

NO. 83.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 28th November 1946
at 10.30 a.m.

In the Chair

Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:Dr. Mayr-Harting
Colonel SpringerCzechoslovakia.
United States of America.Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.

Dr. Szerer

Poland.

The Committee met specially to consider two urgent
cases and decided as follows:-

1) BELGIAN Case.

4324

On 'C'

2) POLISH Case.

4328

On 'A'

NO. 84.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

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

In the Chair

Monsieur de Baer. (Belgium).

There were also present:

Members of Committee I and their Deputies:

Major Fanderlik	Czechoslovakia.
Sir Robert Craigie	United Kingdom.
Colonel Springer	United States of America.
Mr. Ben H. Brown.	United States of America.

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

Commander Mouton	Netherlands.
Dr. Szerer	Poland.
Major Mason	United Kingdom.
Dr. Mezulić	Yugoslavia.

I. Minutes Nos. 82 and 83.

Minutes of the Meetings held on 21st November 1946 and 28th November 1946 were approved.

II. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

4160 (addendum II)	On 'A'.
4322	1-2 on 'A'
4323	1-16 on 'A'.

2) YUGOSLAV Cases.

4331	On 'A' for deportation of civilians and confiscation of property.
4332	On 'A' for murder, putting hostages to death, torture, and illegal arrests.

3) POLISH Cases.

- 4327 The Committee were of opinion that this was not a prima facie case establishing the accused's responsibility neither for murder nor for illegal arrest. The case was accordingly adjourned for further information.
- 4329 On 'A'
- 4330 On 'A' for complicity in deportation of civilians,
- 4344 On 'A'.

4) UNITED STATES Cases.

- 4325 On 'A'.
- 4326 On 'A'.

5) CZECHOSLOVAK Case.

- 4115 Consideration of this case was adjourned for two weeks in order that the National Office might supplement the charge with additional information necessary to establish (a) whether the crimes alleged were of an isolated character or constituted part of a pattern applied at different times and places and (b) whether they had been executed in connection with the aggressive war. The National Office was also asked to establish the nationality of the accused persons.

6) BELGIAN Cases.

- 1893 After Monsieur de Baer had supplemented the case as to (Addendum II). the crimes alleged and stated that specific charges against each of the accused had been established by the National Office, it was decided to list all the accused on 'A' for ill-treatment.
- 4309 GROHE and BRAIDA on 'A' for putting hostages (Addendum) to death.

7) NETHERLANDS Cases.

- 4333 1 on 'A' for murder, ill-treatment and pillage.
2 and 3 on 'A' for murder.
4 on 'W'.
- 4334 1-3 on 'A'.
As to the 4th and 5th accused the case was adjourned for further information.

4335	1-5 on 'A' HAVENETH on 'W'
4336	1-2 on 'A' 3-4 on 'W'
4337	On 'A'
4338	On 'A'
4339	1 on 'A'. (Priority List). 2 and 3 on 'S'
4340	1-3 on 'A'
4341	1-3 on 'A' for plunder of private property.
4342	1-4 on 'A' 5 on 'W'
4343	1-3 on 'A'

III. Letter from Dr. Szerer:- Listing of Unknown Personnel of Concentration Camps.

Monsieur de BAER read the following letter which he had received from Dr. Szerer, the Polish Representative:-

"The List of War Criminals No. 30 contains the following entry /336/: "Unknown - All unknown S.S. personnel at the Institute of Anatomy, Strasbourg and Fort Ney at Robertsau".

The Polish Military Mission in Germany considers that their work would be very much eased and quickened if - according to the precedent just mentioned - all the commanding personnel and guards of the concentration camps in Oświęcim/Auschwitz/ and Stutthof could be listed generally. The Military Mission could then ask for the extradition of anybody who, at any time, belonged either to the commanding personnel or to the guards in the two camps - a prima facie case against them being made out by the general listing.

You would greatly oblige me by letting me know whether the actual policy of Committee I makes such listing possible".

Dr. LITAWSKI explained that the case referred to in List 30 had been accepted and the unknown personnel of the Institute of Anatomy listed, on the grounds that the crimes committed had been exceptionally atrocious; while the personnel on the Staff of the Institute was comparatively very small in number and have been indicated in the relevant charge by ranks and functions. This was the only instance in which the Committee had listed such unknown personnel as a unit.

Monsieur de BAER added that the case in question had greatly incensed public opinion at the time.

The Committee was of the opinion that the listing of an unknown personnel as a unit in such a case gave no justification for establishing a general rule, and decided that it could not, therefore, comply with Dr. Szerer's request.

The Secretary was asked to reply to Dr. Szerer's letter accordingly.

IV. Request of G. MADORI: listed by Yugoslavia, (Doc. I/71).

Monsieur de BAER gave first a summary of the Yugoslav charge 364 and read the relevant paragraph in which Dr. Madori, Manager of the Broadcasting Station in Ljubljana, had been charged as a war criminal for wanton destruction of property. The case had been accepted by the Committee on 28th November 1944, and the name of the accused appeared in List No. 2.

The Memorandum before the Committee, from Madori's Solicitors, complained that their client had been kept in custody since June 1945 without any action being taken, and requested either to grant him a temporary release or to make a quick examination of the accused's case. Monsieur de Baer submitted that the matter was an important one, involving as it did, a question of policy.

Dr. MEZULIĆ said that he did not know why Madori had not been handed over to the Yugoslav authorities, as it was the general rule that as soon as a person was listed by the Commission his surrender was requested automatically. Dr. Mezulić promised to obtain information on this point for the Committee.

Sir Robert CRAIGIE observed that according to the Memorandum it seemed that Madori never had anything to do with propaganda, but was concerned only with the administrative and cultural side of the work, in which case his position would certainly not have made him responsible for an action such as the burning of a library.

Monsieur de BAER remarked that the Memorandum said nothing about the burning of a library, so it seemed that Madori had not known that he was charged for that crime.

Sir Robert CRAIGIE said that if such was the case the account hardly seemed to imply that he might have been connected with an action of that kind, although it was possible, of course, that his account contained errors and omissions. The issue seemed to be this: that if the Yugoslav National Office had asked for Madori to be listed merely in virtue of his position as head of the Radio Station but had no direct evidence of his participation in the burning down of the library, then the Committee should consider very seriously whether Madori should remain on the Commission's Lists. If, on the other hand, there was sufficient evidence to prove that he had been definitely connected with the crime, then it seemed that he must remain in custody until he was brought up for trial. He thought, therefore, that the Committee would be quite justified in asking the National Office to produce more evidence in this case and in requesting the production of affidavits in connection with the crime allegedly committed by Madori. On the other hand, the National Office, when re-considering the case in the light of further

-5-

evidence such as that contained in the Memorandum, might wish to modify or even withdraw the case.

Dr. MEZULIC asked whether the Commission was competent to change any decision previously made by it. It seemed to him to be a matter for the Court to decide, when trying the accused.

Monsieur de BAER replied that so long as a person had not been charged before a Court the Commission could remove his name from its Lists if it had definite proof that the person was in no way connected with the crime alleged.

Major FANDERLIK suggested that the Yugoslav National Office should also be asked whether any Wanted Report had ever been filed with CROWCASS.

Monsieur de BAER said that raised another point: what was to happen when a National Office failed to send in a Wanted Report for a war criminal listed by the Commission, and showed a complete lack of interest in a person whom it had accused.

Sir Robert CRAIGIE said that so far as he was concerned he would support any recommendation, at the right moment, that a person listed should be released if a Wanted Report was not issued within a reasonable time by the National Office concerned.

Dr. LITAWSKI observed that from the Memorandum it appeared that there had been some contact in this matter between the Yugoslav authorities and the Allied military authorities in Italy.

It was decided to adjourn further consideration in order that the National Office might be asked to produce definite evidence, particularly in the form of affidavits, showing Madori's complicity in the burning down of the library; and to establish whether the surrender of Madori had been requested by Yugoslavia.

In the meantime the Secretary-General was asked to acknowledge receipt of the letter, saying that the matter would be given early attention.

V. Priority Lists.

The Committee considered Sir Robert Craigie's proposal to introduce separate lists including only those cases where the crimes had been particularly serious and therefore deserving the special attention of the investigating teams on the Continent. The List would include persons to be listed in the future, but also any persons already listed whom the National Offices requested and the Committee thought deserving of speedy apprehension and trial.

The question arose as to whether each Government represented on the Commission should submit a limited number of names in which they were particularly interested, or whether it should be left to the Committee to decide. The former was rejected for two reasons: that there was bound to be some discrepancy between the types of cases and degree of criminality which each of the seventeen Governments might submit; and the number of names thus listed would be too large, so defeating the whole purpose of keeping the list restricted to most important cases only. Sir Robert CRAIGIE suggested about twenty-five

names as a sufficient number, which would not be unduly burdensome to the Allied investigating teams.

Dr. LITAWSKI drew attention to the fact that the National Offices had already been asked to submit to the Commission ^{particularly} important cases, and so far a reply had been received only from the Belgian National Office. He suggested that the National Offices be reminded of the former recommendation. On receipt of these names the Committee itself could screen them for the most serious cases involved.

The Committee decided, therefore, to introduce a Priority List to contain not more than 20-30 names at a time, and which would include names already listed as well as those to be listed in the future. The Committee itself would be responsible for deciding which names were to be put on the List. As soon as the List contained sufficient number of names it will be sent to the apprehending authorities for action.

VI. Filing of Wanted Reports with CROWCASS.

Sir Robert CRAIGIE said that he had been concerned for some time about those persons who were being kept in custody and in whom the national authorities accusing them were not sufficiently interested to ask for their surrender. To keep persons in custody indefinitely when there was little or no likelihood of their ever being brought to trial was repugnant to all sense of justice.

Sir Robert, therefore, submitted the following proposal: That if Wanted Reports in respect of names appearing on the Commission Lists are not filed with CROWCASS within a reasonable time, it would be open to the Committee to review such cases, and where desirable to remove the names from the Commission Lists.

Monsieur de BAER suggested, and the Committee agreed, that a reasonable time would be about three months.

Colonel SPRINGER suggested, with reference to past Lists, that the National Offices might be informed that those persons already listed in, say, the first thirty-five Lists should be the subject of Wanted Reports by March 1st next, otherwise the Committee would recommend to the Commission that their names be removed from its Lists.

Dr. LITAWSKI pointed out that removal of a name from the Lists meant that a person was no longer regarded by the Commission as a war criminal; but the fact that a Wanted Report had not been filed did not mean that a person had ceased to be a war criminal. Would it not be more practicable to advise the military authorities simply that such persons should be released?

The question arose as to whether this proposal would apply only to persons in custody, and Major FANDERLIK pointed out that it would be a waste of time for the military authorities even to look for persons in whom the National Offices were not sufficiently interested.

Monsieur de BAER wondered whether there were any persons held in custody apart from those for whom Wanted Reports had been submitted.

Sir Robert CRAIGIE believed there were a few detained on the basis of the Commission Lists alone, and some who had been arrested on other grounds - for example, where there was definite local evidence of a person having committed a crime.

Major FANDERLIK added that there were also a number of so-called Security Suspects.

Sir Robert CRAIGIE suggested that the apprehending authorities might be asked to inform the Commission of any case that came to their notice where a person had been held in custody for a long time purely on the basis of the Commission Lists, and where no action had been taken by the national authority accusing him - in other words, when no Wanted Report had been submitted. The Committee could then review the case and eventually inform the military authorities that so far as the Commission was concerned there appeared to be no reason why such a person should not be released.

The principle of keeping persons in custody indefinitely was most undesirable and should certainly be avoided. Such procedure was quite liable to bring serious criticism upon the Commission.

It was decided to submit the Committee's proposal to the Commission for consideration at its Meeting that afternoon.

VII. Reproduction of Chungking Lists and Closing of 50th List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 50). This would include all cases accepted by the Committee up to 4th December 1946 inclusive. The four Chungking Lists received up to date will be reproduced as the Commission's Lists 46-49.

NO. 85.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 19th December 1946
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie.	United Kingdom.
Colonel Springer.	United States of America.
Mr. Ben H. Brown.	United States of America.
Major Fanderlik.	Czechoslovakia.

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

Mlle Capionont	France.
M. Dimitzas.	Greece.
Commander Mouton	Netherlands.
Dr. Mezulić.	Yugoslavia.
M. Zimonjić.	Yugoslavia.
Major Fletcher	United Kingdom.

I. Minutes No. 84.

Minutes of the Meeting held on 4th December 1946 were approved.

II. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

- | | |
|------|--|
| 4396 | 1-3 on 'A' for ill-treatment of civilians and directions to give no quarter. |
| 4397 | 1-19 on 'A' for murder and ill-treatment of civilians. |

2) YUGOSLAV Case.

4313

This was adjourned for further information, as from the evidence submitted by the National Office up to now it appeared that the accused was engaged in political activities only and no war crimes could possibly be preferred against him.

3) GREEK Cases.

4345

On 'A' for complicity in mass murder and looting.

4346

On 'A' for murder and torture.

4347

1-2 on 'A' for murder, wanton destruction of property and pillage.

4348

1-3 on 'A' for murder and deportation.

4-9 on 'A' for looting.

10-13 on 'A' for torture.

14-22 on 'A' for illegal arrest and torture.

4349

1-3 on 'A' for murder.

4350

1-2 on 'A' for murder and torture.

4351

1-4 on 'A' for murder.

4) POLISH Cases.

4352

8 on 'A'

1-7 and 9-60 on 'S'

4386

On 'A'

4387

On 'A'

4388

On 'A'

4389

On 'A'

4390

On 'A'

4391

On 'A'

4392

On 'A'

4393

On 'A'

4394

On 'A'

4395

1-4 on 'A'

5) FRENCH Cases.a) Addenda.

443 (4) 1-24 on 'A'
 671 (2) On 'A' for illegal arrest and deportation.
 1187 1-4 on 'S'
 1196 (2) 1-11 on 'A'
 2675 1-7 on 'A'
 3341 1 and 2 on 'A'

As the 3rd accused had already been listed on the original charge, no further action was necessary.

Accused 1, 3 and 4 of the original charge were to be removed from the Commission List.

3856 1-4 on 'S'

b) New Cases.

4362 1-8 on 'A'
 4363 This was adjourned for further information and particularly on what grounds the accused was suspected by the National Office of having been responsible for the crimes alleged.
 4364 1-3 on 'A'
 4365 1-2 on 'A'
 4366 1-3 and 6 on 'A' for pillage and destruction of property.
 4-5 on 'W'
 4367 1-3 and 6 on 'A'
 4, 5, 7, 8, on 'S'
 9 to be left out.
 4368 1-3 on 'A'
 4 on 'C'
 4369 1-3 and 7-8 on 'A'
 4-6 on 'S'
 4370 1-2 on 'A'
 3-17 on 'S'
 4371 On 'A'
 4372 1-2 on 'A'. (Priority List).
 4373 On 'A'
 4374 1-2 on 'A'

(FRENCH Cases continued).

4375	1-4 on 'A' 5-12 on 'W'
4376	1-2 on 'A' 3-18 on 'W'
4377	On 'A'
4378	1-6 on 'A'
4379	On 'A'
4380	On 'A'
4381	1-3 on 'A'
4382	On 'A'
4383	On 'A'
4384	On 'A'
4385	On 'A'

6) BELGIAN Cases.

a) Addenda.

1800	On 'A' on counts I, III and XIII.
2088 (I)	1-3 on 'A'
(II)	On 'A'

b) New Cases.

4398	This was adjourned on the request of Monsieur de Baer.
4399	1-2 on 'A' 3-6 on 'S'
4400	1-21 plus Commandant of Unit 49215 on 'A' All units as such on 'C'.
4401	1-12 on 'A'
4402	1 on 'A' as submitted. 3 on 'A' for ill-treatment of P.O.W. As to the second accused, the case was adjourned for further information as no charges were submitted against this accused.
4403	On 'A'
4404	On 'A'

7) NETHERLANDS Cases.

- 4353 On 'A' on the understanding that the charge is limited to the accused's activities in the "Hollandsche Papier Industrie".
- 4354 On 'A'
- 4355 On 'A'
- 4356 On 'A'
- 4357 This was adjourned for additional information necessary to establish a), whether or not the destruction of the quay and cranes was ordered for military reasons and b), whether the destruction was intended to cause just a temporary or more lasting damage and c), whether the accused exceeded the instructions he actually received.
- 4358 1-4 and 6 on 'A'
5 and 7 on 'W'
- 4359 On 'A'
- 4360 This was adjourned for further information and particulars necessary to substantiate the charge of pillage. As the accused was one of the firm's directors since 1925, the National Office was asked to establish that it was not within his power to transfer the firm's inventory and capital to Germany, and also that the transfer had been prejudicial to the firm's interests.
- 4361 This was adjourned for further information as it was not clear whether the articles were "seized", i.e., whether they were confiscated or appropriated by the accused. The National Office was also asked to establish whether or not the wireless sets were confiscated as a penalty for listening to the foreign broadcasts.
- 4405 After Commander Mouton had supplemented the case to the effect that the accused's order was in fact carried out, it was decided to list the accused on 'A' for plunder only, as it was considered that the accused's responsibility for murder had not been established.
- 4406 1 on 'A'
2 on 'W'
- 4407 1 and 3 on 'A'
2 on 'W'
- 4408 1-5 on 'A'
- 4409 1-5 on 'A'
6 on 'W'

8) CZECHOSLOVAK Case.

- 4115 In view of the information additionally submitted by the National Office it was decided to list the accused 1-3

4115 (continued) and 6-9 on 'A'.

As the crimes alleged against the accused
4 and 5 seemed to be too minor ones, these were
left out.

III. General Marinov's Case: (Doc. I/72).

Consideration of this matter was adjourned until the next Meeting in order to examine the Document in conjunction with further evidence to be submitted by the National Office.

It was also decided that in addition to Document I/72 the Secretariat should also circulate to members of the Committee copies of the letter dated September 11th, 1946, addressed to the United Nations War Crimes Commission by the Bulgarian Government through the care of the Allied Control Commission in Sofia, referred to on page 3 of Document I/72.

51st List closed (See Min. No. 86)

NO. 86.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 23rd January 1947
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie	United Kingdom.
Colonel Springer	
(accompanied by Lt.Col.Hougen)	United States of America.
Dr. Neumann	Czechoslovakia.

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

Mlle Capiomont	France.
M. Dimitzas	Greece.
Commander Mouton	Netherlands.
Major Fletcher	United Kingdom.
Dr. Marković	Yugoslavia.

I. Minutes No. 85.

Minutes of the Meeting held on 19th December, 1946, were approved.

II. General Marinov's Case (Docs. I/72, I/73, I/74, I/75).

M. de BAER re-opened the discussion with particular reference to additional evidence which had been submitted by the Greek Government (Doc. I/74). From that evidence it appeared that General Marinov had placed a certain Bulgarian, Lt. Col. Tchaneff, in command of the regiment which took part in military operations in the district of Kastoria in January 1944. It was Tchaneff's forces who actually committed the atrocities which apparently were so terrible that even the German occupation authorities were alarmed, and ordered the departure from Greek soil of the Bulgarian regiment. M. de Baer asked whether Colonel Tchaneff had been charged as a war criminal, in view of the fact that it was he who was directly responsible for the crimes committed.

M. DIMITSAS replied that Tchaneff had not been charged as yet, but a case against him was in preparation and would be brought before the Commission in the near future.

In reply to the question as to whether there was any definite statement by Tchaneff himself declaring that while his unit was under German Command he still continued to receive instructions from

Marinov, M. Dimitzas replied that the Greek Government so far only had the evidence of witnesses.

M. de BAER said that the logical conclusion one would draw from the evidence as it stood would be that Marinov ordered Tchaneff, who in turn ordered his officers, to commit the atrocities referred to. On the other hand, there was no definite proof that Tchaneff did receive direct orders from Marinov, who himself had denied that he had had any contact with the unit, (Doc. I/73, page 2, para. 5).

On this point Dr. LITAWSKI drew attention to para. VI. of Doc. I/74, in which it was stated that it was on Marinov's initiative that an agreement was reached with the German authorities by which he himself would send reinforcements to the Germans, and units under his command would take part in the military action.

M. DIMITSAS added that there was clearly a difference of action between the German and Bulgarian military authorities during the expedition, in that the Germans did not commit any crimes whereas the Bulgarians did.

M. de BAER, referring to page 9, para. (B) of Doc. I/74, asked whether the order of the day issued by Tchaneff was available.

M. DIMITSAS replied in the negative, adding that all documents had been destroyed, and the only evidence was that given by witnesses.

Sir Robert CRAIGIE asked on whose evidence the Greek Government had based the charge that Marinov continued to give orders to the regiment under Tchaneff.

M. DIMITSAS replied that it was on the evidence of Kaltcheff and Ravalli.

Sir Robert CRAIGIE said that he did not find anything very convincing against the continuation of Marinov's control over the regiment once it had been put under German Command, and suggested that the Greek case should be strengthened on that point. It was important to have as direct and satisfying evidence as possible that the regiment did remain under Marinov's control, or, if not under his control, that at least Marinov continued to give orders of some kind to Tchaneff.

M. de BAER added that there was no doubt that murders and massacres had been committed, but there was not sufficient evidence to show that Marinov was personally responsible for these crimes. He thought that one could assume from the evidence that Marinov was carrying out a policy which aimed at the future annexation of Western Macedonia to Bulgaria by the extermination of Greek national sentiment, but that in itself need not involve the commission of war crimes, and it was necessary, therefore, to prove that the atrocities committed were an integral part of that policy.

Sir Robert CRAIGIE was of the opinion that it was necessary to have further evidence that Marinov remained in touch with Tchaneff, while the Bulgarian regiment was under German command, and consequently that his activities were not merely confined to general instructions to prepare the way for the annexation of Western Macedonia, but that he fully approved the methods by which this was to be achieved - namely, the commission of atrocities.

Colonel SPRINGER was of the opinion that once a detachment had been placed under the control of a new command then that commander

bore sole responsibility. Experience would seem to weight against Marinov having any further control over Tchaneff. In addition to asking for further evidence that Marinov still remained in contact with, and gave orders to, Tchaneff, perhaps further evidence could be brought to show that before the unit was detached, Marinov had issued some specific orders to Tchaneff.

Sir Robert CRAIGIE said that his own personal views on the matter were, that so far as military operations were concerned the unit was under German Command, but the probabilities were that Marinov who obviously had an interest in the political situation and may have been acting on the instructions of the Bulgarian Government, continued to take a keen political interest in the events, which, in view of what was happening in the country generally, meant the commission of atrocities in order to bring about the political results desired by Bulgaria. In order to prove that, however, it was important to have prima facie evidence.

There was, however, a second question - Marinov's connection with the comitadjis. Sir Robert CRAIGIE thought the evidence in this connection was stronger. It seemed clear that Marinov had contacts with, or even control of, the irregular elements and received personal reports from members of the comitadjis from time to time. There seemed good evidence, too, that Marinov did go to Kastoria with the object of trying to further increase Bulgarian control over the area for political purposes. There would appear to be something suspicious about Marinov's denial of any visit to Kastoria, followed by his admission that he paid just one visit as a tourist. It would be desirable, however, to strengthen still further the case on this point, as there was conflicting evidence even with regard to the visit mentioned. There were contradictory reports as to who was present at the meeting, and also with regard to the speech which Marinov was reported to have made.

M. DIMITSAS thought it would be easier to strengthen the evidence on the second question than on the first. M. DIMITSAS drew attention to the fact that Marinov was suspected of having been to Kastoria at other times, but the Greek Government had not been able to confirm this. Certainly a person or persons of high rank frequently went to the area.

Dr. LITAWSKI observed that even if different military persons had visited the area, it was unlikely that Marinov would not have known the purpose of such visits, as the persons in question came from Monastir, Marinov's headquarters.

Dr. NEUMANN also felt that there should be more direct evidence as to the link between crimes committed and Marinov's direction of them.

The Committee decided to adjourn further discussion on the case for three weeks, and the Greek National Office was asked to produce further evidence on the following points: That Marinov remained in touch with and gave specific directions to Tchaneff while his unit was operating under German Command; that Marinov not only directed a general policy to prepare the way for the annexation of Western Macedonia to Bulgaria, but that he was responsible for, and fully endorsed, the methods by which this policy was to be brought about - namely, the commission of war crimes; and that Marinov maintained personal contact with the Bulgarian comitadjis while directing and encouraging their activities in Greek Western Macedonia.

III. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

847 (addendum)	1-3 on 'A'
3969 (addendum)	On 'A'
4423	1-3 on 'A'
4424	1-5 on 'A'
4425	1-2 on 'A'
4544	On 'A'
4545	On 'A'

2) YUGOSLAV Cases.

4410	1-3 on 'S' 4-7 on 'W'
4411	This was adjourned for further information and evidence necessary to substantiate the alleged illegality of the arrests carried out by the accused.
4412	On 'A'
4413	1, 2, 14-18 on 'A' 7, 8, 12, 13 on 'S' 9-11 on 'W' Regarding the accused 3-6 and 19, no charges have been preferred against them. The case was adjourned for further information. Regarding the last accused it was also pointed out that no crimes are alleged to have been committed at VELIKI BECKEREK for which this accused could be held responsible in view of his official position.
4414	This case was adjourned for further information necessary to substantiate the alleged illegality of the arrests carried out by the accused mentioned in para. 3 on page 2 of the case. As to the other accused, it was thought that the general statement in para. 5 on page 2 was not sufficient for establishing their responsibility.
4415	1-2 on 'A' 3 on 'W' as no charges have been preferred against her.

(YUGOSLAV Cases continued).

- 4416 On 'S'
- 4417 On 'A'
- 4418 On 'A'
- 4419 This was adjourned for more particulars as to the measures taken by the accused himself in "liquidation of Jews", as well as to his responsibility for the particular crimes committed. The National Office was also asked to submit the evidence on which the case was based.
- 4420 Here the same decision was taken as in case 4419. The case was accordingly adjourned.

3) NETHERLANDS Cases.

- 4184 (addendum) As the first accused has already been listed for pillage, no further action was necessary. 2 on 'W'.
- 4206 (addendum) On 'W'
- 4426 1-9 on 'A'
- 4427 On 'A'
- 4428 As it appeared that no war crime could be established on the facts submitted in this charge and that in any case the accused was not responsible for deporting the alleged victims, it was decided to classify the case on 'C'.
- 4429 1-7 on 'A' } on all counts except
8-10 on 'W' } that of pillage.
- 4430 1-2 on 'A'
3-5 on 'W'
- 4431 1-8 on 'A'
- 4533 1 and 3-8 on 'A'
(main case) 2 and 9-10 on 'W'
- 4533 1-5 on 'A'
(addendum) 6-12 on 'W'
- 4534 1-5 on 'W'
- 4535 On 'A'
- 4536 1 on 'A'
2-3 on 'W'
- 4537 On 'S'
- 4538 1-7 on 'A'
- 4539 1-6 on 'A'
7-8 on 'W'

(NETHERLANDS Cases continued).

4572 1-7 on 'A'
8-13 on 'W'

4573 1-2 on 'A'

4) POLISH Cases.

4540 On 'A' for illegal arrests only.
As to the charge of murder it was decided to ask
the National Office for further information as
to the kind of offences for which the victims
were sentenced to death by the 'Standgericht'.
This part of the case was adjourned accordingly.

4541 On 'A'

4542 On 'A'

4543 1-2 on 'A'

5) FRENCH Cases.

a) Addenda.

562 1-14 on 'A'

1186 1-5 on 'A'
6 on 'W'

1192 (3) 1-10 on 'A'

2714 As 1-2 had already been listed, no further
action was necessary.
3-5 on 'A'

b) New Cases.

4432 1-3 on 'A'

4433 On 'S'

4434 1-9 on 'A'
10-22 on 'S'

4435 1-8 on 'A'
9 on 'S' on all counts except No. 19.

4436 1 on 'A'
2-3 on 'S'

4437 1 on 'A'
2-10 on 'S'

(FRENCH Cases continued).

4438 1 and 3 on 'A' for pillage.
As to 2 and 4 the National Office was asked for further information as to whether or not the destruction was necessitated by military reasons. The case with regard to these accused was adjourned accordingly.

4439 On 'A'

4440 On 'A'

4441 On 'A'

4442 On 'A'

4443 On 'A'

4444 1-3 on 'S'

4445 On 'A'

4446 On 'A' for illegal arrest.

4447 On 'A'

4448 On 'A'

4449 On 'A'

4450 On 'A':- 1-3, 8, 17, 19, 25-50, 54, 66.
On 'S':- 4-7, 9-16, 18, 20-24, 51-53, 65, 69, 70.
On 'W':- 55-64, 67, 68, 71.

4451 On 'A'

4452 1-3 on 'A'
As in regard to 4-10 no charges could be preferred against them on the evidence submitted. The case with regard to them was adjourned for further information.

4453 1-2 on 'A'

4454 1 on 'A'
2 on 'W'

4455 1-5 on 'A'
6-17 on 'S'
18-19 on 'W'

4456 1-2 on 'S'

4457 1-10 on 'A'
11-21 on 'S'

4458 1-2 on 'A'

4459 On 'A'

4460 1-2 on 'A'. (Priority List).

4461 On 'A'

(FRENCH Cases continued).

4462	On 'A'. (Priority List).
4463	On 'A'
4464	On 'A'
4465	On 'A'
4466	On 'A'
4467	On 'A'
4468	On 'A'
4469	On 'A'
4470	On 'A'
4471	On 'C'
4472	On 'A' for ill-treatment only.
4473	On 'A'
4474	On 'S'
4475	On 'A'
4476	On 'A'
4477	On 'A'
4478	On 'A'
4479	On 'A'
4480	On 'A'
4481	On 'A'
4482	On 'A'
4483	On 'A'
4484	On 'A'
4485	On 'A'
4486	On 'A'
4487	On 'A'
4488	On 'A'
4489	On 'A'
4490	On 'A'
4491	On 'A'

(FRENCH Cases continued).

4492	On 'A'
4493	On 'A'
4494	On 'A'
4495	On 'A'
4496	On 'A'
4497	On 'A'
4498	1-4 on 'A' for pillage and wanton devastation.
4499	On 'A'
4500	1-2 on 'A'
4501	1-3 on 'S'
4502	1-2 on 'A'
4503	On 'A'
4504	1 on 'A' 2-3 on 'S'
4505	1-2 on 'A'
4506	1-4 on 'A' 5 on 'W'
4507	1-3 on 'A'
4508	1-2 on 'A'
4509	1-2 on 'A'
4510	As there was no evidence that the accused were in any way responsible for deporting the victims, the case was adjourned for further information.
4511	1-8 on 'A'
4512	1-2 on 'A'
4513	On 'A'
4514	1-2 on 'S'
4515	1-4 on 'A'
4516	On 'A'
4517	On 'A'
4518	1-2 on 'S'
4519	On 'S'

(FRENCH Cases continued).

4520	1-4 on 'A'
4521	On 'A'
4522	On 'A'
4523	On 'A'
4524	On 'A'
4525	On 'A'
4526	1-2 on 'A' 3 on 'S'
4527	1-5 on 'A'
4528	On 'A'
4529	On 'A'
4530	1-2 on 'A'
4531	1-3 on 'S'
4532	On 'A'

6) BELGIAN Cases.

a) Addenda.

884	1-2 on 'A' The third accused was listed on 'W' as no particular crimes have been preferred against him.
893	1-5 on 'A'
981	On 'A':- 1-32, 34-58, 62-76, 80-109. On 'S':- 33, 59-61, 77-79.
1590	1-2 on 'S'
3174 (V)	On 'S'

b) Adjourned and new cases.

3810	1-2 on 'S'
	3-29 on 'W'
3811	1-2 on 'A'
	3, 4 and 5 on 'S'
	6-31 on 'W'
4143	1-2 on 'S'
	3-7 on 'W'

(BEIGLIN Cases continued).

- | | |
|------|-------------------------------------|
| 4398 | 1-99 on 'S' |
| 4421 | 1-6 and 15-18 on 'A'
7-14 on 'S' |
| 4422 | On 'A' |

IV. Submission of Cases by Ethiopia, (I/76).

Consideration of this matter was adjourned until the next Meeting.

V. Second Statistical Progress Report. (Doc. C. 241).

Consideration of this paper was adjourned until the next Meeting.

VI. Closing of 51st and 52nd Lists of War Criminals.

The Committee decided to issue two new Commission's Lists of war criminals. List No. 51 would include all cases accepted by the Committee up to 31st December, 1946, inclusive, and List No. 52 those accepted up to 23rd January, 1947.

NO. 87.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 30th January 1947 at 10.30 a.m.

In the Chair Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie.	United Kingdom.
Lieut. Kintner.	United States of America.
Dr. Neumann.	Czechoslovakia.

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

M. Dimitzas.	Greece.
Commander Mouton.	Netherlands.
Dr. Marković.	Yugoslavia.

I. Proceedings in Individual Cases.

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

1) YUGOSLAV Cases.

- | | |
|------|---|
| 4574 | DESCH on 'A'
WAGNER on 'S' |
| 4575 | This case was adjourned for further information as to the accused's responsibility for the crimes alleged. The National Office was asked to submit additional evidence, in particular as to the following points:
a) what were the exact functions of the accused as Beauftragter für Gerichtswesen: b) had the accused any power to give directives to the Courts: c) did the accused direct the Courts to deal with the matters described in the charge as criminal: d) what was the part played by the Courts in the eviction of 85000 Yugoslavs. |
| 4576 | On 'A' |
| 4577 | 1 on 'A' for ill-treatment of P.O.W.
1-2 on 'S' for murder. |
| 4578 | This was adjourned for further information as to |

(YUGOSLAV Cases continued).

- 4578 (continued) whether the accused was responsible for ill-treatment during the interrogation of the victims. The Committee were of opinion that the fact that the accused, in her capacity as secretary to the Gestapo chief, had interrogated victims, could not be sufficient to hold her responsible for subsequent atrocities, if that was in fact the case.
- 4579 On 'A'
- 4580 This was adjourned in order that the National Office might produce additional evidence as to the mens rea of the accused.
- 4581 On 'A'

2) NETHERLANDS Cases.

- 4184 14-16 additionally listed on 'W' as requested in the letter of 27th January, 1947.
- 4582 On 'A'
- 4583 On 'A'
- 4584 1 on 'A'
2-4 on 'W'
- 4585 1-8 on 'A' for deportation, pillage and confiscation of property.

3) GREEK Cases.

- 4546 As to the alleged ~~murder~~, the Committee were of opinion that no war crime can be established on the facts submitted in this case.
- As to the robbing of the victim's body, the case was adjourned for further information as to exactly what articles were taken away from him in order to establish whether the act should be qualified as robbery or appropriation of booty.
- 4547 On 'A' for murder, torture, illegal arrests and wanton destruction of property.
- 4548 On 'A' for ill-treatment.
- 4549 On 'A' for murder, deportation and rape.
- 4550 On 'A'
- 4551 On 'A' for torture and illegal arrests.
- 4552 This case was withdrawn by the National Office.

(GREEK Cases continued).

- 4553 On 'A' for torture and rape.
- 4554 On 'A' for ill-treatment and confiscation.
- 4555 1 on 'A' for murder, wanton destruction of property, ill-treatment and torture resulting in death.
2 on 'A' for complicity in wanton destruction of property.
- 4556 On 'A' for deportation and wanton destruction of property. Other charges are not substantiated.
- 4557 On 'A' for confiscation, pillage, illegal arrests and ill-treatment.
- 4558 On 'A' for confiscation and ill-treatment.
- 4559 On 'A' for wanton destruction of property, illegal arrests and ill-treatment, and looting.
- 4560 This was adjourned for further information necessary to establish whether or not the accused's action was necessitated by the fact that the alleged victims were illegally trading in food stuffs. The National Office was also asked to substantiate the allegation that the accused's activities were of a piratical character.
- 4561 On 'A' for wanton destruction of property, illegal arrest and ill-treatment.
- 4562 On 'A' for wanton destruction of property.
- 4563 On 'A' for wanton destruction of property and ill-treatment.
- 4564 On 'A' for torture.
- 4565 As it was found that the victims were ill-treated and executed by the Gestapo officials and not by the accused, the case with regard to the latter was not accepted. The National Office was asked for additional evidence as to the names of the Gestapo officials responsible for the crimes committed.
- 4566 1-2) on 'A' for murder.
) on 'A' for looting, wanton destruction of property and illegal arrests.
- 4567 1-3 on 'A' for murder and indiscriminate mass arrests.
4 (SCHUBERT) on 'A' for indiscriminate mass arrests.
- 4568 On 'A' for ill-treatment.
- 4569 On 'A' for ill-treatment and deportation.
- 4570 This case was adjourned in order that the National Office might be asked for more particulars necessary

(GREEK Cases continued).

4570(continued) to establish the accused's responsibility for crimes committed by the comitadjis. The Committee requested that this should be done by submitting the necessary evidence in the form of affidavits.

II. Dr. MADORI'S Case. (Documents I/71 and I/77).

The Committee took note of the correspondence circulated in Document I/77. In view of the fact that since the case was adjourned, already two months elapsed, and no further evidence as to Madori's responsibility had been received, the Committee requested the Yugoslav National Office that additional evidence be submitted before the 15th March 1947, and decided to take up the matter for consideration at its first meeting after that date.

III. Submission of Cases by Ethiopia. (Document I/76).

Referring to the Draft Peace Treaty with Italy, Dr. LITANSKI said that he was inclined to think that the parties to the Treaty considered the 1935 Italian-Abyssinian War as concluded by debellatio and therefore it seemed to him there was no direct connection between the two wars.

Since Document I/76 had been circulated, the official text of the Peace Treaty for signature in Paris on 10th February, 1947, had been published. This contains a new provision concerning Ethiopia, Article 38, which has some important bearing on the question of Ethiopia's rights to prosecute Italian war criminals. An official commentary on the Treaty is also to hand (Command Paper 7026).

Dr. SCHWELB reminded the Committee that when, in July 1946, the Commission adopted the resolution contained in Doc. C. 217, neither the Draft nor the Final Text of the Peace Treaty was then known. He thought it was clear that if Article 38 of the final text was read in connection with Article 45, dealing with war criminals and if the Peace Treaty becomes law, then Ethiopia will have the right to request the extradition of any Italian charged with war crimes, and if Italy does not comply with her request then it will be left to the Ambassadors in Rome of the Big Four to decide.

Lt. KINTNER thought it was questionable whether the Commission had jurisdiction over the type of cases in question as there was no direct connection between the two wars.

Dr. SCHWELB said that the Commission had reserved its decision in July as contained in paragraph 2 of Doc. C. 217, but in the Peace Treaty Ethiopia is mentioned as being one of the Allied and Associated Powers, and concludes a Peace Treaty with Italy. The question is - which war is ended by this Treaty?

Dr. LITANSKI said the question to be considered was whether the provisions of the Peace Treaty with Italy regarding Ethiopia give the Commission terms of reference to deal with crimes committed in Ethiopia during the 1935 war. This, however, was primarily a question of policy to be decided by the Commission.

Sir Robert CRAIGIE said that so far as he was concerned the main

question was whether Article 38 does not require the Commission to modify its resolution of last July. Apart from that he would have to reserve the opinion of his Government as to whether or not it would be their desire that cognisance should be taken of any cases which might be submitted to the Commission by the Ethiopian Government.

Further consideration was adjourned for two weeks and the Secretary was asked to prepare a report on the points raised.

IV. Second Statistical Progress Report (Doc. C. 241).

This was approved without any amendments.

V. Historical and Legal Report on the Activities of Committee I. (Document I/78)

M. de BAER said that he had examined Doc. I/78 most carefully, and fully agreed with the proposal contained therein.

Sir Robert CRAIGIE said there was only one point to which he would like to draw attention: section 6 on page 2. He felt that as regards the report on legal rulings, reference should be made to Committee III as well as Committee I in so far as those rulings related to matters raised by Committee I.

Dr. LITAWSKI said this point was closely connected with the whole question of a general report covering the activities of the Commission, and depended on how the report of the Commission as such, and of its Committees, should be dealt with in order to avoid any unnecessary repetition on matters which have been considered to some extent by all three bodies.

M. de BAER believed that repetition would be unavoidable, and moreover, cross-references would be necessary in order to cover adequately the whole field of the Commission's activities.

Sir Robert CRAIGIE said that there would, of course, be a complete report of Committee III's work, but in so far as there were certain legal recommendations by Committee III which directly affected the work of Committee I, these rulings should only be included quite briefly in the report of Committee I, with cross-references to Committee III report.

Dr. SCHWELB observed that it was necessary to distinguish between the different types of jurisdiction: that of fact-finding or prima facie jurisdiction of Committee I, and advisory jurisdiction of Committee III. The report of Committee I would deal only with the fact-finding jurisdiction of the Commission and the solving of legal questions which were incidental to that fact-finding.

M. de BAER referred to paragraph IV of page 3, and wondered whether it would not be better to include Committee I report as part of the general report of the Commission.

Sir Robert CRAIGIE agreed with Dr. Litawski's proposal that the Commission report should contain only a summary report of Committee I's activities, and proposed that the full Committee I report should be considered as an annex to the Commission report.

M. de BAER agreed, but suggested that Committee I's report should be published at the same time as the Commission report.

Dr. LITAWSKI referred to section 5 on page 2 and asked for

the Committee's views on the question whether the proposed "Case Book" should include all the charges dealt with by the Committee as this would make the report very bulky. An alternative would be to select the more important cases only and make a commentary upon them, dealing with the remaining cases summarily.

The Committee decided that it would not be practicable to summarise every single charge, and agreed with the alternative method as proposed by Dr. Litawski.

M. de BAER, referring to the early days of Committee I's work when no Minutes or records were kept, said that he himself had made a few notes which he would be willing to put at Dr. Litawski's disposal.

The proposals contained in Document I/78 were agreed by the Committee in principle, with the above modifications, and it was decided that Dr. Litawski should commence the preparatory work, as well as the drafting of the Report, if practicable, without too much delay.

VI. Request for the Release of Dr. GEISSLER, listed on List 9/45.

Dr. LITAWSKI reported that a cable from B.A.O.R. had been received asking whether the Commission had any objection to the release of Dr. Geissler, since he was listed in the Commission's List 9. This request had apparently been made by the Control Commission which proposed to release him subject to certain restrictions of movement and political activity. So far no charges against him had been made by any National Office.

M. de BAER said that Geissler was listed because he was considered to be a key-man in virtue of his position, and although the attention of the Governments had been drawn to this fact no charges against him had been preferred. Therefore, so far as the Commission was concerned there was no reason why he should remain any longer in custody.

The Committee agreed that B.A.O.R. should be advised that so far as the Commission was concerned there was no objection to the release of Dr. Geissler.

VII. Disposal of Concentration Camp personnel.

The Committee took note of a letter of 21st January, 1947, (reference MD/JAG/FS/A 0160/2574) received from the Judge Advocate General's Office, and of the draft attached thereto, giving proposed principles for H.Q., B.A.O.R., to work on, in disposing of the Concentration Camp personnel now in British custody.

After some discussion the Secretary was instructed to inform the Military Deputy to the Judge Advocate General that the Committee were in perfect agreement with the proposed instructions which had been found satisfactory and in accordance with the interests of the Governments represented on the Commission; and that it would be appreciated if in connection with the instruction proposed in paragraph (i) on page 2 of the draft the Commission could be provided with lists of persons handed over, in order to have the opportunity of checking whether the respective countries complied with the undertaking envisaged in that paragraph.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 6th February 1947
at 10. 30 a. m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craighie	United Kingdom
Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia.

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

M. Dimitzas	Greece
Commander Mouton	Netherlands
Dr. Marković	Yugoslavia.

I. Minutes Nos. 86 and 87.

Minutes of the Meetings held on 23rd January, 1947, and 30th January, 1947, were approved.

II. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

4587	1-7 on 'A'
4588	1-2 on 'A'
4627.	1 on 'A' 2 on 'W'
4628	1-8 on 'A'
4629	On 'A'
4630	1-11 on 'A' LANGE on 'W'

2) YUGOSLAV Cases.a) Addenda.

954 (IV)

The Committee were of opinion that the

(YUGOSLAV Cases continued).

954 (IV)
(continued) disbandment as such of the societies in question cannot be considered as constituting a prima facie case of a policy of denationalisation as the societies might have been, in fact, disbanded for security reasons. The case was therefore adjourned for further information as to this point. The National Office was also asked to provide more particulars as to the alleged confiscation of property.

954 (V) On 'A' for attempts to denationalise the inhabitants of occupied territory.

954 (VI) This was adjourned for more information as to whether and to what extent the accused was directly responsible for the compulsory enlistment of soldiers and for the atrocities committed by the unit, and in particular whether he was in command of that unit at the time.

As to the charge of denationalisation the Committee were of opinion that the mere fact that the accused was an editor of the publication indicated in the case was not sufficient to list him as a war criminal on this count.

4194
(addendum I) On 'A'

4193 This was adjourned for further particulars necessary to substantiate the accused's responsibility for the compulsory enlistment.

4619 1-2 on 'A' on counts I, III and VIII.

4620 1-4 on 'A' on all counts except that under XVI.

3) POLISH Cases.

4395 (addendum I) On 'A'

4589 1-2 on 'A'

4590 On 'A' for looting, wanton destruction of property, and complicity in deportation (not in murder).

4591 On 'A'

4592 On 'A'

4593 On 'A'

4594 On 'A' for confiscation of property.

4595 On 'A'

4596 On 'A'

4597 1-3 on 'A'

4) GREEK Cases.

- 4598 1-3 on 'A' for looting and ill-treatment.
- 4599 1 on 'A' for complicity in murder.
2 on 'A' " " " "
3-6 on 'W'
- 4600 1-7 on 'A' for mass murder, illegal arrests and
wanton destruction of property.
- 4601 On 'A' for ill-treatment and looting.
- 4602 On 'A' for ill-treatment only.
- 4603 On 'A'
- 4604 On 'A'
- 4605 On 'A'
- 4606 On 'A' for torture and looting (not for murder).
- 4607 On 'A'
- 4608 This was adjourned for more particulars necessary
to establish a) that the alleged plunder of
cereals was not in fact a requisition, b) that
the placing of mines was not necessitated by
military reasons.

5) NETHERLANDS Cases.

- 4534 (addendum) After Commander Mouton had additionally stated that
his National Office is in possession of further
evidence (witness JANSEN) that the victim was
thrown into the cell unconscious and bleeding from
the nose and mouth, the witnesses 2, 3 and 4
indicated in the original charge were re-classified
from 'W' to 'S' for ill-treatment resulting in death.
- 4621 (1 on 'A' for murder and ill-treatment
(2-4 on 'W'
- 4622 1-16 on 'A'
17-25 on 'W'
- 4623 1 on 'A'
2 on 'W'
- 4624 On 'A'
- 4625 1-5 on 'A' for pillage and confiscation of
property.
6-10 on 'W'

6) UNITED STATES Cases.

a) Addenda.

1630 (1) and (2)	1-7 on 'A'
1641 (1)	1-2 on 'A'
2321 (2)	On 'A'
4609	1-6 on 'A'
4610	1-5 on 'A'
4611	1-8 on 'A'
4612	1-22 on 'A'
4613	1-4 on 'A'
4614	1-5 on 'A'
4615	1-8 on 'A'
4616	1-2 on 'A'
4617	On 'A'

7) CZECHOSLOVAK Cases.

4210	On 'A'
4626	On 'A' for complicity in deportation.

III. Cable from the Bulgarian Government. (Document I/79).

The Committee took note of a cable received from the Bulgarian Government and instructed the Secretary to pass the cable to the United Kingdom Foreign Office with the explanation that so far as the Commission understood the channel through which the cable had been received was not the correct one (the Bulgarian Government not yet having been recognised), and therefore the Commission is not sending any reply. If, however, the Foreign Office considers sending out a reply through the Control Commission in Sofia, then the answer would appear to be to the effect that the matter concerning General Marinov's case is still under consideration by the Commission and therefore no further information can be given to the Bulgarian Government at this stage.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I

Summary Minutes of the Meeting of Committee I held on 12th February, 1947,
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie	United Kingdom
Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Mlle Capionmont	France
M. Dimitzas	Greece
Commander Bouton	Netherlands
Major Fletcher	United Kingdom

I. Minutes No. 88

Minutes of the Meeting held on 6th February, 1947, were approved.

II. Submission of Charges by Ethiopia -

Commission's jurisdiction over crimes committed in Ethiopia
(Docs. III/50, I/76 and I/80)

M. de BAER said that he had examined the question most carefully and it seemed to him that the Commission's jurisdiction over crimes committed in Ethiopia was primarily a question of policy which did not come within the scope of Committee I. It was a question to be referred to the Commission, and one on which members would wish to ascertain the opinion of their respective Governments. There were, moreover, two different points of view to be considered. On the one hand, there was the case of the Sino-Japanese war. At the Conference on 20th October, 1943, at which the Commission was formally constituted, the Chinese Government had reserved the right to decide the period of time which its own investigations should cover owing to the fact that China had been continuously at war for some years prior to 1939. On the other hand, in the case of the Italo-Abyssinian war, there was a period of about three years between the terminating of that war and the beginning of the Second World War.

Sir Robert CRAIGIE asked whether the Chinese reservation submitted to the Conference of October 1943 had been formally adopted.

Dr. LITAWSKI explained that the Conference had merely taken note of the statement, but no formal decision had been made. In point of fact, however, the Far Eastern and Pacific Sub-Commission had taken this reservation into account and listed Japanese war criminals for crimes committed prior to 1939, as in the case of the Sino-Japanese war there had been a continuous state of military operations between the beginning of that war and the beginning of the Second World War.

Sir Robert CRAIGIE said that while he fully agreed with the Chairman's proposal, he might take the opportunity of pointing out that the view of the United Kingdom Government was that the Commission had originally been set up to deal with crimes arising out of the late war, and therefore so far as the United Kingdom Government was concerned it was not considered desirable that the Commission should go back as far as the Italo-Abyssinian war.

Mr. KINTNER and Dr. NEUMANN both supported the Chairman's proposal that the question was outside the Committee's jurisdiction and should be referred to the Commission.

The Committee decided, therefore, that the matter be submitted to the Commission, with the proviso that the opinion of the member Governments should be ascertained by the Representatives before placing the matter on the Commission's Agenda. To this effect the Secretary-General should transmit to the Representatives the relevant Documents (III/50, I/76 and I/80) with an appropriate request.

Sir Robert CRAIGIE and Mr. KINTNER hoped that the matter would be dealt with as quickly as possible. Sir Robert CRAIGIE added that it was desirable to obviate the situation under which the Ethiopian Government could claim that in view of the Commission's silence on the subject it had been led to believe that the Commission would be ready to accept cases submitted to it. It would not be advisable to encourage thereby the Ethiopian Government to submit cases and then to inform them upon receipt of such cases that the Commission could not accept them.

III. General Marinov's Case

M. de BAER recalled the Committee's decision of 23rd January, 1947, when it was decided to adjourn further discussion on the case for three weeks in order that the Greek National Office might produce further evidence. That time having now elapsed, the Greek Representative was asked whether he had any information to submit to the Committee.

M. DIMITSAS replied that his Government had collected further substantial evidence on the basis of which a report was being drafted, and his Government had requested a further postponement of two weeks in order to prepare the report for submission to the Committee.

Sir Robert CRAIGIE asked M. Dimitzas whether it would be possible to hasten the preparation of the report in order that the Committee could discuss it in a week's time. The French Government were asking very insistently that the Commission should come to an early decision, as their position was naturally embarrassing, and Sir Robert felt that the Commission would wish to meet the French Government as far as possible. He suggested that if it was not possible to submit the full report in a week, perhaps a summary of the evidence could be submitted. The Committee could then either take a decision on the summary evidence as it stood, or, if it felt it would be advantageous to do so, could postpone the case for another week in order to have the full report.

The Committee endorsed Sir Robert Craigie's proposal and M. DIMITSAS agreed to comply with the Committee's request.

IV. Proceedings in Individual Cases

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

1) UNITED KINGDOM Cases

4631 On 'A'
4632 1-3 on 'A'

2) NETHERLANDS Cases

4637 1-3 on 'A'
4-6 on 'W'
4638 1 on 'A'
2 on 'W'
4639 1-2 on 'A'
3 on 'S'
4 on 'W'
4640 1-2 on 'S'
3-4 on 'W'

3) FRENCH Casesa) Addenda

442 1-19 on 'S'
20-21 on 'W'
574 1-6 on 'W'
7-16 on 'S'
685 1-2 on 'A'
2009 1-6 on 'A'
3867 1-3 on 'A'

b) New Cases

4641 On 'A'
4642 On 'S'
4643 On 'A'
4644 1-2 on 'A'
4645 1-7 on 'A'
8-78 on 'S'
4646 On 'A'

- 4647 This case was adjourned, sine die, for the following reasons. The practice of belligerents has always distinguished between military operations and military preparations, and has not condemned as inadmissible the compulsion of inhabitants to render assistance in the construction of military roads, fortifications, and the like behind the front, or in any other works in preparation for military operations. Committee I had, therefore, established the practice of not accepting cases of this type unless they allege the compulsion of inhabitants to render assistance in military operations proper or in direct connection with the actual fighting, or if the persons compelled to render assistance found themselves exposed to personal danger.
- 4648 1-3 on 'A'
- 4649 1 on 'A'
2-3 adjourned for further information.
- 4650 1-2 and 4 on 'A'
3 on 'W'
- 4651 1 on 'A' for murder;
As to 2 and 3 the case was adjourned, sine die, for the same reasons as in case 4647.
- 4652 1, 3, 4 on 'A'
2, 5-8 on 'S'
9-13 on 'W'
- 4653 1-4 on 'A'
- 4654 On 'S'
- 4655 On 'A'
- 4656 1-3, 6, 9 on 'A';
As there was no sufficient evidence in regard to the accused 4, 5, 7 and 8 the case was adjourned for further information.
- 4657 On 'S'
- 4658 On 'S'
- 4659 1-4 on 'A'
- 4660 On 'A': 1-4, 6-12, 28, 34.
On 'S': 13-16, 18, 19, 21, 23-27, 29, 30,
32, 35-39, 41-45.
On 'W': 5, 17, 20, 22, 31, 33, 40.
- 4661 1-6 on 'A'
7-9 on 'W'
- 4662 1-2 on 'A'
3-6 on 'S'
7-9 on 'W'

4) POLISH Cases

- 4663 1-2 on 'A'
- 4664 As the charges had not been sufficiently substantiated the case was adjourned for further information.
- 4665 As the case was not complete the National Office was asked for particulars of the alleged crimes.
- 4666 On 'A'

5) BELGIAN Cases

- 3079 CZEITSCHNER on 'S'; others to be left out.
- 1108 (addendum) 1-34 on 'A'
- 2401 (addendum) 1-4 on 'A'
- 4402 (addendum) MORIMANS on 'A'
- 4633 1-4 on 'A'
- 4634 1-36 on 'A'
37-109 on 'S'
- 4635 Two named persons on 'S'; units on 'C'
- 4636 On 'C'

V. Closing of 53rd List of War Criminals

The Committee decided to issue a new Commission's List of War Criminals (No. 53). This would include cases accepted by the Committee up to 12th February, 1947, inclusive.

No. 90.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 27th February 1947
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:Sir Robert Craigie
Mr. Kintner
Dr. NeumannUnited Kingdom.
United States of America,
Czechoslovakia,Members of the Commission, not Members of Committee I, and
Representatives of the National Offices.Mlle Capiomont
M. Dimitzas
Miss DeunkFrance.
Greece.
Netherlands.I. Minutes No. 89.

Minutes of the Meeting held on 12th February, 1947, were approved.

II. Case of General MARINOV. (Docs. I/72, I/73, I/74, I/75, I/79, I/83).

M. de BAER asked, whether, in view of further additional evidence submitted by the Greek Government (Doc. I/83), the members of the Committee saw any reason to rescind their former decision and to remove General Marinov's name from the Commission's list of persons charged with war crimes,

Mr. KINTNER said that it appeared to him that the Greek Government had submitted somewhat compelling evidence to substantiate the original case presented to the Committee, and which the Committee had previously considered to be a prima facie case, on the basis of which Marinov had been listed. It was not the function of the Committee to go further than that, as proof of Marinov's guilt was a matter to be established when he was brought to trial. Moreover, it was against the principles established by the Commission to deny the veracity of evidence submitted by member Governments in respect of affidavits supporting cases presented to the Commission. The Greek Government, as a member Government, had submitted affidavits which directly substantiated the case previously presented, and in view of those affidavits directly contradicting material which had come to the attention of the Commission from the Bulgarian Government, Mr. Kintner

thought that the case should stand, and that no further action should be taken by the Committee for the removal of Marinov's name from the Commission's list.

Sir Robert CRAIGIE said that he was in general agreement with Mr. Kintner's statement. When the case had first been considered by the Committee, Sir Robert himself had felt no doubt as to Marinov's complicity in the activities of the organisations of the comitadjis which had resulted in the commission of atrocities in the area in question. His main doubt had been whether Marinov continued to be responsible for the atrocities committed by the regiment forming part of his division and which had been placed under German Command. On that point it seemed that the additional evidence submitted by the Greek Government in the form of affidavits established a definite presumption that Marinov did in fact remain in the closest touch with the regiment and that he received regular reports on the activities of that regiment. Even if Marinov had not actually issued the orders for the atrocities to be committed, he certainly would have been in a position, had he wished, to put an end to them. Yet there was no evidence to show that he took any such action. In Sir Robert's view, therefore, Marinov must be held responsible both for the atrocities committed by members of the comitadjis and for those committed by the regiment which was operating in the Florina and Kastoria area. Accordingly, he considered that Marinov should remain on the Commission's list.

M. de BAER said he was very much in accord with the views expressed by Mr. Kintner and Sir Robert Craigie. On the question of Marinov's association with the comitadjis there seemed little doubt that he remained in the closest touch with members of the various organisations, especially when one considered the very short distance between Monastir - Marinov's Headquarters - and the border. Moreover, it was clear that Monastir was the centre from which the comitadjis received their orders and also their supplies of money, food and other goods which were distributed in the Florina and Kastoria area. There seemed to be very good prima facie evidence that Marinov directed these activities, and had cognizance of the atrocities committed.

As to Marinov's responsibility for atrocities committed by the regiment under Tchaneff, M. de Baer drew attention to a document issued by the Bulgarian Army Staff in which it was stated that "Daily reports should be submitted to the Army Staff about the development of the operation". (See Doc. I/72, Annex 5, page 15). These reports were to be transmitted, not to the German Command, but to the Bulgarian General Staff, and according to military practice the reports would naturally pass through the usual hierarchical channels - namely, from Tchaneff to Marinov, and from Marinov to the Bulgarian Army Staff. It seemed unlikely, therefore, that Marinov could have remained ignorant of the crimes committed by the regiment. Moreover, the case seemed to be further strengthened by the fact that this same regiment was eventually ordered by the German occupation authorities to depart from Greek soil because of the atrocities which had been committed.

Dr. NEUMANN said he agreed entirely with the views expressed. On the evidence submitted there appeared to be a prima facie case of Marinov's complicity in war crimes committed in the Florina and Kastoria area.

The Committee, therefore, were unanimously of the opinion that Marinov's name should remain on the Commission's list of persons charged with war crimes.

A matter which remained to be considered was the terms of the reply to the Bulgarian Government.

On this point Dr. LITAWSKI drew attention to a communication from

the United Kingdom Foreign Office advising the Commission that a cable had been officially received from the Bulgarian Government requesting a copy of all the evidence on which the Commission's decision was based (Doc. I/79).

The Committee were unanimously of the opinion that as it was not the practice of the Commission to transmit charges or to disclose evidence in its possession to the persons accused, a general statement of policy only should be sent by way of reply to the Bulgarian Government.

M. DIMITSAS observed that the only reason why his Government objected to the disclosure of evidence was that by so doing the safety of witnesses who had submitted evidence might be endangered. The Greek Government, however, was prepared to submit within two or three days a statement of charges against Marinov for transmission to the Bulgarian Government through the appropriate channel.

The Committee decided, therefore, that a reply on the above terms should be transmitted from the Commission to the Bulgarian Government, through the United Kingdom Foreign Office.

Further, the Committee approved a Resolution embodying the Committee's final decision on the case of General Marinov (Doc. C.246), which, together with a Memorandum on the case to be prepared by M. de Baer and a draft reply to the Bulgarian Government, was to be submitted to the Commission for their information and consideration at the meeting on March 5th.

III. Proceedings in Individual Cases.

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

1) NETHERLANDS Cases.

273 and 4339 (addendum):	1-7 on 'A' 8 and 9 on 'W'
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GRÜNEWALD of the original case and the accused 1 and 4 of the present addendum were put on Priority List.

4668	1-2 on 'A'. 3 on 'W'.
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4669	On 'A'
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4670	On 'A' for ill-treatment and pillage.
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4671	1 on 'A' 2 on 'W'
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4672	1 and 2 on 'A' 4 - 7 on 'W'
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The case in regard to the 3rd accused was rejected as too minor a one.

(NETHERLANDS Cases continued).

4673

1-3 on 'A' for ill-treatment only.
4 and 5 on 'W'

As to the alleged murder, the case was adjourned for further information as the accused's responsibility on this count had not been sufficiently substantiated.

4674

On 'W'

4700

1-3 on 'A' for ill-treatment only.

As to the alleged murder, the case was adjourned for further information as the accused's responsibility on this count had not been sufficiently substantiated.

4701

1-4 on 'A'
5, 6, and 7 on 'W'

4702

1 and 4 on 'A'
6 on 'W'

In regard to 2-3 and 5, the case was adjourned for further information as it was not evident that these accused were personally responsible for deporting the victims.

4703

1 on 'A' for murder.
2 and 4 on 'A' for ill-treatment.
6 and 7 on 'S' for murder.
3, 5 and 8 on 'W' (Murder and ill-treatment).

2) FRENCH Cases.

a) Addenda.

1609 (1)

1-7, 9, 10 on 'A'
12-41 on 'S'
8, 11, 42, 43 on 'W'
As regards the six persons proposed by the National Office for listing them on 'W', no action was necessary as all of them have already been charged on the original charge.

3418 (2)

On 'A'

4372 (1)

1-4 on 'S'

b) New Cases.

4675

On 'A':- 1-7, 10, 16, 21, 24.
On 'S':- 8, 9, 11-15, 17-20, 22, 23, 25-28.
On 'W':- 29, 30.
On 'C':- 31.

(FRENCH Cases continued)

- 4676 1-4 on 'A' for wanton destruction of property only.
- 4677 On 'A'
- 4678 On 'A'
- 4679 1-2 on 'A'
- 4680 On 'A'
- 4681 1 on 'A'
2 on 'W'
- 4682 On 'A'
- 4683 This case was adjourned for more information necessary to establish the responsibility of each of the accused separately.
- 4684 1-2 on 'S'
- 4685 1-4 on 'S'
- 4686 1 on 'A'
2 on 'W'
- 4687 On 'A'
- 4688 On 'A'
- 4689 On 'A'
- 4690 1, 2, 4, 14 on 'A'
3, 5-11, 15 on 'S'
12, 13 on 'W'
- 4691 On 'A'
- 4692 1-7 on 'A'
- 4693 1-3 on 'S'
- 4694 1-3 on 'A'
4-7 on 'S'
8-10 on 'W'
- 4695 37 on 'A' for deportation.
- Regarding all other accused, the case was referred to Committee III for its opinion as to whether or not the activities of these accused should be considered as a war crime.
- 4696 On 'A':- 1-7, 18, 27, 30, 32
On 'S':- 8-17, 19-26, 28, 29, 31, 33, 34
- 4697 On 'A'
- 4698 This case was referred to Committee III for its opinion as to whether or not the activities of the accused should be considered as a war crime.

3) CZECHOSLOVAK Case.

4212

On 'A'

4) BELGIAN Case.

4699

1-3 on 'S'

4 on 'W' (as there is nothing against him in the case).

5) GREEK Case.

4667

On 'A' for mass murder, torture and pillage.

IV. PRIORITY LISTS.

In accordance with the decision of the Committee taken on 4th December 1946 to introduce Priority Lists which would include those cases where the crimes had been particularly serious and therefore deserving the special attention of the investigating teams, it was decided to issue the first list which would include the names of persons as agreed by the Committee to date.

On this question M. de BAER said that he had recently been in touch with Col. Draper of War Crimes Group, N.W. Europe, who had suggested that with regard to the apprehension of such persons there was no reason why the investigating authorities should not enlist the co-operation of the German police.

The Committee decided that Col. Draper's suggestion should be included in an explanatory memorandum to the occupying authorities to be sent out together with the proposed List of Priority Cases. The Secretary was asked to prepare such a memorandum for submission to the Committee at its next meeting.

With regard to past cases involving particularly serious crimes, M. de Baer said that he intended screening as many as possible of the early cases in order to include in the Priority List of those where the persons were sufficiently identified to give the investigating authorities a reasonable chance of finding them.

The Committee welcomed this suggestion of M. de Baer, entailing as it would a great amount of work, but thought that by putting too many names on the Priority Lists, the Committee would defeat its own purpose, as the investigating teams would not be in the position to give special attention to any substantial number of cases.

V. Request for the release of Lt. General HOERNLEIN.

Dr. LITAWSKI reported that a letter dated February 18th, 1947, from CROWCASS, had been received, asking whether the Commission had any objection to the release of Lt. General HOERNLEIN, Walter, Hermann, listed in the Commission's List 7. So far no charges against him had been made by any National Office.

The Committee agreed that CROWCASS should be advised that so far as the Commission was concerned there was no objection to the release of the above mentioned.

NO. 91.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 6th March, 1947,
at 10. 30 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie
 Mr. Kintner

United Kingdom
 United States of America

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

Mlle Capiomont
 M. Dimitzas
 Commander Mouton
 Col. Muszkat
 Major Mason

France
 Greece
 Netherlands
 Poland
 United Kingdom.

I. Minutes No. 90.

Minutes of the Meeting held on 27th February, 1947, were
 approved.

II. Case of General MARINOV.

The Committee re-drafted the draft-letter to the Bulgarian Government, as contained in part II of Document C. 246 and unanimously agreed to the text which is contained in Document C. 249. M. Dimitzas presented to the Committee the statement on the charges for transmission to the Bulgarian Government. The text of this Greek statement is also contained in Document C. 249.

III. Proceedings in Individual Cases.

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

.....

1) UNITED KINGDOM Cases.

- 3027 (addendum 1) On 'A'. (Crimes against non-British nationals).
4704 On 'A'
4705 1-3 on 'A' for murder and ill-treatment.
4-6 on 'A' for ill-treatment.
(Crimes against non-British nationals)
4751 1-5 on 'A'. (Crimes against non-British nationals).

2) GREEK Cases.

- 4706 On 'A' for murder and putting hostages to death.
4707 On 'A' for ill-treatment only.
4708 On 'A' for ill-treatment resulting in death.
4709 On 'A' for ill-treatment resulting in death.
4710 On 'A' for murder and looting.
4711 On 'A' for murder, torture, looting and wanton destruction of property.
4712 On 'A'
4713 On 'A' for ill-treatment only.

3) BELGIAN Case.

- 4309 (addendum 2) 4, 5 and 20 on 'A'
6-12 on 'S'
13 on 'W'

4) POLISH Cases.

4187

The Polish Representative made the following statement:

"The crimes committed by Bohun-Dąbrowski are in direct connection and cooperation with the German authorities of occupation and in pursuance of the criminal aims and purposes of the latter, as it results from the statements made by the witnesses Chojnacki Tadeusz, Sikorski Marian, Kurja Julian, Bandura Piotr, Rafalski Zygmunt, Bert Julian, Bracha Lucjan. The said statements were filed with the Chief Prosecutor of the Supreme National Tribunal in Warsaw and were cited in the original case presented to Committee I on November 14, 1946.

As it appears from these statements Bohun formed

4187 (continued)

the so-called St. Cross Unit, which got in touch with the German occupation forces and helped them not only in the extermination of Jews, but also in actions directed against the Polish resistance movement and Soviet parachutists. Bohun's Unit was given German provisions and with the help of Gestapo agents Flor and Paul was given quarters. The retreat of Bohun's unit from Poland was organized with the full help of the Germans, who opened even a school for members of Bohun's band where they were trained as sabotage workers. Some of Bohun's partisans were Ukrainian gestapomen. The group was equipped and armed by the nazis. Bohun's deputy was Jaksa, his chief of staff Zawisza, his quartermaster Capt. Gustaw and the chief instructor of his unit lieutenant Wolf a German. They all took part as principals in the persecution of the civilian population, and especially in robberies and outrages, as well as in pogroms of Jews, war prisoners and partisans who were hiding from the German persecutions.

As Bohun's unit, although having some independence, was under a German command the crimes committed by its members and consisting of innocent civilians or unarmed prisoners of war, must be qualified either as war crimes or as crimes against humanity this with regard to the part taken by them in the extermination of Jews.

All the above facts and especially the charges against Bohun himself, his deputy Jaksa, his supplying officer Gustaw, the specialist in robberies and pillage, and the instructor of Bohun's unit the German lieutenant Wolf, have been substantiated by the depositions of the above mentioned witnesses and especially by the deposition of Captain Sulima and First Lieutenants Zbik and Gora of the training school for sabotage workers.

As the case appears to be reasonably complete and the accused are without doubt responsible as principals in the first degree, they should be listed on 'A' for their crimes."

Sir Robert Craigie drew attention to the fact that it was established by the National Office that the accused collaborated with the Germans. He pointed out, however, that the personal connection of the accused 2-5 was not sufficiently close to warrant their being listed on 'A'.

The Committee also considered that the crimes with which the accused were charged were in connection with the crime of German aggression against Poland.

It was decided to list 1 on 'A' and 2-5 on 'S'.

(POLISH Cases continued).

- 4714 On 'A' for murder, illegal arrest, internment of civilians under inhuman conditions, and wanton destruction of property.
- It was decided to put the accused on the Priority List.
- 4715 On 'A' for ill-treatment only.
- 4716 On 'A'
- 4717 On 'A'
- 4718 2, 13, 28, 36, 38, 40 on 'A'
1, 3-12, 14-27, 29-35, 37, 39, 41 on 'S'

5) NETHERLANDS Cases.

- 4702 This case was examined again and last week's decision was upheld.
- 4748 The case was adjourned in order to enable the National Office to supplement the charge and to clear up the question whether the occurrence had been part of a military operation.
- 4749 It was decided to place RAUTER, who was not charged, on 'A', and to decide on the charge as follows:-
1-2 and RAUTER on 'A'
3-8 on 'S'
9-12 on 'W'
- 4750 On 'A'

6) FRENCH Cases.

1) Addenda.

- 1691 (1) On 'S'
- 1721 (1) 1 on 'A'
2-6 on 'W'
- 3092 (1) 1 on 'A'
2-35 on 'S'

2) New Cases.

- 4719 1, 3, 4 on 'A'
6-9 on 'S'
2, 5, 10 on 'S'
- 4720 On 'A'
- 4721 1-6 on 'A'

-5-

(FRENCH Cases continued).

- 4722 This case was adjourned in order to enable the National Office to supplement the charge with a view to establishing criminal negligence on the part of the accused.
- 4723 On 'A'
- 4724 1 on 'A'
2-5 on 'S'
- 4725 1 on 'A'
2 on 'S'
- 4726 It was decided to put 1-6 on 'A' for deportation and pillage, not, however, for forced labour.
- 4727 1-2 on 'A'
- 4728 1-8 on 'A'
9-33 on 'S'
- 4729 On 'A':- 1, 2, 9, 10, 12-14, 27, 29, 32.
On 'S':- 11, 15-23, 26, 28.
On 'W':- 3-8, 24, 25, 30, 31, 33.
- 4730 On 'A'
- 4731 On 'S'
- 4732 1 on 'A'
2-5 on 'W'
- 4733 1 on 'A'
2-3 on 'W'
- 4734 1, 2, 5 on 'A'
3, 4, 6-11 on 'S'
- 4735 1-4 on 'A'
- 4736 1 was adjourned to enable the National Office to establish exactly the time when this accused was posted to Montbéliard.
2-4 and 15 on 'A'
5-14 and 16-22 on 'S'
- 4737 1-8 on 'A'
- 4738 1-2 on 'A' on all three counts.
3-6 on 'A' for pillage only
- 4739 On 'A' for illegal arrest.
On 'S' for complicity in pillage.
- 4740 1-8 and 10-11 on 'A' for ill-treatment
9 on 'A' for murder and complicity in deportation
12-16 on 'S' for ill-treatment and deportation.
- 4741 On 'A'. Attention was drawn to the fact that the German description for the unit is SCHEINWERFER.
- 4742 On 'S'

(FRENCH Cases continued).

4743 }
4744 }

These cases were adjourned and the National Office invited to supplement the charge by evidence that there was no trial before execution.

4745

On 'A'

4746

1 on 'A'
2 on 'W'

4747

It was noted that the name of the accused 1 and the name of the unit to which 2 belonged was BRAEMER.

1 on 'A'
2 on 'C'

7) UNITED STATES Cases.

4752

On 'A'

4753

1-2 on 'A'

4754

1-3 on 'A'

4755

On 'A'

4756

On 'A'

4757

1-4 on 'A' for ill-treatment of P.O.W.

4758

1-5 on 'A'

4759

1-2 on 'A'

4760

On 'A' for ill-treatment of P.O.W.

4761

1-3 on 'A'

4762

1-4 on 'A'

4763

On 'A'

4764

1-2 on 'A' for ill-treatment of P.O.W.

4765

On 'A' for ill-treatment of P.O.W.

8) CZECHOSLOVAK Case.

4766

On 'A'

IV. Priority Lists.

The Chairman referred to his paper circulated to the Commission as Document Misc. 80. Sir Robert CRAIGIE and Mr. KINTNER expressed their general agreement with the Chairman's proposals. The detailed examination was, however, adjourned until the next Meeting.

Joint Meeting of Committees I and III.Committee I Minutes No. 92.Committee III Minutes No. 3/47.UNITED NATIONS WAR CRIMES COMMISSION.Notes of the Meeting ofCommittees I and IIIheld on 20th March 1947 at 11.0 a.m.

In the Chair: Sir Robert Craigie, (Great Britain),

Also Present:

M. de Baer,	Belgium, (Chairman of Committee I)
Dr. Neumann,	Czechoslovakia,
Dr. Schram-Nielsen,	Denmark,
M. Maillard,	France,
M. Dimitzas,	Greece,
Mr. Aars-Rynning,	Norway,
Dr. Muszkat,	Poland,
Mr. Kintner,	United States of America,
Dr. Zivković,)	Yugoslavia.
Dr. Zimonić,)	

I. The bearing of the Italian Peace Treaty on the position of Italian War Criminals. (Doc. I/84).

Sir Robert CRAIGIE opened the discussion and said that he was in agreement with the paper I/84. The Committee then discussed separately the four questions raised therein as follows:

Regarding Question 1.

- (1) Will the Committee continue listing Italian War Criminals when the Italian Peace Treaty comes into force? Will the lists of Italian war criminals be communicated to the Italian Government? The exact date of this communication.

Dr. ZIVKOVIC pointed out that his Government would strongly object to the Commission discontinuing the listing of Italian War Criminals. Extending his remarks to the second question, he added that the value of listing Italian war criminals was obvious. The machinery provided for in the Peace Treaties was control machinery. The function of the Commission remained exactly the same as before the Peace Treaties.

M. MAILLARD said that the French Government did not want the Commission to discontinue listing Italian war criminals. The purpose of his intervention was to make more precise the principles on which the decision should be taken.

Mr. KINTNER was not aware that there was any conflict between the Peace Treaties and the terms of reference of the United Nations War Crimes Commission. After having listened to the discussion and studied the document I/84, he found no reason to alter his point of view.

M. MAILLARD pointed out that the Peace Treaty did not mention the existence of the Commission.

Sir Robert CRAIGIE said that no far-reaching conclusion could be drawn from the fact that the Commission was not mentioned. This did not mean that the work of the Commission was not appreciated or that the fact of listing would be contrary to the Peace Treaties. The reason probably was that the Soviet Union was not a member of the Commission.

M. MAILLARD asked for an explanation of the attitude of the Commission to the question of communicating the lists to the Italian Government.

Sir Robert CRAIGIE expressed the opinion that the Commission should, in this respect, be guided by considerations of expediency and should wait until the Italian Government raised the question.

M. de BAER agreed that the question of communicating the lists to the Italian Government should not be decided as long as the Commission had not been asked for the lists by the Italian Government.

Mr. KINTNER expressed his agreement with Sir Robert CRAIGIE's and M. de BAER's point of view.

The Committee unanimously decided regarding question 1:

- (a) to recommend that the Commission should continue listing Italian war criminals.
- (b) to recommend that the Commission should wait, before deciding on the question of communicating the lists to the Italian Government, until a request be received from the Italian Government.

Regarding Question 2:

- (2) What is the value of listing Italian War Criminals by the Commission in view of the new machinery envisaged in the Italian Peace Treaty?

Sir Robert CRAIGIE expressed his agreement with the reply proposed in Doc. I/84 and added that the Committee should go even further. The value of listing Italian War Criminals was not restricted to the treatment of those to be surrendered from Italy, but applied also to persons to be surrendered from Germany and occupied countries in general, and between the Allies. Insofar as the Italians in question were not in Italy, the present procedure would continue to apply, and as far as the persons in question are in Italy, listing by the Commission would be a valuable guide not only to the four Ambassadors, but also to the Italian Government itself, because he did not think the Italian Government would take every case of a war criminal to the Ambassadors.

M. de BAER asked whether the Ambassadors did know that the Commission was in existence.

Sir Robert CRAIGIE said that it would be useful if they were informed by a short note that the Commission was continuing the listing of war criminals.

The Secretary to Committee III (Dr. SCHWELB) referred to Art. 29 of the Italian Armistice, where a reference was contained to lists of the United Nations, though not to the UNWCC, which had not yet been brought into existence at the time of the Italian surrender.

The Secretary to Committee I (Dr. LITAWSKI) asked whether the four Ambassadors should not be provided with the Commission's lists.

Sir Robert CRAIGIE thought that the Commission should deal with individual cases as they arose and suggested adopting to this question the same attitude as had been agreed to concerning the question whether the Italian Government should be furnished with the lists. He thought, however, that a short statement on the Commission's activities should be made available to the Ambassadors.

Dr. SCHRAM-NIELSEN, M. de BAER and Mr. KINTNER agreed with Sir Robert Craigie's proposal.

Dr. ZIVKOVIC mentioned that, when the Italian Peace Treaty came into force, he would suggest to the Commission the communication of the lists of Italian war criminals both to the Italian Government and to the four Ambassadors. If the Commission, for diplomatic reasons, could not comply with this request, the Yugoslav Government would send the lists directly, having just resumed diplomatic relations with the Italian Republic.

Sir Robert CRAIGIE questioned the practical advantage of sending to the Ambassadors and to the Italian Government lists containing 22,000 names.

Dr. ZIVKOVIC replied that he was thinking only of submitting the names of Italian war criminals which were on the UNWCC lists.

Mr. KINTNER added that in his opinion one or more of the Ambassadors were already in possession of the Commission's lists.

The Committee unanimously agreed that it will continue to be valuable that names of Italians accused of war crimes should be listed by the Commission.

Regarding Question 3:

- (3) Can, when the Italian Treaty comes into force, Italian prisoners of war be tried by Allied authorities in whose custody they are without the approval of the Italian Government?

Sir Robert CRAIGIE expressed his agreement with the respective reasoning of Doc. I/84.

The Secretary to Committee I referred to Art. 75 of the Geneva Prisoners of War Convention of 1929, according to which prisoners of war who are subject to criminal proceedings for a crime or offence at common law, may be detained until the end of the proceedings, and, if need be, until the expiration of the sentence. The same applied to prisoners convicted of a crime or offence at common law. As war crimes were mostly also offences at common law, this was an additional reason for the view adopted in Doc. I/84.

Sir Robert CRAIGIE said that Dr. Litawski's was a valuable addition.

The Secretary to Committee I further suggested that in line 3 of the second paragraph of the reply to question 3, the words "or are to be tried" should be inserted.

The reply proposed in Doc. I/84 was unanimously agreed to with the additions proposed by the Secretary to Committee I.

Regarding Question 4:

- (4) Can, when the Italian Peace Treaty comes into force, Italian war criminals, who are in the custody of States different from the State which demands them and who are on the United Nations War Crimes Commission lists, be handed over by the custodian Government to the demanding Government without approval of the Italian Government?

Sir Robert CRAIGIE was of the opinion that there was no doubt about the correctness of the reply proposed in I/84.

M. MAILLARD asked whether the Italian Government should be kept informed of such operations.

The Secretary to Committee I (Dr. LITAWSKI) said that the approval or consent of the Italian Government was not necessary but that the general provisions of the Prisoners of War Convention as to notification could be applied.

With this addition, the proposed reply to question 4 was unanimously agreed. On the motion of the Chairman, it was further agreed that a draft report in the sense of this discussion, based on Dr. Schwelb's paper, having regard to the additions suggested by Dr. LITAWSKI, be prepared by Dr. SCHWELB.

As there was general agreement on the whole question, Sir Robert CRAIGIE thought that no other meeting to discuss this text was necessary. The text prepared by the Secretariat would be circulated and brought up in a new meeting of Committees I and III only if there should be any substantial amendments.

See
new text
attached

It was further agreed that Dr. SCHWELB should draw up a short statement for the four Ambassadors which, when approved by Sir Robert Craigie as Chairman of Committee III and by Lord Wright as Chairman of the Commission, should be sent to the United Kingdom Foreign Office with the request to transmit it to the four Ambassadors.

II. Exploitation of the Black Market as a War Crime.
The French Case No. 4695. (Doc. III/81.)

Sir Robert CRAIGIE found himself in full agreement with the report III/81.

M. de BAER had always looked on the question of looting as a difficult one. In his opinion different words should be used for looting by individuals as distinguished from looting organised by authorities. Even regarding looting by individuals, a distinction should be made between cases where the looting occurred during battle or incidents which happened without any regard to military operations, if, e.g. poor peasants were robbed of their cattle. Where looting was organised by the occupying authorities, other expressions should be used to describe the crime. General de Baer fully agreed with Dr. Schwelb's conclusions as to the accused No. 1 and thought Committee I would follow him also as to the other accused.

The Secretary to Committee III, (Dr. SCHWELB), said that the difficulty was that the operations charged in this case could not be brought under the heading "pillage" or "plunder" because it was expressly stated in the charge that the German purchasing agencies paid the highest prices in the black market. "Pillage" implied that the goods were taken from the victim against the victim's will and without consideration. Therefore he had made an attempt to approach the question from the point of view that there were violations of Art. 49 of the Hague Regulations on the one hand, and of Art. 43 on the other.

M. de BAER said that the case did not come under any of the 32 headings adopted as the working list of this Commission. He suggested that perhaps a new item should be added to this list. He had tried to formulate such an item, but was not yet satisfied with his attempts. He drew attention to the item "debasement of currency" in the 1919 list and said that the present case came very near to it.

Mr. KINTNER suggested "Conspiracy to loot and plunder by systematic disobedience to the laws in force in the occupied country."

The Secretary to Committee I (Dr. LITAWSKI) recalled that Committee I had often listed persons for the violation of the general provisions of Article 43 of the Hague Regulations.

Mr. KINTNER repeated his opinion that the Committee were faced with a conspiracy to violate municipal law and thereby to exploit the economy of the occupied country. How low to go in the hierarchical scale in fastening the responsibility for the conspiracy on the individual accused, was a matter of fact to be considered by Committee I.

Dr. SCHRAM-NIELSEN asked whom the Committee considered an accomplice in this crime, whether every soldier who made a purchase on the black market or only those who had planned and organised the scheme.

Sir Robert CRAIGIE was of the opinion that the Committee wanted to inculcate only the principal offenders and to limit the criminal responsibility for these offences to the actual organisers at the top and the main instruments of the policy.

The Secretary to Committee III pointed out that the 1919 list had been adopted by this Commission only with great reservations as a working list and had not been acted upon by Committee I as a document binding in that only items contained in the list would be considered war crimes. To the list of 32 items there had been added in the first year of the Commission's existence a 33rd item (indiscriminate mass arrest, etc.) and in view of the fact that the list had not been the real basis of Committee I's activities, and that it had been subject to criticism by eminent writers, it would perhaps be of doubtful advantage to add a 34th item to the list. With regard to the construction of the crime as conspiracy, the Secretary to Committee III recalled that the Nuremberg Judgment had rejected the charge for conspiracy to commit war crimes and crimes against humanity and had accepted only the conspiracy to wage aggressive war.

Sir Robert CRAIGIE pointed out that the Committee were not dealing with a new crime, but with the fact that the wholesale exploitation of the economy of the occupied territory, contrary to the law, was a war crime. The Committee was not suggesting that this was a new war crime, but the application of existing law, as far as the people at the top were concerned who were responsible for this organised illegal exploitation. The Committee was, in fact, faced with two crimes, namely with the exacting of exorbitant contributions and the breach of the *lex loci*. Sir Robert Craigie also asked M. Maillard to arrange for the submission of additional evidence by the French National Office to show that the black market operations were contrary to the *lex loci*.

M. MAILLARD said that additional information on the point would be given by his National Office as requested.

Sir Robert CRAIGIE suggested that the Committee should wait until this additional information was forthcoming and then formulate its final report.

M. de BAER agreed.

Mr. KINTNER suggested that the Committee should adopt the paper III /81, because all were in agreement that Dr. Schwelb had correctly interpreted the law in this document, and then wait till the French National Office had introduced additional information.

Dr. SCHRAM-NIELSEN described occurrences which had happened in occupied Denmark. An official of the German occupation authorities had inserted advertisements seeking to purchase certain scarce goods, viz. nails. When he got replies to the advertisements, the German official tried to induce the respective merchants to sell the goods in disregard of the price regulations which were then in force and without applying for the permit from the Danish authorities which was necessary under Danish law. Dr. Schram-Nielsen asked Dr. Schwelb whether cases of this kind were covered by his paper.

The SECRETARY to Committee III replied that, in his opinion, these activities fell under the scope of the paper. The action described by Dr. Schram-Nielsen was an organised instigation, by the occupying authorities, to commit offences under the law in force in the country which was a violation of the occupants' duty to respect the law in force. He also asked Dr. Schram-Nielsen to let the Secretariat have a description in writing, of these activities in order that they could be mentioned as additional examples in the Committee's report.

Dr. NEUMANN pointed out that in his opinion the exploitation was a war crime and the black market was only the method of committing the crime. The crime consisted in disorganising the national economy by organising the black market and it did not matter whether the black market was or was not legal under French law.

Dr. ZIVKOVIC raised the question whether every violation of the Hague Regulations was a war crime. In his opinion this was not the case. It was, therefore, important in the present case to point out that the black market had been exploited to loot the French national economy.

M. MAILLARD agreed with the opinion expressed by Dr. Neumann. Reference to a breach of the *lex loci* was not necessary, and the black market was only one example of illegal exploitation.

Mr. KINTNER was of the opinion that all members were agreed on the principles and that the application should be left to Committee I.

M. de BAER said that the discussion in Committee III on this important question should be recorded as precisely as possible because it would have to be incorporated in the history of the Commission and would form an important contribution to the clarification and development of the international law on the subject.

Dr. ZIVKOVIC repeated that the crime consisted in the organised scientific looting. Because it was difficult to prove this crime by clear evidence, the Committee had to couple it with local law. The occupying authorities had committed an offence; such breach of the law was not in itself sufficient to say that they had committed a war crime. The war crime consisted in the looting. The two elements must be present.

Dr. NEUMANN drew further attention to the fact that there were also price controls in Germany and that the Germans, in participating in the black market, were also violating their own law.

The Secretary to Committee III agreed with Dr. Zivkovic's proposition that not every violation of a rule of international law was a war crime. It was, therefore, necessary to draw a distinction between acts violating international provisions which did not entail criminal responsibility and such violations as constituted war crimes. In his opinion the line of demarkation could be drawn only by reference to the general principles of criminal law as recognized by civilized nations.

If the violation of a rule of the Hague Regulations simultaneously constituted an offence against the general principles of criminal law, then it also constituted a war crime. If it did not constitute a violation of the criminal law, as applied by civilized nations, then it was not a war crime. For the purpose of this demarkation, reference to the municipal law was therefore necessary. Exploitation as such was not a crime either under municipal law or in international law, if it was legitimate. Exploitation of an employer by an employee may be objectionable from the point of view of economic ethics, but it was, in general, not criminal under present law. Only such exploitation as violated positive provisions of penal law, was criminal.

Dr. SCHRAM-NIELSEN pointed out that looting and pillage presupposed that the object was taken from the victim against his will and without payment.

Dr. ZIVKOVIC suggested the use of the term "illegal economic exploitation" which, in its effect, was analogous to pillage.

Sir Robert CRAIGIE said that the activities in order to constitute a war crime must be seriously prejudicial to the economy of the country.

The Secretary to Committee III was charged to draw up a paper having regard to to-day's discussion. This new draft would then be discussed in a further meeting of the Committee.

Monsieur de BAER left the meeting at this point.

III. Pillage through economic activities; making French Tanners and Manufacturers of footwear work for Germany. French case No. 4698, Doc. III /82.

Sir Robert CRAIGIE explained the case and said that he agreed with Dr. Schwelb's view as formulated in Doc. III/82.

Dr. SCHRAM-NIELSEN, Mr. KINTNER, M. MAILLARD and Dr. ZIVKOVIC also expressed their agreement, and Doc. III/82 was adopted unanimously.

In view of the fact that the report suggested a rejection of the charge, it was not considered necessary to bring it before the Commission. The report would be transmitted to Committee I for further action and circulated to the Commission for information.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 20th March, 1947,
at 2. 30 p.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present

Members of Committee I and their Deputies:

Sir Robert Craigie

United Kingdom

Mr. Kintner

United States of America

Dr. Neumann

Czechoslovakia

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

Major Fletcher

United Kingdom

Miss Deunk

Netherlands

Colonel Muszkat

Poland

Dr. Zivković

Yugoslavia

I. Minutes No. 91.

Minutes of the Meeting held on 6th March, 1947, were approved.

II. Case of Dr. MADORI (Docs. I/71 and I/77).

M. de BAER recalled the Committee's decision of 4th December, 1946, when it was decided to adjourn further discussion of the case in order that the Yugoslav National Office might produce definite evidence showing Malori's complicity in the burning down of the library at Ljubljana; and to establish whether the surrender of Madori had been requested by Yugoslavia. The latter point had already been clarified (see Doc. I/77). With regard to the former point, M. de Baer drew attention to the statement submitted by the Yugoslav National Office, dated 17th March, 1947, which had been circulated to members of the Committee. According to that statement it appeared that Madori took a leading and personal part in the burning down of the library at Ljubljana, as had been testified by five eye-witnesses.

Sir Robert CRAIGIE asked the Yugoslav representative whether the witnesses had testified to personally seeing Madori take part in the alleged crime.

Dr. ZIVKOVIĆ replied in the affirmative, adding that one of the witnesses - the librarian - was himself a victim.

The Committee unanimously agreed, therefore, that Madori's name should remain on the Commission's list of persons charged with war crimes.

With regard to the accused's complaint that he had been held in custody since June, 1945, Dr. LITAWSKI drew attention to the fact that Madori had demanded that some action be taken with regard to his detention.

M. de BAER thought this to be quite a legitimate demand, and asked whether anything could be done to hasten Madori's surrender.

Dr. ZIVKOVIĆ said that the request for Madori's surrender had first been made by his Government over a year ago, but that the request had been more or less shelved. His Government had hoped that the Allied military authorities would proceed with the handing over of Italian war criminals, but since the Peace Treaty with Italy had been signed his Government had been advised to contact the Italian Government direct. The Yugoslav Government had just recently appointed its Minister in Rome, and Dr. Zivković said he would ask that the Italian Government be approached in order to secure Madori's surrender with the least possible delay.

The Committee decided that a reply should be sent to Madori's lawyers, to the effect that the case of their client had been very carefully re-considered, and that the Commission had found no reason to reverse its original decision to place Madori's name on the list of persons accused of war crimes; and further, that the Commission had been informed by the Yugoslav representative that all possible steps would be taken to hasten the surrender of Madori in order that he may stand his trial with the least possible delay.

III. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

4767	On 'A'
4784	On 'A'

2) NORWEGIAN Case.

4791	On 'A'
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3) POLISH Cases.

4768	1-3 on 'A'
4769	On 'A'
4770	1-3 on 'A'

.....

(POLISH Cases continued).

- 4771 On 'A':- 3, 6, 8, 10, 20, 23, 24, 26, 31, 34, 35, 42-53,
57, 58, 60, 70, 76, 79, 86, 89, 90, 92, 93,
104, 107, 117, 121, 125, 129, 132, 136, 139,
141, 142, 148, 164, 166-170, 172, 173, 178, 182,
183, 185, 186, 188, 195, 209, 218, 221, 223,
225, 227, 230, 232, 233, 238, 241, 243, 247,
248, 250, 258, 260, 261, 263, 269, 275, 282,
283, 292, 294, 295.
- On 'W':- 38, 101, 127, 138, 146, 212, 239, 242, 245.
- All others on 'S':
- 4785 1-2 on 'A'
- 4786 On 'A'
- 4787 1-3 on 'A'
- 4788 On 'S' for ill-treatment resulting in death.
- 4789 1-114 on 'A'
- 4790 On 'A':- 1, 5, 8, 10, 14, 23, 24, 30, 40, 44, 49-51,
54, 58, 60, 63, 68, 70, 80, 82, 90, 95, 96,
103, 105, 108, 109, 113, 114, 116, 119, 126, 127,
134-136, 142, 144, 147, 153, 156, 163, 169, 170,
173, 176, 177, 179, 182, 184, 188, 189, 191,
194-196, 203, 206, 211-213, 215-220, 223-225,
227-231, 233, 234, 236, 237, 240, 241, 243, 244,
246.
- On 'W':- 111, 138, 161, 162, 168, 175, 226, .. 248,
251
- All others on 'S':
- 4820 1-2 on 'A' for ill-treatment and complicity in
 deportation
- 4821 1-3 on 'A' for murder
- 4822 On 'A'
- 4823 On 'A':- 4, 95-98, 103, 105-109, 111, 114, 121,
122, 124, 128, 131, 133, 135, 137, 138,
144, 146, 147, 150-152, 154, 156-158, 162, 167,
170, 172, 173, 178, 182, 183, 186, 187, 189,
190, 193, 195, 197-199, 201-203, 206, 208
- On 'W':- 125, 143, 149, 188, 194, 200, 204
- All others on 'S':

4) YUGOSLAV Cases.

- 4775 1-2 on 'A' on all counts except that of usurpation of
 sovereignty

(YUGOSLAV Cases continued)

4776	On 'A'
4777	On 'A' for complicity in torture
4778	On 'A'
4779	On 'A'
4780	On 'A'
4781	On 'A'
4782	On 'A'
4783	On 'A'
4802	On 'A'
4803	On 'A'
4804	On 'S'
4805	1-42 on 'A'. <u>(1 on Priority List).</u>
4806	On 'A'
4807	On 'S'
4808	1-2 on 'S'
4809	1 and 3 on 'W' 2 on 'A'
4810	This case was adjourned in order that the National Office might submit information as to whether the alleged victims had anything to do with the partisan units and whether they have in fact committed any crimes which justified sentencing them to death.
4811	On 'A'
4812	On 'A'
4813	{ 1-3 and 5-9 on 'A' on counts I, II, III, VII, XIII, XIV and XVIII 4 on 'S'
4814	On 'A' for deportation only
4815	On 'A'
4816	2-6 on 'A' 1 and 7 on 'S' on all counts except XI, XII and XVII
4817	1-8 on 'A'

5) NETHERLANDS Cases.

4772	1-11 on 'W'
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(NETHERLANDS Cases continued)

4773	1-3 on 'A' 4-6 on 'W'
4774	1 on 'A' 2 on 'W'
4792	1-2 on 'A' 3-5 on 'W'
4793	1-2 on 'A' 3 on 'S' 4-11 on 'W'

6) UNITED STATES Cases.

4794	1 and 3 on 'A' for ill-treatment 2 and 4 on 'A' for murder
4795	1-3 on 'A'
4796	On 'A'
4797	1 on 'A' 2-5 on 'W'
4798	1-3 on 'A'
4799	On 'A'
4800	1 on 'A' 2-6 on 'W'
4801	1-8, 10, 11 on 'A' 9 on 'W'
4824	On 'A'
4825	On 'A'
4826	On 'A'

7) CZECHOSLOVAK Cases.

4818	1-2 on 'A'
4819	On 'A'

8) FRENCH Case.

217 (Addendum 6)	1-7 on 'A'
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IV. Re-consideration of Cases (Nos. 3118, 3120, 3121, 3123, 3127), alleging Deliberate Bombardment of undefended Places, (Document I/82).

In order to bring into line its decision in the above cases with the general rulings arrived at in other similar cases (see Doc. I/82), the Committee decided that all persons listed on these cases should be charged with "deliberate bombardment of undefended places" instead of murder, as previously decided.

V. First Priority List.

The Committee approved the first Priority List of War Criminals, containing eleven names.

It was decided to circulate copies of this List to:

- 1) Col. Draper, of War Crimes Group, N.W. Europe;
- 2) United States and French zones of Germany, to be transmitted through the respective members on the United Nations War Crimes Commission;
- 3) Control Commission for Germany, with a request that the List be communicated to the KRIPO H.Q.

A covering letter would be sent to the authorities concerned urging them to take special action in securing the apprehension of the persons listed, and requesting that the Commission be informed of the action taken and the subsequent results.

VI. Closing of 54th and 55th Lists of War Criminals.

The Committee agreed on the closing of the 54th and 55th Lists of War Criminals as on March 6th and March 20th, 1947, respectively.

259

Corrigendum
to the Notes of the
Joint Meeting of Committees I and III.

Committee I Minutes No. 92.
Committee III Minutes No. 3/47.

UNITED NATIONS WAR CRIMES COMMISSION.

The 6th paragraph on page 4 is amended to read as follows:

" It was further agreed that Dr. SCHWELB should draw up a short statement for the four Ambassadors which, when approved by Sir Robert Craigie as Chairman of Committee III and by Lord Wright as Chairman of the Commission, should be sent to the United Kingdom Foreign Office with the request to transmit it to the British Ambassador in Rome. The United States and French representatives on the Commission would doubtless arrange for copies to be sent to the United States and French Ambassadors. "

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 27th March, 1947,
at 10.30 a.m.

In the Chair

Sir Robert Craigie (United Kingdom).

There were also present:

Members of Committee I and their Deputies:Mr. Kintner
Dr. NeumannUnited States of America
CzechoslovakiaMembers of the Commission, not Members of Committee I, and
Representatives of the National Offices:Miss Goold-Adams
Mlle Capiomont
Commander Mouton
Dr. Muszkat
Dr. ZivkovićBelgium
France
Netherlands
Poland
Yugoslavia

In the absence of Monsieur de Baer, Sir Robert Craigie took the Chair.

I. Minutes No. 92 and No. 93.

Minutes of the Meetings held on 20th March, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered fifty-eight cases against about 450 persons submitted by the United Kingdom, Netherlands, Yugoslavia, Poland, France, Czechoslovakia, Belgium, and United States, and decided as follows:-

1) UNITED KINGDOM Case.

4873 On 'A'

2) NETHERLANDS Cases.

4748 (adjourned) After Commander Mouton had additionally stated that the acts committed by the Germans were not part of a military operation as in actual fighting no German forces had taken part, the Committee decided to list the first accused on 'A' and the persons mentioned under 2-5 on 'W'.

(NETHERLANDS Cases continued).

4266 (addendum) 1-2 on 'A'

4840 1-4 on 'A' } for improper use of means of deception
5 on 'W' } (Article 23(f) of the Hague Regulations).

3) YUGOSLAV Cases.

4874 On 'A' on all counts except XI and XII

4875 1-2 on 'S'
3-7 on 'A'

4876 1-9 on 'A'

4) POLISH Cases.

4327 1 and 2 on 'A'

4828 1-4 on 'A'

4829 On 'A' for ill-treatment resulting in death. (Priority List).

4830 1-2 on 'A'

4831 1-2 on 'A'

4832 1-185 on 'A'

5) FRENCH Cases.

4698 In accordance with the recommendation of Committee III (see Doc. C. 253 of 25th March, 1947), the case was adjourned for further information, as indicated in that Document.

2676 (addendum) In view of the fact that the accused's activities also constituted a war crime, it was decided to retain his name on the Commission's List and only rectify his personal data as submitted by the National Office.

3481 (addendum) 1 and 2 on 'A'
3 on 'S'

4283 (addendum) The persons charged in the original case have been listed on 'W' pending further information from the National Office as to their actual responsibility for the crimes alleged, and in particular as to where the interrogation of the victims took place, by whom it was carried out, and who gave the order for shooting.

As the above information has not yet been received and the two persons listed on the original case still remain on 'W', it was decided to take similar action in regard to all persons charged in the present addendum, and to list 1-18 on 'W'.

(FRENCH Cases continued)

4841	1-14 on 'S'	
4842	1-5 and 7 on 'A'	} all on counts I, III, and VII only.
	6 on 'S'	
4843	1 and 2 on 'A'	
4844	1 and 2 on 'A'	
4845	1-3 on 'A'	
4846	On 'A'	
4847	1 and 19 on 'A'	
	2-18 and 20 on 'W'	
4848	1-6 on 'A'	
	7-18 on 'S'	
4849	1-4 and 14 on 'A'	
	5, 6 and 8 on 'S'	
	7, 9-13 on 'W'	
4850	On 'A'	
4851	1 and 2 on 'A'	
	3-28 on 'S'	
4852	1 and 2 on 'A'	
4853	1, 2, 4, 6, 7, 9-11 on 'A'	
	3, 5, 8, 12 and 13 on 'S'	
4854	On 'A'	
4855	1-6 on 'A'	
4856	On 'A'. (<u>Priority List</u>).	
4857	On 'A'	
4858	1-3 on 'A'	
4859	1 and 2 on 'A'	
4860	1 and 2 on 'A'	
4861	1 and 2 on 'A'	
4862	On 'A'	
4863	This was adjourned for further information necessary to establish that the action taken by the accused was not necessitated by military reasons.	
4864	On 'A'	
4865	On 'A' on counts IX and XI only	

(FRENCH Cases continued)

4866	1 and 2 on 'A'
4867	On 'S'
4868	1, 2, 5, 7 on 'A' 3, 4, 6, 8-10 on 'S' 11 on 'W'
4869	1 on 'A' 2-4 on 'S'
4870	On 'A'
4871	On 'A'
4872	On 'A'

6) CZECHOSLOVAK Cases.

4833	This was adjourned for further information as to the form in which the looting had been carried out by the accused.
4834	On 'A' for complicity in murder, and ill-treatment.
4835) 4877)	These two cases were adjourned on the request of Mr. Kintner in order to enable him to ask his Government for instructions, as the cases alleged crimes against humanity.

At the same time, Dr. Neumann was asked to indicate some more instances which could show that the acts alleged in these cases constituted a pattern at the time of their commission.

7) BELGIAN Case.

1303 (addendum)	On 'A'
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8) UNITED STATES Cases.

4836	1-3 on 'A' 4 on 'W'
4837	1 on 'A' 2 and 3 on 'W'
4838	1-5 on 'A'
4839	1-3 on 'A'

III. The Case of Dr. MADORI.

In connection with the decision taken in the last Meeting, the Committee approved the following draft of a reply to be sent by the Secretary-General to Dr. MADORI's lawyers:-

With reference to your communications dated 21st November and 30th December, 1946, I am instructed by the Chairman of the Commission to inform you that after most careful consideration, no reason has been found to reverse the Commission's original decision to place Dr. Madori's name on the list of persons accused of war crimes.

This should not be construed as meaning that Dr. Madori has been found guilty of any crime, since the United Nations War Crimes Commission has neither the function, nor the machinery to establish guilt; it merely means that a prima facie case has been found to exist relating to Dr. Madori's responsibility for, and complicity in, war crimes committed at Ljubljana.

With regard to your request for a temporary release and a speedy examination of Dr. Madori's case, the Commission has been informed that all possible steps are being taken by the Yugoslav authorities to hasten the surrender of Dr. Madori in order that he may stand his trial with the least possible delay.

252

No. 94(a)

Supplement to page 2

UNITED NATIONS WAR CRIMES COMMISSION

Supplement to the Summary Minutes of the
Meeting of Committee I
held on 27th March, 1947

The following case should be added under

Item 4 POLISH Cases:

4831

1-2 on 'A'

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 18th April, 1947.
at 10.30. a. m.

In the Chair

Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Major Fletcher	United Kingdom
Mlle Capiomont	France
Miss Deunk	Netherlands
Dr. Zivković	Yugoslavia.

I. Minutes No. 94.

Minutes of the Meeting held on 27th March, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered eighty-seven cases against 1367 persons submitted by the United Kingdom, Norway, Yugoslavia, Netherlands, Poland, France, Czechoslovakia, and Belgium, and decided as follows:-

1) UNITED KINGDOM Cases.

4899	1-8 on 'A'
4940	On 'A'
4941	On 'A'
4942	On 'A'

2) NORWEGIAN Case.

4898	1-2 on 'A'
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3) YUGOSLAV Cases.

4893	On 'A'
4894	On 'A'
4895	On 'A'
4896	1-2 on 'A' on all counts except XI and XII
4897	On 'A'
4943	On 'A'
4944	On 'A'
4945	1-3 on 'A'
4946	On 'A'
4968	On 'A'
4969	On 'A'
4970	On 'A'
4971	1-4 on 'A'
4972	On 'S' for ill-treatment only.
4973	On 'A'
4974	On 'A' for complicity in deportation only.

4) NETHERLANDS Cases.

4198 (addendum)	On 'A'
4935	1 on 'A' 2-3 on 'W'
4936	1-3 on 'A' 4 and 7 on 'W' 5 and 6 left out, as they are now serving with the Polish Army, B.A.O.R., and could be interrogated without putting them on the List.
4937	1-2 on 'W'
4938	1-6 on 'A' for murder 7 on 'A' for ill-treatment 8-15 on 'W'
4939	1-5 on 'A' 6-9 on 'W'
4948	1 and 3-5 on 'A' 2 on 'W' only, as there is not sufficient evidence against this accused.

5) POLISH Cases.

- 4879 On 'A'
- 4880 On 'A'
- 4881 On 'A' for wanton destruction only.
- 4882 On 'A' for attempts to denationalise the inhabitants of occupied territory, and complicity in illegal arrests, deportation and confiscation of property.
- 4883 1-12 on 'A'
- 4884 1-5 on 'A'
- 4885 On 'A':- 1-44, 46-74, 76-102, 104-121.
On 'S':- 45, 75, 103: for complicity in murder and ill-treatment.
- 4886 On 'A'
- 4887 On 'A'
- 4888 On 'A'
- 4889 On 'A'
- 4890 1-4 on 'A'
- 4930 1-7 on 'A'
- 4931 1-15 on 'A'
- 4932 1-7 on 'S'
8-9 on 'A'
- 4933)
4934) Monsieur de BAER and Mr. KINTNER were of the opinion that the National Office should be asked for clarification of the following points:-

- (a) Whether all the accused were in fact on the staff of the concentration camps and have performed definite functions inside the camps:
- (b) To indicate the evidence on which the individual charges are based.

Dr. NEUMANN said that in view of the fact that it was specifically stated in the two cases that the persons listed were personnel of the concentration camps at Auschwitz and Maidanek, where millions of inmates were exterminated, he did not think it necessary to ask the National Office to submit more information.

Attention was drawn to the number of persons whose function was simply described as "Guard". It was usual in regard to all concentration camps for detachments of SS units to be posted to guard duty outside the camps for security reasons only; they were not regarded as members

.....

(POLISH Cases continued)

4933)
4934)

of the staff, neither did they take any part in the administration inside the camps.

Monsieur de BAER suggested, and Mr. KINTNER agreed, that the Polish National Office might be willing to submit a statement to the effect that it is satisfied that each of the particular individuals listed in the two cases had a definite function on the staff of the camps.

The Committee decided to adjourn further discussion on the cases for one week, in order that they might be considered in the presence of the Polish Representative.

4947

Monsieur de BAER said that it seemed to him most extraordinary that the alleged crimes should have coincided so accurately with the alphabetical order of the individuals listed. He had the impression that the crimes of which the individuals were accused were simply allotted according to the alphabetical order of the individuals' names.

The Committee were of opinion that the case should be supplemented by further information as to the ranks and functions of all the accused and also by a definite statement as to the evidence on which the individual charges are based.

The case was adjourned sine die in order that the National Office might supplement the case with regard to the above points.

6) FRENCH Cases.

503 (addendum) 1 and 2 on 'A'

686 (addendum III) In view of additional evidence as submitted by the National Office the accused was re-classified from 'S' to 'A'.

688 (addendum II) As the accused have already been listed on 'A' on the original case, no further action was necessary.

742 (addendum I) As all the accused except DEGUER have already been listed on 'A' on the original case, no action was required with regard to them.

As regards DEGUER the case was adjourned for further information necessary to establish his responsibility.

1515 (addendum I) As the first accused has already been listed on 'A' on the original case, no action was necessary.

As in regard to 2-10 no information of any kind had been submitted in the present addendum, the case was adjourned for further information.

4900 On 'A'

4901 On 'A'

4902 On 'A'

(FRENCH Cases continued)

- 4903 1-7 on 'A'
 8-10 on 'W' ✓
- 4904 1-3 on 'A'
- 4905 1-4 on 'A'
- 4906 1-3 on 'A'
 6 on 'S'
 4 and 5: Adjourned for further information as no evidence has been
 submitted against them.
- 4907 On 'A' on counts XIII and XVIII.
- 4908 1-8 on 'A'
- 4909 1-6 and 10 on 'A'
 7, 8, 9 and 11 on 'S'
- 4910 This case was adjourned for further information necessary to
 establish the accused's responsibility and in particular as to
 whether the perpetrators were under the accused's command.
- 4911 1 and 2 on 'A'
- 4912 1-4 on 'A'
 5-13 on 'S'
- 4913 1, 4, 8, 9, 11 and 18 on 'A'
 2, 3, 5-7, 10, 12-17 on 'S'
- 4914 On 'S'
- 4915 On 'A'
- 4916 On 'A'
- 4917 1 on 'A'
 2 on 'S'
 3 on 'W'
- 4918 1-7 on 'A'
 8-14 on 'S'
- 4919 1-10 on 'A'
 13 on 'S'
 11 and 12 on 'W'
- 4920 1-6 9, 12, 14 and 21 on 'A'
 22 on 'W'
 As no evidence had been submitted against the other accused, and
 taking into consideration the fact that most of these persons
 are now in French custody, the case was adjourned for further
 information necessary to establish their responsibility.
- 4921 1-6 on 'A'
 7 left out as it was found that he must be identical with the
 first accused.
- 4922 On 'A'
- 4923 On 'A'
- 4924 1 on 'S'
 2 on 'W'

(FRENCH Cases continued)

4925	1 on 'A' 2 and 3 on 'S'
4926	1 and 2 on 'A' 3-12 on 'S'
4927	On 'S'
4928	1-4 on 'S'
4929	1-7 on 'A'

6) CZECHOSLOVAK Case.

4878	1-4 on 'A' for illegal arrest only.
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7) BELGIAN Cases.

897 (addendum I)	1 on 'A' 2-3 on 'S' 4 on 'W'
1572 (addendum I)	On 'A'
3173 (addendum I)	On 'S':- 21, 26, 27, 29, 31, 33, 41, 48, 49 On 'W':- 24.
4891	1-7 on 'A' 8-13 on 'W'
4892	On 'A':- 1, 2, 3, 4, 5, 6, 7, 8, 8a(FREDMUTH Walter), 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 51, 53, 60, 70, 75, 78, 84, 87, 91, 94, 100, 106, 107, 108, 112, 114, 118, 124, 128, 163 On 'S':- 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 76, 77, 79, 80, 81, 82, 83, 85, 86, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 109, 110, 111, 113, 115, 116, 117, 119, 120, 121, 122, 123, 125, 126, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 146, 147, 148, 149, 150, 151,, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162.

~~(19 on Priority List)~~

III. Closing of 56th List of War Criminals.

The Committee decided to issue the 56th List of War Criminals which would include cases accepted by the Committee up to 18th April, 1947, inclusive.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 24th April, 1947,
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie	United Kingdom
Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Mlle Capiomont	France
Dr. Zivković	Yugoslavia

I. Minutes No. 95.

Minutes of the Meeting held on 18th April, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered 51 cases against 117 persons submitted by Poland, Yugoslavia, the Netherlands, France, and Czechoslovakia, and decided as follows:-

1) POLISH Cases.

4933)	Consideration of the Polish cases was adjourned until the next Meeting as no Representative of the National Office was present.
4934)	
4975)	
4976)	

2) YUGOSLAV Cases.

4985	On 'S' on all counts except XIV.
4986	On 'A' for illegal arrest and pillage.
4987	1-2 on 'A'
4988	On 'A'
4989	1-13 on 'S' on all counts except XI
4990	1-2 on 'A'
4991	On 'S' on all counts except IX, XI and XIV.

3) NETHERLANDS Cases.

4198 (addendum II) On 'S'.

It was also decided to re-classify the accused STUCK (addendum I) from 'A' to 'S'.

4319 (addendum I) 1 on 'A'
2 on 'S'

4977 1-13 on 'A'
14-15 on 'S'
16-19 on 'W'

4978 This case was adjourned for further information as to what sentences were imposed on all of the accused by the German Court Martial and also to what extent these sentences have in fact been carried out.

4979 1-5 and 7 on 'A'
6 on 'W'

4980 In order to substantiate the charge the National Office was asked for further information as to whether any military operations were in progress at the material time and place. The case was accordingly adjourned sine die.

4981 1 on 'A'
2 on 'W'

4982 On 'A'

4983 As it appeared from the particulars of the case that the car had been formally requisitioned and a requisitioning certificate issued to the owner, the Committee were of opinion that a prima facie case of a war crime was not established. The case was accordingly rejected (C).

4984 1 (KOLITZ and DEPPNER) and 8 on 'S'
2-7 on 'A'
9-12 on 'W'

4) FRENCH Cases.

764 (addendum) 1-2 on 'A'
3 on 'S'

In view of the statement made by the National Office in the first paragraph of this addendum it was also decided to remove the accused SCHMIDT (charged in the original case) from the Commission's List.

3561 (addendum) 1-11 on 'S'
BACK removed from the Commission's List.

In view of the information additionally submitted in this addendum it was also decided that the original case

.....

(FRENCH Cases continued)

3561 (addendum) (continued)	should be reviewed with the purpose of deleting from the List all the persons charged therein if no additional information is submitted by the National Office by 29th May, 1947.
4369 (addendum)	1-2 on 'A'
4747 (addendum)	1-4 on 'S' 5-33 on 'W'
4949	On 'A' for ill-treatment resulting in death.
4950	On 'A'
4951	On 'A'
4952	On 'A'
4953	On 'A'
4954	On 'A'
4955	1-2 on 'A'
4956	On 'A' on all counts except No. X.
4957	1 on 'A' 2-6 on 'S'
4958	1-4 on 'A'
4959	1 on 'A' 2 on 'S'
4960	The case was adjourned in order that the National Office might submit additional information necessary to establish that the destruction was not necessitated or justified by military reasons.
4961	On 'A'
4962	1 on 'A' 2-5 adjourned for further information necessary to establish their responsibility for the crimes committed by members of the 2nd Company.
4963	1-5 on 'A' 6-7 on 'S'
4964	On 'A':- 1-12, 31, 37, 42, 48 and 58. On 'S':- 13-30, 32-36, 38-41, 43-47, 49-54, 56, 57, 59-61. On 'W':- 55.
4965	1-7 on 'A' 8-11 on 'S'
4966	On 'S'
4967	On 'S'

5) CZECHOSLOVAK Cases.

- 4130 In view of the information additionally submitted by Dr. Neumann in his letter of 24th April, 1947, it was decided to list the accused on 'A'.
- 4992 After Dr. Neumann had additionally stated that the accused was responsible for deporting 1000 Czech nationals, among them also Jews, from Pardubice, it was decided to list him on 'A'.
- 4993 On 'A' for wanton destruction of property.
- 4994 In order to substantiate the charge the National Office was asked for additional information as to what kind of relations existed between the accused and the Gestapo in the particular matter stated in the case and whether the accused did know or could have known that any reprisals would be taken against the persons whose relatives joined the Czech forces abroad. The National Office was also asked to state whether any reprisals were in fact taken against such persons, of what they consisted, and who were the victims.
- 4995 On 'A' for murder.
- 4996 On 'A' for ill-treatment, deportation and complicity in murder.
- 4997 On 'A' for complicity in murder and ill-treatment.

III. Extradition of persons listed on 'S'.

Monsieur de BAER drew attention to a letter which he had received from Dr. ZIVKOVIĆ, the text of which was as follows:-

"With reference to my intervention at the last meeting of Committee I on the question of the surrender of individuals listed on 'S', I am giving you the names of three German war criminals who gave rise to my query:

See letter
attached

Anton FLASER, List No. 32, Serial No. 90.

Anton KERN, " No. 32, " No. 91.

Heinrich MAIERHOFER, List No. 32, Serial No. 93.

"When the Yugoslav Investigating Team in Vienna applied to the Allied Authorities for the handing over of the above-named criminals, its request was turned down on the grounds that individuals on list "S" could not be surrendered for trial.

"It appears that in doing so the authorities concerned are misinterpreting the significance of our List "S" by depriving it of any practical value, especially after our ruling to confine the "S" cases to more serious offences than hitherto.

"I would appreciate it if you would bring the matter before the Commission in order to remedy the dead-lock created in the above three cases as well as with regard to any future similar cases."

.....

Dr. LITAWSKI pointed out that the authorities concerned were only acting in accordance with the Commission's original recommendation, namely, that persons listed as Suspects should simply be apprehended, and surrendered only when further evidence of guilt had been submitted which satisfied the holding authorities that the persons should, in fact, be surrendered.

Monsieur de BAER said that in view of the fact that in Austria the Commission's recommendation was strictly adhered to he would advise the Yugoslav authorities either to submit more evidence to this Commission in order that the three persons concerned might be re-classified from 'S' to 'A'; or to submit the evidence direct to the Allied authorities in Austria; or, thirdly, to apply to the holding authorities for the loan of the three persons for interrogation in order to obtain more information as to their responsibility for the crimes alleged.

Dr. ZIVKOVIC thanked the Committee for clarification on the point, and said he would act on one of the above suggestions.

See Minutes No. 96. 248



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

195, QUEEN'S GATE, LONDON, S.W.7.

KEN. 42031 X 6505X 34.00

21st April, 1947.

Dear General de Baer,

With reference to my intervention at the last meeting of Committee I on the question of the surrender of individuals listed on "S", I am giving you the names of three German war criminals who gave rise to my query :

Anton FLASER, List No.32, Serial No.90.

Anton KERN, " No.32. " No.91.

Heinrich MAIERHOFER, List No.32. Serial No.93.

When the Yugoslav Investigating Team in Vienna applied to the Allied Authorities for the handing over of the above-named criminals, its request was turned down on the grounds that individuals on list "S" could not be surrendered for trial.

It appears that in doing so the authorities concerned are misinterpreting the significance of our List "S" by depriving it of any practical value, especially after our ruling to confine the "S" cases to more serious offences than hitherto.

I would appreciate it if you would bring the matter before the Commission in order to remedy the dead-lock created in the above three cases as well as with regard to any future similar cases.

Yours very sincerely,

Dr R. Zindovic

General M. de Baer,
Chairman of Committee I,
United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square, W.1.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 1st May, 1947,
at 11 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie	United Kingdom
Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Miss Deunk	Netherlands
Colonel Muszkat	Poland

I. Minutes No. 96.

Minutes of the Meeting held on 24th April, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered 26 cases against 1435 persons submitted by Yugoslavia, the Netherlands, Poland, the United States and Czechoslovakia, and decided as follows:-

1) YUGOSLAV Cases.

4998	2 and 9 on 'A' 1, 3-5, 7, 8 and 10 on 'S' 6 on 'W' On all counts except IX, X, XI and XII.
4999	On 'A'. (Priority List).
5000	On 'A' for compulsory enlistment of soldiers among the inhabitants of occupied territory only.

2) NETHERLANDS Cases.

4206 (addendum)	1-2 on 'W'
5011	1-6 on 'A'
5012	1-9 on 'A' 10-14 on 'W'
5013	On 'A'

.....

(NETHERLANDS Cases continued)

5014 1-3 on 'A'
4-7 on 'W'

5015 1-2 on 'A'
3 on 'W'

3) POLISH Cases.

4933)
4934)
4947)
4975)
4976)

The Committee took note of 4 letters dated 28th April 1947 received from Colonel Muszkat, the Polish Representative, in which he had submitted additional information as to the status of the accused listed in these cases and the evidence on which the individual charges have been based, as requested by the Committee in its Meeting of 18th April 1947, (Minutes No. 95).

On the basis of the information submitted in the above mentioned letters and after Colonel Muszkat had additionally stated that the National Office is at present in possession of definite evidence only in respect of individuals charged with specific crimes, the Committee decided to list the accused as follows:-

4933

On 'A':- 1-29, 33-89, 95-98, 101-103, 107, 119-121, 127, 128, 132-139, 150-154, 160-162, 164-175, 178-181, 183-187, 189-191, 193, 194, 196-204, 207-211, 213, 216-226, 228-235, 238, 248, 249.

On 'S':- 30-32, 90-94, 99, 100, 104-106, 108-118, 122-126, 129-131, 140-149, 155-159, 163, 176, 177, 182, 188, 192, 195, 205, 206, 212, 214, 215, 227, 236, 237, 239-247.

4934

1-140 on 'A'

4947 (original case, and Addendum I)

On 'A':- 1-31, 39-74, 84-101, 106-120, 127-146, 158-166, 172-174, 176-206, 222-254, 262-268, 278-315, 322-327.

On 'S':- 32-38, 75-83, 102-105, 121-126, 147-157, 167-171, 175, 207-221, 255-261, 269-277, 316-321, 328-330. } for complicity in ill-treatment and not for membership in criminal organisation.

Addendum I

4975

On 'A':- 1-91.
1-297 on 'A'

4976

1-76, 78-251 on 'A'; 77 on 'W'.

In regard to all the above cases it was also decided that all charges described as "atrocities" should be changed to "ill-treatment", and "common design" to "complicity in ill-treatment"; and also that other descriptions of crimes should be brought into line with the working list of war crimes.

-3-

(POLISH Cases continued).

5008	On 'A'
5009	On 'A'
5010	On 'A'

4) UNITED STATES Cases.

2329 (addendum)	1 already listed 2 on 'A' 3 on 'W'
5001	On 'A'
5002	On 'A'
5003	1-2 on 'A'
5004	1-2 on 'A' 3 on 'W'
5005	1-3 on 'A'
5006	1-4 on 'A'
5007	1-11 and 13-24 on 'A' The twelfth accused is identical with the third and therefore should be left out.

5) CZECHOSLOVAK Case.

5083	On 'A'
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III. Closing of 57th List of War Criminals.

The Committee decided to issue the 57th List of war criminals which would include Polish cases only, as accepted by the Committee in its Meeting of May 1st, 1947.

IV. Case of Dr. MADORI - further submission by the accused's lawyers. (Doc. I/86).

The Committee took note of a letter received from Dr. MADORI's lawyers dated April 17th, 1947.

It was decided that a reply should be sent by the Secretary-General, pointing out that it is not the Commission's practice to communicate charges or evidence brought before it by member Governments and stating that their letter had been transmitted to the Yugoslav authorities.

NO. 98.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 7th May, 1947,
at 3 p.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie	United Kingdom
Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Mlle Capiomont	France
M. Dimitas	Greece
Commander Mouton	Netherlands
Colonel Muszkat	Poland

I. Minutes No. 97.

Minutes of the Meeting held on 1st May, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered 113 cases against 537 persons submitted by Greece, the Netherlands, France, Poland, the United States and Belgium, and decided as follows:-

1) GREEK Cases.

5016	On 'A' for ill-treatment only, as the accused's responsibility for murder is not sufficiently established.
5017	1-4 on 'A' for pillage
5018	1-2 on 'A' for mass murder
5019	On 'A' for murder
5020	On 'A'
5021	1-2 on 'A'
5022	On 'A' for murder only
5023	On 'A' for ill-treatment only, as the accused's responsibility for extortion of property is not sufficiently substantiated.

(GREEK Cases continued)

- 5024 On 'A' for deportation and illegal confiscation of property.
- In regard to counts 3 and 4 it was decided to adjourn the case and to ask the National Office for more information.
- 5025 1 on 'A' for ill-treatment resulting in death, and rape.
2 adjourned for more particulars necessary to establish his responsibility.
- 5026 On 'A' for ill-treatment resulting in death, and illegal confiscation of property.
- 5027 1 on 'A') for murder, torture, wanton destruction of
2-7 on 'S') property, illegal confiscation of property
and economic exploitation.
- 5028 This was adjourned for additional information as to the individual responsibility of all the accused.
- 5029 1 on 'A' for illegal confiscation of property and economic exploitation
2-16 were adjourned for further information necessary to establish their individual responsibility.
- 5090 After M. Dimitzas had additionally stated that in regard to the 1st and 2nd accused there is specific evidence (witnesses) to the effect that they had issued orders indicated in the charge and also that the 3rd accused had received a specific order to carry out reprisals, it was decided to list the accused as follows:-
1-2, 4-6, on 'A':
3 on 'S'.

2) NETHERLANDS Cases.

- 5117 1-2 on 'A'
3-4 on 'W'
- 5118 1-9 on 'A'
10-12 on 'W'
- 5119 1-30 on 'A'
31 on 'W'

3) FRENCH Cases.

- 2075 (addendum I) 1 on 'A'
38-39 on 'W'

As to the accused 2-37 the Committee was of opinion that the particulars contained in the original case are not sufficient for listing them on the present addendum. The National Office was therefore asked for additional information necessary to substantiate the charge of deportation and the individual responsibility of all these accused. The case was accordingly adjourned.

-3-

(FRENCH Cases continued)

3335 (addendum I) On 'S'

4736 In view of the additional information submitted the first accused was additionally listed on 'A'

5091 1-4, 9, 10 on 'A'
5-8 on 'S'
11-13 on 'W'

5092 On 'A':- 1, 2, 6-8, 10-12
On 'S':- 3-5, 9, 13-17, 19-22.
On 'W':- 18, 23-27.

5093 1-2 on 'A'
3-4 on 'S'
5 on 'W'

5094 On 'A' for ill-treatment

5095 1-3 on 'A'
4-6, 8, 10-14 on 'S'
15-22 on 'W'
7 and 9 were left out in view of the fact that they are dead and no specific charges have been brought against them.

5096 1-3 on 'A'
4 on 'W'

5097 1 on 'A'
2-5 on 'W'

5098 On 'A' on all counts except murder

5099 1-2 on 'S' for murder and deportation

5100 1-3, 6, 10 on 'A'

In view of the fact that the above mentioned accused are already in custody and can be interrogated as to the responsibility of the other accused (4, 5, 7-9, 11-13), the case in regard to them was adjourned for further information on this point.

5101 On 'A'

5102 1-2 on 'A' for ill-treatment

5103 1 on 'A'
2-4 on 'S'

5104 1 on 'S'
2 on 'A'

5105 On 'A'

5106 On 'A'

5107 1-3 on 'A' for murder and wanton destruction of property.

(FRENCH Cases continued)

5108 1-2 on 'A'
5, 7, 9-11 on 'S'
8 on 'W'
3-4 and 6 were left out in view of the fact that they are
dead and no specific charges have been brought against them.

5109 On 'A':- 2, 3, 5, 7, 8, 11, 12, 15, 16 and 24-32.
On 'S':- 1, 4, 6, 9, 10, 13, 14, 17, 19, 20 and 22.
On 'W':- 18, 21.

5110 1-2 on 'A'

5111 1, 3, 4, 8, 10 on 'A'
2 on 'S'
7 and 9 on 'W'
5 and 6: as no evidence has been submitted against them the
case was adjourned for further information.

5112 On 'A' for pillage only

5113 1-2 on 'A'

5114 1-2 on 'A'

5115 1-4 on 'A'

5116 1-3 on 'A'

4) POLISH Cases.

5032 On 'A'

5033 On 'A'

5034 On 'A'

5035 On 'A'

5036 On 'A'

5037 1-3 on 'A'

5038 On 'A'

5039 On 'A'

5040 1-2 on 'A'

5041 On 'A'

5042 On 'A'

5043 On 'A'

5044 On 'A'

5045 On 'A'

5046 On 'A'

(POLISH Cases continued)

- 5047 On 'A'
- 5048 1-2 on 'A'
- 5049 On 'A'
- 5050 On 'A' for ill-treatment
- 5051 On 'A' on the understanding that this accused, although a hang-man, must have had knowledge that the Gestapo was not entitled to execute people without trial by properly constituted Courts.
- 5052 1-2 on 'A'
- 5053 On 'A'
- 5054 1-2 on 'A'
- 5055 The Committee took note of a letter dated 6th May, 1947, received from Colonel Muszkat, the Polish Representative, in which he submitted additional information as to the alleged crime, and decided to list the accused on 'S'
- 5056 On 'A'
- 5057 On 'A'
- 5058 On 'A'
- 5059 On 'A'
- 5060 The Committee took note of a letter dated 6th May, 1947, received from Colonel Muszkat, the Polish Representative, in which he submitted additional information as to the individual responsibility of the accused, and decided to list the accused 1-6 on 'A'
- 5061 The Committee took note of a letter dated 6th May, 1947, received from Colonel Muszkat, the Polish Representative, in which he submitted additional information as to the alleged crime, and decided to list the accused 1-2 on 'A' - for ill-treatment.
- 5062 1 on 'A'
2 on 'S'
- 5063 1-2 on 'A'
- 5064 1-3 on 'A'
- 5065 On 'A'
- 5066 On 'A'
- 5067 The Committee took note of a letter dated 6th May, 1947, received from Colonel Muszkat, the Polish Representative, in which he submitted additional information as to the alleged crime and decided to list the accused as follows:
1 and 4 on 'A') for illegal arrest
2-3, 5-6 on 'S') and deportation.

(POLISH Cases continued)

5068	1-2 on 'A' for ill-treatment only
5069	1-2 on 'A'
5070	On 'A'
5071	1-5 on 'A'
5072	1-2 on 'A'
5073	1-5 on 'A'
5074	1-2 on 'A'
5075	On 'A'
5076	On 'A'
5077	On 'A'
5078	On 'A'
5079	On 'A'. <u>(Priority List)</u> .
5080	On 'A'
5081	On 'A'
5082	On 'A'

5) UNITED STATES Cases.

5030	On 'A'
5031	On 'A'

6) BELGIAN Cases.

1876 (addendum I)	1 on 'A'
	2 to be re-classified from 'S' to 'A'
	3-8 and 11 already listed
	9-10 adjourned for further information necessary to establish their responsibility.
2110 (addendum I)	1-16 on 'W'
3438 (addendum I)	1-5 on 'W'
4309 (addendum III)	On 'A'
4310 (addendum I)	1-2 on 'A'

(BELGIAN Cases continued)

4421 (addendum I	1-4 on 'A'
4892 (addendum I)	1-10 on 'S'
5084	On 'A'
5085	1 on 'C' 2 on 'W'
5086	1-2 on 'A' 3 on 'W'
5087	1-2 on 'A' 3 on 'S'
5088	1 on 'A' 2 on 'S' 3-11 on 'W'
5089	1-13, 16, 17, 19 on 'A' 14, 15 and 18 on 'W'

III. Charges submitted by Ethiopia.

Monsieur de BAER said that on 1st May, 1947, the Ethiopian Minister had personally presented to the Secretary-General two dossiers containing charges against Marshal Badoglio and Marshal Graziani, who were charged with having committed war crimes in 1935-1936, during the Italo-Abyssinian War. In an interview with the Chairman, Lord Wright, at which the Secretary-General and himself were also present, Lord Wright had informed the Ethiopian Minister of the Commission's decision, of 26th March, 1947, that the Commission did not consider itself competent to assume jurisdiction over crimes committed by the Italians in Ethiopia between 1935 and 1936. The Minister was apparently aware that the Peace Treaty afforded alternative means of applying for the extradition of Italian war criminals - but he requested that the Commission should acknowledge receipt of the dossiers, and he would communicate the Commission's decision to his Government.

Dr. LITAWSKI said that the Secretary-General had already acknowledged receipt of those dossiers.

Sir Robert CRAIGIE said that in the letter acknowledging receipt of the dossiers the Commission's decision of 26th March, 1947, which had already been given verbally by the Chairman of the Commission to the Ethiopian Minister, should have also been stated.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 14th May, 1947.
at 3 p.m.

In the Chair: Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Lord Wright	Chairman of the Commission
Sir Robert Craigie	United Kingdom
Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Major Mason	United Kingdom
Captain Smith	United Kingdom
Commander Mouton	Netherlands
Dr. Cyprian	Poland
Colonel Muszkat	Poland
Dr. Zivković	Yugoslavia

I. Minutes No. 98.

Minutes of the Meeting held on 7th May, 1947, were approved.

II. AUSCHWITZ Concentration Camp Trial (Report by Dr. Cyprian).

Monsieur de BAER, on behalf of the Committee, extended a very warm welcome to members of the Polish Supreme Court and of the Polish Bar who attended the Meeting as guests, namely to Monsieur BZOWSKI, Monsieur TOMOROWICZ and Monsieur KULCZYCKI.

Monsieur de Baer said it was a great honour and a great pleasure to welcome them, and to meet again Dr. CYPRIAN with whom the members of the Commission had had the most pleasant association during the time in which he had regularly represented his Government on the Commission.

Monsieur BZOWSKI replied on behalf of the Polish delegation and thanked Monsieur de Baer for the Committee's welcome.

Monsieur de BAER then called upon Dr. Cyprian to give his report.

Dr. CYPRIAN said that his report concerned the Auschwitz Concentration Camp Trial which had recently taken place in Warsaw and which was perhaps one of the most interesting trials of its kind - not perhaps as to the legal aspects of the trial, but in relation to the actual facts concerning the Auschwitz Camp itself.

Dr. CYPRIAN then gave his report which was as follows:-

"A few weeks ago, in Warsaw, the trial of Rudolf Hoess ended. He was the notorious commandant of the Auschwitz concentration camp, which was set up by the Germans in the small peaceful town of Oświęcim in occupied Poland.

"There have been many trials of concentration camps personnel, for there were many well-known camps - Belsen, Dachau, Ravensbrück, Buchenwald, and others.

"But Auschwitz was different.

"Over three million people perished there - more than in all the other camps together. Also, the camp was not merely a concentration camp, but a powerful instrument for the extermination of whole nations, where scientific methods of mass murder were planned, tested and applied; and, lastly, Auschwitz was run by a German, who was neither a sadist, nor an ordinary criminal.

"The trial was quite short - it lasted for about three weeks - was held before the Supreme National Tribunal in Warsaw, and the number of witnesses did not exceed some sixty-odd persons.

"The witnesses came from every country of Europe, whose nationals had been inmates of the camp; several States sent their official representatives as observers - there were, among others, British, American, French and Russian observers.

"The trial was conducted simultaneously in five languages, in the same way as at Nuremberg, and the foreign Press had every facility provided.

"Hoess pleaded guilty to putting to death about two million people, was convicted of having caused the deaths of over three million people, and sentenced to death and hanged in the camp of Auschwitz, where he was taken for that purpose. Neither the public nor the Press were admitted to watch the execution.

"In the verdict, he was found guilty of:

- Membership in the criminal organisations known as NSDAP and SS, and of taking part in the conspiracy to wage war and to plan and carry out the extermination of people;

- Being commandant of the Auschwitz camp, where about 300,000 people perished as the result of mal-treatment, killings, medical experiments, starvation and other forms of torture purposely inflicted upon them by the whole of the camp personnel, acting on the orders of the defendant;

- Putting to death in gas chambers about three million people, most of them Jews and Poles;

- Causing the deaths of about 12,000 Russian prisoners-of-war, brought to the camp contrary to the laws and customs of war, as laid down in the Fourth Convention of the Hague;

-3-

- Organising the wholesale robbery from the inmates of all valuables, jewellery and clothing, which was later sent to the German Reich for distribution amongst the German population.

"The trial was held under Polish procedure, and the Polish municipal law was applied, embodying the principles established during the Nuremberg Trial.

"That is a short summary of the judicial aspect of this trial, but it has another side, which is even more important.

"Three million people killed in one single camp in five years' time is something that goes beyond the imagination of civilized man.

"The murder of ten or of a hundred people is something that can be understood by the ordinary citizen, and would be considered as an appalling crime.

"But the killing of people by the million surpasses the limits of our imagination, and the victims cease to be regarded as human beings and become a mere number. They are no more "murdered" - they are "liquidated", and the word 'crime' almost loses its normal meaning.

"And here lies the great difference of opinion on war crimes and crimes against humanity prevailing in this country / as well as in other countries of Western Europe / and in Poland.

"This difference of opinion is the real source of the differing points of view on the German problem as a whole.

"For the lucky people who did not suffer under the German occupation - or who, although their countries were occupied, were treated rather more decently - things like Auschwitz camp are something appalling but remote, devoid of their gruesome reality.

"For us, the Auschwitz camp was a terrible reality - there is hardly one family in Poland that did not lose some relative in this camp; out of every twenty inhabitants of Poland, one perished in Auschwitz. Besides, we must not forget that there were many other similar camps in Poland.

"Looking at Hoess during the trial / I was leading the prosecution /, I could not help thinking that he did not realise in his deep conscience that he was responsible for the deaths of three million people, although he confessed freely that he gave all the orders for exterminating them by tens of thousands daily in the gas chambers.

"He was cool, quiet and very accurate in the matter of figures - once, he denied having gassed ten thousand victims at a time because, as he said, the capacity of the gas chambers did not exceed eight thousand.

"He was indignant when it was mentioned that, owing to

"the shortage of poison gas, he had ordered the administration of a quantity too small to cause immediate death. He assured the Court that he always had sufficient quantities of gas for the daily routine work.

"He declared that, on the orders of Himmler, he undertook the work of the wholesale extermination of Jews, that they were to be followed by the Poles, and he not only did not hesitate in the fulfillment of this task, but he endeavoured to fulfil it to the best of his ability. He was sorry that he had not accomplished his task, although he had done his best.

"Then I myself asked him how he could have exterminated children by tens of thousands and, at the same time, be a perfect father to his own five children, he replied that he never thought of these unlucky children as something worthy of consideration - they were to be exterminated by the order of Himmler - and that was all there was to it.

"Questioned about his conscience, he replied that he was an SS. man and in the SS. there was no conscience there was the order of superior authorities only and no questions were asked. He never admitted even the possibility of reflecting as to whether an order might be wrong or unlawful.

"This was the man, Hoess - not a sadist / he never kicked or beat anybody himself /, and not an ordinary criminal.

"Hoess was a perfect product of the German race, he was no worse and no better than the average SS. man of his rank and intelligence; he was only more efficient than the others.

"We Poles saw in the dock not him, Hoess - he did not interest us very much as an individual - but we saw in the dock the German nation which had been capable of setting up a régime intended to exterminate a whole nation, of educating individuals like Hoess and using them for its criminal aims.

"During the trial we were told that, throughout the whole of Germany, young couples applied for the prams brought by thousands from Auschwitz where people had arrived with their chattels, having been told that they were going to settle on the land.

"We heard of complaints made by these young couples that the prams and children's clothing which they got were blood-stained.

"We were told that the victims had their hair cut off / all the women inmates of the camp had their heads shaven, too / and that in one year alone 60 tons of women's hair was made up in Germany into slippers.

"The witnesses told us that gold teeth taken from the

-5-

"corpses were melted down into gold bars and in one year 6 tons of gold were sent to the German Reichsbank. The jewellery was sold in Switzerland in such quantities that it flooded the Swiss market for quite a long time.

"The camp sent to Germany about 20 railway wagons weekly full of clothing to be distributed to bombed-out people.

"These were the facts. Could we not see the German nation in the dock? Did nobody in Germany know where all these goods came from?

"Hoess was not an exception, he was an average SS. man, and he behaved accordingly. He was quiet, undisturbed, very accurate in the matter of figures, and very well disciplined. He was aware that he would have to pay with his life because his German leaders had lost the war. He was conscious of it and he declared it in a matter-of-fact manner.

"But he was only a tool, a very efficient tool, of course, willing to serve and to do his best. Behind him was the German will to dominate the world:

"'Heute gehört uns Deutschland, morgen die ganze Welt' as the German youth song goes.

"This domination was to be achieved not by peaceful methods, but by exterminating peoples, by getting "Land ohne Volk" / land without people / to settle Germans in.

"The J ws were to be exterminated first, then the Poles, then the Czechs and Russians. Maybe the English were further down on the waiting list, but the list was long ...

"That is the reason why we regard these trials from quite a different point of view than you English do - we were nearer to the gas chambers. For your country, Goering and Ribbentrop foresaw a better future; as it was revealed at Nuremberg - England was to be converted into an agricultural country, to rear sheep and to spin wool; only the English children were to be taken to Germany to be educated as Germans.

"Our children were to be taken to the gas chambers - and they were in fact taken there. So, no wonder that we look at the German reality with different eyes, and I hope you will not mind my saying frankly what we think. Frank speech makes good friends and, after all, we have no grievance against you, but against the Germans - the only thing we ask of you is that you should understand our struggle for life and death.

"The Hoess trial was a warning to Europe, a warning of the future awaiting all peaceful nations if the Germans / not only a handful of top Nazis / could have had their way.

"It depends on you and on us whether or not there will be another German attempt to dominate the world.

"This question is far more important than many purely

"theoretical legal considerations, and for that reason I decided to speak on it to my British friends, with whom I worked during the war to set up the foundations of international justice."

Dr. CYPRIAN explained that he had thought it important to state these facts, as seen from the Polish point of view, since the trial of Rudolf Hoess was regarded by the Polish people as the most symbolic of war crimes trials held so far. It was not merely a question of an individual having committed heinous crimes, but of a man who had exterminated over three million people, and exterminated them under the orders of his superiors simply "to make room" for Germans.

Monsieur de BAER, on behalf of Committee I, expressed his gratitude to Dr. Cyprian for his extremely interesting and enlightening report. The Committee were, of course, acquainted with all that had taken place in the Auschwitz Concentration Camp, but it was nevertheless desirable to have the facts stated in so concise and vivid a way as Dr. Cyprian had just stated them.

Monsieur de Baer then said he would ask the Chairman of the Commission, Lord Wright, to say a few words to the members of the Polish delegation.

Lord WRIGHT said that he was very proud and happy to welcome Dr. Cyprian again. While he had been a member of the Commission his colleagues had many times profited by Dr. Cyprian's wisdom and learning.

Lord Wright went on to say that the English people had always felt the greatest regard for the honour of the Polish nation. That nation had been remarkable for maintaining their national existence under very hard conditions such as had existed for about the last one hundred and fifty years - except during the period between the two world wars when Poland had enjoyed its independence. During this latter period when the nation had been/ in possession of their magnificent sea-port at Gdynia, they had greatly developed their export trade and their shipping, and it was a very great shock to the English people, as a maritime nation, to see the Polish people deprived of those advantages. Moreover, it was not forgotten that in a sense Europe was saved almost three hundred years ago by John III Sobieski, King of Poland, when he defeated and drove back the Turks just as they were nearing the gates of Vienna.

In conclusion Lord Wright thanked the Polish delegates for coming, and said the Commission was proud to welcome them.

Dr. CYPRIAN, in replying, said that he had the very pleasant task of conveying, in the name of his country, the appreciation and thanks of his colleagues and of himself for the hearty welcome they had all received. They hoped to meet some members of the Commission again in Poland where, either at some future war crimes trial or simply as guests, they would be assured of a warm and friendly welcome.

III. Proceedings in Individual Cases.

The Committee considered 37 cases against 75 persons submitted by the United Kingdom, the Netherlands, Yugoslavia, Poland, France and Czechoslovakia, and decided as follows:-

.....

1) UNITED KINGDOM Case.

5120 1-4 on 'A'

2) NETHERLANDS Cases.5152 1-2 on 'A'
3 on 'S'
4-6 on 'W'5153 1-2 on 'S'
3-5 on 'W'5154 1 and 3 on 'A'
2 and 4 on 'S'
5-11 on 'W'3) YUGOSLAV Cases.

5121 On 'A' for ill-treatment of civilians.

5122 This case was adjourned and the National Office asked for additional information necessary to substantiate the accused's responsibility, and in particular as to the reason for arresting the victim.

5123 On 'A'

5124 On 'A'

5125 On 'A' for ill-treatment and complicity in deportation

5126 On 'A'

5127 This case was adjourned and the National Office asked for additional information on the following points:-
(a) whether any of the workers did in fact join any Nazi military formation and if so, what means were used by the accused in order to compel them to do so:
(b) what measures were used by the accused in order to bring about the deportation and internment of the Slovenes.4) POLISH Cases.

5128 On 'A'

5129 On 'A' for mass murder, ill-treatment and deportation.

5130 On 'A'

5131 On 'A'

5132 On 'S' for murder

5133 On 'A' for complicity in mass murder, deportation and ill-treatment.

(POLISH Cases continued)

5134	On 'A'. <u>(Priority List)</u> .
5135	On 'A'
5136	On 'A'
5137	On 'A' for mass murder and deportation
5138	On 'A'
5139	On 'A'
5140	On 'A'
5141	On 'A'
5142	On 'A'
5143	On 'A'
5144	On 'A' for deportation and pillage
5145	On 'A'
5146	On 'A'
5147	On 'A'
5148	On 'A' for deportation and pillage
5149	On 'A' for murder and deportation. <u>(Priority List)</u> .
5150	On 'A'
5151	1-2 on 'A'

5) FRENCH Case.

438 (addendum III) 1-14 on 'S'
15 on 'A'

6) CZECHOSLOVAK Case.

5155 After Dr. Neumann had additionally stated that the victim (ADLER) was hanged without previous trial of any kind, it was decided to list the first accused on 'A'.

As to the second accused, the case was adjourned for further information necessary to substantiate his responsibility. The Committee were of opinion that the case with regard to this accused, as it stood, is not sufficient to consider his activities as a war crime.

IV. Closing of 58th List of War Criminals.

The Committee decided to issue the 58th List of War Criminals, which would include cases accepted by the Committee and recorded in Minutes Nos. 96, 97 (all except Polish cases), 98 and 99.

225

NO. 100.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 22nd May, 1947,
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie	United Kingdom
Colonel Springer	United States of America
Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Major Mason	United Kingdom
Commander Mouton	Netherlands
Colonel Muszkat	Poland

I. Minutes No. 99.

Minutes of the Meeting held on 14th May, 1947, were approved.

II. Questions of Procedure.

Sir Robert CRAIGIE said he wished to submit one or two general observations to the Committee for consideration. Firstly, Sir Robert said, he had been increasingly impressed with the necessity for Committee I to confine itself at the present stage of its work to the more serious and important cases of war crimes, such as those of murder or ill-treatment. Secondly, he felt that the Committee should demand rather fuller evidence with regard to each case than it had done hitherto.

Sir Robert said that there was an impression in this country that the trials of war criminals had already dragged on too long. This sentiment was, of course, largely based on ignorance of the real situation, in particular with regard to the occupied countries, but it was a situation which he felt ought to be taken into account, and the Commission should be in a position to state at this stage, two years after the war, that it was really dealing with cases of a serious nature. In so far as he was concerned, Sir Robert wished to ask the Committee that cases submitted in future should contain not only sources of evidence e.g. names of witnesses, but also summaries of the evidence itself. Such a request should not impose too much additional work on the National Offices because if proceedings were to be initiated

against the persons charged, the authorities concerned must in any case prepare the necessary evidence. It was not, perhaps, necessary to request affidavits, which would entail a somewhat heavy burden as far as translation was concerned, but there should be in all cases summaries of the evidence on which the Committee could base its decisions.

Mr. KINTNER said that the United States Government desired to associate itself with the statement which Sir Robert Craigie had just made.

Dr. NEUMANN also supported Sir Robert Craigie's suggestions.

See
Amendment
No 100(a)
attached

Monsieur de BAER said that he had himself ^{obtained} insisted that his own National Office should submit more fully substantiated cases and pointed out that some other National Offices were ^{also} already submitting very complete charges in which case the Committee's recommendation would not apply to them. In his opinion the Committee should, however, exercise discretion when insisting on further evidence, as there were some Governments which desired to have a complete picture of war crimes committed against their own nationals and wished to submit some cases even when there was little or no hope of bringing the accused to trial.

Dr. NEUMANN further pointed out that it was sometimes difficult to obtain evidence until the accused himself was interrogated at the trial.

Sir Robert CRAIGIE suggested that in such cases it would be more desirable to list the accused as a Witness. In future the Committee should not list persons as war criminals or as suspects unless there was evidence sufficient to constitute a prima facie case of a war crime.

See attached
letters
to

It was agreed that the Committee's recommendations should be reported on to the Commission at its next meeting, and that the National Offices should accordingly be informed as to the procedure in future.

Yugoslavia, Greek NOs; + also to
French NO on 2nd July (See Memo. No 104)

III. Proceedings in Individual Cases.

The Committee considered 44 cases against 69 persons submitted by the United Kingdom, the Netherlands, Yugoslavia, Poland, and the United States, and decided as follows:-

1) UNITED KINGDOM Cases.

5156	On 'A'
5160	On 'A'
5161	1-3 on 'A'

2) NETHERLANDS Cases.

4977	1 re-classified from 'W' to 'S'
(addendum)	2-4 already listed - no action was necessary
	5 on 'S'
5188	1-3 on 'A'
	4-7 on 'W'

.....

(NETHERLANDS Cases continued)

5189 On 'S'
5190 1-6 on 'A'
7-9 on 'W'

3) YUGOSLAV Cases.

5191 On 'A' for deportation for forced labour
5192 This case was adjourned for further information necessary to establish the accused's personal responsibility for both charges preferred against him, especially in view of the rank he had held at the material time and the fact that there was no apparent direct connection between the accused's action and the victim's death.
5193 On 'A'
5194 On 'A'
5195 This was adjourned for further information necessary to establish whether the destruction in question was carried out wantonly or was necessitated by military reasons.
5196 This case was rejected on the ground that in regard to count XI the Committee were of opinion that delivering of call-up papers as such is not sufficient to establish the accused's responsibility for, or complicity in, compulsory enlistment of soldiers. As to count XIII, the Committee were of opinion that the crime alleged was of not sufficient importance to warrant putting the accused on the Commission's List of war criminals.
5197 On 'A'

4) POLISH Cases.

5162 On 'A'
5163 On 'A'
5164 On 'A' for ill-treatment only
5165 On 'A'
5166 On 'A'
5167 On 'A' on all counts except "attempts to denationalise the inhabitants of occupied territory".
5168 On 'A'
5169 On 'A'
5170 On 'A'

.....

(POLISH Cases continued)

5171	On 'A'
5172	On 'A'
5173	On 'A'. <u>(Priority List)</u> .
5174	On 'A'
5175	On 'A'
5176	On 'A'
5177	On 'A'
5178	On 'A'
5179	On 'A'
5180	On 'A'
5181	On 'A'. <u>(Priority List)</u> .
5182	On 'A'
5183	On 'A'
5184	On 'A'
5185	On 'A'
5186	On 'A'
5187	On 'A'

5) UNITED STATES Cases.

5157	On 'A'
5158	1-2 on 'A'
5159	1-4 on 'A'
5198	After Mr. Kintner had additionally stated that sufficient evidence had been collected by the United States Prosecuting Authorities necessary to bring the accused to trial, and had made reference in this connection to the indictment against other members of the Vorstand of the I.G. Farbenindustrie already submitted to the Military Tribunal at Nürnberg (case No. 6 against Karl KRAUCH and others) - it was decided to list the accused <u>1 and 2</u> on 'A'.

IV. Priority List of German Criminals wanted by Yugoslavia. (50 Cases).

Monsieur de BAER suggested that as there was no Yugoslav representative present, the Committee should adjourn detailed consideration

of the cases until the next meeting.

Sir Robert CRAIGIE said that in so far as he had been able to judge, the cases, taken as a whole, did not appear to him to conform to the Committee's idea of Priority cases. In particular, the crimes of which the accused were charged were not of a heinous nature.

Mr. KINTNER fully supported Sir Robert Craigie on that point.

It was decided, therefore, that both Monsieur de Baer and Dr. Litawski should select and submit to the Committee the few possible cases which might be considered as Priority cases. The Committee would then take a decision upon these selected cases at the next meeting, at which the presence of the Yugoslav representative would be requested.

V. Priority List of German Criminals wanted by Norway. (3 Cases).

As no Norwegian representative was present, consideration of these cases was adjourned.

VI. Issue of Second Priority List.

Dr. Litawski reported that with reference to the First Priority List which had been transmitted to the United Kingdom, United States and French Zones in Germany for action, preliminary information with regard to subsequent results had been received from the French authorities only.

The Committee were appreciative of the fact that seven weeks was perhaps barely long enough in which to expect information with regard to all the persons included in the First Priority List. Sir Robert Craigie and Mr. Kintner, however, undertook to make tentative enquiries from the United Kingdom and United States authorities respectively.

Meanwhile, it was decided to issue the Second Priority List which would include all priority cases accepted by the Committee between 21 March and 22 May, 1947, inclusive.

VII. Case of General MARINOV - Further Communication from Accused's Lawyer - (Doc. I/87).

The Committee took note of a letter from General Marinov's lawyer dated 6th May, 1947 (Doc. I/87).

As regards the first question on which an explanation was requested (1),

the Committee agreed that a reply should be given to the effect that as Greece was a sovereign State there would appear to be no reason why the Greek Government should not be entitled to institute proceedings against General Marinov for a war crime, regardless of the fact whether or not his name had been entered in the Commission's list of persons accused of war crimes.

With regard to the second question (2),

it was decided to point out that this question was fully covered by the provisions of the Armistice concluded between the Allied Powers and Bulgaria,

and make reference to the Peace Treaty with Bulgaria which was awaiting ratification.

With regard to the penultimate paragraph of the letter, in which reference was made to the interpretation of the final paragraph of the Commission's reply to the Bulgarian Government, the Committee was of the opinion that an answer should be given to the effect that the Commission had nothing further to add to the statement already made.

The Secretary was charged to prepare a draft of the reply embodying the Committee's opinion.

VIII. Additional names for List 58.

It was decided that the Commission List 58 closed at the last meeting should also include all cases accepted by the Committee at its meeting on 22nd May, 1947.

10th June, 1947.

Dear Mr. Dimitas,

I have pleasure in enclosing herewith a copy of the Minutes of the meeting of Committee I held on 22nd May, 1947, and in drawing your attention to item II, (Questions of Procedure).

It will be observed that the Committee decided to confine itself at the present stage of its work to the more serious and important cases of war crimes, and to request the National Offices concerned, to submit future cases with fuller evidence than has been done hitherto.

I would appreciate if you would be kind enough to advise your National Office accordingly.

Yours sincerely,

Legal Officer.
Secretary of Committee I.

M. A. Dimitas.

10th June, 1947.

Dear Dr. Milenković,

I have pleasure in enclosing herewith a copy of the Minutes of the meeting of Committee I held on 22nd May 1947, and in drawing your attention to item II, (Questions of Procedure).

It will be observed that the Committee decided to confine itself at the present stage of its work to the more serious and important cases of war crimes, and to request the National Offices concerned to submit future cases with fuller evidence than has been done hitherto.

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Yours sincerely,

Legal Officer.
Secretary of Committee I.

Dr. V. Milenković,
Yugoslav Embassy,
25, Kensington Gore,
S.W.7.

Dr Tadeusz Cyprian.

Incorporated in Minutes No 99

228

THE AUSCHWITZ TRIAL IN WARSAW

" A few weeks ago, in Warsaw, the trial of Rudolf Hoess ended. He was the notorious commandant of the Auschwitz concentration camp, which was set up by the Germans in the small, peaceful town of Oświęcim in occupied Poland.

" There have been many trials of concentration camp personnel, for there were many well-known camps - Belsen, Dachau, Ravensbrück, Buchenwald, and others.

" But Auschwitz was different.

" Over three million people perished there - more than ⁱⁿ all the other camps together. Also, the camp was not merely a concentration camp, but a powerful instrument for the extermination of whole nations, where scientific methods of mass murder were planned, tested and applied; and, lastly, Auschwitz was run by a German, who was neither a sadist, nor an ordinary criminal.

" The trial was quite short - it lasted for about three weeks - was held before the Supreme National Tribunal in Warsaw, and the number of witnesses did not exceed some sixty-odd persons.

" The witnesses came from every country of Europe, whose nationals had been inmates of the camp; several States sent their official representatives as observers - there were, among others, British, American, French and Russian observers.

" The trial was conducted simultaneously in five languages, in the same way as at Nuremberg, and the foreign Press had every facility provided.

Hoess pleaded guilty to putting to death about two million people, was convicted of having caused the deaths of over three million people, ^{and} sentenced to death and hanged in the camp of Auschwitz, where he was taken for that purpose. Neither the public nor the Press were admitted to watch the execution.

In the verdict, he was found guilty of:

- Membership in the criminal ^{organizations} associations known as NSDAP and SS, and of taking part in the conspiracy to wage war and to plan and carry out the extermination of people;
- Being commandant of the Auschwitz camp, where about 300,000 people perished as the result of mal-treatment, killings, medical experiments, starvation and other forms of torture purposely inflicted upon them by the whole of the camp personnel, acting on the orders of the defendant;
- Putting to death in gas chambers about three million people, most of them Jews and Poles;
- Causing the deaths of about 12,000 Russian prisoners-of-war, brought to the camp contrary to the laws and customs of war, as laid down in the Fourth Convention of The Hague.
- Organizing the wholesale robbery from the inmates of all valuables, jewellery and clothing, which was later sent to the German Reich for distribution amongst the German population.

The trial was held under Polish procedure, and the Polish municipal law was applied, embodying the principles established during the Nuremberg Trial.

That is a short summary of the judicial aspect of this trial, but it has another side, which is even more important.

Three million people killed in one single camp in five years! time is something that goes beyond the imagination of civilized man.

The murder of ten or of a hundred people is something that can be understood by the ordinary citizen, and would be considered as an appalling crime.

But the killing of people by the million surpasses the limits of our imagination, and the victims cease to be regarded as human beings and become a mere number. They are no more "murdered" - they are "liquidated," and the word "crime" almost loses its normal meaning.

And here lies the great difference of opinion on war crimes and crimes against humanity prevailing in this country /as well as in other countries of Western Europe/ and in Poland.

This difference of opinion is the real source of the differing points of view on the German problem as a whole.

X For the lucky peoples who did not suffer under the German occupation - or who, although their countries were occupied, were treated rather more decently - things like Auschwitz camp are something appalling but remote, devoid of their gruesome reality.

For us, the Auschwitz camp was a terrible reality - there is hardly one family in Poland that did not lose some relative in this camp; out of every twenty inhabitants of Poland, one perished in Auschwitz. Besides, we must not forget that there were many other similar camps in Poland.

Looking at Hoess during the trial /I was leading the prosecution/, I could not help thinking that he did not realize in

his deep conscience that he was responsible for the deaths of three million people, although he confessed freely that he gave all the orders for exterminating them by tens of thousands daily in the gas chambers.

He was cool, quiet and very accurate in the matter of figures - once, he denied having gassed ten thousand victims at a time because, as he said, the capacity of the gas chambers did not exceed eight thousand.

He was indignant when it was mentioned that, owing to the shortage of poison gas, he had ordered the administration of a quantity too small to cause immediate death. He assured the Court that he always had sufficient quantities of gas for the daily routine work.

He declared that, on the orders of Himmler, he undertook the work of the wholesale extermination of Jews, that they were to be followed by the Poles, and he not only did not hesitate in the fulfillment of this task, but he endeavoured to fulfil it to the best of his ability. He was sorry that he had not accomplished his task, although he had done his best.

X When I myself asked him how could he ^{have} exterminate children by tens of thousands and, at the same time, be a perfect father to his own five children, he replied that he never thought of these unlucky children as something worthy of consideration - they were to be exterminated by the order of Himmler - and that was all there was to it.

Questioned about his conscience, he replied that he was an

SS man and in the SS there was no conscience - there was the order of superior authorities only and no questions ^{were} asked. He never admitted even the possibility of reflecting as to whether an order might be wrong or unlawful.

This was the man, Hoess - not a sadist /he never kicked or beat anybody himself/, and not an ordinary criminal.

Hoess was a perfect product of the German race, he was no worse and no better than the average SS man of his rank and intelligence; he was only more efficient than the others.

We Poles saw in the dock not him, Hoess - he did not interest us very much as an individual, ^{but} because we saw in the dock the German nation which had been capable of setting up a regime intended to exterminate a whole nation, of educating individuals like Hoess and using them for its criminal aims.

During the trial ^{we} were told that, throughout the whole of Germany, young couples applied for the prams brought by thousands from Auschwitz where people had arrived with their chattels, having been told that they were going to settle on the land.

We heard of complaints made by these young couples that the prams and children's clothing which they got were blood-stained.

We were told that the victims had their hair cut off /all the women inmates of the camp had their heads shaven, too/ and that in one year alone 60 tons of women's hair ^{was} ~~were~~ made up in Germany into slippers.

The witnesses told us that gold teeth taken from the corpses were melted down into gold bars and in one year 6 tons of gold were

sent to the German Reichsbank. The jewellery was sold in Switzerland in such quantities that it flooded the Swiss market for quite a long time.

The camp sent to Germany about 20 railway wagons weekly full of clothing to be distributed to bombed-out people.

These were the facts. Could we not see the German nation in the dock? Did nobody in Germany know where all these goods came from?

Hoess was not an exception, he was an average SS man and he behaved accordingly. He was quiet, undisturbed, very accurate in the matter of figures, and very well disciplined. He was aware that he would have to pay with his life because his German leaders had lost the war. He was conscious of it and he declared it in a matter-of-fact manner.

But he was only a tool, a very efficient tool, of course, willing to serve and to do his best. Behind him was the German will to dominate the world:

"Heute gehört uns Deutschland, morgen die ganze Welt" as the German youth song goes.

This domination was to be achieved not by peaceful methods, but by exterminating peoples, by getting "Land ohne Volk" /^{land}country without people/ to settle Germans in.

The Jews were to be exterminated first, then the Poles, then the Czechs and Russians. Maybe the English were further down on the waiting list, but the list was long

That is the reason why we regard these trials from quite a

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different point of view than you English do - we were nearer to the gas chambers. For your country, Goering and Ribbentrop foresaw a better future; as was revealed at Nuremberg - England was to be converted into an agricultural country, to rear sheep and to spin wool; only the English children were to be taken to Germany to be educated as Germans.

Our children were to be taken to the gas chambers - and they were in fact taken there. So, no wonder that we look at the German reality with different eyes, and I hope you will not mind my saying frankly what we think. Frank speech makes good friends and, after all, we have no grievance against you, but against the Germans - the only thing we ask of you is that you should understand our struggle for life and death.

The Hoess trial was a warning to Europe, a warning of the future awaiting all peaceful nations if the Germans /not only a handful of top Nazis/ could have had their way.

It depends on you and on us whether or not there will be another German attempt to dominate the world.

This question is far more important than many purely theoretical legal considerations, and for that reason I decided to speak on it to my British friends, with whom I worked during the war to set up the foundations of international justice.

227

No. 100(a)

Amendment

UNITED NATIONS WAR CRIMES COMMISSION

Amendment to the Summary Minutes of the
Meeting of Committee I
held on 22nd May, 1947

At M. de Baer's request his statement on page 2 has been
amended to read as follows:

"Monsieur de BAER said that he had himself obtained that his own National Office should submit more fully substantiated cases and pointed out that some other National Offices were also submitting very complete charges, in which case the Committee's recommendation would not apply to them. In his opinion the Committee should, however, exercise discretion when insisting on further evidence, as there were some Governments which desired to have a complete picture of war crimes committed against their own nationals, and wished to submit some cases even when there was little or no hope of bringing the accused to trial"