

- 61) Trial against Hans Asmussen, civilian.  
Date & Place of Trial: 31st January 1946, at Hamburg, the court consisting of two British officers and one Polish officer.  
Charge: Committing a war crime in that he at Neisgrau, between the years 1942 and 1945 when a farmer employing Polish nationals as labourers, in violation of the laws and usages of war did ill-treat Jan Perszyk, Karoline Nowacka, Alexander Yoltuchowski, Polish nationals, and other Polish nationals, on his, the accused's farm.  
Verdict: Special Finding: Is guilty of the charge with the exception of the words Jan Perszyk, Karoline Nowacka and other Polish nationals.  
Sentence: Imprisonment for 9 months, without hard labour. Sentence confirmed, but commuted to imprisonment for three months without hard labour.
- 62) Trial against Walter Muller and Wilhelm Bremer, civilians.  
Date & Place of Trial: 14th and 15th Feb., 1946 at Verden, the court consisting of four British officers and one Polish officer.  
Charge: Committing a war crime in that they at Mienburg between the years 1940 and 1945, when in charge of Polish workers at the glass factory, in violation of the laws and usages of war, did ill-treat Z. Kucharski, N. Koczorowski and Jan Wasiewicz, Polish nationals, and other Polish nationals employed in the said factory.  
Verdict: Guilty.  
Sentences: Muller, imprisonment for six months.  
Bremer, imprisonment for two years.  
Sentences confirmed.
- 63) Trial against Gunther Giesenhagen, civilian.  
Date & Place of Trial: 6th February 1946, Hamburg, the court consisting of two British officers and one Polish officer.  
Charge: Committing a war crime in that he at Gut Erkendorf, Germany, between the years 1941 and 1945, in violation of the laws and usages of war, did ill-treat Walerian Seroczynski and Stanislaw Seroczynski, Polish nationals and other Polish nationals.  
Verdict: Guilty of the charge with the exception of the words "and other Polish nationals".  
Sentence: Imprisonment for 8 months, without hard labour.
- 64) Trial against Karl Bethge, civilian.  
Date & Place of Trial: 7th - 9th February 1946, Verden, the court consisting of four British officers and one Polish officer.  
Charge: Committing a war crime in that he at Warsaw in the year 1944 in violation of the laws and usages of war did ill-treat a number of Polish nationals employed in the "Mars" factory  
Verdict: Guilty.  
Sentence: Imprisonment for 7 years. Sentence confirmed, but two years' imprisonment remitted.

- 65) Trial of Otto Wrede, civilian.  
Date & Place of Trial: 22nd February, 1946, Brunswick, the court consisting of four British officers and one Polish officer.  
Charge: Committing a war crime in that he at Alvesse, between the years 1944 and 1945 in violation of the laws and usages of war, ill-treated Roman Chudziak, a Polish national and other Polish nationals.  
Verdict: Not Guilty.
- 66) Trial of Karl Brunotte, civilian.  
Date & Place of Trial: 11th February 1946, Verden, court consisting of four British officers and one Polish officer.  
Charge: Ill-treatment of Polish nationals.  
Verdict: Guilty, with the exception of two Polish people named in the charge.  
Sentence: Imprisonment for 6 months.
- 67) Trial of Hans Speck and Claus Voss, civilians.  
Date & Place of Trial: 15th and 20th February 1946, Hamburg, court consisting of two British officers and one Polish officer.  
Charge: Hans Speck:  
(1) Committing a war crime in that he at Quarnstedt, between the years 1941 and 1945, in violation of the laws and usages of war, did ill-treat Eugenys Nowakowski and Janna Brzost, Polish nationals and other Polish nationals.  
Claus Voss:  
(1) Committing a war crime in that he at Beringstedt on a date unknown, in the year 1943, in violation of the laws and usages of war did ill-treat Pietro Dubik, a Polish national.  
(2) Committing a war crime in that he at Beringstadt in or about the month of August 1943, in violation of the laws and usages of war, did ill-treat Sophie Pavlik, a Polish national.  
Verdict: Both guilty, Speck with the exception of the words "Eugenys Nowakowski".  
Sentences: Speck, imprisonment for 6 months.  
Voss, " 18 "  
Sentences confirmed, but three months and nine months respectively of sentences remitted.
- 68) Trial of Otto Nickel, civilian.  
Date & Place of Trial: 18th February 1946, Gelsenkirchen.  
Charge: Ill-treatment of an unknown allied airman after he had made a parachute descent.  
Verdict: Guilty.  
Sentence: Imprisonment for two months.
- 69) Trial of Unteroffizier Wilhelm Menzel of the Wehrmacht.  
Date & Place of Trial: 18th February, 1946, Hamburg.  
Charge: Committing a war crime in that he on date between 21st January 1945 and 2nd May 1945 in violation of the laws and usages of war was concerned with others not in custody in the ill-treatment of No. 97060 Private Reginald James Sudds, R.A.S.C. and other Allied prisoners of war on a forced march from Bleckhammer, Upper Silesia, to Moosburg, Bavaria, in Germany.

Verdict: Guilty.

Sentence: Imprisonment for 10 years. Sentence confirmed, but five years imprisonment remitted.

- 70) Trial against Clements Vogtmann, Concentration Camp Staff.  
Date & Place of Trial: 25th-26th February, 1946, Brunswick, court consisting of four British officers and one Polish officer.  
Charge: Ill-treatment of Polish nationals in the concentration camp at Drutze.  
Verdict: Not Guilty.
- 71) Trial against Bernard Rading, civilian.  
Date & Place of Trial: 26th-27th February 1946, Brunswick, the court consisting of four British officers and one Polish officer.  
Charge: Committing a war crime in that he at Warnsdorf between September 1944 and April 1945, in violation of the laws and usages of war did ill-treat Feliks Yeowikowski, a Polish national.  
Verdict: Not Guilty.
- 72) Trial against Gefreiter Edward Hillert, of the Wehrmacht.  
Date & Place of Trial: 1st - 2nd March 1946, Brunswick, the court consisting of four British officers and one Polish officer.  
Charge: Committing a war crime in that he at Graudenz, Poland one day in the month of November 1939, in violation of the laws and usages of war, with a number of other persons unknown did kill a number of Polish nationals.  
Verdict: Not Guilty.
- 73) Trial against Karl Wieben, civilian.  
Date & Place of Trial: 14th March, 1946, Hamburg, the court consisting of two British officers and one Polish officer.  
Charge: Committing a war crime in that he at Beringstadt in or about the month of April 1944, in violation of the laws and usages of war, ill-treated Marian Rosik, a Polish national.  
Verdict: Not Guilty.
- 74) Trial against Romano Martello, Rino Faggiani and Luigi Belline.  
Date & Place of Trial: 11th and 12th February 1946, at Bologna.  
Charge: Committing a war crime in that they near Casselle, Pressana, Italy, on 6th January 1945, in violation of the laws and usages of war, were concerned in the killing of 6846387, Rfn.P. Chapman, K.R.R.C.  
Verdict: All guilty.  
Sentences: Each of the accused sentenced to imprisonment for 10 years. Sentence confirmed.



75) Trial against Michael Kripps and four others.

Date & Place of Trial: 1st - 2nd April 1946, at Bologna.

Charge: Committing a war crime in that they near Roncegno, in or about the month of March 1945, in violation of the laws and usages of war, were concerned in the killing of a British Officer, believed to be Major J.P. Wilkinson, R.A.

Verdict: 3 of the accused Not Guilty. 2, Guilty.

Sentences: Death by shooting, 2.  
Sentences confirmed, but commuted to:  
Kripps, imprisonment for 17 years,  
Hoser, " " 7 ".

76) Trial against Colonello Francesco Paolo Turco, Italian Army.

Date & Place of Trial: 8th - 10th April 1946, at the Royal Palace of Justice, Milan.

Charge: Committing a war crime in that he at Orto al Serio, Italy, on or about 16th July, 1943, in violation of the laws and usages of war, killed Private Ianbris Tofi, a British prisoner of war.

Verdict: Guilty.

Sentence: Death by shooting, with a strong recommendation for mercy.  
Sentence confirmed, but commuted to imprisonment for 15 years..

III. Canadian Transcripts.

1) Trial against S.S. Brigadeführer Kurt Meyer.

Date & Place of Trial: Canadian Military Court held at Aurich, Germany, 10th-28th December 1945.

Charge: Killing and ill-treatment of Canadian and other Allied prisoners of war. (Six charges).

Verdict: Guilty of responsibility in connection with the shooting of Canadian prisoners of war, but not guilty of issuing any direct orders for such shooting.

Sentence: Death by shooting. Findings confirmed, but sentence commuted to imprisonment for life.

IV. United States Trial Reports.

1) Trial against Anton Schosser and 2 others.

Date & Place of Trial: Military Commission Dachau, trial completed 15th September, 1945.

Charge: Murder of 6 American Airmen.  
The accused Anton Schosser was tried separately and found guilty and sentenced to be hanged. The sentence was approved.  
The other accused were acquitted in a trial on 17th September, 1945.



- 2) Trial against Georg Schultheiss.  
 Date & Place of Trial: Military Commission Dachau. Trial completed 21st September 1945.  
 Charge: Murder of unarmed American Aviator.  
 Verdict: Acquittal.
  
- 3) Trial against Dominikus Thomas.  
 Date & Place of Trial: Military Commission Heidelberg. Trial completed 15th October, 1945.  
 Charge: Murder of Captured Airmen.  
 Verdict and sentence:  
 Guilty, accused sentenced to be hanged.  
 Sentence confirmed, method of execution commuted into death by shooting.
  
- 4) Trial against Karl Neunöbel, Gustav Weber and Karl Block.  
 Date & Place of Trial: Military Commission Heidelberg Trial completed 15th October, 1945.  
 Charge: Murder of captured American airmen.  
 Verdict & Sentence:  
 Two of the accused were found guilty.  
 One was sentenced to death by hanging. This sentence was approved and commuted into death by shooting.  
 Sentence on one accused was confinement and hard labour for 10 years. This sentence was disapproved by the Commanding General.  
 3rd accused - nolle prosequi.
  
- 5) Trial against Wilhelm Dieterman and another.  
 Date & Place of Trial: Military Commission Heidelberg. Trial completed 11th October 1945.  
 Charge: Murder of an American prisoner of war.  
 Verdict & Sentence:  
 One of the accused was found not guilty.  
 One was found guilty and sentenced to death by hanging.  
 The commanding General ordered that the method of execution be by shooting.
  
- 6) The Hadamar Case. Trial against Alphons Klein and six others.  
 Date & Place of Trial: Military Commission Wiesbaden. Trial completed 15th October, 1945.  
 Charge: Murder of allied nationals by injections of poisonous drugs at the Hadamar Institution.  
 Verdict: All the accused were found guilty.  
 Sentence:
 

Death by hanging	3
Imprisonment for life	1
" " 35 years	1
" " 30 years	1
" " 25 years	1

 The sentences were approved, but the death sentences were modified to death by shooting.
  
- 7) Trial against Josef Hangobl.  
 Date & Place of Trial: Military Commission Dachau. Trial completed 18th October 1945. Murder of captured American airmen.  
 Verdict and sentence: Guilty and sentenced to life imprisonment.  
 The sentence was commuted into hard labour for 10 years.

- 8) Trial against Clemens Wiegand.  
Date & Place of Trial: General Military Government Court,  
Heidelberg, trial completed on 16th October 1945.  
Charge: Murder of captured American airmen.  
Verdict: Guilty.  
Sentence: Death by decapitation. The sentence was confirmed  
but it was ordered that the method of execution be  
by hanging.
- 9) Trial against Peter Back.  
Date & Place of Trial: Military Commission, Ahrweiler, on  
16th June 1945.  
Charge: Murder of an American Airman.  
Verdict: The accused was found guilty.  
Sentence: Death by hanging. The findings and sentence  
were approved, but it was ordered that the execution  
of the sentence be stayed pending further orders.
- 10) Trial against Gunther Thiele and Georg Steinert.  
Date & Place of Trial: Military Commission, Augsburg,  
13th June, 1945.  
Charge: Order to kill an American prisoner of war and  
execution of this order.  
Verdict: Both accused were found guilty.  
Sentences: Death by hanging.
- 11) Trial against Albert Bury and another.  
Date & Place of Trial: Military Commission, Freising, 15th and  
16th June, 1945.  
Charge: Killing of American Prisoner of war.  
Verdict: Both were found guilty.  
Sentences: Death by hanging. Sentences approved.
- 12) Trial against Ernst Waldmann.  
Date & Place of Trial: Military Commission, Munich,  
28th July, 1945.  
Charge: Killing of a member of the American forces.  
Verdict: Guilty.  
Sentence: Death by hanging. Sentence confirmed.
- 13) Trial against Josef Hartgen and 10 others.  
Date & Place of Trial: Military Commission, Darmstadt,  
25th - 31st July, 1945.  
Charge: Killing of American prisoners of war.  
Verdict: One of the accused was found not guilty.  
The other 10 were found guilty.  
Sentences: Death by hanging, 7  
Hard Labour for 25 years, 1  
" " " 15 " , 2.  
Two of the death sentences (against two women)  
were commuted to confinement for 30 years,  
otherwise the sentences were confirmed.
- 14) Trial against Heinrich Deubert and 3 others.  
Date & Place of Trial: Military Commission, Munich, 15th August 1945.  
Charge: Beating and striking American prisoners of war.  
Verdict: All the accused were found guilty.  
Sentences: Hard Labour for 15 years, 1  
Hard Labour for 2 years, 1  
(One year of the sentence was remitted by the  
Commanding Officer.)  
Hard Labour for 1½ years, 1  
(Six months remitted by the Commanding Officer)  
Hard Labour for 1 year, 1  
(Six months remitted by the Commanding Officer.)

- 15) Trial against Franz Strasser, Austrian National.  
Date & Place of Trial: Military Commission at Dachau,  
24th August, 1945.  
Charge: Shooting of American airmen at or near Kaplitz,  
Czechoslovakia.  
Verdict: Guilty.  
Sentence: Death by hanging. Sentence confirmed.
- 16) Trial against Heinrich Flatau and Nikolaus Fachinger.  
Date & Place of Trial: Military Commission, Munich, 3rd Aug., 1945.  
Charge: Killing of two American airmen.  
Verdict: Both found guilty.  
Sentences: Death by hanging. Sentences confirmed.
- 17) Trial against Heinz Endress.  
Date & Place of trial: General Military Court, Dachau,  
13th November 1945.  
Charge: Killing of 4 members of the United States Army.  
Verdict: Guilty.  
Sentence: Death by decapitation. Sentence approved but  
commuted to death by hanging.
- 18) Trial against August Kobus.  
Date & Place of Trial: General Military Court, Ludwigsburg.  
13th and 14th November 1945.  
Charge: Killing of prisoners of war.  
Verdict: Guilty.  
Sentence: Death by shooting. The Commanding Officer  
changed the sentence to death by hanging.
- 19) Trial against Konrad Kremer and Wilhelm Krahn.  
Date & Place of Trial: Intermediate Military Government  
Court, Ludwigsburg, 18th December 1945.  
Charge: Wrongfully assaulting an allied airman, prisoner  
of war.  
Verdict: One of the accused acquitted. The other was  
found guilty.  
Sentence: Imprisonment for 5 years. Sentence confirmed.
- 20) Trial against General Anton Dostler.  
Date & Place of Trial: Military Commission at Caserta, Italy,  
8th October 1945 and following days.  
Charge: Ordered the shooting summarily of 15 American  
prisoners of war.  
Verdict: Guilty.  
Sentence: Death by shooting. Sentence approved, confirmed  
and executed.
- 21) The Dachau Concentration Camp case. Trial against Martin Gottfried  
Weiss and 39 others.  
Date & Place of Trial: General Military Government Court,  
Dachau, 15th November to 13th December 1945.  
Crimes committed in the Dachau Concentration Camp.  
Verdict: All the 40 accused were found guilty.  
Sentences: Death by hanging. 36,  
Imprisonment for life, 1,  
" " 10 years, 3.  
40.



- 22) Trial against Erich Weiss and Milhelm Mundo.  
Date & Place of Trial: General Military Court, Ludwigsburg,  
Germany, 9th and 10th November, 1945.  
Charge: Wrongfully killing an unknown American airman.  
Verdict: Not Guilty.
- 23) Trial against Otto Brehm, Wilhelm Bausch and Sabastian Schmidt.  
Date & Place of Trial: General Military Court, Ludwigsburg,  
16th November, 1945.  
Charge: Wrongfully assaulting an unknown American Airman,  
prisoner of war. The accused Schmidt was not  
present, not on trial and no evidence was presented  
against him.  
Verdict: The other two accused were found guilty.  
Sentences: Imprisonment for five years each.  
Sentences approved.
- 24) Trial against Ludwig Schardt.  
Date & Place of Trial: General Military Court, Ludwigsburg,  
20th - 23rd November 1945.  
Charge: Participation in the wrongful killing of three  
American airmen, prisoners of war.  
Verdict: Guilty.  
Sentence: Life imprisonment. Sentence approved.
- 25) Trial against Werner Kornalewicz,  
Date & Place of Trial: Intermediate Military Court, Ludwigsburg,  
26th November 1945.  
Charge: Wrongfully assaulting an unknown American airman,  
prisoner of war.  
Verdict: Guilty.  
Sentence: Imprisonment for one year. Sentence confirmed.
- 26) Trial against Karl Weissshuhn,  
Date & Place of Trial: Intermediate Military Court, Ludwigsburg,  
11th December, 1945.  
Charge: Wrongfully assaulting an unknown American prisoner  
of war.  
Verdict: Guilty.  
Sentence: Imprisonment for 3 years.  
Sentence approved.
- 27-J. Trial against Rear Admiral Nisuke Masuda and others.  
Date & Place of Trial: U.S. Military Commission, convened at  
U.S. Naval Air Base, Kwajalein Island, Kwajalein  
Atoll, Marshall Islands. 7th December 1945, and  
following days.  
Charge: Wilfully, feloniously, with malice aforethought,  
without justifiable cause and without trial or  
other due process, assault and kill by shooting  
and stabbing to death, three American fliers,  
prisoners of war, in violation of the dignity of the  
United States of America, the International rules  
of warfare and the moral standards of civilized society.  
Verdict: Each of the four accused, guilty.  
Sentences: The accused Lt. Tsugio Yoshimura, Ensign Mamoru Kawachi  
and W/O Toshimoto Tanaka, sentenced to be hanged.  
The accused Ensign Tadashi Tasaki, sentenced to  
imprisonment for 10 years.  
Nolle Prosequi was entered against the accused Rear  
Admiral Nisuke Masuda.

- 28) Trial against Rudolf Aurburger and Johann Hemauer.  
Date & Place of Trial: Intermediate Military Court, Dachau,  
5th February 1946.  
Charge: That they wrongfully encouraged, aided, abetted and participated in an assault upon an unknown member of the United States Army Air Force, who was then an unarmed, surrendered prisoner of war, by hitting him in the face and on the head with their fists and with their rifles.  
Verdict: Guilty, with the exception of the words "and with their rifles".  
Sentences: Each to imprisonment for a term of one year.
- 29) Trial against Bernhard Engelbrecht, Paul Eckert and Wilhelm Bork.  
Date & Place of Trial: Intermediate Military Court, Dachau,  
14th February, 1946.  
Charge: That they wilfully, deliberately and wrongfully encouraged, aided, abetted and participated in committing assaults upon three members of the United States Army, who were then unarmed, surrendered prisoners of war.  
Verdict: Not Guilty.
- 30) Trial against Richard Drauz,  
Date & Place of Trial: General Military Court, Dachau,  
11th December, 1946.  
Charge: That he wilfully, deliberately and wrongfully encouraged, aided, abetted and participated in the killing of an unknown American prisoner of war.  
Verdict: Guilty.  
Sentence: Death by hanging.
- 31) Trial against Charlotte V. Battalo and 5 others.  
Date & Place of Trial: Intermediate Military Court at Dachau,  
31st January 1946.  
Charge: Wilfully, deliberately and wrongfully encourage, aid, abet and participate in an assault upon unknown members of the United States Army who were then unarmed, surrendered prisoners of war in the custody of the then German Reich, by hitting them with their hands and with various articles, the exact nature of which is unknown, on their heads and bodies, and by kicking them in various parts of their bodies.  
Verdict: All the accused found Guilty.  
Sentences: Imprisonment for two years, 3,  
" " one year, 3.  
Sentences were confirmed, but 5½ months of the confinement of one of the accused, Maria Hegele, was remitted. (Original sentence one year.)
- 32) Trial against Erich Dietzschold.  
Date & Place of Trial: 11th March 1946, at Ludwigsburg, before a General Military Court.  
Charge: Wrongfully committing an assault upon an unknown American airman, a prisoner of war, by kicking him in the neck.  
Verdict: Not Guilty.

- 33) Trial against Kurt Hertung,  
Date & Place of Trial: 12th April 1946, at Ludwigsburg, before  
an Intermediate Military Government Court.  
Charge: Wrongfully encouraging, aiding, abetting and  
participating in committing assaults upon five  
unknown members of the United States Army,  
prisoners of war.  
Verdict: Not Guilty.

V. Translations of Broadcast Reports on Czechoslovak Trials.

- 1) Trial against Josef Pfitzner, Deputy Mayor of Prague.  
Date & Place of Trial: Extraordinary People's Court, Prague,  
5th and 6th September 1945.  
Charge: High Treason and treachery.  
Verdict: Guilty.  
Sentence: Death by hanging.
- 2) Trial against S.S. Obergruppenfuhrer Walter Schmitt,  
Date & Place of Trial: Extraordinary People's Court, Prague,  
18th September 1945.  
Charge: Responsibility for crimes committed in Concentration  
Camps Mauthausen, Schlossenburg, Ravensbruck,  
Sachsenhausen and other places.  
Verdict: Guilty.  
Sentence: Death by hanging.
- 3) Trial against Franz Kopler,  
Date & Place of Trial: Extraordinary People's Court, Prague,  
18th September 1945.  
Charge: Torture of political prisoners in Gestapo prison.  
Verdict: Guilty.  
Sentence: Penal Servitude for 20 years.

VI. Summaries Received from the Polish Representative.

- 1) Trial against Herman Vogel and 5 others.  
Date & Place of Trial: Polish Special Criminal Court in Lublin,  
27th November 1944 and 2nd December 1944.  
Charge: Crimes committed in the extermination camp  
Majdanek.  
Verdict: All the accused were found guilty.  
Sentences: Death by hanging.
- 2) Trial against Paul Hoffman, supervisor of the crematorium at the  
death camp of Majdanek.  
Date & Place of Trial: Special Criminal Court at Lublin,  
13th and 14th November 1945.  
Charge: Mass murder of camp inmates at Majdanek.  
Verdict: Guilty.  
Sentence: Death. The prisoner was executed on 23rd December 1945.

VII. Australian Trial Reports.

- 1) Trial against Sgt. Major Hidano Yoshiteru.  
Date & Place of Trial: Military Court, Wewak. New Guinea,  
11th December 1945.  
Charge: Murder and cannibalism.  
Verdict: Not Guilty.



C. 205.  
14th June, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

---

LISTING OF URGENT CHARGES

• COMMUNICATION TO MEMBERS AND NATIONAL OFFICES REGARDING  
THE PROCEDURE.

---

The United Nations War Crimes Commission, in its meeting held on 5th June 1946 (M.107), considered the procedure at present applied in connection with the surrender of War Criminals to National Authorities. The Commission was satisfied that Committee I and its Secretarial Staff function quickly and efficiently. Decisions by Committee I are made regularly within a week and, considering the work involved in drafting, duplication and binding, the lists are distributed in the shortest possible time.

It was recognised, that in exceptional circumstances, this unavoidable short delay in the production of the lists may be unwelcome to National Prosecuting Authorities, and accordingly, the following special procedure for urgent cases was agreed:-

National Offices, in presenting urgent cases, will mark them as such.

Committee I will then place such cases immediately before the Commission, without waiting for the production of the list which may be in course of preparation and, provided the listing is approved by the Commission, a special certificate to this effect will be handed to the National Office concerned without delay.

---

C. 206  
June, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

Report by the Special Committee on Refugees and  
Displaced Persons submitted to The Economic and Social  
Council of the United Nations.  
Provisions regarding War Criminals.

The Special Committee on Refugees and Displaced Persons which met in London from 8th April to 1st June 1946, submitted to the members of the Economic and Social Council of the United Nations a report which also touches the question of war criminals. The relevant parts are herewith circulated for the information of members of the United Nations War Crimes Commission.

The Special Committee on Refugees and Displaced Persons was established by a resolution of the Economic and Social Council on 16th February 1946. This decision was taken on the recommendation of the General Assembly of 12th February 1946, which is reproduced in Commission Doc. C.179, paragraph II.

Chapter II of the report deals with the "Scope and nature of the problem of Refugees and Displaced Persons". Its section 3 has the following text:

"SECTION 3.

NON-INTERFERENCE WITH THE SURRENDER OF  
WAR CRIMINALS, QUISLINGS AND TRAITORS

1. The Committee notes that no action is to be taken under the resolution of the Economic and Social Council which would be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors, in conformity with present or future international arrangements or agreements. The new international body must therefore avoid giving assistance to such groups of persons.
2. In order to ensure the above ends, the Committee RECOMMENDS:
  - (a) That all United Nations Governments should be invited to furnish the authorities concerned with the names and particulars of war criminals, quislings or traitors whose surrender or punishment they claim, together with particulars of their present location so far as known.
  - (b) That the competent authorities should be urged to speed up the process of screening in order to eliminate war criminals, quislings and traitors from among the displaced persons and refugees.

(c) That the new international body should be furnished with the text of the document known as the "Moscow Declaration of 1 November 1943" and relating to war criminals and traitors, and with all other available documents containing authoritative interpretations of the terms "war criminals", "quislings", and "traitors", and with the texts of all future documents relating to war criminals, quislings and traitors.

(d) That all authorities who are or might be entrusted with the screening of war criminals, quislings and traitors should be requested to consider urgently whether the appointment of efficient and duly accredited liaison officers should assist in obtaining a close co-operation with the governments concerned and in improving the efficiency of screening.

(e) That it may be considered whether mixed commissions which may be established under bilateral agreements could usefully collaborate in examining all data relating to the screening of war criminals, quislings and traitors. "

The Delegate for Byelorussia proposed the inclusion of the following new paragraph:

"Taking into account that a considerable number of quislings and traitors were formed into military formations by the German military command and fought during the war on the side of Germany against the Members of the United Nations, and that, up to the present moment, in many cases these formations continue to exist, the Committee considers that this is incompatible with the principles of the United Nations and asks the Economic and Social Council to request the governments concerned to disband these formations and return the quislings and traitors to their countries of origin."

This proposal was rejected by 8 votes to 6, with two abstentions.

Chapter III of the report deals with the "Definition of Displaced Persons and Refugees". Its Part II contains the following list of "Persons who will not be the concern of whatever international body may be recognised or established in the sense of the resolution adopted by the Economic and Social Council on 16th February 1946:"

1. War Criminals, quislings and traitors.
2. Any other persons who have assisted the enemy in persecuting the civil populations of countries, Members of the United Nations, or have assisted the enemy forces since the outbreak of the second world war in their operations against the United Nations, unless it can be



established that such assistance was not given voluntarily or was of a purely humanitarian or non-military nature.

3. Ordinary criminals (Russian: ugolovny) who are extraditable by treaty.

4. Persons of German ethnic origin (whether German nationals or members of German minorities in other countries) who:

(a) have been or may be transferred to Germany from other countries;

(b) have been, during the second world war, evacuated from Germany to other countries;

(c) have fled from, or into, Germany, or from their place of residence into countries other than Germany in order to avoid falling into the hands of allied Armies.

5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.

6. Persons who, since the end of hostilities in the second world war:

(a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a Member of the United Nations, or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;

(b) have become leaders of movements hostile to the Government of their country of origin or sponsors of movements encouraging refugees not to return to their country of origin."

The present Document supersedes Document I/65  
issued on 24th June, 1946

C.207  
27th June, 1946

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

STATISTICAL PROGRESS REPORT

(1st February, 1944, to end of May, 1946)

Annotated by the Secretary to Committee I

(Approved by the Committee on 27th June, 1946)

<u>C O N T E N T S</u>		<u>Page</u>
INTRODUCTION . . . . .		2
TABLE I - Total Number of Cases (Dossiers) Received by the Commission . . . . .		3
EXPLANATORY NOTE ON TABLES II-VIII . . . . .		4
TABLE II - Total Number of <u>Persons</u> Charged by the Governments and Listed by the Commission . . .		5
TABLE III - Total Number of <u>Units</u> Charged by the Governments and Listed by the Commission . . .		6
TABLE IV - Number of <u>Persons</u> Charged by the Governments and Listed by the Commission (Germans) . . .		7
TABLE V - Number of <u>Persons</u> Charged by the Governments and Listed by the Commission (Japanese) . . .		8
TABLE VI - Number of <u>Persons</u> Charged by the Governments and Listed by the Commission (Italians) . . .		9
TABLE VII - Number of <u>Persons</u> Charged by the Governments and Listed by the Commission (Albanians, Bulgarians, Hungarians, Rumanians) . . . . .		10
TABLE VIII - Number of <u>Units</u> Charged by the Governments and Listed by the Commission . . . . .		11
TABLE IX - Additional Charges Submitted by the Governments and Listed by the Commission . . .		12
TABLE X - Cases Not Accepted, or Adjourned . . . . .		13
TABLE XI - Lists of War Criminals Issued by the Commission .		14
TABLE XII - Lists of German War Criminals Holding Key Positions . . . . .		15
TABLE XIII - Chungking Sub-Commission's Lists of Japanese War Criminals . . . . .		15

Shortly after the United Nations War Crimes Commission was created, it recommended to the Governments that National War Crimes Offices be established to investigate in the first instance reports concerning war crimes, and to submit to the Commission in the form requested, charges concerning the offences investigated by them.

In response to the Commission's recommendation, Agencies of this kind have been set up by all Governments, members of the Commission.

In the investigation of war crimes and examination of charges submitted by the National Offices, the Commission, as an international organisation, decides whether there is a case justifying the arrest and handing over for trial of the accused by the apprehending authorities who are thus not called upon to act upon ex parte statements by a single Government.

The preparation, form of submission and presentation by the National Offices of cases and charges of war crimes have been set forth in Document C.87 (1) (consolidated) of 19th April, 1945.

Cases filed with the Commission are, according to the Commission's rules of procedure, considered by Committee I (Committee on Facts and Evidence, composed of Monsieur de Baer, Chairman; Sir Robert Craigie, Deputy Chairman; Lord Wright, Colonel J. V. Hodgson, Dr. B. Eder, Dr. H. Mayr-Harting, Members; and Dr. J. Litawski, Secretary). They are examined by the Committee in the presence of representatives of the Governments (National Offices) submitting the charges. The Commission then reports to the member Governments cases of war crimes in which there appears to be either prima facie evidence sufficient to justify the apprehension and trial of individuals accused of war crimes, or else sufficient grounds to consider the wanted persons as suspects or material witnesses. This is the second stage of Committee I's work and in this respect the Commission functions in a manner resembling that of a committing magistrate reporting to the Governments names of the individuals accused. This is being done in the form of the Commission's Lists of War Criminals with which also all apprehending authorities concerned are being supplied and thus called upon to take the necessary action.

As to procedure and processing of charge files by Committee I and its Secretariat and preparation of the Commission's Lists of War Criminals, reference is being made to Document I/47 (consolidated) of January 1st, 1946.

The present document covers the statistical aspect only of the very strenuous work of Committee I during nearly three years since its inception.

The rules of procedure and legal rulings adopted and established by this Committee, while considering charges and deciding upon the responsibility for war crimes, as well as a survey of war crimes committed during the last war with a commentary on the most important cases submitted by the Governments, will be dealt with in separate documents at a later date.



Shortly after the United Nations War Crimes Commission was created, it recommended to the Governments that National War Crimes Offices be established to investigate in the first instance reports concerning war crimes, and to submit to the Commission in the form requested, charges concerning the offences investigated by them.

In response to the Commission's recommendation, Agencies of this kind have been set up by all Governments, members of the Commission.

In the investigation of war crimes and examination of charges submitted by the National Offices, the Commission, as an international organisation, decides whether there is a case justifying the arrest and handing over for trial of the accused by the apprehending authorities who are thus not called upon to act upon ex parte statements by a single Government.

The preparation, form of submission and presentation by the National Offices of cases and charges of war crimes have been set forth in Document C.87 (1) (consolidated) of 19th April, 1945.

Cases filed with the Commission are, according to the Commission's rules of procedure, considered by Committee I (Committee on Facts and Evidence, composed of Monsieur de Baer, Chairman; Sir Robert Craigie, Deputy Chairman; Lord Wright, Colonel J. V. Hodgson, Dr. B. Eder, Dr. H. Mayr-Harting, Members; and Dr. J. Litawski, Secretary). They are examined by the Committee in the presence of representatives of the Governments (National Offices) submitting the charges. The Commission then reports to the member Governments cases of war crimes in which there appears to be either *prima facie* evidence sufficient to justify the apprehension and trial of individuals accused of war crimes, or else sufficient grounds to consider the wanted persons as suspects or material witnesses. This is the second stage of Committee I's work and in this respect the Commission functions in a manner resembling that of a committing magistrate reporting to the Governments names of the individuals accused. This is being done in the form of the Commission's Lists of War Criminals with which also all apprehending authorities concerned are being supplied and thus called upon to take the necessary action.

As to procedure and processing of charge files by Committee I and its Secretariat and preparation of the Commission's Lists of War Criminals, reference is being made to Document I/47 (consolidated) of January 1st, 1946.

The present document covers the statistical aspect only of the very strenuous work of Committee I during nearly three years since its inception.

The rules of procedure and legal rulings adopted and established by this Committee, while considering charges and deciding upon the responsibility for war crimes, as well as a survey of war crimes committed during the last war with a commentary on the most important cases submitted by the Governments, will be dealt with in separate documents at a later date.

TABLE ITOTAL NUMBER OF CASES (DOSSIERS) RECEIVED BY THE COMMISSION

The following figures show the total number of cases (dossiers) received by the Commission, irrespective of the nationality of war criminals charged therein and the Governments (members of the Commission) by which they have been submitted.

---

<u>Year</u>	<u>Cases (Dossiers)</u>
1944	464
1945	1,726
1946 ( <u>to end of May</u> )	1,311
	<hr/>
	3,501

---

Note

1. First cases registered by the Commission were received on 1st February, 1944.
2. All cases fall under two categories: (a) individual cases and (b) collective cases, according to whether they include charges against one or more persons or units, and no distinction between these two categories has been made while arriving at the above figures.

The total number of persons actually charged and listed by the Commission (Tables II, III and the following) is much higher than that of cases (dossiers) submitted.

EXPLANATORY NOTE ON TABLES II - VIII

The following Tables II and III, and consequently also Tables IV-VIII, have been set up on the basis of periodical Lists of War Criminals issued by the Commission and not upon the General Alphabetical Index of names. As all cases received by the Commission are being registered and examined by Committee I according to countries submitting them, the periodical Lists of War Criminals are being accordingly prepared and divided in separate sections, each of them including all persons or units charged by one country, irrespective of whether any of them might have been also charged by any other country. Some of them have, in fact, been charged several times. Therefore, the figures shown in Tables II and III do not represent the total number of persons and units actually listed in the General Alphabetical Index of War Criminals kept by the Commission. As the publication of such alphabetical and consolidated list (index) must necessarily be deferred until the very final stage of the Commission's work, the total number of persons and units actually listed by the Commission to date is not available. Nevertheless, it may be safely assumed that the number of persons and units listed several times in the periodical Lists does not exceed 5% of the total figures in Tables II and III.

While arriving at the figures shown in Tables II-VIII, account has been taken of all changes and alterations in each List as indicated in subsequent Lists.

Repartition of Tables II and III according to individual countries submitting charges and nationality of persons or units charged and listed, is shown in Tables IV-VIII.

Cases which have not been accepted by Committee I, and adjourned cases, are shown in Table X.



TABLE II

TOTAL NUMBER OF PERSONS CHARGED BY THE GOVERNMENTS  
AND LISTED BY THE COMMISSION

(32nd List issued in May, 1946 inclusive) \*

	<u>WAR CRIMINALS</u>	<u>SUSPECTS</u>	<u>MATERIAL WITNESSES</u>	<u>TOTAL</u>
Germans **	10,799	2,256	535	13,590
Japanese ***	354	56	17	427
Italians	723	39	9	771
Albanians	2	-	-	2
Bulgarians	175	4	-	179
Hungarians	48	-	-	48
Rumanians	4	-	-	4
	<u>12,105</u>	<u>2,355</u>	<u>561</u>	<u>15,021</u>

+ List 32 issued in May, 1946, includes charges accepted by Committee I up to 2nd May. Charges accepted later during the month of May (about 1,000 persons and units in number) will be included in the latest List, No. 38, now in preparation.

\*\* These figures do not include Germans holding Key Positions listed in special Lists 7 and 9 (TABLE XII), but they include Austrians.

\*\*\* These figures do not include Japanese listed by the Sub-Commission (TABLE XIII).

Note

1. Additional charges brought against persons once charged by the same Government and listed, are not included. These are shown in TABLE IX.
2. Persons listed as unknown by name are included in the above figures.
3. In cases where the description of a person charged reads: "X.Y. head of .... or his successor or successors at the material time", each case has been counted as involving one person.
4. In cases where the description of a group of persons charged involves an unspecified number of persons unknown by name and holding similar official positions in a number of unspecified but different places of the same administrative district or region - each group has been counted as a unit (See TABLE III).

TABLE III

TOTAL NUMBER OF UNITS CHARGED BY THE GOVERNMENTS  
AND LISTED BY THE COMMISSION

(32nd List issued in May, 1946 inclusive)\*

	<u>WAR CRIMINALS</u>	<u>SUSPECTS</u>	<u>MATERIAL WITNESSES</u>	:	<u>TOTAL</u>
Germans	70	183	2	:	255
Japanese	13	12	-	:	25
	—	—	—	:	—
	83	195	2	:	280

+ List 32 includes charges accepted by Committee I up to 2nd May. See explanation (+) to TABLE II.

Note.

1. In cases where the description of a group of persons charged involves an unspecified number of persons unknown by name and holding similar official positions in a number of unspecified but different places of the same administrative district or region - each group has been counted as a unit.
2. Additional charges brought against units once charged by the same Government and listed, are not included. These are shown in TABLE IX.
3. The description "Unit" means not only military or para-military units, but also members of civil enemy bodies charged collectively in view of their official position.

TABLE IV

NUMBER OF PERSONS CHARGED BY THE GOVERNMENTS

AND LISTED BY THE COMMISSION  
(32nd List issued in May, 1946 inclusive)

<u>GERMANS</u>				
	<u>Total</u>	<u>War Criminals</u>	<u>Suspects</u>	<u>Material Witnesses</u>
AUSTRALIA +	:	(See United Kingdom)		
BELGIUM	2,315	1,829	362	124
CANADA+	30	22	1	7
CHINA	-	-	-	-
CZECHOSLOVAKIA	1,187	780	406	1
DENMARK	54	43	11	-
FRANCE	6,155	4,748	1,110	297
GREECE	16	16	-	-
INDIA +	:	(See United Kingdom)		
LUXEMBURG	34	33	1	-
NETHERLANDS	329	246	47	36
NEW ZEALAND +	:	(See United Kingdom)		
NORWAY	464	249	210	5
POLAND	865	824	39	2
UNITED KINGDOM	1,158	1,077 ++	40	41
UNITED STATES	333	318	12	3
YUGOSLAVIA	580	550	13	17
COMMISSION +++	70	64	4	2
	<u>13,590</u>	<u>10,799</u>	<u>2,256</u>	<u>535</u>

+ Australian, Indian and New Zealand cases against German war criminals are being submitted through the United Kingdom National Office and have been included in the latter's figures. Future Canadian cases will also be submitted through the United Kingdom National Office.

++ 98 of these, charged for having committed crimes against non-British nationals in Concentration Camps and the like, have been listed upon United Kingdom cases as they are to be tried by British Military Courts in Germany.

+++ These persons have been listed by the Commission on its own initiative.



TABLE V

## NUMBER OF PERSONS CHARGED BY THE GOVERNMENTS

## AND LISTED BY THE COMMISSION

(32nd List issued in May, 1946, inclusive)

J A P A N E S E

	<u>Total</u>	:	<u>War Criminals</u>	<u>Suspects</u>	<u>Material Witnesses</u>
AUSTRALIA	94	:	82	3	9
BELGIUM	-	:	-	-	-
CANADA	-	:	-	-	-
CHINA +	(See Chungking Lists: Table XIII)				
CZECHOSLOVAKIA	-	:	-	-	-
DENMARK	-	:	-	-	-
FRANCE	3	:	3	-	-
GREECE	-	:	-	-	-
INDIA	(Included in United Kingdom figures)				
LUXEMBURG	-	:	-	-	-
NETHERLANDS	-	:	-	-	-
NEW ZEALAND	(Included in United Kingdom figures)				
NORWAY	-	:	-	-	-
POLAND	-	:	-	-	-
UNITED KINGDOM ++	107	:	75	24	8
UNITED STATES +++	223	:	194	29	-
YUGOSLAVIA	-	:	-	-	-
COMMISSION	-	:	-	-	-
	427		354	56	17

+ Chinese cases are being listed by the Sub-Commission in Chungking.  
(See TABLE XIII)

++ A number of these cases have been submitted by the United Kingdom on behalf of the Indian and New Zealand National Offices.

+++ In addition to these a number of Japanese war criminals charged by the United States have been listed by the Sub-Commission in Chungking (List No. 21, Sub-Commission's List No. 7)

9  
T A B L E VI

NUMBER OF PERSONS CHARGED BY THE GOVERNMENTS  
AND LISTED BY THE COMMISSION  
(32nd List issued in May, 1946 inclusive)

	<u>I T A L I A N S</u>			<u>Material</u>
	<u>Total</u>	<u>War Criminals</u>	<u>Suspects</u>	<u>Witnesses</u>
AUSTRALIA	(Included in the United Kingdom figures)			
BELGIUM	-	-	-	-
CANADA	(Included in the United Kingdom figures)			
CHINA	-	-	-	-
CZECHOSLOVAKIA	-	-	-	-
DENMARK	-	-	-	-
FRANCE	12	12	-	-
GREECE	-	-	-	-
INDIA	(Included in the United Kingdom figures)			-
LUXEMBURG	-	-	-	-
NETHERLANDS	-	-	-	-
NEW ZEALAND	(Included in the United Kingdom figures)			
NORWAY	-	-	-	-
POLAND	-	-	-	-
UNITED KINGDOM +	111	98	5	8
UNITED STATES	-	-	-	-
YUGOSLAVIA	648	613	34	1
COMMISSION	-	-	-	-
	<u>771</u>	<u>723</u>	<u>39</u>	<u>9</u>

+ A number of these cases have been submitted by the United Kingdom on behalf of the Australian, Canadian, Indian and New Zealand National Offices.

TABLE VII

## NUMBER OF PERSONS CHARGED BY THE GOVERNMENTS

## AND LISTED BY THE COMMISSION

(32nd List issued in May, 1946, inclusive)

	<u>ALBANIANS</u>				<u>BULGARIANS</u>				<u>HUNGARIANS</u>				<u>RUMANIANS</u>			
	Total	War Criminals	Suspects	Material Witnesses	Total	War Criminals	Suspects	Material Witnesses	Total	War Criminals	Suspects	Material Witnesses	Total	War Criminals	Suspects	Material Witnesses
AUSTRALIA																
BELGIUM																
CANADA																
CHINA																
CZECHOSLOVAKIA									1	1	-	-				
DENMARK																
FRANCE																
GREECE																
INDIA																
LUXEMBURG																
NETHERLANDS																
NEW ZEALAND																
NORWAY																
POLAND																
UNITED KINGDOM													4	4	-	-
UNITED STATES																
YUGOSLAVIA	2	2	-	-	179	175	4	-	47	47	-	-				
COMMISSION	2	2	-	-	179	175	4	-	48	48	-	-	4	4	-	-



TABLE VIII

## NUMBER OF UNITS CHARGED BY THE GOVERNMENTS

## AND LISTED BY THE COMMISSION

(32nd List issued in May, 1946 inclusive)

	<u>G E R M A N</u>				<u>J A P A N E S E</u>			
	Total	War Criminals	Sus- pects	Material Witnesses	Total	War Criminals	Sus- pects	Material Witnesses
AUSTRALIA	(Included in United Kingdom figures)				22	11	11	-
BELGIUM	2	1	1	-	-	-	-	-
CANADA	-	-	-	-	-	-	-	-
CHINA	-	-	-	-	(See Chungking Lists)			
CZECHOSLOVAKIA	224	58	166	-	-	-	-	-
DENMARK	-	-	-	-	-	-	-	-
FRANCE	23	5	16	2	-	-	-	-
GREECE	-	-	-	-	-	-	-	-
INDIA	(Included in United Kingdom figures)				-	-	-	-
LUXEMBURG	-	-	-	-	-	-	-	-
NETHERLANDS	-	-	-	-	-	-	-	-
NEW ZEALAND	(Included in United Kingdom figures)				-	-	-	-
NORWAY	-	-	-	-	-	-	-	-
POLAND	-	-	-	-	-	-	-	-
UNITED KINGDOM	6	6	-	-	1	1	-	-
UNITED STATES	-	-	-	-	2	1	1	-
YUGOSLAVIA	-	-	-	-	-	-	-	-
COMMISSION	-	-	-	-	-	-	-	-
	255	70	183	2	25	13	12	-

TABLE IXADDITIONAL CHARGESSUBMITTED BY THE GOVERNMENTSAND LISTED BY THE COMMISSION

AUSTRALIA	...	...	-
BELGIUM	...	...	112
CANADA	...	...	-
CHINA	...	...	-
CZECHOSLOVAKIA	...	...	100
DENMARK	...	...	1
FRANCE	...	...	268
GREECE	...	...	-
INDIA	...	...	-
LUXEMBURG	...	...	-
NETHERLANDS	...	...	8
NEW ZEALAND	...	...	-
NORWAY	...	...	5
POLAND	...	...	117
UNITED KINGDOM	...	...	34
UNITED STATES	...	...	27
YUGOSLAVIA	...	...	70
COMMISSION	...	...	-
			<hr/> 742

---

This Table shows the total numbers of additional charges brought against persons and units previously charged by the same Government.

T A B L E X  
C A S E S N O T A C C E P T E D , O R A D J O U R N E D

	<u>NOT ACCEPTED</u>			<u>ADJOURNED</u>	
	<u>In toto</u>	<u>In part</u>		<u>In toto</u>	<u>In part</u>
AUSTRALIA	8	10	:	-	-
BELGIUM	5	38	:	8	7
CANADA	-	1	:	-	-
CHINA	-	-	:	-	-
CZECHOSLOVAKIA	1	10	:	4	2
DENMARK	-	-	:	1	-
FRANCE	32	204	:	33	14
GREECE	-	1	:	-	1
INDIA	-	-	:	-	-
LUXEMBURG	1	-	:	5	-
NETHERLANDS	5	8	:	3	1
NEW ZEALAND	-	-	:	-	-
NORWAY	-	3	:	-	-
POLAND	-	5	:	2	-
UNITED KINGDOM	75	174	:	14	11
UNITED STATES	5	58	:	-	-
YUGOSLAVIA	4	73	:	18	11
COMMISSION	-	-	:	-	-
	<hr/> 136 +	<hr/> 585 ++		<hr/> 88	<hr/> 47

+ 29 'B' cases included  
++ 26 'B' cases included

Note.

1. Cases indicated as "Not accepted" have been rejected because Committee I was not satisfied that there is or will be sufficient evidence to justify a prosecution of persons or units charged therein. To this category belong also cases which, in the opinion of Committee I, do not constitute a prima facie case of a war crime, or even a war crime at all.

Consideration of such a case may be re-opened at any time provided the National Office concerned submits information and evidence sufficient to justify listing of persons charged therein as war criminals.

2. "In part" - means that charges against some persons or units charged collectively in a case have for some reason been considered as not sufficiently substantiated. With regard to these cases National Offices have been asked for additional information.



14  
TABLE XI.

LISTS OF WAR CRIMINALS ISSUED BY THE COMMISSION

Serial No.	Date of Issue	Categories of criminals involved	TYPE OF LIST
1	December 1944	A	Germans
2	December 1944	A	Italians
3	March 1945	A	Germans
4	March 1945	A - S - W	Japanese
5	March 1945	A - S - W	Germans, Italians, Albanians, Bulgarians, Hungarians, Rumanians.
6	April 1945	A	Germans
7	April, 1945	K	Germans Holding Key Positions (See TABLE XII).
8	May 1945	A - S - W	Germans
9	May 1945	K	Germans Holding Key Positions (See TABLE XII)
10	June 1945	A - S - W	Germans
11	July 1945	A - S - W	Germans
12	July 1945	A - S - W	Italians, Hungarians.
13	August 1945	A - S - W	Germans
14	October 1945	A - S - W	Germans
15	October 1945	A - S - W	Italians, Bulgarians.
16	December 1945	A - S - W	Germans.
17-23 (one volume)	January 1946	A - K - W	Japanese listed by the Sub-Commission. (See TABLE XIII)
24	January 1946	A - S - W	Japanese
25	February 1946	A - S - W	Germans
26	February 1946	A - S - W	Italians, Bulgarians, Hungarians, Rumanians.
27	March 1946	A - S - W	Germans.
28	March 1946	A - S - W	Germans
29	April 1946	A - S	Japanese
30	April 1946	A - S - W	Germans
31	May 1946	A - S - W	Germans
32	May 1946	A - S - W	Germans
33-37 (one volume)	June 1946	A - W	Japanese listed by the Sub-Commission. (See TABLE XIII)
<u>Note</u>			
	"A"	stands for	WAR CRIMINALS
	"K"	" "	WAR CRIMINALS HOLDING KEY POSITIONS
	"S"	" "	SUSPECTS
	"W"	" "	MATERIAL WITNESSES (ENEMY).

TABLE XIILISTS OFGERMAN WAR CRIMINALS HOLDING KEY POSITIONS

	<u>Number of Persons Listed</u>
List No. 7 . . . . .	353
List No. 9 . . . . .	209
	<hr/>
	562

---

Note. Persons included in the above Lists were listed by the Commission on its own initiative.

As to the procedure adopted for listing persons holding key positions, reference is being made to the respective Lists.

---

TABLE XIIICHUNGKING SUB-COMMISSION'S LISTSOF JAPANESE WAR CRIMINALS

(issued up to April, 1946)

Total number of War Criminals and Material Witnesses ...	1,196
(Sub-Commission's Lists Nos. 1, 2, 5-7, 8-12)	
Total number of War Criminals Holding Key Positions ...	130
(Sub-Commission's Lists Nos. 3 and 4)	<hr/>
	1,326

---

Note. These Lists have been prepared and adopted by the Far Eastern and Pacific Sub-Commission in Chungking and reproduced by the Commission as its Lists Nos. 17-23 and 33-37 (See TABLE XI).

C. 209  
27th June, 1946.

UNITED NATIONS WAR CRIMES COMMISSION.

First Supplement  
to the  
Synopsis  
of Trial Reports  
(Doc. C.204).

In addition to the Trial Reports registered in Doc.C.204, the following reports have been received by the United Nations War Crimes Commission by 24th June, 1946. \*

II. British Trials.

77-J) Trial against Kojima Hisajiro and Takayoshi Eizo of the Imperial Japanese Navy.

Date & Place of Trial: Singapore, 8th - 11th April, 1946.

Charge:(1) Committing a war crime in that they, at Nancowry Island in or about the month of July 1945, in violation of the laws and usages of war, were together concerned in the ill-treatment and injury of Najiro and Ramadi, civilian residents of Nancowry Island, aforesaid, and the deaths of the said Najiro and Ramadi were caused thereby.

(2) Committing a war crime in that they, at Nancowry Island in or about the month of July 1945, in violation of the laws and usages of war, were together concerned in the ill-treatment and injury of Daulat, a civilian resident of Nancowry Island aforesaid and the death of the said Daulat was caused thereby.

Verdict: 1st accused: Each charge - Not Guilty.  
2nd accused: Charge (1) - Guilty,  
Charge (2) - Not Guilty.

Sentence: Death by hanging.

78-J) Trial against Kojima Hisajiro and Asai Kenichi of the Imperial Japanese Navy.

Date & Place of Trial: Singapore, 12, 13 and 15 April, 1946.

Charge: Committing a war crime in that they, at Nancowry Island in or about the months of May and June 1945, in violation of the laws and usages of war, were together concerned in the ill-treatment and injury of Waris and Abdul Karim civilian residents of Nancowry Island aforesaid, in consequence whereof, the said Waris and Abdul Karim died.

Verdict: Each accused - Guilty (with exceptions.)  
Sentences: 1st accused : Imprisonment for life.  
2nd accused : Death by hanging.

\* This paper contains on Page 8 and the following the synopsis of the first forty-seven reports on trials conducted by French Courts.

C. 209  
27th June, 1946.

UNITED NATIONS WAR CRIMES COMMISSION.

First Supplement

to the

Synopsis

of Trial Reports

(Doc. C.204).

In addition to the Trial Reports registered in Doc.C.204, the following reports have been received by the United Nations War Crimes Commission by 24th June, 1946. \*

II. British Trials.

77-J) Trial against Kojima Hisajiro and Takayoshi Eizo of the Imperial Japanese Navy.

Date & Place of Trial: Singapore, 8th - 11th April, 1946.

Charge:(1) Committing a war crime in that they, at Nancowry Island in or about the month of July 1945, in violation of the laws and usages of war, were together concerned in the ill-treatment and injury of Najiro and Ramadi, civilian residents of Nancowry Island, aforesaid, and the deaths of the said Najiro and Ramadi were caused thereby.

(2) Committing a war crime in that they, at Nancowry Island in or about the month of July 1945, in violation of the laws and usages of war, were together concerned in the ill-treatment and injury of Daulat, a civilian resident of Nancowry Island aforesaid and the death of the said Daulat was caused thereby.

Verdict: 1st accused: Each charge - Not Guilty.  
2nd accused: Charge (1) - Guilty,  
Charge (2) - Not Guilty.

Sentence: Death by hanging.

78-J) Trial against Kojima Hisajiro and Asai Kenichi of the Imperial Japanese Navy.

Date & Place of Trial: Singapore, 12, 13 and 15 April, 1946.

Charge: Committing a war crime in that they, at Nancowry Island in or about the months of May and June 1945, in violation of the laws and usages of war, were together concerned in the ill-treatment and injury of Waris and Abdul Karim civilian residents of Nancowry Island aforesaid, in consequence whereof, the said Waris and Abdul Karim died.

Verdict: Each accused - Guilty (with exceptions.)  
Sentences: 1st accused: Imprisonment for life.  
2nd accused: Death by hanging.

\* This paper contains on Page 8 and the following the synopsis of the first forty-seven reports on trials conducted by French Courts.



79-J) Trial against Sgt. Maj. Hasegawa Sadeo So-Cho and Sup. Pte. Matsuda Osamu Jyoto-Hei.

Date & Place of Trial: Labuan, 12, 13 and 15 April, 1946.

Charge: Committing a war crime in that they, together, in violation of the laws and usages of war, were, in the vicinity of Papar, British Borneo, being in the service of the occupying Power, on or about the 22nd July 1945, concerned in the unlawful killing of Ah Kim, a civilian resident of British Borneo aforesaid.

Verdict: Both guilty.

Sentences: 1st accused - imprisonment for 15 years.  
2nd accused - imprisonment for 3 years.

80-J) Trial against W/O Ikuma Tomoshige Jun-I and two others.

Date & Place of Trial: Labuan, 8 - 10 April 1946.

Charge: Committing a war crime in that they, together, in violation of the laws and usages of war at Kuala Belait, Borneo in or about the month of June 1945, being in the service of the occupying Power were concerned in the killing of three civilian residents of British Borneo.

Verdict: All guilty.

Sentences: Death by shooting, 1,  
Imprisonment for life, 1,  
Imprisonment for 5 years, 1.

81-J) Trial against Nadamoto Hideo and two others.

Date & Place of Trial: Singapore, 1-5 and 8-9 April, 1946.

Charge: Committing a war crime in that they, at Port Blair in the Andaman Islands on or about 15th January 1945, in violation of the laws and usages of war, were together concerned in the ill-treatment and injury of Salam Din a civilian resident of Port Blair aforesaid, as a consequence whereof the said Salam Din died.

Verdict: All guilty.

Sentences: Imprisonment for life, 1,  
Imprisonment for 15 years, 2.

82-J) Trial against Minoru Kaneko of the Imperial Japanese Navy.

Date & Place of Trial: Singapore, 10-13 April 1946.

Charge: Committing a war crime in that he, at Port Blair, in or about the month of February 1945, in violation of the laws and usages of war, was concerned in the ill-treatment and injury of Makundi, a civilian resident of Port Blair aforesaid, in consequence whereof the death of the said Makundi was caused thereby.

Verdict: Guilty.

Sentence: Death by hanging.

83-J) Trial against W/O Tomono Shunio of the Imperial Japanese Army.

Date & Place of Trial: Singapore, 28th March and 1 - 3 April, 1946.

Charge: Committing a war crime in that he, in or near Long-Thanh Airfield, Saigon, French Indo-China, in or about the month of July 1945, in violation of the laws and usages of war, was concerned in the unlawful killing of T/Sgt Allen W. Nicks, and T/Sgt Joseph A. Demaria, both of the United States Army Air Force, American prisoners of war.

Verdict: Guilty.

Sentence: Death by hanging.

84) Trial against General Nicola Bellomo, Italian Army.

Date & Place of Trial: Bari, Italy, 23-28 July 1945.

Charge: (1) Committing a war crime in that he at Torre Tresco near Bari, Italy, on 30th November 1941, in violation of the laws and usages of war, did instigate and take part in the killing of Capt. G. Playne, The Gloucestershire Hussars, a prisoner of war, then in arrest following his recapture.

(2) Committing a war crime in that he at Torre Tresca near Bari, Italy, on 30th November 1941, in violation of the laws and usages of war, did instigate and take part in the attempted killing of Capt. (then Lt.) R.R. Cooke, the Queen's Own Royal West Kent Regiment, a prisoner of war, then in arrest following his recapture.

Verdict: Both charges, Guilty.

Sentence: Death by shooting. Sentence executed on 11th September 1945.

85) Trial against Werner Fritz Seeling, Erich Hoffmann and Fritz Fauerlein.

Date & Place of Trial: 10th - 13th December 1945, at Oslo, Norway.

Charge: Committing a war crime in that they at Stavanger, on days unknown in or about the month of November 1942, in violation of the laws and usages of war, were concerned in the killing of four unidentified British prisoners of war.

Verdict: All guilty.

Sentences: Fritz Seeling and Erich Hoffmann, death by hanging.

Fritz Fauerlein, imprisonment for life.

Sentence imposed on Seeling was put into execution at Akerhus Prison, Oslo, Norway, on 10th January 1946.

Sentence imposed on Hoffmann was put into execution at Hameln Zuchthaus (Germany) on 15th May, 1946.

86) Trial against Karl Buck, Robert Wunsch and 9 others.

Date & Place of Trial: 6th - 10th May 1946 at Wuppertal, Germany, the court consisting of five British officers and one French officer of the French Air Force, with a British barrister as Judge Advocate.

Charge: Being concerned in the killing of six British prisoners of war, four American prisoners of war and four French nationals.

Verdict: 10 of the accused were found guilty.  
One not guilty.

Sentences: Death by shooting, 5,  
Imprisonment for 10 years, 1,  
" " 8 " 1,  
" " 4 " 1,  
" " 3 " 1,  
" " 2 " 1.

87) Trial against Max Pauly and 13 others, (The Neuengamme Trial).

Date & Place of Trial: Hamburg, 18th March to 3rd May, 1946.

Charge: Being concerned in the killing and ill-treatment of allied nationals at Neuengamme concentration camp between June 1940 and May 1945.

Verdict: All the accused, guilty.

Sentences: Death by hanging, 11,,  
Imprisonment for 20 years, 1,  
" " 15 " 1,  
" " 10 " 1.

88) Trial against Karl Adam Golkel and 13 others.

Date & Place of trial: 15th - 21st May 1946 at Wuppertal, Germany.

Charge: Committing a war crime in that they at La Grande Fosse, France, on 15th October 1944, in violation of the laws and usages of war, were concerned in the killing of 8 British soldiers of the No.2. Special Air Service Regiment, when prisoners of war.

Verdict: 8 of the accused, found guilty.  
5 of the accused found not guilty.

Sentences: Imprisonment for 10 years, 1,  
" " 8 " 2,  
" " 4 " 3,  
" " 3 " 1,  
" " 2 " 1.

89) Trial against Colonello Massimiliano Capurso and Clemente Fantacci.

Date & Place of Trial: British Military Court at Afragola, 27th - 29 th March 1946.

Charge: Committing a war crime in that they at Zforzacosta, Italy, on or about 24th February, 1943, in violation of the laws and usages of war, were concerned in the killing of Tpr. Aaron, a British Prisoner of War.

Verdict: Both found guilty.

Sentences: Capurso, imprisonment for 8 years.  
Fantacci, imprisonment for 15 years.  
The Commanding General did not confirm the findings and sentence in the case of Colonello Capurso.  
The findings and sentence in the case of Fantacci were confirmed, but 7 years of the sentence of 15 years were remitted.

90) Trial against Josef Muth and 5 others.

Date & Place of Trial: British Military Court at Wuppertal, Germany, 4th and 5th June, 1946.

Charge: In that they, at Struthof/Natsweiler, on or about 30th July 1944, in violation of the laws and usages of war, were concerned in the killing of Sgt. Hapgood, R.A.F., a British prisoner of war.

Verdict: One accused, not guilty, (no evidence produced.)  
the other 5 were found guilty.

Sentences: Death by hanging, 3,  
Death by shooting, 1,  
Imprisonment for 7 years, 1.

91) Trial against Kurt Student

Date & Place of Trial: British Military Court at Luneberg, 6th - 10th May, 1946.

- Charges: (1) Responsibility for the use of British prisoners of war as a screen for the defence of German troops when near Maleme, Crete.  
(2) Responsibility for employing British prisoners of war on prohibited work at Maleme Aerodrome.  
(3) Responsibility for the shooting and killing of several British prisoners of war for refusing to do prohibited work at Maleme.  
(4) Responsibility for the bombing of a hospital near Galatos.  
(5) Responsibility for driving a party of British prisoners of war before them by German troops near Galatos.  
(6) Responsibility for killing of 3 British soldiers near Galatos.  
(7) Responsibility for killing of British prisoners of war near Galatos.  
(8) Responsibility for the killing of British prisoners of war near Maleme.



Verdict: Not guilty on charges Nos. 1, 4, 5, 7 and 8.  
Guilty on charges Nos. 2, 3 and 6.  
Sentence: Imprisonment for 5 years. \*

IV. United States Trials.

34) Trial against Wilhelm Foerster, a German national.

Date & Place of Trial: 19th April 1946, Intermediate Military Government Court, Ludwigsburg.

Charge:(1) In that he did at Hornburg, Germany, in or about September 1944, wilfully, deliberately and wrongfully attempt to kill an unknown member of the United States Army, who was then an unarmed, surrendered prisoner of war, by shooting at him with a rifle.

(2) In that he did at Hornburg, Germany in or about September 1944, wrongfully commit an assault upon an unknown member of the United States Army who was then an unarmed, surrendered prisoner of the then German Reich, by hitting him on the head with the butt of a rifle.

Verdict: Not guilty of first charge, Guilty of the second charge.

Sentence: Imprisonment for two years.

35) Trial against Otto Sukopp and Kurt Kiehne, German nationals.

Date & Place of Trial: General Military Government Court at Ludwigsburg, 9th April 1946.

Charge: In that they did, at or near Gross Dentke, Germany, on or about 28th September 1944, wilfully, deliberately and wrongfully encourage, aid, abet and participate in the killing of a member of the United States Army who was then an unarmed, surrendered prisoner of war.

Verdict: Both guilty.

Sentence: Sukopp to be imprisoned for 12 years.  
Kiehne to be imprisoned for 5 years.

36) Trial against Albert Luechau,

Date & Place of Trial: Intermediate Military Government Court at Ludwigsburg, 11th April 1946.

Charge: In that he did, at or near Alvesse, Kreis Peine, Germany, on or about 20th January 1944, wrongfully, commit an assault upon an unknown member of the United States Army who was then an unarmed, surrendered prisoner of war in the custody of the then German Reich, by hitting him in the back with a rifle.

Verdict: Guilty.

Sentence: Imprisonment for 5 years.

37) Trial against Georg Hitzer,

Date & Place of Trial: 11th March 1946, General Military Government Court, Ludwigsburg.

Charge: In that he did, at Rauenheim, Germany, in or about January 1945, wrongfully commit an assault upon two unknown members of the United States Army who were then unarmed, surrendered prisoners of war in the custody of the then German Reich, by hitting them with his fist and a long handled scrub brush.

Verdict: Guilty.

Sentence: Imprisonment for 4 years. (Period of confinement reduced to two years.)

\* For continuation of list of British Trial Reports, see Page 15.



38) Trial against Otto Rudolph, a German national.

Date & Place of Trial: Intermediate Military Government Court at Ludwigsburg, 2nd April 1946.

Charge: In that he did, at or near Sangerhausen, Germany, on or about 2nd November 1944, wrongfully commit an assault upon an unknown member of the United States Army, who was then an unarmed, surrendered prisoner of war in the custody of the then German Reich, by beating him on the head with a rock. (Amended to include "and beating him with his fist".)

Verdict: Guilty.

Sentence: Imprisonment for 7 years. Findings confirmed, but sentence commuted to imprisonment for 2 years.

39) Trial against Alfred Koller, a German National.

Date & Place of Trial: Intermediate Military Government Court at Ludwigsburg, 2nd April 1946.

Charge: In that he did, at or near Roloven, Germany, on or about 26th November 1944, wrongfully and with intent to do him bodily harm, commit an assault upon an unknown member of the United States Army, who was then an unarmed surrendered prisoner of war in the custody of the then German Reich, by hitting him over the head with a stick.

Verdict: Guilty.

Sentence: Imprisonment for 5 years. Findings confirmed, but sentence reduced to imprisonment for 2 years.

40) Trial against Rudolf Haferburg.

Date & Place of Trial: 30th April 1946, Intermediate Military Government Court, Ludwigsburg.

Charge: In that he did, at or near Billroda, Germany, on or about 7th October 1944, wrongfully commit an assault upon an unknown member of the United States Army who was then an unarmed, surrendered prisoner of war in the custody of the then German Reich, by hitting him and kicking him.

Verdict: Guilty.

Sentence: Imprisonment for one year.

41) Trial against Karl Stieg, Wilhelm Paland and Fritz Teutegerg,

Date & Place of Trial: 7th December 1945, Intermediate Military Government Court, Ludwigsburg.

Charge: (1) Against Paland and Stieg: In that they did, at or near Reiffenhausen, Germany, on or about 14th August, 1944, wrongfully commit an assault upon an unknown member of the United States Army who was then an unarmed surrendered prisoner of war in the custody of the then German Reich, by hitting him in the face with their fists.

(2) Against Teuteberg: In that he did, at or near Reiffenhausen, Germany, on or about 14th August 1944, wrongfully and with intent to do him bodily harm, commit an assault upon an unknown member of the United States Army who was then an unarmed, surrendered prisoner of war in the custody of the then German Reich, by hitting him in the face with his fists and by kicking him.

Verdict: Paland and Teuteberg, Guilty. Stieg, not guilty.

Sentences: Paland, imprisonment for 2 years.  
Teutegerg, imprisonment for 4 years.

42) Trial against Johann Melchior and Walter Hirschelmann.

Date & Place of Trial: General Military Government Court  
at Ludwigsburg, 22nd - 24th January 1946.

Charge: In that they did, at or near Grossenlinden,  
Germany, on or about 9th September 1944, wilfully,  
deliberately and wrongfully aid, abet,  
encourage and participate in the killing of two  
unknown members of the United States Army who  
were then unarmed, surrendered prisoners of war in  
the custody of the then German Reich, by shooting  
them with guns.

Verdict: Both guilty.

Sentences: Both imprisonment for life.

43) Trial against Hans Pohl,

Date & Place of Trial: 14 May 1946 at Ludwigsburg,  
Intermediate Military Government Court.

Charge: In that he did, at or near Schierstein, Germany,  
on or about 10th March 1944, wrongfully commit  
an assault upon an unknown member of the United  
States Army, who was then an unarmed, surrendered  
prisoner of war in the custody of the then German  
Reich, by hitting him in the face with his fist and  
by kicking him.

Verdict: Guilty.

Sentence: Imprisonment for one year and a fine of 1,000  
Reichmarks.

Findings confirmed, but sentence commuted to  
imprisonment for six months and the fine of  
1,000 Reichsmarks remitted.

44) Trial against Karl Neuber, a German national.

Date & Place of Trial: General Military Government Court at  
Ludwigsburg, 26th April 1946.

Charge: In that he did, at or near Hanau, Germany, on  
or about 17th February 1945, wilfully, deliberately  
and wrongfully encourage, aid, abet and participate  
in the killing of three unknown members of the  
United States Army who were then unarmed, surrendered  
prisoners of war in the custody of the then German  
Reich.

Verdict: Guilty.

Sentence: Imprisonment for 7 years.

45) Trial against Adolf Weger and Julius Schulze, German nationals.

Date & Place of Trial: General Military Government Court,  
Ludwigsburg, 29th-30th November and 1st - 8th  
December, 1945.

Charge: In that they did, at or near Hanau, on or about  
17th February 1945, wilfully, deliberately and  
wrongfully encourage, aid, abet and participate  
in the killing of Charles B. Goldstein, a member  
of the United States Army, and two other unknown  
members of the United States Army, who were then  
unarmed, surrendered prisoners of war in the  
custody of the then German Reich.

Verdict: Guilty.

Sentence: Weger, sentenced to death by shooting.  
Schulze sentenced to imprisonment for life.  
Findings confirmed, but sentences commuted to:  
Weger imprisonment for life and Schulze to  
imprisonment for 25 years.

- 46) Trial against Robert Schauer, Fritz Amstutz and Willi Christ.  
Date and Place of Trial: General Military Government Court at Ludwigsburg, 4th - 8th December 1945.  
Charge: In that they did, at or near Niederseelback, on or about 19th October 1944, wilfully, deliberately and wrongfully aid, abet and participate in the killing of three unknown members of the United States Army, who were then unarmed, surrendered prisoners of war in the custody of the then German Reich.  
(Note: "One substituted for "three" in the case of Willi Christ).  
Verdict: Guilty.  
Sentences: Willi Christ, imprisonment for one year.  
Fritz Amstutz, imprisonment for five years.  
Robert Schauer, imprisonment for thirteen years.
- 47) Trial against Gustav Sauter.  
Date and Place of Trial: General Military Government Court, sitting as an Intermediate Military Government Court, Ludwigsburg, 11th and 12th March 1946.  
Charge: In that he did, at Flehingen, Germany, on or about 21st July 1944, wrongfully commit an assault upon two unknown members of the United States Army who were then unarmed, surrendered prisoners of war in the custody of the then German Reich, by hitting them with a cane.  
Verdict: Guilty.  
Sentence: Imprisonment for 3 years.

#### VIII. French Trial Reports

- 1) Trial of Richard Herchen.  
Date and Place of Trial: Military Tribunal at Bordeaux. Judgment delivered on Dec. 23rd, 1944.  
Charge: Murder of a French civilian.  
Verdict: Guilty.  
Sentence: Death: Commuted by decree of July 12th, 1945 to penal servitude for life.
- 2) Trial of Georges Hillenbrand and five others.  
Date and Place of Trial: Military Tribunal at Rennes. Judgment delivered on July 13th, 1945.  
Charge: Illegal shooting of French prisoners of war.  
Verdict: Guilty.  
Sentence: Death.
- 3) Trial of Detlef Jess.  
Date and Place of Trial: Military Tribunal at Montpellier. Judgment delivered July 27th, 1945.  
Charge: Complicity in arson, committed against a French civilian.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Penal Servitude for twenty years.
- 4) Trial of Joseph Strothmuller.  
Date and Place of Trial: Military Tribunal at Montpellier. Judgment delivered July 27th, 1945.  
Charge: Murder of French civilian.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Penal Servitude for life.



- 5) Trial of Anthon Weiss  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment delivered August 8th 1945.  
Charge: Complicity in murder, and murder, committed against French Civilians.  
Verdict: Guilty.  
Sentence: Death. Commuted to Penal Servitude for life by the President of the Provisional Government on September 16th, 1945.
- 6) Trial of Gregor Kampfert.  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment delivered on August 17th, 1945.  
Charge: Murder of French civilians.  
Verdict: Guilty.  
Sentence: Death. Commuted to Penal Servitude for life by the President of the Provisional Government, on September 16th, 1945.
- 7) Trial of Walter Keilpflug.  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment delivered August 17th, 1945.  
Charge: Murder, illegal arrest, and theft committed against French civilians.  
Verdict: Guilty, but the killings were unpremeditated, and there were extenuating circumstances.  
Sentence: Penal Servitude for life.
- 8) Trial of Georg Schonheiter.  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment delivered August 17th, 1945.  
Charge: Complicity in murder, murder, and complicity in illegal arrest, committed against various French citizens.  
Verdict: Guilty.  
Sentence: Death. Commuted to Penal Servitude for life by the President of the Provisional Government on September 16th, 1945.
- 9) Trial of Friedrich Brandt.  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment delivered September 26th, 1945.  
Charge: Pillage, and robbing a wounded French soldier.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Penal Servitude for five years.
- 10) Trial of Walter Henschel and Herbert Shieffer.  
Date and Place of Trial: Military Tribunal at Toulouse.  
Judgment delivered on September 28th, 1945.  
Charge: As to Henschel, complicity in murder; as to Shieffer, murder. Acts were committed against French prisoners-of-war in German hands.  
Verdict: Guilty.  
Sentence: Death.
- 11) Trial of Karl Frantz Toschke  
Date and Place of Trial: Military Tribunal at Rennes.  
Judgment delivered October 17th, 1945.  
Charge: Murder of a French civilian.  
Verdict: Guilty.  
Sentence: Death.



- 12) Trial of Carl Bauer and two others.  
Date and Place of Trial: Military Tribunal at Dijon.  
Judgment Delivered on October 18th, 1945.  
Charge: Complicity in the murder of three F.F.I. prisoners of War.  
Verdict: Guilty, but with extenuating circumstances in favour of two of the accused.  
Sentence: On Bauer, - death.  
On the other two - imprisonment for five years.
- 13) Trial of Paul Nacksel.  
Date and Place of Trial: Military Tribunal, at Lyon.  
Judgment delivered October 24th, 1945.  
Charge: Robbing, striking and wounding a gendarme.  
Verdict: Guilty.  
Sentence: Imprisonment for three years and six months.
- 14) Trial of Hans Szabados.  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment Delivered on October 24th, 1945.  
Charge: Murder, arson, wilful destruction of buildings and pillage, committed against persons of French and other nationalities.  
Verdict: Guilty.  
Sentence: Death. Annulled by the Tribunal Militaire de Cassation, in Paris, on November 23rd, 1945.
- 15) Trial of Frantz Stiesshl and two others.  
Date and Place of Trial: Military Tribunal at Rennes.  
Judgment Delivered on October 30th, 1945.  
Charge: Complicity in the murder of French prisoners of war.  
Verdict: Guilty.  
Sentence: Death.
- 16) Trial of Feldwebel Kolle.  
Date and Place of Trial: Military Tribunal at Strasbourg. Judgment Delivered on November 5th, 1945.  
Charge: Wilfully striking and wounding a French civilian, and theft.  
Verdict: Guilty.  
Sentence: In his absence, imprisonment for five years, and a fine of six thousand francs.
- 17) Trial of Lucien Fromes.  
Date and Place of Trial: Military Tribunal at Lyons.  
Judgment Delivered. November 23rd, 1945.  
Charge: Murder, pillage and wilful destruction of buildings, committed against French civilians.  
Verdict: Guilty.  
Sentence: Death.
- 18) Trial of Wilhelm Allgaier.  
Date and Place of Trial: Military Tribunal at Angers.  
Judgment delivered November 30th, 1945.  
Charge: Wilfully striking and wounding a French civilian.  
Verdict: Guilty.  
Sentence: Confinement for six years.

- 19) Trial of Hans Muller.  
Date and Place of Trial: Military Tribunal at Angers.  
Judgment Delivered on November 30th, 1945.  
Charge: Rape committed against a French civilian.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Imprisonment for two years.
- 20) Trial of Ernest Muller.  
Date and Place of Trial: Military Tribunal at Lille.  
Judgment Delivered December 5th, 1945.  
Charge: Murder of French civilians.  
Verdict: Not guilty of murder. Guilty of complicity in murder, but in extenuating circumstances.  
Sentence: Penal Servitude for life. Later annulled by the Tribunal Militaire de Cassation, Paris, 25th January 1946.
- 21) Trial of Max Pior.  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment Delivered December 14th, 1945.  
Charge: Attempted murder, and theft, committed against a French citizen.  
Verdict: Guilty.  
Sentence: Imprisonment for two years.
- 22) Trial of Otto Ramm.  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment Delivered on December 14th, 1945.  
Charge: Cooperating with the Miliciens and the Gestapo in France.  
Verdict: Not Guilty.
- 23) Trial of Frederic Roth and three others.  
Date and Place of Trial: Military Tribunal at Lyon.  
Judgment Delivered on December 14th, 1945.  
Charge: Torturing detained French civilians.  
Verdict: All guilty but one.  
Sentence: Imprisonment for periods from six months to two years.
- 24) Trial of Gunther Schellmann.  
Date and Place of Trial: Military Tribunal at Clermont-Ferrand. Judgment Delivered December 19th, 1945.  
Charge: Murder of a French civilian.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Penal Servitude for twenty years.
- 25) Trial of Fritz Milke and Willy Tzsochoppe.  
Date and Place of Trial: Military Tribunal at Clermont-Ferrand. Judgment delivered on December 20th, 1945.  
Charge: As to Milke, murder; as to Tzsochoppe; attempted murder. Both committed against French civilians.  
Verdict: Guilty.  
Sentence: Death. Judgment annulled by the Tribunal Militaire de Cassation, on January 25th, 1946. Case sent back to the same court differently composed.
- 26) Trial of Erick Winzen in his absence.  
Date and Place of Trial: Military Tribunal at Tunis.  
Judgment Delivered December 21st 1945.  
Charge: Attempted murder of a French civilian.  
Verdict: Guilty.  
Sentence: Penal servitude for twenty years.

- 27) Trial of Johann Wunder.  
Date and Place of Trial: Military Tribunal at Strasbourg.  
Judgment Delivered on January 8th, 1946.  
Charge: Theft from a French Civilian.  
Verdict: Guilty, in his absence.  
Sentence: Imprisonment for three years.
- 28) Trial of Kohlhaas.  
Date and Place of Trial: Military Tribunal at Strasbourg.  
Judgment Delivered January 22nd, 1946.  
Charge: Murder in France of a Polish Prisoner-of-War.  
Verdict: Guilty, in his absence.  
Sentence: Penal Servitude for life.
- 29) Trial of Hans Szabados.  
Date and Place of Trial: Military Tribunal at Clermond-Ferrand. Judgment Delivered January 23rd, 1946.  
Charge: Complicity in murder, in arson of dwellings, in wartime pillage, and in destruction of dwellings by means of explosives, committed against French civilians.  
Verdict: Guilty.  
Sentence: Penal Servitude for life.
- 30) Trial of Robert Hagt.  
Date and Place of Trial: Military Tribunal at Toulouse.  
Judgment Delivered January 29th, 1946.  
Charge: Murder of a French civilian.  
Verdict: Guilty of unpremeditated killing.  
Sentence: Penal Servitude for life.
- 31) Trial of Adolf Jopp and Wilhelm Mampe.  
Date and Place of Trial: Military Tribunal at Toulouse.  
Judgment delivered January 29th, 1946.  
Charge: As to Jopp, murder: as to Mampe, complicity in murder. Acts were committed against a French civilian.  
Verdict: Guilty.  
Sentence: Death.
- 32) Trial of Karl Merschrod and Karl Gillard.  
Date and Place of Trial: Military Tribunal at Strasbourg.  
Judgment Delivered: January 29th, 1946.  
Charge: Pillage and theft against a French civilian.  
Verdict: Guilty, in their absence.  
Sentence: Penal Servitude for twenty years:  
for Gillard also a fine of 10,000 francs.
- 33) Trial of Erwin Bahl.  
Date and Place of Trial: Military Tribunal at Toulouse.  
Judgment Delivered February 12th, 1946.  
Charge: Wilful murder of a French civilian.  
Verdict: Guilty.  
Sentence: Death.
- 34) Trial of Leopold Kaniok and three others.  
Date and Place of Trial: Military Tribunal at Toulouse.  
Judgment Delivered February 12th, 1946.  
Charge: Co-operating with the Gestapo in France.  
Verdict: All guilty except one.  
Sentence: Imprisonment for three and five years.



- 35) Trial of Kurt Blindauer  
Date and Place of Trial: Military Tribunal at  
Toulouse. Judgment Delivered on February 19th,  
1946.  
Charge: Co-operation with the Gestapo: illegal  
arrest and confinement; torturing persons so  
arrested and confined.  
Verdict: Guilty.  
Sentence: Death.
- 36) Trial of Heinrich Gerwig.  
Date and Place of Trial: Military Tribunal at Nancy.  
Judgment Delivered on March 4th, 1946.  
Charge: Murder of French Prisoners of War.  
Verdict: Guilty.  
Sentence: Death. Judgment annulled by decision of the  
Tribunal Militaire de Cassation, Paris, on  
April 5th, 1946.
- 37) Trial of Fritz Milke and Willy Tzschoppe.  
Date and Place of Trial: Military Tribunal at Clermont-  
Fernand. Judgment Delivered March 13th, 1946.  
Charge: Milke accused of murder of a French civilian;  
Tzschoppe accused of attempted murder, of a  
French civilian.  
Verdict: Guilty  
Sentence: Death.
- 38) Trial of Heinrich Ringe.  
Date and Place of Trial: Military Tribunal at Nancy.  
Judgment Delivered March 23rd 1946.  
Charge: Pillage. Committed against a French civilian.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Imprisonment for five years.
- 39) Trial of Johann Wolf and Friedrich Hülker.  
Date and Place of Trial: Military Tribunal at Nancy.  
Judgment Delivered March 25th, 1946.  
Charge: Pillage and wilful acts of violence.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Penal servitude for five years.
- 40) Trial of Jacob Daumling.  
Date and Place of Trial: Military Tribunal at Angers.  
Judgment Delivered March 26th, 1946.  
Charge: Murder of a French civilian.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Penal Servitude for nine years.
- 41) Trial of Werner Kretzschmar.  
Date and Place of Trial: Military Tribunal at Angers.  
Judgment Delivered March 27th, 1946.  
Charge: Killing without trial of two captured members  
of the French Resistance Forces.  
Verdict: Guilty.  
Sentence: Death.



- 42) Trial of Heinrich Sasse and three others.  
Date and Place of Trial: Military Tribunal at Bordeaux.  
Judgment Delivered on April 15th, 1946.  
Charge: As to Sasse and two others, wilful and premeditated striking and wounding of French civilians; as to the other, complicity in the wilful striking of such civilians.  
Verdict: Guilty.  
Sentence: Imprisonment for five, three, and two years with fines of a thousand to six thousand francs.
- 43) Trial of Hans Bierwerth.  
Date and Place of Trial: Military Tribunal at Toulouse.  
Judgment Delivered April 16th, 1946.  
Charge: Complicity in arson during the German retreat from France.  
Verdict: Not Guilty.
- 44) Trial of Johann Genz.  
Date and Place of Trial: Military Tribunal at Toulouse.  
Judgment Delivered on April 16th, 1946.  
Charge: Deliberate violence to, and wounding of, members of the Maquis who had been made prisoners.  
Verdict: Guilty.  
Sentence: Imprisonment for two years.
- 45) Trial of Helfer, Hans Kuehl and four others.  
Date and Place of Trial: Military Tribunal at Toulouse.  
Judgment Delivered on April 16th, 1946.  
Charge: As to Helfer, complicity in arson, pillage and murder; as to Kuehl, arson and murder; as to the remaining four, arson. All acts committed during the liberation.  
Verdict: All guilty except one.  
Sentence: Helfer, in his absence, sentenced to death; Kuehl sentenced to penal servitude for twenty years; two others sentenced to penal servitude for ten years; one sentenced to imprisonment for two years, but reprieved; and one acquitted.
- 46) Trial of Stephan, Vogel and Three others.  
Date and Place of Trial: Military Tribunal, at Clermont-Ferrand. Judgment Delivered: April 25th, 1946.  
Charge: Theft, with aggravating circumstances - committed against French civilians.  
Verdict: Guilty.  
Sentence: As to Vogel and one other, in their absence, confinement for five and eight years respectively; as to the others, penal servitude for twenty years.
- 47) Trial of Robert Wagner and six others.  
Date and Place of Trial: Military Tribunal at Strasbourg.  
Judgment Delivered on May 3rd, 1946.  
Charge: Provocation of Frenchmen to bear arms against France; recruiting for the benefit of Germany then at war with France; infringement of personal liberty; murder, and complicity in murder.  
Verdict: Wagner and five others found guilty, one in his absence; one acquitted.  
Sentence: Death.

II British Trials (continued from page 5)

- 93) Trial against Heinrich Klein and 14 Others  
Date and Place of Trial: British Military Court, Wuppertal,  
22nd - 25th May 1946.  
Charge: Committing a war crime in that they in France  
near St. Die in or about September 1944,  
in violation of the laws and usages of war,  
were concerned in the killing of a number of  
British paratroops.  
Verdict: Guilty: 10  
Not Guilty: 5  
Sentence: Death by shooting: 3  
Imprisonment for 13 yrs: 1  
" " 10 yrs: 2  
" " 7 yrs: 1  
" " 6 yrs: 1  
" " 5 yrs: 1  
" " 3 yrs: 1
- 94) Trial against Wolfgang Zeuss and 9 Others  
Date and Place of Trial: British Military Court, Wuppertal,  
29th May - 1st June 1946.  
Charge: Committing a war crime in that they, at  
Stuthof/Natzweiler, France, in July and August  
1944, in violation of the laws and usages of  
war, were concerned in the killing of four  
British women when prisoners of war.  
Verdict: Not Guilty: 4  
Guilty: 6  
Sentence: Death by hanging: 1  
Imprisonment for life: 1  
" " 13 yrs: 1  
" " 10 yrs: 1  
" " 5 yrs: 1  
" " 4 yrs: 1

C.209.  
11th July, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

Copy of letter received by Lord Wright  
from Dr. Szerer Polish Representative on  
the United Nations War Crimes Commission.

---

47 Portland Place,  
London, W.1.

July 8th 1946.

Dear Lord Wright,

On my return from Poland I am anxious to inform  
you about certain facts which have caused great anxiety to the  
Minister of Justice and the Commission for the Investigation of  
War Crimes:

Newshas reached us that a mass release of SS-men is  
going on and in particular about 16.000 of them up  
to the rank of Unterscharführer have been released  
from detention in Dachau during June. There is also  
the intention to release SS-men from the camps in  
Ludwigsburg and Zuffenhausen.

In view of the fact that as long as the Nuremberg  
Tribunal has not passed its judgment on the criminal character  
of this organisation, I do not think that any steps ought to be  
taken with regard to their release. I consider the matter of  
extreme importance.

I therefore approach the Commission with the re-  
quest to raise the matter with the appropriate military author-  
ities for clarification.

I am, dear Lord Wright,

Sincerely yours,

Sgd....MIECZYSLAW SZERER.

---

C. 210.

27th June 1946

UNITED NATIONS WAR CRIMES COMMISSION

Tracing and Securing the Surrender of Alleged  
War Criminals.

Correspondence in connection with a proposal for the Commission to undertake the administrative function of tracing war criminals listed by the Commission is issued to members for their consideration.

I. "Dear Sir Robert, 14 May 1946

I am not very certain how much follow-up action is being taken in respect of persons who are listed by the Commission, and should like to have the point clarified.

I note that the Detention Circulars are coming in regularly, but still, I feel that there is some disproportion between the number of listed accused and the number of persons actually detected.

There are, in our lists, many accused, suspects and witnesses whose name, identity and address is precisely known and mentioned in the lists, but who are not in custody.

Could some information be obtained as to whether these individuals have been found, and, if not, the reason, in each case, why he has not been found? The UNWCC has a moral duty to follow up what is being done to trace and discover such persons; moreover, its members are constantly asked by their Governments what is being done in this respect, and should be in a position to give some precise answer.

As I see it, it has always been understood that the authorities of occupation are charged with locating the listed persons, but this has never been clearly stated and also there seems to be some discrepancy between the ways in which this is carried out in the various zones of occupation.

On the other hand, if it is for each liaison team to trace these people, then it is essential that the government know it; the occupying authorities will, no doubt, afford these

to Page 2



officers every facility.

The present uncertainty of procedure is highly prejudicial to the purpose of this Commission.

In respect of such accused, suspects and witnesses who are residing in the Russian zone, have any attempts been made to obtain the surrender of these people, and in the affirmative, would it be possible to obtain any information about what has been done?

All this, naturally, necessitates close liaison with the military authorities and, where the British are concerned, with the JAG's office; as we have a representative of that office in the person of Colonel Halse, it has occurred to me that we might profitably extend to him an invitation to attend the meetings of the Commission. This of course is a mere suggestion, put forward for your consideration.

Yours sincerely,

M. de Baer."

II. "Dear Sir Robert,

29th May 1946.

Further to my letter 1825/W.C. dated 14th May, I have now received from Belgium the details of two cases where the accused are known to be prisoners in Allied hands, but where my Government is unable to obtain any information as to their present whereabouts.

They are:-

1. Major CORNEILLE, who was put on "A" in charge 1249 and appeared as No. 11 on List No. 14.
2. Major SCHAUFFELER, who was on charge 899 and was listed on "A" as No. 44 of List No. 10.

These are just two of the many examples of the difficulty which my Government, among others, is experiencing in locating wanted persons who have been listed by the Commission.

Yours sincerely,  
M. de Baer".

to Page 3

III. "Dear Sir Robert,

4th June, 1946

You are doubtless aware of the many difficulties which face some member Governments, in tracing and securing the surrender of the alleged war criminals; these very often result in a considerable delay which may, as it seems to me, prejudice the course of justice. It may be that these difficulties are not apparent to certain member Governments - those Governments, that is, whose forces are in occupation of the enemy countries - whereas to other member Governments they are a matter of serious concern. I understand that General de Baer has repeatedly drawn your attention to the subject.

I feel that most of the difficulties would disappear if the system adopted were more fully co-ordinated - a result that could be produced only by a centralised effort.

As the system stands to-day, the listing of the war criminals having been effected with the War Crimes Commission, the task of tracing them and obtaining their surrender is left to the individual Government concerned.

Thus, in each case action is taken separately and independently, rather than according to a single plan, and no Government can avail itself of the experience gained by other Governments. Having been faced lately with this problem, I have reached the conclusion that this is wrong: that a central Agency should be provided to deal with the many aspects of the whole question; and that the only existing body which could easily and successfully assume such a task is our own Commission.

I wonder, therefore, whether you would consider it advisable that at one of our next meetings I should put forward the following proposal

T H A T:

"The U.N.W.C.C. recommends to the member-Governments that its competence be extended in order to include the administrative function of tracing persons figuring on its List and securing their surrender to a member Government, if so requested by the latter.

The member Governments are requested to inform the Commission whether they agree or not to the above recommendation."

to Page 4.

In the event of acceptance of this proposal the Commission would have to provide the necessary machinery in the form of a special department, which, upon the request of a member-Government, would undertake the action required at every stage up to the eventual handing over of the listed criminals to the judicial authorities of the respective Government, on the latter's behalf.

Thus, the work of the department would be (a) to trace the listed persons through Crowcase or other competent channels, and (b) to prepare and follow up the request for delivery which, would of course, be signed by the requesting Government's representative on the U.N.W.C.C. I believe, that if such a procedure were to be followed the prosecution of the war criminals would be greatly speeded up and the Commission would be performing a most useful task.

Believe me, dear Sir Robert, with deep respect,  
Yours sincerely,  
C. STAVROPOULOS."

IV "Dear Bradshaw,

June 11 1946

I enclose copies of two letters (reproduced above) received by Sir Robert Craigie from the representatives on this Commission of Belgium and Greece.

Sir Robert has discussed with me very fully the points raised in these letters and while we appreciate the difficulties which, of necessity, face many Governments in tracing and securing the surrender of listed war criminals, we do not think that the setting up of a central administration to trace these wanted criminals at this rather late stage in the day, would produce quick practical results.

I believe I am right in thinking that no insurmountable difficulties are being experienced in the British or American zones and I would therefore be very grateful to learn from you what you have experienced in dealing with this matter.

Yours sincerely,  
G.A. Ledingham."

V "Dear Ledingham,

20th June 1946

I am answering your letter of the 11th June 1946 on the subject of a central administration for the tracing of war criminals. I am doing so at some length, for which I apologise, but I feel that it is very important

to Page 5



to realise the disadvantages of a proposal which at first sight may seem attractive.

I have confined my comments to the British Zone in Germany, but the principles would be similar for C.M.F. which, as you know, deals with Austria. I do not think you have the Far East in mind in this matter?

I enclose a note on the apprehension of a German war criminal which I obtained some time ago in order to give you a typical example of the difficulties involved in our investigations. This is not a case of exceptional difficulty. The accused incidentally committed suicide at a second attempt.

Apart from the fact that we cannot follow up into the Russian Zone - the zone system probably makes Germany one of the best hiding places in Europe - there are no insurmountable difficulties in our work in Rhine Army. The military run-down which takes away experienced officers and other ranks is the worst trouble. I fancy you would get a similar answer from the American authorities.

In my view the tracing of war criminals will be most efficiently carried out if each Government concentrates on its own cases. A War Crimes Group or Mission to the H.Q. of the occupying Power can have the benefit of the experience already gained by the occupying Power. So far as Germany is concerned, each country which has been sufficiently interested to do so has supplied a Group or Mission which undertakes the investigation of its cases and search for the criminals.

I have enquired from HQ BAOR, who tell me that there are, at present French, Belgian, Dutch, Polish, Czech, Luxemburg, Jugo-slav and American Liaison Groups. All these groups have investigating personnel who search for war criminals. H.Q. B.A.O.R. would be quite prepared to have a Greek group.

There is, when you come to consider it, already in effect an international agency in each zone, namely the H.Q. of the occupying forces with its attached liaison groups. The creation of a new body with ramifications throughout Europe would lead to a crop of thorny problems of every conceivable kind. It could not operate except through military communications, in military accommodation, by military transport, with military rations and under military protection. As you can imagine, accommodation and transport would not be available from British sources. We would have complications over status, discipline, arrests, etc.

to Page 6

Apart from all this, the recruiting of the necessary staff and the establishment of the organisation would take months, and by the time it was ready to operate we should have finished our trials. I do not think the idea was ever practicable, even in 1945. It is certainly too late in the day to entertain it now.

In short, I think that the central administration would help the Governments which have hitherto been disinterested at the expense of the more active, all at the cost, too, of a general slowing down of the machine. I had thought to give the numbers already employed in our organisation, but I think we are really concerned with principles and not details.

As regards General de Baer's points on the reasons for failure to trace war criminals, it is clear that Liaison Groups at H.Q. B.A.O.R. can obtain the full reasons on behalf of their Governments.

B.A.O.R. Administrative Instruction No. 104, Part I, para. 4 states that the C.-in-C. is responsible for the apprehension of all criminals within his Zone. B.A.O.R. card all the names on the U.N.W.C.C. lists but do NOT make a special search for individuals for whom no specific request has been received. In many cases we find that the country concerned gives insufficient data on which to base a search with any prospect of success. All persons listed by the U.N.W.C.C. appear in due course on the CROWCASS lists, which receive a wide circulation. Here again, however, no special individual search is carried out unless someone instigates it.

The liaison teams do in fact undertake the tracing of war criminals with, of course, the assistance of H.Q. B.A.O.R. and Military Government. The teams all know this and so must their Governments. I think it is for the Government concerned to supply its liaison group with full particulars of their wanted individuals and tell them to try to trace them. The occupying power will give all possible assistance. This has never been questioned.

H.Q. B.A.O.R. have certainly tried to get persons wanted by the British from the Russians, and on one or two occasions also persons wanted by other countries. They have had two Russian nationals handed over. Cases have occurred where a Liaison Mission have hunted a criminal from the British into the Russian Zone and then naturally enough turned to H.Q. B.A.O.R. for help in extradition. I feel sure you will agree that this is the wrong procedure and I think it should be clearly understood that the proper channel for a Belgian application to the Russians is Belgian Government - Russian Government.

I shall be glad to discuss further with you if you care to do so before I leave my present appointment at the end of this month, otherwise Savill knows the form.

Yours ever, George Bradshaw."

to Page 7

Encl: to letter of 20th June.

"REPORT ON GAULEITER Gustav SIMON  
by Captain H.H. ALEXANDER, attached  
No.1 WAR CRIMES INVESTIGATION TEAM.  
-----

1. I received instructions from Lieut-Colonel T.H. Tilling, Commanding No.1 War Crimes Investigation Team to endeavour to trace and arrest Gustav SIMON.
2. On 23rd November 1945 I left Belsen and proceeded to Wiesbaden where I visited the office of the Ministry of Justice, National Office for War Crimes, and there spoke to Judge CH. L. HAINES, the Luxemburg Representative, who handed me two photographs of Gustav SIMON. I returned to Belsen the next morning.
3. Owing to bad weather conditions I was unable to leave Belsen until 30th November and on that date I left for Coblenz, going via Bonn, arriving at Coblenz on 1st December. I made enquiries in Coblenz, at the local police, regarding SIMON and was informed that he used to live in Reinaue, 15, when he was Gauleiter of Moselland. The police were under the impression that he had already been arrested by the American authorities, in view of an article in the newspaper Frankfurter Zeitung, to that effect, which appeared in that paper after the occupation of Coblenz. In consequence of this information and on the same day I proceeded to Frankfurt, visited the newspaper Frankfurter Rundschau (this newspaper being previously known as Frankfurter Zeitung) and made enquiries regarding the article in question. They were unable to give me any information regarding any articles which had appeared in the Frankfurter Zeitung, as they had no record. USFET, War Crimes Section, on whom I also called, had SIMON on their wanted list but could not give any information as to his arrest.
4. On 2nd December I visited HEIDELBERG and obtained further information from the U.S. CIC which was originally stationed in the Coblenz Area before being taken over by the French. They informed me that SIMON was also on their wanted list but had not, to their knowledge, been arrested within their area. I returned to Coblenz the same day.
5. On 3rd December I made further local enquiries in Coblenz and from the district police station where SIMON was registered I obtained the information that his wife's maiden name was Friedel HENNING and that he was divorced in 1942. They also informed me that the wife's parents lived in HERMESKEIL and that a son Gustav Adolf Simon was born in 1931 and left Coblenz for Kochem (Mosel) before the occupation of Coblenz, Friedel SIMON nee HENNING left Coblenz in 1942 for Munich, Frielmeyerstr. 10, and the

to Page 8



parents of Gustav SIMON, Adam SIMON and his wife lived in PERK a d'Mosel. In view of this information I visited HERMESKEIL and interrogated Mrs. HENNING, the mother-in-law of SIMON, and her husband. They were only too willing to assist but unfortunately had not heard from SIMON for the last few years and could not give me the address of SIMON, neither were they able to give me any information regarding the whereabouts of their daughter as they had not heard from her since the end of the War. I was, however, informed that the address of SIMON's mother is Friedewald near Betzdorf, Sieg. and that Adam SIMON, the father, had died before the family left Kochem. I returned to Coblenz the same day.

6. On 4th December 1945 I proceeded to Friedewald and interrogated Mrs. SIMON, Gustav SIMON's mother, who informed me that she did not know whether her son was still alive and had no information regarding the whereabouts of her grandson Gustav Adolf SIMON. The above statement was corroborated by a Mrs. Scheideler, the sister of the Gauleiter now living at the same address. I made further local enquiries in the village and ascertained that a boy with a ruck sack occasionally visited Mrs. SIMON during the hours of darkness. In the nearby town of Daaden, at the Burgomaster's office, I interrogated a man called STEIN, who, the locals informed me would give me some information regarding SIMON. I was told by this man that Gustav SIMON left Friedewald for an unknown destination on 27th March 1945, the day before the Americans took Friedewald. Also on the same day SIMON's two nieces, Thea and Lore SCHEIDELER in company with Gustav Adolf SIMON, the son, left for Marburg and were now living in Marburg. On the same day I proceeded to Marburg and obtained the address of the two girls who were living at Krummebogen 32, Marburg. After interrogation I was informed by Lore Scheideler that Gustav Adolf SIMON alias HENNING, the son, was in Dassel, near Einbeck, south of Hanover.

7. On 5th December 45 I visited Dassel and interviewed the Burgomaster who produced some papers and documents of Gustav SIMON, the son, which had been found in the woods near Dassel some time ago. The Burgomaster informed me that a report was made to the Landrat at Einbeck. He was aware that a boy by the name of HENNING was at some time or other living with a family called Ludwig, near Dassel. He also gave me a photograph of the son which had been found on the documents dug up previously. I visited the Ludwigs at Dassel, Wilhelmstrasse 89. Mr and Mrs Ludwig were reluctant to make any statement but both admitted that the boy Gustav HENNING was previously living with them. They did not know anything about his family and apparently only took the boy because he was an evacuee. They informed me that they had never seen the boy's father nor had they any information regarding his family. I further interviewed one of the daughters, Waltraute Ludwig, living at Oberes Tor, 274, Dassel, who after questioning admitted

to Page 9.

that Gustav Adolf SIMON, son of the Gauleiter, lived with her parents for some time in August. She also admitted that the boy had stayed with her parents because her sister Ruth Ludwig was housekeeper to Gustav SIMON, when he was Gauleiter in Coblenz; the present whereabouts of Ruth Ludwig, so I was informed, was c/o Scharper and Unke, Furniture Factory in Sprine, near Hameln, Hamelerstrasse 34. I proceeded to Einbeck and left a report with the PSO, Mil Gov Det, there, giving the facts and leaving the matter in his hands as to whether or not any action should be taken regarding the Ludwigs, in view of the fact that they had made false statements and/or tried to hide a War Criminal.

8. On 6th December I proceeded to Marburg where I arrested Lore and Thea Scheideler and put them in the local prisons on charges of making false statements. I interrogated both these girls in the prison and was informed by Lore Scheideler that she had given me the old address and that the son was actually living with another relation of hers named Alvis SCHEIDELER Plattenberg, Westphalia, Eschenohlerstr. 11.

9. In view of this information I visited Plettenberg, where with the assistance of some of the men of the 2nd Bn. of the Belgian 3rd Inf Bde, I searched the house of Alvis Scheideler and found that the son was no longer living with them but with a Mrs. Ekes, Dingringhauserweg, 38. A search was immediately carried out on this house and the son arrested for being in possession of an English Ordnance map of Hanover. I interrogated the son and was informed that his correct name was in fact Gustav Adolf SIMON, he had not seen his father since Easter Sunday in Dassel and had never seen his father in Plettenberg. On the same day I also interrogated Alvis Scheideler and ascertained the following facts: Gustav SIMON had been to Plettenberg two or three times, and that he stayed at either the Rudolph Harpe Hotel or the Hoppes Hotel in Plettenberg. He further informed me that he was working as a nurseryman in the British Zone. Mrs. Scheideler thought that his name was 'Volter' and Mr. Scheideler thought that his name was something like 'Höfler' and that he returned from Plettenberg to somewhere near Holz Minden. He also confirmed that SIMON has grey hair and had now grown a moustache, was also wearing glasses. In company with Alvis Scheideler I visited the two hotels and found the following entries in the registers :-

Harpers Hotel

14. 9. 45. Hans Woffler, Born 26.9. 00. Born in and domiciled in Frankfurt.  
Left Hotel 15.9.45.

13.11.45. Hans Woffler, Born 26.9. 00. Proper address Steinbeck Schusterstr. 1. Identity Card A 13882, Left Hotel 16 Nov 45.

To Page 10.

HOPPES

12.11.45. Heinrich Woffler, Born 26.9.00, born at Frankfurt, Domiciled in Einbeck, Identification Card A 13882, left Hotel 13.11.45.

10. On 9th December I further interrogated the son, Gustav Adolf SIMON, who informed me that his father was working as a gardener in the British Zone and that he had visited the son in Plettenberg in Sept. and Nov. I was also informed by the son that he was a member of the Hitler youth and had hidden his personal documents and bank books made out in the name of Gustav Adolf SIMON in the woods near Dassel.

11. On 10th December I returned to Einbeck and ascertained at the local police station that they had no record of Hans Woffler or Heinrich Woffler having been in Einbeck. However, when I visited Schusterstr. No. 1, I noticed that the name of Hans Woffler appeared on the list of people living in that house. The householder, Blumenberg, identified the photograph of SIMON as that of the man Hans Woffler who was living with her for approximately one month but left her house at the end of October. She stated that Woffler had not left any address and gave me three letters which were addressed to him and could not be re-addressed. However, she knew that he was working as a gardener in a nursery near Salzkotten, near Paderborn, which employed about 20 men. I then proceeded to Paderborn. During the night 10/11 December 1945 I obtained the address of Hans Woffler from the Burgomaster's office where he was registered as living at Upsprunge, near Salzkotten c/o Mrs. Berhorst. I called at this house and found SIMON, alias Woffler, arrested him and lodged him in the civilian prison in Paderborn.

12. On 11 December 1945 I informed the PSO of Mil Gov, Paderborn of the fact that Gustav SIMON was in the civilian prison, and in order to safeguard against his release I arranged that the man was not to be released or handed over to anyone other than to me.

13. I returned to Belsen on 11th December 1945 having completed some 2,500 miles.

(sgd) H.H. Alexander.



VI. "Dear Lt. Kintner: 20th May, 1946.

At present, it is not very certain how much "follow-up" action is being taken in respect of war criminals who are listed by the Commission. There would seem to be some disproportion between the numbers of accused listed and the numbers actually arrested.

In our lists, many accused, suspects and witnesses whose names, identity and address are known and mentioned are not in custody.

I would be grateful if you could give me some information as to the methods adopted in the American Zone for locating the listed persons.

Yours sincerely,  
G. A. Ledingham."

VII. "Dear Colonel Ledingham: July 10, 1946.

On May 20th you wrote me requesting information as to how much "follow-up" action is being taken in respect of war criminals who are listed by the Commission. I immediately inquired of the American authorities in Germany on the point you outlined in your letter. Enclosed herewith is a copy of the reply to my request for information on this matter.

Yours sincerely,  
Earl W. Kintner  
Lieutenant, USNR,  
Acting United States  
Commissioner,  
United Nations War Crimes  
Commission. "

Encl: to letter of 10th July.  
"Follow-Up Action on Individuals  
Covered by UNWCO Wanted Lists  
by Colonel G.E. Straight, JAGD  
Deputy Theater Judge Advocate"  
-----

1. Your letter of 24 May 1946, concerning the steps taken by this Theater to locate individuals covered by United Nations War Crimes Commission Wanted Lists, has been received.

2. As heretofore discussed at length with Colonel HODGSON, and to some extent with Lord WRIGHT, this branch was informed early last fall that virtually all those listed on the United Nations War Crimes Commission Wanted Lists were entered on the Wanted Lists published by CROWCASS, even though the Commission has never followed the practice of submitting the information to CROWCASS on the Wanted Report form used by that agency.

3. CROWCASS Wanted List No. 7, which superseded all such prior lists and all more recent lists supplemental thereto, has been delivered in bulk, approximately 2000 copies, for distribution to all American agencies, whether in higher or lower commands, or in this Headquarters. This branch has effected delivery of such lists to agencies in this Theater by use of its own transport. Furthermore, it has closely supervised further distribution by field agencies in order to assure that all detention installations are furnished adequate copies and instructed in the use thereof. In addition War Crimes Investigating Teams have assisted in, and supervised, the screening of those in detention with the view to identifying individuals in detention, and covered by the lists.

4. Upon identification the individuals are moved to PWE No. 29, the War Crimes Central Suspect and Witness Enclosure at DACHAU, Germany. Upon arrival detailed Prisoner Identification Sheets are prepared, mimeographed, and distributed to your Commission as evidenced by various submittals to you for reference to the Commission. Copies of these sheets are also sent to the Governments concerned, through their War Crimes Liaison Detachments on duty with this branch, if any, asking that if they desire the surrender of the individuals that they initiate extradition procedure.

5. For further general information, your attention is invited to letter this branch to your office, subject: "War Criminals in United States Custody - Transmission of Identification of Prisoner Sheets", dated 3 April 1946.

Sgd. C. E. Straight"

"Dear Sir Robert, 24th June, 1946.

With reference to my letters of May 14th and 29th, I have now been able to find out from the JAG's Office that the task of detecting war criminals in Occupied Germany is within the province of the Military Government, in so far as the search is confined to P. O. W. camps, but that it rests with the liaison officers and their investigating teams to find any accused persons who are among the civilian population. The problem is becoming urgent in view of the fact that in one of the zones no prisoners of war, other than the accused who have been found and identified and some security suspects (i.e. about 100,000 in all) will remain in custody.

I have therefore pointed out to my Government that, in view of the scale on which prisoners are at present being released and of the difficulties that will be encountered in searching for them among the civilian population, it is necessary for them to speed up the forwarding cases.

It has occurred to some of the members of this Commission that such releases may raise other questions, which I presume have not passed unnoticed:-

- (1) It is hoped that when prisoners of war in Germany are about to be disbanded, their names are checked with our lists of war criminals, and that those who figure on our lists are then sent to the country that is requesting them; we would like to hear that this procedure is actually followed.
- (2) There are rumours that members of groups of organisations which may be declared "criminal organisations" in the sense of art. 9 of the Agreement of the 8th August 1945 are being released; can it be assumed that steps are being taken to ascertain their movements, so that they will be available for trial, in conformity with the Moscow Declaration, when and if the Nuremberg Court declares such organisation to be a criminal one?
- (3) Whereas there is little doubt that key-men are being kept in custody, it is believed that smaller fry, among the S.S. for example, are being released. It may be pointed out that it is among these persons that are to be found the actual killers, that they were the most ardent Nazis, that they may form the kernel of any resistance movement and that their release may thus imperil the security and the work of the authorities.



of occupation. Their release would, at the same time, perhaps enable them to escape punishment.

(4) In this connection, press rumours that harmless prisoners of war, who were until now working in this country or in France, are being sent back to their homes, and shipments of ardent Nazis, S.S. and S.A., are being imported into the allied countries, to serve as labour in their place, is most welcome.

(5) There are some Germans, accused of war crimes, who are known to have been taken prisoners; sometimes the date of capture and even the unit that captured them are known. Nevertheless, all efforts to obtain their surrender and even information as to their whereabouts, or as to the authority which has them at present in custody, have been fruitless. Would it be a practical suggestion that each Government should be invited to communicate, to its representative on the Commission, the names of such persons? These could then be circulated, by that representative, to his British, American and French Colleagues, who would make the necessary enquiries.

Yours sincerely,  
Sgd. M. de Baer.

P. S. You may find that the circulation of this letter to the members of the Commission may stimulate a fruitful discussion."

VIII. "Dear Savill:

27th June, 1946.

I would be very grateful to have your observations on the various points raised by General de Baer in his letter to Sir Robert Craigie, (reproduced above).

I do apologise for putting you to all this trouble and your help in this matter is very much appreciated and will be of the utmost value when the subject comes before the Commission for discussion.

Yours sincerely,  
G. A. Ledingham."

IX. "Sir:

10 July, 1946.

1. I am directed to refer to your letter of 27th June, 1946, enclosing a copy of General de Baer's letter to Sir Robert Craigie No. 1938/WC of 24th June 1946, and to make the following comments on the points raised in General de Baer's letter.

2. The procedure for tracing war criminals wanted by Allied countries in the British zone in Germany is as follows:-

- (a) 560 copies of each CROWCASS Wanted List issued are distributed by HQ BAOR throughout the British Zone, including copies to all British P.W. and Internment Camps. (As you are aware, the names appearing on the UNWCC lists are incorporated in the CROWCASS Lists. There is, of course, a time lag between registration and publication of a name by UNWCC and publication by CROWCASS but this would be reduced if Nations concerned forwarded Wanted Reports to CROWCASS more rapidly).
- (b) The War Office send copies of each CROWCASS Wanted List to all British Commands and Dominions where enemy P.W. are held.
- (c) Persons listed by CROWCASS and found by Camps are reported to CROWCASS and CROWCASS notifies the originator of the CROWCASS Wanted Report.
- (d) HQ BAOR receive CROWCASS Detention Reports in respect of all detainees in PW & Civilian Internment Camps in the British Zone and these are made available for inspection by all Allied War Crimes Liaison Groups.
- (e) So far as Germans at large in the British Zone are concerned, it is the responsibility of War Crimes Liaison Officers and their teams to find the persons they want. But HQ BAOR assists by publication of its own special Wanted Lists and, where the approximate location of the wanted person is known, by instructing local Mil Gov Detachments to find and arrest.

3. With regard to the specific points raised by General de Baer:-

Point (1) All names on UNWCC lists are transferred to the War Crimes Card Index at HQ BAOR and before any internee is released from a PW or Civilian Internment

Camp in the British Zone his or her name is checked against this card index. If an internee is found to be wanted by an Allied country, the Liaison Group concerned is informed.

Point (2) Members of "Criminal Organisations" of the ranks likely to be involved in a declaration by the International Military Tribunal at NUREMBURG are NOT being released in the British Zone except on urgent medical grounds.

Point (3) By this time it may be assumed that members of these organisations in the lowest ranks who have been implicated in war crimes have been listed as war criminals. They will NOT be released if so listed.

Point (4) Noted.

Point (5) It is NOT thought that the circulation of yet another series of lists would be productive. It is suggested that it would be at once simpler and more effective if Countries instructed their Liaison Groups to intensify their efforts to trace persons of this type.

I am Sir  
Your obedient Servant,

R.P.P.F. Allen, Major,  
for Director of Personal  
Services. "



WILL MEMBERS KINDLY ATTACH THIS INDEX TO DOCUMENT C 210.

Page 1	I	Letter dated 14 May 1946	from Monsieur de Baer to Sir Robert Craigie.
Page 2	II	Letter dated 29 May 1946	from Monsieur de Baer to Sir Robert Craigie.
Page 3	III	Letter dated 4 June 1946	from Monsieur C. Stavropoulos to Sir Robert Craigie.
Page 4	IV	Letter dated 11 June 1946	from Secretary General to Colonel G.R. Bradshaw Deputy Director of Personal Services, War Office London.
Page 4	V	Letter dated 20 June 1946	from Colonel Bradshaw to Secretary General.
Page 7			Report by Captain Alexander No. 1 War Crimes Investigation Team.
Page 11	VI	Letter dated 20 May 1946	from Secretary General to Lieut. Kintner. USNR.
Page 11	VII	Letter dated 10 July 1946	from Lieut. Kintner to Secretary General.
Page 13		Letter dated 24 June 1946	from Monsieur de Baer to Sir Robert Craigie.
Page 14	VIII	Letter dated 27 June 1946	from Secretary General to Lieut Col Savill, A.G. 3 War Office.
Page 15	IX	Letter dated 10 July 1946	from Director of Personal Services to Secretary General.

C. 211.

16th July, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

Letter sent from Lord Wright to General  
Green, Judge Advocate General, Washington,  
D.C., U.S.A.

---

July 8 1946.

Dear General Green,

I have got safely back to London and I have been thinking a good deal about the position of the prosecution of minor war criminals in the Far East. One of your officers - I think it was Colonel Marcus, though I am not sure how his name is spelt and I may have got it wrong - was to take over the general supervision of that work. On the afternoon when I gave a short address to the Far Eastern Commission, he met me as I was leaving the building and asked me to tell him what I thought ought to be done. I was very pressed for time at that moment and it was impossible to give detailed instructions then on the spur of the instant, and all I said was that he ought to try, if possible, to have a schedule made of all the possible cases which they had in view, and then see what ought to be done about each case, in order, if possible, to get on with this work of prosecution as speedily and effectively as possible. That surely is the first subject and it would involve a certain amount of centralisation. I had hoped before I left Tokyo to have had supplied to me a complete schedule of all the cases which had been tried in the Far East, with some short details and a statement of the result of the sentences and if they were carried out, but I am afraid I did not have these figures given to me before I left in any complete form. Colonel Carpenter gave me some figures which were rather limited to the Yokohama district, but what I wanted was figures of the results from all the various centres in the Far East. I did get a very useful statement from Captain Robinson, of the Naval Department, referring to the naval prosecutions in the Islands, including Guam, and that merely shows that things are being done and that it is possible to record what is being done. I occasionally see things in the papers - for example, here is a short paragraph torn out of the "The Times", which I enclose, and which shows that there is considerable activity going on, and I know that some cases have been and are being tried at Yokohama. I also know that the Australians have done a good many cases. Unless there is some careful collation of what has been done, it is almost impossible to formulate satisfactory schemes about what ought to be done, and I think it is important to get that in hand as early as possible, because I think everywhere there is a feeling that, important as it is to prosecute war criminals, it should be done as quickly as possible

because the public would begin to feel that it was time to wind up that unfortunate aspect of the war.

I know that there is at the headquarters in Tokyo a large, able and efficient staff, hard at work. I have seen them, and they have recently been joined by a British contingent. It would, I think, be of first importance to have the whole organisation of the Far Eastern prosecution, i.e. apart from Tokyo, centralised and the whole thing should be brought under the control of one head office which would deal with both the Army and the Navy, if that were possible, and should include not only the American cases, but also the Dutch, Chinese (if any), Australian, French and any others. How far this is possible can only be decided on the spot, but it is only in that way that I think adequate results can be obtained. The mere haphazard prosecution of occasional cases will not result, I fear, either in satisfactory or speedy conclusion. I hope it will be understood that I am not reflecting on the skill or capacity or energy of the very efficient and enthusiastic officers whom I have come across. I have seen a good deal, for instance, of Colonel Carpenter, but what I feel is that a central organisation is lacking.

I had hoped to visit Shanghai and Hongkong myself but there were difficulties of transport and I had difficulty in getting away and it was out of the question also to visit places in Australia, or the Islands or in the Indonesian territories. The only trial I saw was one at Yokohama, to which Colonel Carpenter was kind enough to take me, and I have little to say of that trial. It was a complicated case, which I understood was likely to take - and did I believe take - at least a fortnight to try. The only comments that I can make are that I thought the defence counsel were much too slow and leisurely in their proceedings and were wasting a great deal of time, and that a court of six, which was the court in that case, involved a rather excessive use of manpower. I should have thought myself that a court of three would be sufficient, except in quite big cases, like a concentration camp case or a death march case, but that is a minor matter.

I am so ignorant of what is actually being done on your side that I do not even know if the concentration camp cases and cases like the mines and the death camps have been dealt with yet. It is very important I think that these should be properly prosecuted and pursued to the end. But I cannot see how the thing is to be satisfactorily worked unless there is a complete scheme under a central authority. How far that is possible may depend on circumstances of which I am not fully cognisant. For instance, the different countries concerned may not be willing to fall in with a general scheme, but the British came into line, I understand, with your people and are sharing the offices at the GHQ at Tokyo, and I cannot believe that they would raise any objections on narrow or personal grounds, and I think I can say the same for the Australians.



because the public would begin to feel that it was time to wind up that unfortunate aspect of the war.

I know that there is at the headquarters in Tokyo a large, able and efficient staff, hard at work. I have seen them, and they have recently been joined by a British contingent. It would, I think, be of first importance to have the whole organisation of the Far Eastern prosecution, i.e. apart from Tokyo, centralised and the whole thing should be brought under the control of one head office which would deal with both the Army and the Navy, if that were possible, and should include not only the American cases, but also the Dutch, Chinese (if any), Australian, French and any others. How far this is possible can only be decided on the spot, but it is only in that way that I think adequate results can be obtained. The mere haphazard prosecution of occasional cases will not result, I fear, either in satisfactory or speedy conclusion. I hope it will be understood that I am not reflecting on the skill or capacity or energy of the very efficient and enthusiastic officers whom I have come across. I have seen a good deal, for instance, of Colonel Carpenter, but what I feel is that a central organisation is lacking.

I had hoped to visit Shanghai and Hongkong myself but there were difficulties of transport and I had difficulty in getting away and it was out of the question also to visit places in Australia, or the Islands or in the Indonesian territories. The only trial I saw was one at Yokohama, to which Colonel Carpenter was kind enough to take me, and I have little to say of that trial. It was a complicated case, which I understood was likely to take - and did I believe take - at least a fortnight to try. The only comments that I can make are that I thought the defence counsel were much too slow and leisurely in their proceedings and were wasting a great deal of time, and that a court of six, which was the court in that case, involved a rather excessive use of manpower. I should have thought myself that a court of three would be sufficient, except in quite big cases, like a concentration camp case or a death march case, but that is a minor matter.

I am so ignorant of what is actually being done on your side that I do not even know if the concentration camp cases and cases like the mines and the death camps have been dealt with yet. It is very important I think that these should be properly prosecuted and pursued to the end. But I cannot see how the thing is to be satisfactorily worked unless there is a complete scheme under a central authority. How far that is possible may depend on circumstances of which I am not fully cognisant. For instance, the different countries concerned may not be willing to fall in with a general scheme, but the British came into line, I understand, with your people and are sharing the offices at the GHQ at Tokyo, and I cannot believe that they would raise any objections on narrow or personal grounds, and I think I can say the same for the Australians.

I cannot do more than indicate thus in a very general way what should be done, but those who have been working at this business know it is always possible, as I have found from my experience here, to pick out important cases in which the accused are "in the bag", and in which the evidence is more or less complete. I do not know what considerations would take priority. Sometimes it may be useful to go through the list of all cases tried, or ready, or almost ready, and pick out those which are ripest for immediate procedure. Sometimes it may be possible to examine the cases and see which are almost ready and find out what is lacking and supply the defects, and so on. These are all practical matters which can be dealt with at headquarters or on the spot. I am sorry that I cannot give anything more definite, but I am very much impressed by the need of a strong central organisation and careful survey of the results so far achieved and of the prospects of increasing this achievement at as early a date as possible.

There is a further consideration which I want to add, and that is that this Commission was appointed by all the United Nations for the purpose, among other things, of recording of war crimes, and one of the methods adopted was to receive and consider cases submitted by the member nations. We had a discussion when the question of the Far East first emerged about what it was best to do; whether the Far Eastern cases should all be submitted to the Commission before further steps were taken. We came to the conclusion that it was better not to have any delay for that reason if it were otherwise possible to proceed immediately and expeditiously on the spot, but we never anticipated that there would not in due course, possibly after the trial, be a full transmission to this Commission of all the relevant particulars so that the account of war crimes, both European and Far Eastern, should be as complete as possible. I have been very disappointed that no reports have reached us, except in a rather casual and scrappy way, and often the only news we had here of what was going on has come from the popular press, like the cutting which I enclose. Over here we have found it helpful to make a record from month to month of the various cases handled by the different prosecuting authorities, with their results, and these show on the European side results which on the whole are quite gratifying, and they encourage further efforts to improve the position. I do not say we have not got some reports from the Far East. We are contemplating the early preparation of a series of reports on war crimes trials and in that we have got one or two at least from the Far East. I do not think we have got any proper report of the Yamashita and Homma trials. These are important cases which certainly ought to find a place and I think that would be General McArthur's view. I was very much struck at the time by the energy which was shown in the prosecution of these generals and I am bound to say I have been a little discouraged by the subsequent course of events, though at the same time I do not fail to recognise the immense difficulties.

I must end these desultory observations. I know that a great deal is being done in all the different areas, for instance in the Philippines, Singapore, Hongkong, Shanghai, the

- 4 -

Islands and Northern Australia, and so far as your staffs permit I am quite sure that you are losing no opportunity of making every possible local investigation in all these different areas and of bringing in the results of the prosecuting authorities at the appropriate central points. I am merely suggesting that a complete survey and a careful stocktaking would help.

I ought to add my thanks to you for your very kind hospitality when I visited Washington. I can only hope that I may come there again in the near future, though at the moment it does not seem very likely.

Kindly give my regards to all my kind friends in Washington, and accept them for yourself.

Yours sincerely,

Sgd.....WRIGHT.

---



117.  
C.212  
17th July, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

JURISDICTION OF THE COMMISSION OVER WAR CRIMES  
COMMITTED PRIOR TO 1939

Extract from Hansard, Volume 425, No: 173,  
July 10th, 1946.

"ORAL ANSWERS TO QUESTIONS

ETHIOPIA (ITALIAN WAR CRIMINALS)

1. Mr. Emrys Hughes asked the Secretary of State for Foreign Affairs which Italian generals are to be tried as war criminals for atrocities committed under their orders in Abyssinia.

The Minister of State (Mr. Philip Noel-Baker): I understand that three months ago a representative of the Ethiopian Government saw the Secretary-General of the United Nations War Crimes Commission and that he was given the appropriate forms for submitting evidence. So far I understand, no cases have yet been submitted either to the War Crimes Commission or to anyone else.

Mr. Hughes: Is the Minister aware that the Moscow declaration of 6th November, 1943, stated that persons accused of war crimes would be tried on the spot where the alleged crimes had been committed and will he say whether this does not apply to Africa as well as to Europe?

Mr. Noel-Baker: That is rather a different question, and one of which I should require notice. I have given the hon. Gentleman the information I have in reply to the question he put down.

Mr. Hector Hughes: Would not my right hon. Friend agree that it is in the public interest that these people should be brought to trial at the earliest possible moment and immediate steps taken to that effect?

Mr. Noel-Baker: I do not want now to debate the point put by my hon. and learned Friend. I understand that there is some doubt whether the United Nations War Crimes Commission would feel that they had jurisdiction over acts committed before 1939."

---

C.213  
17th July, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

Letter from Lord Wright to New York Times,  
June 20th 1946

---

To the Editor of the New York Times:

I returned from Tokyo a few days ago and my attention was called to Pitman B. Potter's letter in your columns of June 2. Professor Potter has temperately expressed doubts and difficulties which troubled me when I first asked myself what was the legal basis of the Nuremberg and later the Tokyo trials.

I felt that the law of nations was a poor thing if it had no theory of how the practical problem should be solved of imposing penal sanctions according to law on the individuals, who led their nations into war and waged the war according to the vile methods adopted. Human beings' moral sense is deeply convinced that it is a crime for men to use political and executive power for wrongful self-interest and aggrandizement. The doubt often felt by conventional people is how to bridge the gap which sometimes exists between moral and legal ideas. But I believe, and so do others, that the gap has in this case been bridged.

INTERNATIONAL LAW

I think that there exists an international criminal law as clear and positive in its terms, and as direct in its application to individuals who offend against it, as that which includes the laws of war, which refer to what are sometimes called war crimes in stricto sensu such as the murder of hostages or prisoners of war, outrages on the populations of occupied countries and the like.

No one, I imagine, at this time of day would dispute that such crimes are cognizable under international law by the appropriate tribunals or the military courts which international law has for centuries recognized to have jurisdiction to try such offenses. These are established by the Commander in Chief, who appoints the judges and has the executive power and executes the sentences. As instances I may refer to the trial of cases like those concerning concentration camps. I doubt if many international lawyers question the correctness of such procedure.

Military courts are courts different from national courts in the mode of creation and in their jurisdiction and in the law which they administer. The analogy to Prize Courts has always struck me.

VALIDITY OF CHARGES

The international military courts set up at Nuremberg and Tokyo are the same military courts adapted to the particular need of dealing with offenses which are the subject of their adjudication. The accused are political or military figures who are said to have created, determined and executed the aggressive purposes of the war and led their respective nations into it.

To the extent that they have prescribed to their soldiers methods of terrorism and other breaches of the laws which are now authoritatively specified in the Hague and other Conventions they can be accused as guilty themselves as individuals for what the tools who obeyed their directives did and for the atrocities which their instruments have perpetrated. I cannot see any want of legal validity of such charges as established in fact.

Apart from and before the Pact of Paris of 1927 there might well be some doubt whether leading statesmen could be individually or collectively held criminally for initiating or waging an aggressive war, but the Pact of Paris was a solemn treaty to which practically all the nations of the world adhered. They agreed in precise terms that they renounced war as an instrument of policy. Treaties generally bind states, not individuals, but some treaties, such as the Pact of Paris and the various Conventions like The Hague and Geneva Conventions, have a further meaning because they evidence what international law is.

#### WARS OF AGGRESSION

The Pact of Paris was not a scrap of paper. It was clearly agreed to between nations in order to settle the contentions raised by some lawyers that national sovereignty included an arbitrary power to initiate war, however unjust and evil. This theory appears to me to be not only diabolic but unsound in law. National sovereignty does not include a liberum arbitrium to perpetrate crimes outside the national body. The Pact, like The Hague and Geneva Conventions, did not generally use the word "crime," but if such a thing as waging unjust war is repudiated as being unlawful, no verbal definition of it in terms as being a crime is needed. By long practice of Military Courts such an unlawful act imports responsibility of the guilty individuals.

There is no need of a precise definition of a war of aggression as contrasted with a war of self-defense. It is a matter for the court to determine on the facts of each case whether the war is of the one sort or the other. I feel like the man who was asked to define an elephant. He replied he could not, nor was it worth his while to do so. He knew an elephant when he saw it. These grave questions are not concerned with borderline cases.

It may also be noted that statesmen and others who initiate and wage an unjust war, especially if treacherous and in breach of treaties are perpetrating through the soldiers and others who are their instruments an indefinite number of murders which they cannot justify as excusable under the laws of war. It is for them to justify these murders and if they cannot they stand open to indictment as murderers. The idea cannot be accepted that such persons are irresponsible and immune from any penal law. They are subject to punishment under international law.

Humanitarian treaties and Conventions like the Pact of Paris and the Hague and Geneva Conventions form part of the substance of international law which, like Prize Law, has its own source, its courts and its executive authorities. It is not the same in character and substance as the law of any particular nation. There is no national law-giving authority. The law which has grown up exists in the form appropriate to it. It is



not political; it is law in the strictest sense of the word, with its own courts, its own precedents and its own machinery.

JURISDICTION OF COURTS

There is no question here of retrospective legislation. The charter of the two courts in stating their jurisdiction expressly does so on the footing that they are in accordance with international law. It is true that the judges belong to the winning side but that must be so in ordinary military law as in Prize Law, and the real question is whether the judges are men of judicial character and high attainments and do proceed impartially. The world will judge if the trials are fair, if the facts are duly elicited and proved and the law correctly applied.

I directly differ from your correspondent's pronouncement that the proceedings at Nuremberg and Tokyo do not represent international law. I think they do and that they are a demonstration of courts at their best rising to the height of the great responsibility laid on them.

WRIGHT.

New York, June 20, 1936.

ber 3.50  
C.214.  
20th July, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

Letter received by Lord Wright from Dr.  
Schram-Nielsen.

29 Pont Street,  
S.W.1.

10th July, 1946.

Dear Lord Wright,

The Danish General Medical Association has approached the Ministry for Foreign Affairs, Copenhagen, with a view to obtaining a survey of the breaches of the medical "Code of ethics" committed by the German medical profession under the Nazi regime, and has in a letter to the said Ministry drawn the attention to the fact that the examples of offences in the alleged mass killing of lunatics and the mentally deficient, compulsory sterilisation and experimental inoculation of healthy persons with diseases of various kinds, provided by the press, the radio and several books have not all been quite reliable.

The Association has furthermore stated that on historical and other grounds it may be of great importance for scientists throughout the world if an authoritative account of the said crimes could be compiled - an account demonstrating the destructive influence of the power of the authoritarian state on something so essential for the whole of mankind as the medical "Code of ethics".

The Ministry for Foreign Affairs have supported the suggestion made by the General Medical Association, and have asked me whether the United Nations War Crimes Commission may be willing to take over the compiling of such a survey.

I, therefore, venture to suggest that this matter be included in the agenda of a Commission-Meeting in the near future, and to express the hope that the Danish proposal may have your support.

I am, dear Lord Wright,

Yours sincerely,

Sgd....E. SCHRAM NIELSEN.

---

1-505 ✓  
See Kintner letter 11th July 46  
the American letter attached.

C.215

UNITED NATIONS WAR CRIMES COMMISSION

25th July, 1946.

DISPLACED CHILDREN IN THE UNITED STATES ZONE.

Memorandum and report are circulated for the information of Members at the request of Lieutenant Kintner U.S.N.R. Acting United States Commissioner.

LONDON

18 June 1946.

MEMORANDUM

TO: Lieutenant Earl W. Kintner, Acting United States  
Commissioner.

In the course of my recent visit in the United States Zone in Germany I came across a serious crime of stealing children from the occupied countries by German Authorities. This crime was discovered by officials of the United Nations Relief and Rehabilitation Administration in the United States Zone. I had conferences in this matter with J.H. Whiting, United States Zone Director of UNRRA, Miss Heise, Chief of the Child Welfare Branch of UNRRA, Miss Matthews of the same Branch and Mr. John Troniak, Director of the Research and Registration Team 566, and I had also occasion to read all correspondence and investigation files connected with the case. I am sure that if this case would be further developed by professional investigation methods noticeable results may be obtained.

The stealing of children from occupied countries is a part of a great plan of destroying or crippling the demographic structure of the neighbors of Germany (Genocide) while the demographic structure of Germany itself would be strengthened either by importing children or by compelling or inducing women of some occupied countries to bear children with members of German Armed Forces. (See decree signed by Hitler, Keitel and Lammers in 1942 - to be found on page 504 of the volume "Axis Rule in Occupied Europe" by the author of this memorandum.) Since further investigation of the case requires action in various zones of Germany and also the cooperation of several nations outside Germany I thought that the United Nations War Crimes Commission might be interested in investigating this case. Enclosed you will find a memorandum of this case by J.H. Whiting which throws considerable light on this heinous crime.

Sgd.....RAPHAEL LEMKIN.



UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION  
UNITED STATES ZONE HEADQUARTERS  
PASING - MUNICH  
APO 757

12th June, 1946.

SUBJECT: Location of United Nations' children in the U.S. Zone.

TO: Dr. Raphael Lemkin,  
Adviser on Foreign Affairs,  
War Department,  
U.S.A.

c/o Judge Advocate General,  
Lt. Col. Allen,  
Alliance Bldg.  
APO 757.

In accordance with our discussion with you yesterday we are submitting a statement of UNRRA's experience and findings in the location of United Nations' children in Germany, for your use in conferences with the War Crimes Branch and the United Nations War Crimes Commission. You will find that War Crimes Branch has a report from us under date of April 12, 1946, Subject: Investigations Regarding Importation and Germanization of United Nations' Children, and a supplementary report on the same subject dated May 7, 1946.

Our first emphasis has been on locating, identifying and removing United Nations' children who are being cared for in German child welfare agencies and institutions. Discussions with Military Government officials and German agencies and our own early child-finding efforts indicated it was in the institutions that large numbers would be found. UNRRA Child Search and Registration Teams are visiting every child caring agency and institution in the U.S. Zone, interviewing staff members and every child thought to be of United Nations' origin. Detailed discussions with children and with those staff members who attended children on transports from other countries have a two fold purpose, personal and nationality identification of children and clues to the location of more children. Team members are alert to details which will lead to the discovery of information about Nazi plans for importation and destinations of other children known to those being interviewed.

Reports on individual children interviewed are referred to the appropriate national liaison officers and joint planning toward repatriation and return to families proceeds. Findings regarding Nazi organizations and clues to additional sources of information have been pursued further by UNRRA, referred to military branches, G-2 and War Crimes, or sent to other countries for investigation. It is this phase of child searching on which we have sought the help of the military. Interviewing child by child is a slow and cumbersome method of approaching a mass problem, and has limitations as it relates to individual children. Information they can give is often not sufficient to establish nationality or even identity. In groups of children brought in from other countries we usually find a number who are promptly acknowledged by liaison officers as their nationals. Others appear

rather clearly to be German. In the cases of the majority no decisions can be made from available information. Efforts are made, through UNRRA and national tracing bureau in the home countries, to find families and discover other information which will establish citizenship. National Liaison representatives of the surrounding allied nations have been asked for more specific information about the children they have lost. They have had difficulty in obtaining such information but when available it should be of great help in identifying children we are now finding. The only hope for identifying many of the children lies in information about operation of the German organizations which have planned and carried out the importations, and particularly the records and nominal rolls of such organizations.

#### Children found.

Over 6,000 children unaccompanied by their families have been reported in the U.S. Zone to date. Probably not more than 2,000 of these have come to attention as the result of search. The rest are children who were found with adult displaced persons in centers, or came to attention in groups without specific searching efforts. The stories of the children and information available about them indicate that some of them were taken from their homes by force in accordance with a Germanization plan. Others were brought in to work or are children of forced laborers. Several groups of infants leave doubt as to whether the intent was Germanization or evacuation for safety purposes because of the progress of the armies. We are finding children of all ages, infants as young as 18 months. Nationalities are chiefly Polish, Czech and Yugoslav.

Findings differ in various sections of the U.S. Zone. In the Western half, we are finding individual children or small groups who came into German institutions through individual tragedies, usually accidental separation from the parent, death of the parent or abandonment. In Bavaria we find large groups of children imported from the Eastern countries. The children who describe forcible removal from their homes and admission to institutions where no language other than German was permitted come chiefly from the Upper Silesian area and have been found in Regensburg district. School groups, designated by the Germans as Volksdeutsch and evacuated into Germany as the armies progressed, are chiefly situated in Bavaria. We have been interviewing about 900 such children; 2,000 to 3,000 more who came in from Yugoslavia are reported to be living in one area from which we have removed 17. Investigations by liaison officers and UNRRA have revealed a number of non-German children in these groups.

The children we have to date found in German family homes were either brought in for work purposes or temporarily placed in German families by their parents. We have discovered in the U.S. ZONE no information about the children who are believed by allied countries to have been brought into Germany for absorption into families, with a change of name, to lose their identity. Since such children have been discovered in Austria and in the British Zone we believe that this is a whole field which needs increased search efforts and perhaps different methods that we have been using.

#### German organizations involved in importation of children.

We have identified certain Nazi organizations responsible for the importation of children and have had reports regarding other agencies which bear investigation. They are as follows: -



N.S.V. This organization has been named numerous times by children who describe the NSV nurse as having taken them from their homes and removed them to an institution.

Verein Lebensborn. This agency's participation has been established by a report from Austria regarding the removal of children from Poland, change of names and placement in Austrian families for permanent care. A recent report from France draws attention to the same organization on similar charges.

Rassel und Siedlungsamt. Recent investigations of record sources of Verein Lebensborn at Berlin drew attention to this organization as possibly having recorded information about children who were imported for Germanization purposes.

Mutter und Kind, Society for Racial Purity and Reichsnährstand all bear investigation.

Methods of locating children.

(1) Search in orphanages and follow up of clues discovered has been the principal method used by UNRRA as described above.

(2) Search by German authorities required by military order.

An order of August 1945 requiring German Bürgermeister to report all displaced persons, was not very productive in the U.S. Zone in revealing children. We understand the response was somewhat better in the British Zone. You have seen the current USFET directives (Conduct of Searches by German Authorities in Connection with United Nations Citizens dated 8 January 1946; Conduct of Searches by German Authorities in connection with Living United Nations Orphaned Children dated 25 March 1946; Conduct of Searches by German Authorities in connection with Living United Nations Orphaned Children dated 14 May 1946) which are the result of action by the Allied Control Council and require comprehensive reporting of displaced persons and submission of documents relating to them. We understand information is now coming in under the currently operative directive, but it is too early to evaluate results in finding children. It is our opinion that military directives are essential but that we cannot place sole reliance upon them. Experience with adults caring for children indicates they fail to report them for various and compelling reasons which will not be altered by military directives regardless of how stringent. We are convinced from experience that such orders need to be supplemented by other methods of search.

(3) Continuing use of record sources.

The above named directive requires reporting once from many record sources. There is need to establish a plan for continuous reporting as new cases come to light. Examples are birth records, school enrolments, identification certificates, food ration cards, all of which should be used continuously as sources for revealing children.

(4) Publicity.

We have to date done very little through publicity. We feel one of the immediate steps must be interpretation to key German agencies and civic leaders and possibly wide spread popular appeals. Berlin is trying this method at the moment and we are watching the results.



(5) Investigations in other countries.

UNRRA Central Headquarters for Germany has been assuming major responsibility for getting information from allied countries as to their losses. Information we are discovering in Germany which should be further investigated in these countries is being routed through the same channel. The Czech Government is sending a small mission into Germany to work with us, particularly in finding Czech children. We have been asked to await the arrival of this group and turn over to them all information which needs investigation in Czechoslovakia. Considerable information has already been sent to Poland. We have additional masses of information, particularly names of institutions in Upper Silesia and persons connected with them, which we are now in the process of compiling for use in Poland. Our request to send representatives into Poland to initiate such investigations did not meet with success. We are now using the next best method of asking for a representative from Poland to work with our Search Teams here and return to Poland for investigation and tying up of clues there. The need for investigation in other countries other than Poland and Czechoslovakia has to date been less clearly defined.

Needs.

Our findings to date indicate that the scope of the child location program needs to be broadened in order to leave no resource for finding children untapped. Within UNRRA we plan to accelerate our activities by adding staff to Search and Registration Teams and to administrative units for planning and directional aspects. We see a great need for a closer working relationship with military authorities. The urgency of the problem and its many ramifications demand a united approach on the part of all who are concerned and who have information and facilities which should be utilized.

You are interested primarily in the War Crimes aspects; we, in the finding of children. In the course of finding children we are getting stories about the forcible removal from home, attempts to eradicate anything non-German in the child's life, medical experiments and names of persons who are thought to know more about the movements of children and Nazi planning. The information we are getting calls for investigations which are beyond our scope and ability. We feel that various military branches and offices may have information which should be more quickly and effectively utilized in the child finding program. Military Government Public Welfare is interested and of course in touch with the German facilities which we are using so heavily in our searching activities. At least one German publication is featuring appeals for public assistance in locating families of lost children. Such phases require closer co-operation with Military Government.

As a first step, we suggest a Military Liaison Officer. Such a person would go through our detailed findings to date, evaluate them as clues to further information and bring them to the attention of the appropriate military branches. He would, at the same time, seek out and bring to our attention information now in the hands of military offices and military resources and facilities which should be utilized. A brief period of exploratory work should indicate what part the military ought to be taking in the child finding program and how the efforts of UNRRA and the military might be more closely co-ordinated.

This is not a comprehensive report but merely highlighting our program and the evidence we have been able to uncover relative to war crimes committed against United Nations' children. We will follow up with your suggestions to Mr. John Troniak, Director, Search and Registration Team 566 in submitting to you a formal comprehensive report, channeling it to you through your Washington office and General Taylor.

Sgd.....J.H. WHITING,  
Zone Director.

---

C.216.  
27th July, 1946.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE III.

Report on the Present State

of the

Trial Report Publications Schemes.

Compiled by the Secretary of Committee III.

- I. The scheme of publishing trial reports (in previous documents called "annotated summaries") produced by the Secretariat and approved by an appropriate organ of the Commission (Committee III or a special committee to be appointed), was approved by the Commission in its meeting held on 19th July 1946 (M.108). The preparations for the production of the first volume of these trial reports are far advanced and it is hoped that the manuscript will go to print towards the end of August 1946.
- II. In addition to these reports to be produced by the Commission itself, the publication of full reports by a private British publishing firm, Messrs. Wm. Hodge & Co., Ltd., London and Edinburgh, has also been discussed. In this respect, Committee III decided in its meeting held on 25th July, to recommend to the Commission that a letter on the lines of that contained in the annex to this paper, should be sent by the Secretary General to Messrs. Hodge.

Committee III further suggested that legal advice from a British lawyer conversant with such contracts should be sought before committing the Commission to the undertaking contained in the draft letter.

Committee III suggests that the text of the letter to Messrs. Hodge contained in the annex, should be approved by the Commission, subject to such alterations as may be proposed by the British legal expert to be consulted, and by the Government Departments concerned.

ANNEX.

"Dear Sirs,

Reports on Trials of War Criminals.

Referring to our previous correspondence on the above subject, and to our discussions with you at various times, I write to inform you that the United Nations War Crimes Commission has now agreed to a scheme regarding publication of full reports of Trials of War Criminals by your firm and that it is prepared to recommend to its member governments the adoption of the scheme under the following terms:-

- (a) Member Governments who may wish to avail themselves of your services will place at your disposal the transcripts, records and documents which they want to be made the basis of your publication.



- (b) In cases where additional spare copies of the documents mentioned are not available, the Commission will be prepared to lend you any copy which has been made available to the Commission by its member Governments for official use, provided you undertake the safe return of such copies undamaged.
- (c) The agreement of this Commission with regard to the person or persons to be entrusted with the editing of the individual trials, and the person you may wish to appoint as General Editor for the whole scheme, will be necessary. The Commission's consent to these persons will not be unreasonably withheld.
- (d) The drafts of any commentaries and forewords to be included in the publications will be submitted to the Commission for approval and you will undertake to abide by any decisions which the Commission may deem fit to make in this respect.
- (e) It will be a matter of special agreement between the Commission and you whether, and if so, in which cases and in what manner, reference will be made in the publication itself to the United Nations War Crimes Commission.
- (f) The United Nations War Crimes Commission has the right to transfer its powers under this agreement to any international or national body which should take over its functions, if the Commission should be wound up before the work of publication is concluded.
- (g) You will make your own arrangements with the Government or Government Department concerned with regard to copyrights, to the payment of fees, if any, for the right to use the documents, and all other questions of financial agreements.
- (h) The Commission itself does not undertake any financial responsibility for the publication nor does it desire financial reward for the supervisory function to be exercised by it under the foregoing provisions.

Yours sincerely,

Secretary General. "

Doc.C 217  
31st July, 1946.

UNITED NATIONS WAR CRIMES COMMISSION.

The question of the jurisdiction of the United Nations War Crimes Commission over war crimes committed in Ethiopia during the Italo-Abyssinian war.

Report presented by Committee III.

The question of the jurisdiction of the United Nations War Crimes Commission over war crimes committed in Ethiopia during the Italo-Abyssinian war was referred to Committee III by the Commission, on July 19th, 1946, for its consideration and opinion.

The Committee, after giving careful consideration to the preliminary report prepared by the Secretary of Committee III (Doc.III/50), has arrived at the following conclusion:

1. The UNWCC has, up to the present, only dealt with war crimes( including crimes against peace and crimes against humanity) committed during or connected with, the present war. The Committee can find no evidence that it is the wish of member Governments that the Commission should deal with war crimes committed in any other war.
2. The Committee are not in possession of any evidence to show that it is the opinion of the Governments that any direct connection exists between the Italo-Abyssinian war and the present war.

The above report is submitted to the Commission for its consideration.

-----

Box 4  
Pg 30

Short summary of the Polish Decree concerning the establishment of the Supreme National Tribunal.

Polish legislation concerning crimes connected with the war.  
(War crimes and war-treason)

1. decree of August 31st 1944, Polish Official Gazette No:4/1944.
2. decree of May 6th 1945, " " " No:17/1945.
3. decree of January 22nd 1946, " " " No:5/1946.

The first of those three legislative measures provided, what may be called a general basis for the punishment of both traitors and war criminals, guilty of offences committed during the second world war.

- a) taking part in the murder of civilian population, of prisoners-of-war, their maltreatment or persecution.
- b) committing acts to the detriment of persons residing on Polish territory, in particular by the arrest and deportation of persons wanted or persecuted by the occupying authorities - for whatever reason it may be - save their prosecution for ordinary crimes.

Blackmail: A second group of crimes is provided for, namely the punishment of persons guilty of blackmailing with the intent to profit persons under threat of their arrest or their handing over to the occupying authority.

Superior orders: Service with the enemy occupying forces, obedience to superior orders, or compulsion, do not exempt from responsibility.

Special Criminal Courts:

The above-mentioned crimes are being dealt with in accordance with the procedure as laid down in the



Code of Criminal Procedure.

The jurisdiction is exercised by the Special Criminal Courts.

These Courts are presided over by a professional judge and two lay-judges. All members of these Courts are appointed by the Presidium of the National Council on the recommendation of the Minister of Justice. The defendant must appear with counsel. If he refuses to elect one - a counsel is appointed ex officio. The judgments of those Courts are final.

.....

It will be noted that the first decree covers both Polish nationals and aliens as far as their responsibility for crimes connected with the war is concerned.

II.

As to Polish nationals, further provision made it however possible for them to be exonerated from charges of collaboration with the enemy and a special procedure was laid down to this effect in the second of the mentioned decrees.

The decree comes into operation for:

- a) Polish nationals whose names were included into the German Volks-liste-group three and four - if they lived in areas forcibly incorporated into the Reich, wherever this was done under duress or against their will, while they themselves remained distinctively Polish nationals.
- b) Wherever evidence is submitted that the persons in question acted under duress, even in cases where their names were entered into list No:2 of Volksdeutsche.

At the request of the person concerned the exonerating procedure is being instituted by the normal Courts of first instance, composed of one professional judge and two lay judges.

III.

The third decree sets up the SUPREME NATIONAL TRIBUNAL.

The competence of the new Tribunal is laid down as follows:(art.13)

- 1) The trial of persons, who in accordance with the Moscow Declaration signed by the United States, the U.S.S.R. and Gt.Britain and dealing with the responsibility of Hitlerite forces for atrocities committed will be surrendered to the Polish prosecuting authorities for crimes committed on Polish territory during enemy occupation.
- 2) The trial of crimes connected with the defeat of Poland in September 1939 and with Fascist activities.
- 3) The Supreme National Tribunal and the Prosecutor at the Supreme National Tribunal exercise supervisory authority over the Special Criminal Courts and the prosecutors attached to the Special Criminal Courts.(art.16).

( The Special Criminal Courts were referred to above).

Cases coming now within the authority of the Supreme National Tribunal having hitherto been tried by the Special Criminal Courts - the Prosecutor of the Supreme National Tribunal may transfer every case pending with a Special Criminal Court to the Supreme National Tribunal(art.13,par.2). He may also appeal from a judgment passed by a Special Criminal Court if there exist reasons for appeal or new trial - to the Supreme National Tribunal.

~~The Supreme National Tribunal~~ consists of:  
the President  
the judges.

It sits in session with three professional judges and four laymen. The President of the Tribunal is the First President of the Supreme Court. Other judges and prosecutors of the Tribunal are appointed by the Presidium of the National Council on the recommendation of the Minister of Justice. Lay-judges are appointed from among the members of the National Council.

Procedure: The trials are conducted in accordance with the provisions of the Code of Criminal Procedure,

In matters brought before the Tribunal the prosecutor may order the arrest of the accused.

Investigation of crimes brought before the Tribunal is being conducted by the prosecutor of the Tribunal himself or through prosecutors of Special Criminal Courts, district Courts or security authorities.

Defence: The defendant must appear with counsel. If he does not appoint one, the President of the Tribunal appoints an advocate ex officio.

The fact that the indicted has not been apprehended is no bar to proceedings, which will then not be regarded as carried out in absentia.

Judgments: The judgments of the Tribunal have to be prepared in writing with motivation. The judgments and decisions of the Tribunal are final. The sentenced has the right to appeal for mercy to the President of the National Council. In cases where a death sentence was passed the President of the Supreme National Tribunal transmits the documents of the case immediately to the Minister of Justice, who in turn submits them for decision to the President of the National Council, who may commute the penalty. The Tribunal attaches its opinion on the case.

.....

The first case to be tried by the Supreme National Tribunal was that of the Gauleiter of Western Rland: Arthur GREISER.

Sentence of death by hanging was passed and executed.

---

Doc.C 219  
6th August, 1946.

UNITED NATIONS WAR CRIMES COMMISSION.

Letter from Secretary-General to  
Dr. Mieczyslaw Szerer.

1st August, 1946.

Dr. Mieczyslaw Szerer,  
Polish Embassy,  
47, Portland Place,  
W.1.

Dear Dr. Szerer,

I have made enquiries regarding your proposal at yesterday's meeting of the Commission for members to attend the final day or days of the Nuremburg Trial. I have been informed by the authorities responsible for the arrangements at Nuremburg, that the whole of the accommodation available in and near Nuremburg has already been allotted to representatives of the many National Governments interested who have made application some time ago for accommodation to be reserved for them. I much regret, therefore, that it will not be possible to implement your proposal and, in view of the circumstances mentioned, I can only suggest that individual members, who wish to attend the Trial, should endeavour to make their own arrangements.

I am extremely sorry that I am not able to help in this instance.

Yours sincerely,

Sgd: (G.A. Ledingham)

Colonel,  
Secretary-General.



DOC. C. 220  
14th August, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

Letter received by Lord Wright from Major-General  
H. Green, The Judge Advocate General, U.S.A.

22nd July, 1946.

My dear Lord Wright,

I hasten to reply to your letter of 8th July for which I am very grateful. The hasty conversations that were had with you during your visit here gave me the distinct impression that a survey on the spot was required with respect to the numerous problems confronting the prosecution of war criminals in the Far East. Accordingly, arrangements were effected to enable Colonel Marcus to proceed to Japan and elsewhere on 24th July, 1946. He has a copy of your letter and will attempt to develop your suggestions.

I wish to outline the organisation in the field for the prosecution of war crimes under the jurisdiction of General MacArthur as Supreme Commander for the Allied Powers. There is a unit of his Special Staff known as the Legal Section, the one you visited, of which Colonel Alva O. Carpenter is Chief. He has established a branch at Manila. By directive of the United States Joint Chiefs of Staff, 23rd April, 1946, thereafter ratified by the Far Eastern Commission, any other country whose nationals were victims of atrocities were given the right to assist in prosecuting cases involving such atrocities by providing members for the military commissions trying the cases and also members of the prosecution staff. To date, Australia, Canada, the United Kingdom, China, and the Netherlands have availed themselves of this right, and now have liaison detachments working with the Legal Section. It would appear, therefore, that centralisation in one office of the work of all nations concerned has been started.

By directive of the Joint Chiefs of Staff, the primary responsibility for the trial of war crimes cases in the India-Burma Theatres rests with the Government of India and with the South Asia Command. American participation has been limited to assisting by furnishing members for commissions and prosecution staffs in cases in which U.S. nationals are involved. The U.S. officers participating have been ordered to War Crimes Branch in Washington, D.C., for the purpose of preparing complete reports for use here and for your Commission.

Similarly in China, by Joint Chiefs of Staff directive, primary responsibility rests with the Chinese Central Government. The United States Forces have a War Crimes Branch there, which to date is proceeding with the prosecution of fourteen cases involving offences committed against U.S. Forces and nationals. Before the U.S. Commander can proceed in any case in China, the acquiescence of the Chinese Government is required, together with specific authority from the Joint Chiefs of Staff.

The War Crimes Branch has general supervision over the work in the Overseas Theatres. A deputy Chief for Navy and a small staff of Navy personnel are part of the Branch. The U.S. Navy has been carrying out a war crimes programme in the Mid-Pacific Area. It has liaison with War Crimes Branch through the Naval section of the Branch, and reports on Navy cases in Mid-Pacific. Problems arising in connection with these cases are referred to the Joint Chiefs of Staff.

A directive prepared by War Crimes Branch, has recently been sent to the Theatres by the War Department requiring a monthly progress report on cases; standardised reports on cases by name going to trial; trials completed; and other pertinent data (Order enclosed). Complete transcripts of the records of all cases are to be furnished the War Crimes Branch by the Theatres as quickly as they can be prepared after completion of trials. All of this information will be furnished to the United Nations War Crimes Commission as quickly as it is received by War Crimes Branch. A summary of results achieved in Japan and the Philippines to 24th May, 1946, is attached.

I trust that this information which I pass to you will give you a picture of the war crimes programme in the Far East. Colonel Robert M. Springer, Executive of the War Crimes Branch, has been appointed by President Truman as U.S. Commissioner to the United Nations War Crimes Commission. When he arrives in London I feel confident he can answer some of the questions.

With kindest regards, I am

Sincerely yours,

(Signed)

THOMAS H. GREEN  
Major-General, USA  
The Judge Advocate General.

The Right Honourable The Lord Wright of Durley,  
Chairman, United Nations War Crimes Commission,  
Room 324, Lansdowne House,  
Berkeley Square, W.1.,  
London, England.

DOC.C. 221.  
15th August, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

Letter received by Sir Robert Craigie  
from Lieut.Colonel G.Barratt.

MD/JAG/FS/1/54  
CONFIDENTIAL

Office of:

The Judge Advocate General,  
6, Spring Gardens,  
Cockspur Street,  
London, S.W.1.

6th August, 1946.

Dear Sir Robert,

War Crimes

With further reference to our conversation on 30th July, 1946, on the point raised by General de Baer, as to British War Crimes trials involving other nationals. I have now had the opportunity of considering our current files. The position appears to be that, omitting cases where there seems at present to be no reasonable chance of tracing any of the accused, we have under preparation:-

3 cases involving the ill-treatment or killing of Polish nationals.

2 cases do Polish and Russian nationals

2 cases do U.S.A. nationals.

1 case do Polish, Yugoslav, Greek, French and Italian nationals (the Hildesheim Concentration Camp case).

1 case do Dutch, French, Belgian and Russian nationals (the Wilhelmshaven Gestapo prison case).

3 cases against the guards of Aussen Kommando of Neuengamme Concentration Camp, involving respectively:-

(a) Polish, Russian and French nationals.

(b) Polish, Dutch and French nationals, and

(c) Polish, Dutch, French, Russian, Belgian, Danish, Yugoslav, Spanish, Greek and Italian nationals.

Yours sincerely,

Sgd: (G.Barratt)

The Right Honourable Sir Robert Craigie, G.C.M.G., G.B., P.C.,  
Room 321,  
Lansdowne House,  
Berkeley Square,  
London,  
W.1.



UNITED NATIONS WAR CRIMES COMMISSION

To be attached to

Doc. C.222.

On page 5 of Doc.C.222, please strike out the title of the last paragraph, "IV(a) United States Trials, Western Pacific" and replace the number, (1) of the trial of General Tomoyuki Yamashita by the consecutive number of the American trials, No.50-J.

UNITED NATIONS WAR CRIMES COMMISSION

Second Supplement  
to the  
Synopsis  
of Trial Reports  
(Doc. C.204)

Since the circulation of the first supplement (Doc. C.208) to the Synopsis of Trial Reports (Doc. C.204), the reports summarised in this paper have been received by the United Nations War Crimes Commission from the National Offices up to 17th August 1946.

II. British Cases. (x)

- 94) Trial of Colonel Stefano Orefalo, Italian Army.  
Date & Place of Trial: Military Court at Afragola, 20th - 21st May 1946.  
Charge: Committing a War Crime in that he at Bari, on or about 16th July 1942, in violation of the laws and usages of war, was concerned in the killing of a British prisoner of war.  
Verdict: Not Guilty.
- 95) Trial of Iginio Bascioni, Olindo Verdecchia and Luigi Mura.  
Date & Place of Trial: Military Court at Ancona, 24-27 April 1946.  
Charge: Committing a war crime in that they near Grottaoliva on 3rd May 1944, in violation of the laws and usages of war, were concerned in the killing of two escaped British prisoners of war.  
Verdict: All three found guilty.  
Sentences: Bascioni to imprisonment for 3 years.  
Verdecchia to " " 3 "  
Mura " " 1 year.  
Findings and sentences confirmed.
- 96) Trial of Max Frindt, Peter Hafner and Christian Pfalzer.  
Date & Place of Trial: Military Court held at Milan on 4-6 April 1946.  
Charge: Committing a war crime in that they at Bressanone, Italy, on or about 1 Oct. 1944 in violation of the laws and usages of war were concerned in the killing of three unknown British soldiers.  
Verdict: Pfalzer and Hafner, Not Guilty.  
Frindt, Guilty.  
Sentence: Imprisonment for 15 years.  
Findings of the court were confirmed on 25th June 1946 by the Supreme Allied Commander but 12 years imprisonment were remitted from the sentence awarded by the Court.

---

(x) This list of British trials is a continuation of the list contained on pages 1 - 5 and page 15 of Doc. C.208. The numbers of the two trials summarised on page 15 of Doc. C.208 (Nos. 93 and 94) should be corrected to 92 and 93 respectively.

- 97) Trial of Salvatore Paracuollo, Giuseppe Basile, Italian nationals.  
Date & Place of Trial: Military Court at Afragola, 14 - 19 March 1946.  
Charge: Committing a war crime in that they at or near Volturara on or about April 1942, in violation of the laws and usages of war, were concerned in the killing of a member of the New Zealand Expeditionary force, and with wounding two others, escaped Prisoners of War.  
Verdict: Both guilty.  
Sentences: Paracuollo, imprisonment for 20 years.  
Basile, " " 15 years.  
Findings of the court were confirmed on 23rd May 1946, but 10 years of the sentence passed on Paracuollo, and 7 years of the sentence passed on Basile, were remitted.
- 98) Trial of Arturo Vanozzi, Guglielmo Massi and Fausto Poloni, It.Nats.  
Date & Place of Trial: Military Court at Ancona, on 8-9 May 1946  
Charge: Committing a war crime in that they at Ascoli Piceno, Italy, on or about Feb. 44, in violation of the laws and usages of war, were concerned in the killing of a British prisoner of war.  
Verdict: Vanozzi and Massi, guilty.  
Poloni, Not Guilty.  
Sentences: Both sentenced to imprisonment for life.  
Findings confirmed on 7th June, but both sentences commuted to imprisonment for 12 years.
- 99) Trial of Francesco Gatti, of the Italian Army.  
Date & Place of Trial: Military Court held at Afragola on 8 - 10 May 46,  
Charge: Committing a war crime in that he, between April 1943 and Aug. 1943 in violation of the laws and usages of war, was concerned in the illtreatment of a British naval lieutenant, and other British prisoners of war at Padula, Italy, and on a journey by train from Padula to Bologna, Italy.  
Verdict: Guilty; he did not illtreat Lt. Piper at Padula, nor other prisoners of war on the journey by train from Padula to Bologna, but he did illtreat Lt. Piper on the train journey from Padula to Bologna  
Sentence: Imprisonment for 6 months.  
Findings and sentence confirmed on June 5th.
- 100-J) Trial of Major General Itsuki Toshio, Lt. Commander Ogura Keiji and 14 others of the Imperial Japanese Army & Navy.  
Date & Place of Trial: Singapore, 11th - 26th March, 1946.  
Charge: (1) Committing a war crime, in that they at Car Nicobar, between 1 July 45 and 31 Aug 45, in violation of the laws and usages of war, being part of a Japanese force at that time in occupation of Car Nicobar, were concerned in the torture and other ill-treatment of civilian residents of Car Nicobar, in consequence whereof six of the civilians died.  
(2) (Against Major General Itsuki Toshio and one other only) Committing a war crime, in that they at Car Nicobar on 28 July 45, in violation of the laws and usages of war, were concerned together in the unjust trial and judgment of civilian residents of Car Nicobar, as a result of which 49 of the civilians were condemned to death and executed.



(3) (Against Maj. Gen. Itsuki Toshio and one other only)  
Committing a war crime, in that they at Car  
Nicobar on 6 Aug 45, in violation of the laws and  
usages of war, were concerned together in the unjust  
trial and judgment of civilian residents of Car  
Nicobar, as a result of which 22 of the civilians  
were condemned to death and executed.

(4) (Against Maj. Gen. Itsuki Toshio and one other only)  
Committing a war crime, in that they at Car Nicobar  
on 12 Aug 45, in violation of the laws and usages  
of war, were concerned together in the unjust trial  
and judgment of civilian residents of Car Nicobar,  
as a result of which 12 of the civilians were con-  
demned to death and executed.

Verdict: 1st Charge: All guilty with the exception of two.  
2nd Charge, )  
3rd Charge, ) All Guilty.  
4th Charge, )

Sentences: Death by shooting, 1  
Death by hanging, 5  
Imprisonment for 15 years, 1  
" " 12 " 2  
" " 10 " 5  
" " 3 " 1

15

Sentence for the remaining one accused not stated.

101-J) Trial of Cpl. Tsuruoka Shiroo of the Imp. Jap. Forces.

Date & Place of Trial: Singapore, 18th and 20th April, 1946.

Charge:(1) Committing a war crime, in that he, on or about  
28 July 1945 at Toylerabad in or near Port Blair,  
in violation of the laws and usages of war, being  
in the service of the occupying Power, acted to-  
wards and was concerned in the beating, torture  
and maltreatment of Abdul Razaq, a civilian resident  
of Port Blair.

(2) Committing a war crime, in that he, on or about 1  
July 1945, at Toylerabad in or near Port Blair, in  
violation of the laws and usages of war, being in  
the service of the occupying Power, acted towards  
and was concerned in the beating, torture and  
maltreatment of Ram Sarup, a civilian resident of  
Port Blair.

Verdict: Each charge, Guilty.

Sentence: Imprisonment for 18 months.

102) Trial of Karl Maria von Behren,

Date & Place of Trial: Military Court, Hamburg, on 28th-31st  
May, 46.

Charge: Committing a war crime in that she, in Norway on  
or about 20 Nov. 42, in violation of the laws and  
usages of war, was concerned in the killing of  
fourteen unidentified British Prisoners of war.

Verdict: Not Guilty.

103) Trial of Georg Tyrolt and 9 others.

Date & Place of Trial: Military Court, Helmstedt, Germany, from  
20th May - 24th June 1946.

Charge: Committing a war crime in that they at Wolfsburg  
and Ruehen, Germany, between the months of April  
1943 and April 1945, in violation of the laws and  
usages of war, were concerned in killing by wilful  
neglect a number of children of Polish and Russian  
nationals.

Verdict: Guilty, 3 (one with the exception of the words  
"Wolfsburg and"),  
Not guilty, 7.

Sentences: Imprisonment for five years, 1.  
Death by hanging, 2.

104) Trial of General Victor Alexander Friedrich Willy Seeger and 5 others

Date & Place of Trial: 17th June - 11th July, 1946 before a

Military Court at Wuppertal, Germany.

Charge: Committing a war crime in that they in France, and  
in particular in the Vosges, in or about the months  
of September and October 1944, in violation of the  
laws and usages of war, were concerned in the  
killing of a number of allied airborne troops and  
personnel of air crews, all members of the allied  
armed forces and prisoners of war.

Verdict: Guilty, 5.  
Not Guilty, 1.

Sentences: Death by hanging, 3.  
Imprisonment for 10 years, 1.  
" " 3 " 1.

III. Canadian Trials.

2) Trial of Wilhelm Jung and Johann Georg Schumacher.

Date & Place of Trial: 15 - 25 March 1946 at Aurich, Germany  
before a Canadian Military Court.

Charge: Committing a war crime in that they at the village  
of Oberweiler, Kreis Rastatt, Germany, on or about  
the 29th July 1944, in violation of the laws and  
usages of war, were concerned in the killing of a  
member of the Royal Canadian Air Force, a Prisoner  
of War.

Verdict: Both Guilty.

Sentences: Death by shooting, Confirmed on April 11th.

3) Trial of Johann Neitz.

Date & Place of Trial: 15-25 March 1946, at Aurich, Germany,  
before a Canadian Military Court.

Charge: (1) Committing a war crime in that he, in or near  
Wilhelmshaven, Germany, on or about the 16th day  
of October 1944, in violation of the laws and  
usages of war, did fire, with intent to kill, two  
shots from a firearm, into the body of a member of  
the Royal Canadian Air Force, a prisoner of war.

(2) (Alternative to the first charge).  
Committing a war crime in that he, in or near  
Wilhelmshaven, Germany, on or about the 16th day of  
October 1944, in violation of the laws and usages  
of war, wounded the same member of the Royal  
Canadian Air Force, a prisoner of war, by firing  
two shots from a firearm into his person.

Verdict: Guilty.

Sentence: Imprisonment for life, confirmed on April 8th.

4) Trial of Robert Hülzer, Walter Weigel and Wilhelm Ossenbach.

Date & Place of Trial: 25th March - 6th April 1946 at Aurich,  
Germany, before a Canadian Military Court.

Charge: Committing a war crime in that they near the town  
of Opladen, Germany, during the month of March  
1945, in violation of the laws and usages of war  
were concerned in the killing of an unknown  
member of the Royal Canadian Air Force, a prisoner  
of war.

Verdict: All three guilty.  
Sentences: Hölzer and Weiger, death by shooting. Ossenbach,  
imprisonment for 15 years. Sentences confirmed on  
May 2nd.

IV. United States Trials.

48) Trial of Hans Altfuldisch, and 60 others (Mauthausen Concentration  
Camp Case).

Date & Place of Trial: 29th March - 11th May 1946, at Dachau,  
Germany, before a Military Government Court.

Charge: The accused were charged with aiding, abetting  
or participating in a common design to subject the  
nationals of the countries of Europe and of the  
United States of America, to killings, tortures,  
indignities and other brutalities, in violation of  
the laws and usages of war.

Verdict: All the accused found guilty.

Sentences: Death by hanging, 58.  
Imprisonment for life, 3.

49) Trial of Heinz Andergassen, August Schiffer and Albert Storz.

Date & Place of Trial: 9 - 15th January 1946, before a Military  
Commission at Naples.

Charge: Violation of the law of war,

(1) In that they did on or about 20 Feb. 45, kill,  
summarily, an officer of the Army of the United  
States, who had been recently captured and was a  
prisoner of war, by causing him to be hanged by the  
neck until dead.

(2) In that they did on or about 19 March 1945, kill  
summarily an officer and an N.C.O. of the British  
Army, and an officer of the Army of the United  
States, who had then recently been captured and  
were prisoners of war, by causing them to be shot  
to death with a gun.

(3) In that they did on or about 27 March 1945 kill  
summarily two officers and a N.C.O. of the Army of  
the United States who had then recently been cap-  
tured and were prisoners of war, by causing each of  
them to be shot to death with a gun.

Verdict: All the accused found guilty.

Sentences: All three to suffer death by hanging.  
Findings and sentences confirmed on June 6th.

TV(a) United States Trials. (Western Pacific)

1) Trial of General Tomoyuki YAMASHITA, General of the Imp. Jap Army.

Date & Place of Trial: 1st October - 7th December 1945, before  
a Military Commission at Manila, P.I.

Charge: That he violated the laws of war in that, between  
9 October 1944 and 2 September 1945, at Manila and  
at other places in the Philippine Islands, while  
commander of armed forces of Japan at war with the  
United States of America and its allies, he unlaw-  
fully disregarded and failed to discharge his duty  
as commander to control the operations of the  
members of his command, permitting them to commit  
brutal atrocities and other high crimes against  
people of the United States and of its allies and  
dependencies, particularly the Philippines.



Verdict: Guilty.  
Sentence: Death by hanging. Petitions for habeus corpus and prohibition, made by Yamashita to the Supreme Court of the Philippines, were unsuccessful. So also were his application to the Supreme Court of the United States for leave to file a petition for writs of habeus corpus and prohibition, and his petition thereto for certiorari to review the order of the Supreme Court of the Philippines.

VIII. French Cases.

- 48) Trial of Charles Braun,  
Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 4th May 1946  
Charge: Theft of property of a French civilian and deliberate violence committed against Polish civilians in France.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Imprisonment for 2 years.
- 49) Trial of Adolf Schlosser.  
Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 4th May 1946.  
Charge: Pillage committed in France.  
Verdict: Guilty but with extenuating circumstances.  
Sentence: Imprisonment for four years.
- 50) Trial of Karl Rotter, and (Unterfeldwebel) Brill.  
Date & Place of Trial: Military Tribunal at Nancy; judgment delivered on 6th May 1946.  
Charge: Arson committed in France.  
Verdict: Not Guilty.
- 51) 2nd Trial of Erwin Bahl.  
Date & Place of Trial: Military Tribunal at Bordeaux, judgment delivered on 7th May 1946.  
Charge: Premeditated Murder committed in France.  
Verdict: Guilty.  
Sentence: Death.
- 52) 2nd Trial of Adolf Jopp, and Wilhelm Mampe,  
Date & Place of Trial: Military Tribunal at Bordeaux; judgment delivered on 7th May 1946.  
Charge: As to Jopp, premeditated murder committed in France. As to Mampe, complicity in this premeditated murder.  
Verdict: Guilty.  
Sentences: Death.
- 55) Trial of Johann Karl Langenbahn.  
Date & Place of Trial: Military Tribunal at Nancy; judgment delivered on 13th May 1946.  
Charge: Attempt against the external safety of the State (by deporting French citizens), and pillage committed in France.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Penal servitude for life.
- 54) Trial against Jean-Pierre Lex.  
Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 13th May 1946.  
Charge: Attempt against the external safety of the State (by denouncing French citizens to the German authorities), and pillage committed in France.  
Verdict: Guilty, but with extenuating circumstances.  
Sentence: Confinement for 5 years.

55) Trial of Johann Schiel.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 13th May 1946.

Charge: Deliberate violence committed against French citizens.

Verdict: Guilty, but with extenuating circumstances.

Sentence: Imprisonment for 8 months.

56) Trial of Georges Wander.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 13th May 1946.

Charge: Pillage committed against a French citizen.

Verdict: Guilty but with extenuating circumstances.

Sentence: Imprisonment for 3 years.

57) 3rd Trial of Fritz Milke and Willy Tzschope.

Date & Place of Trial: Military Tribunal at Bordeaux; judgment delivered 14th May 1946.

Charge: As to Milke, premeditated murder committed in France; as to Tzschope, attempted premeditated murder in France.

Verdict: Guilty.

Sentences: Death.

58) Trial of Richard Raith.

Date & Place of Trial: Military Tribunal at Nancy; judgment delivered 18th May 1946.

Charge: Complicity in murder and deliberate violence, committed against Russian and Italian prisoners in France.

Verdict: Guilty, but with extenuating circumstances.

Sentence: Penal servitude for 10 years.

(RESTRICTED)

DOC.C.223.

August 30th, 1946.

UNITED NATIONS WAR CRIMES COMMISSION.  
-----

Proposed General Survey  
of  
Medical Crimes.

After consideration of a letter (C.214) addressed by the Danish Commissioner, Dr. Schram Nielsen, to Lord Wright, the Commission decided, on July 31st, to have a general survey of the crimes committed by the German medical profession compiled by a rapporteur possessing the necessary technical knowledge.

Information that has since been obtained shows that this question has been the subject of an Inter-Allied Conference, convened by the "F.I.A.T."; that scientific committees are being appointed to study it; that a member of the conference, possessing special qualifications, has already been designated to write a general survey of the whole question; and, finally, that investigations of medical war crimes have been carried out by a section of the "Subsequent Proceedings Committee", with the result that the trials of a group of doctors accused of such crimes are expected to begin this autumn.

The above information is derived (a) from the minutes of two meetings, held at Paris on July 31st and August 1st last, a summary of which is given below; (b) from a letter, dated August 9th, 1946, addressed by Professor Sydney Smith of Edinburgh University to the Research Officer; and (c) from a letter, dated August 21st, 1946, addressed by Brigadier General Taylor, Deputy Chief of Counsel at Nuremberg, to the United States Commissioner to the U.N.W.C.O., which is now circulated to the Commission with Colonel Springer's approval.

(a) Summary of Minutes (Restricted) of an Informal Conference at Paris (July 15th-August 1st)

The French Government decided on June 15th, 1946, to create a Commission of Investigation on "Scientific War Crimes", under the General Staff of the National Defence. This Commission was instructed to work in co-operation with similar British and American bodies, and to study the question of experiments on human subjects carried out during the war.

An informal meeting, under the chairmanship of Wing Commander J.W.R. THOMPSON (Canada), between members of the above-mentioned French Scientific Committee and British and American war-crimes officials, and military and civilian experts, was held on July 31st, 1946, at the Pasteur Institute in Paris.

This informal meeting welcomed the step taken by the French Government, and recommended the creation of similar scientific advisory committees in the participating nations. It was the intention that these committees - or sub-committees - should combine in an International Advisory Commission, one of whose tasks would be to inform the scientific and medical world regarding this type of experimentation. This action was contemplated in order to condemn the principle of misuse of human beings in the name of science. It was felt that such a pronouncement by scientific and medical men representing the Allied Nations could not be done without the creation of Scientific Advisory Commissions in the participating nations. The British and American representatives were asked by the



conference to convey this recommendation to their Governments, and the French Committee undertook to invite Russian scientists to attend the next meeting and to become permanent members of the proposed International Advisory Commission.

It was further recommended by the meeting that the collection of evidence should be conducted under the leadership of Major MANT, pathologist to the B.A.O.R. War Crimes Investigating Unit. Investigating officials similarly qualified were to be appointed to work with him by the French Advisory Commission - and it was hoped - by the American and Russian authorities. In addition to collecting evidence, the members of this group were to advise the legal authorities on scientific points involved in the prosecution of the perpetrators.

The meeting on July 31st also considered that a general survey of all the German proceedings of the sort under discussion should eventually be written. It was recommended that Wing-Commander J.W.R. THOMPSON (Canada) should be asked to undertake the editing of this survey, in view of his intimate acquaintance with all the previous work, and that the Canadian authorities should be approached in order to obtain his services.

Summary of Minutes of a Meeting at the Pasteur Institute  
on August 1st, 1946.

It was agreed that the title of the proposed body should be called:

The INTERNATIONAL SCIENTIFIC COMMISSION

(abbreviated title I.S.C(W.C.))

and that no communication should be made to the Press regarding its proceedings.

- (b) Letter dated August 9th, 1946, from Professor Sydney Smith, Dean of the Faculty of Medicine, University of Edinburgh, to the Research Officer, U.N.W.C.C.

"I've just got back from a meeting in Paris connected with the investigation of war crimes of a medical nature which is the particular subject of interest to you.

"This committee which so far is informal was convened by F.I.A.T. to look into information which they had acquired in their ordinary work. We met first in Frankfurt and secondly in Paris. A considerable amount of information is now available and the Government of France has appointed officially a committee of scientific men to act on a proposed Commission. The British and American Governments are now to be asked to do the same, and if such a scientific commission is set up it will, I assume, be placed within the authority of the United Nations War Crimes Commission. Group Captain Somerhough of the War Crimes Commission<sup>+</sup> has the matter in hand to place before the Advocate General and I think it should be before you soon...."

<sup>+</sup> Squadron-Leader Somerhough is an official of the War Crimes Section, Legal Staff, of the B.A.O.R.

Medical - Legal Meeting at the Pasteur Institute.  
August 1st, 1946.

FRENCH

Professor Rene LEGROUX,  
President, Scientific Committee  
of Pasteur Institute, Paris.

Professor R. Pidelievre,  
Professor of Legal Medicine,  
Paris Faculty of Medicine.

Professor H. SIMONNET,  
Professor of Physiology,  
Alfort College, Paris.

Professor R. Peline,  
Pasteur Institute,  
Paris.

Lieutenant P. Tchernia,  
Liaison Recherches,  
Navy Department, Paris.

(The above are members of French Commission of  
Investigation on Scientific War Crimes ).

BRITISH

Professor Sydney Smith,  
Professor of Forensic Medicine,  
University of Edinburgh.

Group Captain A.G.C. Somerhough,  
R.A.F. Legal Branch, War Crimes  
Section, H.Q., B.A.O.R.

Wing Commander J.W.R. Thompson,  
F.I.A.T. (British),  
Frankfurt, B.A.O.R.

Major A.K. Mant,  
War Crimes Investigation Unit,  
H.Q., B.A.O.R.

U.S.A.

Director A.G. IVY,  
Special Consultant, Secretary  
of War, War Crimes Branch(U.S.)

James M. McHaney,  
Office of U.S. Chief of Counsel,  
APO 124-A, Nuremberg, Germany.

Major J.C. Dewart,  
U.S. Army War Crimes Group,  
A.P.O. 633

-----  
(c) Letter dated August 21st, 1946, from Brigadier-General Telford Taylor, Deputy Chief of Counsel, U.S.A., to Colonel Springer, United States Commissioner on the U.N.W.C.C.

"For the past few months, a section of the Subsequent Proceedings Division of the Office of United States Chief of Counsel has been investigating medical experiments on human beings performed by Nazi doctors. Our present plan is to institute proceedings against a group of these doctors in the early fall.

"The French Government has appointed a committee of scientists to investigate and report on medical war crimes. Representatives of the United States and British Governments attended a meeting of this committee at the Pasteur Institute in Paris on 31st July and 1st August. It was suggested that the United States, British and Russian Governments appoint similar committees to work in conjunction with the French as an international commission. The purpose of this commission is the preparation and publication of a report dealing with Nazi medical war crimes, primarily for the information of the medical world. A sub-committee, one member from each country is to be appointed to assist in the prosecution of doctors implicated in such criminal acts.

"As you can see from the above, the activities of the French committee or of the international commission, when it is formed, are not under the supervision of the Subsequent Proceedings Division. A member of our staff attended the meeting in Paris in order to gain the assistance of the committee and to offer our co-operation.

"We are very anxious to obtain the benefit of any research by the U.N.W.C.C. on medical war crimes. While some of the Commission's material has come to our attention, we would appreciate your sending to us at your earliest convenience a full set of the reports and documents on this subject. If necessary, we can send an attorney to London to consult with the appropriate officials of the Commission."

-----

The effect of these documents is that the desire of this Commission for a general survey, to be compiled by a qualified rapporteur, has been anticipated, and that the required survey has, in fact, been undertaken by the "I.S.C.(W.C.)".

With regard to the first and fourth paragraphs of General Telford Taylor's letter of August 21st, announcing the opening of trials of a group of German doctors in the early autumn and asking for reports and documents from the U.N.W.C.C.'s files, a selection of documents has been forwarded to the United States Commissioner for transmission to the "Subsequent Proceedings Committee". In view of the approaching prosecutions, it would be appreciated if any National Offices possessing material of this description - even if it has already been embodied in charges filed with the Commission - should send it immediately to the Research Office, or to the United States Commissioner, for transmission to General Telford Taylor.

The expectation, expressed in Professor Sydney Smith's letter of August 9th, that the matter would be placed within the authority of the United Nations War Crimes Commission may not be realised; steps are, however, being taken, through the British War Office (A.G. 3 V/W) with the object of ensuring that the U.N.W.C.C. shall be kept informed of further developments.



C.224  
September 2, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

MATERIAL CONCERNING GERMAN GENERAL STAFF  
AND HIGH COMMAND

In view of some prosecutions which are expected to follow the Nuremberg trial it would be appreciated if National Offices would send immediately any material incriminating officers of the General Staff or Higher Command, which they possess, to the Research Office for the information of Mr. Niederman, of the Subsequent Proceedings Committee, who will be in London for the next few days.

C.224  
September 2, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

MATERIAL CONCERNING GERMAN GENERAL STAFF  
AND HIGH COMMAND

In view of some prosecutions which are expected to follow the Nuremberg trial it would be appreciated if National Offices would send immediately any material incriminating officers of the General Staff or Higher Command, which they possess, to the Research Office for the information of Mr. Niederman, of the Subsequent Proceedings Committee, who will be in London for the next few days.

UNITED NATIONS WAR CRIMES COMMISSION

Letter to Lord Wright from Commander Mouton.

Ref. VIIIa/151

10th September, 1946.

Notification of the surrender of War Criminals

Dear Lord Wright,

May I once more submit to your kind consideration the following question.

I have some reason to doubt, whether the names of alleged war criminals, appearing on the U.N.W.C.C. lists who have since been found and have been surrendered to the countries by whom they are wanted, are duly circulated to all authorities concerned.

It occurred to me that if this supposition were right, much valuable time might be wasted by those who are willing to assist the national teams and have not been duly informed, that the criminal has been found.

If all organisations worked properly and efficiently this would not happen, but in view of the all-round shortage of manpower and the enormous figures of listed war-criminals I would not be surprised if these omissions should occur.

I believe that a useful purpose would be served if the National Offices would periodically report to the Commission names of surrendered war criminals and if the Commission could from time to time issue a list with these names and circulate it to the same authorities who receive the usual lists.

These lists of war criminals surrendered would serve as a correction for the usual lists and would be helpful in avoiding unnecessary work.

I will leave it to your better judgment whether this subject should be discussed at one of the next meetings of our Commission.

Yours sincerely,

Sgd: ( M.W.Mouton)

The Netherlands Representative  
on the  
United Nations War Crimes  
Commission.



DOC.C. 226  
13th September, 1946.

UNITED NATIONS WAR CRIMES COMMISSION.

Memorandum on Reports received of War Casualty Figures  
in the Western Hemisphere.

INDEX:

1. Summary of and notes on data so far received.

2. Summary sheets:   A - Military War Casualties  
                          B - Civilian   "   "  
                          C - Partisan   "   "  
                          D - Genocide War Casualties  
                          E - Summary Sheet

3. Government Reports:

1. Australia	14. Italy
2. Belgium	15. Luxembourg
3. Brazil	16. Netherlands
4. Bulgaria	17. New Zealand
5. Canada	18. Norway
6/22 Colonies	19. Poland
7. Czechoslovakia	20. Roumania
8. Denmark	21. South Africa
9. France	22. United Kingdom
10. Germany & Austria	23. United States
11. Greece	24. U.S.S.R.
12. Hungary	25. Yugoslavia
13. India	

\*  
Certified copy.

1. SUMMARY OF AND NOTES ON DATA SO FAR RECEIVED

1. Subject to the detailed notes on individual reports set out below, the provisional totals for casualties are:-

(i) War killed... 9,837,156

(ii) Genocide victims... 11,992,741

---

Total 21,829,897

(For full details vide folios A - E )

In the light of the deficiencies noted in 2(ii) below, the figures of ten million war killed and twelve million genocide victims quoted by the Attorney would appear to be conservative.

2. In view of the differences in the form and details of the various reports received the following notes and table of deficiencies are appended.

(i) 3. Brazil ( uncertified ) : A includes merchant naval crews  
" B " passengers on ships

5. Canada " A includes casualties incurred during training.

6. Colonies (White Paper): A is estimated breakdown between Western and Eastern theatres.

---

(ii) Table of Deficiencies in Reports.

1	2	3	4	5	6				7
Folio	Country	Certified	Complete	Uncertified	Incomplete for				Unclassified.
					A	B	C	D	
1	Australia	x	x	-	-	-	-	-	-
2	Belgium	-	-	x	-	-	x	-	-
3	Brazil	-	x	x	-	-	-	-	-
4	Bulgaria	x	-	-	-	-	x	x	-
5	Canada	-	-	x	-	-	-	-	-
6	Colonies	White Paper	-	-	-	-	-	-	x
7	Czechoslovakia	-	-	x	-	x	x	x	-
8	Denmark	x	x	-	-	-	-	-	-
9	France	-	x	x	-	-	-	-	-
10	Germany & Austria	-	-	x	-	x	-	-	-
11	Greece	-	-	x	-	-	-	-	x
12	Hungary	x	x	-	-	-	-	-	-
13	India	-	-	x	x	-	-	-	-
14	Italy	-	-	x	-	x	-	x	-
15	Luxembourg	-	x	x	-	-	-	-	-
16	Netherlands	x	x	-	-	-	-	-	-
17	New Zealand	-	x	x	-	-	-	-	-
18	Norway	x	x	-	-	-	-	-	-
19	Poland	-	-	x	-	x	x	x	-
20	Roumania	x (for A)	x	-	-	-	-	-	-
21	South Africa	-	x	x	-	-	-	-	-
22	United Kingdom	White Paper	x	-	-	-	-	-	-
23	U.S.A.	-	-	x	x	-	-	-	-
24	U.S.S.R.	-	x	x	-	-	-	-	x
25	Yugoslavia	-	x	x	-	-	-	-	x



S U M M A R Y

(vide folios A - D)

1	2 Confirmed killed	3 Estimated killed	4 Missing	5 Totals
A Military	7,970,270	205,000	921,845	9,097,115
B Civilian	626,423	70,000	7,118	703,541
C Partisan	26,390	-	10,110	36,500
Total War Casualties (A + B + C)	8,623,083	275,000	939,073	9,837,156
D (Genocide victims)	11,972,741	-	20,000	11,992,741
TOTALS A + B + C + D	20,595,824	275,000	959,073	21,829,897

Notes:

Col.1. For full figures see folios A - D and folios 1 - 25 therein referred to.

Col.2. For detailed breakdown see folios 1 - 25

Col.3. Figures at A consist of provisional totals for the U.S.A. and the Colonies. U.S. Naval Casualty report is not yet available and the colonial casualties in the Western Hemisphere are not differentiated from total casualties given in folio 22. Figures for B include the following estimates for air raid and battle casualties:

Italy: 50,000  
Mediterranean  
countries 20,000

MILITARY WAR ..... CASUALTIES  
WESTERN ..... HEMISPHERE

Country	Killed	Wounded	Missing	Ps.W.	Totals
* 1 AUSTRALIA	11,168	16,337	895	7,938	36,338
2 BELGIUM	10,328	-	1,626	-	
3 BRAZIL	1,526	2,791	-	-	
4 BULGARIA	8,337	22,958	9,155	-	40,450
5 CANADA	25,602	53,395	10,336	-	
6/22 COLONIES	5,100 (5,000)		-	-	
7 CZECHOSLOVAKIA	5,158	4,196	-	-	
* 8 DENMARK	37	74	-	-	
9 FRANCE	295,000	200,000	-	-	
10 GERMANY & AUSTRIA	3,000,000	3,400,000	-	-	
11 GREECE	92,686	-	-	-	
* 12 HUNGARY	136,000	68,296	-	-	
13 INDIA	29,126	-	-	-	
14 ITALY	81,222	124,110	145,643	-	
15 LUXEMBOURG	3,500	1,000	-	-	
* 16 NETHERLANDS	6,000	-	-	-	

( 9054)

3,710,790

165,653

N.B. Figures in brackets are provisional; vide folio E, col.3.

Figures in left hand column indicate folio nos. of the relevant reports.

\* indicates that the report is a certified copy.

	Country	Killed	Wounded	Missing	Ps.W.	Totals
17	NEW ZEALAND	10,788	19,345	-	-	-
* 18.	NORWAY	5,550	-	-	-	-
19	POLAND	71,143	151,499	420,760	-	-
* 20	ROUMANIA	93,232	327,294	332,075	-	-
21	SOUTH AFRICA	7,214	14,627	29	14,554	36,424
22	UNITED KINGDOM	234,475	260,548	2,780	135,009	-
	Women	624	744	18	20	-
	Home Guard	1,206	557	-	-	-
23	M. Navy	30,248	4,707	530	5,720	-
	U.S.A.	(200,000)				
24	U.S.S.R.	3,500,000	-	-	-	-
25	YUGOSLAVIA	305,000	-	-	-	-
		4,259,480		756,192		
		3,710,790		165,653		
		7,970,270				
		(200,000)				
		(5,000)				
		8,175,270		921,845		

(9056)

N.B. Figures in brackets are provisional; vide folio E, col. 3.

Figures in left hand column indicate folio nos. of the relevant reports.

\* indicates that the report is a certified copy.



..... CIVILIAN WAR ..... CASUALTIES

..... HEMISPHERE

Country	Killed	Wounded	Missing	Ps.W.	Totals.
AUSTRALIA					
BELGIUM	14,552	23,101	-	-	
BRAZIL	502	-	-	-	
BULGARIA	3,004	1,974	-	-	
CANADA					
COLONIES					
CZECHOSLOVAKIA	887	7,903	-	-	
DENMARK					
FRANCE	150,000	100,000	-	-	
GERMANY & AUSTRIA	330,000	430,000	-	-	
GREECE			VIDE A		
HUNGARY	46,000	-	-	-	
INDIA					
ITALY	(50,000)	-	-	-	
LUXEMBOURG	764	-	-	-	
MEDITERRANEAN	(20,000)	-	-	-	
NETHERLANDS	17,000	-	-	-	

(9054) 562,709  
(70,000)

Country	Killed	Wounded	Missing	Ps.W.	Totals
NEW ZEALAND					
NORWAY	1,000	-	-	-	
POLAND			VIDE D		
ROUMANIA	2,119	7,245	7,118	-	
SOUTH AFRICA					
UNITED KINGDOM	60,595	86,182	-	-	
U.S.A.					
U.S.S.R.			VIDE D		
YUGOSLAVIA			VIDE D		
	63,714 562,709 626,423 (70,000)		7,118		
(9056)			N.B. Figures in brackets are provisional; vide folio E col 3		

PARTISAN  
.....CASUALTIES  
.....HEMISPHERE

Country	Killed	Wounded	Missing	Ps.W.	Totals
AUSTRALIA					
BELGIUM	1,459	33,250	-	-	
BRAZIL					
BULGARIA	10,150	22,260	-	49,772	
CANADA					
COLONIES					
CZECHOSLOVAKIA					
DENMARK	700	-	-	-	
FRANCE					
GREECE					
HUNGARY	800	-	-	-	
INDIA					
ITALY	13,281	6,862	10,110	-	
LUXEMBOURG					
NETHERLANDS					
(9054)	26,390		10,110	-	



Country	Killed	Wounded	Missing	Ps.W.	Totals
NEW ZEALAND					
NORWAY			VIDE A		
POLAND			VIDE A		
ROUMANIA					
SOUTH AFRICA					
UNITED KINGDOM					
U.S.A.					
U.S.S.R.			VIDE A		
YUGOSLAVIA			VIDE A		
(9056)					

..GENOCIDE.....CASUALTIES  
.....HEMISPHERE

Country	Killed	Wounded	Missing	Ps.W.	Totals
AUSTRALIA					
BELGIUM	16,690	-	-	-	
BRAZIL					
BULGARIA					
CANADA					
COLONIES					
CZECHOSLOVAKIA	29,032	19,606	-	-	
DENMARK	500	-	-	-	
FRANCE	202,000	-	-	-	
PS 1556					
US 716					
GERMANY	275,000	-	-	-	
GREECE	150,000	-	-	-	
HUNGARY	220,000	-	-	-	
INDIA					
ITALY	18,869 +	203	-	-	
LUXEMBOURG	500	-	-	-	
NETHERLANDS	157,000	-	20,000	-	
(9054)	1,069,591		20,000		

Country	Killed	Wounded	Missing	Ps.Wo.	Totals
NEW ZEALAND					
NORWAY	2,150	-	-	-	
POLAND	6,000,000	-	-	-	
ROUMANIA					
SOUTH AFRICA					
UNITED KINGDOM					
U. S. A.					
U. S. S. R.	3,500,000	-	-	-	
YUGOSLAVIA	1,401,000	-	-	-	
	10,903,150		-		
	1,069,591		20,000		
	11,972,741		20,000		

(9056)



RESTRICTED.

C. 227.  
19th September 1946.

UNITED NATIONS WAR CRIMES COMMISSION.

The Provisions of the Draft Peace Treaties  
regarding War Criminals.

Suggestions adopted by the Commission on  
18th September, 1946.

The United Nations War Crimes Commission has had the opportunity of examining the provisions regarding the apprehension and surrender of war criminals, contained in the Draft Peace Treaties with Italy (Art.38), with Roumania, (Art.6), with Bulgaria, (Art.5), with Hungary (Art.5), and with Finland (Art. 9).

While not expressing an opinion on the problem of the prosecution of nationals of the Allied and Associated Powers accused of having violated their national law by treason or collaboration with the enemy during the war, the United Nations War Crimes Commission presents to its Member Governments for consideration its views on the provisions of the Peace Treaties dealing with war criminals.

The Draft Treaties lay upon the ex-enemy governments a duty to take "the necessary steps" to ensure the apprehension and surrender for trial of the persons concerned. In the opinion of the United Nations War Crimes Commission, the general expression "to take the necessary steps" might seem to leave the task of apprehension and surrender of the war criminals in practice to the discretion of the ex-enemy governments.

Considering that the provisions regarding war criminals in the five Peace Treaties will, at least to a certain extent, create a precedent for future arrangements, particularly for those with Germany and Japan, the United Nations War Crimes Commission is of the opinion that it would be most valuable if the Articles of the Draft Peace Treaties, which are quoted above, could be supplemented in such a way as to take account of the following points:

1. The provisions of Art.38 of the Draft Peace Treaty with Italy (and the corresponding provisions of the four other treaties) might well be made applicable notwithstanding any proceedings or prosecution before a court of the ex-enemy country. An express provision to this effect was contained in Art.228 of the Peace Treaty of Versailles.
2. The ex-enemy government should be required to comply with all requests of the United Nations Government concerned relating to the identification, discovery, apprehension, arrest and surrender of the accused persons, and to keep the United Nations Government concerned fully and promptly informed of the manner in which effect is being given to its request.
3. The provisions of paragraph 2 of the respective Articles of the Draft Peace Treaties dealing with the question of witnesses to be made available by the ex-enemy government should be supplemented by a provision corresponding to Art. 230 of the Peace Treaty of Versailles and the ex-enemy government should undertake to disclose and produce any records or documents or other evidence, the production of which may be considered necessary to secure full knowledge of the acts with which

the accused are charged, and to assist in any other way in which assistance may be required.

4. In the opinion of the United Nations War Crimes Commission, there should be some provisions safeguarding the loyal and conscientious collaboration of the officials of the ex-enemy State, who will be responsible for the execution of the provisions of the Treaties. The ex-enemy government should undertake to pass and enforce legislation making it a penal offence:

- (a) to obstruct the execution of the foregoing provisions or to fail to comply with any direction relating thereto;
- (b) to aid or abet a person whose surrender has been demanded in evading apprehension or surrender;
- (c) to destroy or conceal documentary evidence, to impede or obstruct the calling or examination of witnesses;
- (d) to incite another person to resist in any way the provisions concerning the apprehension and surrender of such persons;
- (e) for any ex-enemy official to prosecute or punish any person for having reported to the authorities or agencies of any of the United Nations, any evasion of, or resistance to the foregoing provisions.

5. Under the Draft Treaties any disagreement concerning the application of the provisions will be referred to the Diplomatic Envoys of the Great Powers concerned at the capital of the ex-enemy State.

The Commission suggests that with regard to demands for the apprehension and surrender of accused persons, a difference could be made between the apprehension of accused persons on the one hand and their surrender for trial on the other. While the surrender, in the event of disagreement, should remain dependent on the decision of the Ambassadors, the apprehension of wanted persons by the enemy government should be compulsory, and the latter should not be entitled to leave the accused person at large until the decision of the Ambassadors has been given. The Commission therefore suggests that whenever the surrender of a person is asked for by a United Nations Government, the person concerned should be apprehended and kept in custody until such time as the Ambassadors reach agreement with regard to the difficulty.

The Commission trusts that the above suggestions will be taken into favourable consideration by the governments of the United Nations.