5 on 'A', 6 on 'C'.

4) United States Cases

With regard to cases Nos. 182, 185, 186 and 189, it was decided that the accused No.1 should be listed as "Moto", or "Imoto", or "Emmoto".

- P.176 All on 'A'.
- P.177 On 'C'.
- P.178 All on 'A'.
- P.179 Both on 'A'.
- P.180 All on 'A'.

P.181 Both on 'A'.
P.182 1 on 'A'. 2 on 'C'.
P.183 Both on 'A'.
P.184 Both on 'A'.
P.185 1 on 'A'. 2 on 'C'.
P.186 1 on 'A'. 2 on 'C'.
P.187 1 on 'A'. 2 on 'C'.
P.188 1 on 'A'. 2 on 'C'.
P.189 1 on 'A'. 2 on 'C'.
P.190 Both on 'A'.
P.191 1 on 'A'. 2 on 'A'. 3 on 'C'.
P.192 Both on 'A'.
P.193 All on 'A'.
P.194 Both on 'A'.
P.195 Both on 'A'.
P.196, P197 On 'A'.
P.198 Both on 'A'.
P.199 Both on 'A'.
P.200 Both on 'A'.
P.201, P.202) On 'A'.
P.203)
P.204 Both on 'A'.
P.205 On 'A'.
P.206 1 and 2 on 'A'. 3 on 'C'.
P.207 All on 'A'.
P.208 All on 'A'.
P.209, P.210 On 'A'.

5) Yugoslav Case.

585 (Addendum No.2) 1-3 on 'A'.

VI. Case of Captain Di Furia.

The Committee took note of a letter of 22nd January received from CROCLASS and the attached memorandum of Captain Di Furia requesting re-examination of his case.

Dr. ZIVKOVIC explained that Captain Di Furia had been charged by Yugoslavia in three cases, i.e., Nos. 364, 890 and 957, and listed by the Commission for crimes committed in the district of Ljubljana. He said that Captain Di Furia based his request on a discrepancy with regard to the material time of commission of the alleged crimes and stated in his memorandum that his sojourn in the district of Ljubljana was from June, 1942, to September, 1943 and not from April, 1941 to August, 1943, as indicated in the charge brought by the Yugoslav National Office. As to this, Dr. ZIVKOVIC explained that the time in question was indicated by his National Office generally with regard to all the persons charged in the case together with Captain Di Furia, and did not concern especially that accused. The latter committed the alleged crimes some time in the period indicated in the charge.

With regard to the other points put forward in the memorandum, Dr. Zivkovic pointed out that Captain Di Furia himself admitted his part in the crimes committed by his unit in the said district, though he disclaimed his responsibility on the ground of superior orders.

The Committee agreed that there was no reason to withdraw any of the charges brought against Captain Di Furia and remove him from the Commission's List, and decided to inform the appropriate authorities (CROCLASS) accordingly.

VII. First List of Japanese Major War Criminals submitted by Australia.

At the request of the Representative of Australia, consideration of this item was adjourned until next week.

VIII. Twentyfourth List of War Criminals (Japanese).

The Secretary stated that the List had been inspected by the National Offices concerned and was ready for publication.

The Committee decided to submit the List to the Commission that afternoon for sanction.

64
The Committee has agreed to this,
at its meeting this morning,

M. Mc



OFFICE OF THE REPRESENTATIVE OF BELGIUM
ON THE
UNITED NATIONS WAR CRIMES COMMISSION

1481/W.C.

38 Eaton Square, S.W.1.

30th January 1946.

Dear Lord Wright,

1411
65
RECEIVED
30 JAN 1946

As you are no doubt aware I now have to attend sessions of the Court of Appeal in Brussels on the mornings of Monday and Tuesday in each week. The exact time of my return by air to England is usually rather uncertain, dependent as it is on the weather and flying conditions.

I should therefore like to suggest that the weekly meetings of Committee I should be held, in future, on Thursday mornings instead of Wednesday mornings as at present. This would allow me a larger margin of time, not only to return from Belgium, but also to study the cases which are to come for consideration before Committee I.

I hope that this alteration would not cause any inconvenience to the other members of the Committee, but it would greatly facilitate my personal arrangements.

Yours sincerely,
M. de Byner

The Rt. Hon. the Lord Wright of Durley, P.C., LL.D.,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square, W.1.

No answer required

No.46.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting held on 23rd January 1946 at 2.30 p.m.

In the Chair, Lord Wright, Chairman of the Commission.

There were also present:

Members of Committee I and their deputies:

Major Dr. Fanderlik,	Czechoslovakia,
Dr. Mayr-Harting,	Czechoslovakia,
Mr. Beaumont,	United Kingdom,
Captain Wolff,	United States of America.

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

F/O Bridgland,	Australia,
Lt. Kintner,	United States of America.

In the absence of M. de Baer, Lord Wright took the Chair.

I. Minutes Nos. 44 and 45.

On the motion of Captain WOLFF, Minutes No.44 of the meeting held on 9th January 1946 were amended to the effect that the third paragraph of Section VI on page 7 should read as follows:

" The Committee were of the opinion that a list of persons holding key positions in Germany could be circulated as a Commission document, but not published in the same way as Commission's Lists Nos. 7. and 9, and that those listed should not be charged with war crimes. It was decided that such a List should be submitted to the Committee for consideration at a special meeting. "

Minutes No.45 of the meeting held on 17th January 1946 were approved.

II. Sub-Commission's Lists of Japanese War Criminals.

It was finally decided that the Commission's preface to the Sub-Commission's Lists reproduced by the Secretariat should read as follows:

" The Lists of Japanese War Criminals contained in the present document are the first five Lists of WAR CRIMINALS AND MATERIAL WITNESSES prepared and adopted by the Far Eastern and Pacific Sub-Commission at Chungking (Sub-Commission's Lists Nos. 1, 2, 5, 6 and 7.)

" The Document also contains two Lists of Japanese WAR CRIMINALS HOLDING KEY POSITIONS prepared and adopted by the Sub-Commission in September, 1945 (Sub-Commission's Lists Nos. 3 and 4.)

" These Lists have been forwarded to the Commission by the Chungking Sub-Commission for filing and reproduction, and are hereby reproduced by the Commission without any material changes. "

2998

MM
1.411

67

January 21st, 1946.

Dear Monsieur de Baer,

Lord Wright has asked me to acknowledge receipt of your letter of 18th instant and to say that he intends to attend the meeting of Committee I on Wednesday, and will take the chair in your absence. He understands that the business on the agenda is of no very great importance, this week.

Yours very sincerely,

(s) M. Mc

Monsieur M. De Baer,
38 Eaton Square,
S.W.1.



OFFICE OF THE REPRESENTATIVE OF BELGIUM
ON THE
UNITED NATIONS WAR CRIMES COMMISSION

1455/W.C.

38 Eaton Square,
S.W.1

18th January 1946.

1.411

68



Dear Lord Wright

I am afraid that I shall not be able to take the chair at next Wednesday's meeting of Committee I, as I shall not be back from Belgium until the afternoon of that day.

Since Mr. Justice Mansfield has left for Australia, there is no Deputy Chairman. Perhaps you would be kind enough to ask one of our colleagues to take the chair, but if this is not convenient I am quite ready to hold the Committee meeting on the following day or else it could be postponed until the next week.

Yours sincerely
M de Baeer

Recd 18/1

The Rt. Hon the Lord Wright of Durley,
P.C., LL.D.,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square, W.1.

No. 45.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting held on 17th January 1946 at 10.30 a.m.

In the Chair: M. de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Major Dr. Fenderlik,	Czechoslovakia,
Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom,
Captain Wolff.	United States of America.

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

Mlle. Capiemont,	France,
Lt. Doucek,	United States of America,
Lt. Kintner,	United States of America,
Dr. Marccvitch.	Yugoslavia.

I. Minutes of the Last Meeting.

In view of the fact that Minutes No. 44 of the meeting held on 9th January 1946 were distributed at the last moment, it was decided to adjourn their approval until the next meeting.

Captain WOLFF said that he would propose an amendment with regard to that part of the Minutes which deals with the question of further lists of German War Criminals holding key positions. (Page 7, para. VI).

II. Proceedings in Individual Cases:

The Committee decided upon a number of Yugoslav, French, Danish and United States cases, as follows:

1) Yugoslav Cases:

- 2058 All on 'A'.
- 2059 All on 'A' for all charges except that submitted in the first paragraph because there was some doubt as to whether the facts as presented in the case constitute a prima facie case of a war crime.
- 2060 1 - 9, 12, 15 - 21 on 'A', and 10 and 11 on 'S', all of them on counts I, II, III, VIII only.
The accused 13 and 14 were put on 'C' as there was nothing in the case to establish their responsibility.
With regard to the accused 22 - 27 charged on count XIII (attempts to denationalise) it was decided to adjourn the consideration of this part of the case.
- 2061 On 'A'.

- 2062 On 'A'.
- 2063 On 'A'.
- 2138 With regard to this case, Sir Robert CRAIGIE and Captain WOLFF asked for an adjournment in view of the fact that the Commission's terms of reference in regard to crimes against peace and crimes against humanity are now under consideration. Dr. MAYR-HARTING pointed out that his Government was also interested in listing Regent Horthy, one of the accused in this case, as a war criminal, and therefore he asked for a vote on the adjournment. Sir Robert CRAIGIE and Captain WOLFF voted for the adjournment and Dr. MAYR-HARTING voted against. The case was adjourned for a fortnight.
- 2139 On 'A'.
- 2140 All on 'A'.
- 2141 Unit on 'C', OEUSNER on 'W'.

2) French Cases:

- 2142 On 'S'.
- 2143 On 'A'.
- 2144 On 'A'.
- 2145 1 and 2 on 'A'. 3 on 'C'.
- 2146 1 on 'A', 2 - 4 on 'S'.
- 2147 All on 'A'.
- 2148 All on 'A'.
- 2149 1 on 'A'. 2 on 'W'.
- 2150 On 'A'.
- 2151 On 'A'.
- 2152 On 'A'.
- 2153 Both on 'A'.
- 2154 3 on 'A'. 1, 2, 4 - 10 on 'S'.
- 2155 On 'A'.
- 2156 On 'A'.
- 2157 Both on 'A'.
- 2158 On 'A'.
- 2159 On 'A'.
- 2160 On 'A'.

-3-

- 2161 On 'A', plus Steuzel on 'W'.
2162 Both on 'A'.
2163 On 'A'.
2164 This case was adjourned on the motion of Captain WOLFF in view of the fact that the victim was a United States national.
2165 All on 'A' on the 1st and 3rd counts.
2166 On 'A'.
2167 1 on 'A'. 2, 3, 4 on 'W'.
2168 On 'A'.
2169 All on 'A'.
2170 1 on 'S'. 2 on 'W'.
2171 Both on 'A'.
2172 1 on 'A'. 2 - 13 on 'S'. 14 and 15 on 'W'.
2173 On 'A'.
2174 On 'A'.
2175 On 'A'.
2176 On 'A'.
2177 On 'A'.
2178 Both on 'A'.
2179 Both on 'A'.
2180 1 and 2 on 'A'. 3 - 9 on 'W'.
2181 On 'A'.
2182 All on 'A'.
2183 All on 'A' on the understanding that the victims were allied nationals.
2184 All on 'A'.
2185 Both on 'A'.
2186 All on 'A'.
2187 Both on 'A'.
2188 All on 'A'.
2189 Both on 'A'.

3) Danish Case:

2190 . On 'A'.

4) United States Cases:

P.134 1 - 6 on 'A'.
P.135 1 - 6 on 'A'.
P.136 1 - 2 on 'A'.
P.137 1 - 2 on 'A'.
P.138 1 - 6 on 'A'.
P.139 1 - 2 on 'A'.
P.140 1 - 2 on 'A'.
P.141 1 - 2 on 'A'.
P.142 1 - 3 on 'A'.
P.143 1 - 3 on 'A'.
P.144 On 'A'.
P.145 1 - 2 on 'A'.
P.146 1 - 3 on 'A'.
P.147 On 'A'.
P.148 On 'A'.
P.149 On 'A'.
P.150 On 'A'.
P.151 On 'A'.
P.152 1 - 2 on 'A'.
P.153 1 - 2 on 'A'.
P.154 On 'A'.
P.155 1 on 'A'. 2 on 'C'.
P.156 1 on 'A'. 2 on 'C'.
P.157 1 on 'A'. 2 on 'C'.
P.158 1 - 3 on 'A'.
P.159 1 - 3 on 'A'.
P.160 1 - 2 on 'A'.
P.161 1 - 2 on 'A'.

-5-

- P.162 1 - 3 on 'A'.
 P.163 1 - 2 on 'A'.
 P.164 1 - 2 on 'A'. 3 on 'C'.
 P.165 On 'A'.
 P.166 On 'A'.
 P.167 After Lt. Boucek agreed to supplement the case with a statement to the effect that the "accused acted in complete and reckless disregard of the safety of the prisoners at whom he threw an axe and he thereby intended to do them bodily harm", it was decided to list the accused on 'A'.
 P.168 1 - 3 on 'A'.
 P.169 On 'A'.
 P.170 On 'A'.
 P.171 On 'A'.
 P.172 On 'C'.
 P.173 1 on 'A'. 2 on 'C'.

III. Sub-Commission's Lists of Japanese War Criminals.

The Sub-Commission's Lists having been reproduced by the Secretariat in accordance with the decision taken in the Commission's meeting on 12th December 1945, the draft preface submitted by Dr. LITANSKI was discussed.

In order to indicate quite clearly the body responsible for compiling these lists, Sir Robert CRAIGIE proposed that the last paragraph of the Commission's preface (page I) should read as follows:

" All the lists have been compiled under the responsibility of the Far-Eastern and Pacific Sub-Commission and reproduced in this document without any material changes."

After some discussion it was decided to adjourn the final decision of this matter until the next meeting.

IV. Closing of the Latest Commission's Lists of Japanese and German War Criminals.

Dr. LITANSKI reported that there were already about 140 Japanese and about 1,500 German names of war criminals accumulated for the new lists and suggested the closing of the appropriate lists.

This was agreed to with the understanding that the persons charged in the Czechoslovak case No. 1965 would not be included in the list pending the further information from the National Office with regard to points raised at previous meetings. (See Minutes Nos. 42 and 43.)

V. Draft Letter to the Association of German Democratic Lawyers. (Doc. I/51).

The draft of this letter presented by Dr. SCHWELB was discussed and approved providing that its last paragraph should read as follows:

" I think that your organisation may be interested in this development. The Commission understands that it would assist the Control Council for Germany if they could receive any further charges and reports on crimes and the Commission would be glad to forward any such documents to Berlin, should they be submitted".

It was decided that the letter should be sent out to the Association of German Democratic Lawyers and circulated as Committee document I/51(1).

VI. The First List of Major Japanese War Criminals submitted by Australia.

Consideration of this matter was adjourned as no representative of Australia was present.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on
9th January 1946 at 10.30 a.m.

In the Chair, M. de Baer, (Belgium)

There were also present:

Members of Committee I and their deputies:

Mr. Justice Mansfield,	Australia,
Major Dr. Fanderlik,	Czechoslovakia,
Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom,
Captain Wolff,	United States of America.

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

Lord Wright,	Chairman of the Commission,
Mlle. Capionmont,	France,
Commander Dr. Mouton,	Netherlands,
Major Palmström,	Norway,
Mr. W. Price,	United Kingdom,
Lt. Kintner,	United States of America,
2nd Lt. Boucek,	United States of America.

I. Minutes of the Last Meeting.

The Minutes of the Meeting held on 19th December 1945, were approved.

II. Proceedings in Individual Cases.

The Committee decided upon a number of United Kingdom, French, Belgian, Netherlands, United States and Norwegian cases, as follows:

1) United Kingdom cases.

(a) New Cases:

2047	All on 'A'.
2048	On 'A'.
2049	All on 'A'.
2050	All on 'A'.
2051	1, 2, 4 on 'A'. 3 on 'S'.
2052	On 'A'.
2053	On 'A'.
2054	1 - 3 on 'A'. 4 on 'C'.

2055 All on 'A'.
2056 On 'A'.
2057 On 'A'.
2118 On 'A'.
2119 1 and 2 on 'A'.
2120 On 'A'.
2121 On 'A'.
2122 1 and 2 on 'A'. 3 on 'C'.
2123 1 and 2 on 'A'.
2124 1 - 4 on 'A'.
2125 On 'A'.
2126 On 'A'.
2127 1 on 'A'. 2 on 'C'.
2128 1 and 2 on 'A'.
2129 1 and 2 on 'A'.
2130 On 'A'.
2131 1 on 'A', 2 on 'C' plus MEYERS on 'W'.
2132 On 'A'. The correct name of the place is:
in Czech: FRIVALDOV,
in German: FREIWALDAU.
2133 On 'A'. The correct rank is OBERSCHUTZE.
2134 1 and 2 on 'A'. 3 on 'C'.
2135 1 and 2 on 'A'.
2136 On 'A'.

(b) Amendments and Addenda:

1294 In view of the amendments proposed by the National Office it was decided:
(1) to remove from the main case as well as from the Commission's List the accused BONITO-OLIVA and put in his place on List 'A' the accused NICOLLETTI,
(2) to list DE NICCO on 'A' as the accused No.4.
No change was required with regard to the accused Nos.2. and 3.
1906 SCHUTZ on 'W'.
1075 and 1255 As the accused 1 and 2 were already listed on 'A' and no further action was required, it was decided to list the accused 3, 4 and 5 on 'A'.

-3-

With regard to the accused Nos. 6 - 9 the case was adjourned as their connection with the criminal activities of the other accused and the reasons for their responsibility were not stated in the addendum.

In view of the fact that in addition to British Prisoners of War, Russian prisoners were also among the victims, it was decided to communicate the case to the Russian authorities.

- 1743 Gefreiter LIMMAR on 'A'.
SCHLICHTLING and RICKISCH on 'W'.
- 1766 1 and 2 on 'A'.
- 1778 SCHLIMMINGER on 'A'.
- 1784 1 and 2 on 'A'.
On the request of the National Office, the accused No.3. was removed from the Commission's List.

2) French Cases:

- 2064 1 and 3 - 5 on 'A'. 2 on 'C'.
- 2065 On 'A'.
- 2066 On 'A'.
- 2067 Both on 'A'.
- 2068 1 - 5 on 'A'. 6 - 23 on 'S'.
- 2069 1 - 2 on 'A', 3 - 24 on 'S'.
- 2070 On 'A'.
- 2071 On 'A'.
- 2072 1 on 'A', 2 - 5 on 'S'.
- 2073 This case was adjourned because there was some doubt as to whether the facts, as presented in the case, constituted a prima facie case of a war crime.
- 2074 All on 'A'.
- 2075 All on 'A'.
- 2076 All on 'A'.
- 2077 1 - 8 on 'A'. 9 on 'S'.
- 2078 All on 'A'.
- 2079 Both on 'A'.
- 2080 On 'A'.
- 2081 On 'A'.

- 2082 This case was adjourned on the motion of Captain Wolff in view of the fact that one of the victims was a United States national.
- 2083 All on 'A'.
- 2084 1 - 2 on 'A'. 3 - 12 on 'S'.
- 2085 On 'A'.
- 2086 All on 'A'.
- 2087 On 'A'.

Addenda:

- 1382 This case was adjourned because some doubt arose as to whether the accused MUSTER should not be removed from the Commission's List.
- 1457 All on 'A'.
- 1524 Both on 'A'.
- 1612 All on 'A'.

3) Belgian Cases.

- 2088 On 'A'.
- 2089 On 'A'.
- 2090 All on 'A' on the understanding that the name of one of the accused be corrected to that of MODEL instead of Mondel.
- 2091 Both on 'A'.
- 2092 All on 'A'.
- 2093 On 'A'.
- 2094 1 on 'A', 2 on 'W'.
- 2095 1 - 2 on 'S'. 3 on 'C'. 4 on 'W'.
- 2096 1 on 'A'. 2 on 'S'. 3 on 'W'.
- 2097 1 on 'A'. 2 and 3 on 'S'.
- 2098 1 on 'A', 2 on 'C'.
- 2099 On 'A'.
- 2100 Both on 'A'.
- 2101 On 'A'.
- 2102 On 'A'.

-5-

2103 All on 'A'.
 2104 On 'A'.
 2105 All on 'A'.
 2106 All on 'A'.
 2107 All on 'A' with the understanding that the name of General Friedrich Karl von EBELSTEIN was supplemented for the accused No.25.
 2108 On 'C'.
 2109 On 'S'.
 2110 All on 'A'.
 2111 1, 4 on 'C'. 2 on 'S'. 3 on 'A'.
 2112 1 - 2 on 'S', 3 on 'C'.
 2113 1 on 'A'. 2 on 'W'.

Addendum:

1803 1 - 61 on 'A'.

4) United States Cases.

P.104 1 - 3 on 'A'. 4 on 'C'.
 P.105 1 on 'S'. 2 - 5 on 'A'.
 P.106 Both on 'A'.
 P.107 Both on 'A'.
 P.108 On 'A'.
 P.109 On 'A'.
 P.110 All on 'A'.
 P.111 All on 'A'.
 P.112 On 'A'.
 P.113 On 'A'.
 P.114 On 'A'.
 P.115 All on 'A'.
 P.116 On 'A'.
 P.117 On 'A'.
 P.118 All on 'A'.

P.119 All on 'A'.
P.120 All on 'A'.
P.121 All on 'A'.
P.122 On 'A'.
P.123 1 on 'A', 2 on 'C'.
P.124 Both on 'A'.
P.125 Both on 'A'.
P.126 All on 'A'.
P.127 On 'A'.
P.128 On 'A'.
P.129 All on 'A'.
P.130 Both on 'A'.
P.131 Both on 'A'.
P.132 All on 'A'.
P.133 All on 'A'.

5) Netherlands Cases.

2114 - 2116 All on 'A'.
2117 On 'A'.

6) Norwegian Case.

2137 All on 'A'.

7) Yugoslav Cases.

Consideration of Yugoslav Cases was adjourned as no representative of the National Office was present.

III. Documents issued since the last meeting.

The Committee took notice of the following documents issued by the Secretariat of Committee I:

- (a) Extradition of War Criminals. (C.164).
- (b) Detention Circulars Nos. 2, 3, 4, 5, and 6.
- (c) Processing of Charge Files and Preparation of Commission's Lists of War Criminals. (Dec.I/47).

IV. Request by Albanian Government. (Doc. I/48.)

Doc. I/48 was discussed, Dr. Litawski supplementing the Document with the information that it has been ascertained that General DALMAZZO wanted by the Albanian Government is the same person as that charged and wanted by Yugoslavia. He was Commander-in-Chief, Albania, in 1942.

In view of the fact that Albania is not a member of the United Nations, it was decided that the Secretary General should acknowledge only the letter received from the President of the Albanian Commission for the Punishment of War Criminals and to inform that Commission that General Dalmazzo is wanted also by Yugoslavia.

V. Distribution of Commission's List. (Doc. I/49)

The Committee took notice of a cable received from the British Military Mission, Hungary. As to the question whether the Commission's Lists should in future be sent also to that Mission, Sir Robert CRAIGIE promised to consult his Government as to whether the Commission should send these lists directly and would inform the Committee at its next meeting.

The matter was accordingly adjourned.

VI. Co-operation with Control Council for Germany. (Doc. I/50)

After some discussion, it was decided to approach the Association of German Democratic Lawyers with the view to encouraging this organisation to prepare further reports on crimes falling under the notion of crimes against humanity and inviting them to submit such reports to the Commission which will transmit them to the appropriate authorities. To this effect, a draft letter should be prepared and submitted at the next Committee meeting.

In connection with the above matter, Dr. SCHWELB raised the question as to whether any further lists of German war criminals holding key positions should be issued by the Commission. He specially referred to the third list of such criminals prepared some time ago by Dr. Litawski.

The Committee were of the opinion that a list of persons holding key positions in Germany could be circulated as a Commission Document, but not published in the same way as Commission's Lists Nos. 7. and 9, and that those listed should not be charged with war crimes. It was decided that such a list should be submitted to the Committee for consideration at a special meeting.

VII. First List of major Japanese War Criminals.

After a preliminary discussion, the consideration of the first list of major Japanese War Criminals submitted by Australia, was adjourned until the next meeting.

No.43.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on
19th December 1945 at 10.30 a.m.

In the Chair: Mr. Justice Mansfield (Australia).

There were also present:

Members of Committee I and their Deputies:

Captain Wolff,	United States of America,
M. Golstein,	Belgium,
Major Dr. Fanderlik,	Czechoslovakia,
Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom.

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

Lt. Kintner,	United States of America,
2nd Lt. Boucek,	United States of America,
Dr. Malézieux,	France,
Commander Mouton,	Netherlands,
Major Palmström,	Norway.

I. Election of Deputy Chairman.

Referring to General de Baer's letter dated 11th December 1945, addressed to the Commission's Chairman (see Doc. Misc. 3), Sir Robert CRAIGIE proposed the election of a Deputy Chairman of the Committee and suggested Mr. Justice Mansfield.

The Committee unanimously agreed and in the absence of M. de Baer, Mr. Justice MANSFIELD took the Chair.

II. Minutes of the Last Meeting.

On the motion of Sir Robert CRAIGIE, the Minutes No. 42 of the last meeting were amended to the effect that the first paragraph on page 2 should read as follows:

" The Committee agreed that the point raised by Sir Robert CRAIGIE should remain in abeyance while the Czechoslovak National Office endeavoured to obtain the necessary information. It was also understood that the matter would be reconsidered at the earliest possible moment. "

III. Proceedings in Individual Cases.

The Committee decided upon a number of Netherlands, Norwegian, French, Yugoslav and United States cases, as follows:

1) Netherlands Cases:

1982 On 'A'.
1983 On 'A'.
1984 On 'A'.
1985 Both on 'A'.
1986 Both on 'A'.

2) Norwegian Cases:

2045 All on 'A'.
2046 Both on 'A'.

3) French Cases:

(a) Addenda:

529 Kowacht on 'A'.
820 Both on 'A'.
1190 Kretzer on 'A'.

(b) New Cases:

1987 All on 'A' on count 2 (destruction of the house) only. With regard to count 1, (destruction of the boats), the charge was withdrawn by the National Office. The National Office was asked to clarify the divergence as to the date of the commission of the crime (14th February 1945 on page 1 and 4th August 1945 on page 2).
1988 1 - 6 on 'A'. 7 on 'W'.
1989 1 - 5 on 'A'. 6 - 9 on 'S'.
1990 On 'A'.
1991,)
1992) All on 'A'.
1993)
1994 On 'S'.
1995 Both on 'A'.
1996 1 - 6 on 'S'. 7 - 20 on 'W'.
1997 Both on 'A'.
1998 Both on 'A'.
1999)
2000) On 'A'.

-3-

2001 Both on 'A'.

2002)
2003) On 'A'.
2004)

2005 All on 'S'.

2006)
2007) On 'A'.

2008 Both on 'A'.

2009 1 - 38 and 40 - 89 on 'A'. 39 on 'C'.

2010)
2011) On 'A'.

2012 Both on 'A'.

2013)
2014)
2015)
2016) On 'A'.
2017)
2018)
2019)

2020 All on 'A'.

2021 Both on 'S'.

2022 Both on 'A'.

2023)
2024) On 'A'.

2025 This was adjourned in order to ask the National Office for more particulars as to the circumstances of the alleged crime. The Committee were of the opinion that the facts as submitted in the case do not constitute a prima facie case of a war crime.

2026)
2027) All on 'A'.

2028)
2029) On 'A'.
2030)

2031 Both on 'A'.

2032 On 'A'.

2033 On 'S'.

2034)
2035) On 'A'.
2036)

2037 Both on 'A'.

2038)
2039) On 'A'.

2040 Both on 'A'.

2041 On 'A'.

4) Yugoslav Cases:

2042 All on 'A'.

2043 All on 'A'.

2044 Both on 'A'.

1824 Final decision: 1 - 18 and 21 - 23 on 'A'.
With regard to the accused 19 and 20, the decision was
adjourned until further information can be supplemented by
the National Office as to the belligerent status of these
accused. (see Minutes No. 42)

5) United States Cases:

P.74 On 'A'.

P.75 Both on 'A'.

P.76 On 'A'.

P.77 All on 'A'.

P.78)
P.79) On 'A'.

P.80 Both on 'A'.

P.81 On 'A'.

P.82 Both on 'A'.

P.83 All on 'A'.

P.84 Both on 'A'.

P.85 With regard to this case, Lt. Boucek explained that it has
been established that the accused No. 2. was the commandant
of the camp and also that the accused No. 6. was the guard
who did the actual shooting. It was decided to put the
accused Nos. 2 and 6 on 'A' and the accused Nos. 1, 3, 4, 5
on 'C', because there was nothing in the case to establish
the responsibility of these accused.

P.86 On 'A'.

P.87 On 'A'.

P.88 Both on 'A'.

- P.89 }
P.90 } On 'A'.
P.91 }
- P.92 After Lt. Boucek supplemented the case to the effect that the accused No.4. was an interpreter, it was decided to list the accused Nos. 1 - 3 on 'A' and the accused No.4. on 'S'.
- P.93 All on 'A'.
- P.94 Both on 'A'.
- P.95 After Lt. Boucek supplemented the case to the effect that the accused No.2. was one of the three guards who committed the crime, it was decided to put the accused 1 and 2 on 'A' and the accused 3 and 4 on 'C'.
- P.96 }
P.97 } All on 'A'.
- P.98 On 'A'.
- P.99 All on 'A'.
- P.100 All on 'A'. At the request of Lt. Boucek the description of the accused 1 - 3 was changed to that of "guard" instead of "soldier".
- P.101 All on 'A'.
- P.102 Both on 'A'.
- P.103 On 'A'.

IV. Case of Crimes Committed in Czechoslovakia and of
Alsations sentenced by German Military Courts. (Doc.I/46).

Dr. MALEZIEUX submitted for consideration a letter of the 9th November 1945 received by Professor Gros from the Director of Enemy War Crimes Research Office (see Doc.I/46) asking for a decision on principle in two questions:

- 1) as to the competence of jurisdiction in a case concerning a war crime committed in Czechoslovakia, the victim being a Frenchman,
- 2) as to what extent are the members of a German Military Court responsible who acted as regular judges and awarded sentences as provided by German Military Court in the case of a soldier deserting from the German army even if the deserter were an Alsation.

After some discussion the Committee decided to refer both these questions to Committee III for further consideration.

V. Date of Next Meeting.

In view of the Christmas recess, it was agreed that the next meeting will be held on 9th January 1946, and if necessary also on 10th January.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes of the Meeting of Committee I held on
12th December, 1945, at 10.30 a.m.

In the Chair, M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	United States of America,
M. Golstein,	Belgium,
Major Dr. Fanderlik,	Czechoslovakia,
Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom.

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

2nd Lt. Boucek,	United States of America,
Dr. Malézieux,	France,
Mr. Kent,	United Kingdom,
Dr. Zivković	Yugoslavia.

I. THE CZECHOSLOVAK CASE No.1965 (Continuation of Discussion.)

Sir Robert CRAIGIE who was unable to attend the last meeting of the Committee at which this case had been considered and decided upon, expressed some doubts whether the facts and particulars submitted in the charge could be regarded as satisfactory.

He stressed the fact that the case does not provide any information as to whether the 20 persons shot in Prague were members of fully organised and recognised partisan forces, or merely civilians carrying arms, and also whether they were shot arbitrarily or after a trial. He felt it of much importance that facts of that kind should always be put before the Committee in order to be quite sure in cases in which the question of facts might be looked upon as of a somewhat complicated character. He asked, therefore, whether the Committee would not agree to the re-opening of this case.

Dr. MAYR-HARTING said that such a decision would place his National Office in a difficult position as the Wanted reports had already been sent out. He pointed out that his National Office had no information as to whether the trial was held but he himself supposed it was not, and in order to clear up the difficulty, he suggested the Committee's decision be re-considered and the accused listed on 'S' instead of on 'A'.

Captain WOLFF, while supporting the view expressed by Sir Robert Craigie, was of the opinion that the charge itself should be supplemented by a definite statement indicating that there was no trial against the persons shot by the accused, if that was in fact the case. He also expressed himself against listing the accused on 'S' as the main elements of a war crime were missing in this case.

See
amended
text -
Minutes
No. 43.

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The Committee agreed that every effort should be made by the Czechoslovak National Office in order to get the necessary additional information and to supplement the case as soon as possible.

II. PROCEEDINGS IN INDIVIDUAL CASES.

1) Yugoslav Cases:

The Committee decided upon six Yugoslav cases as follows:

- 1736 With regard to this, Dr. ZIVKOVIC said that he himself regarded the facts submitted in this case as not satisfactory and suggested the adjournment of the case in order to enable his National Office to submit further information and also to clarify the question as to the belligerent status of the persons sentenced by the Italian Military Tribunal. This was agreed to.
- 1737 With regard to this and the following case (No. 1824), Dr. Zivkovic explained that the Yugoslav Army of National Liberation was formed in August 1941 and the victims in this case were taken prisoners subsequently after this date. Dr. ZIVKOVIC supplemented the case with a statement to the effect that all the victims were members of armed units organised in accordance with the requirements of Art. 1. of the Annex to the Hague Convention No. 4. The Committee decided to list all the accused on 'A'.
- 1824 After some discussion, the Committee decided to accept all charges submitted in this case, except those under paragraphs 15, and II(2) on page 5, and under 7 on page 6 and under III(2) on page 8, consideration of which was adjourned until further information could be supplemented by the National Office as to the belligerent status of the persons mentioned therein. In order to establish a final list of the accused responsible for crimes described in the accepted charges, i.e. under paragraphs I (1 - 14 and 16), II (1, 3 - 6 and 8 - 14), III (1 and 3) and IV, the case was adjourned until the next meeting.
- 1738 Having regard to the facts submitted on page 2 of the case, from which it is evident that the recruiting of Yugoslav Moslems was subject to negotiations between the leaders of this part of the Yugoslav population and the German authorities, and that it was a question of inducing the Moslems to give their consent for such recruiting, the Committee were of the opinion that the case, as it is, does not constitute sufficient prima facie evidence of a war crime. It was, therefore, decided to adjourn the case and ask the National Office for further information and clarification of these points, and in particular as to the sort of compulsion used, if any, in order to carry out the recruitment of the Yugoslav Moslems.
- 1967 All on 'A'.
- 1968 On 'C'.

2) French Cases:

The Committee decided upon 5 previously adjourned French cases, as follows:

- 1834, After Dr. MALEZIEUX drew attention to the fact that several French victims had been already named in this case, it was decided to put all the accused on 'A'.
- 1855 Captain WOLFF, on whose motion this case had previously been adjourned with regard to the accused No.2., stated that he now had no objection to listing this accused as he agreed with the opinion that an accessory after a fact can be regarded as a war criminal. It was decided to list the accused No.2. on 'A'.
- 1861 After Dr. MALEZIEUX had supplemented the case with a statement to the effect that the victims were allied nationals, it was decided to list all the accused on 'A'.
- 1945 All on 'A' on count 1 (pillage) only. As to count 2, the Committee were of the opinion that the "Aisne-Rayonne" factory was an armaments plant and accordingly decided to adjourn the case sine die.
- 1954 This case was withdrawn by Dr. MALEZIEUX in view of the fact that the victims were of United States Nationality.

3) United Kingdom Cases:

The Committee decided upon addenda to 3 old cases and upon 17 new United Kingdom cases, as follows:

- 1969 1 - 4 on 'A'. 5 on 'C'.
- 1970 Both on 'A'.
- 1971 1 - 5 plus Seidel on 'A'.
- 1972 1 - 9 plus Keitel on 'A'.
- Having regard to the fact that no charges had been brought against the accused 10 and 11, it was decided to adjourn the case so far as these two accused were concerned until further information could be submitted by the National Office. Taking into account that 4 of the victims in this case were of Norwegian nationality, the National Office was asked to transmit a copy of this case to the Norwegian authorities.
- 1973 On 'A'.
- 1974 1 - 5 on 'A'. 6 on 'C'.
- 1975 On 'A'.
- 1976 Both on 'A'.
- 1977 Both on 'A'.
- 1978 On 'A'.
- 1979 On 'A'.

1980 1 - 4 (named persons) on 'A'. Other members of the firing party on 'C'.

1981 On 'A'.

P.70,)
P.71,) All on 'A'.
P.72,)
P.73,)

Addenda;

33 Rockstroch as accused No.1. on 'A'.

597 Gurilea on 'A'.

598 Gurilea and Buzdugan on 'A'.

4) Belgian Addenda;

The addenda to the following Belgian cases were decided upon:

877 Both on 'A'.

907 All on 'S'.

1109 All on 'A'.

1803 1 - 12 on 'A'.

81 W

No.41.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of the Meeting of Committee I held on 6th December, 1945, at
10.30 a.m.

In the Chair,

M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies.

- Captain Wolff, United States of America,
Major Fanderlik, Czechoslovakia,
Dr. Mayr-Harting, Czechoslovakia.

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

Lord Wright,
Lieutenant Polster,
2nd Lieutenant Boucek,
Mr. Kent,
Mr. Burdekin,

Chairman of the Commission,
United States of America,
United States of America,
United Kingdom.
New Zealand.

I. PROCEEDINGS IN INDIVIDUAL CASES

1) United Kingdom Cases:

The Committee decided upon 1 addendum and upon 17 new United Kingdom cases as follows:

- | | |
|-----------------|---------------------|
| 1540 (Addendum) | Carolus on 'A'. |
| 1925 | Both on 'A'. |
| 1926 | On 'A'. |
| 1927 | 1 on 'A', 2 on 'C'. |

In view of the fact that one of the affidavits in this case refers also to crimes committed against a United States citizen, the National Office was asked to transmit a copy of the case to the United States Representative.

- | | |
|------|---------------------------|
| 1928 | All on 'A'. |
| 1929 | 1 on 'A', 2 and 3 on 'C'. |
| 1930 | Both on 'A'. |
| 1931 | 1-4 on 'A', 5 on 'C'. |
| 1932 | On 'A'. |
| 1933 | On 'A'. |
| 1934 | All on 'A'. |
| 1935 | On 'A'. |

1) United Kingdom Cases: (continued)

1936	On 'A'.
1937	All on 'A'.
1938	On 'A'.
1939	All on 'A'.
1940	On 'A'.
1941	Both on 'A'.

2) Czechoslovak Cases:

The Committee decided upon 7 Czechoslovak cases as follows:

1960	29,33,34 and 35 on 'A'. All others on 'S'.
1961	On 'A'.
1962	On 'A' on the second and third counts only.

With regard to the first count, the Committee adjourned the case and decided to refer the matter to Committee III for its opinion as to whether:

- (a) the crime described under this count is covered by Document 149, and/or
- (b) the facts under count 1 of the charge constitute a war crime.

1963	1-5 on 'A', 6-47 on 'S'.
1964	All on 'A'.
1965	All on 'A' by two votes, Captain Wolff abstaining as he was of the opinion that the case should be supplemented by a statement as to the belligerent status of the 60 victims, i.e., whether they were members of organised bodies of the partisan forces.
1966	All on 'A'.

3) French Cases:

The Committee decided to proceed with the French cases in the absence of the French Representative on the understanding that all cases which might raise difficult questions would be adjourned until the next meeting. The Committee decided upon the following 21 cases of which five were adjourned.

1834, 1855, 1861	These were again adjourned in order to await clarification by the National Office of the points raised at the last meeting (see Minutes No.40).
1942	All on 'A'.

See III/27

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3) French Cases: (continued)

1943 1 on 'A'. All the others on 'S'.

1944 1 and 2 on 'A'. All the others on 'S'.

1945 This was adjourned in order to ask the National Office for further information as to whether or not the "Aisne-Rayonne" factory was an armament plant.

1946 Both on 'A'.

1947 On 'A'.

1948 All on 'A'.

1949 On 'A'.

1950 All on 'A'.

1951 1-12 on 'A', 13, and 14 on 'S'.

1952 All on 'A'.

1953 On 'A'.

1954 At the request of Captain Wolff this was adjourned until the next meeting as the victims in this case were of United States nationality.

1955 On 'S'.

1956 Both on 'A'.

1957 On 'A'.

1958 On 'A'.

1959 All on 'A'.

4) Belgian Case No.1804.

The Committee decided to list the accused as follows:

1-30 and 31-67 on 'A', Unit (No.30a) on 'C'.

5) Yugoslav Cases.

Consideration of the Yugoslav cases was adjourned as no Representative of the National Office was present.

II. SUB-COMMISSION LISTS OF WAR CRIMINALS.

Dr. Litawski reported that up to that time, one copy of each of five lists of Japanese war criminals issued by the Chungking Sub-Commission had been received and asked whether the Committee were in favour of reproducing these lists as Commission lists.

The Committee raised no objections to this proposal provided that the lists be reproduced without any changes and subject to the Commission's approval. It was accordingly decided to refer the matter to the Commission at its next meeting.

No.40.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Notes of the Meeting of Committee I held on 28th November 1945
at 10.30 a.m.

In the Chair: Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their deputies:

Captain Wolif,	United States of America,
Dr. Mayr-Harting,	Czechoslovakia.

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

Miss Capiomont,	France,
Mr. Kent,	United Kingdom,
Lt. Polster,	United States of America,
2nd Lt. Boucek.	United States of America.

In the absence of M. de Baer, Sir Robert Craigie took the chair.

I. PROCEEDINGS IN INDIVIDUAL CASES:1) French Cases:

The Committee decided upon 47 new cases and upon the addenda to 6 old French cases, as follows:

(a) New Cases:

- | | |
|--------------------------------|---|
| 1826, | All on 'A'. |
| 1827 | This was adjourned as incomplete with regard to the date and place of the commission of the crime and as to the responsibility of the accused. The Committee were of the opinion that the case should be supplemented by the National Office, at least with a general report on the crimes committed in the district of Strassburg for which the persons listed in this case could be held responsible because of their official positions. |
| 1828 | All on 'A'. |
| 1829 | 1 and 2 on 'A'. 3 - 5 on 'W'. |
| 1830, 1831,)
1832, 1833,) | All on 'A'. |
| 1834 | This was adjourned in order to ascertain whether the victims were allied nationals. |
| 1835 | All on 'A'. |
| 1836 | All on 'W'. |

1837, 1838,)
1839, 1840,) All on 'A'.

1841, 1 and 2 on 'A'. 3 and 4 on 'W'.

1842, 1 on 'A'. 2 on 'I'.

1843, 1844,)
1845, 1846,) All on 'A'.

1847, On 'S'.

1848, 1849,)
1850, 1851,) All on 'A'.
1852, 1853,)
1854,)

1855, With regard to the accused No.2., Captain WOLFF expressed some doubt whether what this accused had been charged with could be considered as a war crime, and asked to postpone the final decision until the next meeting. The Committee decided to place the accused No.1. on 'A' and to adjourn the case as to the accused No.2.

1856, On 'A'.

1857, On 'A'. On the suggestion of Colonel Wade, the Committee drew the attention of the National Office to the fact that the unit indicated in this case was apparently never in France.

1858, 1859,) On 'A'

1860, All on 'A'.

1861, This was adjourned in order to ascertain whether the victims were allied nationals.

1862, On 'S'.

1863, On 'A' on the first count. As to the second count, the case was adjourned because it appeared not sufficiently clear whether the civilian inhabitants were compelled to do work at places where military operations were actually being conducted.

1864, On 'A'.

1865, On 'A' on the second count. As to the first count, the case was adjourned for the same reason as part of the case No.1863.

1866, On 'A'.

1867, 1 on 'A'. 2 - 7 on 'T'.

1868, On 'A'.

1869, 1 on 'A', 2 and 3 on 'S'.

1870, 1871,) All on 'A'.
1872,)

(b) Addenda:

- 443, 1 - 51 on 'A'.
487, On 'A'. The attention of the National Office was drawn to the fact that the 1st Panzer Division had no 25th Regiment and apparently was in Hungary in 1944.
1192, All on 'A'.
1215, All persons indicated in Parts I and II, on 'A'. The consideration as to the persons listed in Part III was adjourned in order to ask the National Office for more information as to their responsibility.
1352, All on 'A'.
1516, All on 'A'.

2) United States Cases:

The Committee decided upon the following United States cases:

Nos. 1898, 1899, 1900, 1901, 1902, 1903 and 1904. All persons charged in these cases were placed on list 'A'.

3) United Kingdom Cases:

The Committee decided upon 20 United Kingdom cases, as follows:

- 1905, 1 - 3 on 'A'. 4 and 5 on 'C'.
1906, On 'A'.
1907, 1 and 2 on 'A'. 3 on 'C'.
1908, On 'A'. With regard to this case the Committee drew the attention of the National Office to the possibility of bringing a charge also against LINDHURST.
1909, 1910,) On 'A'.
1911, On 'A' with the understanding that the accused should be listed as JOHANN Fritz, and as FRITZ Johann.
1912, 1913,)
1914, 1915,) On 'A'.
1916, On 'A'. With regard to this case, the Committee drew the attention of the National Office to the possibility of an error in indicating that the place of the commission of the crime is situated in Sudetenland.
1917, 1918,)
1919,) On 'A'.
1920, On 'A', plus MACKENSEN on 'W'.
1921, On 'A'.
1922, On 'A'. The Committee drew the attention of the National Office to the possibility of bringing a charge also against SCHMIDT-BONSHEIM.

1923,

1 - 5 on 'A'. 6 and 7 on 'C'.

With regard to the prisoners of war camp at Sagan mentioned in this case, Colonel Wade stated that this seemed to be the camp referred to in the minutes of Hitler's conference with Goering and others on 27th January 1945, and suggested that a copy of this charge, together with the minutes of the conference be sent by the National Office to the French Prosecuting Counsel at Nuremberg as it appears that the charges in this case incriminate Goering.

1924,

On 'A'.

II. LISTING OF WITNESSES:

In connection with the listing of witnesses and the discussion which arose on this subject at the meeting of Committee I held on 8th November 1945, (see Minutes No.37 page 3), the Committee felt it necessary to ask for information as to the procedure applied by the United States and French authorities in regard to the retention of witnesses listed by the Commission.

Captain WOLFF agreed to ascertain what was the practice applied in this respect by the United States authorities.

It was also agreed that pending clarification of this matter the listing of witnesses be restricted to such cases only where the attendance of witnesses could not be relied upon.

III.COMMISSION LIST No.16.

Dr.LITAWSKI reported that the list due to be issued had, up to that time, been inspected by the representatives of the National Offices of Poland and the United States only.

On the motion of Captain WOLFF, the Committee agreed to remove from the list the name of the accused SCHULTHEISS and the name of ELLENBERGER (witness) in view of the fact that this accused was acquitted by a Military Commission in the United States zone of occupation in Germany.

Dr. MAYR-HARTING and Mr.KENT stated that they would agree to proceeding with the list without further delay.

The Committee decided to accept the list for presentation to the Commission that afternoon and also to report to the Commission that the list had not yet been inspected by the National Offices of Belgium, Canada, France, Luxembourg, Norway and Yugoslavia.

IV. THE CASE OF Dr.W. PIEPER.

Dr.LITAWSKI reported that a letter had been received from Dr. Mayr-Harting in connection with the arrest of one Dr.W.Pieper, who appears to be not the same person as charged by the Czechoslovak National Office.

Dr. MAYR-HARTING stated that pending the reply to a communication he had sent to the Judge Advocate General's Office, he would prefer to adjourn this matter. This was agreed to.

V. THE CASE OF GUTELIO D. VARGAS.

Mr. LYMAN reported that a letter from Mr. A.C. de Mariz e Barros, a Brazilian National, had been received, bringing up charges against Gutelio D. Vargas, the former President of Brazil, and against a number of Gestapo agents in Brazil, not indicated by name. He also informed the Committee of the subsequent correspondence and interventions of Brazilian press-correspondents and of the Brazilian Ambassador in London in connection with this matter, and asked for a decision as to further action.

Dr. LITAWSKI supplemented Mr. Lyman's statement by bringing out that Mr. Barros is the President of the so-called Brazilian Liberation Movement, residing in this country, and that according to the allegations of Mr. Barros published in the "Paris-Matin" of 31st October 1945, Mr. Moniz de Aragao, the Brazilian Ambassador in London, to whom the letter of 27th November had been sent with a full statement of Mr. Lyman, was apparently himself personally involved in the alleged crimes.

Sir Robert Craigie felt that only a simple letter of acknowledgement should have been sent to Mr. Barros, without stating that the matter will be considered by the appropriate Committee of this Commission.

He was of the opinion that in this matter, Brazilian domestic politics were involved, and therefore he would prefer not to give much prominence or any publicity to the letter of Mr. Barros, as well as to the charges brought out in his letter.

Captain WOLFF and Dr. MAYR-HARTING were of the same opinion, and Captain WOLFF also added that in his understanding the facts as described in Mr. Barros's letter could not be considered as a prima facie case against the persons indicated therein.

After some discussion, the Committee decided that the Secretary General should draft a further letter to Mr. Barros stating that the matter raised by him in regard to Mr. Vargas "has been submitted to the relevant Committee of this Commission, which decided that the allegations made lay outside the competence of the United Nations War Crimes Commission."

It was agreed that such a letter should be sent out subject to the approval of the Commission's Chairman, and also that no further communication should, for the time being, be sent to the Brazilian Ambassador.

No. 39.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Notes of the Meeting of Committee I held on 21st November 1945
at 10.30 a.m.

In the Chair,

M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	United States of America,
M. Colstein,	Belgium,
Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom.

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

Professor Gros,	France,
Mr. Kent,	United Kingdom,
Dr. Zivkovic,	Yugoslavia.

On the suggestion of Sir Robert CRAIGIE, the Committee decided to ask the National Offices for more generous use of carbons in preparation of cases, copies of which are often very difficult to read. To that effect it was agreed that the matter be reported to the Commission.

I. Closing of the Commission's latest list of War Criminals.

Miss PITTENDRICH, the Chief Clerk, reported that there were already over 1,000 new names of German war criminals accumulated for a new list. The Chairman suggested the closing of a new Commission's list and issuing it as Commission's List No. 16. This was agreed.

II. Proceedings in Individual Cases.1) United Kingdom Cases:

The Committee decided upon the addenda to two old cases and upon 2 new United Kingdom cases as follows:-

No. 35 (Addendum) On 'A'.

1769 (Addendum) The accused 4 - 7 on 'A' with the understanding that the accused No. 4, should be listed as WOISCHKE or WOISTITZ.

P. 68 1 - 4 on 'A', 5 - 11 on 'S'. 12 - 14 on 'W'.

P. 69 1 - 8 on 'A'. 9 - 13 on 'S'. 14 and 15 on 'W'.

2) Belgian Cases:

The Committee decided upon 34 new Belgian cases and one addendum, as follows:

1810,	1 and 2 on 'A'. 3 - 6 on 'S'.
1811,	1 - 4 on 'S'. 5 on 'A'.
1812,	On 'A'.
1813,	On 'A'.
1814,	1 and 3 on 'A'. 2 on 'S'.
1815, 1816,) 1817, 1818,)	On 'A'.
1873,	The accused on 'C' plus 7 German witnesses on 'W'.
1874,	On 'A' on the count of deportation only.
1875,	On 'A' on the counts of deportation and putting hostages to death.
1876,	All on 'C'. The Committee were of the opinion that the responsibility of the accused for putting hostages to death had not been sufficiently established.
1877, 1878,	On 'A'.
1879,	On 'A' with the understanding that some of the victims were of Belgian nationality.
1880	On 'A'.
1881	On 'A' with the understanding that in the Commission's Research Office there is sufficient evidence that the orders in question were in fact carried out.
1882, 1883,) 1884,	On 'A'.
1885	1 - 4 on 'A'. 5 on 'C'.
1886, 1887,) 1888,	On 'A'.
1889,	1 and 2 on 'A'. 3 on 'C'. 4 on 'W'.
1890,	On 'A'.
1891, 1892,	After these cases had been supplemented at the meeting with lists of concentration camps personnel, it was decided to list all the accused on 'A'.

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- 1893, On 'A' with the understanding that the case should be supplemented by the Secretariat with names of persons already charged and listed in the corresponding Polish and French cases.
- 1894, 1895, It was decided to join these two cases together as referring to the same concentration camp. It was further decided that in addition to the list of the accused attached to these cases at the meeting, they should be supplemented by the Secretariat with names of persons already charged and listed in the corresponding Czechoslovak case.
1896. On 'A'.
- 1897, This case was adjourned in order to ascertain whether Duisburg camp was a Concentration camp or a camp for Forced Labour.
- 1092 (Addendum) 1 - 3 on 'A', the unit on 'C'.

3) Yugoslav Cases:

The Committee decided upon 5 previously adjourned cases, upon 2 addenda and upon 10 new Yugoslav cases, as follows:

a) Final decision on cases 1323, 1339, 1461 and 1462.

Having regard to the fact that none of the members of the Committee had expressed any disagreement with the preliminary decision taken at the meeting held on 24th October 1945, as to listing persons upon that part of the Yugoslav cases Nos. 1323 and 1339 which referred to war crimes proper against Yugoslav nationals, the Committee finally decided to put on the appropriate lists all the accused enumerated in Paragraphs I, II, V, X and XI of the Minutes No. 35 with regard to the case No. 1323, as well as the accused named under 1, 3, 4 and 5 in the case No. 1339.

With regard to Part VI of the case No. 1323, the Doc. I/44 was considered and it was decided to list the accused 5, 6, 8, 17, 22, 23 and 26 on 'S'.

As to those parts of the charges 1323, 1461 and 1462 which accused persons named therein of crimes against humanity, it was decided to postpone the consideration of these until the attitude of the Commission in connection with Doc. C.156 would be known.

b) Case No. 1434.

Doc. C.149 was considered with regard to the persons under 6, 7, 9 and 20, accused in this case of the war crime of "Attempts to Denationalise the Inhabitants of Occupied Territory".

Sir Robert CRAIGIE felt that it would be unwise to go too far in charging people with this kind of activity. He said he would prefer to list only those responsible for the policy of denationalisation, not the executants, however high. The four persons in this case were executants.

Captain WOLFF said it would be desirable to have more facts and evidence as to what these four accused had done exactly, and asked whether the National Office could not supplement the case with the necessary information.

Dr. ZIVKOVIC agreed to that and the decision upon this part of the case was accordingly adjourned.

c) New Cases:

1736, 1737,) 1738,)	Consideration of these cases was postponed for two weeks.
1819,	On 'A' plus 6 witnesses on 'W'.
1820, 1821,) 1822, 1823,)	On 'A'.
1824,	This was adjourned for two weeks to be considered together with cases 1736, 1737 and 1738.
1825,	On 'A'.
585 (Addendum)	The accused Nos. 22, 23 and 24 on 'A'.
1324 (Addendum)	On 'A'.

4) United States Cases:

The Committee decided upon 24 United States cases as follows:

P.39	All on 'S'.
P.40	On 'A'.
P.41	1 on 'S'. 2 on 'A'.
P.42	On 'A'.
P.43	1 on 'S'. 2 on 'A'.
P.44	On 'A'.
P.45	Both on 'S'.
P.46	Both on 'A'.
P.47	On 'A'.
P.48	Both on 'A'.
P.49	All on 'S'.
P.50	All on 'S'.
P.51	All on 'S'.
P.52, P.53,	Both on 'A'.
P.54	All on 'S'.

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P.55 1 on 'S'. 2 on 'C'.
P.56 On 'A'.
P.57 On 'A' with the understanding that the accused No.2.
was second in command of the camp.
P.58, P.59, }
P.60, } On 'A'.
P.61 1 and 2 on 'S'. 3 and 4 on 'A'.
P.62 On 'A'.
P.63 On 'S'.
P.64, P.65 On 'A'.
P.66 On 'S'.
P.67 On 'A'.

5) French Cases:

Consideration of the French cases was adjourned for the next meeting.

No. 38.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Notes of the Meeting of Committee I, held on 14th November 1945
at 10.30 a.m.

In the Chair, Lord Wright, Chairman of the Commission.

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	United States of America,
M. Golstein,	Belgium,
Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom,
Mr. Beaumont,	United Kingdom,

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

Mr. Burdekin,	New Zealand,
Mr. Kent,	United Kingdom.

In the absence of M. de Baer, Lord Wright took the Chair.

The Committee decided upon a number of British, Polish, Czechoslovak and Belgian cases, as follows:

1) United Kingdom Cases:

709

In accordance with the proposal of the National Office (see letter of 30th October 1945 attached to the case,) it was decided to remove the name of the accused HOFF from the Commission's list.

1743)
1766)
1778)
1784)

These four cases were again adjourned on the proposal of Mr. Kent for further clarification by the National Office of the points raised at the last meeting (see Minutes No. 37).

2) Polish Case No. 1120.

This case was adjourned because no Representative of the National Office was present.

3) Czechoslovak Cases:

1788

The first charge (confiscation of property) having been withdrawn by Dr. MAYR-HARTING, it was decided to place the accused on 'A' on the count of murder, plunder and deportation.

1789

It was decided to list the accused on 'A' on the second count, i.e. for pillage and plunder and to adjourn the decision upon the first count, (wanton destruction of property). The Committee were of

the opinion that the facts as related in the case do not permit to ascertain whether the destruction caused to the Skoda Works as an armaments plant should be regarded as a war crime. The National Office was asked for further information as to the precise time and circumstances of this occurrence.

1790. On 'A'.

1791 On 'A'.

1792 This case was adjourned in order to ask the National Office for the report mentioned on page 3 of the case on which the charge was based, and for more particulars as to the facts of the alleged crime.

1793 On 'A'.

1794 On 'A'.

1795 After the first description of crime had been changed by Dr. MAYR-HARTING for: "persecution on political grounds (arbitrary arrest and deportation)" it was decided to list the accused on 'A'.

4) Belgian Cases:

795 (Addenda Nos. 3 and 4.) On 'A' with the understanding that the victims were of allied nationality.

1796 All named persons plus the accused "Alex" on 'A'.

1797 1 on 'A'. 2 and 3 on 'S'. 4 on 'C'.

1798 On 'A'.

1799 On 'A'.

1800 On 'A'.

1801 1 on 'A'. 2 on 'W'.

1802 All on 'A' plus DRASE and LEOPOLDT on 'W'.

1805 1 on 'C'. 2 on 'S'.

1806) Names persons on 'A', others adjourned.
1807)

1808 On 'A'.

1090 (Addendum No.1) These were adjourned in order to enable the National
1109 (Addendum No.2) Office to supplement the case with the names of the
1803) accused and particulars of the alleged crimes.
1804)

Say that this is
quite satisfactory

90

33

30th October 1945.

Sir,

In the matter of disposition of witnesses
pending their presence at trials.

1. It will be recalled that some anxiety was recently expressed by Committee I as to whether injustice might not be done to witnesses by their detention pending trial assuming that took place. I expressed my understanding that in cases where the attendance of the witness could be relied upon such witness was subjected to a minimum of inconvenience. I promised, however, to take the matter up with the J.A.G.

2. As it happened a decision had to be reached as to the disposition of a witness of the name of Paul Barton. We had been asked whether this man was to be detained, because if so it was desirable that he should be sent to the Military Government Gaol.

3. On the matter being put to the J.A.G. in relation to the case of Paul Barton, and on the general question, he replied on these two points as follows :-

"(1) The witness Paul Barton should certainly be retained in the Military Government jail.

It is understood that although he did not take part in the murder, he was on the scene later and approved of it. He is further suspected of having stolen articles from the dead man's clothing. The Canadian War Crimes Investigation Unit have accordingly been informed by telephone today that Paul Barton should be retained.

yes (ii) As regards the general question of the retention of witnesses, it is difficult to lay down a general principle because some German witnesses are of the same type as Barton whereas others have come forward voluntarily with their information; further some witnesses are likely to be required at trials taking place at an early date, whereas others may not be required for some time.

yes (iii) It is not the intention of this office that any German witnesses who have volunteered information and are not themselves concerned in the commission of war crimes should be penalized. Accordingly arrangements are being made in such cases that the witnesses should be released provided that the Military Authorities are satisfied that they will be available at the time of the trials."

4. I trust this reply will be satisfactory to the members of Committee I; and for your convenience in circulating them I enclose seven copies of this letter.

PHAK/DEC

I am, Sir,
Your obedient servant,

P. A. J. Keel

O. 1/c War Crimes Branch
Treasury Solicitor's Department.

The Secretary General,
United Nations War Crimes Commission,
Church House, (Third Floor),
Great Smith Street,
S.W.1.

No. 57.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes of the Meeting of Committee I held on Thursday 8th November 1945 at
10.30 a.m.

Chairman: M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Colonel Hodgson,	United States of America,
M. Golstein,	Belgium,
Dr. Mayr-Harting,	Czechoslovakia,
Sir Robert Craigie,	United Kingdom.

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

Lord Wright,	Chairman of the Commission,
Major Morden,	Canada,
Professor Gros,	France,
Major Palmström	Norway.

I. PROCEEDINGS IN INDIVIDUAL CASES.

1) Canadian Cases.

The Committee considered one Canadian case No. 1752 and decided to list all the accused on 'A' plus all members of the 26th S.S. Panzer Grenadier Regiment (mentioned on page 7, paragraph 7 of the case) on 'W'.

2) Belgian Cases.

The Committee decided upon the addenda to two old cases, one previously adjourned case and upon 4 new Belgian cases as follows:

898 (Addendum)	All on 'A' with the understanding that the accused No. 1. is to be listed as a member of the unit, not as its commandant.
1094	Main Case: All on 'A'. The two names on the addendum on 'A'.
1095 (Main Case) (& Addendum)	On 'A'.
1722	Named persons on 'A'. The Unit on 'C'.
1723	On 'C'.
1724	On 'C'.
1725	On 'A'.

3) French Cases

The Committee decided upon the addenda to two old cases and upon 11 new French cases as follows:

455 (Addendum)	All the persons listed in Annex I, II and III on 'A'.
1188 (Addendum)	On 'A'.
1753	On 'A'.
1754	On 'S'.
1755	On 'A'.
1756	The accused on 'A' plus KRATZ on 'W'.
1757	On 'A'.
1758	1 and 2 on 'A', 3 and 4 on 'S'.
1759	On 'A'.
1760	On 'A'.
1761	On 'A'.
1762	On 'A'.
1763	On 'A'.

4) Norwegian Cases.

The Committee considered two Norwegian cases Nos. 1764 and 1809 and decided to list all the accused on 'A'.

5) United Kingdom Cases.

The Committee took notice of an apology for absence sent by Mr. Kent and decided to consider the United Kingdom cases on the agenda with the understanding that all cases which might raise difficult questions would be adjourned for next week. The Committee decided upon the addendum to one old case and upon the following 35 new cases, of which 4 were adjourned:

962 (Addendum)	3 and 4 on 'A', with all the amendments proposed by the National Office.
1740	1 on 'A', 2 - 5 on 'W'. (see note below)
1741	On 'A'.
1742	On 'A'.
1743	This case was adjourned because it appeared that LIMMER should also have been charged and two persons (SCHLICHTLING and RICKISCH) listed as witnesses.
1744	On 'A'.
1745	On 'A'.
1746	On 'A'.
1747	On 'A'.
1748	On 'A'.
1749	1 on 'A', 2 on 'C'.
1750	On 'A'.
1751	On 'A'.
1765	On 'A'.
1766	This case was adjourned because it appeared that a number of persons should also have been listed as witnesses.
1767	On 'A'.
1768	On 'A'.
1769	On 'A' (WOIZTITZ as a possible accused No. 4)
1770	On 'A'.
1771	On 'A'.
1772	On 'A', plus SOMMER on 'W'.
1773	On 'A'.
1774	On 'A'.
1775	On 'A'.
1776	On 'A'.
1777	On 'A', plus BIER on 'W'.

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- 1778 This case was adjourned because it appeared that a number of other persons should also have been charged.
 1779 On 'A'.
 1780 On 'A'.
 1781 1 and 2 on 'A', 3 and 4 on 'C'.
 1782 On 'A'.
 1783 On 'A'.
 1784 Adjourned because the responsibility of the accused GRAUL had not been sufficiently established.
 1785 On 'A'. Witnesses on 'W'. (see note below).
 With regard to this case, the Committee decided to ask Mr. Kent to communicate the particulars concerning the second crime (committed in the Netherlands against a Dutch national) to the Dutch National Office.
 1786 On 'A'.
 1787 1 on 'A', 2 on 'C'.

With regard to cases Nos. 1740 and 1785, Dr. MAYR-HARTING raised the question whether the Commission should list not only enemy witnesses but also witnesses of allied nationality in cases requested by National Offices. He felt that such a departure from the present practice would have been justified and advisable in order to enable the appropriate authorities to locate such witnesses and to secure the necessary control of their movements in case they should be required by the prosecuting agencies.

In connection with this matter, the Committee took notice of a letter of 30th October 1945 received from Mr. Kent of the United Kingdom National Office in which he described the procedure applied generally by the United Kingdom authorities in regard to the retention of witnesses and expressed his understanding that even the enemy witnesses who were not themselves concerned with the commission of war crimes and in cases where their attendance could be relied upon, such witnesses were subjected to minimum of inconvenience.

After some discussion the Committee decided to list in future also witnesses of allied nationality, who were residing in a country or territory other than that of a requesting Government or its agency.

II. EXTRADITION OF FRANCO SCASSELATI.

The Chairman submitted for consideration a letter received from the Yugoslav Representative on the Commission requesting the Commission to issue the necessary certificate for the extradition of Franco Scasselati who had been listed by the Commission and had taken refuge in Switzerland.

The Committee decided to report this matter to the Commission that afternoon with the recommendation to issue such a certificate.

III. THE DISPOSAL OF GENERAL HARTMANN (Commission's List No.7, Serial 122)

The Committee took notice of a letter of 31st October 1945 received from CROWCASS requesting instructions as to the disposal of General Hartmann who had been listed on the Commission's list No.7. and decided to submit this matter to the Commission for consideration as to what steps should be taken in view of the fact that General Hartmann was commanding German security troops on the Eastern Front, i.e. Caucasus and South Ukraine, and apparently no country represented on the Commission was interested in prosecuting him.

IV. THE CASE OF COLONEL LANGSDORFF.
(Docs. I/34 and I/43.)

After the case had been reported on by Col. Wade, the Committee decided to submit this matter to the Commission for a decision as to the procedure which should be generally adopted in cases of Italian charges against German war criminals.

The Chairman expressed his understanding that the original intention of this Committee was that the Italian Government could present cases of this kind which could be eventually taken up as Commission charges.

No.36.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Notes of the Meeting of Committee I held on Wednesday
31st October 1945, at 10.30 a.m.

In the Chair: Lord Wright, (Chairman of the Commission.)

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	United States of America,
Mr. Beaumont,	United Kingdom,
Major Dr. Fanderlik,	Czechoslovakia,
Dr. Mayr-Harting,	Czechoslovakia.

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

Mr. Burdekin,	New Zealand,
Mr. Kent,	United Kingdom,
Dr. Cyprian,	Poland,
M. Ziller,	France.

In the absence of M. de Baer, Lord Wright took the Chair.

I. Minutes of the Last Meeting.

On the motion of Captain WOLFF, the Notes No.35 of the last meeting were amended to the effect that the last paragraph on page 6 should read as follows:

" Captain WOLFF said that the accuracy of this document should be carefully checked by the Legal Officers as well as by the Research Officer. He suggested that the following passages be deleted on page 19: the first entire paragraph and the 5th sentence of the 2nd paragraph. He stated that it was unnecessary to express an opinion on the accuracy of the mentioned passages; even if we assume their accuracy, they would seem to be unnecessary and might give rise to controversy. "

The Committee also took notice of two amendments sent by Sir Robert CRAIGIE who was unable to attend the meeting, to the effect that in the 3rd paragraph on page 2 the word "strongly" in the first line should be omitted and in the second line of the same paragraph the word "Italian" should read "Yugoslav".

II. Proceedings in Individual Cases.

1) Polish Cases.

The Committee considered one Polish case, No.1083 and decided to list all the accused on 'A'.

2) French Cases.

The Committee decided upon 12 French cases as follows:

- 1710, 1 on 'A'. 2 and 3 on 'C'.
1711, On 'A'.
1712, 1 - 6 on 'A'. 7 on 'C'.
1713, 1 and 2 on 'A'. 3 on 'W'.
1714, On 'A'.
1715, The accused on 'A' plus REISER on 'W'.
1716, This case was adjourned in order to enable the French National Office to supplement the charge with the police ranks of members of the Gestapo and with the description in full of the various sections of the Gestapo indicated only by numbers.
1717, On 'A'.
1718, The accused 1 - 4 on 'A'. Suspects 1 - 14 on 'S'.
1719, On 'A'.
1720, On 'A'.
1721, 1 - 3 on 'A'. 4 on 'W'.

3) United Kingdom cases against Germans.

The Committee decided upon the addenda to two old cases and upon 13 new United Kingdom cases as follows:

- 789, (Addendum) MARIANELLO as the accused No.4. on 'A'.
961, (Addendum) All on 'A' with all the amendments proposed by the National Office.
1489,) 1 on 'A'. 2 - 4 adjourned pending further investigation
1490,) by the National Office.
1491,) On 'A'.
1726, On 'A'.
1727, On 'A'.
1728, On 'A' with the understanding that the accused's name was corrected for KRAUSE or KRAUS instead of Kreutzen.
1729, 1 on 'A'. 2 on 'C'.
1730, On 'A'.
1731, On 'S'.
1732, On 'A'.
1733, On 'S'.
1734, On 'A'.
1735, 1 on 'A'. 2 - 4 adjourned pending further investigation as to their identity.

4) United Kingdom Cases against Japanese.

The Committee decided upon the following 7 United Kingdom cases:

- P.22, 1, 2, 3, 4, 7, 11, 12, 13 and 14 on 'A'.
5, 6, 8 and 15 on 'C'.
9 and 10 on 'W'.
P.23, 1, 2, 3, 4, 7, 10, 11, 12, 13 and 14 on 'A'.
5, 6, 8 and 15 on 'C'.
9 on 'W'.
P.24,) 1, 2, 3, 4, 6 and 8 on 'A'.
P.25,) 5 and 7 on 'C'.

94

- P.26, 1, 2, 3, 4, 7, 9, 10 on 'A'.
5, 6, and 8 on 'C'.
- P.27,) 1, 2, 3, 4, and 6 on 'A'.
P.28,) 5, 7 and 8 on 'C',
9 on 'W'.

The Committee further decided to list all the persons mentioned in paragraph 3 sub (1), (2) and (3) of the addendum to the above cases, on 'W'.

5) United States Cases.

The Committee decided upon 10 United States Cases against Japanese and 2 cases against Germans as follows:

- P.29, 1 and 2 on 'A', Witness left out.
P.30, 'A'. Witness left out.
P.31, 'A'. Witness left out.
P.32, Both on 'A' with the understanding that the accused No.2. was commandant of the Prisoner of War Camp.
Witness left out.
P.33, On 'A' with the understanding that the accused No.2. was commandant of the camp. Witness left out.
P.34, On 'A'. Witness left out.
P.35, On 'A'. Witness left out.

In all the above cases the witnesses were left out because the persons indicated were not enemy witnesses.

- P.36, On 'A'.
P.37, On 'A' with the understanding that the accused No.2. was commandant of the camp.
P.38, On 'A'.
1631, (Previously adjourned). After some explanation by Captain Wolff the Committee considered the facts presented in this case as constituting a prima facie case of ill-treatment and decided to list all the accused on 'A'.
1739, 1 and 3 on 'A'. 2 on 'C'.

6) Belgian and Yugoslav Cases.

The consideration of the Belgian and Yugoslav cases was adjourned because no representatives of the National Offices concerned were present.

- III. (a) Report on Arrest of persons listed by the Commission (Doc.I/40)
(b) Report on Trial of persons listed by the Commission (Doc.I/42)
(c) The case of Colonel Langsdorff (Summary of Information No.34)(Doc.I/43)

The consideration of these three items was adjourned.

No.35.
26th October 1945.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes No.35 on the Meeting of Committee I held on 24th October 1945
at 10.30 a.m.

Chairman, M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	United States of America.
Sir Robert Craigie,	United Kingdom,
Dr. Mayr-Harting.	Czechoslovakia.

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

Lord Wright,	Chairman of the Commission,
Dr. Zivković	Yugoslavia,
Mr. Kent,	United Kingdom,
Mr. Burdekin,	New Zealand,
M. Ziller.	France.

I. Proceedings in Individual Cases.

1) Yugoslav Cases Nos.1323, 1339, 1461 and 1462.

Dr. ZIVKOVIC opened the discussion on the above four Yugoslav cases which had been previously adjourned several times (see Docs. I/25 and I/30). With regard to case No.1323, Dr. ZIVKOVIC referred to his addendum which shows that Yugoslav citizens were sentenced by the Special Court as well as persons described as Italians of Yugoslav race. He expressed his view that all members of this special Italian court should be held responsible for sentencing Yugoslav citizens and so far as Italian citizens of Yugoslav origin were concerned the respective crimes should be regarded as crimes against humanity. Dr. Zivkovic proposed that the perpetrators of these crimes should be listed on special lists by the United Nations War Crimes Commission.

With regard to case No.1339, he said that this case was closely connected with the previous one and stressed the fact that all the victims were ill-treated and many atrocities committed when they were awaiting trial by the special court in Rome. Among the detained and mal-treated persons was at least one Yugoslav citizen, namely Professor CERMEJ, who had never been of Italian citizenship.

With regard to the case No.1461, Dr. Zivkovic pointed out that only paragraph 3 referred to crimes against Yugoslavs of Yugoslav citizenship.

M. de BAER pointed out that crimes committed by Italians against Italian citizens of Yugoslav origin were in point of law on an equal footing to crimes committed by Germans against Germans or by Italians against Italians.

Dr. MAYR-HARTING was in favour of listing forthwith those who had committed crimes against Yugoslav nationals and postponing the decision with regard to crimes against Italian citizens until the question how to proceed against perpetrators of crimes against humanity will have been settled. He referred to the discussions taking place in Committee III on this subject.

Yugoslav Sir Robert CRAIGIE felt ~~strongly~~ that it would be a mistake to leave crimes against ~~Italian~~ nationals unpunished and expressed his agreement with the proposals put forward by Dr. Mayr-Harting.

Captain WOLFF said: It appears that many of the crimes were committed by Italians against Italians, and while it is stated that some of the victims were of Yugoslav origin this would not appear to be relevant to the problem. In view of these circumstances it is felt that the accused should not be listed by the Commission but that the cases should be more properly referred to the Allied Control Commission for Italy.

When the Committee started examining Dr. ZIVKOVIC's addendum in detail, Sir Robert CRAIGIE said that the addendum had not been sent to him. He declared that he had no objection to the Committee examining it but his final attitude he would state in the Committee's next meeting.

The Committee decided to limit its present discussions to those parts of the four cases in which Yugoslav citizens were among the victims. The following were the principal decisions taken by the Committee on the cases mentioned under I - XI of the Yugoslav addendum to the Charge No. 1323.

Paragraph I. Having regard to the fact that the Yugoslav National, Professor CERAMELJ was among the victims the Committee decided to put the persons involved in this case on 'A', Sir Robert CRAIGIE reserving in this, and in all the following cases, his decision. (This decision of the Committee concerns the accused Nos. 1, 7, 13, 16, 17, 24 and 26, who go on 'A'.)

Paragraph II. This crime concerns only Yugoslav victims. It was decided to put the persons involved on 'A'. (This decision concerns the accused Nos. 4, 7, 12, 20, 27 and 39 and a man called PALMERI: there are two men with the family name of Palmeri, contained in the list of accused, namely No. 19, Gaetano Palmeri and No. 30, Alessandro Palmeri. The Yugoslav National Office will therefore have to be asked to indicate ~~who~~ of these two persons is involved in this particular crime.)

Paragraph III. Because it is not stated that Yugoslav citizens were among the victims of this crime, this part of the case was adjourned.

Paragraph IV. This paragraph concerns a crime committed before the outbreak of the war between Yugoslavia and Italy. The case was therefore adjourned.

Paragraph V. After discussion the Committee took note of the statement made by Dr. ZIVKOVIC to the effect that the victims of this crime were uniformed members of the Yugoslav gendarmerie who had not crossed the Yugoslav/Italian border when performing their military duty of

M. de BAER pointed out that crimes committed by Italians against Italian citizens of Yugoslav origin were in point of law on an equal footing to crimes committed by Germans against Germans or by Italians against Italians.

Dr. MAYR-HARTING was in favour of listing forthwith those who had committed crimes against Yugoslav nationals and postponing the decision with regard to crimes against Italian citizens until the question how to proceed against perpetrators of crimes against humanity will have been settled. He referred to the discussions taking place in Committee III on this subject.

Yugoslav Sir Robert CRAIGIE felt ~~strongly~~ that it would be a mistake to leave crimes against ~~Italian~~ nationals unpunished and expressed his agreement with the proposals put forward by Dr. Mayr-Harting.

Captain WOLFF said: It appears that many of the crimes were committed by Italians against Italians, and while it is stated that some of the victims were of Yugoslav origin this would not appear to be relevant to the problem. In view of these circumstances it is felt that the accused should not be listed by the Commission but that the cases should be more properly referred to the Allied Control Commission for Italy.

When the Committee started examining Dr. ZIVKOVIC's addendum in detail, Sir Robert CRAIGIE said that the addendum had not been sent to him. He declared that he had no objection to the Committee examining it but his final attitude he would state in the Committee's next meeting.

The Committee decided to limit its present discussions to those parts of the four cases in which Yugoslav citizens were among the victims. The following were the principal decisions taken by the Committee on the cases mentioned under I - XI of the Yugoslav addendum to the Charge No. 1323.

Paragraph I. Having regard to the fact that the Yugoslav National, Professor CERNELJ was among the victims the Committee decided to put the persons involved in this case on 'A', Sir Robert CRAIGIE reserving in this, and in all the following cases, his decision. (This decision of the Committee concerns the accused Nos. 1, 7, 13, 16, 17, 24 and 26, who go on 'A'.)

Paragraph II. This crime concerns only Yugoslav victims. It was decided to put the persons involved on 'A'. (This decision concerns the accused Nos. 4, 7, 12, 20, 27 and 39 and a man called PALMERI: there are two men with the family name of Palmeri, contained in the list of accused, namely No. 19, Gaetano Palmeri and No. 30, Alessandro Palmeri. The Yugoslav National Office will therefore have to be asked to indicate ~~who~~ of these two persons is involved in this particular crime.)

Paragraph III. Because it is not stated that Yugoslav citizens were among the victims of this crime, this part of the case was adjourned.

Paragraph IV. This paragraph concerns a crime committed before the outbreak of the war between Yugoslavia and Italy. The case was therefore adjourned.

Paragraph V. After discussion the Committee took note of the statement made by Dr. ZIVKOVIC to the effect that the victims of this crime were uniformed members of the Yugoslav gendarmerie who had not crossed the Yugoslav/Italian border when performing their military duty of

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patrolling and reporting. The Committee decided to put the persons involved in this crime on 'A'. (This decision concerns the accused Nos. 2, 8, 11, 15, 17, 20, 23 on 'A'.)

Paragraph VI. This paragraph concerns two Yugoslav citizens who had been sentenced for getting into touch with the American Consul General in Zagreb. Dr. ZIVKOVIC said that this was sufficient to establish a prima facie case. Captain WOLFF was not so sure about that, having regard to the fact that it all happened under military occupation. The Legal Officer, Dr. SCHWELB mentioned that in his view, the belligerent occupation had no extra-territorial effect and could not affect ships sailing in the western hemisphere. The Committee decided that Dr. Schwelb should report on this legal question in more detail for the next meeting. This part of the case was adjourned.

Paragraph VII. The victims in this case were Italian citizens serving in the Yugoslav army. This part of the case was adjourned.

Paragraph VIII. When this part of the case was discussed, it appeared doubtful to some of the members whether what had been committed, was a war crime. The Yugoslav victims had been sentenced for maintaining liaison with the British. If this allegation had been genuine, the Italian authorities would have been entitled to suppress such activities. The case was adjourned to enable the Yugoslav National Office to furnish additional information showing that the judges had no reason to believe the allegation to be true. Dr. Zivkovic further mentioned that the court trying this case was not a court which the occupation authorities were entitled, under International Law, to establish in the occupied territory, but it was an Italian court Established in Italy for the suppression of the opponents of the fascist régime.

Paragraph IX. This part of the case was adjourned because in the opinion of the Committee the material so far furnished had not established a prima facie case against the accused as many Continental legal orders allowed the punishment of certain crimes committed by foreigners abroad.

Paragraph X. Having regard to the fact that among the victims was one Yugoslav national serving in the Yugoslav army of Liberation (Jardis), the Committee decided to put the persons involved in this part of the case on 'A'. (This decision concerns the accused Nos. 2, 8, 13, 16, 18, 25 and 26.)

Paragraph XI. In this part of the charge which concerns sentences passed upon the internees of the LIPARI Islands Concentration Camp, the Committee expressed its opinion that the Italian authorities would, at the utmost, have been entitled to make use of disciplinary powers against the internees. There was, therefore, the suspicion that a crime had been committed by sentencing the internees to hard labour for many years. It was, therefore, decided to put the persons involved in this crime on 'B'. (This decision refers to the accused Nos. 5, 9, 17, 22, 29 and 33 and one of the two accused Palmeri (19 or 30)).

Paragraph XII. Dr. ZIVKOVIC declared that no particular person was charged with the crime described under XII of the addendum.

In the case No. 1339, Dr. ZIVKOVIC declared that he would supplement the charge by giving additional information about the accused No. 2. (General CORTE). The persons named under 1, 3, 4 and 5 were put on 'A' because they were responsible for the ill-treatment, inter alia of the

Yugoslav national Dr. Cernelj, No.1. being the chief and Nos. 3, 4 and 5 the actual perpetrators and members of the Italian OVRA, the Italian Fascist police organisation, corresponding to the German Gestapo. As to the accused No.2, the charge was adjourned.

In the case No.1461, Dr. ZIVKOVIC declared that he would place before the Committee additional information about the geographical position of the places mentioned in paragraph 3 of the charge and about the nationality of the victims mentioned there. His proposal to adjourn this case was agreed to.

In the case No.1462, Dr. ZIVKOVIC proposed that it should be dealt with as a charge alleging crimes against humanity. The case was accordingly adjourned.

Regarding the question how to dispose of those parts of the charges 1323, 1461 and 1462, which did not allege crimes committed on allied territory or against allied nationals, but which accused the persons named of crimes against humanity, Dr. MAYR-HARTING proposed that this question should be referred to Committee II (Enforcement) with the request that Committee II should, before making its recommendations, have regard to the recommendations of Committee III which at present was discussing the problem of crimes against humanity.

Captain WOLFF proposed that Dr. Zivković should separate those parts of the charges which dealt with crimes against humanity from those which contained charges of war crimes proper. He proposed again that the charges containing allegations of crimes against humanity should be referred to the Allied Control Council for Italy.

A decision on this question was adjourned until the report of Committee III on the case of Sepp Dietz (No.26) will be before Committee I.

Having regard to the fact that M. de Baer will not be in London next week, it was further decided that the final decision of these cases as far as they concerned war crimes proper will be made in the Committee's meeting of 7th November 1945.

In case Sir Robert CRAIGIE or any other member of the Committee should not express their disagreement with the decision as to listing persons upon that part of the cases which referred to war crimes proper against Yugoslav nationals, the case of these accused will not be further discussed in Committee I and they will be put on the appropriate list after the meeting to be held on 7th November.

2) British Cases.

The Committee decided upon the addenda to 8 old cases and upon 13 new United Kingdom cases as follows:

(a) Addenda.

1489,	On 'C'
1490,	On 'C'
1491,	On 'C'
1560,	No change. It remains on 'C' because the additional information transmitted by the United Kingdom National Office was not considered sufficient.
1562,	Both new names on 'A'.
1563,	This case was adjourned on the proposal of Mr. Kent, for further clarification by the National Office of the evidence presented in this case.

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789 and 961. The consideration of these two cases was postponed until next week.

(b) New Cases.

1643. Captain WOLFF stated that he was not in full agreement with all details of the opinion expressed in Dr. Schwelb's paper I/41, but had no objection to listing the accused on the ground that the case disclosed a wanton act not justified by military necessity, because military necessity does not admit of cruelty or infliction of suffering for revenge. It was decided to list the accused on 'A'.
1644. On 'A'. This case was brought up by the United Kingdom National Office on behalf of Australia.
1645. 1 on 'A', 2 on 'W'.
1646. On 'A'.
1647. On 'A'.
1648. On 'A'.
1649. On 'A' with the understanding that Article 31 of the Convention of 1929 (Prisoners of War) be added by the Committee as an additional description of the crimes referred to in this case.
1650. 1 on 'C', 2 on 'A', 3 and 4 on 'C'.
1651. On 'A'.
1652. On 'A'.
1653. 1 - 4 plus SCHMIDT on 'A'.
1654. On 'A'.
1655. On 'A'.

3) United States Cases.

The committee decided upon the following 13 United States Cases:

1656. On 'A'.
1657. 1 on 'A', 2 and 3 on 'S'.
1658. On 'A'.
1659. On 'A'. witness left out (not enemy witness)
- 1660, 1661,)
- 1662, 1663,)
- 1664, 1665,) On 'A'.
- 1666,)
1667. 1 and 2 plus VOLLBEHR on 'A'.
1668. On 'A'.

4) French Cases.

The Committee decided upon the addenda to 5 old cases and upon 53 new French cases as follows:

(a) Addenda.

441. On 'A'.
564. On 'A' plus WILMOUTH on 'W'.
663. 1 and 2 on 'A'. 3 adjourned for further information to be supplied by the National Office. 4 on 'C'.
728. On 'A'.
1517. On 'A'.

(b) New Cases.

1669. 1 - 15 plus Marx or Max on 'A'. 16 and 17 on 'W'.
 1670. 1, 2 and 3 on 'A'. 4 - 8 on 'S'.
 1671. On 'A'.
 1672. Both on 'S'.
 1673. On 'A'.
 1674. On 'A'.
 1675. 1 - 11 on 'A'. 12 - 16 on 'S'.
 1676. On 'A'.
 1677. On 'W'.
 1678. 1 - 4 on 'A'. SCHLINDER and HOFFELDER on 'W'.
 1679, 1680, }
 1681, 1682, } On 'A'.
 1683, }
 1684. Adjourned for the necessary identification of the unit involved.
 1685, 1686, }
 1687, 1688, }
 1689, 1690, } On 'A'.
 1691, 1692, }
 1693, 1694, }
 1695, 1696, }
 1697. On 'A', plus OTTO on 'W'.
 1698. 1 on 'A', 2 and 3 on 'W'.
 1699. On 'S'.
 1700. On 'A'.
 1701. On 'A'.
 1702. 1 on 'A', 2 on 'S'.
 1703. On 'A'.
 1704. On 'A'.
 1705. 1, 2 and 3 on 'A'. 4 on 'S'.
 1706. On 'A'.
 1707. 1 plus Robert X. on 'A'. 2 on 'W'.
 1708. On 'A'.
 1709. On 'A'.
 1710 - 1721. The consideration of these cases was adjourned until the next meeting.

5) Belgian Cases.

There was not sufficient time to deal with the Belgian cases and it was decided that they should be adjourned until next week.

II. Report by the Legal Commission of The Free German Movement. (Doc.C.152.)

The Chairman submitted for consideration the report prepared by the above mentioned Commission concerning the persecution of the German anti-Nazis since 1933.

Captain WOLFF was in favour of giving more opportunity to members of the Committee for careful study of this very extensive document. Captain Wolff further suggested, that one paragraph and one sentence be deleted on page 19 of this report, i.e. the whole of the first paragraph on this page and out of the heading "The Protestant Church" the fifth sentence beginning with the words "A great majority" up to the words "conflict with Protestantism" because of the inaccurate statements they implied.

*Amended
Dec No 36.*

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It was decided to propose to the Commission that afternoon the deletion of these two items from the report as well as to ask the legal officers of the Commission to check up the accuracy of other statements of this document.

- III. (a) Report on Arrest of persons listed by the Commission (I/40)
(b) Report on Trial of persons listed by the Commission (I/42)

The consideration of these two reports was adjourned.

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ES.

No.34.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes No.34 of the Meeting of Committee I held on 17th October 1945
at 10.30 a.m.

Chairman,

M. de Baer, (Belgium)

There were also present:

Members of Committee I and their deputies:

Sir Robert Craigie,
Captain Wolff,

United Kingdom,
United States of America,

Members of the Commission, not Members of Committee I.

M. Golstein,
Professor Gros,
Dr. Zivković,

Belgium,
France,
Yugoslavia.

I. Minutes of the Last Meeting.

On the motion of Captain Wolff, the Minutes No.33 were amended to the effect that paragraph 5 on page 3, should be corrected as follows:

" 5 Yugoslav Cases, Nos.1323, 1339, 1461 and 1462.

As regards these four cases, Captain Wolff stated that they raised novel and difficult questions which should be carefully studied. As Colonel Hodgson had been out of town recently and had therefore ~~been~~ unable to give as much attention to these cases as he felt was necessary, Captain Wolff proposed to adjourn these cases for another two weeks. This was agreed."

Captain Wolff further proposed that if the Minutes of a meeting were altered, the entire Minutes should be re-issued. After discussion, this was agreed to, with the qualification that the re-issue should take place only if substantial alterations were made and that only the pages affected should be re-issued. Accordingly, in the present case, only page 3 of Minutes 33 will be re-issued.

II. Procedure in Individual Cases.

1) Belgian Cases:

The Committee decided upon the new Belgian Case No.1591, in putting all the accused on 'A', and further decided upon the following addenda to Belgian cases as follows:

907,	All new names on 'S'
989,	All new names on 'A'
1107,	On 'A'.
1486,	On 'A'.

2) Yugoslav Cases.

The Committee decided on the addendum to the case No.956 in putting the two new names on 'A'.

It further decided upon the following 6 new Yugoslav cases, as follows:

1592,	1 - 11 on 'A' 12 on 'S'.
1593,	On 'W'
1594,	On 'A'
1595,	On 'A'
1596,	On 'A'
1597,	1 on 'A', 2 on 'W', 3 on 'C'.

With regard to the adjourned Yugoslav cases Nos. 1323, 1339, 1461 and 1462, Dr. ZIVKOVIC referred to the addendum to the case 1323 from which he said, it follows that almost all the accused had committed crimes against Yugoslav nationals.

Captain WOLFF moved that these four cases which are rather complicated, should not be dealt with in a summary manner. In his opinion they should be examined in detail on the basis of Doc. I/25.

To that, Dr. ZIVKOVIC replied that the points raised in Doc. I/25 had been answered in the addendum submitted by the Yugoslav National Office.

Having regard to the long time the examination of these four cases would take, the Committee decided, with the consent of Dr. Zivković, that the Luxembourg, French and American cases which were on the agenda should be dealt with first and the adjourned Yugoslav cases afterwards.

When the Luxembourg, French and American cases had been dealt with (see below), there was not sufficient time left to deal with the adjourned Yugoslav cases and it was decided that they should be again adjourned till next week, but that they were to be taken as the first item on the agenda.

3) Luxembourg Cases.

The committee decided upon the four Luxembourg cases 1598 - 1601 and put all the accused persons on 'A'.

4) French Cases.

The committee decided upon the addenda to the French cases 732 and 1355 and put all persons named in the addendum to 732 on 'A' and the person named as No.2. in No.1355 also on 'A', the persons named in 1, 3, 4 and 5 of the addendum being already on 'A' on account of the original charge. The Committee further decided upon the following 26 French cases:

1602,	All on 'A'.
1603,	All on 'A'.
1604,	M. de Baer expressed complete agreement with the proposal set out in Paragraph V of Doc. I/39. A discussion followed in which Captain WOLFF proposed that the unit rule should be applied in this case.

Mr. SCHWELB explained that in the analogous French case No. 1445, in his note prepared for the meeting held on 12th September 1945, he had proposed the application of the unit rule to the Gestapo of Vichy. Committee I, when deciding the case No.1445, had considered itself bound by Doc. C.149 the Czechoslovak Oswiecim charge, where it had been laid down, inter alia, that officials of the security police will be listed on 'A' from a certain rank upwards. Because in the case of the French charge against the Gestapo of Vichy, the Police rank of the individual accused was not known, the

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decision of the case No. 1445 was based on the principle that a) all those who were charged with specific crimes would go on 'A', b) all members of the Gestapo staff, including translators and interpreters, who were not charged with specific crimes, would go on 'S' and c) typists would go on 'W'. Because the results of the application of this rule would not be satisfactory in the present case, he had now proposed, in Doc. I/39, that in cases where the police rank of a person is not known, but the S.S. rank is, those members of the staff of the Gestapo should be, ipso facto, listed on 'A', who had an S.S. rank from a certain rank upwards. Mr. Schwelb stated that he had made this proposal in deference to Doc. C.140 by which Committee I had considered itself bound in the previous case No. 1445.

Professor GROS stated that in his view all members of a Gestapo unit should go on 'A', if the unit as such was accused of a crime, but he did not oppose to except from that people who had been only typists, as distinguished from translators and interpreters.

Captain WOLFF said that the subtle differentiation in the Czechoslovak Oswiecim case had been made in view of the technical difficulties connected with a proposal to put several thousand persons, whose names were not known, on 'A'. In his opinion, Committee I should not consider itself bound by the principles applied in the Oswiecim case when deciding the present charge, where the technical difficulties of the Oswiecim case were absent.

This was agreed to.

The case was decided as follows:

Nos. 9, 13, 17 and 19 on 'S'. No. 20 on 'W'.
All others, including Lackner, on 'A'.

1605,	1 and 2 on 'S'.
1606,	1 - 6 on 'A'.
1607,	1 and 2 on 'W'.
1608,	1, 2 and 31 on 'A', 3 - 30 on 'S'.
1609,	1 and 2 on 'A', 3 - 43 on 'S'. 44 - 49 on 'W'.
1610,	On 'A'.
1611,	1 - 3 on 'A', 4 on 'S'.
1612,	1 on 'A'.
1613,	1 on 'W'.
1614,	1 on 'W'.
1615,	1 on 'A', and Lydia Friedli on 'W'.
1616,	

Doc. I/38 was considered and it was decided to place the accused on 'A' on the first count. The Committee were of the opinion that Hornung had compelled the inhabitants to do work at places where military operations were actually being conducted. The case fell, therefore, within the notion of military operations, as distinguished from military preparations.

1617,	1 - 48 on 'A', 49 - 54 on 'W'.
1618,	1 on 'A', 2 on 'W'.
1619,	1 and 2 on 'A'.
1620,	1 on 'A'.
1621,	1 on 'W'.
1622,	1 and 2 on 'W'.
1623,	1 - 3 on 'A'.
1624,	1 on 'A'.
1625,	

It was decided to put the accused SCHNIEBERT on 'A' because what he had done was not only contrary to Article 52 of the Hague Regulations, but constituted also the ordering of slave labour.

1626, 1 on 'A'
1627, 1 - 4 on 'A'.

5) United States Cases.

The Committee decided upon the following 15 United States cases, as follows:

1628, Supplementing the charge, Captain WOLFF said that "Wanted Reports" had been sent by the U.S. War Crimes Branch to CROWCASS with regard to all the accused. That meant that the U.S. War Crimes Branch has evidence that all the accused persons had taken an active part in the ill-treatment of prisoners of war, with which they are charged. On that basis, it was decided to put all the accused, 1 - 15 on 'A'.

1629, It was decided to put 1 - 5 on 'A' and 6 on 'W', Captain WOLFF having undertaken to give additional information as to the identity of the persons mentioned under 1 and 3.

1630, 1 - 5 on 'A'.

1631, This was adjourned in order to enable the U.S. National Office to give additional information.

1632, All on 'A'.

1633, 1 on 'A'.

1634, 1 on 'A' and Ellenberger on 'W'.

1635, 1 and 2 on 'A' on the assumption that additional information making identification of No.2. possible, will be supplied.

1636, 1 - 3 on 'A'.

1637, 1 on 'A'.

1638, 1 on 'A'.

1639, Captain WOLFF supplemented the information contained in the charge by stating that the charge against the accused No.1. was based on his own admission. It was decided to put 1 on 'A' and 2 - 6 provisionally on 'S'.

1640, On 'C'.

1641, 1 and 2 on 'A'.

1642, 1 on 'A'. 2 and 3 on 'W'.

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ES.

No.33
Page 3 (a)

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Page 3 of Minutes No.33 of the Meeting of Committee I
held on 3rd October 1945, as amended by decision of the
Meeting of Committee I held on 17th October 1945,
(Minutes No.34).

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No. 33.
Page 3 (a)(4) Belgian Cases.

The Committee decided upon 21 cases and two addenda, as follows:
Nos. 1572, 1573, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1585,
1586, 1587, 1589, all on 'A'.

1570, All on 'S'.
1571, 1 on 'A', 2 on 'W'.
1574, 1 on 'W', 2 on 'C'.
1575, 1, 2 and 3 on 'C', 4, 5, 6, and 7 on 'S'.
1584, The Commandant of the camp on 'A'. Others on 'C'.
1588, 1 on 'S', 2 on 'C'.
1590, 1 left out, 2 - 8 and 12 on 'A'. 9, 10 and 11 on 'S'.
Nos. 628 } (Addenda) the accused 1 - 34 on 'A'. Witnesses: 1 and 2
1109 } left out, 3 - 8 on 'W'.

(5) Yugoslav Cases Nos. 1323, 1339, 1461 and 1462.

As regards these four cases, Captain Wolff stated that they raised novel and difficult questions which should be carefully studied. As Colonel Hodgson had been out of town recently and had therefore been unable to give as much attention to these cases as he felt was necessary, Captain Wolff proposed to adjourn these cases for another two weeks. This was agreed.

IV. STERILIZATION IN GERMANY (Doc. I/35.)

It was decided that further information received from Dr. Lang on this subject should be sent to the Control Council for Germany for investigation, and circulated to all the National Offices for information.

1.41

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16th October 1945.

ES/MG.

Dear Dr. Liang,

Referring to to-day's conversation, I would like to confirm that according to the wishes expressed by you, the question of the classification of cases by the Main Commission on the one hand and by the Far Eastern and Pacific Sub-Commission on the other, will not be discussed at tomorrow's meeting of Committee I.

I, further, have pleasure in enclosing a copy of Committee I document I/37 which was meant as a basis of discussion for Committee I.

Yours sincerely,

ES

Legal Officer.

Dr. Y. Liang,
Chinese Embassy,
49, Portland Place,
London, W.1.

1.411

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16 October 1945.

Correction of Minutes No. 33 (Committee I) from Capt. Wolff

The statement appearing on page 3 under number 5 should be corrected as follows:

As regards these four cases Captain Wolff stated that they raised novel and difficult questions which should be carefully studied. As Colonel Hodgson had been out of town recently and had therefore been unable to give as much attention to these cases as he felt was necessary Captain Wolff proposed to adjourn these cases for another two weeks. This was agreed.

No.33.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Notes No.33 of Meeting of Committee I held on 3rd October 1945.

Chairman,

M. de Baer (Belgium),

There were also present:

Members of Committee I and their deputies,Captain Wolff,
Sir Robert Craigie,
Dr. Mayr-Harting,United States of America,
United Kingdom,
Czechoslovakia,Members of the Commission, not members of Committee I, and
representatives of the National Offices.Lord Wright,
Dr. Zivković
Mr. Kent,
Captain J. Rosselli,Chairman of the Commission,
Yugoslavia,
United Kingdom,
France.I. MINUTES OF LAST MEETING.

On the motion of Captain WOLFF, the Minutes No.32 of the last meeting were amended to the effect that the paragraphs on page 3, regarding the Yugoslav cases Nos.1323, 1339, 1461 and 1462 should read as follows:

" Dr. ZIVKOVIC proposed the adjournment of these cases until next Wednesday. It was his intention to give more opportunity to members of the Committee for careful study of these cases and especially of the reports prepared on these cases by himself and Dr. Schwelb.

" The Chairman suggested to refer all the legal problems arising out of these cases, for the consideration of Committee III.

" Captain WOLFF stated that two questions must be distinguished in regard to these cases: (a) the question of criminal responsibility of judges, and (b) the jurisdiction of this Commission in matters concerning crimes committed by Italians against Italians of Yugoslav race.

" As regards (a), reference to Committee III was unnecessary because this Committee had already in a long line of cases, evolved certain guiding principles concerning the responsibility of judges for crimes committed in exercise of their function. As regards (b), Captain WOLFF was of the opinion that Committee I should try to come to a decision before referring the cases to Committee III. "

II. DISPOSAL OF GENERAL KANSTEIN.

Referring to what was decided on this matter at the Commission's last meeting, the CHAIRMAN said that a cable from the Danish Ministry for Foreign Affairs had been received, to the effect that the Danish authorities request that Kanstein be handed over and transferred to Denmark for investigation, although no concrete charges against him had been established at present.

It was decided to bring this matter to the notice of the Commission and to notify the Danish Government's request to Crowcase and to the appropriate military authorities in Italy.

III. PROCEEDINGS IN INDIVIDUAL CASES.

(1) United Kingdom Cases.

The Committee decided upon 18 cases and one addendum, as follows: As regards Cases Nos. 1555, 1557, 1558, 1559, 1561, 1562, 1563, the Committee decided to list all the accused on 'A'.

- 1553. The accused on 'A'. Smitt on 'W' (mentioned in the affidavit.
- 1554. 1 and 2 on 'A'. 3 on 'C'. KUBISCH, NIMITZ and HANISCH, (mentioned in the affidavits), on 'W'.
- 1556. This case was adjourned on the proposal of Mr. KENT, in order to furnish further information.
- 1560. On 'C'.
- 1564. 1 on 'A', 2 on 'C'.
- 1540. (ADDENDUM) KEITEL and BERGER on 'A'.
- 1258. 1, (HERTZEL) on 'A'. 2 on 'C'.

In the following five cases it was decided to adjourn the decision in respect of some of the persons accused because the Committee felt their responsibility for the alleged crimes had not been sufficiently established:

- 1565. 1, 2 and 3 on 'A'. 4, 5, 6, 7, and 8 adjourned. 9 on 'C'.
- 1566. 1 and 2 on 'A'. 3, 4 and 5 adjourned. 6 on 'C'.
- 1567. 1 on 'A'. 2, 3 and 4 adjourned
5 on 'S' - with the understanding that he is not an American citizen.
- 1568. 1 on 'A', 2 and 3 adjourned. 4, 5, and 6 on 'C'.
- 1569. 1 on 'A', 2, 3, 4 and 5 adjourned. 6 on 'C'.

(2) Reclassification of 'C' Cases.

The Committee decided upon the reclassification of the two United Kingdom cases, as follows:

- No. 34, BEAR, on 'A'.
- No. 35, No Change.

(3) French Case No. 1445.

Applying the principle agreed upon in the meeting held on 19th September 1945, (see Minutes No. 31), the Committee decided to list all persons charged in this case as follows: (Numbers of persons are those indicated in Doc. I/32.)

- The following 53 go on 'A' 3, 7, 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 24, 26, 28, 31, 33, 34, 35, 36, 38, 39, 40, 42, 43, 44, 45, 47, 49, 53, 54, 57, 58, 61, 62, 65, 66, 68, 70, 71, 72, 73, 74, 77, 80, 82, 86, 91, 92, 94, 96, 97, 100.
- The following 36 go on 'S' 1, 2, 5, 6, 18, 20, 21, 23, 27, 29, 30, 32, 37, 41, 48, 50, 51, 52, 55, 56, 59, 63, 64, 69, 75, 76, 78, 79, 85, 87, 88, 89, 93, 95, 98, 99.
- The following 11 go on 'W' 4, 8, 12, 25, 46, 60, 67, 81, 83, 84, 90.

It was decided to bring this matter to the notice of the Commission and to notify the Danish Government's request to Crowcase and to the appropriate military authorities in Italy.

III. PROCEEDINGS IN INDIVIDUAL CASES.

(1) United Kingdom Cases.

The Committee decided upon 18 cases and one addendum, as follows: As regards Cases Nos. 1555, 1557, 1558, 1559, 1561, 1562, 1563, the Committee decided to list all the accused on 'A'.

- 1553. The accused on 'A'. Smitt on 'W' (mentioned in the affidavit.
- 1554. 1 and 2 on 'A'. 3 on 'C'. KUBISCH, NIMITZ and HANISCH, (mentioned in the affidavits), on 'W'.
- 1556. This case was adjourned on the proposal of Mr. KENT, in order to furnish further information.
- 1560. On 'C'.
- 1564. 1 on 'A', 2 on 'C'.
- 1540. (ADDENDUM) KEITEL and BERGER on 'A'.
- 1258. 1, (HERTZEL) on 'A'. 2 on 'C'.

In the following five cases it was decided to adjourn the decision in respect of some of the persons accused because the Committee felt their responsibility for the alleged crimes had not been sufficiently established:

- 1565. 1, 2 and 3 on 'A'. 4, 5, 6, 7, and 8 adjourned. 9 on 'C'.
- 1566. 1 and 2 on 'A'. 3, 4 and 5 adjourned. 6 on 'C'.
- 1567. 1 on 'A'. 2, 3 and 4 adjourned
5 on 'S' - with the understanding that he is not an American citizen.
- 1568. 1 on 'A', 2 and 3 adjourned. 4, 5, and 6 on 'C'.
- 1569. 1 on 'A', 2, 3, 4 and 5 adjourned. 6 on 'C'.

(2) Reclassification of 'C' Cases.

The Committee decided upon the reclassification of the two United Kingdom cases, as follows:

- No. 34, BEAR, on 'A'.
- No. 35, No Change.

(3) French Case No. 1445.

Applying the principle agreed upon in the meeting held on 19th September 1945, (see Minutes No. 31) the Committee decided to list all persons charged in this case as follows: (Numbers of persons are those indicated in Doc. I/32.)

The following 53 go on 'A' 3, 7, 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 24, 26, 28, 31, 33, 34, 35, 36, 38, 39, 40, 42, 43, 44, 45, 47, 49, 53, 54, 57, 58, 61, 62, 65, 66, 68, 70, 71, 72, 73, 74, 77, 80, 82, 86, 91, 92, 94, 96, 97, 100.

The following 36 go on 'S' 1, 2, 5, 6, 18, 20, 21, 23, 27, 29, 30, 32, 37, 41, 48, 50, 51, 52, 55, 56, 59, 63, 64, 69, 75, 76, 78, 79, 85, 87, 88, 89, 93, 95, 98, 99.

The following 11 go on 'W' 4, 8, 12, 25, 46, 60, 67, 81, 83, 84, 90.

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(4) Belgian Cases.

The Committee decided upon 21 cases and two addenda, as follows:
 Nos. 1572, 1573, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583,
 1585, 1586, 1587, 1589, all on 'A'.

1570. All on 'S'.
 1571. 1 on 'A', 2 on 'W'.
 1574. 1 on 'W', 2 on 'C'.
 1575. 1, 2 and 3 on 'C', 4, 5, 6 and 7 on 'S'.
 1584. The Commandant of the camp on 'A'. Others on 'C'.
 1588. 1 on 'S'. 2 on 'C'.
 1590. 1 left out, 2- 8 and 12 on 'A'. 9, 10 and 11 on 'S'.
 Nos. 628) (Addenda) the accused 1 - 34 on 'A'. Witnesses: 1 and 2
 1109) left out, 3 - 8 on 'W'.

(5) Yugoslav Cases Nos. 1323, 1339, 1461 and 1462.

See
 corrected
 statement.

As regards these four previously adjourned cases, Captain WOLFF stated that these cases raised some difficult problems which must be carefully studied. As Colonel Hodgson had been away for some time, and had not had an opportunity to study them, Captain Wolff proposed to adjourn the discussion again for two weeks. This was agreed.

IV. STERILIZATION IN GERMANY (Dec. 1/35)

It was decided that further information received from Dr. Lang on this subject should be sent to the Control Council for Germany for investigation, and circulated to all the National Offices for information.

No. 32.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Notes No. 32 of Meeting of Committee I. held on 26th September 1945.

Chairman: M. de Baer, (Belgium)

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	U.S.A.,
Sir Robert L. Craigie,	United Kingdom,
Mr. Beaumont,	United Kingdom,
Dr. Mayr-Harting,	Czechoslovakia,

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

Lord Wright,	Chairman of the Commission,
Dr. Zivković	Yugoslavia,
M. Golstein,	Belgium,
Mr. Kent,	United Kingdom.

Before commencing the business, the Chairman extended cordial greetings to the Rt. Hon. Sir Robert Leslie Craigie who assumed his duties as representative of the United Kingdom Government on the Commission and at the same time, his membership of Committee I.

I. PROCEEDINGS IN INDIVIDUAL CASES.1) United Kingdom Cases.

The committee decided upon 24 United Kingdom cases, as follows:

In regard to cases Nos. 1495, 1496, 1497, 1498, 1499, 1500, 1501 and 1502, 1539, 1542, and 1544, the Committee decided to list all the accused on 'A'.

As regards cases Nos. 1478, 1537 and 1538, all the accused were placed on list 'A' and in addition, the Committee decided to put on list 'W', persons indicated in the affidavits attached to these cases.

No. 1488. 1 on 'A', 4 on 'C', 2 and 3 left out.

Nos. 1489,) These were adjourned to enable the United Kingdom National
1490,) Office to make the necessary changes in accordance with the
1491,) evidence attached to these charges, from which it appeared
that the crimes were committed by Germans only and there
was not sufficient ground to bring charges against Italian
authorities.

Nos. 1492,) The Chairman pointed out that crimes described in these
1493,) charges were minor offences and that the accused involved
1494,) could not possibly be put on the same level as Germans
involved in, for instance, crimes committed in concentration
camps. There was also a danger of holding such persons
indefinitely in custody before proceedings could be started.

Mr. KENT informed the Committee that the British National Office proposed to prosecute those persons in any case and he hoped that procedure in such instances could be decided in a very short time. He also proposed to adjourn these cases indefinitely with the understanding that he would inform the Committee at the appropriate time of the procedure adopted in cases of this kind.

No.1536. 1 on 'A', 2 on 'C'.

No.1540. Colonel WADE drew attention to the fact that marching of prisoners across Germany was ordered by the German authorities of the highest level and accordingly, some of the top people responsible for such orders should have been charged also. The Committee decided to put all the accused on 'A' with the understanding that Mr. Kent would make an addendum following the suggestion of Colonel Wade.

No.1541. Both on 'C'.

No.1543. 1 and 2 on 'A', 3 on 'C'. The decision in regard to all other members of the respective Gestapo unit was adjourned.

No.1545. 1, 2 and 3 on 'S'. 4, 6, and 7 on 'A'. 5 on 'W'.

Captain WOLFF mentioned that in this case one of the victims was an American national and that from a letter sent to him by Mr. Kent, he understood that the British National Office intended to proceed with these charges only so far as British victims were concerned.

2) Belgian Cases:

The Committee decided upon 4 cases and one addendum as follows:

No.1546. 1 on 'A', 2 on 'C'.

No.1547. Both on 'A'.

No.1548. 1 on 'A', 2 on 'C'.

No.1486. Was adjourned on the motion of the Belgian National Office in order to furnish further information about the unit involved.

Nos.898 and 907. (Addendum) on 'S'.

3) Yugoslav Cases:

The Committee decided upon four new cases, four previously adjourned cases and one addendum, as follows:-

No.1549. Both on 'A'.

No.1550. 1 adjourned, 2 - 5 on 'A'.

No.1551. 1, 2, 3, 5, 6, 7, on 'A'. 4 on 'C'.

No.1552. All on 'A'.

No.1463. (Addendum) All on 'A'.

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Nos. 1323,) Dr. ZIVKOVIC proposed the adjournment of these cases until
 1339,) next Wednesday. It was his intention to give more oppor-
 1461,) tunity to members of the Committee for careful study of
 1462,) these cases and especially of the reports prepared on these
 cases by himself and Dr. Schwelb.

Captain WOLFF said that two questions must be distinguished in regard to these cases: (a) the question of criminal responsibility of judges, and (b) the jurisdiction of this Commission in matters concerning crimes committed by Italians against Italians of Yugoslav race.

At (a), reference to Committee III was not necessary because this Committee had already, in a long line of cases, dealt with the principle that judges are responsible for crimes committed in the exercise of their function. At (b), Captain Wolff was of the opinion that Committee I should try to achieve the decision itself before considering referring the question to Committee III.

Amended - see Minutes No. 33

4) French Case:

No. 1445. The Committee decided to adjourn this case because the representative of the French National Office was not present.

II. CHARGES AGAINST 576 GERMAN CRIMINALS TRANSMITTED BY THE JEWISH AGENCY FOR PALESTINE. (Doc. I/31)

The Chairman presented the paper prepared by Dr. Schwelb. It was decided to adjourn the matter so as to enable the Chairman of the Committee to raise this matter this afternoon at the Commission's meeting and contact the Polish Representative on the Commission, as to what proposals he could make in this respect and how the material presented by the Jewish Agency for Palestine could best be disposed of by the Commission.

III. MINUTES OF THE LAST MEETING.

On the motion of Dr. MYR-HARTING, it was decided to amend sentence 3 on page 3 of Minutes No. 31 and to insert after the words "against German nationals" the words "before the war", and further on, after the words "Czechoslovak citizens", the words "in March 1939".

IV. CLOSING OF LATEST COMMISSION'S LIST OF WAR CRIMINALS.

Miss Pittendrigh, the Chief Clerk, reported to the Committee that there were already about 1,000 new names of German War Criminals accumulated for a new list. The Chairman suggested to propose to the Commission the closing of a new Commission's list of German War Criminals, and issuing it as a Commission's list No. 14. This was agreed.

V. DOCUMENT I/35 (STERILISATION IN GERMANY.)

DR. SCHWELB informed the Committee that further information had been received from Dr. Lang on this subject and he raised the question whether the paper prepared by him on this matter could be discussed.

Colonel WADE pointed out that this was a matter for the Research Office which had been by-passed in this respect.

On the suggestion of Captain WOLFF, it was decided to adjourn further discussion of this subject until next Wednesday.

VI. DISPOSAL OF PERSONS PLACED ON COMMISSION'S LISTS
Nos. 7 and 9.

Dr. LITAWSKI reported to the Committee that a letter from Croweass had been received asking for instructions as to the disposal of General Kanstein, listed on the Commission's list No.9, who is being detained by Allied Forces Headquarters, Mediterranean Theatre. Taking into account that this man was Chief of the Gestapo in Copenhagen, the Committee decided to approach the Danish Representative on the Commission to ascertain whether his Government could take up the necessary action.

No. 31.
19th September 1945.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes on Meeting held on 19th September 1945, at 10.30 a.m.

Chairman

M. de Baer.

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	U.S.A.
Mr. Beaumont,	United Kingdom,
Dr. Mayr-Harting,	Czechoslovakia.

Members of the Commission not members of Committee I and representatives of National Offices:

Dr. Malézieux,	France,
Dr. Zivković	Yugoslavia.

I. PROCEEDINGS IN INDIVIDUAL CASES.

1. Yugoslav Cases.

The Committee decided upon the following 9 cases in accordance with the proposals contained in the charges: 1503 - 1511.

2. French Cases.

The Committee considered the case No. 1445 which had been adjourned at the last meeting (see minutes No. 30) on the basis of the note prepared by Mr. Schwelb for the Committee meeting of the 12th September, and on the basis of Document I/32.

The Chairman marked 17 persons (in the Doc. I/32) under Nos. 4, 5, 8, 12, 25, 30, 32, 46, 50, 55, 60, 63, 67, 81, 83, 84 and 91 as those who fall within the category of translators and typists and who are, therefore, not proposed for 'A'.

Dr. MAYR-HARTING drew the attention of the Committee to the principle applied with regard to the Czechoslovak Cawiecim charge No. 952 (see Docs. I/13, I/19 and C.140) where Committee I and the Commission had decided to put on 'A' the staff of Gestapo offices from a particular rank upwards.

Captain WOLFF asked why the unit rule was not applied in the present case, and why in the note on the case, Document C.106 and Article 6 of the Charter of the International Military Tribunal were quoted.

Mr. SCHWELB explained that he had quoted these two documents because through them the principle of collective responsibility for members of a unit had been approved on a higher level than Committee I, namely by the Commission in Doc. C.106 and by the four Great Powers in the Charter of the International Military Tribunal.

Dr. MALEZIEUX distinguished the present case from the Czechoslovak Oswiecim charge by pointing out that here one particular unit was charged with a great number of specified and concrete crimes, while in the Czechoslovak case a general principle had been elaborated and applied to persons not known by name. In the present case the names of the accused were known and the identity established.

After further discussion the Committee unanimously agreed to decide this charge on the principle that:

- a) all those who are charged with specific crimes will go on 'A'
- b) all members of the Gestapo staff, including translators and interpreters, who are not charged with specific crimes will go on 'S',
- c) that typists will go on 'W'.

Mr. SCHWELB will place before the next meeting of the Committee a list drafted on these lines.

The Committee further decided upon the following 14 cases in accordance with the proposals contained in the charges: 926 (addendum), 1512, 1513, 1515, 1519 (reference to Blutgruppe left out), 1520, 1524, 1525, 1526, 1530, 1531, 1532 (Doc. I/33 considered), 1533, 1534.

The following 9 cases were decided with some modifications:

- 1514. This is the same charge as the charge No. 1193 but more precise details are given. It was, therefore, decided to treat this charge as an addendum to the charge No. 1193.
- 1516. Proposed witnesses struck out.
- 1517. Schwartz on 'A'. Metzger, alias Metzger, and Jacobs on 'S'. Witnesses struck out.
- 1521. Korvetten Kapitän Schaefer on 'S'. The second Schaefer and the third accused on 'A'. The witnesses struck out.
- 1522. Becker on 'A'. Hermann on 'W'. The French witness struck out.
- 1523. Kotter and Traxceller, alias Traxzeller, on 'A'. Heinz on 'S'. Witnesses struck out.
- 1527. 1, (Tetard) on 'A'. 2 on 'C'. Witnesses struck out.
- 1528. Schmitt on 'A'. All others struck out.
- 1529. Sternkopf on 'A'. Regarding the rest, the case was adjourned, Sternkopf being a Prisoner of War who can be questioned about the particulars of the Russian Colonel and the other persons involved.

The case No. 1518 was adjourned because the Committee wanted to get more information about the nature of the "court" involved in this charge.

3. Czechoslovak Cases.

- 1535. This case was discussed on the basis of the note prepared for to-day's meeting. It was decided to add the Chef des Sanitätswesens der Waffen-SS as No. 51 of the list of the accused and to place 1 - 39, 41, 49 and 51 on 'A', 40, 42 - 48 and 50 on 'S'. As to Nos. 26, 41 and 49, the names are to be entered according to the prepared note.
- No. 26. M. DE BAER expressed the opinion that the accused, Sepp Dietz, should go on 'A'.

Mr. BEAUMONT (United Kingdom) said that Article 6 of the Charter attached to the Agreement of the 8th August is only an indictment and does not as yet constitute a tried and accepted principle of International law. It does not, therefore, provide grounds on which a fact finding body like Committee I (of the United Nations War Crimes Commission) may state that a prima facie case of guilt of a war crime has or has not been established. Furthermore, the United Kingdom Government has not, so far, endorsed the unilateral declaration of the Czechoslovak Government that they have been at war with Germany since October 1938. For chronological reasons, therefore, we cannot agree that this is a war crime.

We fully agree, however, that Dietz, who was guilty of a crime on Czechoslovak soil, should be transferred to the Czechoslovak authorities as a criminal, but not as a war criminal.

Dr. MAYR-HARTING repeated that by the Agreement of the 8th August 1945, crimes against humanity have been assimilated to war crimes, at least in procedure. If crimes committed against German nationals are made the subject of the prosecution by the United Nations, there was really no reason why the crimes committed on Czechoslovak territory against Czechoslovak citizens should not be made the subject of the proceedings of this Commission. *in March 1959*

Captain WOLFF stated that the charge raised difficult questions of law and required further study.

M. de BAER stated that the problem of retrospective criminal legislation was not involved in this case, Sepp Dietz being charged with murder which was a crime at the time it was committed, under any civilised system of law.

Mr. BEAUMONT added that the case might be reviewed in the light of the findings of the International Military Tribunal. At present he could not agree to the proposal to treat Dietz as a war criminal.

Dr. MAYR-HARTING proposed to refer the question to Committee III and this was agreed to unanimously.

II. CASE OF SS. COLONEL LANGSDORF.

After discussion of this case, it was decided that Lord Wright should be contacted on the question whether he agreed with the Commission entertaining Italian charges against German criminals.

III. QUESTION OF A LIST OF WITNESSES.

It was decided that a list of Witnesses should not be produced, but that material containing particulars of relevant witnesses should be circulated to the National Offices to enable them to make use of these witnesses. It was decided that one of the Legal Officers should prepare a paper on the subject.

IV. PROCEDURE IN DEALING WITH PRIVATE CHARGES AGAINST GERMAN AND AUSTRIAN CRIMINALS.

Dr. LITAWSKI asked for a ruling as to what to do with regard to letters which the Commission receives from private persons, containing charges against German and Austrian criminals. It was decided that similar information should be sent to the Control Council for Germany which would be asked to allot it to that Element within the jurisdiction of which the crime had been committed, or the criminal could be apprehended.

///

Ng.30.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes of Meeting of Committee I held on 12th September 1945 at 10.30 a.m.

In the Chair: Captain Wolff (U.S.A.)

There were also present:

Members of Committee I. and their deputies.

Mr. Beaumont,	U.K.
M. Golstein,	Belgium,
Dr. Mayr-Harting,	Czechoslovakia,

Members of the Commission not members of Committee I and representatives of National Offices:

Dr. Malézieux,	France,
Commandant H. Lohorde,	France,
Capitain J. Rosselli,	France,
Mr. Kent,	U.K.
Dr. Zivković	Yugoslavia.

In the absence of M. de Baer, Captain Wolff took the Chair.

I. PROCEEDINGS IN INDIVIDUAL CASES.

1. French Cases.

The Committee decided upon the following 11 cases, in accordance with the proposals contained in the charges: 1443, 1444, 1448, 1450, 1451, 1453, 1454, 1455, 1457, 1458, 1459.

The following 5 cases were decided with some modifications:

1442,	Prince of Hesse on 'W'. Others on 'A'. Proposed witnesses
1446,	No.5, Personnel of Gestapo, Chartres, on 'S' (left out.
1449,	Two witnesses added.
1452,	No.3. (X) on 'C', No.4. (Hanna Paul) on 'W'
1456,	1 on 'S', 2 on 'W', 3 left out.

The committee adjourned the following three cases:

1445,	(Gestapo of Vichy) on the motion of Captain Wolff, in order to make possible further consideration.
1447,	On the motion of Capitain Rosselli who proposed to furnish additional information.
1460,	(Victim an American Airman) Adjournement agreed between Dr. Malézieux and Captain Wolff.

The Committee further decided on the addendum to the French case No. 551.

2. Yugoslav Cases.

On the motion of Dr. Zivković the cases 1461 and 1462, as well as the adjourned cases 1323 and 1339, were adjourned because the important legal questions implied in these four cases are under consideration. Dr. Zivković expressed the wish that these cases should be decided after the return of Lord Wright.

The Committee decided upon the following 10 cases, according to the proposals made by the Yugoslav National Office: 1463 to 1472. The case 1463 was adjourned as to the accused No.9 and No.10.

The Committee also decided upon the addendum to the Yugoslav case No.954.

3. United Kingdom Cases.

The Committee decided upon 9 U.K. cases in accordance with the proposal made by the U.K. National Office. (1473-1477 and 1479-1482)

The case No.1478 (Prisoner of War Camp Boehmisch Truebau, Czechoslovakia) was adjourned on the motion of Mr. Kent.

The Committee further decided on British addenda to the cases Nos. 700 and 340, and on the re-opened 'C' case No.34.

4. Norwegian Cases.

The Committee decided on 3 Norwegian cases, in accordance with the proposals made by the Norwegian National Office, (1483-1485).

5. Belgian Cases.

The Committee decided upon one Belgian case (1487) and adjourned another, (1486), for two weeks. The adjournment took place on the motion of the Belgian National Office, in order to furnish further information about the unit involved.

The Belgian addendum to the case No. 796 was also decided upon.

6. Czechoslovak Case.

The Czechoslovak case No. 26 (Sepp Dietz; crime committed in the Moravian town of Jihlava at the beginning of March 1939) was adjourned for one week on the motion of Mr. Beaumont and Captain Wolff. It was decided that a copy of the old case should be distributed to members.

II. JEWISH AGENCY FOR PALESTINE CHARGES AGAINST 576 GERMAN CRIMINALS.

The consideration of this case was adjourned for two weeks to make it possible that this important case should be considered in the presence of Lord Wright and M. de Baer.

III. CASE OF S.S. COLONEL LANGSDORF.

The discussion of this case, brought up by Colonel Wade, was adjourned for one week.

IV. THE QUESTION OF A LIST OF WITNESSES.

Colonel Wade brought up the question of what steps could be taken by the Commission to secure evidence of war crimes by way of securing witnesses who are not mentioned in individual charges brought before the Commission.

It was decided to put this question on the agenda of next week's meeting.

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No.29 a.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Amendment of Notes of Meeting No.29. (5-9-45.)

At page 2, under: 3) Belgian Cases. the following is to be inserted:

No. 907: 16 names furnished by the Belgian National Office,
put on 'S'.

No. 1305: Nos. 9 - 69 adjourned on 22nd August 1945 (see
minutes No.25), put on 'W'.

1.411

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UNITED NATIONS WAR CRIMES COMMISSION.

No. 29.

*See Amendment
also*

COMMITTEE I.

Notes on the Meeting held on 5th September 1945 at 10.30 a.m.

CHAIRMAN:

M. de BAER.

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	U.S.A.,
Dr. Mayr-Harting,	Czechoslovakia.

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

Lord Wright,	Chairman of the Commission,
Dr. Zivković	Yugoslavia,
M. Golstein,	Belgium,
Dr. Malézieux,	France,
M. Ziller,	France.

I. PROCEEDINGS IN INDIVIDUAL CASES.

1. French cases.

The Committee decided on French addenda to the cases Nos. 4, 13 and 498. In the last mentioned case, Dr. Malézieux, on behalf of the French National Office, supplemented the charge by stating that the Gestapo at BEAUNE is responsible for the massacre at MANLAY. The Committee further decided upon 58 French cases (1371-1375 and 1377 - 1429). The case No. 1376 (Crimes Committed against American Airmen) was adjourned on the motion of Captain WOLFF, with the consent of Dr. Malézieux.

2. Yugoslav Cases.

The Committee decided upon the addendum to the Yugoslav case 622 and upon 10 new Yugoslav cases (1431, 1432, 1433, 1435 - 1441). Case No. 1434 (Charge of systematic terrorism against the population of Italian occupied Yugoslav territory) was considered and it was decided to put all accused on A, with the exception of Bettini (No. 6), Inchiostri (7), Ciubelli (9) and Nicoletti (20).

With regard to these four accused, who are charged with attempts to denationalise the inhabitants of occupied territory, M. DE BAER and Captain WOLFF expressed doubt whether what they were charged with constituted war crimes. Captain WOLFF pointed out that there must be made a distinction between violations of International law on the one hand and war crimes on the other. Only such acts should be treated as war crimes as shocked the conscience of humanity.

Dr. MAYR-HARTING expressed the opinion that, as the Commission had accepted the attempt to denationalise the inhabitants of occupied territory as a war crime, (Appendix to Doc. 1, No. XII) it could not be denied that, in the present case, there was prima facie evidence of this crime.

Captain WOLFF and M. DE BAER having declared themselves against putting the four accused, Nos. 6,7,9 and 20 on A, it was decided to put the question before the Legal Commission (III) and to adjourn the case as far as these four accused were concerned.

The Yugoslav cases 1323 and 1339 were again adjourned on the motion of Dr. Zivković.

3. Belgian Cases.

The Committee decided upon the addendum to the Belgian case No.795 (Buchenwald)

II. MINUTE No. 28.

On the motion of Dr. MAYR-HARTING, the Minutes No.28 dealing with the meeting held on 31st August 1945 between members of Committee I and the delegates from the Associations of German Democratic Lawyers, were amended as follows: Page 3, 1st line of 1st paragraph should read as follows: "Dr. MAYR-HARTING suggested that the gentlemen should be compensated with an amount corresponding to a salary of an official of a National Office."

On the motion of M. DE BAER the same minutes were amended also to the effect that on page one, lines 9 and 3 from the bottom, for the words "Persecution of the Jews" the following words should be inserted: "Persecution of minorities."

III. LETTER FROM W.A. BULMER.

It was decided that the information furnished by W.A. Bulmer should be treated like other similar cases dealing with crimes committed by Germans against Germans. It was decided that a letter of thanks should be sent to the writer of the letter.

IV. THE CASE OF COL. LANGSDORF.

Colonel WADE brought up the case of Colonel Langsdorf dealt with in the Summary of Information No.34. It was decided to adjourn the consideration of this case to the next meeting.

V. REPORT UPON 'C' CASES BY Mr. McCAUSLAND.

The Committee continued the consideration of the report upon 'C' cases prepared by Mr. McCAUSLAND (see minutes No.27, paragraph V). The Committee decided upon cases 350 to 944 dealt with on page 4 of Mr. McCausland's report. The two recent cases, Nos. 1253 and 1258 remain adjourned.

VI. STERILISATION IN GERMANY. (Doc. I/20 and I/29)

It was decided to send a letter, the draft of which is contained in Doc. I/29, to the Control Council for Germany. Mr. Schwelb was charged with the task of consulting Captain Alletson, representative of the Control Council on the Commission, about the proper way to correspond with the Control Council.

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VII. COMMUNICATIONS TO NATIONAL OFFICES.

In order not to delay the production of the lists, the Chief Clerk proposed that the communications to the national offices of the decisions of the Committee should be discontinued and that instead the minutes of Committee I. should be sent to the National Offices concerned.

This was agreed to.

UNITED NATIONS WAR CRIMES COMMISSIONNOTES OF MEETING HELD ON 31ST AUGUST 1945, AT 10.30 A.M. BETWEEN
MEMBERS OF COMMITTEE I AND DELEGATES FROM THE ASSOCIATION
OF GERMAN DEMOCRATIC LAWYERS

Chairman: M. de BAER.

There were also present:

Captain WOLFF - United States of America
Dr. MAYR-HARTING - Czechoslovakia

and

Mr. RAWITZKI - Chairman of the Association of
German Democratic Lawyers.
Mr. HELLENDALL - Secretary of the Association of
German Democratic Lawyers.

M. de BAER opened the meeting and said that it had been arranged in order to discuss points which had been raised in connection with dossiers which the Association of German Democratic Lawyers had been kind enough to send to the Commission. The crimes which had been committed by Germans against Germans in Germany are now considered as crimes against humanity and the military courts of each of the four occupying countries in Germany were dealing with these matters. The Association of German Democratic Lawyers had sent nine cases to the Commission which had been referred to Mr. Justice Jackson's Committee. At their suggestion the Commission had been asked to determine whether the Association of German Democratic Lawyers could prepare a summary which would sum up the subject of Persecution of ~~the Jews~~ ^{minorities} in Germany. M. de Baer asked if this could be done.

Mr. RAWITZKI said that he thought it could be done, and asked for guidance as to what was required.

M. de BAER said that up to the present the Commission had been dealing with particular cases. What was wanted now was a general summary of the entire subject of Persecution of ~~the Jews~~ ^{minorities} in Germany.

Captain WOLFF added that what was wanted was any information that would show the policy of persecution instituted by the German Government since 1933.

Mr. HELLENDALL stated that the Association of German Democratic Lawyers had had the honour to report on a similar question for the Czechoslovak Government at the close of last year, and that they would be glad to undertake the work, but that the question of time would have to be considered.

M. de BAER said that the trials were due to begin at Nuremberg on the 15th October, and the Commission would require the report at the latest by the 25th September in order to give it time to discuss it. The Commission would examine each part of the report in detail and would take the responsibility of submitting it under the authority of the United Nations War Crimes Commission.

M. de Baer stated that each one of the United Nations which had suffered at the hands of Germany had had the opportunity of bringing their grievances before a court. The Commission wanted to put the Association of German Democratic Lawyers in the same position if they wished to avail themselves of the opportunity.

Mr. RAWITZKI said that that was the one great difference between their position and that of the other nations. They had no Government.

Dr. MAYR-HARTING said that Dr. Ecer had pointed out the question of finance. The people who prepared this report would have to be paid.

M. de BAER said that the question of finance would have to go before the members of the Commission, but that perhaps the World Jewish Organisation could finance the people who will prepare the report.

Mr. RAWITZKI said that they had no connection with the World Jewish Congress, and that the Association of German Democratic Lawyers was the only organisation interested in Germany. He was also chairman of the Free German Movement, and both those organisations had very small means. Mr. Rawitzki said that they had tried to contact the World Jewish Organisation but that they had declined to collaborate.

Dr. MAYR-HARTING said that if a question of finance was raised, Dr. Ecer was prepared to support a motion to finance the cost of preparing the report.

M. de BAER said that he was also prepared to support such a motion and asked the delegates of the Association of German Democratic Lawyers what they thought the expense would be.

Mr. HELLENDALL said that it depended on the amount of work which could be done in the allotted time.

M. de BAER said that a report of 5 to 10 pages would suffice.

Dr. MAYR-HARTING said that the Commission had in the past compensated reporters at the rate of £10 for a full-time week.

Mr. RAWITZKI said that it would be a full-time position for him.

Dr. MAYR-HARTING stated that the expense for one full-time person and two part-time assistants would be £20 a week for three weeks.

Captain WOLFF asked Mr. Rawitzki whether he could undertake to prepare a report in three or four weeks if the matter of finance were solved.

Mr. RAWITZKI replied that he thought he would be able to, but if not he would notify the Commission within a few days. He said he would have to go to the libraries and study available material.

M. de BAER said that he could give assistance for the typing of the report, but he could not say whether the Commission would endorse the proposal of £60. expenditure.

Mr. HELLENDALL said that they would start on the work at once in any case. The Report would not be as detailed as they would like owing to the lack of time. He asked whether the Commission wanted it confined to the question of persecution.

M. de BAER said that it should be confined to the Persecution of Minorities.

Captain WOLFF said that the matter of finance would be taken up with the members of the Commission at their next meeting on Wednesday, and the Executive Secretary was asked to telephone to Mr. Rawitzki after the next Commission meeting and inform him of the decision of the Commission on the question of finance.

M. de BAER said that the Association of German Democratic Lawyers should continue to send cases to the Commission, but that they made no commitments as to its disposition.

Captain WOLFF said that he would like to add that the Commission recently sent the cases which the Association of German Democratic Lawyers had sent to the Commission to Mr. Fahy who is the Chief of the Legal Branch of the U.S. Control Commission. The Control Commission has authority to try these cases.

Mr. RAWITZKI said that they had material for new cases and would forward them.

The meeting then adjourned.

SECRET.

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No. 27.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I.

NOTES OF MEETING HELD ON 29th AUGUST, 1945,
at 10.30 a.m.

Chairman: M. de BAER.

There were also present:

Members of Committee I and their deputies:

Captain WOLFF - United States of America.
Mr. BEAUMONT - United Kingdom.
Dr. MAYR-HARTING - Czechoslovakia.

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

Lord WRIGHT - Chairman of the Commission.
Mr. P.H.B. KENT - United Kingdom.
Dr. ZIVKOVIC - Yugoslavia.
Dr. MALEZIEUX - France.

I. Minutes of August 23rd, 1945 (No. 26).

On the motion of Captain WOLFF it was decided to amend paragraph IV of Minutes No. 26 (page 2), para. 6, sentence 2) to the effect that that sentence should read as follows:

"We should seek to determine how the directive was applied in actual practice."

II. Examination of new Cases.

(1) Yugoslav cases.- The Committee decided upon 20 cases (1333-1344, 1364, and upon previously adjourned cases Nos. 461, 600, 601, 1152, 1268, 1265 and 1243). Case No. 1339 was adjourned at the request of Dr. ZIVKOVIC to enable the National Office to transmit further information on the subject dealt with in this charge.

(2) French cases.- The Committee decided upon 16 cases (1345-1360). In regard to case No. 1345 it was decided to change the description of crimes on page 1 (see Dr. LITAWSKI's note). In regard to case No. 1355 the Committee decided to write to CROWCASS for identification of all guards of the camp mentioned in the case. It was also decided to adjourn two cases, i.e., Nos. 1347 and 1359, the reasons for adjournment of the first one being

stated...

stated in Dr. Litawski's note, and the second one in accordance with a request made by Dr. MALEZIEUX.

(3) Luxembourg and British cases.- The Committee decided further on upon three Luxembourg (1361-1363) and six British cases (1365-1370).

With reference to the British case, No. 1365, Mr. KENT explained that this case had been presented on the assumption that the victim was a national of the United Kingdom.

III. Sterilization in Germany (Doc. I/20).

The CHAIRMAN presented the draft letter, prepared by Dr. SCHWELB, to be sent to the Commanding Officers in Germany. Captain WOLFF suggested that this letter should be sent to the Control Commission in Germany rather than to the Commanding Officers, and proposed also to adjourn this matter till the next meeting to enable members of the Committee to discuss the appropriate procedure to be applied in matters like this with members of the Control Commission who were arriving in London that day. This was agreed.

IV. Treasury Solicitor's letter concerning General FALKENHAUSEN.

The CHAIRMAN read a letter sent by the Treasury Solicitor (U.K. National Office) of August 25th, asking for advice as to what steps should be taken to draw attention to certain statements made in General von FALKENHAUSEN's favour. The Committee decided to ask Mr. KENT to transmit the evidence available in this matter to the Commission as well as to General de BAER.

V. Report upon "C" cases.

The CHAIRMAN presented the Report upon "C" cases prepared by Mr. McCausland, and proposed to reconsider only those cases which were indicated in the report as suitable for alteration generally from "C" to "A". This was agreed to. Thus the Committee decided upon all French and Belgian cases and a number of United Kingdom cases as follows: Nos. 529, 532, 534, 166, 275, 276, 272, 344, 345, 346, 615, 179 and 314. In these cases either all or some of the accused had been transferred from "C" to "A". Consideration of the remaining United Kingdom cases was adjourned till next Wednesday.

[H11]

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24th August, 1945.

Dear Captain Wolff,

Referring to our conversation,

--- I have pleasure in enclosing a copy of
Minutes No. 21.

Paragraph IV of these Minutes was
amended at the meeting of August 8th
which was the subject of Minutes No. 22.

Yours sincerely,

E. Schwelb.

Legal Officer.

Captain Wolff,
Aldford House,
Flat 27,
Park Lane, W.1.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 23rd August,
1945, at 10 a.m.

Chairman: M. de BAER.

There were also present :

Members of Committee I and their deputies:

Col. HODGSON	}	United States of America.
Capt. WOLFF		
Major FANDERLIK	}	Czechoslovakia.
Dr. MAYR-HARTING		

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

Lord WRIGHT	Chairman of the Commission.
Col. OLDHAM	Australia.

I. Crowcass Detention List No. 1 (Doc. 1/27)

The note I/27 prepared by Dr. Litawski was discussed.

II. List of Key-Men.

The 3rd list of key-men prepared by Dr. Litawski was discussed. The letter by Mr. Wold, Acting Chairman of Committee III, was read. It is as follows:

"In the course of the discussion of the Potsdam decisions in relation to the problem of war criminals which had been referred to Committee III by the Commission, the question was raised in Committee III which implications, if any, the Potsdam principles had on the preparation of Lists of War Criminals by the Commission, particularly on the production of the so-called key-men lists. After different opinions on this problem had been voiced, details of which you will see from the enclosed Minutes of the meeting held on August 20th, Committee III were of the opinion that the question which bearing the Potsdam decisions had on the producing of lists in general and, particularly, whether the Commission should go on with the preparation of key-men lists, was a matter for Committee I to decide."

The Committee decided not to go on with the production of key-men lists unless asked so to do by the Commission, and to put the 3rd key-men list into the archives of the Commission. This decision will be communicated to Mr. Terje Wold.

III. S.S. Men List

The Committee discussed the list of S.S. personnel prepared by Mr. Schwelb, and decided to send one copy each to Crowcass and to the Control Commission for Germany.

The list of S.S. personnel who have been acting on Belgian territory

and which has been forwarded to the Commission by the Belgian National Office will be added to the list as an annex. M. de Baer's Secretary will forward the necessary copies.

In the covering letter it will be pointed out that it was a list of S.S. men for the overseas information and the persons listed will not be declared to be war criminals.

addressees'

IV. Surrender of War Criminals by SHAEF AND SACMED
(Doc. C.143)

The letter from the Foreign Office to the Chairman of the Commission dated 20th August 1945, was discussed.

the
Dr. Mayr-Harting pointed out that the procedure outlined in the letter diminished the value of the list of persons on the United Nations War Crimes Commission's list.

Lord Wright suggested that Dr. Mayr-Harting should be asked to draft a letter from the Commission to the member Governments referring to the letter C.143 and point out that though a distinction is drawn between persons listed on the lists of the United Nations War Crimes Commission (A) and persons not so listed (B), there was no express difference stated in the procedure in respect of the two types.

If it is to be understood that persons coming under B (persons not listed by the Commission) are to be handed over on receipt of a plain statement, this renders unnecessary the careful procedure adopted by the Commission, from the very beginning, and to some extent, at least, to render the work of the Commission superfluous and nugatory.

Dr. Mayr-Harting mentioned that the National Offices Conference had made recommendations on the question.

Col. Hodgson said that further information would be needed before such a step should be undertaken. The letter was purely hypothetical and we should try as far as possible to reduce matters from hypothesis to actual practice. He thought that it would be preferable to put the question to the Foreign Office. The language of the letter was subject to administrative interpretation.

M. de Baer agreed that it would be preferable to put the letter into the form of a question.

Lord Wright said that he would be disposed to write for the time being a formal letter acknowledging receipt, and in the meantime, make enquiries what the administrative authorities were doing. The Committee should not stiffen up something that probably was elastic.

This proposal was agreed to.

V. Four suggestions concerning Crowcass (Doc. I/28)

M. de Baer's paper (Doc. I/28) was discussed.

Paragraph 1 was agreed to.

After discussion it was decided to propose merely the making of a general recommendation for the continuation of Crowcass beyond the period of lend-lease.

The Executive Secretary, Mr. Lyman, was asked to enquire of Crowcass what would be their attitude to the Commission taking charge of them. It was stated that there was no objection to reading paragraph II of Document I/28 to them.

With regard to paragraph III of I/28, Dr. Mayr-Harting asked why only the United States, Great Britain and France should be represented on the administration of Crowcass.

M. de Baer replied that otherwise the machinery would be too heavy.

Dr. Mayr-Harting said that those three Powers with the possible addition of a 4th and 5th should represent the United Nations War Crimes Commission as a Committee.

M. de Baer said that it was not even proposed for the time being that the Commission should finance Crowcass.

It was therefore decided to hold paragraph III of Doc. I/28 in abeyance, but the Executive Secretary was asked to communicate paragraph III to Crowcass and ask them what they thought of it.

About paragraph IV of Doc. I/28, there was general agreement on it, but it was not clear to whom to address the letter. It was decided to recommend to the Commission to send a note to all member Governments who had not yet stated their view of Document C.123, asking them for a reply to the recommendation contained therein.

M. de Baer was asked to prepare a paper for the Commission on paragraphs I and II of Doc. I/28, paragraphs III and IV being left out for the moment.

VI. The question of two people listed on Key-Men List and wanted by G2.

The Executive Secretary informed the Committee that Col. Palfrey had 'phoned that two persons who are on our lists were also asked for by G2. It was proposed to answer that there was no objection of placing anybody at the disposal of G2, if they remained at the disposal of the Government which had asked for them.

Col. Hodgson remarked that the two persons were on List 9, and drew attention to the prefaces of Lists 7 and 9.

VII. The Crime of Initiating Aggressive War

Lord Wright raised the question of the criminality of waging aggressive war which had been so much discussed in the Commission.

He thought that with regard to the Signatories to the Four Power Agreement, the question was already decided in the affirmative.

He suggested that the replies received on this question from the member Governments should be collected and that a general statement on this question should be made by the Commission.

Mr. Schwelb drew attention to the closely connected work being undertaken by Committee III in connection with the question whether or not the Commission should recommend the member Governments to adhere to the Agreement in accordance with its Article 5.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 22nd August,
1945, at 10.30 a.m.

Chairman: M. de BAER.

There were also present:

Members of Committee I and their deputies:

Col. HODGSON)	United States of America
Capt. WOLFF)	
Major FANDERLIK)	Czechoslovakia
Dr. MAYR-HARTING)	

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

Lord WRIGHT	Chairman of the Commission
Mr. P.H.B. KENT	United Kingdom
Dr. ZIVKOVIC	Yugoslavia
Judge HAMMES	Luxembourg
Dr. MALEZIEUX	France.

Apology for absence was received from Mr. Beaumont.

I. Proceedings in individual cases

1). Luxembourg cases. These cases were again adjourned for a continuation of that meeting to be held at 2.30 p.m. that afternoon.

2). United Kingdom. The Committee decided upon 10 cases (1289 to 1296; 1298; 1299) and adjourned one (1297) the reasons for the adjournment being stated in Mr. Schwelb's note.

3). Belgium. The Committee decided upon 10 cases (1300 to 1309). One of them (1305) was adjourned as to the accused 9 to 69. The reasons are given in Dr. Litawski's note.

4). Yugoslavia. The Committee decided upon 15 cases (1310 to 1322; 1324, 1325) and the addendum to the case No. 1014. The case 1323 (see Doc. I/25) was adjourned on the motion of Capt. Wolff, Dr. Zivkovic concurring. Dr. Zivkovic presented to the Committee an addendum to the charge No. 1311. In the case 1312 the four persons mentioned in Mr. Schwelb's note on this case and taken from J. Col. Wade's report on Neuengamme were added and Dr. Jager was listed as a witness. The decision on case 1320 is based on counts 1 and 2 of the charge only.

5). France. The Committee decided upon six French cases (1326 to 1331) and two addenda (Nos. 217 and 438).

6). Norway. The Committee decided upon case 1332.

II. Sterilization in Germany (Doc. I/20).

It was decided that Dr. Litawski should draft for tomorrow's meeting a letter to be sent to the commanding officers in Germany and to notify the receipt to Dr. Lang. It was decided that, at a later stage, the National Offices should also be informed.

III. Meeting with Association of German Democratic Lawyers.

It was decided to hold the meeting on 31st August, 1945, at 10.30 a.m.

IV. Proposals by M. de Baer (paper containing four suggestions) concerning CROWCASS (Doc. I/28).

This paper was read and discussed. Its further consideration and the remaining items were adjourned to a special meeting to be held on August 23rd, 1945.

The meeting was continued at 2.30 p.m.

The Luxembourg cases 994, 1084, 1085, 1219, 1220 were considered and again adjourned (See Doc. I/23).

The Committee decided upon four Luxembourg cases (Nos. 1285 to 1288). The decision on the annex to charge No. 1288 (Kripo) was adjourned.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 15th August,
1945, at 10.30 a.m.

In the absence of M. de Baer Lord Wright took the chair.

There were also present:

Members of Committee I and their deputies:

Col. HODGSON	}	United States of America
Capt. WOLFF		
Miss RED KITE		
Mr. BEAUMONT	}	United Kingdom
Major FANDERLIK		
Dr. MAYR-HARTING		
		Czechoslovakia.

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

Col. OLDHAM	Australia
Dr. MALEZIEUX	France
M. MARKOVIC	Yugoslavia

I. Research Questions.

These items which had been on the agenda of the meeting of August 13th and could not be dealt with for lack of a quorum were again adjourned owing to pressure of work at the present meeting sitting on VJ-Day.

II. Summoning of meeting with delegates of the Association of German Democratic Lawyers.

This item was adjourned for next week.

III. Charge against the Grand Mufti of Jerusalem.

The Committee decided to ask the Secretary-General to inform the Hebrew Committee of National Liberation in America that the Yugoslav Government have so far submitted no charge against the Grand Mufti.

IV. Proceedings in individual cases.

1. United Kingdom Cases.

The Committee decided upon 10 United Kingdom cases (1251, 1252, 1254 to 1257, 1259, 1260, 1261 to 1263) and adjourned three (1253, 1258 and 1260). The reasons for the adjournments are set out in Mr. Schwelb's note on these cases.

2. Yugoslav cases.

The Committee decided upon 15 Yugoslav cases (1266, 1267, 1269 to 1280, 1283) and adjourned five (1265, 1268, 1281, 1282 and 1284). The reasons for the adjournment of the cases 1265 and 1268 are given in Dr. Litawski's note on them. The case No. 1281 (taking of hostages without shooting them) was adjourned for further information in order to clarify the question whether - provided there was no illtreatment - the taking of hostages constituted a war crime.

3. Luxembourg cases.

The consideration of the cases 1285-1288 was adjourned because no representative of the Luxembourg National Office was present.

4. French cases.

The case No. 947 (Staff des Militärbefehlshaber in France) was again adjourned after a discussion in which Lord Wright, Mr. Beaumont and Col. Hodgson expressed the view that the charge could not be accepted in its present form.

The case No. 1053 (Sinking of French merchantman by Italian submarine) was also adjourned after a discussion of the legal problems involved. (See Documents I/17 and I/17A).

V. Report on Sterilisation in Germany (Doc. I/20).

The consideration of this report was adjourned for next week.

No.23

UNITED NATIONS WAR CRIMES COMMISSION

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COMMITTEE I

Notes of Meeting held on 13th August, 1945
at 11 a.m.

Present: Col. Hodgson (U.S.A.), acting Chairman .
Dr. Mayr-Harting (Czechoslovakia)

There being no quorum the meeting was adjourned.

The agenda (Research Questions) will be dealt with at the
next meeting of Committee I on Wednesday, 15th August, 1945,
10.30 a.m.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 8th August, 1945, at 10.30 a.m. and continued at 2.30 p.m.

Chairman: M. de BAER

There were also present :

Members of Committee I and their deputies :

Col. HODGSON	United States of America
Capt. WOLFF	" " " "
Mr. BEAUMONT	United Kingdom
Major FANDERLIK	Czechoslovakia
Dr. MAYR-HARTING	"

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

Lord WRIGHT	Chairman of the Commission
M. GOLSTEIN	Belgium
Major PALMSTROM	Norway
M. Alphonse ALS	Luxembourg
Dr. ZIVKOVIC	Yugoslavia

I. Minutes of August 1st, 1945 (No. 21)

On the motion of the Chairman it was decided to amend paragraph IV of Minutes No. 21 to the effect that it reads as follows :

"IV. Crimes committed against Germans and Austrians (Doc. I/18)

Col. Hodgson reported that he had approached Mr. Justice Jackson who had read Doc. I/18 with great interest. He (Mr. Justice Jackson) wished to study the matter; the final attitude depended on the outcome of the negotiations which are in progress. Mr. Fahy, Solicitor-General of the United States who was acting as legal advisor to the U.S. Control Group (Germany), would also be greatly interested in these cases. The Military Government Courts act as successors to the German courts and Austrian courts. They had, therefore, jurisdiction to try these cases. It had been suggested that Col. Hodgson write to Mr. Fahy.

Colonel Hodgson was asked by the Committee to act accordingly and the Committee decided to wait until a reply from Mr. Fahy will be forthcoming."

II. Crimes committed in the Belsen Concentration camp

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Lord WRIGHT stated that the trial against Kramer and other members of the Belsen Concentration Camp staff will begin soon and that it would be appropriate to have the names of the accused listed by the Commission. All the names with sufficient particulars, have been supplied to the Commission. Lord Wright proposed that these persons should be listed on a "commission charge".

M. de BAER agreed and proposed that a new list of War Criminals should be closed including all names listed by last Thursday and the names contained in the Commission charge re Belsen, proposed by Lord Wright.

This was unanimously agreed to and Dr. Mayr-Harting drew attention to the

Czechoslovak charge against Kramer (No. 867/Cz/G/16) dealing with a crime committed by him at Dachau. Dr. Zivkovic mentioned that he was in a position to lay before the Committee a new charge, which, inter alia, also referred to crimes committed at Belsen. (Note: This charge was later numbered 1264).

It was decided to ask Col. Wade to furnish copies of these two charges to the English Attorney General's Office.

In connection with the closing of a new list, implied in this decision, Col. Wade drew attention to wishes expressed by functionaries of Crowcass as to the dates to be mentioned in the Lists of War Criminals, particularly the Christian names of the accused and the places where the crime had been committed.

M. de BAER replied that these data were being published wherever they were known.

Lord WRIGHT mentioned the necessity of publishing addenda to the Lists of War Criminals, containing additional information eventually collected. The Secretariat (Secretary General) was asked to undertake this work in conjunction with the Research Office.

III. Proceedings in individual cases

The Committee decided upon one Luxembourg case (1221) and adjourned two (1219, 1220). It decided upon one Belgian addendum (630) and six Belgian cases (1222 - 1226, 1249) and one Norwegian case (1250). It decided upon 23 new Yugoslav cases (1227 - 1242, 1244 - 1248 and 1264) and one case that previously had been partly adjourned (1145). The case 1243 was adjourned, the case 1248 was adjourned as to the accused 1 to 8.

The French cases 947 (Staff des Militärbefehlshabers in Frankreich) and 1053 (Italian submarine case) were adjourned because of the absence of a representative of France.

IV. Crimes committed by Germans and Austrians against German and Austrian nationals.

M. de BAER read the following letter dated August 7th, 1945, which he had received from Col. Hodgson :

"At the August 1st meeting of Committee I, I reported that I had discussed with Mr. Justice Jackson the dossiers filed with the Commission by the Association of Democratic German Lawyers. These dossiers cover alleged offences committed by Germans against Germans in Germany. Two courses of action were reported to the Committee; first, that possibly (depending on the outcome of the present negotiations) the mentioned cases could be made use of in the trial of the so-called major war criminals as examples of the offences committed by the Germans against their own nationals in Germany, and, second, that, inasmuch as the Military Government Courts in Germany have jurisdiction to try cases of offences under German law committed prior to the occupation, the cases could be reported to The Honorable Charles Fahy, legal advisor to the United States Control Group (Germany), to the end that prosecutions be instituted in such courts. The Committee approved both courses, and I am awaiting receipt from the Secretariat of copies of the cases to be sent to Mr. Fahy.

Since then the cases have been discussed again with the Office of the United States Chief of Counsel, and I have received a memorandum concerning them. A copy is enclosed for the information of the Committee."

He further read a "Memorandum for Colonel Hodgson" dated August 6th, 1945, by Colonel Bernays, U.S. General Staff Corps. which was to the following effect :

"2. As you know, Justice Jackson's mission can make only very limited use of individual atrocity cases. However, if the group which presented the cases summarized in the referenced paper have enough material for the purpose, and are willing to do so, they might present a summarization of these cases, appropriately documented, to your Commission, and the latter could then transmit that data to Mr. Justice Jackson if it is of a character approved by your Commission. Consideration could then be given to the possible utilization of this matter in the trial.

3. I would further suggest that care be taken not to commit the Commission or Mr. Justice Jackson to the use of this material on the trial."

After discussion it was decided :

- a) To send to Colonel Hodgson the charges drawn up by the Association of German Democratic Lawyers for the use of The Honorable Charles Fahy, Legal advisor to the U.S. Control Group (Germany).
- b) To inform the Association of German Democratic Lawyers of the step taken and to invite them to send a delegation to Committee I in order to discuss the drawing up by them of the summarization of the cases in accordance with paragraph 2 of Colonel Bernay's memorandum (supra).

V. List of S.S. Men

The Legal Officer, Mr. Schwelb, presented the Draft List of S.S. Men and it was decided to adjourn its consideration for the 22nd August.

VI. List of Key-Men

It was decided to consider the 3rd list of Key-Men drawn up by the Legal Officer, Dr. Litawski, on 22nd August.

VII. Reports by Colonel Wade

The Research Officer, Col. Wade, drew attention to some of the recent Summaries of Information which required action to be taken by Committee I. On the motion of Lord Wright it was decided to hold a special meeting of Committee I in order to deal exclusively with matters presented by Col. Wade. The meeting will be held on Monday, 13th August, at 11 a.m. In the absence of M. de Baer, Col. Hodgson will take the chair.

VIII. Crimes against Italians

The Public Relations Officer, Major Fielden, asked for guidance by the Committee how to reply to an inquiry by a reporter concerning the case of a German Lieutenant Emden who is guilty of atrocities against Italians.

The consideration of this question was continued at 2.30 p.m.; reference was made to Doc. C.11 and Major Fielden was given the necessary information.

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7th August, 1945.

Notes on Yugoslav Cases submitted for consideration
by Committee I

By Dr. Litawski, Legal Officer.

- No. 1227 The short statement of facts (page 1) is not supported by any particulars or explanation on page 2 on what ground the accused Nos. 1 and 2 are being held responsible. If they issued explicit orders to commit the crimes described in the case, it would be very interesting to see the evidence offered on page 3. In that case General SPIGO should have been also charged.
- No. 1229 The "illegality" of cases conducted by the accused is not established. It would be very useful to see the evidence mentioned on page 3.
- Nos. 1230, 1234, 1235, 1236, 1237, 1240, 1241. As to the date of commission of crimes at least the period of the enemy occupation should be specified.
- No. 1230. It appears that the offender STOJANOV should have been also charged.
- No. 1232 a) The official position of the accused No. 3. not identified.
b) It is not clear what kind of orders were issued by the accused No. 1. It would be interesting to see the evidence.
- No. 1238 It appears that the Police Chief of the town BABUSNICA and the Commander of the 25th Infantry Regiment should have been also charged.
- No. 1239 The accused not sufficiently identified (unit)
- No. 1245 Dr. SCHAEFFER'S responsibility not established.
- No. 1248 The responsibility of the accused Nos. 1 - 8 not established. The military authorities in occupied territories were usually not responsible for deporting of people to concentration camps or for conditions in those camps.

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Wednesday, 1.8.45

NOTES
ON CASES SUBMITTED FOR CONSIDERATION OF COMMITTEE I
BY DR. LITAWSKI, LEGAL OFFICER.

YUGOSLAV CASES:

- No. 1123 The accused not sufficiently identified (Units).
- No. 1124 do.
- No. 1131 Same as to the accused No. 3.
- No. 1132 Units not identified.
- No. 1135 do.
- No. 1139 Place of commission of crimes not given.
- No. 1144 It seems that the offences, as presented, are too limited in number (four only), and too insignificant to charge the C.-in-C. of an Army in respect of them. The charge does not give any indication that pillage has taken place on a large scale and systematically.
- No. 1146 a) The accused No. 8 not sufficiently identified (Unit).
b) Responsibility of the accused No. 11 not established.
c) The Yugoslav National Office should give some explanation as to the circumstances in which the described crimes were committed. If they were committed during military operations against the Partisan Forces such acts might be eventually considered as legitimate acts of warfare.
- No. 1147 See note on the case No. 1146 sub. c)
- No. 1157 It is doubtful whether denunciation constitutes a war crime. Why not charge the Commandant of the Bulgarian Police Station at KRUPAC?
- No. 1161 See note on the case No. 1146 sub. c)

FRENCH CASES:

- No. 849 It is not quite clear whether the French National Office proposes to put the accused on List A, S, or W.
- No. 1164 a) The case is quite incomplete.
b) The name of the accused No. 7 seems improbable.
- No. 1167 The responsibility of the accused MATTEL not established.
- No. 1168 Responsibility of the accused 1) and 2) not clearly established.
- No. 1172 HIMMLER and someone of the " Direction " at WIESBADEN should have been also charged. (See statement on page 2).
- No. 1175 Both of the accused not sufficiently identified. (Units).
- No. 1183 The unit AZERBAIDJAN should be placed on A instead of on S.

- No. 1184 The crime was committed in Poland.
- No. 1186 The accused 1-3 and 5 should be placed on S and persons listed as suspects on C. The information is not sufficient to consider the latter even as suspects.
- No. 1203 The accused not sufficiently identified.
- No. 1208 It is doubtful whether the facts as presented in the charge, constitute a war crime.
- No. 1214 The accused not sufficiently identified.
- No. 1215 a) The Case is incomplete as to the date and place of Commission of crime.
b) No indication as to the responsibility of the accused:
PFANNENSTIEL
LINDEN
GRAWITZ
GERSTEN and all persons mentioned in Part III.
- No. 1216 a) The second group of the accused should be placed on A, instead of on S.
b) Persons listed as W, are not enemy witnesses.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 1st Aug.
1945.

Chairman : M. de BAER

There were also present:

Members of Committee I and their deputies :

Col. HODGSON	United States of America
Capt. WOLFF	" " " "
Dr. MAYR-HARTING	Czechoslovakia
Mr. BEAUMONT	United Kingdom.

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

Lord WRIGHT	Chairman of the Commission
Dr. ZIVKOVIC	Yugoslavia
Dr. MALEZIEUX	France
M. STAVROPOULOS	Greece.

I. Proceedings in individual cases

The Committee decided upon 3 Yugoslav addenda (379, 889 and 1010) and partly 38 Yugoslav new cases (1121 - 1126, 1128 - 1131, 1133 - 1142, 1144 - 1145 (partly, adjourned), 1146 - 1149, 1151 - 1161, 1163). It adjourned the following Yugoslav cases: 1127, 1132, 1143, 1145 (partly, partly decided), 1150, 1162.

The Committee further decided upon one French addendum (849) and upon 51 French new cases (1165 - 1184, 1186 - 1209, 1210 (partly, partly adjourned), 1211 - 1214, 1216 and 1217). The case 1165 was withdrawn and two French cases were adjourned (1185, 1215). The consideration of the French case 947 (Staff of the Militärbefehlshaber in France) was also adjourned for next week.

The Committee also decided the Greek case No. 1218.

The Yugoslav case 1143 (debasement of currency and similar activities) was adjourned in order to enable the Yugoslav National Office to give more details both about the facts which they consider to constitute the offence of "debasement of currency" and about the "exorbitant contributions" imposed on the population.

When the French case No. 1165 (murder of American airmen on French territory) was discussed, Col. Hodgson raised objections similar to those recorded in the Minutes No. 13, dated 16th June, 1945, with regard to the Belgian cases 602, 604 and 875. The Committee decided to adjourn case 1165, but later in the proceedings Dr. Malézieux withdrew the case on behalf of the French National Office.

In connection with the case 1174, it was pointed out by Mr. Beaumont that the case should be conveyed to the British National Office. It was decided that this should be done and Mr. Beaumont consented to hand over his copy to the British National Office.

II. The Trial against Kramer and others (Doc. I/21)

The chairman opened the debate on Doc. I/21.

Mr. Beaumont said he could not answer the question at present.

Col. Hodgson saw no legal objection.

Lord Wright expressed the view that this was no business of the Commission and that he regarded the proposal as a luxury of doubtful practical utility. It would be only a matter of grace on the part of the military authorities.

M. de Baer and Dr. Mayr-Harting expressed themselves in favour of the proposal I/21.

Mr. Schwelb, Legal Officer, explained that he had not had in mind that the Commission should send to the trial persons who would act as officers of the Court, but under observer he meant a member in the audience in a public trial.

Col. Hodgson thought that the right way would be to suggest that the Commission would appreciate an invitation.

It was decided to bring the matter up in the Commission that afternoon.

III. Report on the Czechoslovak Oswiecim charge 952. (Documents I/19 and I/19A).

The draft report I/19 by Dr. Litawski, as amended by I/19A (Dr. Mayr-Harting) was agreed to. It will be circulated as a Commission document.

IV. Crimes committed against Germans and Austrians (Doc. I/18)

Col. Hodgson reported that he had approached Mr. Justice Jackson who had read Doc. I/18 with great interest. He (Mr. Justice Jackson) wished to study the matter; the final attitude depended on the outcome of the negotiations which are in progress. Mr. Fahy, Solicitor-General of the United States, would also be greatly interested in these cases. The Military Government Courts act as successors to the German courts. They had, therefore, jurisdiction to try these cases. Col. Hodgson had been authorised by Mr. Justice Jackson to write to the Solicitor-General of the U.S.A. and refer to this authorization.

Colonel Hodgson was asked by the Committee to act accordingly and the Committee decided to wait until a reply from Mr. Fahy will be forthcoming.

V. Sterilization in Germany (Doc. I/20)

The consideration of Dr. Ecer's report I/20 was adjourned.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Notes of Meeting, held on 25th July, 1945.

Chairman: M. de BAER.

There were also present:

Members of Committee I and their deputies:

Colonel HODGSON	United States of America
Captain WOLFF	do.
Mr. BRAUMONT	United Kingdom
Dr. MAYR-HARTING	Czechoslovakia

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

Lord WRIGHT	Chairman of the Commission
Dr. ZIVKOVIC	Yugoslavia
M. STAVROPOULOS	Greece
Mr. KENT	United Kingdom

I. Proceedings in individual cases.

The Committee decided on 16 British cases (Nos. 1075-1082, 1087, 1112-1119), 3 Luxembourg cases, 24 Belgian cases, and adjourned Polish cases.

In the British cases Nos. 1075 and 1082 the Committee decided to change the official position of the accused No. 1 given in these cases to: "Inspector-General of P.O.W. Camps". As to the persons charged under No. 2 in the charge No. 1075, the Committee suggested the British National Office should ask CROWCASS to trace the names of the accused if possible.

In the British case No. 1076 the Committee decided to list all different spellings of the accused's name, i.e. FARSCH, FARSCHS and FASCHE.

In the British case No. 1080 it was decided to leave out the accused No. 2, taking into account that the crime presented in this charge was an individual one.

M. STAVROPOULOS pointed out that in the British case No. 1087 all elements of the crime were Greek, i.e. the ship in which the crime was committed as well as the victims, but he did not therefore wish to interfere with the charge brought by the British National Office. The Chairman suggested to M. Stavropoulos that the Greek National Office might eventually transmit to the Commission a charge of its own.

The Luxembourg cases Nos. 1084 and 1085 have been adjourned for a fortnight in order to ask the National Office for more specification as to the facts presented on Page 2.

In the case No. 1086 it was decided to place the accused No. 2 on the "S" List because his responsibility for the crime had not been quite clearly established.

The CHAIRMAN proposed to adjourn two Polish cases on the Agenda, i.e. Nos. 1083 and 1120 because the representative of the National Office was not present. Dr. LITAWSKI, in reply to Lord Wright, explained that he does not represent the Polish National Office, and that the future of that Office has not yet been decided. Colonel Hodgson expressed his view that the mat/

should be adjourned until the Warsaw Government take the necessary steps. The Committee decided to adjourn both cases.

In the Belgian case No. 1091, the Committee decided to list as war criminal a certain POSCH, Fernand, who, though mentioned in the charge, has been omitted on the list of persons accused.

The Belgian case No. 1093 was adjourned in order that the National Office might be asked for explanations as to the nationality of the victims involved; also as to where the crime had been committed, i.e. in Germany or in Belgium.

It was also decided that the Belgian National Office should be asked for additional information and explanations in the following cases:

- No. 1094 (as to the responsibility of the accused and names or nationality of victims);
- No. 1095 (names of victims and date of commission of crimes);
- No. 1096 (further particulars of crime and place of commission);
- No. 1107 (further particulars of crime and responsibility).

In the Belgian case No. 1098 it was decided to add to the list of accused all members of the staff of the concentration camp.

In the case No. 1100 the Committee decided to change the description of STEPFELMAN's position to: "SS Commandant of the Coke Ovens"; in the case No. 1108 to change a similar description to "the Director" instead of "Direction"; and in the case No. 1104 to add as accused also the Commandant of the camp in question.

In the Yugoslav case No. 974 previously adjourned, Dr. ZIVKOVIC explained that the crimes were committed by a unit but only two members of this unit have been charged as no other persons have as yet been identified. It was decided to list both of the accused on List A.

II. Charges of Germans against Germans and of Austrians against Austrians.

After some discussion upon the report prepared on this subject by Dr. Schwelb, the Committee decided to change its previous decision and not to send this report to any authority. Lord Wright and Colonel Hodgson thought such a step would not be advisable at the moment. Instead, Mr. Justice Jackson's Service in London should be approached and advised of the existence of such cases. If they should be interested in this matter from a practical point of view, they could ask for particulars and material. Colonel Hodgson undertook to consult the representative of the U.S.A. team in this respect and to report the issue at the next meeting.

III. Report resulting from the Czechoslovak Case No. 952.

The CHAIRMAN presented the Draft prepared by Dr. LITAWSKI. Dr. MAYRHARTING asked for some changes to be made in the Draft, and, on the Chairman's request, undertook to make these proposals in writing for next Wednesday.

It was also decided to distribute the final text to members of the Commission instead of to National Offices.

IV. Third List of German Key-men.

This item was adjourned.

V. Other Business.

The CHAIRMAN presented Colonel WADE's Note of July 21st, stressing the need for some machinery to deal with information coming to the Commission's office and denouncing persons responsible for war crimes.

After some discussion it was decided to issue periodically a kind of bulletin giving in concise form notes on information and lists of material available in the Commission's office which might be of interest and of importance to the National Offices for further action. The Chairman was also asked to submit this matter to the Commission for final decision.

Wednesday, 25.7.45.

NOTESon Cases submitted for consideration by Committee I.(By the Legal Officer, Dr. LITAWSKI).British Cases:

- No. 1075. a) Official position of the accused No. 1 given in the case should be changed to: "Inspector-General of P.O.W. camps".
- b) It is doubtful whether it would be useful to ask CROWCASS for names of the accused No. 2; taking into account the circumstances it seems nobody could know these names.
- No. 1076. The case gives three different spellings of the accused's name, i.e. FARSCH, FARSCHE and FASCHE.
- No. 1077. a) Unit not sufficiently described. It should be possible for the British National Office to ask witnesses for it.
- b) Copy of Mrs. HOWLETT'S affidavit is not annexed as mentioned on page 3.
- No. 1078. The unit not sufficiently described. The British National Office should be asked to find it (Witnesses).
- No. 1079. No remarks.
- No. 1080. The unit not sufficiently described. The said Working Commando must have been attached to one of P.O.W. camps in Wehrkreis VIII. In that case it would appear that the Commandant of the appropriate P.O.W. camps should be charged rather than the Commandant of Wehrkreis VIII.
- No. 1081. Unit not described.
- No. 1082. See note on the case No. 1075 sub a).

Polish Case.

- No. 2083. No remarks.

Luxembourg Cases.

- No. 1084. Official position not sufficiently described. The accused as Staatsanwalt must have been attached to a Sondergericht.
- No. 1085. See note as above, No. 1084.
- No. 1086. The responsibility of the accused No. 2 is not quite clearly established.
- No. 1087. No remarks.

Belgian Cases.

General Remark: Charges in all Belgian cases are too summarily presented. They give on page 2 merely general statements of facts instead of particulars of crimes.

- No. 1088. No remarks.

- No. 1089. The responsibility of the accused is not established. He should be considered as a suspect.
- No. 1090. No remarks.
- No. 1091. A certain POSCH, Fernand, has been omitted on the list of persons accused.
- No. 1092. No remarks.
- No. 1093. The victims in this case are Poles and Russians. The Polish National Office should be notified to take action.
- No. 1094. a) All the accused, except No. 2, are not sufficiently identified.
b) The P.O.W. camp is not stated.
c) The responsibility of the accused (for denunciation) is doubtful. The commandant of the P.O.W. camp should be charged.
d) Names of victims and their nationality not given.
- No. 1095. No names of victims.
- No. 1096. a) No names of victims. No particulars of alleged crimes.
b) It is doubtful if this charge deals with a war crime. In any case the matter is of no importance.
- No. 1097. a) No names of victims.
b) The name and surname seem not rightly spelt.
c) It is doubtful if the facts as presented constitute a war crime.
- No. 1098. No names of victims.
- No. 1099. No remarks.
- No. 1100. a) It is not clear in what way the accused are to be held responsible for the crime.
b) Place of commission of crime not sufficiently described (Gneisenau not sufficient.)
- No. 1101. No names of victims and their nationality.
- No. 1102. It is doubtful if the facts as presented constitute a war crime.
- No. 1103. a) The position of the accused not stated.
b) Is it a war crime,
c) No names of victims.
- No. 1104. See notes on the case No. 1103 sub a) b).
- No. 1105. a) The accused not sufficiently identified.
b) Particulars on Page 2 not sufficient to consider them as war crime.
- No. 1106. See notes as above, No. 1105.
- No. 1107. a) See notes as above, No. 1106.
b) Responsibility of the accused not established.

Nos. 1108.)
1109.)
1110.)
1111.)

No remarks.

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British Cases.

No. 1112.

The responsibility of the accused 3 and 4 not established.

No. 1113.

The accused is of Polish nationality. The Polish National Office should be notified.

Nos. 1114.)
1115.)
1116.)
1117.)
1118.)
1119.)

No remarks.

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Polish Case.

No. 1120.

^{signed}
SCHMIDT who ~~signed~~ several of the decrees on behalf of FRANK should also be charged.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

NOTES OF MEETING HELD ON 18TH JULY,
1945, at 10.30 a.m.

Chairman: M. de BAER

There were also present :

Members of Committee I and their deputies

Captain WOLFF	United States of America
Dr. MAYR-HARTING	Czechoslovakia
Mr. BEAUMONT	United Kingdom.

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

Lord WRIGHT	Chairman of the Commission
M. GOLSTEIN	Belgium
Dr. MALEZIEUX	France
Dr. ZIVKOVIC	Yugoslavia

I. Proceedings in individual cases.

The Committee decided on 15 French cases (Nos. 624, 1046 - 1052, 1054 - 1060) and adjourned two (Nos. 732 and 1053). It further decided on 1 Yugoslav addendum (321) and 13 new Yugoslav cases (1061 to 1065, 1067 to 1074). It also decided upon an addendum to the case No. 1063 presented to the Committee by Dr. Zivkovic during the meeting. It adjourned the Yugoslav case No. 1066.

The decision on the French case No. 624 (members of German court martial at Dax and others) is, as far as the members of the court martial are concerned, based on the prima facie proof that the accused members of the court condemned to death captured members of the F.F.I. for the sole reason of this membership.

The French case No. 732 (addenda to the Natzweiler charge) was adjourned because the French National Office will furnish further information and particulars.

The French case No. 1058 (poisoning of Jewish children in the concentration camp Neuengamme) was decided and the accused (Heissmeier) put on A after Dr. Malezieux had stated that among the victims had been children of Allied nationality.

The Yugoslav case No. 1066 (crimes committed by³ tobaccoist in his shop) was adjourned, after discussion, the character of the crimes as war crimes having been questioned.

II. Information to National Offices about cases of great importance.

Dr. Mayr-Harting drew attention to the fact that the proceedings of different National Offices often differ in questions of very great similarity, e.g. the Czechoslovak Government had charged about 2,000 people in connection with Oswiecim - Rajsko, while the Netherlands had charged only about 20 persons for Terepin. He submitted that similar discrepancies were due to the lack of mutual information. M. de Baer and Dr. Litawski, Legal Officer, pointed out that in their opinion this was due not so much to the lack of information

but to a difference of policy.

It was decided that Dr. Litawski should draw up and circulate a summary of the Czechoslovak charge No. 952 and of the way it had been decided by Committee I.

III. Information about sterilisation practiced by Germany.

Dr. Mayr-Harting informed the Committee that his National Office had received valuable information via Switzerland regarding methods of sterilisation practiced by Germany. Several members of the Committee expressed their interest in the matter and Dr. Mayr-Harting promised to make the information available for Committee I.

IV. Accusation against Dr. Willi Jung.

The chairman read a letter by Mr. Robert B. Lehmann to Mr. Grew concerning the criminal activities of Dr. Willi Jung, a close collaborator of Burckel as Gauleiter of the Saar and of Austria.

V. Nazi Atrocities in Innsbruck (Doc. I/12).

After discussion of Doc. I/12 and of the cases submitted by the Association of German Democratic Lawyers (see Minutes No. 10, item 4) it was decided that Mr. Schwelb, Legal Officer, should draw up information about the contents of both the German and Austrian crimes and that the information will be sent to :

The Control Council for Germany.
Mr. Justice Jackson.
The Attorney General.
The Allied Military Authorities in Innsbruck.
The American representative on the Commission.
The British representative on the Commission.
The French representative on the Commission.

VI. List of German Key Men.

This item was adjourned.

UNITED NATIONS WAR CRIMES COMMISSION

Committee I

Notes of Meeting held on
11th July, 1945, at 10.30 a.m.

Chairman: M. de BAER - Belgium

There were also
present:

Members of Committee I and their Deputies

Lt.-Col. HODGSON	- United States of America
Captain WOLFF	- " "
Lt.Col. OLDHAM	- Australia
Dr. MAYR HARTING	- Czechoslovakia
Mr. BEAUMONT	- United Kingdom

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

Lord WRIGHT	- Chairman of the Commission
M. GOLSTEIN	- Belgium
Professor GROS	- France
Dr. MALEZIEUX	- "
M. CLASEN	- Luxembourg
Mr. PRICE	- United Kingdom
Dr. ZIVKOVIC	- Yugoslavia

I. PROCEEDINGS IN INDIVIDUAL CASES

Part 1: Adjourned Cases

(a) The French case 947 (Staff of Militärbefehlshaber in France)

Professor GROS expressed his desire that the discussion on this case (see minutes Nos. 15, 16 and 17, the Summary of Information No. 31 and Document I/10) should be re-opened. He said that the charge was in effect based on the facts collected

- (i) in the Official Report by the Inter-Allied Sub-Committee on Dispossession; and
- (ii) in the Reports (Summaries of Information) of the Research Department of this Commission dealing with the problem of looting.

It was only due to a mistake in typing that the reference to these two sources had been left out in the charge 947. Professor Gros added that the Inter-Allied Sub-Committee (i) had been appointed on an official level by all the Governments after the Inter-Allied Declaration of January 5th, 1943 and read out the last two paragraphs of this Declaration. (Note: An extract from the Declaration is being circulated to members of Committee I in Document I/15) Professor Gros went on to say that the result of the enquiry by the Inter-Allied Sub-Committee was a report of 47 pages which was in the hands of the Foreign Offices of all the member governments. The Soviet Union was also represented on the Inter-Allied Sub-Committee. The Report was a complete record of everything that had been done in Europe by way of dispossession and looting and he (Professor Gros) could not suppose that this valuable report was covered by dust. He read out the names of the

prominent allied experts who had been serving on the Inter-Allied Sub-Committee and declared that he would write to Mr. Gregory, the head of the United Kingdom Trading with the Enemy Department asking him to consent to circulating this report to the members of Committee I.

Having further regard to the valuable reports by Colonel Wade he (Professor Gros) had thought that there was no further necessity of arguing the case.

Professor Gros referred to Mr. Justice Jackson's report and expressed the opinion that the persons named in the document attached to the charge No. 947 were all members of a "unit" which was collectively responsible. It was difficult to make a difference between the head of the section, the deputy head and other officials. The principle of collective criminality and collective responsibility must be applied to the case. All the named persons were executants of a German policy of dispossession. Before circulating the report of the Inter-Allied Sub-Commission, he wanted a preliminary discussion of the question whether the principle of collective responsibility was applicable. Finally, Professor Gros also referred to the statement made by the Under-Secretary of State, Ministry of Economic Warfare, Mr. Dingle Foot, in the House of Commons on October 26th, 1944.

Monsieur de BAER was of opinion that the discussion would be more useful if the Committee had the Inter-Allied report before it.

Lord WRIGHT agreed and said that we might resume the discussion in a week, when we have got the Report.

It was decided again to adjourn the examination of this case.

(b) The Czechoslovak case No. 952 (Oswiecim-Rajsko)

After a discussion, in which Mr. Beaumont, Captain Wolff, Dr. Mayr-Harting and Colonel Hodgson took part, it was unanimously decided to accept the Czechoslovak charge, as amended by Dr. Ecer's communication received on July 2nd, 1945, on the basis of the Report I/11.

(c) The Yugoslav Case No. 940

After a discussion, in which the memorandum submitted by the Yugoslav National Office and the Report I/13 were considered, it was decided to put the accused 1-21 on A, the accused 22-37 on S.

Part 2: New Cases and addenda.

In addition to the proceedings in the three cases mentioned above (947, 952, and 940) the Committee decided upon 11 Belgian cases (Nos. 980 to 990) and 2 Belgian addenda (Nos. 139 and 795). It decided upon five Luxembourg cases (991 to 993, 995, 996) and adjourned one (994). It further decided upon two Yugoslav addenda (954 and 969) and 18 Yugoslav cases (997 to 1014). Four British cases (1015-1018) were decided. Finally the Committee decided upon 22 French cases (Nos. 1020 to 1024, 1026 to 1038, 1040 to 1045) and adjourned three (1019, 1025 and 1039). It decided upon one French addendum (No. 443) and adjourned one (624).

(a) The Luxembourg case No. 991 (Landgerichtsdirektor Adolf Raderschall).

It was unanimously decided to place Raderschall, who has been arrested and is detained by forces of the U.S. occupation army on A. On the motion of Captain Wolff it was decided that the basis for the Commission's decision is the last count of the charge: the allegation that Raderschall as member of a Standgericht is responsible for the condemnation to death (in 21 cases) of Luxembourg patriots who had protested against the introduction, on 30.8.1942, of compulsory military service with the German Army and against the conferment of German citizenship on Luxembourg nationals.

(b) The Luxembourg case No. 993 (Leo Drach, Erster Staatsanwalt und Stellvertretender Kommissar für die Staatsanwaltschaft).

It was unanimously decided to put Drach, who is also detained by the United States forces on A, the ratio decidendi being in this case, similarly as in the case of Raderschall (No. 991) the accusation that Drach, as public prosecutor, has demanded the death sentence on the Luxembourg patriots, by the Standgericht, of which Raderschall was a member.

(c) The Luxembourg case No. 994 (Dr. Lüdtké, Senatspräsident des oberlandesgerichtlichen Senates und Stellvertretender Kommissar für die Justizverwaltung) was adjourned because the Committee thinks it advisable to get more details about the constitution and procedure of the Sondergericht of which Lüdtké was president.

Dr. MAYR HARTING drew attention to the similar Czechoslovak case re Sondergerichte and expressed the opinion that the provisions regarding Sondergerichte were the same throughout the territories "annexed" (as distinguished from merely occupied) by Germany.

(d) The Luxembourg case No. 995 (Théodore Gervers, director of the Prison at Luxembourg-Ville)

It was unanimously decided to put Gervers on A, the decision being based on the second and third counts of the charge (responsibility for the illtreatment of prisoners and transportation of accumulated goods to Germany).

(e) The Yugoslav Case No. 1014. (Terrorism in Krusevac, Kragujevac and Cacak)

It was decided to strike out items 16 and 19 (H. Kori G.m.b.H. and Didier Werke A.G. Ofenbau) and to add Meissner and Grabenhofer in accordance with the Note I/14. to A. All other named persons go also on A.

(f) The French case 1019 (General Brenner and Commander Richter: tortures, massacres, pillage and arson at Rouffignac) was adjourned, on the request of Dr. Malézieux, because Colonel Wade stated that he could not identify General Brenner as commander of the 44th Division B. There is a General Brenner, but he is a Police General commanding the 6th SS. Panzer Division. The number 304631 does not convey any information either.

(g) The French case 1025 (Oberland and others, pillage, murder and arson at St. Nazaire en Royans) was adjourned in order to get some more information.

(h) The French case 1039 (Meyer and others, destruction of the radio installations of Radio-Normandie at Louvetot (Seine Inférieure))

M. de BAER raised the question whether the destruction of the radio installation of Radio Normandie was not an act of legitimate warfare.

Dr. MALEZIEUX replied that in his opinion it was a war crime because the perpetrators had no valid reason to destroy it.

Captain WOLFF said that in August 1944, the Germans were certainly retreating.

Mr. BEAUMONT expressed the opinion that this case will fall rather under Reparations than under War Crimes.

The case was adjourned in order to get more details about the circumstances of the case.

(i) The French case 1043 (Kowacht and Ottawa: pillage of a watchmaker's shop and of a barber's shop at Maintenon (Eure et Loir).)

Dr. MAYR HARTING asked whether the prosecution of Ottawa who was of Czechoslovak nationality should not be left to the Czechoslovak authorities according to general principles.

M. de BAER ruled that in a case of a Czechoslovak national who committed a crime while serving with the German army there was no objection to putting him on the list on the request of the country against which the crime has been committed.

It was unanimously decided to place Kowacht and Ottawa on A, the question of the prosecution of Ottawa being left open to negotiations between the French and Czechoslovak Governments.

II. THIRD LIST OF KEY MEN

The CHAIRMAN informed the Committee that Lord Wright, who had left the meeting in the meantime would require further time to consider the Draft List. This item of the agenda was therefore adjourned for next week.

III. LIST OF WAR CRIMINALS NO. 12 (ITALIANS)

It was decided to present the Draft List to the Commission that afternoon.

UNITED NATIONS WAR CRIMES COMMISSION

148

Notes of Meeting of Committee I

held on

4th July, 1945 at

10.30 a.m.

Chairman: M. de BAER (Belgium)

There were also
present:

Members of Committee I & their Deputies

Lt.-Col. HODGSON	- United States of America
Captain WOLFF	- " " " "
Lt.-Col. OLDHAM	- Australia
Dr. MAYR HARTING	- Czechoslovakia
Mr. BEAUMONT	- United Kingdom

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

Lord WRIGHT	- Chairman of the Commission
M. GOLSTEIN	- Belgium
M. MALEZIEUX	- France
Commander MOUTON	- Netherlands
Dr. Van den BERGH	- "
Mr. KENT	- United Kingdom
Dr. MARKOVIC	- Yugoslavia

1. PROCEEDINGS IN INDIVIDUAL CASES

The Committee decided upon 1 Dutch case (No. 960) and upon three British cases (961, 962, 963). It adjourned the case 964 submitted by the United Kingdom National Office, the Czechoslovak case 952 and the French case 947. It decided upon 14 Yugoslav cases (Nos. 965 to 973 and 975 to 979) and adjourned two (Nos. 940 and 974).

(a) The Czechoslovak Oswiecim case: The Czechoslovak case 952 was adjourned because the members of the Committee had not had the opportunity to study the Amendments received on July 2nd, 1945 and the Report Doc. I/11.

(b) Investigations through Crowcass: When the British case 961 was being discussed, it was decided that - until another arrangement would be made - Mr. Schwelb should in similar cases write to Crowcass (the Central Registry of War Criminals and Security Suspects) C-1 Division, S.H.A.E.F., A.P.O., 887 in order to try to establish the identity of the accused.

(c) A South African case: When the case 964 (concerning manslaughter by neglect, committed against the members of the Union of South Africa Forces) was brought up, the Legal Officer (Mr. Schwelb) asked Mr. Kent whether the case was submitted by the United Kingdom National Office on behalf of the Union of South Africa.

Mr. Oldham said that he was informed that the Union Government agreed that cases should be dealt with where South African soldiers were involved as