

UNITED NATIONS WAR CRIMES COMMISSION

M.131

MINUTES OF MEETING OF COMMISSION

HELD ON

WEDNESDAY, OCTOBER 29, 1947 AT 3 P.M.

CHAIRMAN:	Lord Wright	Australia
ALSO PRESENT:	Sir Robert Craigie	United Kingdom
	Colonel Springer	United States of America
	accompanied by	
	Mr. Kintner	
	Mr. Y. S. Chen	China
	accompanied by	
	Mr. Cheng	
	Mr. Dutt	India
	Mr. Leger	Canada
	Mr. Heydon	Australia
	M. Maillard	France
	Miss Goold-Adams	Belgium
	Commander Mouton	Netherlands
	Mr. Aars-Rynning	Norway
	Dr. Schram-Nielsen	Denmark
	M. Dimitzas	Greece
	Mr. Aikman	New Zealand
	Dr. Zeman	Czechoslovakia
	Colonel Muszkat	Poland
	M. Milenković	Yugoslavia
	accompanied by	
	Mr. Zimonjić	
	Lieut. Colonel Barratt	Office of the Judge Advocate General.

APOLOGIES FOR ABSENCE WERE RECEIVED FROM:

M. de Baer	Belgium
------------	---------

MINUTES

Minutes of meeting held on 18 June, 1947 - M.129 - were approved and signed.

Amendments to minutes of meeting held on 24 September, 1947 - M.130 - were received from Sir Robert Craigie, M. de Baer, Colonel Springer and Mr. Dutt and will be incorporated in the final text.

HISTORY OF THE COMMISSION

THE CHAIRMAN said that at the last meeting of the Commission, he had indicated that the departure of M. de Baer would involve a certain readjustment in what they intended to do with regard to the History of the Commission. He had suggested that they might appoint someone to supervise and co-ordinate the work of the members of the staff who had undertaken to carry out the business of preparing and working at the History and he suggested that Mr. Kintner should be asked to assume this responsibility. It also seemed desirable to bring to Mr. Kintner's assistance, Miss Goold-Adams, who had worked with M. de Baer for some years and who had been a very valuable assistant to him. His proposal, which he hoped the Commission would approve, was that Miss Goold-Adams be appointed to help Mr. Kintner in the preparation and co-ordination of the work on the History. Miss Goold-Adams duties would not be strictly whole-time but knowing how well she worked, he considered that the three-quarters of her time which he understood would be at their disposal, would be adequate and he considered that a very desirable way of dealing with the matter.

The appointment of Miss Goold-Adams to assist Mr. Kintner in the preparation and co-ordination of the work in connection with the History of the Commission was unanimously approved.

LEGAL PUBLICATIONS COMMITTEE.

THE CHAIRMAN said that Mr. Kintner had been appointed Chairman of the Legal Publications Committee in place of M. de Baer. They had, what he considered, an extremely powerful Committee, consisting of two other members, Dr. Schram-Nielsen and Mr. Lars-Rynning. The Committee was not large but large enough and he was sure it would be most efficient.

LAW REPORTS.

THE CHAIRMAN said that in connection with the Law Reports, Mr. Brand was proceeding vigorously with that part of the Commission's work. As would be remembered, at the original meeting of the Commission, two important functions of the Commission were mentioned, one being the recording or reporting of war crimes trials. It was true that that applied to some extent to Committee I but it also included the work of preparing a record in the form of Law Reports for the benefit of future generations. One volume of these Law Reports had already been published and there were three others on the point of publication. He considered that these Law Reports, and other similar material, would establish the law of war crimes on a general basis and would show the future generations exactly what had been done in this important epoch in the history of the world. The Chairman said that he attached the greatest importance to the completion of the two functions mentioned, namely the publication of the History and the publication of the Law Reports, and considered that as far as possible those functions would be actively proceeded with and proceeded with to the benefit of the world and to the enlightenment of future generations.

C. R. O. W. C. A. S. S.

THE CHAIRMAN said that since their last meeting they had received a visit from Mr. Ben Smith of the Legal Branch of the U. S. War Crimes of CROWCASS now operating in Berlin. Mr. Ben Smith had called at the offices of the Commission on 20th October and conferred with Lord Wright, Colonel Ledingham and Dr. Litawski on the future of CROWCASS.

At a recent conference of the Legal Directorate, the suggestion to close down CROWCASS at an early date was vetoed by the Russian delegate although the Soviet Union had never used CROWCASS in any way and appeared unlikely to use it in the future.

The suggestion that the French authorities should take over and act as Trustees of CROWCASS for a period not exceeding one year from January 1948 would appear to be acceptable to the Legal Directorate of CROWCASS and he had informed Mr. Ben Smith that he felt sure this would also have the approval of the Commission.

At the termination of this period, the suggestion that the CROWCASS records in their present form should be handed over to the United Nations would also appear to be acceptable to the Commission, although it was felt that it might not be necessary to preserve all the records from which CROWCASS lists had been compiled and, accordingly, they might be destroyed. This might also apply to the P.O.W. lists which are at present being held by the French Documentation Centre in Berlin unless the United Nations felt that some good purpose could be served by their preservation.

Mr. Ben Smith intimated that a new CROWCASS consolidated list would be ready for issue at the end of this year.

REQUEST OF THE IMPERIAL ETHIOPIAN GOVERNMENT TO THE COMMISSION TO ASSUME JURISDICTION OVER WAR CRIMES COMMITTED BY ITALIANS IN ETHIOPIA IN 1935-36 - adjourned from last meeting (Docs. A.52, A.55, A.56, M.130).

THE CHAIRMAN said they had now to consider the request of the Ethiopian Government to the Commission to assume jurisdiction over war crimes committed by Italians in Ethiopia in 1935-36. This matter had been very fully discussed at the previous meeting when it was felt and agreed that a proper course was to leave the question to the decision of the member nations and, in order to achieve that result, the view had been formed that the meeting should be adjourned to enable members to get the views of their Governments on what was the proper answer to the question which was propounded. As the

matter had been so fully discussed at the previous meeting he did not think any useful purpose would be served by resuming discussion. That being so it only remained for the Secretary General to obtain from each representative the view which had been formed and expressed by his Government. The Resolution in effect, though not in precise terms which he now put to members was:-

"Should the request of the Imperial Ethiopian Government to the Commission to assume jurisdiction over war crimes committed by Italians in Ethiopia in 1935-36 be granted"

A vote was then taken and resulted as follows:-

Those in favour of the Resolution:	10 - Poland, Yugoslavia Greece, Czechoslovakia Norway, Denmark Canada, India United New Zealand. Kingdom,
Those against the Resolution:	4 - Belgium, Netherlands France, Australia
Those abstaining from voting:	2 - China, United States of America.
Absent:	1 - Luxembourg.

THE CHAIRMAN in confirming the result of the vote as being 10 in favour of the request being granted, 4 against, 2 abstentions and 1 absent, added that he felt he need not refer again to the limitations and conditions which were embodied in the application because these would be observed by Committee I when the matter came before them. The Secretary-General was accordingly instructed to inform the Imperial Ethiopian Government of the Commission's decision.

SUBMISSION OF GOVERNMENT OF ALBANIA TO CONSIDER CASES OF WAR CRIMES COMMITTED IN THAT COUNTRY (Doc. A.57 dated 22 October, 1947).

THE CHAIRMAN said Albania, as members would remember, was on a separate footing. The letter in question (Doc. A.57) dated 25 September, was couched in a quite definite form, in which the People's Republican Government of Albania requested instantly the surrender of the persons named on the attached lists and requested the United Nations War Crimes Commission to act in an energetic and rapid manner in granting to the people of Albania legitimate satisfaction in this connection. They were demanding that a certain number of Albanian, German and Italian war criminals guilty of having committed war crimes in Albania during World War II should be handed over. That request, addressed to the Commission, was completely beside the mark because the Commission had no jurisdiction for handing over any war criminals. He understood that the lists submitted were extremely voluminous. List 3 containing 170 names dealt with nothing but quislings and traitors and as members knew, the Commission had no jurisdiction in regard to such people. In the other two lists, there were 63 names of Germans, and 105 Italians. There were many objections to granting the request quite apart from the fact that the long list of 170 Albanian quislings was entirely out of the Commission's control and cognizance, it was definitely excluded from the ambit of their powers to deal with crimes committed by Albanians against Albanians. With regard to the charges against Italians and Germans, that particular objection would not apply but he considered the whole thing fell to the ground in that they had no powers to hand over or surrender anybody, that was the business of the military authorities. So far as he could see many of the people requested were in Germany or Italy but in any case, any application for surrender should be made to the Military authorities who actually held the bodies, and that being so, he did not see how they could proceed in the matter for any practical purpose. There were certain provisions in the Treaty which related to Albania but they were rather markedly different from those which related to Ethiopia with which members were already familiar. In addition to that, Albania had never for the purposes of war been an Ally and had never been a member of the Commission and there was no precedent for granting the request, quite apart from the other reasons, such as had now been put forward by Albania. The proper course for Albania to take was to try to obtain the

surrender of these alleged criminals from the country in whose possession or control they were at the moment. He would say nothing about the fact that although some years had elapsed since Albania was released from such control as the Italians had exercised over them, it was only now that this long and elaborate list was put forward. That was only one of the reasons which led him to suggest that the whole request was misconceived and should be refused, he therefore proposed a Resolution "that the Albanian request as set out in a letter of the 25th September 1947 (Doc. A.57) should be rejected".

COLONEL SPRINGER seconded the Resolution that the Albanian request should be rejected.

COLONEL MUSZKAT said that in his opinion, the Albanian request was not actually to use the Commission but he thought it might be useful if they gave the Albanian Government the opportunity to present charges against war criminals. The fact that Albania was not a member of the Commission did not really matter because surely the Commission was interested in listing all charges against war criminals even if they were presented by a non-member government. With regard to the fact that there were among the alleged war criminals some Albanian nationals, the Commission took not a subjective point of view but an objective point of view and what was important was whether a person had committed a war crime. Committee I had listed several times even nationals of neutral countries who had committed war crimes and it seemed to him that if the Commission could answer the Albanian Government to the effect that the request must be refused because it was not formal but that if they presented charges, Committee I would consider them and take the necessary steps if there was a prima facie case.

THE CHAIRMAN said he wished to point out that there were no less than 170 names of Albanians which could only, in fact were only charged as quislings, so that he would simply rule straight over that list as the Commission had no jurisdiction to deal with them - as to the others, there were other objections to them which had to be considered - the lateness of the charge, the fact that Albania was not an Ally and the whole history of Albania in the war had to be considered. Albania had fought alongside Italy in attacking Greece. He suggested that this was not a matter in which, at this time of day, the Commission could do any good and he thought they ought not to attempt to put these people on their lists as accused of war crimes.

M. MILENKOVIC said he was in complete agreement with the statement made by the Polish representative and wished only to add that as the Commission had accepted the request of the Ethiopian Government he thought there was a good reason why they should accept the Albanian Government's request since German and Italian war criminals were concerned. He wished to point out that the Albanian Government which had been led by the Italian Government had fled from the country and to-day there was another Government. He thought it was quite in the spirit of the Commission to accept the specified cases and to list them if there proved to be prima facie evidence. He said that he was ready to support the request of the Albanian Government in the matter.

SIR ROBERT CRAIGIE, with reference to what the Yugoslav Representative had said, found a clear demarkation between the Ethiopian request and the Albanian request. First of all Ethiopia had throughout been a United Nation and therefore could justifiably put forward a claim with a better basis. It was true that the Ethiopian request had come to hand at a rather late stage, just as the Albanian request had, but there was a great difference between the two. They must at this stage of their proceedings, when they were likely to end their activities, deal with things from a practical point of view. He had been opposed to the Ethiopian request in the early stages very largely from a practical standpoint but when he had realised that their claim was limited to 10 cases and after they had heard the Ethiopian Government's explanation of the proposed procedure, he had felt that there was a case for accepting the particular proposal. However, Albania was quite a different proposition. From what they had been able to see of them, not only were there a large number of cases but it would require a great deal of time to put them into proper shape and that time was definitely lacking. So that on those grounds - the ground that Albania could not claim it as a right, since the right was confined to member states of the United Nations, and the ground that it would be physically impossible for Committee I to undertake the new obligation - he thought the request would have to be rejected; but in as

courteous a way as possible, explaining the reasons somewhat along the lines he had put to the Commission.

COLONEL MUSZKAT said they had before them a letter from the Albanian Government dated 25th September in which it was stated that they had approached the Commission on the 22 June 1945 and on the 23 February 1945, which meant that the matter was raised at an early stage of the activities of the Commission and therefore the argument that Albania had not approached them in due time might be excused because it might be that no reply had been sent and their lateness was the fault of the Commission. With regard to the argument that Albania was not an Ally, he thought it was important that they wanted to find war criminals and considered the Commission was interested in registering all alleged war criminals. He remarked that the Commission had on occasion listed some war criminals without any requests from any Government, therefore though they write to the Albanian Government that it was not within the jurisdiction of the Commission to deal with surrender and extradition, they could do something with their charges and in so doing, would be acting according to the principles of the Commission and the principles of justice.

THE CHAIRMAN said that Colonel Muszkat had referred to a letter of the 22 June 1945 - a reply had been sent to that, simply acknowledging receipt and giving some information in answer to a question which was asked. The first letter of February was written at a time when some member Governments had not recognised the People's Republican Government of Albania and others were still at war with Albania. So far as he saw the position it would be a huge task to untangle who were war criminals and who were not. It was a matter on which the Commission would have to form a view and exercise its discretion.

DR. ZEMAN said he agreed with the Chairman's statement that the Albanian request was, on formal grounds, out of order but on the other hand they had to consider the fact that war crimes had been committed. It was true that Albania was not a member of the United Nations but it was also a fact that they had been over-run by the Italians and if the Albanian Government could, in a specified time, give the Commission a list of very bad cases where they could prove and establish a prima facie case of war crimes, he did not think the Commission should refuse their request on formal grounds. He would like the fact considered that Albania, not being a member of the United Nations had no other way, not even that open to Ethiopia; they could not ask for extradition of Germans and Italians because they had no diplomatic relations with the necessary countries. On the other hand, as they were concerned with war criminals Committee I could list them and they would therefore not go unpunished.

THE CHAIRMAN said he thought they could not deal with the application for the two reasons which he had already given, it was completely misconceived. He had already ventured to turn down completely the 170 Albanian quislings charged and while that particular objection did not apply to the other two lists he thought he had said enough to prove that it was not an application which could be granted by the Commission.

M. MILENKOVIC said it seemed to him that their first argument was the technical reason for rejecting the application of the Albanian Government, namely that Committee I could not devote sufficient time to examine the cases, there were 188 cases and he thought, from his experience of the Commission, that to examine 188 cases it was sufficient to have only two meetings and that it would not be difficult for Committee I to peruse them.

SIR ROBERT CRAIGIE said he thought there was also the question of the form in which these applications were presented. He was afraid from what he could see of them, that they would require a good many more than two meetings and almost certainly it would be necessary to refer almost all the cases back to be put into the specified form and supported by evidence which was required before Committee I could accept them for listing, so that he did think it would involve a very considerable delay which they could not afford to risk at this time. Further, they should bear in mind that so far they had never gone outside the United Nations and if at this late date in their proceedings they opened the door to applications by Albania, one might wonder where they would stop; there would be no limit to any country in the world presenting charges. He did not know whether any such applications would in fact be received but a dangerous precedent would be set and he thought at this stage, nearly the end of 1947, they would certainly be unwise to set such a precedent.

THE CHAIRMAN said they would take a vote on his proposal that the Albanian request be rejected.

A vote was then taken and resulted as follows:-

Those in favour of the Resolution:	9 -	France, Greece Norway, Netherlands Denmark, Australia Canada, United States of America United Kingdom.
Those against the Resolution:	3 -	Poland, Yugoslavia Czechoslovakia
Those abstaining from voting:	4 -	Belgium, China India, New Zealand.
Absent:	1 -	Luxembourg.

The Albanian request was accordingly rejected and the Secretary-General was instructed to write to the Albanian authorities and inform them of the decision of the Commission.

REPORTS OF CHAIRMEN OF COMMITTEES.

SIR ROBERT CRAIGIE said, speaking as one of the Joint Chairmen of Committee I, he had only to report that the work had been proceeding actively. During the summer vacation the number of applications for listing had fallen off to some extent but were increasing again. There had been some slight delay owing to the fact that the Committee's rules with regard to evidence had been modified about three months ago and some countries had taken a little time to adjust themselves to the new requirements. However, cases were now coming in very satisfactorily on the new basis. At each of the last two meetings they had considered some 30 odd cases and there were 80 cases to be considered at the meeting to be held the next day.

Sir Robert Craigie said there would be a meeting of Committee III to deal with Human Rights on Thursday of that week so perhaps it would be more appropriate if he reported at the next meeting on their position.

DURATION OF THE COMMISSION.

THE CHAIRMAN said members would remember that the question of the duration of the Commission had been discussed last April when it was suggested and approved that the matter be deferred until the 1st November. In opening the discussion, he wished to point out that they were almost at the end of 1947, that the surrender of Germany had been in May 1945 and a considerable time had elapsed since then during which accused men could be identified and rounded up. It no doubt took a certain amount of time to do that but on the other hand there was a strong feeling among nations that these matters should not be allowed to drag on indefinitely and that there ought to be a period of limitation. There was no doubt about it, the longer these things proceeded the more they went against the grain of the public sense and the original feelings that the guilty should be punished swung round rather to the opposite. They did not want to go on as a Commission when the feeling of the world at large was cold and even hostile to the system of prosecutions, there were further reasons for making it desirable to set a period of limitation and to wind up the series of prosecutions. It did not follow however that because the Commission decided they should end their proceedings that member nations, individually as nations in their own countries, should not proceed to round up and punish those men against whom they had charges of war crimes. He noticed for instance that Holland, somewhat late in the day, but completely justified, was going to try under its own law a number of alleged war criminals. He thought the same was true of Denmark and Norway; they were certainly proceeding very energetically. He did not know about the other nations, France and China were quite active although China rather leaned to the Far East as did Australia, and the Commission had felt it ought not to interfere with proceedings in the Far East, since they were quite capable of conducting their own operations and whether the Commission was operating in London or not was not a matter of much importance to them. Australia would go

on he was sure and as he had said Holland, Denmark and Norway were all proceeding with their cases. The fact was that owing very largely to the efforts and endeavours of the Commission, the law of war crimes had been standardised. It was very different in 1945 when the whole thing was suddenly thrown open. He thought the Commission had achieved a very useful purpose. America had some views as to how long the Commission should go on and they would to-day ascertain the views of the members present. He was going to propose that a definite date be fixed for winding up the Commission and the appropriate date would emerge in the course of discussion. Some said the end of the year some said the 31 March 1948 - some had said there should be a period of limitation at the end of which no further cases would be received by Committee I - no doubt that period might be fixed for January or February next and then a few weeks allowed between then and the closing of the Commission.

There was a strong feeling that there should be a time limit for receiving cases and once the National Offices had been informed of the date he had no doubt that they would rush their cases in before the particular period when the Commission would cease to function and then Committee I, that great and important Committee, would refuse to receive any more cases. He thought he should say at once that it would never be thought that every war criminal could be dealt with by Committee I or the Commission, they had put approximately 32,000 names on their lists and when it was considered that war crimes ran into hundreds of thousands, it was almost impossible to punish every war criminal, sad as that might seem. That was inevitable owing to the difficulty and weakness of human affairs, even if they brought in the idea adopted by the Nuremberg Tribunal, that certain great numbers could be dealt with under an "organisation" system - so that really they must be satisfied with what they had done. He thought it was unique in the course of prosecutions, the desire for justice on the part of the nations and the skill, effort, imagination and ingenuity which had been applied to giving effect to that purpose. However, he thought they should now try to determine a period of limitation and he would be able to find out a little later a definite date which was considered suitable on which the limitation was to operate. They could not expect the Commission to go on for ever.

MR. CHEN said that China was prepared to support the Chairman's proposal for the winding up of the Commission at an early date but at the same time would like to call attention to the situation in the Far East, which was rather complicated. China presumed that the winding up of the Commission would not effect the future of war crimes trials in the Far East. China would like it to go on record that the winding up of the Commission should not prejudice the right for further prosecution and trial of cases in the Far East.

THE CHAIRMAN said there were some very active operations by the American prosecution in the Far East, they had always gone on independently and though it was felt that the Commission had been important at this end it had not been of first rate importance in the Far East. The Commission had come to the conclusion that affairs in the Far East had better be left to the Far East unless some particular connection arose. He thought he had made it clear, - and he considered it ought to be made clear - that the winding up of the Commission would not affect the process of prosecution by any member nation - some of them would go on, the Far Eastern members would go on exactly as they were now and countries like Holland, Belgium and Norway and the others would also go on with the prosecutions which they had initiated. He had been strongly impressed with that idea, when talking with some members who supported the idea that the Commission should be wound up yet still contemplated proceeding with their own prosecutions - as he had said before, the law and procedure had become more or less standardised.

MR. HEYDON said the Chairman had expressed the Australian attitude quite clearly and he only wished to add that they were anxious that arrangements should be put in hand immediately so that the Commission might be wound up at the end of March, 1948, and they considered it would be necessary to take decisions now to enable the winding up to take place then.

COLONEL SPRINGER said he thought the United States Government appreciated the accomplishments and valuable contribution of the Commission to the whole war crimes programme but felt that its continued existence after March 31, 1948

would be unnecessary. He thought that if an earlier date was proposed for the winding up, the U. S. Government would be quite pleased to accept it, but that March 31, 1948, was the latest date to which his Government would be willing to agree.

THE CHAIRMAN remarked that Colonel Springer had suggested 31 March next as the final date for the winding up of the Commission and wondered whether the United States had any views about when the proceedings of Committee I should be closed down.

COLONEL SPRINGER said he had no instructions on this point so could not say just what his Government's views would be - of course Committee I would have to terminate its work prior to the termination of the Commission and before that event took place he considered that adequate notice should be given to Governments who had not filed all their cases and still had cases in preparation.

SIR ROBERT CRAIGIE said the United Kingdom Government shared the view expressed by the Australian and United States Governments and felt that the Commission should be wound up not later than the end of next March. They considered that by that time very considerable accomplishments would have been achieved. So far as Committee I was concerned, there would have to be an interval between the closing of the Commission and the date on which Committee I ceased to examine cases. As cases for Committee I's consideration were coming in in considerable numbers and were likely to go on for another few months, he would like to suggest that, assuming the Commission accepted March 31, 1948, for closing the Commission as a whole, they should fix February 28th as the closing date of Committee I - that would leave an interval of one month which should be sufficient for the Secretariat to finish and clear up all the matters connected with Committee I, he would suggest that they go on with Committee I as long as possible in view of the continued number of cases being received.

THE CHAIRMAN remarked that 31st March was still 5 months off and that was a fairly long time and if due notice was given that a certain date was to be treated as the last date for filing applications with Committee I there would not be any great hardship because any Government that felt the desire and intention to prosecute that case would be perfectly free to do so even though Committee I had not spoken in the matter. Assuming that the present system of occupation on the Continent continued there would be no difficulty, though the Commission had ceased to exist, in securing from those authorities a particular prisoner, so there would be no difficulty of that sort. It was more or less felt that the Commission was becoming a "five wheeled coach", valuable as it had been, and he would be the last person to deprecate its value, nevertheless, he was firmly convinced that the time came for everything to end and the time he thought had come when a definite agreement should be arrived at on the point of winding up the Commission.

THE CHAIRMAN said on the subject of the Law Reports and the History of the Commission, Mr. Kintner had, out of his abundant energy taken over the general conduct of these important aspects of the Commission's work and he would like to hear what he had to say.

MR. KINTNER said that with regard to the History of the Commission, it appeared quite likely, from conferences with the staff, in which the Chairman and Colonel Iedingham had taken part, that the History could be substantially completed by the 31 March 1948 and that by that date all of the work on the History could be at least prepared in draft form and a great part of it in the hands of the printers. As to the Law Reports, the Legal Publications Committee had held a meeting last week in which approval was given to enough cases to fill approximately two Volumes. One Volume, as members knew, had already been published, a second volume was in the hands of the printers and almost ready for publication and a substantial portion of the work had been done on the 3rd, 4th and 5th volumes. That work could be carried on during the intervening months between now and the 31st March and carried on to such extent, with the present staff, that a great many more volumes of Law Reports could be published which would substantially complete that portion of the Commission's work.

THE CHAIRMAN said the Legal Publications Committee would have to consider the Tokyo trial, they would, in the Law Reports have included a particular report

on the Nuremberg Trial, that was finished and done with so he did not see any difficulty in preparing that. In the case of Tokyo the trial would, as far as he knew be completed on 31st March but might still be proceeding and he would not like to prognosticate that it would finish by the 31st March. There was another question to which he attached particular importance and that was a report on the subsequent operations now proceeding at Nuremberg under General Telford Taylor, there was the "Medicals" trial and the Milch case but apart from those there were about 6 or 8 others which would certainly be very important to include in the Law Reports. He thought they might decide a little later on what was the best way of dealing with these difficulties, if they really existed, when they approached their end on 31st March 1948.

DR. SCHRAM NIELSEN agreed.

THE CHAIRMAN said that the general upshot was that 31st March 1948 should be the date at which the Commission should be wound up and liquidated.

COLONEL SPRINGER said he would like to support the remarks Sir Robert Craigie had made but he wanted to make clear the attitude of his Government, that they would be quite willing to terminate the Commission, if others agreed, at an earlier date, but not later than 31st March.

MR. HEYDON said he wondered whether the 28th February, the date suggested by Sir Robert Craigie for closing down Committee I, would be rather late if "not later than" really meant just that - would it not be better to say the 31st January rather than the 28th February?

SIR ROBERT CRAIGIE said they dealt with all lists from week to week in Committee I, and there was very little "hang-over".

THE CHAIRMAN said that Committee I was the most expeditious Committee he had ever known in the history of Committees. He thought, in setting a definite date on which the axe would come down on Committee I there must be a little elasticity within the limits but there need not be any elasticity with regard to the date 31st March.

COMMANDER MOUTON said in the first place he would like to report that his Government had instructed him to express its opinion that the Commission and Committee I should both go on until 31st March 1948, apart from that he would like to ask two questions. As members knew, owing to certain circumstances, they were only just starting trials in Holland and he thought his Government would appreciate some of their trials being reported in the Law Reports and therefore he did not know whether they would have those reports ready in time for the Legal Publications Committee to have them published before 31st March.

THE CHAIRMAN said the Law Reports and the "hang-over" of the Law Reports was the most difficult topic in that connection and he would like to leave that for final discussion early next February or March.

COMMANDER MOUTON said he had at the moment about 120 sentences from the Dutch East Indies but he had had no time to submit them to the Commission and perhaps a few of them would be worth while recording. Also, was it envisaged that the Legal Staff of the Commission would go on after 31st March if there was money available to pay for it, or would that be discussed later.

THE CHAIRMAN said he found it impossible to state in precise terms in this particular respect but generally speaking, they should take 31st March as the date for closing down the Commission and these other matters would have to be considered before then. Some legal staff might be required to stay on but as to the numbers it was impossible to say at this stage.

SIR ROBERT CRAIGIE said he was most impressed with the great importance of continuing with the Trial Reports and he thought it would be most unfortunate if they came to an end on 31st March. He did not think that the closing of the Commission need necessarily prevent a small committee from continuing to issue these reports but that was a matter which, as Lord Wright had suggested, could be decided later on. He only wanted, at this stage to state his personal opinion, that arrangements should be made to enable these law reports to be issued.

THE CHAIRMAN said he quite agreed with Sir Robert Craigie and felt very strongly on this matter himself, the only complication was which members of the staff would stay and which ones would want to go - but he thought all those matters could be disposed of in time.

MR. KINTNER said he would like to say on behalf of the Legal Publications Committee that they were disposed to get a greater variety of cases into the Reports than those already submitted, this disposition was, he understood shared by Lord Wright, and so expressed by him at the Legal Publications Committee meeting held last week. The Norwegians had presented them with several cases and those had been sent to the printers for inclusion in an early volume. A report of a French case had also been drafted for inclusion in an early volume. It was hoped to include a Polish case at an early date and other cases as they became available.

COLONEL MUSZKAT said the Polish delegation had already submitted to the Commission several reports of the trials of war criminals which had taken place before Polish courts, and most of these would be well worth inclusion in the Law Reports, for instance the report of the Greiser trial, which contained some decisions later reached in the Nuremberg trial. He understood that the Polish trial reports had not been included in the Law Reports already published because of translation difficulties, but in future issues the reports of trials in Poland should be included as well as those of trials held in other places. If this was not done, the Commission's law reports would not give, in the future, a true picture of the administration of justice against the war criminals of World War II.

With regard to the duration of the Commission, the Polish point of view was similar to that expressed by Commander Mouton on behalf of his Government. The Polish authorities were interested in the duration of the Commission for as long as its work would help in the extradition of war criminals and the administration of justice against war criminals, the trials of whom were going on in Poland. However, if in Germany new rulings were to be introduced in extradition procedure, the work of the Commission would become ineffective, making the continuation of the life of the Commission unnecessary, and he was ready to support the Chairman's proposal for its winding up on 31 March 1948 at the latest.

M. MAILLARD said with regard to the question raised by Sir Robert Craigie, he would like to know what status the smaller body which would continue after the closing of the Commission would have.

THE CHAIRMAN said that was a very interesting constitutional question.

SIR ROBERT CRAIGIE said that he had not himself formed any definite views as to how the Law Reports work should go on he only knew that it should go on in some form. He thought the Commission might perhaps consider the matter and appoint a committee which would continue the work, and also provide staff and premises. That might be quite practicable but at the moment he had nothing definite to suggest.

THE CHAIRMAN remarked that there was of course the very obvious question which presented itself - whether any expenditure would be necessary, and asked Sir Robert if they had a "shot in the locker"?

SIR ROBERT CRAIGIE said that if an emergency occurred he thought there would be a "shot in the locker" to enable the Law Reports to be completed - in theory, the reports should pay for themselves.

THE CHAIRMAN said that sometimes they did not pay for years.

SIR ROBERT CRAIGIE said that as Chairman of the Finance Committee he could say that they had appropriation up to 31 March but one or two countries had not yet paid their contributions and as they would now definitely be closing down on that date it would be very helpful if members who had not already paid could arrange to do so before the end of the present year.

MR. AIKMAN said that his Government was anxious that the Commission should close down at an early date and suggested 31 March; à propos of the financial question, they were not prepared to make any contribution after that date. However, he

felt that if the question of the Law Reports was considered of sufficient importance his Government might be disposed to reconsider its decision.

THE CHAIRMAN said he had come to the conclusion that they could reach no definite purpose or plan until a little nearer the winding up date.

MISS GOULD-ADAMS asked how far the system of law reports working under Sir David Maxwell Fyfe cut across the work the Commission was doing.

THE CHAIRMAN said he did not think it cut across at all. He had been in touch with Messrs. Hodge all the time and they were working on a different plan, quite different from the Commission's Reports, the Hodge Reports contained more detail and were written in a more picturesque style than the Commission aspired to.

COLONEL SPRINGER said that a question had been asked regarding appropriation for the continuance of a small group to work on the Reports after March 31st. This question had not been submitted to his Government but he was authorised to state that the U. S. Government proposed to withdraw on March 31st and the question of funds would therefore have to be put to them separately.

THE CHAIRMAN said he anticipated before 31st March they would have decided in the Commission, among themselves as to see nations, what they would keep in hand out of the reserve.

THE CHAIRMAN said he would move a simple motion "that the life of the Commission be terminated not later than 31st March 1948".

M. DIMITSAS seconded the Chairman's proposal.

THE CHAIRMAN said that his motion "that the life of the Commission be terminated not later than 31st March 1948", had been seconded by M. Dimitzas and carried unanimously.

APPROVAL OF UNWCC LIST NO: 63.

The Commission's 63rd List of War Criminals, already circulated, was formally approved.

Wright

UNITED NATIONS WAR CRIMES COMMISSION

M.132

MINUTES OF MEETING OF COMMISSION

HELD ON

WEDNESDAY, JANUARY 7, 1948 AT 3.0 P.M

CHAIRMAN

Lord Wright

Australia

ALSO PRESENT

Colonel Springer
accompanied by
Mr. Kintner
Mr. Heydon
Mr. Leger
Dr. Schram-Nielsen
Mr. Lars-Rynning
M. Dimitzas
Mr. Aikman
Miss Goold-Adams
Dr. Cheng
Dr. Zeman
Colonel Muszkat
M. Zimonjić
accompanied by
M. Milenković

United States of America

Australia
Canada
Denmark
Norway
Greece
New Zealand
Belgium
China
Czechoslovakia
Poland
Yugoslavia

Mr. O'Grady
Brigadier Shapcott

United Kingdom Foreign Office.
Judge Advocate General's Office.

APOLOGIES FOR ABSENCE WERE RECEIVED FROM:

Sir Robert Craigie
M. Maillard
Mr. Dutt
Commander Mouton
M. de Baer

United Kingdom
France
India
Netherlands
Belgium

MINUTES

Minutes of meeting of Commission held on September 24, 1947, - M.130 - were approved and signed.

Amendments to minutes of meeting of Commission held on October 29, 1947 - M.131 - were received from Sir Robert Craigie, Colonel Springer, Dr. Cheng and Colonel Muszkat and will be incorporated in the final text.

APPREHENSION AND SURRENDER OF WAR CRIMINALS. (Doc. A.61).

THE CHAIRMAN said the first matter they had to deal with was item 3 of the Agenda, which dealt with "extradition", a matter about which there had been a considerable amount of debate backwards and forwards, most of it quite inconclusive but in which he thought the fundamental principles had emerged quite clearly. He had read all the relevant documents through with very great care and thought that the essential point to be considered was the effect of Law No. 10, because, as to all matters which arose in Germany, and most of these questions did arise within Germany, Control Council Law No. 10 was the governing law and was an obligatory and definite law - he would accordingly refer to the terms which appeared perfectly clear. The question which had to be considered at the base of all the discussions was, who was the authority under Law 10 to decide in questions of extradition and what was the scope and description of the power vested in that authority. He thought Law No. 10 was absolutely clear. That was the first question of principle and it was not much use discussing it round and round. The real question was, what was the legal position, who was the deciding authority and what were his powers, that was one thing; the other was whether the question of extradition was not entirely a question between governments, a question between the detaining government and the demanding government. Those were the two actors and it was between them that any question that arose had to be considered, and as for that, it could

again be ascertained by looking at Law No. 10. The matter therefore lay within a small compass, and the numerous discussions did not always deal with practical issues. These discussions could not effect the meaning and force of Law No. 10 and in so far as they paraphrased Law No. 10 they might not be looking at Law No. 10 and seeing what it said. It was a little tiresome perhaps to go through all these deliberations between different departments or people, in some of which the Commission had intervened out of the desire of its heart to help everybody as far as possible, but he sometimes wondered if the Commission might not find itself in the same position as a man who tried to intervene between a husband and wife and who ended up by being generally torn to pieces. In truth, the Commission was not really a party to these issues.

One main question was what effect the fact that an accused person had been put on the Commission's list of war criminals had as regards extradition. What effect it should have was entirely a matter for the principal actors, i.e. the governments concerned, but in general it was the desire of everybody to be as helpful and reasonable as possible. It had been attempted to suggest certain paraphrases which would indicate the position and if he referred to one of these paraphrases it was not to substitute the paraphrase for the terms of Law No. 10, which was again discussed as it happened quite recently in Committee I at their meeting of the 3rd December last, because it had been suggested that there had been a change of procedure between authorities in Germany in regard to the effect to be given to listing by the Commission. It was pointed out in that meeting of Committee I that there had been no change and reference was made to a useful document by Sir Robert Craigie (A.60) which, though it was not a piece of legislation or a document sanctioned by the Commission, it was a very useful document. In the course of the discussion in Committee I (meeting held December 3, 1947, Minutes No: 121) a question was raised about the proper procedure and Colonel Muszkat had said: "that perhaps any further recommendations would have little effect, but it was necessary on the other hand for the Investigating Missions to have some ruling as to whether or not the listing of alleged war criminals by the Commission was to be considered binding so far as extradition was concerned, except of course when new material was brought to light justifying the reconsideration of a case", and Mr. Kintner the Joint-Chairman of the Committee had said: "he was not aware that any decisions that the Commission had ever taken were binding on any of the member Governments, or that the Commission had any control over the various authorities in the field. It was for the individual Governments themselves to determine what action they should take. His Government (the U. S. Government) held the view that the Commission, apart from its practical work of studying cases and listing accused persons was purely a policy-forming body, able to make recommendations but not able to enforce them. It was for precisely that purpose that the Commission had been set up by the various member Governments. His office had recently had a visit from Mr. Ben Smith, who was now concerned with extradition in the U. S. Zone, who had informed them that the decisions of Committee I and the listing by the Commission had always carried great weight, and still did so, but that they were not conclusive and therefore not binding upon the authorities responsible for extradition. That had always been the view held by the United States Government and as far as he was aware the position had not changed in any way. He believed that was also the view held by the British Government." Sir Robert Craigie had affirmed Mr. Kintner's statement and Mr. Aars-Rynning had entirely agreed with the views expressed by Mr. Kintner.

Before going back to cases, the Chairman said he wanted simply to explain exactly what he regarded as the meaning and effect of Law No. 10 in connection with this question of extradition. First of all he wished to say that listing by the Commission was one thing, extradition was something quite different and infinitely more difficult and important. According to the view of Anglo-American law, and most European laws a man was not to be extradited from the country in which he was; in general he was not to be sent away, unless he had had an opportunity of stating his case and opposing, if he wanted to oppose, being extradited. Even if a P.O.W. or a person accused as a war criminal, he was not a mere chattel to be sent from one country to another and he should have the right, under extradition law, to state his case before any order for extradition was made against him. It was a very serious matter. The Chairman said he was treating the matter quite generally because in the circumstances of to-day, and present circumstances of Europe, there might be very strong reasons why a man, even a German and an accused person, should not

Law No: 10, Article IV, because it was under that Law that every case of extradition in Germany had to be considered. Article IV read as follows:-

"1. When any person in a Zone in Germany is alleged to have committed a crime, as defined in Article II, in a country other than Germany or in another Zone, the government of that nation or the Commander of the latter Zone, as the case may be, may request the Commander of the Zone in which the person is located for his arrest and delivery for trial to the country or Zone in which the crime was committed. Such request for delivery shall be granted by the Commander receiving it unless he believes such person is wanted for trial or as a witness by an International Military Tribunal, or in Germany, or in a nation other than the one making the request, or the Commander is not satisfied that delivery should be made, in any of which cases he shall have the right to forward the said request to the Legal Directorate of the Allied Control Authority. A similar procedure shall apply to witnesses, material exhibits and other forms of evidence."

The Chairman said that there they had the demander and the person to whom the demand was made, and members would notice that in that transaction the Commission was not mentioned at all; it was a question between those two named individuals, the nation or Commander on the one hand and the nation or Commander on the other hand, and the delivery which was demanded was delivery for trial in the country or Zone in which the crime had been committed. When the Article said "such request for delivery shall be granted by the Commander receiving it unless he believes etc. ..." it introduced a series of qualifications, each one of which might be decisive.

The Chairman then read again the words "... or the Commander is not satisfied that delivery should be made ..." and said in his opinion that was perfectly simple and unqualified and not subject to any limitation or exception; it put absolute discretion in the Commander. The Article went on "... in any of which cases he shall have the right to forward the said request to the Legal Directorate of the Allied Control Authority." The Commander, as could be seen from that was not bound to pass such request on to the Legal Directorate but had the right to do so. There were various provisions as to what the Legal Directorate might do when requests were referred to them in that way, but the Chairman said he would not deal with them. The real thing was that Article IV(1) vested complete discretion in the Military Commander and he did not see who else could decide these matters. The Commander was the man who, in his capacity as Commander had the wanted man in his custody and was in a position to inform his mind on all matters which he considered necessary or proper for him to know; he could consult any one or adopt any method of proceeding but it was his final decision. The Chairman thought it very important that that point should not be forgotten, it went to the root of the matter. It was a matter between the Commanding officer, the represented governments, one on each side, and it was not a matter in which the Commission or any of its Committees had any direct concern. There were various qualifications and the Commander might have to consider all sorts of things, such as whether it was desirable from a practical point of view to extradite a man; in choosing the place for trial the Commander might say that a certain case could only be tried in Germany where the witnesses and machinery were; that would be sufficient grounds for refusing to extradite. He might not be satisfied that a man would be tried, or fairly tried if sent to another country; he might not be satisfied that the man should be handed to one country for trial in preference to another when there was contest between two countries. The whole question of trial was vital but there were various other questions which he might have to contemplate, all these and similar questions would have to be considered by the Commander and if in the end he was left in the position that he was not satisfied that delivery should be made then he would not grant the extradition: that really was at the bottom of the whole issue, and Law No. 10, which he had read to members was completely decisive on the point.

As to the effect on extradition of the listing by the Commission, that of course was a question in which the Commission was not directly concerned except that in its advisory capacity it naturally took and stated its views as to its own position in these matters and the view taken from the beginning, when the question first arose had been that the listing was not conclusive from the point of view of extradition, not binding. It could not be. All Committee I had to do was to say whether a prima facie case existed, on the evidence

submitted, which justified putting a name down on the list of accused persons and the question of whether a man should be extradited was entirely different. It was a question for an entirely different authority and involved much greater responsibility on the agency which had to decide it and thus in many cases a higher standard of evidence was required.

The Chairman said he would not, at this stage, go into all the discussions which had taken place in the Commission on this subject. He remembered so well in 1945 when they had to consider the position with regard to extradition and listing and members would know the view that was taken throughout, though differently expressed. The Commander-in-Chief and Legal Directorate, had always said that they regarded listing by the Commission as having great weight, but not conclusive and not binding on the authorities responsible for extradition because they had to look at a great many other circumstances which he need not detail; before extradition could be ordered the extraditing authority had to make up its mind, whether there were sufficient circumstances, quite apart from sufficiently tangible evidence of guilt, before it could make its order. The basis of the complaints which were again put forward by Colonel Muszkat must rest upon these two fundamental ideas and if they were both eliminated the whole ground of the complaint went. He did not try to anticipate many other things which might be said but he would now refer to the letter which the Polish representative, Colonel Muszkat, wrote to him, (Doc. A.61), as Chairman of the Commission on the 9th December which led him, exercising his responsibility as Chairman, to call the meeting. It had seemed to him that the whole matter ought to be carefully considered so that they might know in future where they were. Members had all read that very able letter - signed by Colonel Muszkat - a valued member of the Commission and successor to two previous members for whom he had the greatest regard, Dr. Cyprian and Dr. Szerer. The Chairman then interposed that he thought it very unfortunate to the Commission that when he looked round he could not see a single member of the Commission who had been a member in 1944 or 1945; everyone had changed and there was perhaps not unnaturally, a consequent want of continuity. He might record then that when discussions took place on the present question in 1945, a letter had been received from the Foreign Office and there was a Resolution of the Commission about that time and also a very valuable letter from Colonel Hodgson, then U. S. Representative. He could not see that there could be any suggestion other than that the practice of the Commission had always been to say exactly what he had just read out, that the listing by the Commission was not binding for purposes of extradition; at one time they had wanted the Commission brought in as a consultant or perhaps a body to which reference could be made for decision but these efforts had been quite futile and very properly so because the Commission had neither the means nor the opportunities for investigating the position which the Commander would have to investigate before granting extradition.

The letter from Colonel Muszkat (A.61), which he had read more than once with great care, did not, to his mind, state very clearly the particular motion which he wanted brought before the Commission and that had rather made him hesitate; there was an appeal however "to re-establish the value of the Commission's lists in extradition procedure"... for reasons which he had pointed out the Lists could have very limited use: the letter then went on to ask the Commission "to avoid any limitation of date for the acceptance of further extradition requests"... that was an entirely separate point which had nothing to do with the particular practice or procedure in regard to extradition generally; then the letter asked the Commission to request the Governments "to take urgent action for the apprehension and surrender of war criminals residing or hiding in different Zones"... that had already been done a great many times and showed quite conclusively that the responsibility in the mind of the writer rested not with the Commission but with the various authorities concerned.

This was the third request which the Polish and Yugoslav Governments, who were both very closely associated in the matter, had made. The matter had been raised before the United Nations as long ago as 1946, and then there had been a very full discussion in the United Nations in October 1947, of which he had the bulletin. This discussion was first heard before the 6th Legal Committee and that Committee after very full discussion adopted a resolution recording that member states should "continue with unabated energy to carry out their responsibilities for the surrender and trial of war criminals." - of course where it said "their responsibilities" it meant the legal responsibilities

of various member states, - no reference to the Commission was made, nor was the Commission mentioned in the vote passed on October 18 by 35 to 7 with 5 abstentions. The Chairman said he would only notice one or two things, he would notice that Sir Hartley Shawcross (United Kingdom) said "that there was no clear definition of "traitor" and "quisling" in international law." Agreeing with the principles of the Assembly's London resolution, Sir Hartley described the role played by his country in bringing war criminals to justice. Extradition, he said, should be granted only when a prima facie case was established. His Government stood ready to surrender those against whom tangible evidence had been produced; but it was not prepared to hand over persons, whose only crime was that they had become political dissidents, possibly to certain death, after a mere travesty of a judicial process." Some of the members objected to the reiteration of injurious complaints against different Allied nations. It was also worth noting that the President of that Committee, very naturally and properly, ruled that discussion of specific cases was outside the Committee's competence. That was because they could not decide whether the Commander exercised his discretion properly or not, that decision of the Committee came before the 23rd Plenary Meeting of the General Assembly. The Assembly adopted the report of the 6th Committee on the "return of war criminals, quislings and traitors to the country where their crimes were committed". He thought he had said all that was required to justify bringing the matter before the Commission so that the whole thing might be cleared up. He wished to refer to one or two things in Colonel Muszkat's letter which seemed to him to go beyond the specific question which the Commission could decide. One was the general complaint of the Polish Liaison Department that they were asked by the competent authority to produce more evidence than they had given before Committee I. However, as he had already said, the question before Committee I was different in essence from the whole question which the Commander-in-Chief had to decide; - there was a reference to Muehlmann in the letter which he did not quite understand but he did not think they could enter into it; there was a complaint that one of the bodies who had refused to accept evidence of people on racial grounds, which of course was very wrong and could not be applauded, and then there were some complaints which the Commission could not deal with that the American and he thought also the British authorities had fixed a time limit in the course of last summer for the presentation of extradition requests. That had now been withdrawn; what was quite clear was, whatever was done had been done by Governments, and done within the scope of International Law and that was a matter in which the Poles would have to seek the aid of diplomatic proceedings.

There were two pages of the letter which the Chairman said he must confess had caused him some discontent, they were the paragraphs on pages 5 and 6 (A.61) which related to issues of a document called the Rogues Gallery, and the innuendo seemed to be that the American authorities were seeking to apprehend persons not as war criminals but because they thought they might be useful in industrial matters: an English lawyer would say that that sort of comment (quite without justification) was scandalous and irrelevant and he would pass that over.

There was then a list of 13 cases in which it was said the British authorities had refused to carry out extradition, likewise even when the location of the accused was indicated - the British authorities might reasonably say when asked to deliver a particular offender that they did not know where he was and could not do anything more until his location was discovered. The Chairman said he had a note regarding the 13 cases from the Legal Division of BAOR in which they claimed that there was no foundation for any of the complaints: he did not feel disposed to read the long statement in which they justified that decision, that was a matter which ought to be taken up between the two Governments, if the Polish Government was not satisfied. The Chairman said he did not wish to go through Colonel Muszkat's long letter in detail, he was not reflecting on the zeal or ability of Colonel Muszkat but the question was whether he had any justification for having a third shot, having twice tried his luck with the United Nations to bring it to the Commission. The questions were even more outside the powers of the Commission than the United Nations and he could not see any justification at all for addressing the complaint to the Commission, and suggesting that the Commission might do something when it was already doing its best in every possible way to help everybody. It could not be required to fly in the teeth of the express

powers of Law No. 10, which was the governing law and he joined in hoping that the consideration that day would put an end to the habit or practice or the desire to make injurious suggestions and raise unfounded innuendos against the Commission. The Commission had no power to sit in judgment on the decisions of the member governments - if these thought they had grievances against each other then they should invoke diplomatic procedure.

In conclusion he wished to say that he had the greatest admiration for the Polish nation; he had always admired their brave and chivalrous people. They had suffered a great deal and anything that could be done to help them should clearly be done; it was that feeling which justified him in giving them the fullest opportunity of being heard to-day but it did not justify the Commission in attempting to do something which it could not do and if it could do it, could not rightly do. The Commission did not have power to override the discretion of the Commander-in-Chief in questions of extradition.

He would now ask Colonel Muszkat to put forward his motion.

COLONEL MUSZKAT said he wished to thank the Chairman for half of his introduction but wished to say that he failed to understand the reference to Law No. 10. In his opinion, it was the practice of the Commission that the listing of wanted persons was relevant under the procedure outlined in Law No. 10, the Commander-in-Chief could satisfy himself that if a person was on the list that meant that a prima facie case had been made out against him and the Commander-in-Chief should not disregard the Commission's decisions, that could not be justified.

In principle, he had nothing to add to his letter to the Chairman dated December 9th (A.61). That letter was circulated on December 16th as Document A.61 and, because the meeting called for 23rd December was postponed, all the members of the Commission had had an opportunity to acquaint themselves with his request. Therefore, it was unnecessary to repeat his arguments.

However, he wished to emphasise once more that for the Polish Government the problem of the prosecution of war criminals was not only a question of administering justice - they considered it as an important step in the re-establishment of peace in the world, since any sort of amnesty granted to those responsible for the commission of war crimes in the past favours their present tendencies to revenge their defeat, renders impossible the democratization of Germany, the re-establishment of future peaceful relations between a democratic Germany and her neighbours - first of all with Poland - and, in consequence, endangered the stabilization of collective security.

The Polish authorities did not consider the present rulings regarding extradition as completely unalterable - they were liable to change with changing conditions. But, until some other way was adopted by a competent international body in the province of the punishment of war criminals, they were not prepared to resign from their efforts to bring to justice before their own courts at least those against whom a prima facie case had been established regarding grave crimes, by listing them with the Commission, inasmuch as their claims were based on the clearly laid down international commitments, quoted in his letter (A.61), and which were still in force.

"The trial before the Polish Supreme National Court in Cracow of the Oswiecim staff is not an act of revenge but an impartial and objective administration of justice, which can be described as fair." That was stated recently by Colonel Harbough, the U. S. European Command Judge Advocate, and his opinion was shared by the many neutral observers who had attended war crimes trials in Poland. The Germans, too, held the same view - even the accused themselves, who were surprised by the way in which they were treated, for they had expected an attitude similar to that which they had adopted towards Poles under their rule.

As a result of the criminal activities of the occupying power, nearly six million Polish citizens were lost, 40% of their industry, about 67% of cattle, 83% of other farm animals, 55% of their stud horses, 20% of the farmsteads, almost every building in their capital, priceless cultural treasures, irreplaceable charitable, religious and artistic institutions

and works of art. The loss caused by the laying waste of the land, the destruction of transport and communications systems and in every branch of the national economy reached a colossal sum - tens of billions of zlotys.

But, in spite of all that, it should be borne in mind that, in their administration of justice against war criminals, they were pursuing only peaceful aims, devoid of any feelings of revenge. The work was undertaken in the common interest of all peace-loving peoples, first of all in the interests of rebuilding a democratic Germany, with which they hoped to live in really neighbourly relations.

As a further proof of the impartiality and very high legal level of the Polish Courts, he wished to quote the fact that of 145 war criminals tried up to the 15th November, 1947, 30 cases were waived or resulted in acquittal, i.e. more than 20%.

The total number of war criminals surrendered by the Allied nations to Poland as at the 15th November, 1947, did not exceed 1,602 - nearly the same number as were tried up to the same time by the British or American courts. And it should not be forgotten that the war crimes committed against Poland and Polish citizens could not possibly be compared with those committed against United Kingdom or United States citizens, or against any other allied nation, even if all were taken together.

It was obvious that the number of war criminals extradited to Poland bore no resemblance to the actual picture of the war criminality carried on in Poland under the occupation, or committed against Polish nationals outside their frontiers.

Nevertheless, they were not interested in entering into any numerical competition with their allies who first of all punished those who committed crimes against their nationals. They were interested only in ensuring the punishment of at least those who had committed the worst crimes - whose guilt had been proved beyond doubt as a result of investigations and established in accordance with the procedure of the United Nations War Crimes Commission.

Those were the people who, if not punished, were likely to prove most dangerous at present and in the future.

In his letter to Lord Wright, he quoted many instances where decisions of the Commission were disregarded; he had been informed of some new facts which showed that their task was being rendered impossible, and the work of the Commission in the past and still in progress was being nullified. In letter No: 0005 (Ext. 98-231), dated the 9th December 1947, the Chief of the Extradition Section of the War Crimes Group in the U. S. Zone of Germany informed the Commanding Officer of the Polish War Crimes Mission attached to that Group that U. S. agencies would require, for an indeterminate period of time, the presence of those alleged war criminals requested by the Polish Government, because of their responsibility for the crime of destroying the Polish capital. This decision of the U. S. authorities was equivalent to rendering impossible the trial of those who committed one of the worst crimes known to human history - the crime of the deliberate destruction of Warsaw, all her monuments, collections, public and private property, her buildings and most of her civilian population.

A great many other Polish extradition requests concerning exclusively persons charged with very grave crimes - all of them listed by the Commission - had not been accepted as they could not show their exact location at the time of submitting the request.

It should be emphasized that the completion of such of their investigations as were still pending would be made most difficult, if not absolutely impossible, by the U. S. request to discontinue the work of their War Crimes Mission by the 25th January at latest, as stated in the letter of the American War Crimes Group, dated 20th December, 1947. That letter, although clearly acknowledging that the assignment of their Mission "has been of substantial aid in connection with the war crimes operation", and expressing gratitude "for the assistance rendered" and appreciation of "the exemplary co-operation on the part of the Polish Government in connection with all war crimes matters" nevertheless gave no indication as to how they were to complete such investigations as were still in progress or only provisionally closed for lack

of some data.

It was needless to say that the discontinuance of the Allied War Crimes Missions could be considered in any other light than as an obstacle in the path of achieving the aims pursued by the Commission. However, the worst thing in this connection was the new American regulation concerning the procedure of extradition to be adopted subsequent to 1st November, 1947, described in the circular letter AGO05(LD) dated 17 November 1947.

Although the subject heading of that letter was "Extradition of Alleged War Criminals in Germany", it would be far more fitting if it were "How Future Extraditions may be rendered impossible."

It authorized the Director, Legal Division CIGUS, to make exceptions and to entertain requests for extradition in certain individual cases "where it is shown that reason exists for the request not having been filed prior to 1st November, 1947". In that way, the principle of the surrender of war criminals, based on international agreements, ceased to be a binding obligation and became a favour to be granted to the requesting authorities according to the goodwill of the Director of the Legal Division. It was true that the letter mentioned that the requests should be "cleared" with the United Nations War Crimes Commission, but for the granting of extradition in such exceptional cases, it was required that evidence affording reasonable support to the charge and evidence of personal complicity should accompany the request. That, in practice, meant a duplication of the whole procedure already once gone through before the Fact Finding Committee (No: I) of the Commission.

The circular letter gave its support to the Commission with one hand, and with the other it brought to naught all the Commission's authority and the practical value of its lists prepared over a period of years.

Moreover, the "exceptional requests" which were to be granted must contain, as a minimum, all the information outlined in the enclosure to the letter. According to that enclosure, the requesting authorities must supply, besides the name of the alleged war criminal, also the nature of the crime and the place of its commission, the date and place of the wanted person's birth, his weight, the colour of his eyes and hair, his present nationality and place of residence and a statement from the nearest Public Security Officer that the individual does in fact reside at the address shown in the request.

It was needless to say that, in practice, it would be generally impossible for the requesting authority to give all that personal information regarding the alleged war criminal - especially if the requesting authority had not the right to maintain a large detective staff, constantly watching over suspects to see that they did not dye their hair, change the colour of their eyes, nor embark on special diets in order to change their weights!

The demand to present an official statement concerning the location of the wanted person, in the same way, may be considered as an excellent means of facilitating his flight and escape from punishment.

He was perfectly aware that the practical aspects of the extradition of war criminals were outside the jurisdiction of the Commission; however, they could not remain indifferent to practices cancelling out all the work done so thoroughly during the past few years, entailing the careful examination of charges brought by Allied governments and their consideration by an international body constituted according to rules of international law and based on international agreements.

It was obvious that the Commission had no executive power; but one could not deny that recommendations made in the province of its essential field of activities should carry at least moral weight with those governments whose representatives took part in the work of the Commission.

If they were sincerely interested in contributing to the realization of justice and world security by means of the re-establishment of the practical value of the Commission's very important work for peace and the preservation of its authority in that province - if they had any concern for the judgment of the future on them - they should not agree to a policy which could be likened to an ostrich hiding its head in the sand.

The members of the Commission were now faced with a choice - either they must decide to continue their work caring little for its practical value - or they must do all in their power to bring that work to its only logical conclusion.

Colonel Muszkat said he believed that, in the interests of justice and world peace, they should try to influence all member governments to accept and implement a unanimously voted resolution on the following lines:-

"1. The United Nations War Crimes Commission appeals to the member states to take urgent action for the surrender, without delay, of war criminals already apprehended as well as for the apprehension and surrender of those who are still living in freedom, openly or in hiding, either in their territories or in former enemy countries occupied by them, to the countries where their crimes were committed.

"2. The United Nations War Crimes Commission reaffirms that no reservations are to be made as regards the extradition of war criminals listed by the Commission in cases where no further material becomes available after listing, since the Commission examines all charges and accepts for listing only those alleged war criminals against whom a prima facie case of the commission of war crimes has been established.

"3. The United Nations War Crimes Commission states that any limitation of date, either as regards release of war criminals or for non-acceptance of further extradition requests in respect of alleged war criminals against whom a prima facie case has been established but in regard to whom no further material is available, shall be considered as disregarding the spirit and provisions of the relevant declarations and agreements still in force in the province of the prosecution of war criminals, nullifying the work of the Commission set up upon diplomatic agreements of seventeen allied nations and contrary to the interests of collective security, for which the punishment of those who have committed crimes against peace, conventional war crimes and crimes against humanity should be considered as of the utmost importance."

THE CHAIRMAN on being handed a copy of Colonel Muszkat's Resolution remarked that it was rather long and read to members the three points of the Resolution.

M. MILENKOVIC said he wished to express agreement of the Yugoslav Government with the point of view taken by the Government of Poland, as stated in the document A.61.

The Yugoslav war crimes investigation Missions in Germany and Austria were experiencing the same difficulties, being constantly requested by the British and American authorities to submit the full evidence against all war criminals whose names had already been listed by the Commission.

In order to corroborate the cases mentioned by the Polish delegate, he wished to offer as one example among many, the case of General Fisher. Charges of war crimes committed by General Fisher had been examined and very carefully considered by Committee I and, prima facie evidence being presented his name was placed on the list of war criminals, with usual difficulties. Yet, he was asked by the Judge Advocate General's Department to submit additional information concerning the guilt of General Fisher before his extradition could be arranged.

In asking for additional evidence, the British and American authorities in Germany and Austria did not hesitate to ask, for every case under review, that the request for the surrender of the individuals concerned must "be accompanied by a clear statement of the law violated, the acts charged as violation, and evidence affording reasonable support to the charge."

In the face of such a situation, the Yugoslav Missions did their best to satisfy the British and American authorities in giving them detailed particulars. In fact, they repeated the same procedure as he followed when presenting a case to Committee I. Practically, it meant that for the handing over of the same war criminal, he had to fight the case in London and the Yugoslav Missions had also to fight the case in Germany, Austria or elsewhere.

M. Milenković said he understood quite well that the British and American occupying authorities were anxious to have a clear conscience in every case of extradition, but at the same time he wished to point out that, in asking for full evidence in every case, they did not completely follow the principle of handing over all persons whose names had been placed on the Commission's list of war criminals, provided they had no reason to doubt the bona fides of the Allied request. As it was, it seemed to him that they put in doubt very often not only the bona fides of the Allied request but the bona fides of the Commission also, considering that the same cases had already been passed through the Commission's Committee I, where the British and American representatives played a prominent part.

In this connection, he wished to point out, once again, that the Yugoslav Government fully recognised the authority of the Commission and had always been ready to hand over any war criminal who might be found on Yugoslav territory, provided he had been accused and listed as a war criminal. In other words, his Government did not reserve the right to enquire into cases and made its own decision. He stressed that point as a principle to be followed as closely as possible by the occupying authorities in Germany and Austria for it would be quite contrary to the objects of the Commission if the countries represented on the Commission did not accept its decisions as final or almost final.

M. Milenković said on this occasion, he would like to refer to the statement made by Sir Robert Craigie, that the Commander-in-Chief in the British Zone had no intention of minimising the value of listing by the Commission and that his practice in general had been to accept such listing as constituting evidence of a prima facie case. A similar statement by the American representative would be very helpful. Although the Commander-in-Chief reserved to himself the right to make any further investigation in any particular case, M. Milenković thought there was there sufficient ground for improvement in the present practice. Sir Robert had said that that practice would not normally result in duplication of work by the United Nations War Crimes Commission and the Legal Division of the Control Commission, but he was afraid, practically, it did.

More important than the duplication of work, was the question: could the decisions of the Commission be disregarded, or put in doubt, or altered in a unilateral manner?

The authority of the Commission, as an international body, was based on international agreements and, therefore, its decisions were binding upon all its members.

M. Milenković went on to say that the Chairman had stressed the exclusive competence of Law No. 10, he agreed with Law No. 10 and many parts of the Chairman's explanation but it did not follow that the Commission as a body could not state their point of view regarding the value of the decision to list a name. The Yugoslav Mission in Germany was attempting to submit many cases on the basis of Law No. 10 but they were told when there were certain cases which had not been passed by the Commission to address them first to the Commission and then go before the Allied Control Commission. They had put many cases on the basis of Law No. 10 but were told because some cases were not registered with the Commission that they should first address them to the Commission for registration and then request extradition.

THE CHAIRMAN said that in matters of extradition it was not the Commission but the Legal Directorate of the Control Commission who helped the Commander-in-Chief exercise his discretion and control.

M. MILENKOVIC said that when they were told to register cases with the Commission and then go before the Control Commission with their request for extradition it was duplication because they were then asked to provide additional evidence.

THE CHAIRMAN said that if the findings and listings by Committee I were not sufficient to satisfy the Commander-in-Chief that an extradition should be ordered and that something further would have to be produced by the demanding country, it was not really duplication.

M. MILENKOVIC said it was difficult for every National Office to submit additional evidence to what had been submitted to Committee I, and how could he be asked to submit additional evidence to the Commander-in-Chief when he had given all he had to Committee I?

THE CHAIRMAN said it was for the Commander-in-Chief and those advising him to judge and the Commission could not tell him how to exercise his judgment.

M. MILENKOVIC said they were asking for some kind of binding power for the decisions of the Commission and not just that they be respected. It was a very difficult situation for every country.

THE CHAIRMAN said that maybe, whatever they did, they could not produce enough evidence to satisfy the Commander-in-Chief.

M. MILENKOVIC said it was difficult to supply more evidence than was produced to and sufficient for Committee I. He said there was an obvious difference between the statement by Sir Robert Craigie (A. 60) and the statement made by Mr. Kintner in Committee I.

THE CHAIRMAN said it was not obvious because Sir Robert had said that he completely agreed with Mr. Kintner's remarks.

M. MILENKOVIC pointed out that Sir Robert had said that the decisions of Committee I normally constituted a prima facie case whereas Mr. Kintner had said that such decisions were not conclusive and therefore not binding at all upon the authorities responsible for extradition.

THE CHAIRMAN said that had been said ever since the question arose in 1945. He had read all the documents and had been present when the history developed. He thought Mr. Kintner's statement was quite correct and he agreed in affirming it with Sir Robert Craigie and agreed with Sir Robert that it was perfectly correct. The fact that Committee I found sufficient evidence to put a name on the list did not involve that there was sufficient evidence to justify the Commander-in-Chief in extraditing. In addition to that, there might be extraneous circumstances which would prevent extradition, quite apart from the mere question of evidence. He saw Mr. Milenkovic's point, which he had stated very clearly; he felt no one would accuse him of lack of sympathy. However, if some governments were not satisfied surely it was a matter in which they should make diplomatic representations.

M. MILENKOVIC asked whether the Commission could not, as a body, state their view regarding decisions taken because they must have some value, some binding power, or shadow of binding power and should not be rejected by the Military or occupying authorities.

THE CHAIRMAN said the Commission had no power to order extradition.

M. MILENKOVIC said they had no power but a moral duty to say what they considered just.

THE CHAIRMAN said that if Mr. Milenkovic was right, extradition would be determined and ordered by Committee I, because if Committee I put a name on its lists it did so because it was satisfied for its purposes that a prima facie case existed and that that would justify extradition.

M. MILENKOVIC said he would like to know what was the purpose of registration by the Commission, was it a determining factor for the administering authorities in Germany or was it just a matter for consideration.

THE CHAIRMAN said everyone knew the purpose of Commission listing. The only question was whether it was conclusive or binding and clearly it was not. That scarcely admitted of argument.

COLONEL SPRINGER said he had listened intently to Colonel Muszkat's speech but unfortunately did not hear everything said by Colonel Muszkat and would not therefore be able to comment on all his remarks. However, he would like to say by way of preliminary remark that what he had to say was not intended to cast any doubt or reflection or criticism on the fairness of the trials held in Poland and his remarks would be chiefly with regard to Colonel Muszkat's

letter because what the Yugoslav member had brought out was somewhat new to him. He might say also in a preliminary way that the Yugoslav representative had mentioned Austria as presenting the same difficulties as Germany. He thought it would be found (he understood that the Polish and Yugoslav problems were similar) that the American occupation authorities had never announced a final or "out-off" date for extradition requests, such as November 1st and December 31st which had been announced for the American Zone in Germany, so that Austria continued just as it was without any November 1st or December 31st dead line.

THE CHAIRMAN said he understood that the November 1st date had been withdrawn.

COLONEL SPRINGER said so far as he knew it had not been withdrawn but he believed the practice of accepting extradition requests for exceptional and individual cases had continued right along and he had heard no complaints until this one under discussion had come forward. Colonel Muszkat's complaint was the first he had heard of, if there had been others they had not come to his attention. He had not intended to dwell on individual cases but some of the ones mentioned in the letter were represented so inaccurately that he thought he had better take one or two concerning which he had made inquiries.

In this connection he wished to read a transcript of a telephone conversation he had had with Berlin in the case of Fischer, who Colonel Muszkat complained was not being extradited. He did not consider this an exceptional case, in fact he thought it was more or less typical:

"The material originally submitted on Wilhelm Fischer by the Polish Liaison Detachment on duty with 7708 War Crimes Group was indeed meagre, the accused submitted hundreds of statements attesting to the fact that he was not guilty. The Polish Liaison Detachment at Munich, months later, submitted sufficient evidence to warrant extradition but the Detachment did not submit a note of the law violated, that statement had not yet been received by War Crimes Branch, Legal Division. On the 8th December Fischer committed suicide and the Polish authorities were notified, both at Munich and Dachau, immediately."

That seemed to him to terminate the case but Colonel Muszkat was still citing the case. The Poles wanted the procedure to work and so did the American authorities but to do it they would have to submit the name and such particulars so that the right person could be apprehended; they would have to submit evidence under the procedure which the American authorities had been following. A United Nations resolution was mentioned. That resolution recommended that evidence be submitted with the extradition request, if the Poles were going to follow it, and they had to follow it, he did not see why time should be wasted in fighting against it. The letter which Colonel Muszkat addressed to Lord Wright on December 9th, 1947 (A.61) had first come to his knowledge about the 14th or 15th of December. He had previously heard that some disappointment had been expressed concerning the fact that in the American Zone of Germany they were attempting to complete the war crimes trials by the middle of the year (1948), and that last July General Clay announced that extradition of war criminals would generally be suspended after November 1st. He should confess, however, that he was surprised, just as the American authorities in Germany would be surprised, to find the Poles were objecting to their action on extradition cases.

As Lord Wright had indicated, practically all these same questions and charges were recently made and debated in the Sixth Committee of the United Nations and in the General Assembly itself. Although the Committee and the General Assembly overwhelmingly rejected the idea that certain governments had failed to carry out the recommendations of the Assembly concerning the surrender of war criminals. This was evident from the action of the Committee in rejecting the resolution as originally proposed, which expressed regret that certain governments had not carried out their responsibilities with respect to extradition of war criminals. In view of the fact that this same subject and similar charges had recently undergone such extended discussion, consideration and decision, in a body appropriate for their consideration and competent to resolve them, he strongly believed that it was not for the Commission to depart from its limited jurisdiction and enter the field so completely covered by another international body.

He knew day for evidence completi discover extradit presente announce he was a warranted favourabl although adequate American probably Committee of convin amount of He strong how reques

He noted officer of had stoppe alleged wa Colonel Mu that state had defini It was als more than addressed to all Mis addressed with a sta violated, support to English (a if they did had now de to the Lega his letter address cor for there v should be t

Certainly m took the in leading jus motion, and those high various cou prosecuted had about f material and He thought Government criminal ext Muszkat's le individual c were represe page 3 of do United State crimes. He when the fac did consider invited. Th looting and described in further evid might, so fa

was somewhat new
the Yugoslav representati
es as Germany. He
h and Yugoslav
horities had never
uests, such as November
merican Zone in
ut any November 1st

ate had been withdrawn.

withdrawn but he
for exceptional and
eard no complaints
nel Muszkat's complaint
they had not come to
ual cases but some
innacurately that he
he had made inquiries.

telephone conversation
nel Muszkat complained
exceptional case, in

er by the Polish
oup was indeed meagre,
ting to the fact that
t Munich, months
radition but the
d, that statement
al Division. On
Polish authorities
ly."

zkat was still
and so did the
hit the name and
ended; they would
rican authorities
ioned. That
e extradition
ad to follow it,
nst it. The
December 9th, 1947
15th of December.
expressed concerning
tempting to complete
nd that last July
ould generally
er, that he was
ld be surprised,
ition cases.

uestions and charges
he United Nations
e and the General
ermments had
ncerning the surrender
Committee in rejectin
ret that certain
a respect to
is same subject
discussion,
consideration
was not for the
r the field so

He knew that when General Clay originally announced November 1st as the last day for submitting requests and December 31st as the last day for submitting evidence, many governments thought that the time was too short to permit completion of their programmes. He thought, however, that most of them had now discovered that applications could still be transmitted and that surrender and extradition continued to be effected in individual cases which were carefully presented and properly supported. At the time General Clay made his initial announcement it would be remembered that he said that regardless of these dates he was authorised to make exceptions in individual cases if the facts so warranted. Individual cases continued to be received and to be acted upon favourably. He believed that it would be found that the present procedure, although more cautious perhaps than was formerly in effect, was nevertheless adequate for their purposes. He thought it was not surprising that the American and also the British authorities had recently taken a course which was probably more cautious in the matter than formerly. The Commission's own Committee I had recently altered its procedure by requiring the presentation of convincing evidence whereas formerly it frequently accepted very meagre amount of material to support the charge. He thought they must admit that. He strongly suggested that before complaint was made they should wait and see how requests were acted upon by the authorities in Berlin.

He noted that the Polish delegate stated in his letter that the Commanding officer of the Headquarters of the American War Crimes Group, 7708 at Munich, had stopped accepting any further requests for extradition and surrender of alleged war criminals in the United States Zone of occupation (page 4 of Colonel Muszkat's letter, Doc. A.61). He wanted to correct a mis-impression that statement might give. It was true that the war crimes group referred to had definitely and completely stopped accepting applications for extradition. It was also true that they stopped on November 1st, but that amounted to no more than a change of address. Application after November 1st should be addressed to the authorities in Berlin. On November 17th a letter was circulated to all Missions stating that requests for surrender and extradition should be addressed to the Legal Division of the office of the Military Government, Berlin, with a statement in English including the name of the person wanted, the law violated, the acts charged in violation and evidence affording reasonable support to the charge, also evidence of personal complicity, submitted in English (and he would be happy to provide members with copies of this letter if they did not have them). So, although the acceptance of requests at Munich had now definitely stopped that amounted to only a transfer of responsibility to the Legal Division at Berlin. The Polish delegate by the language used in his letter (P.4, Doc. A.61), did not, surely, mean to say that a change of address constituted a unilateral decision contrary to international agreement, for there was no agreement involved, and particularly no agreement that Munich should be the place for the acceptance of extradition requests?

Certainly members were all aware that his Government immediately and energetically took the initiative in prosecuting the criminals of the last war. One of their leading justices was loaned by his Government to set the wheels of Nuremberg in motion, and since then Nuremberg had continued to be the scene of the trials of those high officials who brought ruin and destruction in varying degrees to various countries. At Dachau, at Weisbaden and at other places the U. S. prosecuted with all the vitality and energy and means at their disposal. They had about finished that programme and were now working with equal energy, vitality material and finances to help in the restoration of European and world economy. He thought members would agree with him that it was inconceivable that his Government should purposely place obstacles in the way of any bona fide war criminal extradition or prosecution. As he had said in the beginning, Col. Muszkat's letter (A.61) had come to his attention rather late to investigate individual cases cited, but he had, by telephone, inquired into those which were represented as most unreasonable. Colonel Springer here referred to page 3 of document A.61 where it was alleged in the fourth paragraph that the United States Forces in Austria had not regarded looting and plunder as war crimes. He was informed that that was almost entirely wrong. Originally when the facts were submitted they were so incomplete that the Headquarters did consider that no war crime was described, but further evidence was invited. The Poles submitted further evidence and were informed that of course looting and plunder were considered war crimes, and had now been adequately described in the charge although evidence in substantiation was lacking and further evidence was requested. The perpetrator was immediately sought and might, so far as he knew, have been apprehended in the meantime unless the

unfortunate publicity of the letter had given him warning and an opportunity to escape. With reference to Terlecki and Worobkiewicz, Colonel Springer said that he would use this as a typical case - Terlecki was apparently requested for extradition by the American authorities in Berlin, they examined the Polish evidence and a great deal of other evidence and refused extradition. The Poles then brought the case before Committee I and he did think that Committee I should be informed if a case brought before them had already been refused extradition - did that not seem fair? - Colonel Springer reiterated that on investigation a great deal of defence evidence was forthcoming from the same group of people who made the initial charge, and after careful consideration it was decided that extradition would not be granted. The racial origin of the persons who gave testimony had nothing to do with the decision.

THE CHAIRMAN said that really illustrated that there was a different procedure between listing by the Committee I and granting an order for extradition, the two things were completely different. He did not think that the Commission could go into matters of that sort and he ruled against the discussion of individual cases.

COLONEL SPRINGER said he did want to state that after examining all the evidence the requests were refused but not on the basis that the witnesses were of Jewish, or any particular racial origin.

THE CHAIRMAN said that merely showed the futility of the proceeding, Colonel Muszkat stated that the evidence was rejected because the witnesses were of Jewish origin and now Colonel Springer said that was a complete misapprehension. He found it very difficult to think that any such statement would have been made. Colonel Muszkat said one thing and Colonel Springer said another and the net result seemed to be that it was not a matter for the Commission to decide and not a matter which concerned the Commission. The Commission had no right to sit in judgment on the United States or United Kingdom or the Polish proceedings and he considered that they should settle their differences by the ordinary course of international diplomacy.

COLONEL SPRINGER said he had finished discussing individual cases, however he would like to say, in conclusion that Poland had been one of the most favoured of countries in the matter of extradition. She had received roughly 1,200 persons from the U. S. Zone by way of extradition - more he believed than any other of the United Nations except France. Comparatively speaking, only an insignificant number of her requests had been refused. As Lord Wright had said, the matter of extradition was beyond the scope and jurisdiction of the Commission. He therefore urged members to vote against the motion which might be construed as criticism of governments which had taken a leading part in the apprehension and extradition of war criminals.

DR. ZEMAN said he was in the fullest sympathy with the motion put forward by the Polish delegate, with certain qualifications, he thought they had submitted several concrete cases at the request of Sir Robert Craigie. It was Sir Robert who had asked Colonel Muszkat to bring forward concrete cases to substantiate charges. He wished to say that even if it were recognised that the decisions of Committee I were not binding on the Legal Directorate, they did certainly all recognise that the decisions of the Commission carried weight. That had been said in the letter submitted by Sir Robert Craigie (A.60). The Yugoslav delegate had said it would be very helpful if, in order to clarify matters, a similar statement could come from the U. S. authorities.

THE CHAIRMAN said that the Czechoslovak representative would have to take that up with the U. S. Authorities. The only body which could speak to bind the Commission was the Commission. The Commission was the mouthpiece of its own views; it was not bound by what any other authority said.

DR. ZEMAN said it would be helpful if the Commission could persuade certain of its members to act likewise. The British Government had found it possible to give the Commission a statement and he thought perhaps it might be possible for the U. S. Government to make a similar statement.

THE CHAIRMAN said that might be so but the Commission was not bound by statements made by other Governments.

DR. ZEMAN
the
ask
the
poi
Com
Bri
eto

THE CHAIRMAN
mig
exe
fou
a m
Com
in-C
had
with

DR. ZEMAN
was
deci
Comm
exce
Comm
and

THE CHAIRMAN
the
the
auth
and
appro
helpe

DR. ZEMAN
the
would
help

THE CHAIRMAN
Its au
reason
ask th
how th

MR. AARON
estim
the ch
a basi
and wit
these m
positio
extradi
Comm
witness
or whet
extradi
very un
occupy
Polish

THE CHAIRMAN

COLONEL

THE CHAIRMAN
points
the Comm

DR. ZEMAN said he thought that in order to bring the discussion to a practical conclusion, the motion, qualified to a certain extent, but re-asserting the basic principles, could be carried and accepted because what Colonel Muszkat asked in point one, "that the United Nations War Crimes Commission appeals to the member states etc...." was something which had been followed in practice; point two was not, he considered, in contradiction of the sovereign powers of the Commander-in-Chief. He would like to see a statement incorporating what the British Commander-in-Chief had said: "that it was certainly not the intention etc...."

THE CHAIRMAN said that was quite true and alright as far as it went but it might not go far enough; there were cases in which the Commander-in-Chief in exercising all his powers might order extradition simply on the basis of what he found in the report of Committee I. He thought that there were probably quite a number of such cases; those cases were usually very simple and listing by Committee I might be sufficient, but there might be reasons why the Commander-in-Chief thought that a man should not be extradited. The Commander-in-Chief had to deal with the problem and might consider that the matter could be dealt with best by trial in Germany.

DR. ZEMAN said he thought the whole procedure would, with the work the Commission was doing, be much easier and they would overcome many difficulties if their decision could be communicated direct to the Allied Commander - that the Commission respected his rights but would like him to use them only in exceptional cases - that as the Commission respected those rights so the Commander-in-Chief should respect the decisions of the Commission as friendly and wise.

THE CHAIRMAN remarked that there might be cases where doubt would be left in the minds of governments as to whether they had received a fair deal, but the proper course to adopt was for them to go to the British and American authorities. Those authorities only wanted to do what was fair for everybody and surely governments would help them best by putting the matter before the appropriate person, namely the Commander-in-Chief, or those who advised and helped him - surely that was the way to deal with the matter.

DR. ZEMAN remarked that it was not always the Commander-in-Chief who dealt with the problems and he considered a resolution of a body such as the Commission would carry great weight and such an expression of opinion would be of great help to individual nations.

THE CHAIRMAN said the Commission had no need to re-assert its own authority. Its authority was not questioned or attacked; the course was to proceed by reasonable persuasion. He was not disposed to put before the Commission, or ask the Commission to accept, a resolution which simply attempted to dictate how the Commander-in-Chief should exercise his very serious discretion.

MR. LAARS RYNNING said he was of the opinion that there was no reason to overestimate the value of listing by Committee I - according to his experience the chief aim of the Commission had been to give the occupying authorities a basis in their lists for an early arrest of alleged war criminals, suspects and witnesses. During his duties in Committee I he had got some experience in these matters and he would frankly state that if he were in a responsible position in occupied territory he would not take any serious step, such as extradition, without having asked for more evidence than that submitted to Committee I. In the majority of cases Committee I received one or two witnesses reports - sometimes it was not clear whether they were hearsay or whether they could substantiate their statements. Secondly, the question of extradition had been finally settled by Law No. 10 and he thought it would be very unreasonable if the Commission should in any way try to interfere with the occupying authorities in the performance of their duties. He suggested that the Polish resolution be either withdrawn or rejected by the Commission.

THE CHAIRMAN asked Colonel Muszkat whether he wished to withdraw his motion?

COLONEL MUSZKAT said he wished his motion put to a vote.

THE CHAIRMAN said they had had a very interesting discussion and had heard various points of view. The essential matter was a question of principle, could the Commission interfere or even suggest an interference with the discretion

ing and an opportunity
Colonel Springer said
apparently requested
they examined the Polish
extradition. The Poles
nk that Committee I should
een refused extradition -
hat on investigation
he same group of people
ation it was decided
in of the persons who

s a different procedure
r for extradition, the
that the Commission
the discussion of

examining all the evidence
witnesses were of

e proceeding, Colonel
he witnesses were of
complete misapprehension.
ment would have been made-
another and the net
mission to decide and
sion had no right to
or the Polish proceedings
ces by the ordinary

ual cases, however
one of the most favoured
ived roughly 1,200
he believed than any
y speaking, only an
s Lord Wright had said,
iction of the Commission.
ch might be construed
t in the apprehension

otion put forward by the
they had submitted
ie. It was Sir Robert
ases to substantiate
d that the decisions
they did certainly
d weight. That had
A.60). The Yugoslav
e clarify matters, a

uld have to take that
speak to bind the
uthpiece of its own

l persuade certain of
found it possible to
might be possible for

not bound by statements

DR. ZEMAN said he thought that in order to bring the discussion to a practical conclusion, the motion, qualified to a certain extent, but re-asserting the basic principles, could be carried and accepted because what Colonel Muszkat asked in point one, "that the United Nations War Crimes Commission appeals to the member states etc...." was something which had been followed in practice; point two was not, he considered, in contradiction of the sovereign powers of the Commander-in-Chief. He would like to see a statement incorporating what the British Commander-in-Chief had said: "that it was certainly not the intention etc...."

THE CHAIRMAN said that was quite true and alright as far as it went but it might not go far enough; there were cases in which the Commander-in-Chief in exercising all his powers might order extradition simply on the basis of what he found in the report of Committee I. He thought that there were probably quite a number of such cases; those cases were usually very simple and listing by Committee I might be sufficient, but there might be reasons why the Commander-in-Chief thought that a man should not be extradited. The Commander-in-Chief had to deal with the problem and might consider that the matter could be dealt with best by trial in Germany.

DR. ZEMAN said he thought the whole procedure would, with the work the Commission was doing, be much easier and they would overcome many difficulties if their decision could be communicated direct to the Allied Commander - that the Commission respected his rights but would like him to use them only in exceptional cases - that as the Commission respected those rights so the Commander-in-Chief should respect the decisions of the Commission as friendly and wise.

THE CHAIRMAN remarked that there might be cases where doubt would be left in the minds of governments as to whether they had received a fair deal, but the proper course to adopt was for them to go to the British and American authorities. Those authorities only wanted to do what was fair for everybody and surely governments would help them best by putting the matter before the appropriate person, namely the Commander-in-Chief, or those who advised and helped him - surely that was the way to deal with the matter.

DR. ZEMAN remarked that it was not always the Commander-in-Chief who dealt with the problems and he considered a resolution of a body such as the Commission would carry great weight and such an expression of opinion would be of great help to individual nations.

THE CHAIRMAN said the Commission had no need to re-assert its own authority. Its authority was not questioned or attacked; the course was to proceed by reasonable persuasion. He was not disposed to put before the Commission, or ask the Commission to accept, a resolution which simply attempted to dictate how the Commander-in-Chief should exercise his very serious discretion.

MR. AARS RYNNING said he was of the opinion that there was no reason to overestimate the value of listing by Committee I - according to his experience the chief aim of the Commission had been to give the occupying authorities a basis in their lists for an early arrest of alleged war criminals, suspects and witnesses. During his duties in Committee I he had got some experience in these matters and he would frankly state that if he were in a responsible position in occupied territory he would not take any serious step, such as extradition, without having asked for more evidence than that submitted to Committee I. In the majority of cases Committee I received one or two witnesses reports - sometimes it was not clear whether they were hearsay or whether they could substantiate their statements. Secondly, the question of extradition had been finally settled by Law No. 10 and he thought it would be very unreasonable if the Commission should in any way try to interfere with the occupying authorities in the performance of their duties. He suggested that the Polish resolution be either withdrawn or rejected by the Commission.

THE CHAIRMAN asked Colonel Muszkat whether he wished to withdraw his motion?

COLONEL MUSZKAT said he wished his motion put to a vote.

THE CHAIRMAN said they had had a very interesting discussion and had heard various points of view. The essential matter was a question of principle, could the Commission interfere or even suggest an interference with the discretion

of the Commander-in-Chief in the important function of extradition and if that was answered in the negative then the whole thing fell down. This matter had already been dealt with twice and to-day's discussion was the third time. He would ask the Commission to reject Colonel Muszkat's motion. He did not see any special reason for analysing the three points of the motion since they all hinged on the same question, except point 3 regarding limitation of date. As to that, it was a matter for particular governments and he considered it would be very wrong for the Commission to pretend to dictate to any particular government what should be done with regard to setting a particular date. He would ask for a vote on the simple question whether the motion brought forward by Colonel Muszkat and seconded by M. Milenković should be accepted or rejected.

M. MILENKOVIC said he would like to say something in reply to the Norwegian delegate, M. Aars-Rynning who had said that they were trying to interfere with Law No. 10 or with the occupying authorities. The scope of the resolution proposed was not to interfere with anyone but merely to underline the value of the decisions of the Commission. They were not interfering, as the Norwegian representative had said, with Law No. 10 or the occupying authorities.

THE CHAIRMAN said he appreciated what M. Milenković had said but he thought that every member would have made up his mind how he would vote on the resolution and he would therefore take the vote.

The vote then taken was as follows:-

Those against:

7 United Kingdom, United States of
America,
Canada, Australia,
Denmark, Norway,
Greece.

Those in favour:

3 Poland, Yugoslavia,
Czechoslovakia.

Those abstaining:

2 China, New Zealand.

Absent:

5 France, India,
Belgium, Netherlands,
Luxembourg.

The Resolution put forward by Colonel Muszkat and seconded by M. Milenković was accordingly rejected.

Wright

M. 133

UNITED NATIONS WAR CRIMES COMMISSION

Meeting held on Wednesday, 21st January, 1948
at 3.0 P.M.

CHAIRMAN Lord Wright

Australia

ALSO PRESENT: Sir Robert Craigie
Colonel Springer
accompanied by
Mr. Kintner
M. Maillard
Miss Goold-Adams
Dr. Cheng
Mr. Hoydon
Mr. Aars-Rynning
Dr. Schran-Nielsen
M. Dimitzas
Mr. Aikman

United Kingdom
United States of America

France
Belgium
China
Australia
Norway
Denmark
Greece
New Zealand

APOLOGIES FOR ABSENCE WERE RECEIVED FROM:

Mr. Leger
Colonel Muszkat
Mr. Dutt
Dr. Zeman
M. de Baer
Commander Mouton
M. Milenković
Lieut. Colonel Barratt

Canada
Poland
India
Czechoslovakia
Belgium
Netherlands
Yugoslavia
Office of the Judge
Advocate General.

MINUTES

Minutes of meeting of Commission held 29 October 1947 - M.131 - were approved and signed.

Amendments to Minutes of meeting of Commission held 7 January 1948 - M.131 - received from Mr. Aars-Rynning will be incorporated in the final text.

APPROVAL OF THE COMMISSION TO CONTINUE THE REPORTING AND PUBLISHING OF LAW REPORTS OF TRIALS OF WAR CRIMINALS AFTER THE COMMISSION HAS TERMINATED ON 31 MARCH 1948.

THE CHAIRMAN said that the matter of the continuation of the Law Reports was certainly very important and the Commission was asked to approve of the continuance of reporting and publishing law reports of trials of war criminals after the Commission had terminated on 31 March 1948. The Commission's life would be terminated on 31 March and provision had to be made for the continuance, after that date, of the production of Law Reports. Members would remember it had been decided, at an earlier meeting, that there should be a History of the Commission; it was hoped this would be completed and ready to go to the publisher by 31 March. The question of law reporting however was different, for the simple reason that so many trials were not completed and therefore could not be reported and transcripts of a certain number of those cases which had been completed had not yet been received. The officers working on the reports could not proceed with their work until they received the documents and the result was, that if the scheme was to be carried out, there would have to be an extension to enable the Law Reports to be produced. March 31st was the date on which the Commission's life, as a body, would be brought to an end and the plan which had been suggested was, that as from that date, the Commission should appoint a small body of experts to work on the Law Reports. The exact constitution of that informal body would have to be left over for the present and he anticipated no difficulty in nominating the people who would take charge of that, not as members of the Commission but as workers for the

particular purpose of producing Law Reports. With regard to funds, it was proposed to deal with that in the following way.

It would be desirable to appoint a small body of trustees for the general administration of such funds as remained to the credit of the Commission when it closed down officially on 31 March 1948, and to assist the Legal Publications Committee in the general supervision and administration of the work of continuing the Law Reports. The Chairman suggested that some member of the Finance Department of the United Kingdom Foreign Office might be asked to act as one of the trustees but that could be decided at a later date when the Commission would be asked to appoint the trustees.

The trustees would also supervise the repayment to member states of the balance left over after the Legal Publications Committee had finished its task. That he thought, would meet all requirements and would enable that very important function of the Commission to be carried out. The Chairman said he had already explained more than once how strongly he felt about the importance of the Law Reports being produced. He thought that the work of the Commission had been a very great step in the development of International Law - International Law so far as it related to war and peace, the conduct of military operations and everything of that nature, what were called the Laws of War, also the Laws against Aggressive War - that body of law was of vital importance and would be largely lost unless it was concentrated and brought to hand.

He assumed that a history was being prepared on the Nuremberg trial and also at some later date that a history would be prepared on the Tokyo trial, when it finished. In addition, there were a great number of trials which were of the utmost importance towards creating jurisprudence in that very great and momentous aspect of International Law. This was a limited aspect, perhaps, in that it only operated in relation to wars and if there were no more wars then it would be unable to operate. He thought however that no one would contend there would be no more wars in future and, in that case, the lessons of the last war would be of supreme importance to humanity and to that body of jurisprudence to be derived not only from the Nuremberg and Tokyo trials but from all the trials which were going on in countries all over the world.

As members knew the work on the Law Reports was going on, two Volumes had been published, the third was on the point of publication and a fourth had been approved by the Legal Publications Committee. A certain number of trials, ten to be precise, had been circulated in draft and approved by the Legal Publications Committee for subsequent Volumes. That accounted for a total of 34 trials to date. It was hoped to produce 15 further volumes so that there would be a series of 122 trials making a total of 20 volumes. The Secretary General had estimated that the general scheme would occupy the contemplated workers up to the end of February 1949, i.e. 11 months, from the conclusion of the Commission's activities. He had rather thought the end of this year, but he could quite see that February might be necessary if the scheme was to be carried out.

As to the cost of production, that of course would fall, not upon additional subscriptions from the Commission because there would be no Commission, but upon the funds which, if the scheme was approved, would be set aside for that purpose. He wished to impress upon member nations and everyone else interested in this work that their duty was to buy copies of the reports when published. Volume I had undoubtedly shown a deficit and it must therefore be borne in mind that other volumes might also show a deficit, though he did not see why they should, but the resulting figure would not, he thought, be of terrifying dimensions. However, the budget for this work would include a certain amount to cover a possible loss on each volume. The Chairman thought the position would be very much clearer by the end of February and indeed still more so by the middle of March. The important thing was that the Commission should, without any uncertainty, express its general approval that the work of law reporting, which was a matter of primary importance and in which some sacrifice of the funds now accumulated would be completely justifiable, should be continued. He thought it would be a disgrace if the Commission, charged as it was with the duty of reporting War Crimes Trials, went out of existence without having provided for that important series of reports. Mr. Kintner was the Chairman of the Legal Publications Committee and one of his functions as Chairman would be to assume the obligation as Editor of the series of Volumes and to direct operations.

under the Commission when in existence and, when it ceased to exist, under such arrangements as might be provided by the Commission before it went out of existence, provided, of course, that his Government continued to provide Mr. Kintner's services. He would of course be working as United States representative on the Committee. In addition to Mr. Brand other members of the staff would deal with preparing the publications. It was contemplated that Dr. Zivković might be one of those members and tentative arrangements had been made with two British lawyers - Mr. Elwyn Jones and Mr. Wallace Jones - Mr. Elwyn Jones had been much occupied with the Nuremberg trial, acting for and with the prosecution team in that connection. Their services would be extremely valuable and any arrangement which it was thought desirable to make with them would, he was sure, meet with the approval of members. It would also be necessary to ask the Foreign Office (if they approved in principle of the scheme) to arrange accommodation for the rapporteurs and a small staff and no doubt Sir Robert Craigie would act as intermediary in this connection. That, he thought, was the whole of the scheme and when members had heard the Secretary General and made any comments they might wish to make he hoped they would then approve in general terms the scheme which he had adumbrated.

His motion was "to approve the continuance of reporting and publishing the Law Reports of Trials of War Criminals after the Commission has terminated on 31 March 1948".

THE CHAIRMAN then asked the Secretary General to explain the financial obligations of the Member Nations in respect to his proposal.

THE SECRETARY GENERAL said the Chairman had explained the scheme very fully but to assist members to come to a decision with regard to the continuation of the Law Reports, it would perhaps be well to acquaint them with the cost involved and the balance which he estimated should be to the credit of the Commission on the 31 March 1948.

So far as the Law Reports were concerned, the sales of Volume I had not been as high as one would have wished; 2,510 copies of that volume had been printed and up to the end of last year only 1,000 copies had been sold, resulting in a net loss to date of £150. In view of this, he thought it would be advisable to budget for a certain amount to cover a possible loss on the remaining volumes. As the Chairman had said, it would have helped considerably to reduce that loss if Member Governments had ordered more copies of Volume I than they actually had done. Volume II had just been published and it was hoped that the cost of production of that Volume would be somewhat less than Volume I - the price had also been raised from 2/6 to 3/-.

After 31 March, the cost of the services of 4 rapporteurs with their assistants and the accommodation, which it was hoped would be made available by the Foreign Office, was estimated at £400 per month. In order to complete the work envisaged by the Legal Publications Committee (completing 20 Volumes comprising 122 cases) it would, in his opinion, occupy the services of the 4 rapporteurs 11 months at a total cost of £4,400 to which, unless the sales of subsequent volumes could be guaranteed by members to show an increase over Volume I, should be added a sum of £2,200 to cover a possible loss in publication and sales, bringing the total estimate to £6,600. It would, perhaps, be helpful for members to know the amount of the divisible assets available for distribution at the end of March 1948. After consultation with the Commission Auditors, it was estimated that on the 31 March of this year, there would be available a balance of approximately £12,000, after providing for the expenses of winding up the Commission. In accordance with Article 13 of the Financial and Administrative Regulations; "on the dissolution of the Commission its assets shall be divided among the Governments which are or have been members of the Commission, as nearly as possible in the proportion in which they have contributed to create them." If it is decided to continue with the publication of Law Reports, the cost, estimated at £6,600, would be borne by member governments in the same proportion in which they would expect to receive their share of the divisible assets.

The proportion in which Member Governments have contributed to create the funds of the Commission, the amount of each Government's share of the estimated divisible assets as at 31 March 1948 (in the event of a decision not to proceed with the Law Reports) and the amount which each Government would be expected to pay towards the cost of the continuation of the Law Reports was given as follows:-

	<u>Contribution per cent</u>	<u>Share of Divisible Assets at 31 March 1948, estimated at £12,000</u>	<u>Share of Estimated cost of continuing Law Reports after 31 March, 1948.</u>
Australia	3.65	£ 438	£ 240
Belgium	3.29	£ 395	£ 217
Canada	4.36	£ 523	£ 288
China	6.16	£ 740	£ 406
Czechoslovakia	3.29	£ 395	£ 217
Denmark	2.56	£ 307	£ 169
France	5.44	£ 653	£ 360
Greece	2.93	£ 351	£ 193
India	5.44	£ 653	£ 360
Luxembourg	2.61	£ 314	£ 172
Netherlands	3.65	£ 438	£ 240
New Zealand	2.79	£ 335	£ 184
Norway	2.79	£ 335	£ 184
Poland	3.29	£ 395	£ 217
United Kingdom	22.28	£2674	£1470
United States	22.28	£2674	£1470
Yugoslavia	3.08	£ 370	£ 203

THE CHAIRMAN said that members, having heard the Secretary General's statement might be disposed to express views about the scheme before he put his motion to the vote.

SIR ROBERT CRAIGIE said he would like first of all to thank the Chairman and the Secretary General for their admirable expositions of the problem before them which he thought made it quite clear. What was the importance of the work of law reporting and what would be the cost involved? The cost to most members would be infinitesimal. He did not think he need add anything to what the Chairman had said regarding the importance of the work and he fully shared the view which he had expressed and wished to support it in every way. So far as the United Kingdom Government was concerned he was informed that they were fully conscious of the importance of the Commission leaving behind an adequate record of the more important war crimes trials and therefore he was authorised to say that the United Kingdom Government approved in principle of the scheme but the matter of finance would have to be considered by the appropriate authorities so that he was not in a position to-day to give final approval of his Government.

COLONEL SPRINGER said his attitude was substantially the same as that expressed by Sir Robert Craigie. He thought that his Government favoured the plan in principle and he expected to have fuller instructions before the next meeting. The Law Reports, he knew, were well regarded and regarded as quite interesting and useful at the moment in Germany and would continue to be so regarded as long as they were reviewing cases, which should be all reviewed by August. He was happy to see that the History of the Commission would be in the hands of the printers by March 31st because that History would also be important to the American Authorities in Germany. After August, the Reports would have decreasing value to them and he hoped that the same principle, as had been applied by Lord Wright to the History, to get it completed as early as possible, would also be applied to the Reports. The Reports were important but unless distributed and read they would lose their importance. His office had bought as many as they could pass along; unfortunately sales had been low and he thought they ought to try and help sales and get the Reports into the hands of people where they would be of value and importance. It did seem to him that the total sum was rather large, the expenses in connection with the volumes were rather larger than they should be, but he had not studied them in detail. He wished to summarise by saying that, like Sir Robert, he was

at liberty to vote for the scheme in principle and he thought that the more volumes that got into print at an early date the more value and effect they would have, consequently, the idea of the project stretching out to February 1949, did not look too good to him.

THE CHAIRMAN said that they would of course have to look at the long term view. He hoped that the rumours of war would have died out by next February but they had to look to the future, it was for the purpose of the future that they hoped the volumes would be coned over by International lawyers and they would have, for the first time, some solid work to go on, instead of criticising the views of their contemporaries, and really have some serious pronouncements on war. It would give them quite a lot of occupation for many many years, and one had to look at the long term as well as the short term point of view.

MR. AARS RYNNING said he had on previous occasions, both in the Legal Committee and the Legal Publications Committee, voiced the opinion that that side of the Commission's work should be regarded as a task of primary importance. As regards the future, the fate of the individual war criminal was of minor interest compared with putting on record the rules of substantive international and national law applied, and particularly the development of international law during the last World War as far as war crimes were concerned. The Law and Trial Reports should in his view pursue two aims. First, they should, for historical reasons, give a picture of the various types of war crimes committed by the "Axis Powers" in the occupied countries and in the various theatres of war. Secondly, they should help to clarify the international and municipal law applied by the Courts and Tribunals. Particular attention should be given to cases which dealt with legal problems which had not previously been settled, and sentences which were apt to form a material precedent for the future.

It might be expected that all the countries concerned would have finished the majority of their most important cases within the next 9 or 10 months. By that time the material collected by the Commission, or the proposed new body, should present a fairly complete picture of the position - in any case to such an extent that the aim of the publication of the reports should be fulfilled, after which the final winding up should meet with no difficulties.

He thought it would be of the greatest help to the Commission if the respective National Offices would be willing to submit to the Commission reports in English of a series of those trials which they considered to be of special interest for the purpose of publication. Such action would greatly assist the Secretariat.

He had received instructions from his Government authorizing him to vote in favour of any such arrangement which the majority of the member states of the Commission were willing to recommend for the completion of the Trial and Law Reports according to the plan outlined.

THE CHAIRMAN said that with regard to Mr. Aars-Rynning's suggestion that reports should be submitted in English, he had been trying to achieve that and invitations had been extended to various Governments to send in such cases, in English, as they thought should be reported, but if they would not do that then the Commission, and the subsequent body, became rather powerless.

MR. AARS RYNNING wished to ask whether the scheme which Lord Wright had just outlined was based on the supposition that the Legal Publications Committee would go on after March 31st.

THE CHAIRMAN said he hoped that it would but it was a matter which the Commission, before its dissolution, would carefully consider.

DR. SCHRAM NIELSEN said he knew that the Danish Government attached great importance to the publication of the Trial Reports and he felt authorised to vote in favour of the proposal in principle. However, since the United Kingdom and United States Governments had not felt able to vote for the financial aspect he thought that he also should reserve his vote on

that aspect as he felt he should not vote on the financial aspect of the scheme without knowing the decision of the greater contributing powers.

He felt he had now got all the information he needed on the problem and would immediately submit that information to his Government so that he would be in a position to vote both in principle and regarding the financial aspect, at the next meeting.

MR. HEYDON said that the Australian Government supported the proposal generally and although financially their position was not unlike that of Denmark, he would be prepared to vote on both aspects if necessary. The Australian Government considered it important that the work of reporting should be continued though, as was known, they were anxious that the Commission as a body should terminate its activities on 31 March of this year.

M. MAILLARD said he was prepared to vote for the scheme in principle though he was also obliged to make a reservation with regard to the financial aspect, but he was sure his Government would agree to the scheme in principle.

M. DIMITSAS said he agreed with what the Chairman had said and he could also say that the Greek Government would have no objection to devoting their remaining subscription to that end.

MR. AIKMAN said that his Government agreed to the scheme in principle but he would have to associate himself with those who had made reservations with regard to the financial aspect. He had two questions he would like to ask. The first was; on what basis had it been decided that there should be 122 cases in 20 Volumes - he was just a little concerned whether the Legal Publications Committee would have enough material to justify that number of cases.

THE CHAIRMAN said the problem would be that they would have too much material. However, the Legal Publications Committee would certainly satisfy themselves that every case reported had been carefully selected and if some cases had to be left out so much the worse. There were plenty of cases to review but the important thing was to select the right ones.

M. MAILLARD asked whether it was the intention to continue publication of the Law Reports in two languages, French and English?

THE CHAIRMAN said that had not been decided and it needed rather careful consideration. Volume I had been translated into French and certainly it was very desirable that this should be done but he felt that in the meantime they should leave that particular point over, although it was well worth noting.

DR. CHENG said he was willing to agree to the scheme in principle and he wondered whether it was necessary for members to ask their Governments for instructions on the financial aspect. However, if it was considered necessary by the other members to seek instructions on that aspect of the scheme, he also would like to have a chance to get instructions. Otherwise he would follow the majority.

THE CHAIRMAN said that there would not be another meeting for possibly two or three weeks and by that time any doubts might have been cleared up.

DR. CHENG asked whether the total amount of £6,600 would be equally shared by the seventeen nations?

THE CHAIRMAN said that it would be shared proportionately by the member nations according to their contributions.

THE SECRETARY GENERAL said the amount of China's contribution toward the cost of the Law Reports would be £406.

MR. AIKMAN said the second question he would like to ask was whether it was proposed to distribute to Governments at the end of March 1948, the balance of the £12,00 after the £6,600 had been laid aside, or to put the whole amount in trust until the plan had been completed?

SIR ROBERT CRAIGIE said he thought it would be much better plan to put the whole amount of £12,000 in trust, otherwise it involved two distributions and it would be necessary to keep a certain reserve.

THE CHAIRMAN said that he fully agreed with Sir Robert Craigie, there might well be expenses to meet with regard to the winding up. He had not contemplated a distribution on the 31st March but there would be a distribution when the plan was completed.

THE SECRETARY GENERAL in reply to Mr. Aikman, said the New Zealand Government's contribution to the Law Reports would be £184.

MR. AIKMAN said that if that was the plan, he would have to get authority for the whole amount to be kept in trust and not just the £184.

SIR ROBERT CRAIGIE suggested that the whole amount should remain in trust for the time being subject to final distribution when the scheme was completed.

THE CHAIRMAN said that as Sir Robert had pointed out, there was no point in having an interim distribution and then a final distribution, having regard to the smallness of the amount.

SIR ROBERT CRAIGIE said he thought there had been two points of interest raised in the debate. Colonel Springer had said quite rightly that the sooner they could publish the reports the greater the public interest and the larger the sales were likely to be. At the same time, it should be remembered that some of the most important trials were still going on, so that even if the Committee and the legal staff which were to be left to complete these Reports were to be increased in size to do the work more quickly, there was still a danger that the transcripts of some of those important trials, such as those going on at Nuremberg, would not be ready for the Committee's consideration until some months from now; so, even though it was thought desirable it might not be possible to complete the work before the end of February 1949. He thought that a French translation would be very valuable but, unfortunately, it would delay the work and add to the expense and it occurred to him that since the French and Belgian Governments attached importance to that work, they might be prepared to give assistance in the translation - it would have to be done by technically competent persons and it seemed to him that, if those two Governments were prepared to undertake that work, it would be all to the good to see some Volumes appear in the French language. He thought that was also the view of his Government.

THE CHAIRMAN said that he understood Volume I had already been translated.

THE SECRETARY GENERAL said Monsieur de Baer had received assistance from the Belgian Government who had very kindly undertaken the responsibility of sending a translator to London specially for that purpose.

MISS GOULD ADAMS said she would like to stress the difficulties of translation. M. de Baer had found the translating extremely difficult because so much, though obvious to the English lawyer, was not obvious to the Continental lawyer; many parts had had to be interpreted and re-written. The Belgian Government, at the special request of M. de Baer, had agreed to send a Secretary over but though the first rough translation was completed, M. de Baer had never had time to make the final corrections.

THE CHAIRMAN said that Volume I, in French, had therefore not been published. Obviously, translation was a very serious undertaking, and he thought it better to leave that open for the present. When Miss Gould-Adams spoke of the difficulties involved in dealing with English ideas in the French language, it made him realise the difficulties which must be involved in dealing with English ideas in the Japanese language!

He wished to add that there were still very many cases being tried and it was proposed, he understood, to initiate a very important trial against certain high ranking German Generals. He had asked the Judge Advocate General's Department about that trial and had been told that it would take about five months to prepare, which meant that the trial would not be finished this year. That would apply also in a great many ways to General Telford Taylor's cases which had not been in progress very long. He did not think he contemplated finishing before the end of the year and that was why any elasticity in the

matter should be left to the discretion of the Legal Publications Committee and those in charge of the post-Commission activities. Solvitur Ambulando was the appropriate maxim he thought. He believed he would be expressing the view of the Commission, when he said that the proposal to continue the reporting and publishing of the Law Reports had been accepted in principle by all Member Governments represented to-day and their views on the financial aspect would be discussed at the next meeting of the Commission.

The Chairman again appealed to members to impress on their Governments the importance of and the necessity for ordering substantial numbers of the Law Reports for distribution throughout their respective countries.

DISPOSAL AND CUSTODY OF THE COMMISSION RECORDS AND DOCUMENTS - (Misc. 118)

THE CHAIRMAN said that with regard to the disposal and custody of the Commission Records and Documents, a letter had been received from the Secretary General of the United Nations dated 15 December 1947 and circulated to members as Doc. Misc. 118. In that letter Mr. Trygve Lie informed the Commission that the United Nations was prepared to assume custody of the archives of the Commission at the time of its closing.

The Chairman said he was sure that this offer would meet with general approval, except that some qualifications would have to be added with regard to the transfer of certain documents at the time the Commission closed down. It was quite clear that when the Commission was winding up it would be necessary to keep certain documents for the use of the anomalous body responsible for the law reporting. They would need a certain amount of documents for their use in that work but he thought that was a matter which could be discussed in detail and in a practical manner between competent officials of the two Organisations. He would ask the Commission, therefore, to approve in principle, the proposal for the transfer of Commission records and documents to the United Nations in the manner which, in time, would appear to be practical and beneficial.

COLONEL SPRINGER said the United States Government regarded the United Nations as a very appropriate depository.

The proposal, to accept the offer embodied in Mr. Trygve Lie's letter to the Secretary General dated 15 December 1947 and circulated to members as Document Misc. 118, was unanimously approved.

REPORTS OF CHAIRMEN OF COMMITTEES.

COMMITTEE I.

SIR ROBERT CRAIGIE said Committee I continued to receive cases in considerable numbers and at its meeting on Tuesday had considered 79 cases involving 222 persons and at the meeting to be held the next day they would consider another 45 cases involving 275 persons. In previous weeks even larger numbers of cases had been received so that it appeared likely that the flow of cases would keep up.

There was a question in regard to Committee I which required a decision. At a meeting of the Commission held on the 29 October 1947, he had suggested that Committee I should close down at least a month before the end of the Commission in order to give time to the Secretariat to deal with the outstanding correspondence, the completion of Lists and the sorting and packing of the files. It would therefore be useful to Committee I if they could have a decision that the Committee should finish its consideration of cases on the 27 February so that cases would have to be received a week previously for the Committee to consider them on the 27th.

THE CHAIRMAN said he was extremely unwilling to fix any date but he realised there would have to be some closing date. If they went on indefinitely there might be someone submitting cases 20 years hence and that was impossible. It really came to this, if the date for last cases to be considered was to be the 27th February then the latest date for submitting cases must be at least one week before that.

SIR ROBERT CRAIGIE thought that it might be as well to notify National Offices of the Commission's intention and this was agreed.

THE CHAIRMAN pointed out that in spite of the Commission closing their lists that would not involve any closing down of actual prosecutions of trials. The British and United States Governments, and he thought many other countries, had worked out programmes for prosecutions which would go on beyond 31 March and they would therefore keep their prosecution staffs for such cases as they required. It was forgotten sometimes that the whole idea of prosecutions of war criminals by the claimant nations was that they should decide who they wanted to prosecute. The Commission had had no part in it, practically no part, except certain advisory functions in the great mass of prosecutions which had gone on in the Far East - they had gone on being conducted by the interested nations and he thought it would be found that the prosecutions in the Far East exceeded in number the prosecutions in Europe although the Commission had been more closely in touch with the cases in Europe. The Commission decided, almost at the outset, that it would not ask Far Eastern Nations to submit cases to Committee I. Australia had submitted some cases of terrible atrocities. Apart from that he did not remember any cases being submitted by Far Eastern nations. He mentioned this, not in any way to minimise the work done by Committee I or the importance of their lists which now contained more than 30,000 names, and which would be very valuable for future generations, but only to point out that the decision of the Commission to end its activities on 31 March did not involve a stopping of prosecutions of war criminals, which would go on being conducted by the various nations according to the original idea of the Moscow Declaration.

LEGAL PUBLICATIONS COMMITTEE.

MR. KINTNER thought the Chairman had made a sufficient report on the activities of the Legal Publications Committee. It might be added, however, that Volume 3 was in proof form and Lord Wright's Foreword to that Volume had just been prepared and it was hoped that the volume would soon be distributed. Volume IV was substantially set up in type and contained two British cases, a Canadian case and the American Yamashita case. For Volume V, they already had 10 British cases approved by the Committee and other cases were in the process of being prepared for that Volume and subsequent Volumes.

THE CHAIRMAN said that before closing the meeting he wished to say, for record purposes, that Mr. Kintner had found it impossible with his other duties and obligations, to continue as Joint-Chairman of Committee I. He thought members were grateful for the work Mr. Kintner had done on this Committee as a colleague of Sir Robert Craigie who would wish to join with him in expressing regret at Mr. Kintner's resignation.

SIR ROBERT CRAIGIE said he wished, as Joint-Chairman of Committee I, to add his own expressions of regret at Mr. Kintner's resignation, but he was pleased to know that Mr. Kintner would continue as a member of the Committee and be there by his side to help him in the work. He would like to express his grateful thanks to Mr. Kintner for the help he had given as Co-Chairman and especially during the past two weeks when he (Sir Robert) had been away ill.

MR. LARS RYNNING said he wished to associate himself with the remarks made by the Chairman and Sir Robert Craigie.

FORMAL APPROVAL OF UNWCC LISTS

The Commission's lists Nos. 64, 65 and 66 were formally approved.

Wright

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of meeting of the Commission held on Wednesday,
February 25, 1948 at 3. P. M.

<u>CHAIRMAN</u>	Lord Wright	Australia
<u>ALSO PRESENT</u>	Sir Robert Craigie	United Kingdom
	Colonel Springer	United States of America
	accompanied by	
	Mr. Kintner	
	M. Maillard	France
	accompanied by	
	Mlle. Capimont	
	Dr. Cheng	China
	Mr. Aikman	New Zealand
	Miss Goold-Adams	Belgium
	Mr. Aars-Rynning	Norway
	Dr. Schram-Nielsen	Denmark
	M. Dimitzas	Greece
	Colonel Muszkat	Poland
	M. Milenković	Yugoslavia
	Lieut. Colonel Barratt	Judge Advocate General's Department.

APOLOGIES FOR ABSENCE WERE RECEIVED FROM:

Mr. Heydon	Australia
M. de Baer	Belgium
Mr. Dutt	India
Dr. Zeman	Czechoslovakia
Commander Mouton	Netherlands

MINUTES

Minutes of meeting of Commission held on 7th January 1948 - M.132 - were approved and signed.

Amendments to minutes of meeting of Commission held on 21st January, 1948 - M.133 - were received from Sir Robert Craigie and Mr. Aars-Rynning and will be incorporated in the final text.

THE CHAIRMAN said that he had something to say concerning the minutes of the meeting of the Commission held on 7th January, (M.132). As members would recall, that meeting dealt largely with an elaborate and able letter from Colonel Muszkat (A.61) dealing with a complaint which the Commission did not entertain. The letter suggested that cases of extradition had not been favourably received by the Commission. That was the main issue. However, he was not concerned with that now and did not want to say anything about it. Quite incidentally, the letter from Colonel Muszkat had contained some passages which he was bound to say, when he had first read them, struck him as being a little unfair because they seemed to indicate a complaint against the American Government which he thought was not justified and not warranted by any of the circumstances. However, on re-reading the letter, he was inclined to the view that that was not intended though it seemed not impossible that some such innuendo was being suggested rather vaguely. He had said that he felt some discontent about certain passages which related to issues of a document called the Rogues Galleries, and the innuendo had seemed to be that the American authorities were seeking to apprehend persons not as war criminals but because they thought they might be useful in industrial matters; that however only appeared in the letter as an innuendo and he had gone on to say what he now wished to have corrected, - "an English lawyer would say that that sort of comment (quite without justification) was scandalous and irrelevant..." The words "scandalous" and "irrelevant" as he had used them, and as Anglo-American lawyers would use them, were comparatively harmless and did not

suggest dishonourable conduct. That being so, he had not thought that a Continental lawyer would regard them as computing very serious or dishonourable conduct. Having been informed that that was how those words would be construed by a Continental lawyer, he now wished to withdraw them altogether. He had not intended to express anything as definite or as strong as that and he now wished to take the two words "scandalous" and "irrelevant" out of the minutes as reported, in fact he wished to strike out the last sentence of para. 2, page 5, from "an English lawyer" to the end of the paragraph, and simply say, "There was no justification for making any such suggestion against the American authorities and in addition, it would be wrong to read Colonel Muskat's letter as making any such suggestion." The essential thing was that "scandalous" and "irrelevant" should be eliminated.

The Chairman felt sure members would agree that that was a proper course to adopt and he regretted that he had fallen into an error by using those words as an English lawyer would understand them and not realising that they would have a different meaning to a Continental lawyer. He would therefore have them struck out of his speech and he was sure that no one would object to that being done.

LAW REPORTS OF TRIALS OF WAR CRIMINALS - consider (a) cost of continuing the reporting and publishing of the Law Reports, (b) French Translations (Misc. 122).

THE CHAIRMAN said that the next item on the Agenda was a matter of considerable importance. Members would remember that at an earlier meeting, the Commission had unanimously decided that the question of preparing law reports should be dealt with and it was agreed in principle that it was a matter of first importance to the Commission to continue the reporting and publishing of these Reports. That was agreed in the Commission's meeting held on 21st January (M. 133) and he was sure that members had fully in mind all that had been said on that occasion, and that being so he would not repeat it. The matter had been left rather inconclusively but with a strong view on the part of the Commission that the preparation of Law Reports should proceed, but as some of the members had desired to consult their Governments before coming to any definite or final conclusion on the matter the discussion had been adjourned for that reason. The various members, having had a little more than a month in which to consult their Governments, it was essential that that particular matter should now be dealt with finally and definitely. They were now at the end of February and the Commission would be wound up on 31st March so whatever they decided or wanted to do would have to be decided now.

The Chairman said he would put a straight question to the Commission and he wanted each member to say "yes" or "no".

The Chairman's Resolution was as follows:-

"That the Commission resolves that it is of first importance that the preparation of the Law Reports should be carried to the projected completion, which is expected to be finished by the end of 1948, with a month or two beyond for winding up the whole operation, and for the printing of the final volume."

The Chairman explained that the fixed time for the project to be completed was the end of 1948 and a month or two beyond was only desirable for winding up the whole operation and printing the last volume. He wished to ask for a definite vote on his resolution because members had now had an opportunity of obtaining the definite and practical views of their Governments. Apart from his proposal, on which he wished to take a vote, there was a second matter which did not really affect the main issue, and that was the desire of the French Government to have a French edition of the Reports which were prepared. That was subsequent to the matter of the Reports but he wished to say that the Commission naturally desired to have a French edition and he thought such an edition would be very useful.

M. MAILLARD said that the desire of the French Government to have a French edition of the Law Reports was not an entirely separate matter, it was more or less connected and he was not sure that his Government would wish to participate in the plan if a French edition was not produced. If a vote was taken separately it would not be convenient for him to vote and the decisions of some other members might depend on whether there was to be a French edition or not.

THE CHAIRMAN said he understood the French representative to say that members might not want to commit themselves until they knew what was going to be done about a French edition. He remarked that there could be no French edition unless an English edition was produced first. If the French abstained from voting it might be that there would still be a sufficient majority to carry his resolution.

The Chairman said there was one other thing which he thought had been fully discussed, namely the question of cost of the preparation and publication of the French version. They had gone over that very fully on the last occasion when the Secretary General had explained exactly the question of expense and he did not think anything more could be said about it.

SIR ROBERT CRAIGIE said the question of cost, which had not been settled at the last meeting (M.133), had been submitted to the various Governments - the rough estimate was £6,600 to cover a period up to the end of February 1949. That expenditure had been approved by the United Kingdom Government but he thought that his Government would wish some limitation of expenditure to be inserted in the resolution because, as it stood, it was rather like a blank cheque. He would like to add the words: "This work is authorised on the understanding that the expenditure involved would not exceed £6,600 for a period up to the end of February 1949", and he would like the general scheme authorised without reference to the question of the French edition which raised a good many difficulties. He thought it would be unfortunate if the French sought to make the scheme conditional upon a French edition being produced. It was very desirable that a French edition should be produced. He had not worked out the figures but there should be no difficulty if the French authorities would undertake the task, and they were the only people who could, of turning the reports into French, but, as Lord Wright had said, there could be no French edition unless there was an English edition first.

M. MAILLARD said if the resolution was to be put in the form Sir Robert had suggested would it mean that the supplementary cost involved in the production of a French edition would have to be borne by the French Government alone? If the total amount was limited it seemed to imply that no French edition would be made.

THE CHAIRMAN said that if members voted for the French scheme they might apportion a certain sum of money for the scheme which the French would have to undertake. He did not say that the French edition would only benefit the French nation because it was quite possible that some other countries would prefer to have a French version. The production of such an edition would have to be done, not only by a French speaking gentleman but by a gentleman capable of understanding English legal terminology and translating them into French.

COLONEL SPRINGER said Monsieur Maillard believed that if Lord Wright's resolution was passed it would cut off the possibility of a French edition. However, if the Commission approved that a French translation should be made it would cut down the number of Volumes in English as there would not be as much to spend on producing the English edition.

COLONEL MUSZKAT said according to the instructions he had received from his Government he was instructed to vote in favour of the resolution on the condition that three of four Polish trial reports were included in the programme.

THE CHAIRMAN said he was fully in accord with the idea that three or four Polish trials, in English, would be included in the series of Law Reports, as they would be very valuable. He did not however think it necessary to include Colonel Muszkat's request in the resolution as a condition.

thought that serious or dishonouring words would be construed altogether. He had not said that and he now wished to amend the minutes as to the substance of para. 2, page 1, and simply say, on account of the American Colonel Muszkat's letter that "scandalous"

a proper course to take by using those words saying that they would not therefore have the same object to that being

of continuing the Translations (Miscellaneous)

matter of considerable importance, the Commission has decided that the Reports should be of first importance. In January (M.133) it had been said on that matter had been part of the Commission as some of the members had no definite opinion for that reason, in which to particular matter should be at the end of February whatever they decided

Commission and he

of first importance should be carried to the end to be finished by the end of winding up of the final volume.

to be completed desirable for winding up wished to ask for a meeting had an opportunity of the Governments. Apart from that was the desire for Reports which were not to be but he wished to have a second edition and he

COLONEL MUSZKAT said he thought it necessary to have the officers in charge of the Reports advised of Lord Wright's views, and to include Polish trials in the programme of work. He thought that, necessary as it was to have trials in the English language, American or British, included, it was also necessary for the Commission to have other trials included.

THE CHAIRMAN said there had been one French case reported in English. He had been trying very hard to obtain from the Czechoslovak representative a report of a very important case tried in Czechoslovakia but he had not succeeded in getting the necessary material. It was very far from his intention that the Reports should be limited to English and American cases and he would regard that as a great defect. So far as the three Polish cases were concerned, that was merely a matter of arrangement and he had already made inquiries as to how the difficulty could be met. No doubt, with the help of Dr. Litawski, the matter could be satisfactorily arranged, and so far as he was concerned, he would do everything in his power to secure that result.

The Chairman told Colonel Muszkat that he could be assured of his support and if he was satisfied with that, he did not want to overload the resolution with too many undertakings.

COLONEL MUSZKAT agreed.

SIR ROBERT CRAIGIE said that regarding the French edition, he had no doubt that all would agree as to the great desirability, in principle, of having a French as well as an English edition. They wanted the Reports to be available to as many people as possible and to increase sales; only in such a way could the work being done be available to students in the future, but they were up against two technical difficulties. The first, quite frankly, was a question of expenditure. He could, of course, only speak for the United Kingdom Government and when he had put the proposal put forward by the Commission before them, they had examined rather carefully the question of expenditure based on an English edition only. A version in English only was all that was contemplated at that time. Up to date they had, unfortunately, not succeeded in bringing out a French volume, Monsieur de Baer had been good enough to do his best to produce one but he was very impressed with the great difficulties encountered in trying to produce a good volume, and if that problem had taxed his great abilities, it would be difficult for them to find someone in England able to produce something of which a French lawyer could be proud. They had based their estimates purely on the basis of a production in English and it was only with some difficulty that he had persuaded the United Kingdom Government to accept that sum as being justified. That being the case, he felt that if he were to go back again and say that it was now desired to produce a French volume, at increased cost, he would run the risk of upsetting the whole scheme and his difficulty might be similar to some other Governments.

The other technical difficulty was the actual production of a report in French, finding the suitable people to do it and control it. He hoped that the French Government might be prepared to undertake as a sort of experiment, the production of a first volume. He felt that could only be done in Paris and that it was up to the French, if they wished, to make an experimental first volume in order to ascertain whether it justified their proposal. He suggested that they should consider that very carefully because, while he was not personally on the Committee dealing with the questions, he did feel there would be great difficulties encountered in producing an adequate French version with which they could all be satisfied. He put that suggestion with great diffidence to Monsieur Maillard but he did feel it would be a great help if the French Government were prepared to undertake the production of an experimental first volume themselves.

M. MAILLARD said he was most grateful for the suggestion however, as he had said in his letter (Doc. Misc. 112), the French Government maintained that the French and English languages had always been the languages of the Commission and that had been put down in the rules when the Commission was created. They had, more or less, given up the habit of speaking French because all documents issued were only addressed to Governments and it was rather easier to speak in English than in French, but he did not think that ruling should be disregarded when the Commission undertook the task of Law Reporting. The French could see no reason why a rule adopted should be given up and he thought the Commission should, as a whole, decide upon the decision to be taken regarding the desirability of undertaking the task as a whole. If the French Government did not want to participate they would say so, so it was up to the Commission to decide.

THE CHAIRMAN said he sympathised very deeply with what Monsieur Maillard had said but he felt that it should not be attempted to make everything conditional upon a French version being produced, if that was done the whole scheme might be wrecked.

They had a scheme for an English version, a scheme which he thought ought to go like clock-work; there could not be a French version until the English version came into being. It might turn out that the estimate of cost was not correct to within a farthing and if there was any inadequacy they would have to cut their coat according to their cloth; he had always considered that as possible. However, he felt that the scheme they had worked out would be satisfactory and if necessary, they might have to report on only 100 instead of 122 trials.

The production of a French edition was not merely a side issue; it was something which the French authorities felt was vital, and the French representative would vote against the whole scheme unless his requirements were fulfilled. The Chairman sympathised with Monsieur Maillard but said that the whole scheme might be wrecked if a French edition was to be made a condition and therefore surely it was better to have the Reports in English rather than to have no reports at all?

DR. SCHRAM NIELSEN said he would like to say a few words about the French proposal. He quite agreed that it was highly desirable to have a French edition, on the other hand he knew that in Denmark, the lawyers were usually able to read English and if they could get an edition in English they would not need the French translation. That was why he felt unable to vote for a scheme involving expenditure additional to that estimated by the Secretary General. On the other hand, it might be possible to go a bit further than Sir Robert Craigie's suggestion - that one legal officer should assist in the first volume as an experiment. If the French Government could undertake to make such an experiment and issue one volume to see how it would be received, the War Crimes Commission would assist. They could not translate it for, as far as he knew, they had no expert available to do that work but the French might need assistance regarding the technical terms and it might be possible for the Legal Officers to assist the French in their work.

THE CHAIRMAN agreed that it was very desirable to have a French edition but it was essential that the English edition should be produced first. The estimate had been very carefully worked out and there was no free ground to play on. The Commission would cease to exist in little more than one month's time, and what would happen then? There could only be a French edition if the Commission, before it went out of existence, created what he might call a replica or reduplication of the scheme which it had prepared for bringing out the English edition. The member Governments, he understood, were prepared to agree that a total of £6,600 be deducted from the £12,000 for the purpose of producing the English reports, and that would be done when the Commission was wound up. He could not see how the French scheme could be brought into effect now, at this stage.

M. MAILLARD said Colonel Springer had drawn attention to the fact that a French version would diminish to a certain extent the funds available for the production of an English edition.

THE SECRETARY GENERAL said the question of the cost of financing the production of a French edition was closely related to the demand for and

that
or dishonoured
ld be construed
er. He had not
and he now wished
minutes as
para. 2, page 1,
simply say,
inst the American
Muszkat's letter
"scandalous"

per course to
ing those words
that they would
herefore have the
ject to that belief

continuing the
relations (Misc. 112)

ter of considering
ing, the Commission
reports should be
er of first importance
of these Reports,
uary (M. 133) and
a said on that
ter had been
t of the Commission
ome of the members
y definite or final
or that reason,
in which to
ular matter should
the end of February
ver they decided

Commission and he

first importance
ld be carried to
to be finished by
for winding up
the final volume

to be completed
rable for winding
ashed to ask for a
an opportunity
rnments. Apart
e was a second
t was the desire
eports which were
s but he wished to
edition and he

sale of copies of the translations. In the first place, the printing of a French edition in England would cost between 30% and 40% more than printing an English edition. Printing 1,000 copies of one volume in French would cost about £280 and if 1,000 were sold at 5/- each, a total of £250, it would mean a net loss of £30 per volume. In addition to that, there was the cost of translation which the Secretary General had not yet obtained from the French authorities and he was therefore not in a position to give a complete estimate. As a guide to sales, approximately 1,000 copies of Volume I of the English version had been sold since its publication in January 1947 and approximately 500 copies of Volume II had been distributed to booksellers for sale but no note of the actual sales had as yet been received.

THE CHAIRMAN said that having heard this explanation it seemed to him that the whole cost of translating the English into French might be borne by the French Government and that it was merely a question of printing the French edition when completed. However that left out the cost of translation, which was very important and might well turn out to be very considerable.

SIR ROBERT CRAIGIE wondered whether the French would be prepared to pay for the cost of translation. He would like to support Dr. Schram-Nielsen about the desire of the Commission to help with a French edition, providing sufficient sales could be guaranteed. He did not think it was altogether a matter of principle in which they were all agreed that it was desirable to have a French edition. He did think however that the French edition might reduce sales of the English edition still more and if they undertook the scheme they might find themselves faced with a serious deficit.

THE CHAIRMAN thought all were agreed that it would be very desirable to satisfy the French and to produce a scheme which would include both a French and English edition, but they had to consider everything and weigh carefully the pros and cons. They had come to the conclusion that the publication of an English edition was desirable and possible and he had been driven to the conclusion that it was essential that they should proceed with the scheme along the lines indicated. He was not conscious that the preparation of a French edition was a sine qua non. If they made up their minds to make the whole scheme conditional upon a French edition being brought out soon after the English edition the whole plan would collapse. Governments knew what they were going to subscribe and he could see no practical possibility of satisfying the French requirements at this stage and any attempt to do so would merely mean that the whole project would break down. It was for that reason that he wished to put his resolution to the vote - that did not shut out the possibility, in the future, of there being some French translations. They could go on with the English edition and it might well be, that when they got to October or thereabouts and had published a certain number of English editions, they might then find it possible to arrange for a French edition of a selected number of cases to be produced. That was a possibility which ought not to be overlooked but how it would fit in with the financial arrangements and the time limit on which they were proceeding, might be a matter of considerable difficulty. None of these could be fitted in with the general scheme of a French edition. On the other hand, it did not exclude a French version consisting of a few selected cases being produced at a later date. What he would suggest was that the French Government, who were the only people who could do it, should at once, if they were so minded, turn Volume I into French. It would then be a question of what could be done to publish that in the first place, then further numbers might follow but first see what could be done with Volume I.

COLONEL SPRINGER said that the publication of the French edition might really make the whole project cheaper was not what he had intended to say. The point he was making, and which had a direct bearing on which question to vote on first was, if the motion which Lord Wright had presented was voted on first and carried and the French proposal followed and was also carried, it would mean one of two things. Either the amount of money would have to be increased or the number of English volumes would have to be cut down. For that reason he thought that the French motion should be voted upon first and furthermore in matters of amendment an amendment was usually voted on first. He had listened to the difficulties regarding

producing a French edition and they did not seem very great to him. A matter he would like to hear discussed was whether or not the Commission, when it was initially set up, committed itself to publish in two languages. If it did, he thought they should stay with their commitments.

M. MAILLARD said that if the resolution was proposed in the form which Lord Wright suggested, he would have to vote against it according to instructions received.

COLONEL SPRINGER said there was a rule adopted on 18th January 1944 which read: "Any member may request a translation...." but that referred specifically to motions made in meetings.

THE SECRETARY GENERAL stated that the rules to which Colonel Springer referred were the Rules of Procedure adopted by the Commission on the 18th January 1944. Rule 3 stated "Motions may be made in French or in English. Any member may request a translation." Rule 13 stated "Delegates may speak in English or in French. Any members present may ask for a translation."

SIR ROBERT CRAIGIE said he could find nothing about the Commission being bi-lingual. He had read Rule 3 which applied to motions and Rule 13 which referred to choice of language for delegates to speak.

DR. SCHRAM NIELSEN said he understood the normal course in International Organisations to be that every word said and presented appeared in at least two languages, and he wished to ask the Secretary General if they had ever published any papers, documents etc. in French.

THE SECRETARY GENERAL said the Commission had never been required or requested to translate or publish documents in French.

COLONEL SPRINGER remarked that cases were presented to Committee I in French.

DR. SCHRAM NIELSEN agreed but pointed out that they were not printed by the Commission, just presented to it.

SIR ROBERT CRAIGIE proposed that the following words should be added to the Resolution if they would enable the French representative to vote for it: "The question of publishing a French edition of the Reports is regarded as highly desirable, but in view of the expense involved and the technical difficulties of translation, the Commission propose that this question of a French translation should be the subject of further discussions with the French Government." However, if that would not help he thought they should pass the resolution proposed by Lord Wright and limiting the expenditure but without committing themselves to a French edition. Having done that they could then see whether they could work it out that the expenses involved in producing a volume, in French, of the more interesting cases, could be allocated. He would not be prepared to vote for anything which might have the effect of wrecking the English publications.

THE CHAIRMAN asked whether the Commission was prepared to vote on the main resolution. Regarding Sir Robert Craigie's proposal about "the French edition being the subject of further discussions with the French Government", he thought, if that were added to the main resolution, it might be thought that the main resolution was to be the subject of further discussions.

SIR ROBERT CRAIGIE said that was not what he intended, what he meant was that the question of publishing a French edition should be the subject of further discussions with the French Government.

M. MAILLARD asked whether the discussions suggested would take place inside the Commission, before it was wound up.

THE CHAIRMAN said yes. He also wished to say that personally he supported the idea of a French translation and would do everything in his power to satisfy the desires of the French Government, his difficulty was purely practical and he was not disposed to wreck the whole scheme even in an attempt to satisfy the French Government, and in so doing jeopardise not

only the English scheme but render impossible a French scheme. There could be no French edition without an English edition. The English edition was therefore of primary importance. He wished to ask for a vote on the main resolution with a rider, as suggested by Sir Robert Craigie, to limit the expenditure.

COLONEL SPRINGER said that he thought that the amendment should be voted on first.

THE CHAIRMAN said it was not an amendment. It was for the discretion of the Chairman to decide how he put his motion. In order to satisfy some Governments it was necessary to mention the figure of £6,600, so that that limit of expenditure was being added as a rider to the primary motion.

COLONEL SPRINGER said he thought a rider was an amendment.

SIR ROBERT CRAIGIE said that there was no amendment in adding the £6,600. Supplementary expenditure for a French version would have to be authorised at a later date and the addition of the rider did not commit anybody.

M. MAILLARD said that if the limit of expenditure was included in the resolution he would have to vote against it, if no limit was included he would abstain from voting. He felt that if such a limit of expenditure was inserted in the text of the resolution nothing could be done regarding the French volumes.

M. Maillard, having stated that he would not be prepared to vote for the resolution with the addition proposed by Sir Robert Craigie he (Sir Robert) withdrew his proposal.

THE CHAIRMAN said it had been decided, when the Commission was constituted, that upon its winding up, the remaining funds would be divisible pro rata. After the Commission wound up there would be nothing kept in hand for the Law Reports except the £6,600.

M. MAILLARD remarked that, after the £6,600 had been used for the production of an English edition there would remain £5,400.

THE CHAIRMAN said that the French authorities could, at a later stage, in the course of the next month, when they had settled the question of the English edition - and he pressed very hard to get that settled - bring the matter of a French edition up again and the Commission might decide to appropriate, separately, the remaining £5,400 to the purpose of a French translation.

The Chairman said he wished now to present his original motion and rider and to take a vote on this motion which he thought members understood and which he considered expressed the general view of the Commission. He thought the production of a French edition was rather in the nature of a pious hope and expectation.

The Chairman then submitted his resolution as follows:-

"That the Commission resolves that it is of first importance that the preparation of the Law Reports should be carried to the projected completion, which is expected to be finished by the end of 1948, with a month or two beyond for winding up the whole operation, and for the printing of the final volume. This work is authorised on the understanding that the expenditure involved up to the end of February 1949 will not exceed £6,600."

The vote taken on that resolution was as follows:-

Those in favour: 11 Belgium, China, Poland, Yugoslavia, Greece, New Zealand, Norway, Denmark, Australia, United Kingdom, United States.

Those against: 1 France,

Absent: 5 Czechoslovakia, Canada,
India, Netherlands,
Luxembourg.

The Chairman's resolution was accordingly approved.

THE CHAIRMAN said he was sure that Monsieur Maillard would explain the matter to the French Government.

M. MILENKOVIC said, like the Polish Representative, he had voted in favour of the Chairman's resolution on the understanding that some Yugoslav cases would be reported.

THE CHAIRMAN said that the Legal Publications Committee would welcome a report of Yugoslav cases. If the Yugoslav representative would confer with the Legal Publications Committee and submit a report in accordance with their provisions, he felt sure that the Yugoslav's desire to have some cases reported could be fulfilled, but that was a matter for discussion between the Yugoslav representative and the Legal Publications Committee. Personally he was all in favour of a Yugoslav case being reported.

MR. AARS RYNNING said he had always understood it to be the intention of the Legal Publications Committee that the trial reports should include reports from every country represented on the Commission and it was entirely up to Governments represented to send in translated reports of trials which they considered important.

THE CHAIRMAN asked whether Denmark had produced a case.

DR. SCHRAM NIELSEN said that they had not done so because the most interesting cases had not yet been brought to an end. He undertook to supply the English translation of a few cases later on.

M. MAILLARD said he was afraid that the French Government, according to instructions received, would not be prepared to take its share in the publication costs of an English edition.

SUBMISSION BY THE GOVERNMENT OF ALBANIA TO CONSIDER CASES OF WAR CRIMES COMMITTED IN THAT COUNTRY (M.131, A.57 and A.64).

THE CHAIRMAN said he thought the next item on the Agenda had already been completely decided. He referred to what had been said at the meeting of the Commission held on October 29th, 1947 (M.131) and read to members various points which had been raised. He had referred to the Italian Treaty which, though it contained references to Albania, said nothing which gave them any status. Sir Robert Craigie had accurately pointed out that the Albanians had never been allies and had never been members of the Commission and there was no practical reason for granting the request. There was a clear demarkation between the Ethiopian request and the Albanian request - Ethiopia had throughout been a United Nation and therefore could justifiably put forward a claim with a better basis. For those reasons, he suggested that the application rendered was out of court. What Albania had done was to make an extensive claim for extradition and their claim also applied to Commission Listing. There was now a further difficulty of time, that difficulty had been emphasised at the last meeting and if that difficulty was acute in October 1947 it was even more acute now, at the end of February 1948, when, within a few weeks the Commission and Committee I were to be wound up. The Commission's Lists of War Criminals were closed on the 19th of February and it was too late to venture to suggest that on the broader principle Albania had locus standi. He would ask for a vote repeating that the request be rejected.

M. MILENKOVIC proposed that the Albanian request, as set out in the letter of the Albanian Ministry for Foreign Affairs, be accepted, except for the cases against Albanian citizens, as those cases were outside the Commission's competence.

He thought it was quite in the spirit of the Commission to accept the specified cases, to examine them and to list them if there proved to be prima facie evidence.

Like any other people under the German and Italian occupation, the Albanian people had been subjected to innumerable atrocities and were therefore entitled to receive justice for the sufferings they underwent.

There was a war, there was a territory occupied by the German and Italian armed forces, and there were crimes committed against a peaceful population.

These were the facts, which, from an objective point of view, constituted the necessary conditions for the Commission to interest itself in the matter.

Albania might not have been an Allied nation and, though not so far a member of the United Nations, those considerations, in his opinion, did not really matter, considering that they were there to examine and list the crimes committed against humanity. Nobody would deny that the Albanian people represented a portion, small as it was, of humanity, notwithstanding the assertion that their former governments led and oriented the Albanian State in this or that direction.

He quite realised that at this stage of the Commission's life there were many technical difficulties, but, in his opinion, the Commission could not refuse to examine the Albanian cases because of technical difficulties or on some other formal ground, and thus allow a lot of war criminals charged with killing, burning, looting and deporting all over the Albanian territory, to go unpunished.

It was true that Albania was not a formal ally, but it was also true that the Albanian Liberation Movement helped the efforts of the United Nations as much as it could to achieve a common victory. He wished to testify before the Commission that the Yugoslav Liberation Movement was gallantly and effectively helped by two or three Albanian battalions. That was one of the reasons why the German and Italian occupation forces intensified their criminal activities against the Albanian people.

In making the proposal for the acceptance of the Albanian charges, he did so in the name of justice, and he thought that the Commission would not overstep its duty in branding all war criminals on objective grounds. In the Albanian case, such objective grounds existed. Thus, it would act according to the principles that justified the Commission's very existence.

THE CHAIRMAN said that if no other members desired to speak on the subject he would ask for a vote on the matter and ask members to say that the Commission had been right in answering the application, "as the request falls outside the jurisdiction of the Commission it is regarded as impossible to accede to the request." There was a difference between extradition and listing. The fundamental difficulty was that Albania had never been an Allied nation or a member of the United Nations or a party to the Italian Peace Treaty though it was mentioned in that Treaty. He ventured to suggest that the application should be refused.

SIR ROBERT CRAIGIE said that in their reply they might add that the Commission's arrangements for listing had now come to an end.

THE CHAIRMAN thought that the reply should be on the broader basis that Albania had no locus standi and add that the Commission's lists were closed on 19th February.

A vote was then taken on the request of the Albanian Government "for the Commission to examine lists submitted of German, Italian and Albanian war criminals" and resulted as follows:-

Those in favour of the request:	2 Poland, Yugoslavia
Those against the request:	7 France, Greece, Norway, Denmark, Australia, United States, United Kingdom.
Those abstaining:	3 Belgium, China, New Zealand.
Absent:	5 Czechoslovakia, Canada, India, Netherlands, Luxembourg.

The Albanian request was accordingly rejected and the Secretary General was instructed to write to the Albanian authorities and inform them of the decision of the Commission.

REPORTS OF CHAIRMEN OF COMMITTEES.

COMMITTEE I

SIR ROBERT CRAIGIE said Committee I had been very active. They had closed their Lists on February 19th and at the meetings to be held this week they had to consider about 170 cases and probably the same number the following week. With regard to the submission of charges in the future, after the Commission had closed down, Committee I had thought the obvious answer was that all further applications for extradition would be made direct to the holding authorities. He did not think that the Commission would question that point, but he reported it just in case any member of the Commission wanted to comment on it. One other point was the question of archives. At the last meeting of the Commission it had been decided that the archives should be transferred to the custody of the United Nations but the question arose at a meeting of the Committee whether some points might not come up in the course of the year and he thought it might be useful if the records of Committee I remained in London as long as the Legal Publications Committee remained in being. When the Legal Publications Committee closed down, the records could then be transferred to the right quarter. Committee I had agreed to that and was of the opinion that the archives of Committee I should be held by the Commission until the Reports of Trials of War Criminals were completed, after which time they should be handed over to the United Nations. It was decided to submit to the Commission for its approval, the proposals regarding future charges and the archives of the Commission during the interim period the Legal Publications Committee remained in being.

THE CHAIRMAN said that with regard to extradition, direct application to the holding Government, had always been the practice in the Far East, and indeed it could not be done in any other way, that was what Law No. 10 in Germany expressly provided for.

SIR ROBERT CRAIGIE said that Committee I would accordingly inform National Offices to make direct application in future to the holding authorities.

THE CHAIRMAN thought it advisable that the Secretariat send a separate notice to each National Office. With regard to the archives, they were assuming, of course, that the British Government with the generosity which it had always shown towards the Commission, would give them sufficient accommodation in which to store the documents pending their dispatch to the United Nations.

COMMITTEE III - nothing to report.

LEGAL PUBLICATIONS COMMITTEE

MR. KINTNER said that the Legal Publications Committee had held a meeting last week and approved cases for inclusion in Volume IV of the Law Reports. Those cases were the American Yamashita case - a rather lengthy report drawn by Mr. Brand and which the Committee felt was most commendably done, one British case and an Annex of Canadian Law to appear with a Canadian case. Therefore up to date, Volumes III and IV containing 10 and 4 trials respectively, were in the hands of the Stationery Office and in the process of being printed. Volume III should be out within a fortnight and Volume IV, slightly later. Work on Volume V was progressing satisfactorily and the material would be ready for examination by the Committee in four weeks and sent to the printers. Volume V contained various reports of trials of crimes committed in the execution of judicial and other similar functions. In addition, the Legal Publications Committee had approved a further eight reports for inclusion in appropriate places in Volume VI and following volumes. These eight reports would amount to approximately half a volume. Thus so far the volumes contained reports on 43 trials which had been circulated and approved for publication by 31st March 1948.

It might be pointed out that to date they had had British, Canadian, Norwegian and French trials, which had given them a greater variety than they previously had. It would be necessary to have cases from all other member governments and he had no doubt that those cases would be forthcoming.

Arrangements had been made to begin reports of three Polish trials almost immediately. They hoped to have, from all other nations in due time, those cases which they regarded as being of sufficient importance for publication.

In regard to the production of the History of the Commission, which he had been editing with the assistance of Miss Goold-Adams, this work was progressing satisfactorily. All members of the legal staff, including Miss Goold-Adams and Colonel Wade, had been busily engaged in drafting their allotted portions of the History and a very considerable portion, approximately three-quarters, had already been drafted.

Lord Wright had written an excellent introductory chapter which would run to 30-40 printed pages. So far, they had approximately one-sixth of the volume already in the hands of the printers and it was hoped that at least three-quarters would be in the hands of the printers in a week. It was very essential that they get the History in the hands of the printers so that they could submit the manuscript to Member Governments before the Commission terminated on 31st March. The only practical method for getting the History printed and also submitted to members of the Commission for approval or criticism was to have the manuscript printed and circulate to each member of the Commission a printer's proof of the relevant portions of the manuscript. Such as could not be printed would have to be circulated in duplicated form, but that was a time consuming matter and he hoped and expected that all portions submitted to members prior to 31st March would be returned as soon as possible. The History would run to approximately 600 pages and was not only a History of the Commission but also attempted to set out the development in war crimes matters since 1919 to date, and therefore became a History of the whole development in the great field of war crimes since 1919. As they were all aware, that development was considerable and the preparation of the History involved a large amount of both time and work. There would be extensive appendices one, contributed by Colonel Wade, contained the names and records of the more important and notable war criminals tried since the end of the war. That report would cover 30-40 printed pages. Many other useful appendices were planned and altogether it was hoped that the History would be a document of importance and significance for the future.

THE CHAIRMAN said he wished to add that when the first prints were circulated for the approval of the various governments or members, he hoped they would apply their minds to the question of approving because, if they did not approve or disapprove with a certain amount of expedition, the

He the
specif
prima

Like a
Alban
there

German
a peac

of vic
itsel

though
in his
to exa
deny
of hum
led an

Commis
opinio
becaus
thus a
and de

it was
effort
victor
Libera
three
and it
against

Albania
the Co
on obj
Thus,
Commis

THE CHA
subject
that t
the re
regard
between
Albania
Nations
in that
refused

SIR ROB
Commis

THE CHA
that Al
were cl

printing would have to go forward just the same. However they had the consolation that the Legal Publications Committee was extremely hot on the scent of anything undesirable and if the Legal Publications Committee passed what had been done they need not bother themselves too much.

FORMAL APPROVAL OF UNWCC LIST NO. 67.

UNWCC List No. 67 (already circulated) was formally approved.

THE CHAIRMAN said that the only other business for the day was a suggestion which had been put forward that the Commission should hold a farewell dinner before finally closing down on 31st March.

If members approved of this suggestion in principle the Secretary General would make all the necessary arrangements.

With regard to the cost of the dinner, there were two alternatives, either the Commission would pay the cost out of its funds or members would be asked to pay their share individually.

After a short discussion it was decided that the Commission should, out of its expense fund, give a dinner on the 10th March, to which each Member Government would be invited to send two representatives. Certain official guests would be invited to attend at the discretion of the Chairman.

Wright

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Last Meeting of Commission held on Wednesday, March 31, 1948
at 3.p.m.

CHAIRMAN	Lord Wright	Australia
ALSO PRESENT:	Sir Robert Craigie	United Kingdom
	Colonel Springer	United States of America
	accompanied by	
	Mr. Kintner	
	Mr. Heydon	Australia
	H.E., Dr. Cheng	China
	Mr. Aars-Rynning	Norway
	Dr. Schram-Nielsen	Denmark
	Commander Mouton	Netherlands
	Professor Gros	France
	accompanied by	
	H. Fontaine and	
	Mlle. Capionmont	
	Mr. Leger	Canada
	Mr. Aikman	New Zealand
	M. Heisbourg	Luxembourg
	Mr. Dutt	India
	Miss Gould-Adams	Belgium
	Dr. Zeman	Czechoslovakia
	M. Milenković	Yugoslavia
	Colonel Muszkat	Poland
	Mr. Meigh	Messrs. Howard Howes & Co. (Accountants)

APOLOGIES FOR ABSENCE WERE RECEIVED FROM:

M. de Baer	Belgium
M. Dimitas	Greece

MINUTES.

Minutes of meetings held on 21 January 1948 (M.133) and 25 February 1948 (M.134) were approved and signed.

APPOINTMENT OF TRUSTEES AND TRANSFER OF ASSETS.

THE CHAIRMAN said, that concerning the matter of the appointment of trustees and transfer of assets, there was one resolution dealing with two Trust Deeds which members were required to approve. As members knew, the life of the Commission ended to-day and trustees had to be appointed to wind up and to carry out the scheme of law reporting which they had all agreed, more than once, was one of the most important functions the Commission could perform.

The resolution, copies of which members had been supplied with, was in the following terms:-

"That the assets of the Commission at 31 March 1948 including cash at Bankers on deposit and current accounts and cash in the hands of the Secretary General, be handed over to The Right Honourable Lord Wright of Dursley, the Ambassador of the United States of America or his Deputy and the Finance Officer of the United Kingdom Foreign Office London as Trustees for the United Nations War Crimes Commission in liquidation, to pay the expenditure authorised by the Commission including the cost of winding up, to realise the remaining assets and to distribute

the surplus among Member Governments in the proportions to which they are entitled under Article 13 of the Financial and Administrative Regulations of the Commission as follows:-

	Contribution per cent
Australia	3.65606
Belgium	3.29775
Canada	4.36281
China	6.16418
Czechoslovakia	3.29775
Denmark	2.56538
France	5.44757
Greece	2.93947
India	5.44757
Luxembourg	2.61698
Netherlands	3.65606
New Zealand	2.79612
Norway	2.79612
Poland	3.29775
United Kingdom	22.28783
United States	22.28783
Yugoslavia	3.08277

It was to implement the above resolution that the two deeds of appointment had been prepared - they were ready for examination and could be explained more fully if necessary. The one deed transferred from the Secretary to the trustees the sum of £6,600 and the Secretary General declared that the said sum should vest in the said trustees that they should use the same for the purpose of financing the Law Reports of the United Nations War Crimes Commission from and including Volume VI onwards and all other expenses connected therewith. The trustees would be The Right Honourable Lord Wright of Darley, the Ambassador of the United States of America and his Deputy and the Finance Officer of the United Kingdom Foreign Office. That was a perfectly straightforward motion.

The other deed dealt with the appointment of trustees to deal with the winding up of the Commission. It provided that the sum of money, which would be the balance of the assets of the Commission, should be vested in the same three trustees to hold the said sum upon trust and that they should use it for winding up.

There were therefore two trusts, one dealing with the sum of money appropriated for the law reporting and the other dealing with the winding up of the business of the Commission. In effect, the trustees were charged with spending that money in either of those two ways until the duties were exhausted or the sum expended. When the sum was expended, no more could be done and if the purpose had not been achieved it would stop at that stage, but if there was any surplus when the purpose was achieved then the amount remaining would be distributed to Member Governments in the proportion in which they had contributed to the expenses of the Commission.

The Chairman then called upon Sir Robert Craigie, as Chairman of the Finance Committee, to move the resolution.

SIR ROBERT CRAIGIE, in moving the adoption of the resolution, said he would like to add to what Lord Wright had said that the drafts of the Deeds of Appointment had been prepared by the Legal Adviser of the Foreign Office in collaboration with the Secretary General. These two documents and the draft of the resolution had been carefully considered by the Finance Committee at its meeting on March 30th, when they were approved for submission to the Commission. As Lord Wright had said, the one deed dealt with all funds which were being handed over all assets as at 31 March, other than the £6,600 which would be reserved for the production of the law reports. The other deed dealt with the handing over of the £6,600. He thought, and hoped, that they had covered every eventuality. The important words were those at the end of the draft resolution where the trustees were charged: "to pay the expenditure authorised by the Commission including the cost of winding up, to realise the remaining assets and to distribute the surplus

among M
under A
Commiss

The res
in from
money h
come to
phrased
thought
and wort
distribu
decide t
must rea
what the
the fina
provide
than was

PROFESSOR
must be
direct r
give the
resoluti
that the
of Law R
it would
the publi
produced

They did
not pro-j
work of t
concessio
Organisat
wartime.
was raise
helped to
Drafting
of the Co
crimes ma
this ques
resolution
supported
view of t
position
translati
which they

If it was
great regi
contributi

THE CHAIRMAN
were charg
impossible
to say tha
would ask
the cost.

PROFESSOR

in the proportions to which
the Financial and Administrative
Regulations of the Commission.

among Member Governments in the proportions to which they are entitled
under Article 13 of the Financial and Administrative Regulations of the
Commission.

Contribution per cent

3.65606
3.29775
4.36281
6.16418
3.29775
2.56538
5.44757
2.93947
5.44757
2.61698
3.65606
2.79612
2.79612
3.29775
22.28783
22.28783
3.08277

The resolution as it stood did not cover the disposal of any money coming in from the sale of Law Reports after the final distribution of the remaining money had been made to Member Governments. The Finance Committee had come to the conclusion, on the advice of Mr. Leigh, that under that phraseology the trustees would undoubtedly be empowered to deal as they thought fit with any such monies coming in. If the sum was considerable and worth distributing the trustees might decide to make a further distribution; if a small amount was involved no doubt the trustees would decide to donate the money to some legal charity. In any case the matter must really be left to the trustees because it was impossible to decide what the position would be in say a year or eighteen months from now when the final distribution was made and therefore it was very difficult to provide for it. They could not provide for that contingency more definitely than was done in the resolution.

PROFESSOR CROS said he could not support the resolution for reasons which must be apparent to members. He thought items 3 and 4 on the Agenda had a direct relation one to the other and he would like, in a few words, to give the reasons why his Government was not in a position to support the resolution. It had already been said by his colleague Monsieur Maillard, that the French authorities attached great importance to the publication of Law Reports in French. Monsieur Maillard had said in one meeting that it would be extremely difficult for the French Government to support the publications in English only and if the same publications were not produced in French they would not be prepared to back the scheme.

They did accept to speak English only on the understanding that it would not pre-judge, in any sense, the use of the French language in the work of the Commission. That was a great sacrifice, because such a concession might be used against them as a precedent in other International Organisations, but they had done it in the spirit of collaboration in wartime. The first time the question of the use of French and English was raised at the Commission was in the rules of procedure which he had helped to draft. The American delegate had been his colleague on the Drafting Committee and it was agreed that French was an official language of the Commission. Most people living in Europe and interested in war crimes matters would in fact understand French more than English. On this question of principle, he was not in a position to agree to the resolution presented by Sir Robert Craigie, but which would no doubt be supported by many of the members. He was sorry to have to present that view of the French Government. But he must state categorically the position on behalf of the French speaking nations regarding a French translation, so he would ask the Commission to consider again the position which they had taken.

If it was thought that a French translation was impossible he would, with great regret, have to reject the draft resolution and ask that the French contribution be settled as from the date the life of the Commission ended.

THE CHAIRMAN asked Professor Gros what was to happen if the people who were charged with the obligation of preparing the Law Reports found it impossible to produce a French translation - did he gather Professor Gros to say that the French Government would have to recognise that fact but would ask that the French Government should not contribute to any part of the cost.

PROFESSOR CROS said he was afraid that was the exact position.

in that the two deeds of appointment examination and could be applied transferred from the Secretary General declared the trustees that they should use the Law Reports of the United Nations Volume VI onwards and all other deeds would be The Right Honourable the United States of America and the United Kingdom Foreign Office.

of trustees to deal with the deed that the sum of money, which the Commission, should be vested in a sum upon trust and that they

ling with the sum of money the other dealing with the wind in effect, the trustees were of those two ways until the deed. When the sum was expended, had not been achieved it would surplus when the purpose was be distributed to Member they had contributed to the

Craigie, as Chairman of the

on of the resolution, said had said that the drafts of by the Legal Adviser of the Secretary General. These tion had been carefully s meeting on March 30th, when Commission. As Lord Wright ds which were being handed over £6,600 which would be reserved the other deed dealt with the and hoped, that they had words were those at the end s were charged: "to pay ion including the cost of wind o distribute the surplus

He thought
specific
prima fa

Like any
Albanian
therefor

German
a peace

of view
itself

though
in his
to exam
deny th
of huma
led and

Commis
opinion
because
thus al
and dep

it was
efforts
victory
Libera
three
and It
against

Albania
the Co
on obj
Thus,
Commis

THE CH
subject
that t
the re
regard
between
Albania
Nation
in the
refuse

SIR RO
Commis

THE CH
that A
were c

THE CHAIRMAN said Professor Gros had put his case very fairly. He had, he regretted to say, had a great deal to do with the question of law reporting - it had been a very thorny and troublesome question and a little later he would have to explain to the Commission the peculiar difficulties which had been thrown in his way.

The matter of the French translations had been discussed very fully at the last meeting. Professor Gros was a great supporter of the Commission and he knew that the Commission had come to a definite conclusion on the point. He wished to propose something which, though it might not satisfy Professor Gros, might serve as a sort of "olive branch". He would suggest that the French should themselves prepare a few of their cases in French without any translation and then hand them over to the Commission who would then print and publish them in a separate volume. He hoped that suggestion would show how anxious they were to meet the wishes of the French. It was possible that if they accepted that proposition they could deal with the matter finally by producing a French volume of reports by, say next October. It was up to the Commission to decide any request of the French Government and if it was conceivably possible he would ask the Commission to support and grant the request which Professor Gros had so clearly and frankly put before them. However, it was quite impossible for the Commission at this stage, when everything was being wound up and when no Member Governments would pay any further contributions, to undertake that work as they would be undertaking something which they could not possibly complete and he, personally, would not be a party to the adoption of any such plan. He was bound to tell Professor Gros that so far as his (the Chairman's) knowledge and understanding went, his (Professor Gros') request was not within the range of practical possibility but he would like him to adopt the middle course and to accept a token performance showing the Commission's anxiety to meet his wishes and their intention to show that anxiety by what he had called a token performance. Under those circumstances the Commission would have to decide what it was prepared to do. He was bound to say that he did not think the Commission had really any power to collect or expend monies for that purpose but that did not really arise because at this stage it would be impossible. He hoped, therefore, that members would be prepared to support Sir Robert Craigie's notion as it stood.

MR. LEGER said he could not support the French motion as it stood but the Canadian Government, in a letter which had been sent to the Secretary General, and which he understood might not have been circulated, took the point of view that a French translation would be a very good thing indeed. So far as his instructions went the Canadian Government would be willing to use whatever part of the monies which were left between the amount necessary for the English version and what might come back to the Canadian Government as their quota, for a French translation.

THE CHAIRMAN said he thought that to be a very generous offer. However, it still left the problem of the necessary machinery, staff and equipment to translate trials into French. As they all knew that was an extremely difficult thing to do, requiring highly trained lawyers not only familiar with English law but with French law. In the Privy Council they received a number of judgments and reports in French and though some of them spoke French, they were none of them trained French lawyers and they always had help of trained Canadian or French speaking lawyers, so that there was no particular difficulty. It was extremely difficult to translate trials in French into English and that equally illustrated the difficulty of translating the English reports into French. He felt bound to say that he did not think the Commission could possibly at this stage, undertake any such task.

COMMISSIONER MOUTON said he, personally, regretted very much that the report could not be published in French because in all International Conferences French had been the official language. On the other hand he saw the Chairman's practical point of view that it would be impossible to add trained French lawyers to the small staff which was going to be charged with the work.

As he had not attended the previous meetings he wondered what amount of money would be involved in carrying out Professor Gros' scheme.

PROFESSOR GROS said it was not exactly a question of trained lawyers to be found by the Commission because they could find French speaking lawyers in London or Paris and give them a commission to do the job, he could give the Commission five names tomorrow if they wanted them, of people who worked with the War Crimes Office in Paris. It was only a problem of money and as a practical solution, if the intention was to produce 20 volumes in English they might produce less than 20 in English and the remainder in French. It was a choice of producing some in French and some in English. He did not think the question of finding men need interfere with their discussion.

MISS GOULD-ADAMS said she would like to present the view of the Belgian Government, in that Belgium apart from speaking Flemish was a French speaking country. Though they would like to see a French version of the law reports, they would agree to that only if such a production did not incur any extra cost. They would rather have Law Reports in English than no Law Reports at all.

PROFESSOR GROS asked the Belgian Representative if he could take note that English was now an official language in Belgium!

THE CHAIRMAN wondered why the Chinese Government should not insist on reports being published in Chinese by the Commission.

SIR ROBERT CRAIGIE said he was all the more sorry to oppose Professor Gros because he did so entirely sympathise with his desire to see French translations published with the English version. If they lived in an ideal world and conditions were ideal and there was sufficient money for the dual purpose no doubt French translations would be prepared. But they were not, unfortunately, in that situation and at this stage he could not see how it would be possible to go back entirely on the resolution of the Commission at its last meeting, which was only taken after all governments had been asked for their views and been given something like six weeks in which to express them. Although it was on the financial aspect he wished to speak, he did want to refer en passant to the question of principle: He did not believe that by what was proposed, i.e. the publication of law reports in English only, they would in any way be prejudicing the generally accepted principle that French and English remain equal at International Conferences. The actual position in the Commission regarding languages was laid down in the Rules of Procedure adopted by the Commission on 18th January 1944. Rule 3 stated: "Motions may be made in French or in English. Any member may request a translation." Rule 13 stated: "Delegates may speak in English or in French. Any members present may ask for a translation," and that was the position today. Professor Gros could, if he wished, ask to have every document translated and on a question of principle they would have to produce translators. But surely the issuing of law reports was something rather different from the equality of language at proceedings of International Conferences; it had been a purely practical decision that priority had been given to the English language. They had tried to prepare a French volume Monsieur de Baer, who very kindly undertook the task, had obtained a Belgian translator to assist him but they had found the work extremely difficult, mainly owing to the difference in legal procedure of French and English expressions in regard to matters of law. So much so that he had found it impossible to complete the translation of the first volume. It would be extremely difficult to do justice to a really good French version with the resources available to the Committee.

On the financial side, the sum of £6,600 which, in his opinion, might not actually prove to be sufficient for 20 volumes - money never went quite as far as one hoped it would - had been allocated by the Commission for that purpose and to modify that they would have to go back to all the 17 Governments represented. He had understood Monsieur Maillard to suggest that a possible French translation might be paid for out of the surplus sum of £5,400 which it was hoped would remain to be distributed to Governments when the final distribution was made. On that point, it had appeared quite clearly from the proceedings of the Finance Committee yesterday that the actual costs of financing and publishing the History of the Commission

and of the final liquidation would be greater than it had been possible to estimate some two months ago when this matter was first gone into, so he would be very surprised if anything like £5,400 remained for distribution after the final liquidation of the Commission. He felt that it would be unwise to leave too narrow a margin; there must be a reserve and the estimated reserve of £5,000 might well prove to be more like £3,000. So, from the practical point of view of producing adequate translations and from the point of view of finance, the problem, now that the Commission was coming to an end, really presented insuperable difficulties. He hoped Professor Gros would see his way to accepting the suggestion of the Chairman which would go a good way to getting a French version of the more important French cases published under the aegis of the Commission. With regard to the refund of their contribution if the French translations were not to be undertaken by the Commission he was not at all sure that, legally, the French Government would be entitled to ask for that. The Commission decided that the reporting was to be continued and he did not think that it was possible for one member in the minority to say that his contribution must come out.

PROFESSOR GROS agreed that it would be a difficult point to raise, during the functions of the Commission but Monsieur Maillard had given an indication to that effect so he did not think the Commission should be surprised. At the meeting held on February 25th (M.134, P.9) Monsieur Maillard had said "he was afraid that the French Government, according to instructions received, would be prepared to take its share in the publication costs of an English edition. It is now a problem of liquidation of the Commission and one member State is entitled to present its propositions on the ways of doing it, that is what the French Government is doing."

THE CHAIRMAN said he was very sorry to have to consider this matter on a legal ground because they wanted to do all they could to meet the desire of the French Government. They had always tried to do that and possibly the trouble and expense undertaken in connection with the War Crimes Exhibition in London had not been forgotten, but he assumed that it was understood that they were anxious to meet the French desires in this connection. However, he was quite satisfied that it would be physically impossible to do more than he had suggested he hoped that would be done and they would give every support and help they could to the French and he did not know whether any further resolution was necessary to that made by Sir Robert Craigie. If that was passed it disposed of the whole matter. On the last occasion they had gone through the matter very fully but he was not prepared to say that the Commission could hand back any part of the contributions to any Government until it had been estimated what surplus there was and that surplus divided pro rata. He was rather pessimistic about the amount of money left even for the purpose they had in mind, they could never get any more contributions from Member Governments, that was absolutely certain.

DR. ZEMAN said he would like to support the resolution put forward by Sir Robert CRAIGIE. He did not see any violation of the principles of equal language. He thought it a very reasonable proposal. They had to economise and for the purpose of historical record, if the reports were to be useful they had better have one set in the English language rather than half a set in English and the other half in French. Any foreign language to a European was difficult and if they found an expert understanding one language, say English for instance, he would read and study the first 10 volumes, then have to go out and find an expert understanding sufficient French, to study the other half in French.

His Government would be interested to have re-funded whatever was left after all the necessary expenditure had been made and the work of the Commission had been completed. He did not think that the French were justified in asking for their contribution to be refunded, if they did and received it, other nations might do the same and consequently endanger the whole scheme of law reporting.

Professor GROS asked whether he could have a vote on his motion because it would give him the opportunity of voting on Sir Robert Craigie's motion. His motion had been distributed and from what he had heard, it would be rejected, but he would like to have it voted on.

The CHAIRMAN said he would like to have the opportunity to say a few words when

he had heard what Professor GROS had said because his impression on the part of the "Bible" of one of the had published a time to time, and were not asking The CHAIRMAN said reports.

M. HEISBOURG said that if the Law Reports on 2.61698, and when the distribution for 3.29775. twenty-nine times why the Luxembourg publication of the editions after the for the cost of of principle, he French was the accustomed to he were able to under the Luxembourg I whether the report regret that their hand it was entirely resolution as the before he voted.

MR. LEGER said that Gros, that was rather not commended The CHAIRMAN said motion put to the H.E. Dr. CHENG said language of the languages to the one or the other Gros' motion, but

COLONEL MUSZKAT said Gros and he thought the edition but as it well as in English Professor Gros' motion, but

"Whereas rule English on the Whereas the official and Whereas the necessary to Whereas in without the Decides to ms accordingly

than it had been possible to
was first gone into, so he
400 remained for distribution

He felt that it would be
must be a reserve and the esti-
be more like £3,000. So, for
quate translations and from the
that the Commission was coming to
s. He hoped Professor Gros would
Chairman which would go a good
important French cases published
rd to the refund of their con-
to be undertaken by the Commis-
nch Government would be entitled
he reporting was to be continued
one member in the minority to

Professor GROS said he had some difficulty in accepting Lord Wright's suggestion
because his instructions were very clear; it was however a very kind gesture
on the part of the Commission. If it was a question to produce a "little
bible" of one French volume, they might just as well do it themselves. They
had published already a number of cases and they continued to publish them from
time to time, so that was a work which was going on normally and in which they
were not asking the Commission to assist.

The CHAIRMAN said he was glad to hear that the French were producing their own
reports.

M. HEISBOURG said he would like to say a few words about the position of Luxem-
bourg. If members looked at the table of distribution of the costs for the
Law Reports on page 4 of H.133 they would find that Luxembourg was put down for
2,61698, and while they were not questioning the accuracy or the foundation of
the distribution, a look at the Belgian amount would show that they were put down
for 3,29775. He just wanted to remind members that Belgium had a population
twenty-nine times that of Luxembourg and that would at once give them a reason
why the Luxembourg Government was rather reluctant to see the cost of the pub-
lication of the Law Reports increased. He had unfortunately received his instru-
ctions after the meeting of February 25th, to ascertain if it was at all possible
for the cost of the publication of the Law Reports to be reduced. As a matter
of principle, he would definitely prefer to have the Law Reports in French -
French was the official language in Luxembourg and most of their lawyers were
accustomed to holding their trials in French. They had a few specialists who
were able to understand English, for instance Monsieur Hammes who represented
the Luxembourg National Office in London, so it did not matter in this case
whether the reports were in French or in English. However, they noticed with
regret that there was to be no French edition of the Law Reports but on the other
hand it was entirely for financial reasons that he could not support the French
resolution as they now had it before them and he wanted to say these few words
in connection. However, he was quite before he voted against it.

to consider this matter on a large
ld to meet the desire of the
do that and possibly the trouble
War Crimes Exhibition in London
it was understood that they were
nection. However, he was quite
ble to do more than he had sug-
ve every support and help they
er any further resolution was
rather not commit himself.

If that was passed it disposed
ey had gone through the matter
t the Commission could hand
nt until it had been estimated
ed pro rata. He was rather
en for the purpose they had in
ions from Member Governments,
language of the United Nations, while English and French were both foreign
languages to the Chinese, so that he really had no preference for either the
one or the other. He would in the circumstances have to vote against Professor
Gros' motion, but the kindest way, he thought, would be to abstain.

COLONEL MUSKAT said he was most sympathetic towards the position of Professor
Gros and he thought it was a matter of some importance to have a French
edition but as it would be impossible to have the publications in French as
well as in English he would have to vote against Professor Gros' proposal.

Professor Gros' resolution:
"Whereas rule 3 of the Commission's rules of procedure puts French and
English on equal footing,
Whereas the French language is, like the English language, both an
official and a working language of the United Nations,
Whereas the publication of Law Reports is of capital importance and it is
necessary to give them the largest possible publicity,
Whereas in many countries this publicity could not be adequately ensured
without the publication of these documents both in French and in English,
Decides to publish the Law Reports both in French and in English".

as accordingly put to a vote and resulted as follows:-

rofessor Gros' resolution:
"Whereas rule 3 of the Commission's rules of procedure puts French and
English on equal footing,
Whereas the French language is, like the English language, both an
official and a working language of the United Nations,
Whereas the publication of Law Reports is of capital importance and it is
necessary to give them the largest possible publicity,
Whereas in many countries this publicity could not be adequately ensured
without the publication of these documents both in French and in English,
Decides to publish the Law Reports both in French and in English".

as accordingly put to a vote and resulted as follows:-

portunity to say a few words

<u>For.</u>	<u>Against.</u>	<u>Abstain.</u>
France.	Netherlands Luxembourg New Zealand Norway Denmark Australia Belgium Czechoslovakia Poland United Kingdom.	China Yugoslavia Canada India United States.

Professor Gros' motion was accordingly rejected by 10 votes against to 1 in favour.

Sir Robert Craigie's resolution, seconded by Dr. Zeman, was then put to the vote and resulted as follows:-

<u>For.</u>	<u>Against.</u>	<u>Abstain.</u>
Australia Belgium China Denmark Czechoslovakia Netherlands Norway Poland United Kingdom.	France Luxembourg.	Canada India New Zealand United States Yugoslavia.

Sir Robert Craigie's motion was accordingly approved by a vote of 9 in favour to 2 against.

PROFESSOR GROS said he now wished to present some legal views on a non-legal decision in an International Organisation, whether such a decision could be an obligation on the minority state. If the Commission decided that it would be the first time in the history of any International Organisation that a majority decision could produce an obligation on the one dissenting state in the absence of a fixed rule on the statute to that effect. The desire of the Government to withdraw their contribution, should a French edition not be had already been proposed by Monsieur Maillard at a previous meeting and he would like to have the opinion of the Commission on the matter.

THE CHAIRMAN said that that had been rejected on the last occasion.

PROFESSOR GROS said that in the circumstance, the French Government did not think that the Commission should produce and publish in English 20 volumes of Law Reports and they did not want to participate in such a scheme.

THE CHAIRMAN said the Commission had, since it was formed, considered a number of the majority decisive.

PROFESSOR GROS said that that might be so but not as involving an obligation on the state concerned. He did not think it right that a majority vote should involve a financial obligation on the state or states disagreeing and he was very much in favour of the American representative would query him on that because a majority vote was to be decisive and involve such an obligation for the United States in a case where they disapproved a measure, the Americans, for instance, would never be able to pass a Bill of Appropriation. It was a very great question of principle.

DR. SCHRAM NIELSEN said he would like to ask Professor Gros one question. He would very much like to know if his argument was based on the fact that the Commission was winding up or whether he thought the same would apply to the Commission during the life of the Commission.

PROFESSOR GROS said he was not sitting on his hands and if one be done" then a Budget which

DR. SCHRAM NIELSEN said the Commission would be accepting the most embarrassing position if one country paid to the Commission and acquiesced to pay

PROFESSOR GROS said he had created a Commission

DR. SCHRAM NIELSEN said the winding up was a Commission

H. E. DR. CHENG said the League of Nations

COLONEL MUSZKAT said the Commission was one of the decisions they were making a question to be a Commission as only a technical

COMMISSIONER MONTGOMERY said he had been said by the Commission of view and the Commission in the Commission could be produced the done, instead of \$6,600 they could

PROFESSOR GROS said he was not sitting on his hands and if one be done" then a Budget which

DR. SCHRAM NIELSEN said the Commission would be accepting the most embarrassing position if one country paid to the Commission and acquiesced to pay

PROFESSOR GROS said he had created a Commission

DR. SCHRAM NIELSEN said the winding up was a Commission

H. E. DR. CHENG said the League of Nations

COLONEL MUSZKAT said the Commission was one of the decisions they were making a question to be a Commission as only a technical

COMMISSIONER MONTGOMERY said he had been said by the Commission of view and the Commission in the Commission could be produced the done, instead of \$6,600 they could

PROFESSOR GROS said he was not sitting on his hands and if one be done" then a Budget which

DR. SCHRAM NIELSEN said the Commission would be accepting the most embarrassing position if one country paid to the Commission and acquiesced to pay

PROFESSOR GROS said he had created a Commission

DR. SCHRAM NIELSEN said the winding up was a Commission

H. E. DR. CHENG said the League of Nations

COLONEL MUSZKAT said the Commission was one of the decisions they were making a question to be a Commission as only a technical

COMMISSIONER MONTGOMERY said he had been said by the Commission of view and the Commission in the Commission could be produced the done, instead of \$6,600 they could

Abstain.

- China
- Yugoslavia
- Canada
- India
- United States.

la
m.

y Rejected by 10 votes against

ended by Dr. Zeman, was then

Abstain.

- Canada
- India
- New Zealand
- United States
- Yugoslavia.

rdingly approved by a vote of 9

present some legal views on

ation, whether such a decision
If the Commission decided that
ry of any International Organiza
obligation on the one dissentin
to that effect. The desir
ution, should a French edition
r Maillard at a previous meetin
e Commission on the matter.

rejected on the last occasion

unstance, the French Governmen
duce and publish in English 20
participate in such a scheme.

, since it was formed, consid

be so but not as involving an obli

think it right that a majority
state or states disagreeing
tive would query him on that
involve such an obligation
ve a measure, the Americans, fir
appropriation. It was a very

to ask Professor Gros one
argument was based on the fact that
he thought the same would apply
mission.

PROFESSOR GROS replied that the Commission's Budget had always been adopted unanimously but if such a problem had been put before the Commission during its life and if one member state said of something in the Budget "no this should not be done" then he thought that that State could not be obliged to pay his share of a Budget which he disapproves.

DR. SCHRAM NIELSEN said that the mere fact that countries had paid money to the Commission would more or less legally, in any case morally, commit them to accepting the majority vote of the Commission. They would get into a very embarrassing position in every International Committee or Conference or Commission, if one country could object to one particular item of a budget and the money paid to the Commission could be claimed for repayment because one country did not acquiesce to pay, for instance, the salary of one legal officer.

PROFESSOR GROS said that when they had tried to wind up the League of Nations they had created a committee and had unanimity of vote on the disposal of all assets.

DR. SCHRAM NIELSEN said that he thought they should not claim anything until the winding up was finished.

H. E. DR. CHENG said that the rule adopted by the Board of Liquidation of the League of Nations was the majority rule.

COLONEL MUSZKAT said he could not agree with Professor Gros, the work of publication was one of liquidation, it was not a new decision, if it had been a new decision they would be in an absolutely different position. He thought that the question to be considered, quite apart from the continuation of the publications, was only a technical matter of fact.

DELLINDER MOUTON said that from the legal point of view he agreed with what had just been said by Colonel Muszkat but he would like to approach it from another point of view and invoke the kindness of Professor Gros and the French Government to cooperate in the matter. It was obviously essential that as many volumes as could be produced in a language understandable to most lawyers in the world should be done, instead of having two different sets. Working with the same amount of \$6,600 they could have 10 volumes in English and 10 in French but he thought that for the history and the future of the world, it would be useful to publish many trials as possible in one language and have them all in English. Possibly Professor Gros had noticed the reluctance with which he had voted against his resolution on financial grounds. It would be preferable to have the whole published in two languages if possible but as that was impossible he hoped Professor Gros would understand why they could not meet his desires.

PROFESSOR GROS said he was terribly touched by their kindness but as members knew he was not sitting there on his own behalf and he could not go far away from instructions. He wished to point out that he had been out-voted 10 to 1, one vote being his own and he did not see why there should be any obligation. He could not the 10 in favour, with their contributions, produce law reports in English and give back the moderate sum of \$360 to the French Government which would then try to produce some 4 or 5 volumes in French. He wished to take this opportunity of thanking those members who had spoken in favour of the publication also in French. They could have both versions and avoid difficulties if they would decide, before applying all the funds to the publication of the English law reports, to give back to the French Government their share.

CHAIRMAN read to members Article 13 of the Finance and Administrative Regulations as follows:- "On the dissolution of the Commission its assets shall be divided among the Governments which are or have been members of the Commission, in the proportion in which they have contributed to the Commission. They were an un-differentiated sum of money which had no distinction between definite contributions and the lump sum of money that had to be divided among Governments who were or had been members of the Commission. He did not know how that could be settled except by a vote of the Commission.

DR. CHENG said that in the Board of Liquidation of the League of Nations, it

was the majority rule that prevailed, otherwise it would be impossible to these lines to liquidate. The publication of the law reports, in his opinion, was indeed two resolutions to the work of the Commission and was not in any sense a new budget. which he had i

PROFESSOR GROS said he wished to ask the Secretary General to put in the Sir Robert Cra his doubts as to the legality of a vote taken on such a point incurring a financial obligation on the dissenting state.

SIR ROBERT CRAIGIE said he might be wrong, but, personally, he did not reg the Commission as being in dissolution at the moment, it was being wound up its present form but some part would go on until the work of Law Reporting finally completed, and he thought that the Commission would not be definitely liquidated until that work was completed. He thought that that was a legal interpretation and he had on that basis the Commission might that the assets could only really be distributed at the end when the trust considered that moment had arrived.

COLONEL SPRINGER said that Professor Gros had referred to his American the and to the understanding he had had with the original American representative HE CHAIRMAN s He was sorry that he had no knowledge of that understanding and for that votes for an reason he had abstained from voting.

PROFESSOR GROS said he was discussing the use of French in everything rel to the Commission, according to the Rules of procedure of the Commission. R. LEGER said drafted by a working party where the first American representative and hote on that. were sitting.

COLONEL SPRINGER said that his Government would be happy to see French pu tions but in view of the great difficulties which would be involved in get out French publications, he could not vote for it.

SIR ROBERT CRAIGIE said that speaking as Chairman of the Finance Committee could say that they were very sympathetic, in principle, with Professor's desire to see French translations. But the position in this case was, a would move a resolution to that effect, "that the Commission did not con that under Rule 13 of the Financial and Administrative Regulations, the could be distributed to Member Governments until the final distribution of assets, as proposed in the first resolution, was made and that would be a final dissolution".

SIR ROBERT CRAIGIE's motion was seconded by MR. MARS RYNNING.

THE CHAIRMAN said they must dispose of the resolution proposed by Sir R and seconded by Mr. Mars Rynning. If a further resolution was put for after that then they would hear of it.

PROFESSOR GROS wondered whether the resolution which the member for Luxembourg wished to make might not be contrary to the one which Sir R Craigie had made and if it was contrary it would be important to know it.

THE CHAIRMAN asked Monsieur Heisbourg to put his motion to the Commission

M. HEISBOURG said that if the amount for which the French were put down participation in the law reports which the Commission had decided should published in English, should be put at the disposal of the French Government they could publish at least part of the English reports in French. It had been decided that the \$6, 600 should be spent on the publication of reports in English and his Government would not be prepared to increase that amount. The French had said they were not prepared to participate in that scheme. He thought it would go a long way towards the wishes of all members of the Commission, and in order not to vote on all matters entirely against the if they could find a way to make it at least possible for the French contribution towards the English law reports to be returned to the French so that they could produce their own reports in French. He thought that the involved was so small that it would not be a sacrifice by members but that they would benefit by it. He would like to put a formal resolution on

For

Belgium
Australia
China
Denmark
Czechoslovakia
Netherlands
Norway
Poland
United Kingdom

HE CHAIRMAN s

PROFESSOR GROS

R. LEGER said

HE CHAIRMAN a

PROFESSOR GROS
and he thought
ive had said.

R. LEGER said
sort of provi
vote upon it.

PROFESSOR GROS
the Luxembourg
resolution vote

R. LEGER thoug
otion that if
returned, that

HE CHAIRMAN re
s an individual
nd at some tim
distributed.
embers thought
eturned to the
owever, they w
he French Gover

he vote then t

For

France
Luxembourg

2, otherwise it would be impossible to draw these lines to the vote of the meeting, once the Chairman had decided which of the two resolutions, the one put forward by Sir Robert Craigie or the one which he had in mind, should be voted upon first.

the Secretary General to put Sir Robert Craigie's resolution was then voted on and resulted as follows:-

For	Against	Abstain
Belgium	France	Canada
Australia	Luxembourg	India
China		New Zealand
Denmark		United States
Czechoslovakia		Yugoslavia
Netherlands		
Norway		
Poland		
United Kingdom		

Gros had referred to his letter with the original American representative of that understanding and for the use of French in everything. THE CHAIRMAN said that Sir Robert Craigie's resolution was therefore carried by 1 vote for and 2 against.

PROFESSOR GROS asked whether they should now consider the Luxembourg proposal. R. LEGER said that according to his interpretation it was not possible to vote on that.

THE CHAIRMAN agreed with Mr. Leger.

ment would be happy to see French difficulties which would be involved in vote for it. PROFESSOR GROS said that the Luxembourg proposal was put before the Commission and he thought the Commission should consider what the Luxembourg representative had said.

as Chairman of the Finance Committee, in principle, with Professor But the position in this case was that the Commission did not vote upon it. R. LEGER said that if that motion was incorporated into the previous one as sort of proviso then it would not be contradictory and he would be able to vote upon it.

and Administrative Regulations, the ROFESSOR GROS said he did not want to seem disrespectful but he thought that the Luxembourg resolution should have been voted on first and then the other resolution voted upon, he did not see any harm in that.

Med by MR. A. R. RYNNING. R. LEGER thought that it might be added as a proviso to Sir Robert Craigie's motion that if it were agreed by the Commission that the French quota should be returned, that would not be contrary to the previous motion voted on.

f the resolution proposed by Sir a further resolution was put. THE CHAIRMAN remarked that a contribution, once it was paid in, did not remain as an individual contribution but became part of the assets of the Commission. at some time or other those assets which had not been expended would be distributed. The assets had to be dealt with according to the rules. Some members thought there should be a vote on whether the sum of £360 should be returned to the French or not, he, personally, did not think a vote was necessary, however, they would take a vote on "whether the sum of £360 should be returned to the French Government to help in the production by them of Law Reports in French".

for which the French were put down the Commission had decided should be spent on the publication of reports. The vote then taken resulted as follows: -

For	Against	Abstain
France	Australia	Canada
Luxembourg	Belgium	India
	China	Netherlands
	Denmark	New Zealand
	Czechoslovakia	United States of America
	Norway	Yugoslavia
	Poland	
	United Kingdom	

like to put a formal resolution

The proposal to return the sum of £360 to the French Government was accepted by 8 votes against and 2 in favour.

SIR ROBERT CRAIGIE said he would then move the acceptance of the deeds regarding the transfer of funds in the two drafts A and B, although he did not think they needed any specific resolution.

The drafts of the two deeds of appointment were unanimously approved.

COLONEL SPRINGER said that with respect to Draft B he would like to remark that he did not see where it provided for the disposal of assets from sale. Page 2 stated "that the publication of the law reports should be completed by the end of February 1949 and should in no case involve an expenditure exceeding £6,600". However, in time, they might have some one or two thousand pounds in hand from the sale of books and he would suggest that they add "including receipts" to make it clear that £6,600 and also the amount received from the sale of books might be spent on the publications project.

THE SECRETARY GENERAL said the intention was that it should in no case involve expenditure in excess of receipts exceeding £6,600 and that wording had been inserted in the final draft which members had before them.

MR. MEIGH said on that on that particular point that Draft B transferred £6,600 and the remaining assets, including equipment were conveyed by Draft A so there could not be any receipts possible other than from the sale of law reports.

PROFESSOR GROS said he would like to have inserted in the minutes his remarks and observations regarding the dubious legality of the trust deeds as it was not decided by the unanimity of the Member States. A decision of winding up of the Commission must be taken by unanimous vote and any decision taken by a majority, in fact very small (8 on 16 voting countries) had no legal effect for the States which were not in agreement.

SIR ROBERT CRAIGIE wondered what Professor Gros meant by the dubious legality of the Trust Deeds.

PROFESSOR GROS said he considered the Commission was not entitled to decide by a majority vote, there should be unanimity.

THE CHAIRMAN said that Professor Gros' reservations would be put in the Minutes if he would furnish the Secretary General with the exact terms of the text which he desired. He also wished to point out, a propos of Professor Gros' remark, that the matter would then be taken up through diplomatic channels, that there was no tribunal in the world which could settle the dispute except the Commission itself.

PROFESSOR GROS said that if the Commission were wound up then his point was good, or he might call a meeting through the Chairman.

THE CHAIRMAN said that the Commission was in liquidation and, though it did still have a sort of life, there could not be another meeting, as there was no material issue before the Commission at the moment.

Referring back to the question of the Law Reports the Chairman said that members would remember that they had decided that the preparation of the law reports should be proceeded with and also the publication of the History. It had been pointed out then that it was very important for that purpose that the services of Mr. Kintner, who was the Chairman of the Legal Publications Committee should be available, that is provided his Government continued to provide Mr. Kintner's services. Following that up, he had apprehended that it was his duty to write to the State Department and explain the position to them. This he had done in a letter dated 5th January in which he requested that Mr. Kintner's services should be continued for a time. He had explained that Mr. Kintner had, throughout, taken a most prominent part in the work of the Commission and was Chairman of the Legal Publications Committee and a

most active
emphasised
History of
that work a
the Commis
Kintner's
and energy
States, he
acquainted
Internation

On the 18th
continue Mr
of course,
could only
valued lieu
Foreign Off
final windi
duly publish
out express
zealously pl
legal expert
upon him by

REPORTS BY C

COMMITTEE I.

SIR ROBERT C
think there
and had func
appearances"

Committee I
very conside
Committee.
that work wi
eagues and t
spite of the
agreed as fr

COMMITTEE III

LEGAL PUBLICA

MR. KINTNER s
concerned wit
he was inform
just how long
then in proce
from the State
such time as
the work which
Wright and oth
him the respor
Law Reports, s

Members would
and in that co
was stated at
in getting fro
understood tha
from the Commi
at any time no
Stationery Off
Volume V was st
With regard to

to the French Government was in favour.
move the acceptance of the deeds
ts A and B, although he did not think
ment were unanimously approved.

et to Draft B he would like to raise
for the disposal of assets from all
the law reports should be complete
no case involve an expenditure ex
it have some one or two thousand po
would suggest that they add "inclu
and also the amount received from
tions project.

on was that it should in no case in
eling £6,600 and that working had
ers had before them.

lar point that Draft B transferred
ling equipment were conveyed by Dr
sible other than from the sale of l

ve inserted in the minutes his rem
legality of the trust deeds as it
ber States. A decision of winding
imous vote and any decision taken
16 voting countries) had no legal

or Gros meant by the dubious legal
mission was not entitled to decide
imity.

eservations would be put in the
y General with the exact terms of
to point out, a propos of Profess
n be taken up through diplomatic
the world which could settle the di

m were wound up then his point
ugh the Chairman.

in liquidation and, though it di
t be another meeting, as there wa
t the moment.

Reports the Chairman said that
led that the preparation of the
the publication of the History.
important for that purpose that
man of the Legal Publications
vided his Government continued t
g that up, he had apprehended th
rtment and explain the position
5th January in which he request
lined for a time. He had explai
most prominent part in the work d
al Publications Committee and a

most active member of Committee I and Committee III. Lord Wright especially emphasised that Mr. Kintner was particularly occupied in completing the History of the Commission and had been acting for sometime as Editor of that work as well as of the series of War Crimes Trials Law Reports which the Commission was preparing to issue. He pointed out the importance of Mr. Kintner's services for the scheme because, in addition to his great ability and energy and his experience as a practicing member of the Bar in the United States, he had been working on the Commission for three years and was fully acquainted with the project and its importance for the future development of International Law.

On the 18th March he was informed that the State Department was unable to continue Mr. Kintner's services owing to the budgetary situation. It was, of course, entirely a matter for the decision of the State Department, and he could only accept it with regret because he had lost the services of a most valued lieutenant and he had to make the best of it. The United Kingdom Foreign Office had generously agreed to provide office accommodation until the final winding up was completed and the History and series of Law Reports was duly published. Lord Wright added that he could not leave the subject without expressing his gratitude to Mr. Kintner for the way in which he had zealously placed at the disposal of the Commission all his energy, ability and legal experience. He, personally, would have a heavy extra burden placed upon him by the loss of Mr. Kintner's services.

REPORTS BY CHAIRMEN OF COMMITTEES.

COMMITTEE I.

MIR ROBERT CRIGGIE said that as far as Committee I was concerned he did not think there was very much he could say. They had been very busy up to the last and had functioned rather like the prima donna who gave many "positively last appearances".

Committee I had listed, during four and a half years about 40,000 names, and a very considerable volume of work had been done by successive members of the Committee. He wished to pay tribute to those who, in the past, had been doing that work with so much energy and devotion and also pay tribute to his colleagues and to the very friendly feeling which had prevailed throughout. In spite of the fact that they had had to disagree on occasion, they had always disagreed as friends.

COMMITTEE III. - nothing to report.

LEGAL PUBLICATIONS COMMITTEE.

MR. KINTNER said that if he might preface his remarks with matters not strictly concerned with the Legal Publications Committee, he would like to say that he was informed that his services at the Commission would terminate. However, just how long he would be permitted to remain and do certain work which was then in process was not yet determined and he had received no instructions from the State Department as to when he should return to Washington but until such time as he was instructed to return he would be very happy to engage in the work which remained. He had greatly appreciated the trust which Lord Wright and other members of the Commission had placed in him in allocating to him the responsibility in connection with the publication of the History and Law Reports, and on other Committees.

Members would no doubt wish to have a report on the state of the Law Reports and in that connection he was afraid that there was not much to offer. As was stated at the last meeting of the Commission, they had had some difficulty in getting from the Stationery Office the bound volumes, but it would be understood that the Stationery Office had much more work to do quite apart from the Commission's little job. However Volume III should be distributed at any time now. The proofs of Volume IV had been returned to the Stationery Office and that volume also should be published at any time. Volume V was still in a state of preparation.

With regard to the History of the Commission, Mr. Kintner said that that too

COMM

LEGA

MR.

las

Tho

dra

one

cas

res

pre

an

sa

Co

va

ju

Co

ar

ry

a

H

N

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

C

was going forward. He had hoped to have the entire manuscript finished by this date but as members would no doubt appreciate, there were many difficulties in securing manuscripts on all the problems which would be discussed in the History. Many technical questions were to be reviewed and the writing was therefore slow. All members of the Commission's Secretariat were engaged in preparing the History and approximately half by volume, had been sent to the printers and a great part of it returned and circulated to members. Of the remaining half by volume of material for the History, part of it, though produced in draft form would need editing and a portion of it was yet to be written. He had just received a few days previously, the material for the very important chapter of the History which dealt with the work of Committee I, which he had undertaken to prepare and if he remained in London long enough he would do it; unfortunately, other members of the staff were engaged on other parts of the History, otherwise he would allocate that portion of the work. All the manuscripts for the History should be in the hands of the printers before the end of April. After that date some amount of editing and coordinating and drafting of the index, would have to be done. However, they hoped that that would be the only task which would remain to be done after the end of April.

There were some portions of the History which it had been decided to circulate at once to all members, in which it was felt they would have particular interest with regard to names and those serving on Committees and any other matters on which there might be questions arising. He hoped members would be prompt in returning such drafts with their corrections. It had been particularly necessary to circulate the draft concerning the courts of the various countries and they had already received back copies of corrections. All matters on which it was felt members would have substantial corrections and it was hoped that they would be returned as quickly as possible in order that those engaged in preparing the History could go on with the work. If they were not returned promptly it would be totally impossible to complete the publication of the History by the desired date.

FINANCE COMMITTEE.

SIR ROBERT CRAIGIE said he had just distributed a copy of the provisional accounts for the fiscal year ended as at to-day's date. That was of course unofficial as normally they did not distribute a balance sheet until it was in its final form, but it would take another few weeks before the final balance sheet could be distributed. There was only one point to which he wished to draw members attention, i.e. the final column, £15,388. 13. 3 representing the expenditure up to date which they could compare with the £21,850 in the Budget; the expenditure was therefore well within the estimate. They had several accounts still outstanding which would increase that figure considerably; however, they would be within the £21,850 estimated which was the important point.

THE CHAIRMAN said that before the meeting ended he wanted to say a few words about some of their absent friends, people who were no longer with them for various reasons, who had retired either from this world or from the Commission. He felt he should mention Sir Cecil Hurst who was an original member and was a most able and learned Chairman during the first which was so important in the life of the Commission. Sir Cecil Hurst unfortunately retired after his valuable services, owing to ill-health. The Commission was by that time beginning to gather together a staff - there was the hardy Colonel Wade who first served in the field in 1898 when he fought with the Gunners in the Sudan campaign. In 1945 he joined the Commission. Sir Cecil Hurst's place as British representative was taken by his (Lord Wright's) old friend at Cambridge, Lord Finlay, whom he had known since he was young. Lord Finlay worked most valiantly and was a most valuable member of the Commission. He had been one of their party when they went to Buchenwald and it had always been on his conscience that that had been more than his constitution could stand and he died, not very long afterwards, in 1945. He had been a member of Committee I and Chairman of

the Finance a great lo tinguished However, S anything m of the Com Commission one time h He was a v back. He able and d services.

The Chairm work fort of Committ assiduity them as he Internatio all the men get them at Dr. Schwelt he hoped he Oldham who member of t far as he w have become

His Excellen the Commissi Eder who had sent them so Professor G member as th his regular in the Frenc Then there w it was a gre when he firs been the Nor and a great There was a Ledingham, b about him or

COLONEL SPRID the first Un appreciated given them a the scenes b There was Col of the State who had revie crimes law. and he wished the Commissi Taylor, for th at Frankfurt.

THE CHAIRMAN last four ye help and sup indebted to

E. DR. CHEM proposing

by which it had been decided to which it was felt they would know names and those serving on Committee might be questions arising. In turning such drafts with their own circulate the draft concerning they had already received back and it was felt members would have said that they would be returned as ed in preparing the History could returned promptly it would be publication of the History by the

distributed a copy of the provision
at to-day's date. That was of co
distribute a balance sheet until it
another few weeks before the final
There was only one point to which
the final column, £15,388.13. 6
e which they could compare with
was therefore well within the
still outstanding which would incre
ey would be within the £21,850
t.

ing ended he wanted to say a few
als, people who were no longer with
red either from this world or from
ation Sir Cecil Hurst who was an
I learned Chairman during the first
the Commission. Sir Cecil Hurst
e services, owing to ill-health,
ng to gather together a staff.
rst served in the field in 1898
mpaign. In 1945 he joined the
as British representative was the
idge, Lord Finlay, whom he had
worked most valiantly and was a

He had been one of their party
ys been on his conscience that he
ld stand and he died, not very lo
nber of Committee I and Chairman.

ys been on his conscience that he
ld stand and he died, not very lo
nbur of Committee f and Chairman.

E. DR. CHENG said that before dispersing he would like to have the honour of proposing a vote of thanks to Lord Wright who had been so generous in

He thou
specifi
prima f

Like ar
Albania
therefo

German
a peace

of view
itself

though
in his
to exam
deny th
of huma
led and

Commiss
opinion
because
thus al
and dep

it was
efforts
victory,
Liberat
three A
and Ita
against

Albania
the Com
on objec
Thus, it
Commiss

THE CHAI
subject
that the
the req
regard
between
Albania
Nations
in that
refused

SIR ROBE
Commiss

THE CHAI
that Al
were clo

-16-

paying tribute to all members of the Commission and it was only right and just that he should have his fair share of the thanks. He thought all members would agree with him when he said that they had been very fortunate in having Lord Wright as their Chairman, his learning and experience had added great weight to all the decisions of the Commission and his wisdom and personal charm had afforded great guidance and facilities to all who had cooperated with him - thanks to his guidance and all his qualifications, the Commission had accomplished its very difficult work with heartening and good results. All those associated with the work of the Commission could feel that they had done their duty and calmly face the verdict of history. In bidding Lord Wright a cordial au revoir they wished him continuing good health and a long life.

PROFESSOR GROS in seconding Dr. Cheng's vote of thanks expressed his own personal thanks to the Chairman and said how deeply grateful they all were for his guidance and, even though he and Lord Wright had not agreed in the previous discussion, it was, he felt, a disagreement among friends.

THE CHAIRMAN said he was very much obliged to His Excellency Dr. Cheng and to Professor Gros. He remembered their first meeting in the cellars at the Law Courts when the "doodle bombs" were falling and while it had seemed to him a rather discouraging operation, they had survived. They had had a lot of difficult problems to settle but they had all worked together as a team and had done good work.

FORMAL APPROVAL OF UNWCC LIST NO: 78.

The Commission's list No. 78, already circulated, was formally approved.