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Chairman's opinion that Rules 10 and 11 as they stood gave the persons in question the fullest right to take part in the discussions and make suggestions, but did not permit them to vote. This decision was taken on the understanding that the views of members attending a Committee, but not forming part of it, would be brought to the Commission's attention in the Committee's reports if they so requested.

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WORK OF THE COMMITTEES

Committee I had not met since the Commission's last meeting.

The Chairmen of Committees II and III gave brief accounts of the subjects they were discussing. The Committees had no reports or motions ready for the Commission.

DISCUSSION OF M. GROS' STATEMENT

The Chairman referred to the important statement read by M. Burnay, on behalf of M. Gros, at the Commission's last meeting, and said that he, too, was beginning to doubt whether, if the Commission continued to be confined within the limits fixed for it at its creation, it could satisfy the expectations which the speeches of leading statesmen had caused the public to found on its work.

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Several members expressed themselves in the same sense. Listing of individual war criminals was hampered by the difficulty of getting evidence and had so far failed to touch those guilty of the gravest crimes. It was inadequate as a system of action for the Commission. Principles and methods must be established which would give more comprehensive results. Reference was made to the certainty that the Axis Powers' outrages would continue until their defeat, and there was said to be grave danger of similar criminal activities after their defeat. It was asked whether the Commission could not take measures to prevent such continuance of crime, as well as to punish crimes after they had been committed.

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The following resolution was adopted on the proposal of the

Chairman:

"The Commission requests Committee III to take into consideration the declaration read by M. Burnay at the Commission's meeting of 19 March and to report to it whether any, and if so, what, recommendations should be submitted to the United Nations for overcoming the difficulties set forth in this declaration."

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The following further resolution was adopted on the motion

of M. Burnay:

"In order that the information may be available for fixing the responsibility for war crimes, the Commission requests that governments whose territories have been occupied by the enemy will as soon as possible cause lists to be made of all enemy civil and military persons in authority in each occupied district since 1939, such as Gauleiter, Governors, Chiefs of the S.S. and Gestapo, with as complete particulars as possible regarding these persons' identity."

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The next meeting was fixed for 18 April at 3 p.m.

Cecil M. Hunt
April 28/44

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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Fifteenth Meeting

held on

25th April, 1944

Chairman - Sir Cecil HURST (United Kingdom)

There were also present:

Mr. PELL	- United States of America
accompanied by Mr. PREUSS	
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
Mr. WELLINGTON KOO	- China
accompanied by Dr. LIANG	
Dr. EGER	- Czechoslovakia
M. GROS	- France
M. STAVROPOULOS	- Greece
Sir David MEEK	- India
M. BLUM	- Luxembourg
Dr. de MOOR	- Netherlands
Mr. BURDEKIN	- New Zealand
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia
accompanied by M. RISTITCH	

MINUTES

Reading of the Minutes was dispensed with and they were signed by the Chairman.

ESTABLISHMENT OF A FAR EASTERN PANEL OR BRANCH OF THE COMMISSION: PROPOSAL BY THE CHINESE REPRESENTATIVE

Mr. WELLINGTON KOO submitted the following proposal: (1)

"Recalling that the creation of a Far Eastern Panel of the War Crimes Commission was contemplated from the outset; and

Considering that the increasingly large number of war crimes committed by the Japanese in the Far East require early investigation and examination by the common action of the United Nations concerned;

It is proposed that the War Crimes Commission take up immediately the question of the establishment of the Far Eastern Panel or Branch and appoint a special committee to consider and report on the subject."

Mr. Wellington Koo said that if the seat of the Commission was in London, branches would be needed elsewhere. The Chinese

branches would be needed elsewhere. The Chinese Government had approved the establishment of a panel in Chungking. It was unnecessary to go into the matter of principle as he thought it had generally been accepted. But the Chinese Government was anxious to have a Far Eastern panel established as soon as possible. A great body of evidence in the Chinese cases had already been collected, and while the Commission could continue to discuss general principles regarding its work as a whole, he urged the immediate appointment of a sub-committee to consider the practical steps for the establishment of the panel as soon as possible.

As regards the seat of the panel, he thought Chungking would be most convenient. It was the wartime capital, communications were good and the United Nations had diplomatic representatives there.

As regards scope, it had been clearly expressed in the memorandum of the Foreign Office in March 1943 that local panels should enjoy the greatest possible degree of autonomous action and prestige consistent with the central and co-ordinating functions of the headquarters of the Commission. The Commission would adopt general principles, but in so far as local conditions were different some modifications might be found necessary. Local panels should be able to exercise discretionary power to make modifications provided these were not in contradiction with the general principles approved by the Commission."

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civilians was very large. The United States was more directly interested in war crimes committed in the Far East than in those committed in Europe. He had no objection to the idea of a Far Eastern panel. It was part of the original conception of the Commission's work to have a fairly independent agency to deal with Far Eastern cases. Identification presented more difficulties in the case of Japanese than in that of Germans. He supported the proposal for a subsidiary agency.

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Mr. Wellington Koo said that if the seat of the Commission was in London, branches would be needed elsewhere. The Chinese Government had approved the establishment of a panel in Chungking. It was unnecessary to go into the matter of principle as he thought it was one which the Commission would find no difficulty in accepting. But the Chinese Government was anxious to have a Far Eastern panel established as soon as possible. A great body of evidence in the Chinese cases had already been collected, and while the Commission could continue to discuss the principle he urged the immediate establishment of a sub-committee to consider the practical aspects.

As regards the seat of the panel, he thought Chungking would be most convenient. It was the capital, communications were good and the United Nations had diplomatic representatives there.

As regards scope, the principle of setting up local panels had been clearly expressed in the original note from the Foreign Office. Local panels should enjoy the greatest possible prestige. The Commission would adopt general principles but in so far as local conditions might be different some modifications might be found necessary. Local panels should be able to exercise discretionary power to make modifications provided these were not in contradiction with the general principles approved by the Commission.

Mr. PELL said the number of American cases of crimes against civilians was very large. The United States was more directly interested in war crimes committed in the Far East than in those committed in Europe. He had no objection to the idea of a Far Eastern panel. It was part of the original conception of the Commission's work to have a fairly independent agency to deal with Far Eastern cases. Identification presented more difficulties in the case of Japanese than in that of Germans. He supported the proposal for a subsidiary agency.

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Mr. COLBAN supported the idea of constituting a sub-committee to report. He suggested the following points to be considered by the sub-committee: (1) Membership: The sub-committee should include representatives of the Governments most interested in Far Eastern problems, but no Government not at war with Japan should be represented. (2) Tasks of the panel: The panel must have a certain latitude. He thought the sub-committee might investigate the question of the appointment of three committees, similar to those in London. Committee I would of course be necessary but the sub-committee might consider whether the tasks of Committees II and III should be split up. (3) Seat of the panel: He himself was perfectly satisfied to leave this matter to the Chinese Ambassador. (4) Finance: As was the case for the Commission, the personal expenses of members should be supported by the Governments, administrative expenses by the Commission. (5) Unity of work: He thought it would be well if the sub-committee would consider whether the Governments members of the Commission should be requested, in so far as they appoint representatives on the panel, to take special steps to secure that their representatives on the main Commission and on the panel would work on the same lines. The sub-committee might suggest that the Commission should keep the panel informed of the development of the work not only of Committee I but also of Committees II and III.

Dr. de MOOR said that possibly two panels would be necessary because of the great distances between theatres of war in the Far East. The Netherlands Government had not yet been able to set up a commission of investigation. The whole territory of the Netherlands Indies was occupied by the Japanese and information was very difficult to obtain. He supported the proposal to set up a sub-committee. The principles on which panels would have to work would be the same as for the Commission. For the moment he

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agreed that Chungking should be the centre but later on another centre for investigation might be necessary.

The CHAIRMAN said the main principle was the same for both theatres of war but local modifications would be necessary because of different circumstances.

Sir David MEEK said the proposal to set up a sub-committee to consider the whole question and report to the Commission met with no objection on India's part. As far as he knew no national office of investigation had yet been set up by India.

Mr. BURDEKIN had no doubt that the New Zealand Government would be in agreement. New Zealand had so far had very few cases and no special organisation had yet been set up.

The CHAIRMAN said that in the Far East there was much greater difficulty in collecting evidence. There had been greater maltreatment of prisoners but evidence was difficult to obtain because of the refusal of the Japanese to allow visits to the camps by representatives of the protecting power. The sub-committee would no doubt be able to leave a free hand to each country to make its own arrangements regarding its national office.

M. GROS said France had not enough cases to send to the Commission. After the liberation of Indo-China the situation would be different. France was extremely interested in principle but until Indo-China was liberated she would not be able to send any cases for presentation to the Commission.

Mr. PREUSS said appropriate instructions would have to be issued to the military and naval authorities for the collecting of evidence.

"Dr. Wellington Koo said that of course each country was free to make arrangements about its own national office. As regards the language difficulty, help could no doubt be got from the staffs of the Embassies in Chungking. For example, the British Embassy had on its staff members who were familiar with the Chinese language."

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~~Embassy in Chungking.~~

The CHAIRMAN said that, as regards the composition of the committee, each of the countries interested in or participating in military operations in the Far East should be represented on the sub-committee. These were: United States of America, Australia, China, France, Great Britain, India, Netherlands and New Zealand. As regards finance, the setting up of the panel must affect the finances of the Commission, because of the need for constant communications between the two bodies.

Mr. COLBAN said the committee would be a standing one and Mr. WELLINGTON KOO said that contact would be maintained between the Committee and the Commission.

Mr. PELL moved that a sub-committee, on which all members participating in the Far Eastern war should be represented, should be set up to prepare a report on the matters mentioned in the Chinese Ambassador's proposal. He suggested that its members should be appointed by the Chairman.

The motion was carried unanimously.

FINANCE COMMITTEE

Mr. PELL moved that a member of the Finance Committee to replace Mr. Bodson should be appointed by the Chairman.

COMPOSITION OF COMMITTEES II AND III

Mr. PELL proposed that Sir Cecil Hurst should be appointed a member of Committees II and III, and Dr. EGER proposed Mr. Pell as a member of Committee III. Both propositions were agreed to.

FUTURE WORK OF THE COMMISSION

The CHAIRMAN said that the business for the next meeting would be the discussion of M. de Baer's proposals as Chairman

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of Committee I (Docs. G.12 and G.14), and that although the Commission had contemplated meeting only once a fortnight he proposed that the next meeting should be held on May 2nd.

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Mr. COLBAN said the Commission's main object was to get through the work of the committees; the representatives were here to do practical work and must not deviate from that task and constitute themselves a kind of legal faculty.

The next meeting was fixed for Tuesday, May 2nd, 1944.

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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Sixteenth Meeting

held on

May 2, 1944

Chairman - Sir Cecil HURST (United Kingdom)

There were also present:

Mr. PELL	- United States of America
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
accompanied by M. DUMON	
Dr. LIANG	- China
Dr. BENESH	- Czechoslovakia
M. GROS	- France
M. STAVROPOULOS	- Greece
M. BLUM	- Luxembourg
Dr. de MOOR	- Netherlands
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia
accompanied by M. RISTITCH	

Rt. Hon. Sir Donald SOMERVELL (Attorney General of the
United Kingdom),
Sir William MALKIN (Legal Adviser to the British Foreign
Office),
assisted at the meeting.

MINUTES

Reading of the Minutes of the last meeting was waived and they were signed by the Chairman.

PROPOSALS BY M. DE BAER, CHAIRMAN OF COMMITTEE I (Facts and Evidence). Documents C.12 and C.14).

The CHAIRMAN said the meeting was in a sense a special one as its chief object was to discuss, with the assistance of the distinguished guests, certain proposals which were made by the Chairman of Committee I in his personal capacity, but were the result of his experience as Chairman of Committee I, and might have a considerable effect upon the Commission's work.

M. de Baer presented the proposals contained in Documents C.12 and C.14, and called attention to the reasons for them set out in these Documents.

DOCUMENT C.12

The CHAIRMAN asked the Commission to deal first with Document C.12 which proposed:

"That any member of the War Crimes Commission shall be entitled to bring before Committee I the case of any person accused of a war crime irrespective of the nationality of the victim or the place where the crime was committed."

The Chairman said the Commission had been set up to deal with crimes against United Nations nationals. He understood M. de Baer, to mean that it should now recommend the governments to agree to the suggested extension of its activity.

There was general agreement that an alteration of the Commission's terms of reference was involved and that this would require the consent of the governments.

Sir Donald SOMERVELL thought the Commission's competence was not wholly limited to crimes against United Nations nationals or on United Nations territory. A crime against a member of the French Foreign Legion would fall within it. He thought it might be better to alter M. de Baer's text and to say that evidence of war crimes should not be excluded from the Commission's consideration for the sole reason that it related to crimes on Italian soil against Italians, or crimes on Danish soil against Danes. He was not authorised to speak for the United Kingdom Government, but the mention of Italian and Danish victims in the Moscow Declaration indicated that such an attitude might be acceptable to the United Kingdom and other United Nations governments.

M. MILANOVITCH said a large number of Yugoslavs who had suffered from war crimes and whose case he would have to raise, were Italian subjects.

M. GROS saw no legal objection to dealing with the new sort of cases and it might be interesting to investigate them, but

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there was the practical objection that it would be shocking for the Commission to be considering German crimes against Italians at a time when the French, as M. Cassin had pointed out, had been prevented from punishing Italians for crimes against Frenchmen.

The CHAIRMAN said there was no question of excluding Italian crimes against the French.

Professor GLASER considered a special office within the Commission would be required to bring forward the new kinds of case. The National Offices were too busy.

Sir Donald SOMERVELL said M. de Baer's paper mentioned Hungary and Rumania. His government made a distinction between these countries and Italy and Denmark.

The CHAIRMAN asked if any member was opposed in principle to M. de Baer's proposal.

Dr. de MOOR saw legal objections. What would be the legal basis for the work of the Commission in connection with war crimes committed against Danes: ~~It was for the Danes to punish crimes against Danes. Intervention by the Commission might prove to be either useless or meddling.~~ would not this work be done better by the Danes themselves?

M. de BAER said he had thought the Danes would welcome such intervention.

On the close of the discussion, ~~in view of the concurrence generally expressed with the idea underlying M. de Baer's proposal,~~ the CHAIRMAN undertook to prepare and lay before the Commission at its next meeting the draft of an appropriate recommendation to the Governments of the United Nations.

DOCUMENT C 14

The CHAIRMAN submitted for discussion the various points in this Document which he thought the Commission should consider.

The first, which in his opinion involved no extension of the Commission's terms of reference, was the proposal (pp. 2-3) that the National Offices, and possibly the Commission itself, should seek evidence against leading war criminals in orders and decrees signed by them prescribing acts and practices which were war crimes. Such evidence could be sought in newspapers, official

journals etc. Ought the Commission itself to undertake such research as well as the National Offices? This would involve an increase of staff.

The proposal was accepted by the Commission, although M. COLBAN considered the work could best be done by the National Offices. Professor GLASER expressed the view that the Commission should go further and treat as guilty of war crimes persons in charge of districts in which war crimes are committed, and judges applying illegal laws and regulations.

The CHAIRMAN said he would see if he could arrange for any additional staff which might be necessary to enable the Commission, in collaboration with the National Offices, to undertake this work, and would consult the Finance Committee.

In the next place, the CHAIRMAN called attention to M. de Baer's proposal (p. 4) that immediately on the conclusion of the armistice all persons capable of having any responsibility for war crimes should be taken into custody.

Sir Donald SOMERVELL said such a measure would be facilitated if the names of the persons to be arrested were available. The proposal would have to go to the combined General Staffs.

The CHAIRMAN called his attention to the Commission's resolution of 4 April 1944, asking the National Offices to prepare lists of the names of enemy agents having authority in occupied territory.

As no objection of principle was made, the Chairman asked Committee II to report on how M. de Baer's proposal could be carried out, and to draft recommendations to the governments, which should be limited to what was really practicable.

The Commission then considered the points raised on pp. 6-7 of C.14.

It was agreed that an effort should be made to establish contact with the higher military authorities.

The proposal for a "United Nations Criminal Justice Office" or "United Nations War Crimes Prosecuting Office" excited criticism in the form in which it was presented, and the whole question of creating such an institution, or possibly a mere War Crimes Bureau as part of the military machine to ensure due action by the armies in regard to war crimes, was referred to Committee II which already had schemes for such an institution before it.

During the discussion of the above two points, M. GROS called attention to certain passages in C.14 which he asked should be omitted before circulating the document to the governments and the CHAIRMAN assured him that the Document was not intended to be so circulated.

Finally, the question of "political action" against the highest war criminals (p.6) was mentioned. Sir Donald SOMERVELL gave the Commission to understand that the matter was still under consideration between the governments and that the Commission, while it should not exclude consideration of cases implicating such persons, was not called upon to seek evidence against them.

It was agreed that Committee II should discuss the questions which had been referred to it at its next meeting on Friday, May 5.

*Cecil J. B. Hurst
May 9/44*

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C.12
21 April 1944

UNITED NATIONS WAR CRIMES COMMISSION

EXTENSION OF THE COMMISSION'S COMPETENCE TO WAR CRIMES
NOT COMMITTED AGAINST UNITED NATIONS NATIONALS

PROPOSAL BY THE CHAIRMAN OF COMMITTEE I

1. We have all been shocked by the deportations and shootings of hostages which have been carried out by the Nazis in neutral, co-belligerent, or enemy countries such as Denmark, Hungary, Roumania, Italy, etc. . . . The fact that these people were the victims of Nazi measures goes to prove that they acted against the Germans; in all probability their activity was directed towards helping the Allies. Again, on March 27th, 320 Italians were shot as hostages because 32 Germans had been killed in Rome on the 23rd. Obviously, it is a German General who has signed the order to shoot these innocent people, and his name will be disclosed sooner or later. There is little doubt that this man should be considered as a war criminal. (x)

The question then arises by what body measures for the punishment of these crimes will be designed. It is impracticable, for obvious reasons, to include representatives of enemy countries and even of "co-belligerents" in the War Crimes Commission. No National Office will bring these cases before our Commission, and therefore no voice will be raised to demand punishment for the guilty.

2. Some of the principal criminals have signed Orders or Decrees which are in themselves, criminal, but, because they have not acted within the territory of any one of the United Nations, no National Office will investigate their case. A study of the documentation available points out that there may be some possibility of indicting some of these persons for measures which they have taken in Germany, (E.g. Ministers, Chief of Gestapo, Generals who have signed orders or decrees allowing crimes to be committed in occupied countries.)

It is therefore proposed:

That any member of the War Crimes Commission shall be entitled to bring before Committee I the case of any person accused of a war crime irrespective of the nationality of the victim or the place where the crime was committed.

N.B. - It is needless to say that the War Crimes Commission will be entitled to reject any case submitted in this way.

(x) Likewise, on 17 April 1944, the B.B.C. announced that 605 hostages had been shot at Trieste for having blown up a cinema for German troops.

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Example:

Name of accused : General von HANNEKEN.
Rank : C. in C. German Forces of Occupation in Denmark.
Date of crime : August to December 1943.
Charges : (1) Murder, systematic terrorism,
(2) Deportation of civilians,
(3) Exactment of illegitimate contributions.

SHORT STATEMENT OF FACTS

About August 30th, 1943, General von HANNEKEN took over complete control of Denmark, and assumed full powers, including the right to inflict all forms of punishment. He decided that offences such as sabotage would be tried by German Courts-Martial with death penalty provided. The system of hostages was also introduced. The order is signed : "HANNEKEN" Pursuant to these measures:

1. Executions took place among which on November 22nd two Danish labourers were executed by the Germans, and on December 3rd five Danes were executed. Notices of the execution giving the names of the victims were posted and appeared in the Press. In respect of these, HANNEKEN approved the execution by refusing to grant pardon;
2. Deportations were carried out : on October 1st one thousand Gestapo men rounded up Jews in Copenhagen : 1600 Jews were arrested, and on October 11th two (or perhaps three) deportation ships had already left Copenhagen for an unknown destination;
3. On December 5th HANNEKEN imposed upon the city of Copenhagen a fine of 2 million Kroner for the shooting of a German soldier. The order was posted on public buildings and published in the Press; it is signed : "HANNEKEN."

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C.14.
25 April 1944.

UNITED NATIONS WAR CRIMES COMMISSION

PROPOSAL BY THE CHAIRMAN OF COMMITTEE I

After an existence of 5 months during which the Commission has been actively engaged in its work - the main body and its divisions sometimes holding as many as five meetings a week - and during which Committee I has been formed with the specific object of "investigation" which was originally the purpose of the Commission itself, some facts appear and it is possible to draw some provisional conclusions.

The facts are the following:

1. The cases which have been brought by the National Offices to the Commission are comparatively few;
2. Most of the cases brought are relatively unimportant; they do not concern persons in a high position of responsibility or crimes of an outstandingly sensational nature;
3. The tempo at which the cases are being brought does not encourage us to hope that, in the near future, the Commission will be in a position to deal with a large number of cases. All this is likely to create some disappointment when the time comes for the Commission to give an account of its work.

It is not that Committee I has not loyally tried to carry out its mission as set up in the various speeches and statements which we consider to be our terms of reference. It is not either that the National Offices are indifferent to the progress of our work (some have forwarded a number of cases, whereas others have forwarded fewer charges, but they are more complete).

The great obstacle is the difficulty of obtaining circumstantial evidence from abroad: it is easy to understand that, as the elements of each case have to be forwarded to this country by underground methods and as there are so many other more pressing matters, evidence upon war crimes is slow to come over.

The question then is: what remedies are there to this situation?

As has been said many times, it is impossible for this Commission to undertake the "investigation" of all the war crimes which have been committed: apart from the fact that the Commission has neither the machinery, the equipment nor the staff, there is no body which has the legal means to do this at present. We therefore depend entirely upon the National Offices for all that concerns the preliminary "fact finding."

The dossiers which we have now at hand can be grouped into two categories:

- (1) The dossiers in which we have, together with some evidence about the crime, the reasonably complete identity of the accused, and (2) the dossiers in which we have little or no indication of his identity.

As to the first category: there is not the slightest doubt that the dossiers which have been submitted are only a small proportion of those which could be submitted. It seems that hitherto the National Offices have restricted themselves to sending us only "crimes" in the popular conception of that word, and the consequence is that (although in some cases not only the actual perpetrator but also the immediate superior who ordered the crime is the object of a dossier), the person in whom the crime really originated is not mentioned. We are referring specially to those German lawyers who, in the tranquillity of their study, have conceived those measures which have afforded others the possibility to unleash their savage instincts with impunity and covered in advance those unspeakable acts under a cloak of legality.

There are many accused in respect of whom a dossier could be easily constituted by means of one single document which would be a complete proof in itself. We shall give a few examples taken among many:

- (a) a decree providing excessive penalties for unimportant or inexistent transgressions;
- (b) decrees providing the death penalty for acts of sabotage;
- (c) decrees making the criminal nature of an act depend upon the nationality, race or religion of the person who did the act (e.g. decrees upon the pollution of the "Herren-volk," etc ...);
- (d) a decree providing capital punishment for mere omissions, such as failing to report to the Police the existence of arms or weapons of which one may have had no knowledge;
- (e) decrees providing capital punishment for the relatives of persons such as fugitives, or saboteurs, when the Germans have been incapable of laying hands on the accused themselves;
- (f) the signature of a decree by which all artistic property belonging either to the State or to churches or to private persons is subject to confiscation;
- (g) a person in authority who after having threatened to execute hostages has carried out his threat and publishes the names of those he has had executed;
- (h) notices signed by a commanding officer or an administrator announcing that he has imposed a collective fine upon a city in punishment for the shooting of a German;
- (i) decrees or notices ordering deportations;

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- (j) decrees ordering compulsory enlistment of Allied nationals in the German army (ofr. in Alsace - according to a B.B.C. broadcast on 17 April 1944);

and so on.

If the United Nations fail to indict those who have signed these decrees or orders, which are at the root of the evil, then it can again be said that justice strikes "according to whether you are powerful or wretched ...". A parody of justice of that kind should be avoided at all costs.

There is little doubt that if some research work is conducted on these lines a quantity of dossiers can be made available for the Commission in the near future. The attention of the National Offices should be once more drawn in this direction.

However, as the punishment of crime is the concern of the United Nations as a whole, it may be proper for us, if the National Offices fail to send us those cases, to examine whether the Commission should not itself assume this part of the work. (N.B. - This will obviously mean, as well as an increase of our staff, that for some members or persons their work on this Commission may become a whole time job.)

In the second category of dossiers the identity of the accused is either completely or partly unknown and there is often no indication of his rank, unit or position. In some cases the perpetrators have been provided with assumed names, in others (torturers in Gestapo chambers) they were masked. If the number of dossiers of this kind sent in is not much larger this is merely because some National Offices do not think it worth while to send us dossiers when little or nothing is known about the accused and the chances of laying hands on him are so slight. The massacre of Lidice is believed to come under this category and also the lethal chambers of Eastern Poland.

In view of the difficulties involved it has been proposed in cases such as these to apply the law of Moses, reprisals, - or alternately collective responsibility, and to execute in cold blood, after the war, so many Germans as they have executed Allies

Solutions which are so far removed from democratic conceptions may, however, not carry much weight or be the best suited to bring us a lasting peace. Moreover, it is impossible to visualize the United Nations putting such a policy into actual practice.

On the other hand it is imperative that the responsible people be punished and therefore some other means should be suggested. To this effect the following suggestion is tentatively proposed. It is impossible that major crimes (such as Lidice, etc ...) have been perpetrated without the knowledge and consent of responsible persons who are in charge or in command. One of the first things we should do is therefore to obtain as clear as possible a view of the civil and military organisation in each one of the occupied countries, since the beginning of the war, together with the names and identity of the persons who are responsible for each sector or district. Moreover, in view of the fact that when the Germans retreat from the Western European countries they are likely to carry out the same policy of scorched-earth as they

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- (j) decrees ordering compulsory enlistment of Allied nationals in the German army (cfr. in Alsace - according to a B.B.C. broadcast on 17 April 1944);

and so on.

If the United Nations fail to indict those who have signed these decrees or orders, which are at the root of the evil, then it can again be said that justice strikes "according to whether you are powerful or wretched ..." A parody of justice of that kind should be avoided at all costs.

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have done in Russia and in Italy, it is necessary that we be provided also with the names of officers who will be in command in the various army groups at least as far down as the commandants of regiments. The measure which is suggested is placing into custody immediately after the armistice all persons (civil and military) who are susceptible of carrying some responsibility in the atrocities which have been committed. After their arrest their names should be broadcast and, possibly, their photos widely published in all the occupied countries in order to allow possible victims to lodge complaints against them. Those against whom, after a reasonable time, no complaints have been lodged should be released whereas the charges brought against the others should be immediately investigated. Thus without resorting to the repellent notion of collective responsibility we can achieve the purpose of justice by a perfectly admissible "mesure de sûreté." Any refusal to co-operate with the investigation officials, by making complementary investigation necessary, would automatically provoke a prolongation of the "mesure de sûreté."

This may be a bold and unprecedented measure. Far from depriving the Germans from natural guides who might help them into obtaining a more healthy outlook, this measure will allow the healthy part of the German population to find their own way more easily, under allied guidance. Moreover, it is in the interest of the safety of the occupying Forces: those who will resist any allied endeavour to pacify the country will be found less among the ordinary public than among the leading classes; it is these people who will find it most difficult to accept the defeat; by segregating them for a time we may make our own task of occupation easier. (x)

Does this mean that from now on National Offices should be discouraged from sending incomplete cases to the Commission? No, on the contrary. We believe that it should be for this Commission to obtain and centralise such information as would allow us to locate responsibility where National Offices are individually unable to do so. (xx)

We will then have a number of dossiers which will be half-ready, and which can be completed either as the liberation of occupied countries proceeds, or else soon after the Armistice (see hereafter no. 4).

(x) It is also possible that if, when the time comes, the German army in full retreat on all fronts are warned that any scorched-earth policy will meet with drastic punishment, this warning may have a preventive action (cfr. the warning which was issued by President Wilson in October 1918 to the Germans against devastating the industries, the coal mines and even the orchards in the North of France.)

(xx) Obtaining such information may become even more important when the United Nations are occupying Germany: it may then become necessary to institute a body of persons to collect and investigate German records. Such persons should of course be familiar with the German language.

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There are other suggestions which could be usefully discussed.

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1. We are at this moment working in a watertight compartment. The necessity for us to know what kind of occupation the United Nations are visualizing for Germany has already been stressed in our meetings. There may be a United Nations' Occupation Board but there may also be a division of Germany into zones of occupation. If we are to prepare a scheme we should have some idea of the general framework within which it will have to fit.

2. In the same way when we make suggestions for the inclusion into the Armistice of some terms concerning retribution for war crimes it would be most valuable for our Commission to obtain some indication, either of the lines upon which we could usefully work (together with what has been already done) or else, that our collaboration in this field is not needed or desired.

3. Some sort of liaison with the supreme command may also be necessary, for the first measures will surely be taken by the military and it is upon those measures that may depend the ultimate success or fiasco of the whole scheme. (Perhaps a United Nations' Adviser on criminal matters to the High Command.) Failing this, some military advice or discussions with the military as to the practical possibility of carrying out any scheme which we may have in view would also be of the greatest value for us.

The lack of success with which "Amgot" has met in Italy in respect of the punishment of war criminals, and the criticisms which have been directed in the Press against the lack of policy of that organisation incline us to hope that the apprehension of war criminals will not be one of its activities.

Incidentally the muddle to which has led the question of punishment in Italy and which has already caused much disappointment is a lesson that a policy on entirely different lines should be followed when it comes to dealing with the Germans.

4. It may be necessary, in the near future, to suggest the creation of another body charged with new duties, more directly concerned with prosecution.

In 1918 the Allies were expressly prevented by Article 6 of the Armistice from prosecuting anyone. This time we will not be prevented, but, as we have no prosecuting machinery ready, the result is likely to be exactly the same: valuable time will be lost which the Germans will use to build up obstacles. Therefore we must have some machinery ready to operate, at the moment of the Armistice, and the necessary men ready to step in and take charge.

If, when the Armistice comes, chaos, thanks to which most criminals will escape, is to be avoided, some United Nations organisation must be instituted in Germany (United Nations Criminal Justice Office - or: United Nations War Crimes Prosecuting Office) charged with the following duties: (a) finding the war criminals, (b) arresting them and keeping them in preventive custody, (c) taking down their statements (denial or admission of guilt, indication of perpetrator or partners in crime, line of defence, names of witnesses for the defence, etc.....), (d) eventually maybe making a summary investigation on those statements, and finding the witnesses, (e) forwarding the accused

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together with his dossier to the place or country where the trial is to be held, (f) maybe: completing the half-ready cases mentioned above on page 4.

The Office would act as a sort of judicial agency to which the Courts of all Allied countries could apply to obtain persons accused, witness evidence, or any information on war crimes. It goes without saying that the Office, although working in conjunction with the various armies of occupation, should have its own staff, agents, etc ..., and that the necessary executive powers should be vested in it. One man should be at its head, fully responsible. If necessary he might work under the authority of the War Crimes Commission, but it should be his show, and if anything goes wrong, the blame should be his. If, in 1920 some individual (instead of various anonymous diplomatic commissions) had been responsible for the punishment of war crimes, it might not have ended in a fiasco.

The suggestions in this paper should, in the idea of the Committee, apply not only to Germany but also to the liberated territories of the Allies. In respect of these territories however this régime should be restricted to the transitional period only, i.e. until the governments of those countries have resumed the actual administration of the land. (x)

5. May we be allowed once more to point out that any scheme for the punishment of war criminals is unlikely to succeed without the sincere co-operation of all the great Allies, and namely U.S.S.R., and that new efforts should be made to secure the co-operation of the U.S.S.R.

6. It should also be borne in mind that after the Armistice changes of nationality of war criminals should not be recognised. The Commission has been told that some preparations have been made to confer a neutral nationality upon some enemy persons, and upon allied persons who have worked for the enemy; counter-measures should be framed in time.

7. Political action. Caution should be used in dealing with criminals politically:

If it is contemplated to punish some enemy leaders by political rather than judicial action, the consequences of such action should be carefully measured: if such punishment is death,

(x) It is likely that the transitional period will be very short; it is also likely that there will be little scope for any such Office to operate in Allied countries, for German war criminals, rather than remain in liberated countries to face the wrath of their victims, will almost certainly flee to their homeland together with their retreating armies.

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and is inflicted soon after the Armistice, (x) there is less objection than if it is mere exile (cfr. Napoleon). But if the main criminals, who are responsible for the waging of war as well as for having taken part in the most heinous crimes (annihilation of the Jewish race, deportations, policy of terrorism) are merely to be exiled, it will be morally impossible for any court to inflict a more severe punishment (death) upon persons accused of lesser atrocities or who have merely acted upon order of those major criminals. Many of us consider political action as undesirable altogether, and would prefer judicial action, but, if for reasons of expediency it is impossible to do otherwise, political action should be exceptional, and restricted to cases such as Hitler, Hiro Hito, and others such as Mussolini who are in fact, if not in name, heads of states.

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(x) In an unspectacular way, preferably by hanging: there is no reason to make the execution of these people other than ignominious. Moreover it is more difficult to make a hero out of a man who was obscurely hanged than out of a man who was shot and who may even have been allowed to give the theatrical order of "Fire" at his own execution.

SECRET

M.17

UNITED NATIONS WAR CRIMES COMMISSION

MINUTES OF SEVENTEENTH MEETING

held on

May 9, 1944

Chairman - Sir Cecil HURST (United Kingdom)

There were also present:

Mr. PELL	- United States of America
Mr. OLDHAM	- Australia
M. DE BAER	- Belgium
Dr. LIANG	- China
Dr. BENESH	- Czechoslovakia
M. GROS	- France
M. STAVROPOULOS	- Greece
Sir David MEEK	- India
M. BLUM	- Luxembourg
Dr. DE MOOR	- Netherlands
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia
accompanied by M. RISTITCH	

CORRECTIONS IN MINUTES OF 15th MEETING

The Commission, at the request of the Chinese representative, sanctioned the insertion in these Minutes of revised versions of two speeches by Dr. Wellington Koo, and directed the Secretary General to circulate these corrections.

MINUTES OF LAST MEETING

These Minutes were approved and signed subject to the substitution of the following text for lines 15 - 24 on p.3:

"Dr. de MOOR saw objections. What would be the legal basis for the work of the Commission in connection with war crimes committed against Danes: would not this work be done better by the Danes themselves?

"M. de BAER said he had thought the Danes would welcome such intervention.

"On the close of the discussion the CHAIRMAN undertook to prepare and lay before the Commission at its next meeting the draft of an appropriate recommendation to the Governments of the United Nations."

CRIMES NOT COMMITTED AGAINST UNITED NATIONS: DRAFT
RECOMMENDATION PREPARED BY THE CHAIRMAN (C.16).

The CHAIRMAN presented his draft.

In the resulting discussion it appeared that some members had not felt the Commission to have reached a positive conclusion at the last meeting. The extension of the Commission's competence to war crimes against Italians was opposed on several grounds. ~~They were themselves war criminals.~~ It would be shocking that the Commission should concern itself with crimes against Italian victims of German war crimes at a time when certain United Nations representatives felt they had been improperly denied the means of dealing with Italian war crimes against their own nationals. War crimes on Italians were likely to be committed by other Italians as well as by Germans. The Italian position was too confused, and its future development too uncertain for it to be wise for the Commission to concern itself with it.

On the other hand, it was urged that the Chairman's draft merely brought the Commission into line with the attitude of the military authorities, as revealed in Colonel Clark's statement at the Joint Meeting of Committees I and III on 5 April, 1944, and with the text of the Moscow Declaration of 1 November, 1943. If co-belligerents and neutrals were excluded from the Commission's protection, how could it claim to do justice? The Commission, under the declarations of the leading United Nations statesmen, ought to deal with war crimes as such, irrespective of who the authors might be. The suggestion was made that if the Chairman's text was accepted Austria also should be included.

The CHAIRMAN proposed, and it was agreed, that further consideration of the subject should be postponed as unanimity could clearly not be obtained at present for any recommendation.

POLISH PROPOSAL
REPORT OF COMMISSION

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POLISH PROPOSAL FOR ADDING NEW ITEMS TO THE LIST OF WAR CRIMES
REPORT OF COMMITTEE III (C 15 (1)).

Dr. GLASER, Chairman of Committee III, introduced the report.

The first proposal, that the following item, namely:

"Indiscriminate mass arrests for the purpose of terrorising the population, whether described as taking of hostages or not."

should be added to the List, was discussed and adopted.

As regards the second proposal which related to the adoption of "procedures aimed at lowering human dignity," the Commission felt it to be sufficient for it to declare that Committee I was competent to entertain cases of this nature, and in examining them would be at liberty to take account of the terms of the Preamble of the International Convention of 18 October, 1907, concerning the Laws and Customs of War on Land.

MEASURES TO ENSURE CAPTURE OF WAR CRIMINALS: RECOMMENDATIONS TO
THE GOVERNMENTS PREPARED BY COMMITTEE II.

The recommendations were before the Commission in two forms, Document C.17 and an alternative version by M. de Baer (C. 17 (1)).

Mr. PELL, Chairman of Committee II, presented the Recommendations.

He said that in the Committee difficulty had been seen in holding the officers of the German army in custody, on the ground that the United Nations Supreme Command would need their help in disbanding the army. It was for this reason that the phrase "keep under control" was used. Personally, he thought the whole German army would have to be held as prisoners for a considerable time.

M. DE BAER presented his draft which was the same in substance but sought to make the object of the recommendation more intelligible.

The CHAIRMAN said the whole recommendation might fail if the military authorities rejected the part relating to the army and asked if the Committee had had any contact with them.

Dr. DE MOOR said the Committee had felt it should give the advice it considered necessary and leave the Governments responsible for accepting or rejecting it.

Dr. LIANG asked if the recommendation could be given a more general form by using general terms, dropping the reference to the year 1939 and making it plain the Japanese were covered by it. It would be submitted to his Government, as well as to the other Governments, and as it stood it was hardly suitable for approval by China.

M. MILANOVITCH made, from the point of view of his own Government, the same observation in regard to the omission of Hungary and other Axis satellites.

It was agreed that the Recommendation should be referred back for further consideration by Committee II at its next meeting.

The Commission decided to meet again on Tuesday, 16 May, at 3 p.m.

P. C. G. B. Hurst
May 16/4

SECRET

C.16
4 May, 1944

UNITED NATIONS WAR CRIMES COMMISSION

EXTENSION OF THE COMMISSION'S COMPETENCE TO CRIMES NOT
COMMITTED AGAINST UNITED NATIONS NATIONALS

RECOMMENDATION TO BE FORWARDED BY EACH MEMBER OF THE
WAR CRIMES COMMISSION TO HIS OWN GOVERNMENT

Draft prepared by the Chairman of the Commission

At the time when the governments of the United Nations were invited to join in the establishment of the War Crimes Commission, its suggested functions were limited to cases of war crimes committed by the enemy against nationals of the United Nations.

The circumstances of the war have changed considerably since the institution of the Commission. Italy has fallen out of the group of Axis powers, and is now co-operating with the Allies. The enemy policy towards Denmark has changed, and the regime of ruthlessness pursued in other countries is now followed also in Denmark.

These facts are recognised in the Three Power Declaration adopted at Moscow in October, 1943, as to the punishment of war criminals.

The Commission is of opinion that its work should be brought into line with the policy of the Allied Powers as set forth in the Moscow Declaration, and that where evidence is submitted to it of war crimes committed against nationals of the powers mentioned in that Declaration, such cases should not be regarded as lying outside its terms of reference.

The Commission recommends that the Governments of the United Nations should concur in its pursuing its work in future in conformity with the above proposal.

SECRET

C. 15 (1)
9 May 1944.

UNITED NATIONS WAR CRIMES COMMISSION

PROPOSAL BY THE POLISH REPRESENTATIVE FOR
ADDING NEW ITEMS TO THE LIST OF WAR CRIMES

REPORT OF COMMITTEE III
(As amended by the Committee on 8 May 1944.)

Committee III has considered the Polish proposal (Doc. III/3) for adding two new items to the List of War Crimes which was provisionally adopted by the Commission on 2 December, 1943, (Doc.C.1). The first item related to "taking hostages" and the second to the adoption in occupied territory of "procedures aimed at lowering human dignity," many examples of which were quoted from the experience of Poland. The Committee begs to make the following recommendations upon these proposals.

I As regards the first proposal:

The following item should be added to the List of War Crimes:

"Indiscriminate mass arrests for the purpose of terrorising the population, whether described as taking of hostages or not."

II As regards the second proposal:

The following item should be added to the List of War Crimes:

"Acts violating family honour and rights, the lives of individuals, religious convictions and liberty of worship."

The Commission should authorise Committee I to deal with such cases, when submitted to it by the National Offices, in the light of the last paragraph but one of the Preamble of the International Convention concerning the Laws and Customs of War on Land of 18 October, 1907, which reads as follows:

"Until a more complete code of the laws of war can be drawn up, the High Contracting Parties deem it expedient to declare that, in cases not covered by the rules adopted by them, the inhabitants and the belligerents remain under the protection and governance of the principles of the law of nations, derived from the usages established among civilized peoples, from the laws of humanity, and from the dictates of the public conscience."

SECRET

C.17(1)
9 May, 1944

UNITED NATIONS WAR CRIMES COMMISSION

C 17
6 May, 1944

UNITED NATIONS WAR CRIMES COMMISSION

MEASURES PROPOSED BY M. DE BAER TO ENSURE

CAPTURE OF WAR CRIMINALS

DRAFT RECOMMENDATIONS TO THE GOVERNMENTS
prepared by
COMMITTEE II

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The mere establishment of lists of persons presumably guilty of war crimes can never be sufficient, but the process should be continued.

The governments, through their national offices or otherwise, should compile and have ready lists of all enemy civil and military persons in authority in each occupied district since 1939, such as Gauleiter, Governors, Chiefs of the S.S. and Gestapo, with as complete particulars as possible regarding these persons' identity.(1)

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On the conclusion of the armistice the military authorities should put and keep under control all members of the Gestapo, all commanding and higher officers of the German army and of German military organisations above the rank of major, and all civil servants having held a position in the occupied territories at a salary above

.) The description of the persons intended is the same as in the Commission's resolution of 4th April 1944 (Burnay resolution).

SECRET

C.17(1)

9 May, 1944

UNITED NATIONS WAR CRIMES COMMISSION

MEASURES PROPOSED BY M. DE BAER TO ENSURE

CAPTURE OF WAR CRIMINALS

DRAFT RECOMMENDATIONS TO THE GOVERNMENTS PROPOSED BY
M. DE BAER IN PLACE OF THOSE CONTAINED IN DOCUMENT C.17

If those who have committed major crimes are not to escape punishment, all persons who have held a responsible position in the occupied countries or in the army or military or police organisations should be available, immediately after the armistice, to be examined upon any crimes which may have been committed in their sector or command.

It is suggested therefore that on the conclusion of the armistice the military authorities of the United Nations should put and keep under control all persons who are or have been members of the Gestapo, all commanding and higher officers of the German army and of German military organisations above the rank of major, and all devil servants having held a position in the occupied territories at an annual salary above 4000 Rm. or assimilated to a rank which is at least that of a major.

With a view to facilitating the task of the United Nations Military Authorities, it is suggested that the Governments, through their National Offices or otherwise, should compile and have ready lists of all enemy civil and military persons in authority in each occupied district since 1939, such as Gauleiters, Governors, Chiefs of the S.S. and Gestapo, with particulars as complete as possible regarding these persons' identity.

SECRET

M.18

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Eighteenth Meeting

held on

May 16, 1944

Chairman - Sir Cecil HURST (United Kingdom)

There were also present:

Mr. PELL	- United States of America
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
Dr. WELLINGTON KOO	- China
accompanied by Dr. LIANG	
Dr. ECER	- Czechoslovakia
M. GROS	- France
M. STAVROPOULOS	- Greece
Sir David MEEK	- India
M. BLUM	- Luxembourg
Dr. de MOOR	- Netherlands
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia
accompanied by M. RISTITCH	

MINUTES OF THE LAST MEETING

On Page 2, lines 4 - 5, the sentence "They were themselves war criminals" was deleted, and the Minutes, so amended, were signed by the Chairman.

APPOINTMENT OF LIEUT. COLONEL H.H. WADE

The CHAIRMAN reported that to meet the need for additional staff resulting from the Commission's decision to collaborate actively with the National Offices in seeking certain kinds of evidence against leading war criminals (Minutes of Sixteenth Meeting pages 2 - 3), and to give general assistance to the Secretary General, he had secured the services of Lieut.-Colonel Wade at a salary approved by the Finance Committee.

MEASURES TO EN
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(DOC. 17(2)).

Mr. PELL

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MEASURES TO ENSURE CAPTURE OF WAR CRIMINALS: SECOND DRAFT
OF RECOMMENDATIONS TO THE GOVERNMENTS DRAWN UP BY COMMITTEE II
(DOC. 17(2)).

Mr. PELL, Chairman of Committee II, presented the draft.

Paragraph 2 was incorporated in paragraph 1, and that paragraph, so amended, was adopted.

Paragraph 4 was made paragraph 2. After discussion it was adopted in the following form:

"2. For this purpose the Governments, through their national offices, should compile and communicate to the Commission when they think it expedient, lists of all enemy civil and military persons in authority in each occupied district, including Gauleiters, Governors, Chiefs of the S.S., Chiefs of the Gestapo etc., with as complete particulars as possible regarding these persons identity and some of the more important crimes committed in the provinces, districts, towns or camps where they are or were in authority. The surrender of these persons by the enemy at the moment of the armistice may be demanded."

It was agreed that the lists referred to were made by each Government for its own use and communicated to the Commission, as and when the Government thought fit to do so, and that they might lead to action by either the Governments which drew them up or the Commission.

Paragraph 3 was adopted in the following form:

"3. It is particularly necessary that on the conclusion of the armistice the military authorities should put and keep under control all persons whom they find to have been members of the S.S. or the Gestapo."

The last paragraph of the draft was adopted without change as paragraph 4 of the Recommendations.

REPORT OF DR. WELLINGTON KOO, CHAIRMAN OF THE COMMITTEE ON
THE ESTABLISHMENT OF A FAR EASTERN AND PACIFIC SUB-COMMISSION
(DOC. C.19).

Dr. WELLINGTON KOO presented the report.

A discussion took place on the penultimate paragraph which read as follows:

* Doc C21

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"The question of bringing cases of Japanese war crimes before the War Crimes Commission in London was left open and it was also agreed that the conclusions adopted by the Committee did not preclude the possibility of creating other branches of the Commission. In respect to these two points, the general opinion seemed to be that it would be best to wait until the Sub-Commission was established and began functioning in order to enable consideration of them in the light of the working experience of the Far Eastern organ."

The omission of the last sentence was proposed by Mr. OLDHAM on the ground that it made the creation of other branches conditional on what happened at Chungking, whereas in the committee Australia had agreed to the creation of the Chungking Sub-Commission on the clear understanding that the creation of other branches, at any time and any place, e.g. for the Lower Pacific, would not be prejudiced thereby. Dr. WELLINGTON KOO considered that, taken in conjunction with the first sentence, the second sentence did not prejudice creation of other branches, which, if proposed, would always be considered by the Commission, and he felt it would be wise to profit by the experience which would be obtained at Chungking. China, he said, had joined the War Crimes Commission for two reasons - firstly, because in the interests of international solidarity, it desired the co-operation of the other nations in dealing with war crimes; and secondly, because it desired to have all war crimes by the same enemy treated in the same manner. After further discussion, in which other members joined, Dr. WELLINGTON KOO agreed to Mr. Oldham's amendment which was adopted.

Sir David MEEK said he had made it clear that Indian cases would go to London, and suggested that in the first sentence the word "mentioned" should be substituted for "left open", but he did not press this amendment.

The report, as amended, was adopted.

Cecil W. Hurst
May 23/44

SECRET

C.17(2).
12 May, 1944

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UNITED NATIONS WAR CRIMES COMMISSION

MEASURES PROPOSED BY M. DE BAER TO ENSURE

CAPTURE OF WAR CRIMINALS

RECOMMENDATIONS TO THE GOVERNMENTS

Second Draft submitted by Committee II

1. The mere establishment of lists of persons presumably guilty of war crimes, by building up and preparing complete cases and dossiers containing the proof of their guilt, can never suffice completely, - though this was the original basis for our work.
Those Governments in particular, whose territories are completely or almost completely occupied by the enemy lack the machinery, personnel and the necessary information.
Although they may cover a certain number of cases, they can not adequately deal in this way with the mass-criminality now existing in their countries. This first task should, however, be continued, and at the same time other means should be applied.
2. If those who have committed major crimes are not to escape punishment, all persons who have held a responsible position in the occupied countries or in the army or military or police organisations should be available, immediately after the armistice, to be examined upon any crimes which may have been committed in their sector or command.
3. It is particularly necessary that on the conclusion of the armistice the military authorities should put and keep under control all members of the Gestapo.
4. The governments, through their national offices, should compile and have ready lists of all enemy civil and military persons in authority in each occupied district, such as Gauleiter, Governors, Chiefs of the S.S., Gestapo etc., with as complete particulars as possible regarding these persons' identity and some most important crimes committed in the provinces, districts, towns or camps where they are or were in authority. The surrender of these persons from the enemy at the moment of the armistice may be demanded.
5. Analogous measures are recommended as regards other Axis Powers and satellites.

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SECRET

C.21
18 May 1944

UNITED NATIONS WAR CRIMES COMMISSION

MEASURES TO ENSURE CAPTURE OF WAR CRIMINALS

RECOMMENDATIONS TO THE GOVERNMENTS

ADOPTED BY THE WAR CRIMES COMMISSION ON 16 MAY, 1944

1. The mere establishment of lists of persons presumably guilty of war crimes, by building up and preparing complete cases and dossiers containing the proof of their guilt, can never suffice completely - though this was the original basis for the work of the Commission.
Those Governments in particular, whose territories are completely or almost completely occupied by the enemy lack the machinery, personnel and the necessary information.
Although they may cover a certain number of cases, they can not adequately deal in this way with the mass-criminality now existing in their countries. This first task should, however, be continued, and at the same time other means should be applied.
If those who have committed major crimes are not to escape punishment, all persons who have held a responsible position in the occupied countries or in the army or military or police organisations should be available, immediately after the armistice, to be examined upon any crimes which may have been committed in their sector or command.
2. For this purpose the governments, through their national offices, should compile and communicate to the Commission when they think it expedient, lists of all enemy civil and military persons in authority in each occupied district, including Gauleiters, Governors, Chiefs of the S.S., Chiefs of the Gestapo etc., with as complete particulars as possible regarding these persons' identity and some of the more important crimes committed in the provinces, districts, towns or camps where they are or were in authority. The surrender of these persons by the enemy at the moment of the armistice may be demanded.
3. It is particularly necessary that on the conclusion of the armistice the military authorities should put and keep under control all persons whom they find to have been members of the S.S. or the Gestapo.
4. Analogous measures are recommended as regards other Axis Powers and satellites.

SECRET

C.19(1)
15 May 1944

UNITED NATIONS WAR CRIMES COMMISSION

Report of Dr. Wellington Koo, Chairman of the
Committee on the Establishment of a Far Eastern and Pacific

Sub-Commission

At a meeting held on May 4th, 1944, and attended by the representatives of Australia, China, France, Great Britain, Holland, India, New Zealand, and the United States, the Committee carefully considered the question referred to it of the establishment of a Far Eastern Panel of the Commission to deal with the war crimes committed by the enemy against the United Nations in the war with Japan. The different points involved in the question such as the designation and function of the proposed organ, the scope of its authority, the seat of its establishment, the relation with the Commission in London, the need of close contact between the two bodies, were fully discussed. It was agreed that the branch of the Commission to be established in the Far East should be called "The Far Eastern and Pacific Sub-Commission" of the United Nations War Crimes Commission. The conclusions resulting from the discussion of other points were summarized and unanimously adopted in the following form:-

- "1. That a Far-Eastern and Pacific sub-commission of the Commission be established in Chungking with the function of dealing with war crimes committed by Japan.
- "2. The Sub-Commission may sit at such other place as its work may require.
- "3. Recommendations as to any modification of the principles and rules adopted by the United Nations War Crimes Commission which may be required by special local conditions shall be reported to the Commission for approval.
- "4. Recommendations to the Governments must be made through the War Crimes Commission."

As regards representation on the Sub-Commission, some members stated that as yet their Governments had no cases ready for presentation pending the liberation of their Far Eastern territories from enemy occupation, and some pointed out that the distance separating the different theatres of war in the Far Eastern and Pacific area might make it difficult to present all cases to the Sub-Commission.

The Chinese representative expressed the hope that as many as possible of the Governments directly interested in the Far Eastern and Pacific war would participate in the work of the Sub-Commission in order to obtain the maximum of uniformity in the treatment of Japanese war crimes.

/The question

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The question of bringing cases of Japanese war crimes before the War Crimes Commission in London was left open and it was also agreed that the conclusions adopted by the Committee did not preclude the possibility of creating other branches of the Commission.

There was also considered the question of finance for the Sub-Commission, and the Chairman of the Committee was asked to arrange for the Finance Committee, in collaboration with those of the Committee members desiring to attend, to consider it and report to the Commission for its decision. In accordance with this conclusion, I have made the necessary arrangement with the Chairman of the Finance Committee.

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M.19

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Nineteenth Meeting

held on

May 23rd 1944

Chairman: Sir Cecil HURST - United Kingdom

There were also present:

Mr. PELL	- United States of America
Mr. OLDHAM	- Australia
M. DE BAER	- Belgium
accompanied by M. DUMON	
Dr. WELLINGTON KOO	- China
accompanied by Dr. LIANG	
Dr. ECER	- Czechoslovakia
M. GROS	- France
M. STAVROPOULOS	- Greece
Sir David MEEK	- India
M. BLUM	- Luxembourg
Dr. DE MOOR	- Netherlands
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. RISTITCH	- Yugoslavia

MINUTES OF LAST MEETING

The reading of the Minutes was dispensed with and they were signed by the Chairman.

LEAKAGE OF INFORMATION

Attention was called to paragraphs in the Evening Standard of May 18, 1944, which appeared to show knowledge of the Minutes of the Commission's last meeting.

It was decided that the Commission's members should do all they could to maintain the secret character of the Minutes, and that the Secretary General should once more issue a notice on the subject with the Minutes.

REPORT OF THE FINANCE COMMITTEE ON FINANCING THE FAR EASTERN AND PACIFIC SUB-COMMISSION (Doc. C.22)

The report was adopted without discussion.

c. 24

MEMBERSHIP OF COMMITTEES II AND III

M. René Blum (Luxembourg) was elected a member of these committees.

REPORT BY THE CHAIRMAN OF COMMITTEE I

M. DE BAER, Chairman of Committee I, said he had no report to make. He wished, however, to ask that members of the Commission would urge their National Offices to transmit to the Commission cases of war crimes which did not involve violation of their national criminal law. They appeared to be avoiding doing this, and it was important to find out how numerous such cases were, as this had a bearing on the question of setting up an international criminal court.

This proposal was accepted.

REPORT BY THE CHAIRMAN OF COMMITTEE II

Mr. PELL, Chairman of Committee II, said the Committee desired that the Chairman of the Commission and himself should endeavour to establish contact with the United Nations' military authorities for the purpose of ascertaining their attitude on the question of establishing an office dealing with war crimes in occupied enemy territory (Doc. C.14).

This request was noted and the action to be taken was left to the Chairman.

MEASURES TO ENSURE THE CAPTURE OF WAR CRIMINALS: ACTION ON THE RECOMMENDATIONS TO THE GOVERNMENTS ADOPTED ON 16 May, 1944. (Doc. C.21)

It was decided that each member should draw his own Government's attention to these recommendations, and that the Chairman, in the communication which he addressed to the United Kingdom Secretary of State for Foreign Affairs, should request Mr. Eden, if he had reason to think consultation between the Governments to be necessary, to be good enough to take appropriate steps for that purpose. Owing to the ban on sending messages in cipher to places outside the United Kingdom, some members might be unable to act on the decision for the time being.

Finis 6.11.44

SCOPE OF THE RETRIBUTIVE ACTION OF THE UNITED NATIONS:
RESOLUTION PROPOSED BY COMMITTEE III (Doc. C.20)

Professor GLASER presented and supported the resolution. He explained the reasons which had led Committee III to ask Dr. Eder to write the report (Docs. III/4 and III/4(a)), on which the resolution was founded. He considered that what was controversial in the proposal was not the objects sought but the question whether they involved an enlargement of the Commission's functions which it was not competent to effect.

Dr. ECER supported and commented on the resolution.

A general discussion followed in which doubts were expressed as to whether the Governments would concur in the Commission's adopting the course proposed, and as to the expediency of its taking up the cases covered by categories 1, 3 and 4 of the last paragraph of the resolution, while other members had no doubts on these points and regarded the enlargement of the Commission's scope as essential.

It was finally decided that the Chairman should present to the next meeting of the Commission a communication to be addressed to Mr. Eden which, referring to the pledge of retribution for the persecution of the Jews which was given by the Governments of Belgium, Czechoslovakia, Greece, Luxembourg, the Netherlands, Norway, Poland, the United States of America, the United Kingdom, the Union of Soviet Socialist Republics and Yugoslavia in the statement published on 17 December, 1942, and read by him in the House of Commons on that date (Hansard 385, 17 December 1942, col. 2032), would indicate the Commission's readiness to study this question and make recommendations upon it, unless another method of dealing with it was being applied or was contemplated.

Further consideration of points 1 and 4 was postponed.

Cecil J. Howard
May 30/44

SECRET

C.22.
20 May, 1944.

UNITED NATIONS WAR CRIMES COMMISSION

ESTABLISHMENT OF A FAR EASTERN AND PACIFIC SUB-COMMISSION

REPORT OF THE FINANCE COMMITTEE

The report of the Committee on the establishment of a Far Eastern and Pacific Sub-Commission which was adopted by the Commission on May 16, provided that the Finance Committee, in collaboration with those of the former committee's members who desired to attend, should consider how this Sub-Commission should be financed.

The Finance Committee, consisting of Dr. de Moor (Chairman), Dr. Eder and Mr. Colban, accordingly held a meeting which was also attended by Dr. Wellington Koo, Sir Cecil Hurst and Mr. Pell. Two alternatives were considered - one that the expenses of the Sub-Commission should be met in the same manner and out of the same budget as those of the Commission, and the other that only Governments directly affected by Japanese war crimes should be required to contribute to them. It was unanimously decided to recommend the first method. (1) Its adoption would be a practical demonstration of the fact that it is the common policy of all the nations represented on the Commission to punish all war crimes, whether committed in the Western or in the Eastern hemisphere. Hesitation might have been felt if the result would be to impose an undue burden on the occupied countries of Europe. But this is not to be anticipated. It can be seen from the appended Table that, under the method adopted by the Commission for dividing its expenses among its members, no member can be liable for more than £4.00 per annum until the annual budget exceeds £6,000, and that after this figure has been attained the contributions due from occupied countries increase so slowly that the Commission's budget would have to reach a high figure before they would become onerous. The expenses to be borne are only those involved in the actual operation of the Sub-Commission itself, for the expenses of representatives sitting on it or attending it, and the cost of preparing and transmitting cases, will fall on the Governments concerned as is the case for the Commission. Dr. Wellington Koo, has moreover, been so good as to say that his Government will endeavour to provide the Sub-Commission with suitable premises free of charge, as the United Kingdom Government is doing for the Commission.

(1) Sir David Mook, who was unable to attend the meeting, asked the Secretary-General to state that India approved this method.

APPENDIX

SECRET

Variation of the contributions of member Governments according to the size of the Commission's budget

	£	£	£	£
Amount of budget	6,000	10,000	30,000	50,000
Excess above basic contributions	none	4,000	24,000	44,000
Size of Unit	none	2.63	15.82	29

	No. of Units	Contributions payable ⁽¹⁾			
1. Australia	30	400	478.9	874.6	1,273.5
2. Belgium	20	"	452.6	716.4	969.0
3. China	100	"	663.0	1982.0	3,307.0
4. Czechoslovakia	20	"	452.6	716.4	969.0
5. French Committee of National Liberation	80	"	610.4	1665.6	2,726.4
6. Greece	10	"	426.3	558.2	684.5
7. India	80	"	610.4	1665.6	2,726.4
8. Luxembourg	1	"	402.63	415.8	428.43
9. Netherlands	30	"	478.9	874.6	1,273.5
10. New Zealand	6	"	415.78	494.9	510.68
11. Norway	6	"	415.78	494.9	510.68
12. Poland	20	"	452.6	716.4	969.0
13. United Kingdom	550	"	1846.5	9101.0	16,353.5
14. U.S.A.	550	"	1846.5	9101.0	16,353.5
15. Yugoslavia	14	"	436.82	621.5	858.32
	1,517				

(1) Calculated to two decimal points.

UNITED NATIONS

Scope of the Retribution

Resolution pro

The United Nations War
the main allied declaration
of crimes committed by the
Commission and its committe
Allied governments and the
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into line with the princip
declarations.

Accordingly the Unit
considers it its duty to
governments in respect of
accomplices in connection
war in violation of the o
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public conscience as prov

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C.20
16 May, 1944

UNITED NATIONS WAR CRIMES COMMISSION

Scope of the Retributive action of the United Nations.

Resolution proposed by Committee III

The United Nations War Crimes Commission has examined the main allied declarations concerned with the punishment of crimes committed by the enemy, new facts submitted to the Commission and its committees by representatives of various Allied governments and the results of its own work. After this examination, the Commission came to the conclusion that the scope of its work, its methods and principles must be brought into line with the principles expressed in the Allied declarations.

Accordingly the United Nations War Crimes Commission considers it its duty to make suggestions to the United Nations' governments in respect of crimes committed by the enemy and their accomplices in connection with or incidental to the present world war in violation of the criminal laws of the countries invaded or otherwise affected, of the laws and customs of war, of the general principles of criminal law as recognised by civilised nations, or of the laws of humanity and the dictates of the public conscience as provided in the Hague Preamble.

From this general point of view the United Nations War Crimes Commission considers that the following categories of crimes are within the scope of its work :

1. the crimes committed for the purpose of preparing or launching the war, irrespective of the territory where these crimes have been committed;
2. crimes committed in the allied countries and crimes committed against members of the armed forces or civilian citizens of the United Nations abroad, in the air or on the sea, whatever may be the rank of the accused;
3. crimes committed against any person without regard to nationality, stateless persons included, because of race, nationality, religious or political belief, irrespective of where they have been committed;
4. crimes that may be committed in order to prevent the restoration of peace.

SECRET

M.20

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Twentieth Meeting

held on

30th May, 1944

Chairman: Sir Cecil HURST - United Kingdom

There were also present:

Mr. PELL	- United States of America
accompanied by Lt. Col. HODGSON	
Mr. OLDHAM	- Australia
M. DE BAER	- Belgium
accompanied by M. DUMON	
Dr. WELLINGTON KOO	- China
accompanied by Dr. LIANG	
Dr. ECER	- Czechoslovakia
M. GROS	- France
M. STAVROPOULOS	- Greece
Sir David MEEK	- India
M. BLUM	- Luxembourg
Dr. DE MOOR	- Netherlands
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
M. MILANOVITCH	- Yugoslavia
accompanied by M. RISTITCH	

MINUTES OF LAST MEETING

Reading of the Minutes was dispensed with and the Minutes were signed by the Chairman.

SCOPE OF THE RETRIBUTIVE ACTION OF THE UNITED NATIONS:
CHAIRMAN'S DRAFT OF A LETTER TO MR. EDEN (Doc. G.23)

The CHAIRMAN read the draft. It was, he said, an attempt to take account of the various tendencies within the Commission in such a manner as to secure general agreement. No reference was made to the pledge by Mr. Eden which had been mentioned at the last meeting, since perusal of the full official report showed it to deal only with occupied territory.

After discussion certain changes were made in the letter and it was approved. It was agreed that the members of the Commission should bring it to the notice of their Governments, and that copies

would be circulated to them for this purpose (Doc. C.23(1)).

Dr. ECER asked to have it recorded in the Minutes that he had voted for the original text of the sixth paragraph, namely:

"The Governments of the United Nations may already have in view some plan for bringing the authors of these crimes to justice, but if that is not the case, it would probably be convenient that the work of investigating these crimes and of preparing lists of the responsible persons should be undertaken by the Commission. It is therefore right that you should know that the Commission is prepared to take up this task if by so doing it can assist the Governments of the United Nations."

Dr. ECER asked and it was agreed that points 1 and 4 of the last paragraph of the draft resolution regarding the scope of the retributive action of the United Nations (Doc. C.20) should be discussed by the Commission at its next meeting.

ARTICLE ON SURRENDER OF WAR CRIMINALS TO BE INSERTED IN TERMS OF ARMISTICE WITH GERMANY (Doc. C.13)

The CHAIRMAN observed that this draft required some modification in order to bring it into harmony with the "Recommendations to the Governments" which the Commission had adopted at its last meeting. He had also some drafting changes to propose.

Mr. COLBAN said that he also wished to suggest some modifications.

It was decided that the Chairman should be handed Mr. Colban's proposals and should submit a revised text at the next meeting.

Cecil B. Hurst

SECRET

C.23(1)

1 June, 1944

UNITED NATIONS WAR CRIMES COMMISSION

SCOPE OF THE RETRIBUTIVE ACTION OF THE UNITED NATIONS

LETTER FROM THE CHAIRMAN OF THE COMMISSION TO THE
RT. HON. ANTHONY EDEN, HIS BRITANNIC MAJESTY'S
PRINCIPAL SECRETARY OF STATE FOR FOREIGN
AFFAIRS IN THE UNITED KINGDOM

31st May 1944

Sir,

At the time when agreement was reached between the Governments of the United Nations for the institution of this Commission, the paramount consideration was the need to establish machinery for bringing to justice members of the enemy forces and officials in the enemy administrations, who had been guilty of violations of the laws and customs of war against members of the Allied forces or against inhabitants of Allied territory temporarily occupied by the enemy.

I have been asked by members of the Commission to inform you that in their view it would now be convenient to know whether it is the desire of the Governments of the United Nations that the activities of the Commission should be restricted to the investigation of war crimes "stricto sensu", of which the victims have been allied individuals.

Technically, a distinction can well be drawn between atrocities committed by the enemy which are violations of the laws and customs of war and those which are not, but it will probably be the general view that the need to exact retribution is as great in the one case as in the other.

A category of enemy atrocities which has deeply affected the public mind, but which does not fall strictly within the definition of war crimes, is undoubtedly the atrocities which have been committed on racial, political or religious grounds in enemy territory.

The publicity which was given to the appointment of the Commission for the Investigation of War Crimes led many people to assume that it would be part of the duties of the Commission to investigate atrocities of this character committed by the enemy in enemy territory as well as in occupied territory. I have been approached on occasions by bodies and individuals desirous of knowing whether they could help the Commission in this part of its work. If some other machinery for dealing with the above category of cases is to be set up, the Commission feels that a public announcement to this effect would be helpful, in order that the public at large may understand that effective steps will be taken to ensure that the authors of these atrocities are brought to justice.

/The Governments

SECRET

The Governments of the United Nations may already have in some plan for bringing the authors of these crimes to justice, if that is not the case, it is right that you should know that the Commission is prepared to take up this work if by so doing it can assist the Governments of the United Nations.

In conclusion, I would say that it is the hope of the Commission that you will take the initiative in promoting any further discussion between the Governments of the United Nations which the suggestions made in this letter may be thought to require.

I am,

etc.

(Sgd.) Cecil J.B. HURST

Chairman.

UNITED NATIONS

Minutes of

held

June

Chairman: Sir

There were also present

Mr. PELL

accomp

M. De BAER

Dr. WELLINGTON

accomp

Dr. ECER

accomp

M. GROS

M. STAVROPOUL

Sir David MEE

accomp

M. BLUM

Dr. De MOOR

Mr. COLBAN

Dr. GLASER

M. MILANOVIT

accomp

MINUTES OF LAST MEETING

Professor GLASER

presented his apology

Commission for his

The reading of

they were signed by

FINANCIAL AND ADMINISTRATIVE

The SECRETARY-

by the Finance Comm

to put them on the

to examine them and

to the members.

SECRET

M.21
June 7, 1944

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Twenty-first Meeting

held on

June 6th 1944.

Chairman: Sir Cecil HURST - United Kingdom

There were also present :

Mr. PELL	- United States of America
accompanied by	Lt.Col. HODGSON
M. De BAER	- Belgium
Dr. WELLINGTON KOO	- China
accompanied by	Dr. LIANG
Dr. ECER	- Czechoslovakia
accompanied by	Dr. BENESH
M. GROS	- France
M. STAVROPOULOS	- Greece
Sir David MEEK	- India
accompanied by	Mr. S.N. DUTT.
M. BLUM	- Luxembourg
Dr. De MOOR	- Netherlands
Mr. COLBAN	- Norway
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia
accompanied by	M. RISTITCH.

MINUTES OF LAST MEETING

Professor GLASER asked to have it recorded that he had presented his apologies through the Secretary General to the Commission for his unavoidable absence from the last meeting.

The reading of the Minutes was then dispensed with and they were signed by the Chairman.

FINANCIAL AND ADMINISTRATIVE REGULATIONS

The SECRETARY-GENERAL said that draft Regulations drawn up by the Finance Committee were being circulated. It was decided to put them on the Agenda of the next meeting but one, so that time to examine them and consult their Governments might be allowed to the members.

REPORT BY THE CHAIRMAN OF COMMITTEE I : THE DESTRUCTION AND MASSACRES OF LIDICE AND LEZÁKY

The CHAIRMAN OF COMMITTEE I reported that in the course of its work the Committee had listed certain persons as responsible, among others, for the destruction and massacres of Lidice and Ležáky.

DR. ECER made the following statement which he asked to have entered in the Minutes :

"I have the honour to request the Commission to approve the decision by which Committee I has put on the list of war criminals the men responsible for the destruction of the Villages of Lidice on June 10th and Ležáky on June 24th, 1942, and for the extermination of their male population and the imprisonment of their women and children in concentration camps.

Further I have the honour of informing the Commission that the Czechoslovak Government has the intention of broadcasting to Czechoslovakia that the authors of the above-mentioned crimes have been put on the list of war criminals. I beg the Commission to agree.

The Czechoslovak Government proposes to take this course for the following reasons :

1. At this decisive moment of the war all possible moral help must be given to the oppressed peoples, who are required by the Allied Supreme Command to help the armies of liberation by resistance to the Germans and by active combat against them.
2. In order to uphold the prestige of and the confidence felt in the United Nations War Crimes Commission, it is necessary for the oppressed peoples to know that the Commission is giving effect to the promises of the United Nations Governments and leaders concerning the punishment of crimes committed by the invaders.
3. The Czechoslovak Government has received information from our country that the perpetrators of the crimes of Lidice and Ležáky are preparing a new mass crime. They have ordered the arrest of over 2,000 hostages in Moravia. The Czechoslovak Government hopes that the radio announcement that the men responsible for the crimes of Lidice and Ležáky have been put on the list of war criminals will mean a great moral help for the relatives of the persons thus arrested and a strengthening of the whole underground movement.

Moreover it might deter the Germans from executing the hostages.

4. On May 27th, 1942, one of the most cruel murders of the Czechs and other peoples, Píseň, was committed by the Czech patriots. On June 10th the second anniversary of Lidice and on June 24th the second anniversary of Ležáky will be commemorated.

The British Broadcasting Corporation considered these events as so important that on June 4th a special commentary was devoted to them by it.

The Czechoslovak Government forms of commemoration of the would be the announcement that on the list of war criminals Crimes Commission and that now the business of the United Nations War Crimes Commission.

The Commission agreed understanding that it should part would be a statement that considered certain persons, responsible, with others, in two crimes. In the second United Nations War Crimes Commission persons on the list of war criminals mentioned.

The CHAIRMEN OF COMMITTEE progress.

ESTABLISHMENT IN ENEMY TERRITORY

The CHAIRMAN reported that M. de Baer he had had a most persons connected with the matter that a proposal for giving effect shortly be drawn up in a form.

LT. COLONEL HODGSON said summoned him to a meeting on forward and another meeting would be held at an early date.

ESTABLISHMENT OF A FAR EASTERN LETTER TO THE GOVERNMENTS -

The draft letter was approved. It was decided that it members of the Commission, should establishment and maintenance might desire to avail themselves of it.

The Czechoslovak Government thinks that one of the best forms of commemoration of the martyrs of Lidice and Lesáky would be the announcement that the murderers have been put on the list of war criminals by the United Nations War Crimes Commission and that retribution for these crimes is now the business of the United Nations as a whole".

The Commission agreed to the proposed broadcast on the understanding that it should consist of two parts. The first part would be a statement that the Czechoslovak Government considered certain persons, whom it would designate by name, as responsible, with others, under Czechoslovak Law, for the two crimes. In the second part it would be announced that the United Nations War Crimes Commission had put the responsible persons on the list of war criminals, but no names would be mentioned.

The CHAIRMEN of COMMITTEES II and III also reported progress.

ESTABLISHMENT IN ENEMY TERRITORY OF A WAR CRIMES OFFICE (C.24)

The CHAIRMAN reported that in company with Mr. Pell and M. de Baer he had had a most satisfactory informal meeting with persons connected with the military authorities. He expected that a proposal for giving effect to the objects in view could shortly be drawn up in a form acceptable to those authorities.

LT. COLONEL HODGSON said the Supreme Command had yesterday summoned him to a meeting on the subject. Work was going forward and another meeting with the Commission's representatives would be held at an early date.

ESTABLISHMENT OF A FAR EASTERN AND PACIFIC SUB-COMMISSION: DRAFT LETTER TO THE GOVERNMENTS - C.25

The draft letter was approved without discussion.

It was decided that it should be sent to all the Governments members of the Commission, since all were concerned in the establishment and maintenance of the Sub-Commission and any of them might desire to avail themselves of its services.

ARTICLE ON SURRENDER OF WAR CRIMINALS TO BE INSERTED IN TERMS
OF ARMISTICE WITH GERMANY : REDRAFT BY THE CHAIRMAN

Before presenting this document, the CHAIRMAN gave certain explanations from which it appeared that a misunderstanding had arisen as to the effect of the original text. The subject was, therefore, adjourned until the next meeting.

SCOPE OF THE RETRIBUTIVE ACTION OF THE UNITED NATIONS :
RESOLUTION PROPOSED BY COMMITTEE III (C.20) *

A discussion took place on points 1 and 4 of the last paragraph of the resolution, which had been reserved at the last meeting of the Commission. It was decided to refer these points back to Committee III for further consideration.

The Commission decided to hold its next meeting on Tuesday, 13th June, at 3 p.m.

*Copy 113 Hurd
June 13/4*

** Annexed to H. 19 of 23rd May 1946*

SECRET

UNITED NATIONS
ESTABLISHMENT IN
Draft

The War Crimes Commission is
desirable to have an agency
or established as part of the
in each enemy territory
regarding this agency
practicable by the U.N.

1. Functions and Powers

The agency is to be established in the
Nations which utilise the agency.

(1) To identify war criminals and ascertain their whereabouts.

(ii) To place and keep records of war criminals.

(iii) To ensure such records are kept in competent courts.

(iv) To provide a service for the collection of evidence from abroad since this method of collection is the most effective. With this object the agency will examine witnesses, make surveys on the evidence admissible.

(v) To issue search warrants.

(vi) To collect information on other crimes or facts.

2. Organisation

The agency should have tasks analogous to those of the police to be assisted by police forces, and modern criminological methods and of the occupying powers.

The agency should be or form part of the occupying powers and through the occupying powers.

3. Method of Establishment

The Commission should be created by a clause in the armistice.

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C.24
30 May, 1944

UNITED NATIONS WAR CRIMES COMMISSION

ESTABLISHMENT IN ENEMY TERRITORY OF WAR CRIMES OFFICES

Draft Report by the Commission

submitted by Committee II

The War Crimes Commission considers that it would be desirable to have an agency to deal with war crimes attached to or established as part of the Commander-in-Chief's Headquarters in each enemy territory. The following recommendations are made regarding this agency, subject to their being found to be practicable by the United Nations Military Authorities.

1. Functions and Powers

The agency is to render the following services to the United Nations which utilise it :

- (i) To identify war criminals named or described by United Nations and ascertain their whereabouts in the enemy territory.
- (ii) To place and keep in custody persons accused of war crimes.
- (iii) To ensure such persons being handed over for trial by the competent courts.
- (iv) To provide a substitute for the normal method of obtaining evidence from abroad by "Commissions rogatoires" (letters of request) since this method cannot successfully be applied to enemy territory. With this object the agency is to be organised for hearing and examining witnesses and experts in the enemy territory, and for making surveys on the spot, under conditions rendering the resulting evidence admissible in the court concerned.
- (v) To issue search warrants.
- (vi) To collect information which might lead to the discovery of other crimes or further evidence.

2. Organisation, Method of Operation, Relationship to the War Crimes Commission

The agency should consist of say 20 lawyers qualified to perform tasks analogous to those of juges d'instruction (examining magistrates), to be assisted by a staff of clerks, and adequate detective or police forces, and have at its disposal the outfit and staff of a modern criminological laboratory. The assistance of the local police and of the occupying forces would also be necessary.

The agency should be an organ of the War Crimes Commission attached to or forming part of Army Headquarters, and operating as part of and through the occupying forces.

3. Method of Establishment.

The Commission feels that it is desirable that the agency should be created by an Order of the Commander-in-Chief or a clause in the armistice terms.

SECRET

C.25
2 June, 1944

UNITED NATIONS WAR CRIMES COMMISSION

ESTABLISHMENT OF A FAR EASTERN AND PACIFIC SUB-COMMISSION

Draft Letter to the Governments submitted by
the Committee on the Establishment of a Far
Eastern and Pacific Sub-Commission.

Sir,

It has been contemplated from the outset that the execution of the United Nations' policy of punishing war crimes might necessitate the creation, in addition to the main Commission in London, of regional branches or panels for the investigation of such crimes. The United Nations War Crimes Commission has now decided to establish such a branch at Chungking for the investigation of Japanese war crimes under the name of the Far Eastern and Pacific Sub-Commission.

I have been requested by the Commission to bring this decision to the notice of the member Governments which are directly affected by the war with Japan and to give the following further information regarding the Sub-Commission.

2. The United Nations War Crimes Commission has agreed that :
 - (i) The Sub-Commission may sit at places other than Chungking as its work may require.
 - (ii) Recommendations for modifications of the principles and rules adopted by the main Commission which may be required by local circumstances shall be reported to the main Commission for approval.
 - (iii) Recommendations to the Governments must be made through the Commission.
 - (iv) The expenses of the Sub-Commission shall be met in the same manner as those of the Commission, that is to say, that each Government will pay the expenses of its representatives and the cost of preparing and transmitting cases to it, and the expenses incurred in the operation of the Sub-Commission itself will be met out of the budget of the main Commission. His Excellency the Chinese Ambassador in London, Dr. Wellington Koo, has been so good as to promise that his Government will provide the Sub-Commission with premises in China as is done in London for the main Commission by His Majesty's Government in the United Kingdom.

The question of bringing Japanese war crimes before the main Commission was left open, but some members envisaged the possibility of their Governments bringing certain cases before the Commission. It was also the view of the Commission that the establishment of the Sub-Commission does not preclude the creation of other branches of the Commission.

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3. The first task of the Far Eastern and Pacific Sub-Commission will be to study the numerous Japanese war crimes which some Governments are understood to desire to bring before it - cases evidence of which is in their possession and ready for examination. While some other interested Governments may not at present be in a position yet to transmit cases to the Sub-Commission, it is the hope both of the Chinese Government as expressed by its representative and of the War Crimes Commission as a whole, that as many of those Governments as possible will appoint representatives on the Sub-Commission, and in this manner both demonstrate the common interest of the United Nations in the punishment of war crimes and co-operate in ensuring that all war crimes committed by the same enemy shall be dealt with in accordance with the same principles.

4. If, as is hoped, your Government intends to be represented on the Sub-Commission, the decision and eventually the name of the first representative should be notified to the Chinese Government and to the Secretary-General of the Commission.

5. The Commission has invited the Chinese Government to be so good as to arrange for the organizing meeting of the Sub-Commission at an appropriate time.

6. I beg to request that you will be so good as to bring the foregoing to the attention of your Government.

I am,
Sir,
Your obedient Servant,

Chairman.

Chairman

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UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Twenty-second Meeting

held on

13 June, 1944

Chairman: Sir Cecil HURST - United Kingdom

There were also present:

Mr. PELL	- United States of America
accompanied by Lt. Col. HODGSON	
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
Dr. WELLINGTON KOO	- China
accompanied by Dr. LIANG	
Dr. BENESH	- Czechoslovakia
M. GROS	- France
Mr. DUTT	- India
Dr. de MOOR	- Netherlands
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia
accompanied by M. RISTITCH	

MINUTES OF LAST MEETING

Reading of the Minutes was dispensed with and they were signed by the Chairman.

REPORT OF CHAIRMAN OF COMMITTEE I

M. de BAER, Chairman of Committee I, reported progress.

It was agreed that the questions how far (i) the act of inflicting excessive punishments upon the population of occupied territory and (ii) the act of pronouncing penal sentences as a member of a tribunal not authorised by the laws and customs of war, should be regarded as war crimes, should be brought before Committee III by a memorandum which M. de Baer would draw up and submit to his colleagues of Committee I.

COMMITTEE II: ELECTION OF DR. ECER

On the proposal of Mr. PELL, Chairman of Committee II, Dr. ECER was elected a member of the Committee.

REPORT OF CHAIRMAN OF COMMITTEE III

Dr. GLASER, Chairman of Committee III, reported the appointment of two Sub-Committees to study the two matters referred back to Committee III at the Commission's last meeting. These were: (i) the question whether preparation for and launching of a war of aggression and individual acts of preparation for such a war were crimes, and (ii) what recommendations the Commission could usefully make to the Governments to meet the probability of the Axis powers resorting to criminal measures to prevent a stable peace being established. The members of the Commission on both Sub-Committees were Dr. Eger, Dr. de Moor and Lt. Colonel Hodgson.

ARTICLE TO BE INSERTED IN ARMISTICE WITH GERMANY
(REDRAFT BY THE CHAIRMAN - Doc. C.27)

This draft was adopted in the form shown in Document C.³¹~~30~~. The amendments made were drafting changes with one exception. This was point (c) in Section 2 introducing a new provision, namely, that Germany should

"forthwith take and keep under control all property - both moveable and immoveable - belonging to persons whose surrender is demanded, and hold it at the disposal of the authorities of the United Nations".

This addition was adopted by 6 votes to 4 and 2 abstentions. Its advocates urged that it corresponded to provisions which appeared in the recommendations of the "Comité interallié pour l'étude de l'Armistice" which expressed the view of nine Governments, and that it was necessary to enable punishment in the form of confiscation of their property, which was normal under the criminal law of continental Europe, to be effectively inflicted on war criminals or to allow of reparation to their victims. Opponents of the addition felt it was out of place in an instrument whose object was to secure control of the persons of war criminals and that it might create a bad impression.

M. MILANOVITCH called attention to the necessity of making it clear that the Article which the Commission had drawn up was recommended for insertion, not merely in the armistice with Germany, but also in those granted to the European satellites of Germany, subject only to (a) replacement of the name "Germany" by the name of the satellite concerned, and (b) insertion in Section 2 (d) of the names of the forces which in that satellite's territory corresponded to the Gestapo and Schutzstaffeln.

It was decided that this should be made clear in a covering note to the text just adopted, which should go to the Governments as soon as possible. The recommendations for adapting it to the individual satellites would follow as soon as the forces to be named in Section 2 (d) were ascertained. The Chairman promised to take measures to ascertain what those forces were, consulting the Commission if any difficulty arose.

ESTABLISHMENT IN ENEMY TERRITORY OF A WAR CRIMES OFFICE:
NOTE BY THE CHAIRMAN OF THE COMMISSION (C.28).

The Commission adopted the text proposed in this Note as the recommendation which it would make to the Governments.

M. COLBAN and Dr. de MOOR said their respective Ministers of Justice were afraid of military control of the arrest and punishment of war criminals. They had assured them this was not intended and that in practice the proposed Agency would represent the United Nations War Crimes Commission. They suggested that the last paragraph should say the Agency would "be under the direction of" or "would represent" instead of "would be in touch with" the Commission.

The CHAIRMAN felt it was desirable to keep the existing text, in order to avoid suggesting the idea of an external organisation which might intrude upon the field of the military authorities.

The Commission decided not to meet in the following week, unless it were specially convened by the Chairman.

Doc. C.30

Carol B. Hurst
June 27

C.31
16 June, 1944

UNITED NATIONS WAR CRIMES COMMISSION

SURRENDER BY THE AXIS POWERS OF PERSONS WANTED FOR
TRIAL AS WAR CRIMINALS

NOTE by the CHAIRMAN to the GOVERNMENTS REPRESENTED ON
THE COMMISSION

It is the declared policy of the United Nations to require the armistice granted to each Axis Power that persons wanted in connection with war crimes shall be surrendered to the United Nations by that Power.

The United Nations War Crimes Commission begs to submit herewith to the Governments represented on the Commission the text of a draft armistice article which it considers to contain the provisions necessary for this purpose.

The text now submitted is that of an article for insertion in the armistice with Germany.

In the Commission's opinion the same text should be suitable for use in the armistice granted to each of Germany's European satellites subject only to :

- (1) substitution of the name of the State concerned for that of Germany, and
- (2) insertion in section 2 at (d) of the names of the forces which in that State correspond to the Geheime Staats polizei (Gestapo) and Schutzstaffel (SS).

Recommendations on these points will be made to the Governments by the Commission as soon as possible.

Different provisions may be necessary in the case of Japan, and the text will be submitted at a later date.

DRAFT ARTICLE FOR INSERTION IN THE ARMISTICE WITH GERMANY

1. The United Nations may, if they so decide, bring to trial before any Tribunal, national or international, any persons accused of crimes connected with, or incidental to, hostilities conducted by Germany against any one or more of the United Nations. This provision shall apply notwithstanding any procedure or prosecution before a

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rt, military or civil, of Germany or of any State or political entity acting in alliance or in concert with Germany, irrespective of whether such proceedings have ended in a conviction or in an acquittal, provided that if a sentence has been imposed the penalty already undergone shall be taken into account in fixing any sentence which may be imposed;

To this effect Germany shall :

-) take all necessary steps to hand over forthwith to the authorities of the United Nations any persons whose surrender is demanded either at the time when this instrument becomes effective or at some subsequent date;
-) give such assistance as may be required to the authorities of the United Nations in all measures necessary to give effect to the obligations recognised in Section 1;
-) forthwith take and keep under control all property, both moveable and immoveable, belonging to persons whose surrender is demanded, and hold it at the disposal of the authorities of the United Nations;
- d) give such assistance as may be required to the authorities of the United Nations in internment forthwith and keeping in custody until such time as the authorities of the United Nations may otherwise direct, any or all members and former members of the Geheime Staats polizei (Gestapo) and of the Schutzstaffel (SS);

The right to apprehend the persons referred to in Section 2 may be exercised by any Agency, military or civil, acting on behalf of some or all of the United Nations which may be in control of German territory, or which may be appointed to give effect to the present provisions.

Such German authorities as may be allowed by the United Nations to continue or to exercise their functions shall take all necessary steps :

- (a) to comply forthwith with all requests of the said agencies and authorities relating to the identification, discovery, apprehension, arrest and delivery of accused persons without regard to their nationality and without any right to examine the case upon its merits. Such agencies and authorities shall be given every facility to supervise the way in which their orders are carried out;
- (b) to disclose and produce any records or documents or any other things the production of which may be considered necessary to ensure the full knowledge of the acts with which the accused are charged and the just appreciation of responsibility, to obtain the presence of witnesses and to assist in any other way in which such assistance may be required;

Germany will on demand surrender to the civil or military authorities of the United Nations for trial before such tribunal as the United Nations may appoint for the purpose :

- (a) any person accused of obstructing the execution of the foregoing provisions or failing to comply with any direction relating thereto. For this purpose the German authorities shall, when requested to do so, provide the United Nations with the names of the officials who are responsible for the execution of the provisions of this instrument;

- (b) any persons accused of aiding and abetting a person whose surrender has been demanded, in evading apprehension, arrest or surrender;
- (c) any person accused of destroying or concealing documentary evidence, impeding or obstructing the calling or the examination of witnesses, or of attempting to do so;
- (d) any persons inciting another to resist in any way the provisions concerning the surrender and the punishment of criminals covered by these provisions;
- (e) any German official accused of prosecuting or punishing or any individual accused of molesting anyone in any way for having reported to the authorities or agencies of the United Nations any evasion of - or resistance to - the foregoing provisions concerning the surrender or punishment of persons accused of crimes covered by these provisions;

The offences enumerated in Section 5 shall not be subject to the jurisdiction of German courts.

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C.28
9 June 1944

UNITED NATIONS WAR CRIMES COMMISSION

ESTABLISHMENT IN ENEMY TERRITORY OF A WAR CRIMES OFFICE

Note by the Chairman of the Commission

It will be remembered that when Committee No. II was discussing the proposal to set up in enemy territory an agency to assist the work of the Commission (Doc. C.24), it was agreed that no such step could be carried into effect without the concurrence of the military authorities. It was therefore proposed that the subject should be discussed with S.H.A.E.F.

The question has been discussed at an informal and unofficial meeting with some members of the Commander-in-Chief's staff, and it seems probable that the military authorities will agree to the appointment of the proposed agency or group.

The text set out below represents the conclusions reached at the meeting. The text could serve as the basis for a recommendation by the Commission, and for a "directive" by the Combined Chiefs of Staff.

When the Allied forces are established in enemy territory, it will be of great assistance to the War Crimes Commission if a group or agency could be attached to, or form part of, the appropriate section of the Supreme Allied Command in order to help the Commission in the task with which it has been entrusted. The institution of such a group or agency would also relieve other branches of the army of many duties connected with the apprehension and collecting of evidence against men who are to be put on trial.

Proceedings against war criminals in territory restored to the control of Allied Governments will in general necessitate some action which must be taken in enemy territory, and must therefore be taken under the general control and direction of the Supreme Allied Command.

Men who are wanted for trial for acts in connection with the war must be identified, and their whereabouts ascertained; they must be arrested, kept in custody and handed over for trial by the competent courts. Evidence must be obtained in a form which will enable it to be used at the trial. Information must be collected as to cases of war crimes of which the perpetrators have not yet been identified.

The above work can only be done by men who are acquainted with the language and the legal system of the country in which the trial will take place.

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UNITED NATIONS WAR CRIMES

The number of men who will be required for this work, qualifications, and the powers which they will be authorized to exercise are details which can be considered at a later date. They could be specified in the Order of the Commander-in-Chief which would be issued for the creation of the group or agency proposed above.

Subject to the general control of the Commander-in-Chief, which must be safeguarded, the proposed group or agency must be in touch with the War Crimes Commission.

Minutes of Twenty-third Meeting

held on

27 June 1946

Chairman: Sir Cecil HURST

There were also present:

Mr. PELL	- United States
accompanied by Lt. Col.	
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
Dr. LIANG	- China
Dr. ECER	- Czechoslovakia
M. STAVROPOULOS	- Greece
Mr. DUTT	- India
M. BLUM	- Luxembourg
Dr. de MOOR	- Netherlands
Mr. BURDEKIN	- New Zealand
Mr. COLBAN	- Norway
accompanied by Mr. Edvard	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia
accompanied by M. RIST	

MINUTES OF LAST MEETING

Reading of the Minutes was approved and signed by the Chairman.

DEATH OF LORD ATKIN

Mr. PELL, Chairman of the Commission, as a member, moved the following resolution:

"The United Nations Commission expresses its deep regret the sad news of the death of its Representative of Austria, a man of the Law, his high character and his perception of fact made him a valuable member of the Commission."

"Not only his profound knowledge of the Law, but his sense of humour deserved and received the respect of his colleagues. He was a valuable member of the Commission, to his country and to the United Nations."

"Members of the United Nations Commission unite in expressing their sympathy to the family of the late Lord Atkin."

Dr. LIANG, on behalf of the Chinese members of the Commission, associated themselves with the Chairman's statement.

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M.23.

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Twenty-third Meeting

held on

27 June 1944.

Chairman: Sir Cecil HURST - United Kingdom

There were also present:

Mr. PELL	- United States of America
accompanied by Lt. Col. HODGSON	
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
Dr. LIANG	- China
Dr. ECER	- Czechoslovakia
M. STAVROPOULOS	- Greece
Mr. DUTT	- India
M. BLUM	- Luxembourg
Dr. de MOOR	- Netherlands
Mr. BURDEKIN	- New Zealand
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia
accompanied by M. RISTITCH	

MINUTES OF LAST MEETING

Reading of the Minutes was dispensed with and the Minutes signed by the Chairman.

DEATH OF LORD ATKIN

Mr. PELL, Chairman of Committee II of which Lord Atkin was a member, moved the following resolution:

"The United Nations War Crimes Commission has heard with deep regret the sad news of the death of Lord Atkin, the Representative of Australia. Lord Atkin's great knowledge of the Law, his high consideration for justice and his clear perception of fact made him one of our most valuable members.

"Not only his profound learning, but his invariable good humour deserved and received the affection and the respect of his colleagues. His death is a great misfortune to the Commission, to his country and to the world.

"Members of the United Nations War Crimes Commission unite in expressing their sympathy to his mourning family."

Dr. LIANG, on behalf of Dr. Wellington Koo, Mr. COLBAN and the CHAIRMAN associated themselves with the resolution and

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expressed their high sense of Lord Atkin's character, abilities and services.

A letter expressing the sympathy of the Polish Government and himself was handed to the Chairman by Professor GLASER.

The resolution was adopted. The CHAIRMAN directed that it should be inserted in the Minutes. He requested Mr. Oldham to communicate a copy to the High Commissioner for Australia, and the Secretary General to send a copy to Lord Atkin's family.

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FINANCES OF THE COMMISSION

The SECRETARY GENERAL reported that seven Governments - those of the United Kingdom, Belgium, Luxembourg, Norway, India, Yugoslavia and China had formally approved the Resolution on Financial Administration of 21 March, 1944.

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He further reported that Australia, France and Belgium had paid their "basic contributions" for the fiscal period ending 31 March, 1945, and that similar payments had been promised him by the representatives of Poland and the United States.

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COLONEL WADE'S APPOINTMENT

The CHAIRMAN reported that, with the approval of the Finance Committee, it was proposed to continue Colonel Wade's appointment and grant him a subsistence allowance to cover the cost of his residence in London.

The Commission concurred in this course.

REPORTS OF THE COMMITTEE CHAIRMEN

There was nothing new to report as regards Committees I & II.

Professor GLASER, Chairman of Committee III, said that the Commission's request for an opinion as to whether certain acts were war crimes (Doc. III/6) had been referred by the Committee to a sub-committee composed of M. Blum, M. de Baer and Colonel Hodgson.

ITALIAN WAR CRIMES

The CHAIRMAN said he had reasons to believe it to be important for the National Offices to put forward cases of war crimes by Italians. A long time had elapsed since the armistice with Italy and yet the number of such cases transmitted to the Commission was very small indeed.

M. STAVROPOULOS explained the difficulties which had prevented Greece from putting forward such cases.

M. MILANOVITCH said Yugoslavia was experiencing similar difficulties, but he was expecting the arrival at an early date of a member of the National Office at Cairo who would bring particulars of a large number of cases.

FINANCE COMMITTEE'S REPORT SUBMITTING DRAFT
FINANCIAL AND ADMINISTRATIVE REGULATIONS (C.26)

The Chairman of the Finance Committee, Dr. de MOOR, presented the report.

Mr. DUTT having stated that he had several suggestions for amendment of the draft, it was decided that he should in the first place discuss them with the Finance Committee, and the subject was adjourned.

TREATMENT OF WAR CRIMINALS WHO ARE PRISONERS OF WAR (C.33)

This document contained a communication from Mr. PELL submitting a request from Brigadier General Betts (U.S. Army, Judge Advocate for the European Theatre of Operations) for an expression of the Commission's opinion on the above subject.

After a general discussion, the request was referred to Committee III with the understanding that the Committee would take it up as a matter of urgency and submit a draft opinion for the Commission's consideration.

DATE OF NEXT MEETING

The Commission decided to hold its next meeting on Tuesday, 11 July, unless it were convened earlier by the Chairman.

Cecil B. Hurst

SECRET

C.26
5 June, 1944

UNITED NATIONS WAR CRIMES COMMISSION

FINANCIAL AND ADMINISTRATIVE REGULATIONS.

Report by the Finance Committee

Paragraph 3 of the "Resolution on Financial Administration" which was adopted by the Commission on 21 March, 1944, provides:

"The Commission shall make regulations governing its financial and general administration."

The draft regulations which are submitted herewith to the Commission do not require any commentary. The Committee will be glad to give explanations on any point that may be raised. Attention may be called to the provisions regarding the amount of working capital to be accumulated and the purposes for which it may be used, and (Article 4) to the transitional provisions contained in Articles 12 and 13.

Draft Regulations

General Provision

Article 1

The present regulations are made in execution of the Commission's Resolution on Financial Administration of 21 March, 1944, (hereinafter called the Resolution) and their application is subject to the provisions of that Resolution.

The Budget

Article 2

The Secretary General shall prepare the draft budget for each fiscal year and after submitting it for examination and revision to the Finance Committee (Article 5) shall present it to the Commission with the Committee's report.

Allocation of Expenses

Article 3

After the budget has been adopted by the Commission the Secretary General shall determine and notify to each member government the amount due from it, and shall request that payment may be made promptly, in accordance with paragraph 2 of the Resolution, and if possible within thirty days of receipt of the notification. Such notification may be made by telegram.

Working Capital Fund

Article 4

1. Until otherwise decided by the Commission, the amount of the working capital to be accumulated in accordance with paragraph 2 of the Resolution shall be £6,000. It shall be administered as a separate fund, known as the "Working Capital Fund" in the manner set out in the following paragraphs.
2. Until the full amount of the fund has been provided, the following rules shall apply:
 - i) An amount for working capital shall be included in the budget for each fiscal year.
 - ii) If in any fiscal year the sum voted for the Commission's expenses is less than the total amount payable annually as basic contributions under the Resolution, the balance shall be collected as a contribution to working capital, without prejudice to the voting of an additional sum for that purpose.
 - iii) Any surplus realised on the budget shall automatically be paid to the Working Capital Fund.

3. As soon as a contribution is received from a member government Working Capital Fund shall be credited with a part thereof commensurate to the ratio between the amount voted for the fund in the fiscal year question and the total amount voted for that year.

4. i) The Working Capital Fund may be drawn upon by the Secretary General to meet expenditure which is authorised by the budget of the current year but cannot be met out of the contributions hitherto received. The amounts so withdrawn shall be reported at once to the Finance Committee, and shall be repaid to the fund as soon as possible.

ii) The Commission, by a vote of two thirds of its members, may apply part of the working capital for purposes not provided for in the budget. The budget of the next fiscal year shall make provision for the repayment to the fund of the amounts so withdrawn from it.

5. No part of the Working Capital Fund may be repaid to any member government until the Commission's assets are liquidated, except with the consent of all the member governments. Any amount repaid shall be divided among the governments which are then members of the Commission in the proportion in which they have contributed to the creation of the fund.

Financial Control

Article 5

1. There shall be a Finance Committee of not less than three and more than five persons appointed by the Commission from among its members. It shall have power to nominate not more than two financial experts to sit as members, but without the right to vote.

2. The Finance Committee shall perform the functions given to it by these Regulations and any other functions relating to the Commission's administration which may be conferred on it by the Commission, and shall supervise the administration of the Commission's affairs, report thereon, when necessary, to the Commission.

Article 6

1. The Secretary General is authorised to incur expenditure and to make or authorise payments for the purposes and within the limits set by the budget. All payments, as made, shall be appropriated to the proper item of the Budget and a record of such appropriations and liabilities incurred shall be kept, showing at all times the amount available under each item.

2. In case of doubt as to whether a particular expenditure is provided for in the budget, the Secretary General may consult the Finance Committee whose decision, if unanimous, shall be final.

Article 7

The amount of all salaries and professional fees shall be determined by the Commission, or in accordance with rules made by it.

Article 8

1. The Commission's bankers shall be Messrs. Barclays Bank Ltd., 19 Fleet St., E.C.4. It may change them at any time.

2. Payments exceeding £10 shall be by cheques signed by two persons authorised by the Finance Committee.

1. The Secretary General shall be responsible for the Commission's accounts.

2. The accounts shall be audited by an Accountant and Auditor General of the United Kingdom of Great Britain and Northern Ireland. The establishment of the Commission shall be subject to the approval of the United Kingdom Government.

3. The audited accounts shall be laid before the Commission's Committee's report.

A fidelity guarantee shall be required of the official dealing with the Commission's accounts.

1. Engagements shall be subject to the approval of the Commission. A person authorised to sign engagements on either the Secretary General's or the Commission's behalf shall give one week's notice according to the Commission's rules.

2. All engagements are subject to the Commission's approval.

3. Members of the staff shall be subject to the Commission's proceedings of the Commission. A breach of this rule shall be treated as a breach of the Commission's rules or one month's suspension.

4. The hours of attendance of the Secretary General. Overtime, if any, shall be paid at the rate of the Commission's rules.

5. Leave of absence shall be subject to the requirements of the Commission. A member of the staff shall be entitled to 18 working days of leave in addition to any days of leave already taken with pay on the ground of illness or on the ground of ill-health. In the case of a member of the staff on the ground of ill-health, the Commission may, at its discretion, grant leave of absence to the Finance Committee. The person in question shall be subject to the Commission's rules.

Pending the entry of the Commission's first budget, the expenditure which the Commission shall be liable to pay shall be the Commission's rules.

Article 9

1. The Secretary General shall be responsible for keeping the Commission's accounts.
2. The accounts shall be audited annually by His Britannic Majesty's Accountant and Auditor General, if H.M. Government in the United Kingdom consents. The first accountancy period shall run from the establishment of the Commission down to 31 March, 1945.
3. The audited accounts, after examination by the Finance Committee, shall be laid before the Commission by the Secretary General, with the Committee's report.

Article 10

A fidelity guarantee insurance shall be taken out in respect of each official dealing with the Commission's funds or keeping its accounts.

Staff

Article 11

1. Engagements shall be made by the Secretary General, with the approval of the Commission, and shall be in writing and signed by him or a person authorised to sign on his behalf. They shall be terminable by either the Secretary General or the employee at one month's or one week's notice according as the salary is payable by the week or by the month.
2. All engagements are subject to the terms of these Regulations.
3. Members of the staff must observe secrecy with regard to the proceedings of the Commission. The Commission may, in its discretion, treat a breach of this obligation as justifying immediate dismissal, with one week's or one month's salary, as the case may be, in lieu of notice.
4. The hours of attendance at the office are fixed by the Secretary General. Overtime, if allowable, will be paid only after 44 hours attendance during the current week.
5. Leave of absence may be granted by the Secretary General, subject to the requirements of the Commission's work. A member of the staff is entitled to 18 working days' leave with pay in every 12 months, in addition to any days on which the office is closed. Before granting leave with pay on the ground of ill-health, the Secretary General may require production of a doctor's certificate. After 14 consecutive days' leave on the ground of ill-health has been granted, and in cases of repeated illness of a member of the staff, the Secretary General shall refer the case to the Finance Committee which shall decide whether the services of the person in question shall be retained.

Transitional Provisions

Article 12

Pending the entry into force of the Resolution, and the adoption of its first budget, the Commission will from time to time determine the expenditure which the Secretary General is authorised to incur on its behalf.

Article 13

SECRET

1. As soon as possible after the adoption of these Regulations, in anticipation of the entry into force of the Resolution, those governments which are willing to do so shall pay to the Secretary General their basic contributions for the fiscal year 1944/1945, to subsequent readjustment if the Resolution is not approved by governments in its present form. These payments shall be credited to the Working Capital Fund until the amount of £2,000 has been reached.

2. When the Commission, on the advice of the Finance Committee, that its financial position justifies its doing so, it will assume responsibility for meeting its expenditure out of the contributions of the member governments and terminate the existing arrangements with H.M. Foreign Office.

Liquidation of Assets

Article 14

On the dissolution of the Commission its assets shall be divided among the governments which are then members of the Commission, nearly as possible in the proportion in which they have contributed to create them.

Amendment of the Regulations

Article 15

These Regulations may be amended by the Commission; provided always that the proposal to amend any provision, and the text of amendment proposed, shall be communicated to the Secretary General in time to enable him to give at least one clear week's notice to representative of each member government, or, if the amendment is proposed at a meeting of the Commission, that the decision shall be taken at the next meeting after notice given by the Secretary General to all representatives of member governments not present when the amendment was proposed.

Provisional application and final entry
into force of the Regulations

Article 16

Pending entry into force of the Resolution, these Regulations shall be applied provisionally, so far as is appropriate. They shall enter finally into force at the same time as the Resolution.

UNITED NATIONS

COMMUNICATION

DAY

Dear Sir Cecil,

Recently Brigadier General European Theatre of War, me concerning whether of war, respecting if be denied a prisoner of war, accuser as a war criminal.

A copy of his letter in the enclosure mentioned.

The mentioned authorities, due to military to apprehend and in view of the calling the same to be considered by the Court.

Enclosure: Letter from Brigadier General for the

.... As you are aware, provides, inter alia

"Prisoners of war, except as provided in this measure, shall be treated in accordance with the U.S. WD, FM 2

"Prisoners of war, and of the power." (Article 1)

"Punishment shall be imposed upon prisoners of war by the courts of the U.S. WD, FM 2

SECRET

C.33.
23 June 1944

UNITED NATIONS WAR CRIMES COMMISSION

COMMUNICATION FROM MR. PELL TO THE CHAIRMAN

DATED 22nd JUNE, 1944

Dear Sir Cecil,

Recently Brigadier General E.C. Betts, Judge Advocate, European Theatre of Operations, United States Army, addressed me concerning whether the conventional protection of a prisoner of war, respecting imprisonment and punishment, may lawfully be denied a prisoner of war who is charged by a responsible accuser as a war criminal?

A copy of his letter, dated 14 June, 1944, together with the enclosure mentioned therein, is enclosed.

The mentioned question is of concern to the military authorities, due to the Commission's recent request to the military to apprehend, detain and investigate war criminals, and in view of the concluding paragraph of the letter I am calling the same to your attention in order that it may be considered by the Commission.

I am, etc.

Signed: HERBERT PELL

Enclosure: Letter dated 14 June, 1944, to Mr. Pell from Brigadier General Ed. C. Betts, Judge Advocate for the European Theatre of Operations, U.S. Army.

.... As you are aware, the Geneva Prisoners of War Convention provides, inter alia, that:

"Prisoners of war ---- may not be confined or locked up except as an indispensable measure of safety or sanitation, and only while the circumstances which necessitate this measure continue to exist." (Art. 9; par. 82, U.S. WD, FM 27-10); and

"Prisoners of war shall be subject to the laws, regulations, and orders in force in the armies of the detaining power." (Art. 45; par. 118, U.S. WD, FM 27-10); and

"Punishments other than those provided for the same acts for soldiers of the national armies may not be imposed upon prisoners of war by the military authorities and courts of the detaining power." (Art. 46; par. 119, U.S. WD, FM 27-10); and

/"Preliminary

"Preliminary judicial proceedings against prisoners of war shall be conducted as rapidly as the circumstances permit. Imprisonment pending trial shall be restricted as much as possible.

"In all cases the period of imprisonment pending trial shall be deducted from the disciplinary or the judicial punishment inflicted, in so far as such deduction is allowed for national soldiers." (Art. 47; par. 120, U.S. WD, FM 27-10);

"Belligerents shall see that the competent authorities exercise the greatest leniency in deciding the question of whether an infraction committed by a prisoner of war should be punished summarily or judicially." (Art. 52; par. 125, U.S. WD, FM 27-10); and

"In no case may prisoners of war be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) there to undergo summary punishment." (Art. 53; par. 129, U.S. WD, FM 27-10); and

"At the opening of a judicial proceeding directed against a prisoner of war, the detaining power shall advise the representative of the protecting power thereof as soon as possible, always before the date set for the opening of the trial -- at least 3 weeks before the opening of the trial." (Art. 60; par. 133, U.S. WD, FM 27-10); and

"Sentence may be pronounced against a prisoner of war only by the same courts and according to the same procedure as in the case of persons belonging to the armed forces of the detaining power." (Art. 63; par. 136, U.S. WD, FM 27-10); and

"Sentences pronounced against prisoners of war shall be communicated to the protecting power immediately." (Art. 64; par. 138, U.S. WD, FM 27-10); and

"If the death penalty is pronounced against a prisoner of war, a communication setting forth in detail the nature and circumstances of the offence shall be sent as soon as possible to the representative of the protecting power for transmission to the power in whose armies the prisoner served.

"The sentence shall not be executed before the expiration of a period of at least 3 months after this communication." (Art. 66; par. 139, U.S. WD, FM 27-10); and

"No prisoner of war may be deprived of the benefit of the provisions of article 42 of the present convention as a result of the sentence or otherwise." (Art. 67; par. 140, U.S. WD, FM 27-10). (Art. 42 provides the right of complaint to the protecting power.)

It will be important to the military authorities responsible for aiding your Commission in performance of its functions to know what authority they may lawfully exercise, in the light of the foregoing provisions, respecting (a) the confinement, and (b) the custody and punishment of persons charged with war crimes who are taken into custody and originally detained by them as prisoners of war -- as distinguished from persons apprehended and detained originally as war criminals.

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It is recognized that military authorities may involve combatants who may be decided by the immediate military authorities to confine (in the case of war crimes by respect to the Nations War Crimes Convention) been first taken

In short, the concern to such apprehend and

May the respect for the rights of war criminals?

These provisions are because of the fact that on the one part of the War Convention in so far as it relates thereto; and, in the case of internees according to the Convention, in this connection to Hartle, at

According to the provisions, criminals will be limited by the limitations of war who are war

It will be any, views your

(1) Not represented

It is recognised that the question as to whether such military authorities should undertake the trial of war criminals may involve considerations other than military - and consequently may be decided on different levels. Nevertheless, there remains the immediate problem of whether such military authorities may confine (imprison), pending trial, persons charged with war crimes by responsible agencies (as, for instance, the United Nations War Crimes Commission) irrespective of such persons having been first taken into custody as prisoners of war.

In short, there remains the very practical question, of concern to such military authorities who may be called upon to apprehend and detain persons charged with war crimes -

May the conventional protection of a prisoner of war, respecting imprisonment and punishment, be denied a prisoner of war who is charged by a responsible accuser as a war criminal?

These problems are of special concern to our military authorities because of the agreement between the United States and Germany - on the one part "to apply the provisions of the Geneva Prisoners of War Convention to any civilian enemy aliens that might be interned in so far as the provisions of that Convention may be adaptable thereto"; and, on the other part, "to treat American civilian internees according to the principles of the Prisoners of War Convention, in so far as those principles apply to civilians." (in this connection see copy of letter of January 25, 1943, from Matthews to Hartle, attached). (1)

Accordingly, so far as concerns the United States, civilian war criminals will enjoy the same protection against confinement and limitations upon trial and punishment as do military prisoners of war who are war criminals.

It will be greatly appreciated if you will advise me what, if any, views your Commission holds respecting these questions.

ED. C. BETTS,
Brigadier General, U.S.A.,
Theatre Judge Advocate

(1) Not reproduced.

SECRET

M. 24.

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Twenty-fourth Meeting

held on

11 July, 1944.

Chairman: Sir Cecil HURST - United Kingdom

There were also present:

Mr. PELL	- United States of America
accompanied by Lt. Col. HODGSON	
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
Dr. WELLINGTON KOO	- China
accompanied by Dr. LIANG	
Dr. ECER	- Czechoslovakia
M. GROS	- France
Mr. DUTT	- India
M. BLUM	- Luxembourg
Mr. Edward HAMBRO	- Norway
M. MILANOVITCH	- Yugoslavia
accompanied by M. RISTITCH	

MINUTES OF LAST MEETING

Reading of the Minutes was dispensed with and they were signed by the Chairman.

LETTER FROM THE LATE LORD ATKIN'S DAUGHTER

The CHAIRMAN read a letter from the late Lord Atkin's daughter, the Hon. Mrs. Morison, thanking the Commission for its expression of sympathy with Lord Atkin's family in its bereavement.

FINANCES OF THE COMMISSION

The SECRETARY GENERAL reported the receipt of "basic contributions" for the current fiscal period from the United States, Poland, Luxembourg, Norway, India and New Zealand, and said that the United Kingdom "basic contribution" would be set off against the sum owed to it by the Commission.

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REPORTS OF COMMITTEE CHAIRMEN

The Chairmen of Committees I and II had nothing to report.

Professor Glaser, Chairman of Committee III, apologised through the Secretary General to the Commission for being unable to attend the meeting. Mr. PELL, who had replaced him as Chairman, had no report to make on behalf of the Committee.

ARTICLE TO BE INSERTED IN ARMISTICES WITH
AXIS POWERS AND SATELLITES

The CHAIRMAN, who had been asked by the Commission on June 13 to make enquiries as to what organisations analogous to the German Gestapo and S.S. ought to be mentioned in the armistices with Germany's satellite states, said the information he had obtained appeared to show that while the German Gestapo had itself operated in those states to some extent, there were no native organisations analogous to the Gestapo and S.S. in Rumania, Bulgaria and Hungary.

M. MILANOVITCH said that the state and military police of the satellite countries, namely, Hungary, Bulgaria, Albania etc., had committed in Yugoslavia the same kind of crimes as the German S.S. and Gestapo had committed in occupied territories, and the consequences to the population had been exactly the same. Proof of this fact would be given to Committee I in due course. The occupation had been exercised in a highly illegal manner and horrible suffering had been inflicted on the population. He recommended that the draft article which the Commission had recommended for insertion in the armistice with Germany, (C.31), should be adapted for use in connection with each satellite state by making paragraph 2, point (d), refer to all or any members of the state police of the satellite state who were or had been district chiefs of civil or military police in any of the occupied countries.

Dr. ECER expressed the same view.

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It was agreed that the Chairman would find an appropriate formula under which in the armistice terms with each of the satellite powers provision would be made for taking and keeping in custody any members of the German Gestapo or S.S. who were found in that country; and also any member of the police force of that country, whether civil or military, who had served or were still serving as district chiefs of police in any country occupied by Nazi forces. The formula would be agreed with M. Milanovitch.

TREATMENT OF WAR CRIMINALS WHO ARE PRISONERS OF WAR

The Commission adopted, and directed the Secretary General to despatch, its reply to the question which had been addressed to it on this subject.

USE BY GERMANY OF PILOTLESS PLANES

Mr. PELL moved that consideration should be given to the question whether the use by Germany of the pilotless plane, a weapon which could not be aimed with any degree of precision and was thus wholly indiscriminate in its effects, was not a war crime.

It was decided to refer this question to Committee III.

APPOINTMENT OF A PUBLICITY COMMITTEE

Mr. PELL raised the question whether the time had not come to appoint a committee to issue communiqués from time to time regarding the Commission's work. The policy of avoiding publicity had been adopted at a moment when the Commission's proceedings could best be conducted in strict secrecy, but it was now, in his opinion, putting the Commission in a false position. The general public did not understand that the Commission had at present a strictly limited task.

The Commission decided to set up such a committee and appointed the Chairman, M. de Baer and Mr. Pell as its members.

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DR. ECER'S REPORT (C.32)

The CHAIRMAN reported that Part I of this document dealing with the origin, organisation, purpose and activity of the Gestapo and S.S., was being printed by the Foreign Office with a view to sending it to the Governments as a justification of the Commission's recommendations for internment of the members of these organisations (Docs. C.21 and C.31). He asked and received the Commission's consent to steps for this purpose being taken so soon as the document was available in printed form.

DATE OF NEXT MEETING

The Commission decided not to meet in the following week.

*Recd J B Hurd
July 25*

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VERY SECRET

No. 33

UNITED NATIONS WAR CRIMES COMMISSIONOPINION

The question upon which the opinion of the Commission is asked is: "May the conventional protection of a prisoner of war, respecting imprisonment and punishment, be denied a prisoner of war who is charged by a responsible accuser as a war criminal?"

The answer involves a legal side and a practical side, but the Commission is only invited to express an opinion on the legal question.

The Geneva Prisoners of War Convention (27 July, 1929) applies to prisoners of war, qualitate qua, i.e. to persons whose relations with the detaining power are merely those of a prisoner of war. As soon as those relations change (e.g. when, for any reason, the relations become those existing between persons accused of an offence and the authority which is to judge that offence, then judicial proceedings (including imprisonment pending trial and punishment) are permissible (Geneva Convention, art 47 and art. 75).

If this were not so, the fact of being a prisoner of war would confer immunity or exoneration from prosecution, and it is certainly not the object of the Geneva Convention to confer such a privilege upon prisoners of war, but only to ensure a fair, just, and humane treatment to those who have behaved as honourable combatants.

From the legal point of view, the perpetration of a war crime prior to capture attaches to the perpetrator the status of an offender, which cannot be altered by the fact that he subsequently becomes a prisoner of war.

The Commission is, therefore, of opinion that the conventional protection of a prisoner of war respecting imprisonment and punishment may be denied a prisoner of war who is charged by a responsible accuser with the commission of a war crime. The provisions of the Geneva Prisoners of War Convention do not confer immunity on prisoners of war against the consequences of crimes committed by them in violation of the laws of war prior to their becoming prisoners of war, nor govern the procedure, nor fix the tribunals before which they may be brought to justice.

Precedents:

There are numerous precedents:

1. The enemy has proceeded in this way in many instances, such as that of Capt. Fryatt who was imprisoned, tried, and shot in Belgium by the Germans after capture, on July 27th, 1916, for an act which had been done in June 1915.
2. During the 1914-18 war the Allies imprisoned and tried several war criminals. A case is mentioned by J.W. Garner in the American Journal of International Law, namely that of a German soldier sentenced to death on February 26th, 1915

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by a French Military Court at Rennes for pillage, arson and assassination (A.J.I.L., vol. 14 - 1920, pp. 77, note 1). Other cases are mentioned in "Le Temps" of Paris of 28 February and 1st March, 1915, in the "Journal de Droit International" 1915, p. 54 at seq., and in a study by [redacted] in the "Revue Pénitentiaire" of 1916, p. 23-24. A French Military Court at Toulouse charged a German prisoner of war, Lieutenant Willi Erler, with having burnt down a house in September 1914, and sentenced him on July 16th, 1915, to 20 years' hard labour (Mérignhac - "Revue Générale de Droit International", t. 24, 1917, p. 35). The British in September 1918 imprisoned in the Tower of London the Captain of a German U-boat (Capt. Kieseewetter) who was accused of sinking the British hospital ship "Glenart". This was in accordance with an announcement which had been made by the Board of Admiralty on March 8th, 1915, that prisoners of war who had attacked and sunk - or attempted to sink - without warning British merchantmen "would be debarred from certain privileges and courtesies that are extended to honourable combatants."

Doctrine:

Extract from Wheaton's International Law (7th English Edition, 1944, p. 180): "If men are taken prisoner in the act of committing, or who had committed, violations of international law, they are not properly entitled to the privileges and treatment accorded to honourable prisoners of war."

SECRET

UNITED NATIONS WAR CRIMES COMMISSION

M.25

Minutes of Twenty-fifth Meeting

held on

25 July, 1944

Chairman: Sir Cecil HURST - United Kingdom

There were also present

Mr. PELL	- United States of America
accompanied by Lt. Col. HODGSON	
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
Dr. WELLINGTON KOO	- China
accompanied by Dr. LIANG	
Dr. ECER	- Czechoslovakia
M. STAVROPOULOS	- Greece
Mr. DUTT	- India
M. BODSON	- Luxembourg
Dr. de MOOR	- Netherlands
Mr. BURDEKIN	- New Zealand
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia

MINUTES OF LAST MEETING

Reading of the Minutes was dispensed with and they were signed by the Chairman.

MEMBERSHIP OF THE COMMISSION

The CHAIRMAN read a letter from the High Commissioner for Australia stating that his Government had appointed Lord Wright to act as Australian representative in succession to the late Lord Atkin.

He also read a letter from M. Bodson stating that M. Blum could no longer represent Luxembourg on the Commission, having been appointed Minister in Moscow, and that pending a new appointment he would himself, as far as possible, attend the Commission's meetings on behalf of his Government.

REPORTS FROM COMMITTEE CHAIRMEN

M. de BAER, Chairman of Committee I, gave some particulars regarding its work and answered questions from members of the Commission.

Mr. PELL, Chairman of Committee II and acting Chairman of Committee III, reported progress. He said Committee II was much inconvenienced by the fact that no reply had yet been received to the Chairman of the Commission's letter of 31 May last to Mr. Eden concerning the problem of German atrocities against German Jews. The CHAIRMAN promised to do what he could in the matter.

PUBLICITY

The CHAIRMAN reported on an interview which he had had with the Secretary General of the recently established United Nations Information Organisation, (successor to the Inter-Allied Information Committee), and with the Secretary General of the corresponding United Nations institution in New York. They had offered their assistance to the Commission in connection with its publicity, and, acting on their advice which he had ventured to ask, he proposed that a press conference should be held at which a statement on the history, methods, etc. of the Commission would be released. He would ask the Commission's Publicity Committee to meet to examine the draft of such a statement and to consider what use should be made of the Organisation's offer of help.

Mr. COLBAN asked, and the CHAIRMAN agreed, that the identity of the members of the Commission should not be disclosed.

DEPUTATION FROM THE BRITISH SECTION OF THE WORLD JEWISH CONGRESS

The CHAIRMAN said he had received and had had a long and frank confidential conversation with a deputation from this organisation which, although British, claimed to voice the views of numerous organised groups of Jews throughout the world. The delegation understood and did not greatly complain of the fact that the competence given to the Commission by the Governments did not cover the whole field of Nazi persecution of the Jews. The requests which it made to the Commission were presented to

him in a long memorandum, the gist of which was contained in the following passages:

"The World Jewish Congress in London beg to request that the Commission of the United Nations for the Investigation of War Crimes take steps with a view to a comprehensive investigation of and report on the war crimes perpetrated by Germany, her allies and satellites upon the Jewish community in Europe.

"For these reasons we urge upon the representatives of the United Nations on the Commission for the Investigation of War Crimes that the war crimes committed by Germany and her associates upon the Jews of Europe are in a most material sense in a category of their own and that it is proper and desirable that they be made the subject of a separate investigation and of a comprehensive report. We submit that no adequate picture can be obtained of the crime of extermination of European Jews by merely assembling the evidence as put forward by the Governments of the various United Nations in respect of crimes committed upon persons of Jewish race in their respective territories occupied by Germany. We believe that in most cases such evidence will be sufficient to bring about the punishment of persons guilty of instigating, ordering and executing these crimes. But we also hold the view that the horror of the war crimes of Germany in so far as they affect the Jews of Europe transcends the problem of punishing the war criminals directly responsible. Punishment cannot alleviate the sense of loss and of horror which has afflicted members of the Jewish race everywhere in consequence of these crimes. The full knowledge, brought about by an authoritative investigation and report, of the enormity of these crimes in all their ramifications would in itself be a deterrent as potent as retribution itself. We attach paramount importance to the view that the design to murder an entire people must be branded and penalised as such, and that the thoroughness with which that design has been accomplished must be revealed fully, authoritatively, and in all its implications.

"There are, in our submission, two ways in which an investigation of and report upon the war crimes which Germany, her allies and satellites have committed upon Jews could take place:

- (1) the first is that the United Nations appoint a special commission for that purpose;
- (2) the second is the setting up by the Commission for the Investigation of War Crimes of a Committee of its own members entrusted with that task.

It appears to us that the clear balance of advantage is in favour of the latter course. The object of the Committee, in addition to the presenting of a comprehensive report on the policy of extermination, would be the study of any legal problems connected with the punishment of this aspect of German war crimes. These include such questions as the desirability of any special international jurisdiction having regard to the magnitude of German war crimes against Jews, or the absence of national jurisdiction for reasons of statelessness and the like, or the fact that the crimes against Jews, not being confined to Jews of one nationality, render an international procedure appropriate. These questions may also include the necessity of defining the crime of

racial segregation, as a war crime per se; the extension of the responsibility for acts of racial segregation and persecution to those German nationals who have instigated them; and the inclusion in the conception of war crimes of the entire policy of racial extermination from the onset of the National-Socialist regime in Germany."

The CHAIRMAN said a similar proposal had been made by a representative of the Anglo-Jewish Society. He had put out to the deputation that the Commission's task was to deal with individual war crimes, and had offered to act as a clearing house for information in the Congress' possession. But the proposal went further. He asked for the views of the Commission. Later, during the discussion, he observed that a serious enquiry of the kind asked for would be a big affair and would probably be expensive.

Dr. GLASER said the Polish Government, in addition to a special section for crimes against Jews in its National Yearbook, had already published in the United States a "Blood Book" dealing with the extermination of Jews in Poland.

In the resulting discussion it was observed that the enquiry did not fall directly within the Commission's functions and Mr. BURDEKIN said the New Zealand Government, which also felt the Commission was unduly enlarging its scope, would be disposed to agree to it. The majority of the members were in favour of considering the matter further.

Dr. WELLINGTON KOO suggested that the Commission should pass a resolution declaring that the enquiry ought to be made but could not be made by the Commission, and should bring this resolution to the attention of the Governments. Other members were in favour of having the proposal referred to a committee for consideration, or of setting up a committee to conduct the enquiry. It was ultimately agreed that the CHAIRMAN and Dr. GLASER, together with any other members who chose to attend, should have a discussion with Mr. Easterman, a member of the delegation and Political Secretary of the Jewish Organisation

with a view to discussing all the above proposals.

FAR EASTERN AND PACIFIC SUB-COMMISSION

The CHAIRMAN read a letter from Dr. Wellington Koo, (C.38), who had appointed Dr. Wang Chung-hua, a former Judge of the Supreme Court of Justice, as its representative. He said he would be glad to provide a meeting and would of course call the organising committee.

Other questions on the agenda were adjourned to the next meeting.

with a view to discussing all the aspects of the delegation's proposal.

FAR EASTERN AND PACIFIC SUB-COMMISSION

The CHAIRMAN read a letter from the Chinese ambassador, Dr. Wellington Koo, (C.38), stating that his Government had appointed Dr. Wang Chung-hui, former Minister of Foreign Affairs and sometime Judge of the Permanent Court of International Justice, as its representative on the Sub-Commission; that it would be glad to provide suitable quarters and would in due course call the organising meeting of the Sub-Commission.

Other questions on the Agenda, (Docs. C.35 and C.36), were adjourned to the meeting of the following week.

Cecil J. M. Hurst
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C.38
26 July 1944

UNITED NATIONS WAR CRIMES COMMISSION

ESTABLISHMENT OF THE FAR EASTERN AND PACIFIC
SUB-COMMISSION

LETTER FROM THE CHINESE AMBASSADOR
TO THE CHAIRMAN OF THE COMMISSION,
dated 25th July, 1944

Dear Sir Cecil,

I beg to inform you that the Chinese Government has appointed Dr. Wang Chung-hui, former Minister of Foreign Affairs and sometime Judge of the Permanent Court of International Justice, as the Chinese representative on the Far Eastern and Pacific Sub-Commission of the United Nations War Crimes Commission. It will be glad to provide suitable quarters for the Sub-Commission, and wishes to assure this body of a cordial welcome to Chungking. It will also be pleased to call the organizing meeting of the Sub-Commission in due course.

Yours sincerely,

(Signed) V.K. WELLINGTON KOO

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M.26

UNITED NATIONS WAR CRIMES COMMISSION

Minutes of Twenty-sixth Meeting

held on

1 August 1944

Chairman: Sir Cecil HURST - United Kingdom

There were also present

Mr. PELL	- United States of America
accompanied by Lt. Col. HODGSON	
Mr. OLDHAM	- Australia
M. de BAER	- Belgium
Dr. LIANG	- China
Dr. ECER	- Czechoslovakia
M. GROS	- France
Mr. DUTT	- India
Dr. de MOOR	- Netherlands
Mr. COLBAN	- Norway
accompanied by Mr. Edward HAMBRO	
Dr. GLASER	- Poland
M. MILANOVITCH	- Yugoslavia

MINUTES OF LAST MEETING

Reading of the Minutes was dispensed with and they were signed by the Chairman.

COMMUNICATION TO THE PRESS

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~~to the~~ members on the subject of a communication to the Press, explained that he had not been able to agree with Dr. Eöer's view that the Commission was already competent to concern itself with crimes committed by Germany in her own territory against her own citizens, seeing that no answer had yet been received from the Foreign Office to the Commission's offer to undertake the consideration of such matters. It had been found desirable to hold a Press Conference, in order to correct mis-statements as to the Commission's mandate and activities which had been published in some newspapers. The communication would not be meant for publication but for the information of the Press, which had always shown itself responsible in regard to statements of the kind.

/ Mr. PELL

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