

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

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

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

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

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

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

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

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

VII. Disposal of Concentration Camp personnel.

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

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

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

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

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

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

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

I. Minutes Nos. 86 and 87.

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

II. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

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

2) YUGOSLAV Cases.a) Addenda.

954 (IV)

The Committee were of opinion that the

(YUGOSLAV Cases continued).

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

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

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

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

4194
(addendum I) On 'A'

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

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

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

3) POLISH Cases.

4395 (addendum I) On 'A'

4589 1-2 on 'A'

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

4591 On 'A'

4592 On 'A'

4593 On 'A'

4594 On 'A' for confiscation of property.

4595 On 'A'

4596 On 'A'

4597 1-3 on 'A'

4) GREEK Cases.

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

5) NETHERLANDS Cases.

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

6) UNITED STATES Cases.

a) Addenda.

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

7) CZECHOSLOVAK Cases.

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

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

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

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I

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

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

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

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

Mlle Capimont	France
M. Dimitzas	Greece
Commander Houton	Netherlands
Major Fletcher	United Kingdom

I. Minutes No. 88

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

II. Submission of Charges by Ethiopia -

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

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

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

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

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

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

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

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

III. General Marinov's Case

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

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

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

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

IV. Proceedings in Individual Cases

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

1) UNITED KINGDOM Cases

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

2) NETHERLANDS Cases

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

3) FRENCH Casesa) Addenda

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

b) New Cases

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

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

4) POLISH Cases

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

5) BELGIAN Cases

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

V. Closing of 53rd List of War Criminals

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

No. 90.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 27th February 1947
at 10. 30 a.m.

In the Chair

Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie
 Mr. Kintner
 Dr. Neumann

United Kingdom.
 United States of America,
 Czechoslovakia,

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

Mlle Capiomont
 M. Dimitzas
 Miss Deunk

France.
 Greece.
 Netherlands.

I. Minutes No. 89.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Proceedings in Individual Cases.

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

1) NETHERLANDS Cases.

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

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

(NETHERLANDS Cases continued).

4673

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

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

4674

On 'W'

4700

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

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

4701

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

4702

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

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

4703

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

2) FRENCH Cases.

a) Addenda.

1609 (1)

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

3418 (2)

On 'A'

4372 (1)

1-4 on 'S'

b) New Cases.

4675

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

(FRENCH Cases continued)

4676	1-4 on 'A' for wanton destruction of property only.
4677	On 'A'
4678	On 'A'
4679	1-2 on 'A'
4680	On 'A'
4681	1 on 'A' 2 on 'W'
4682	On 'A'
4683	This case was adjourned for more information necessary to establish the responsibility of each of the accused separately.
4684	1-2 on 'S'
4685	1-4 on 'S'
4686	1 on 'A' 2 on 'W'
4687	On 'A'
4688	On 'A'
4689	On 'A'
4690	1, 2, 4, 14 on 'A' 3, 5-11, 15 on 'S' 12, 13 on 'W'
4691	On 'A'
4692	1-7 on 'A'
4693	1-3 on 'S'
4694	1-3 on 'A' 4-7 on 'S' 8-10 on 'W'
4695	37 on 'A' for deportation.

Regarding all other accused, the case was referred to Committee III for its opinion as to whether or not the activities of these accused should be considered as a war crime.

4696	On 'A':- 1-7, 18, 27, 30, 32 On 'S':- 8-17, 19-26, 28, 29, 31, 33, 34
4697	On 'A'
4698	This case was referred to Committee III for its opinion as to whether or not the activities of the accused should be considered as a war crime.

3) CZECHOSLOVAK Case.

4212

On 'A'

4) BELGIAN Case.

4699

1-3 on 'S'

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

5) GREEK Case.

4667

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

IV. PRIORITY LISTS.

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

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

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

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

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

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

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

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

NO. 91.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

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

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie
 Mr. Kintner

United Kingdom
 United States of America

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

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

France
 Greece
 Netherlands
 Poland
 United Kingdom.

I. Minutes No. 90.

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

II. Case of General MARINOV.

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

III. Proceedings in Individual Cases.

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

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1) UNITED KINGDOM Cases.

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

2) GREEK Cases.

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

3) BELGIAN Case.

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

4) POLISH Cases.

4187

The Polish Representative made the following statement:

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

As it appears from these statements Bohun formed

4187 (continued)

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

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

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

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

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

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

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

(POLISH Cases continued).

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

5) NETHERLANDS Cases.

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

6) FRENCH Cases.

1) Addenda.

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

2) New Cases.

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

-5-

(FRENCH Cases continued).

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

(FRENCH Cases continued).

4743 }
4744 } These cases were adjourned and the National Office
invited to supplement the charge by evidence that there
was no trial before execution.

4745 On 'A'

4746 1 on 'A'
2 on 'W'

4747 It was noted that the name of the accused 1 and the
name of the unit to which 2 belonged was BRAEMER.

1 on 'A'
2 on 'C'

7) UNITED STATES Cases.

4752 On 'A'

4753 1-2 on 'A'

4754 1-3 on 'A'

4755 On 'A'

4756 On 'A'

4757 1-4 on 'A' for ill-treatment of P.O.W.

4758 1-5 on 'A'

4759 1-2 on 'A'

4760 On 'A' for ill-treatment of P.O.W.

4761 1-3 on 'A'

4762 1-4 on 'A'

4763 On 'A'

4764 1-2 on 'A' for ill-treatment of P.O.W.

4765 On 'A' for ill-treatment of P.O.W.

8) CZECHOSLOVAK Case.

4766 On 'A'

IV. Priority Lists.

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

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

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

Also Present:

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

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

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

Regarding Question 1.

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

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

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

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

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

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

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

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

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

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

The Committee unanimously decided regarding question 1:

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

Regarding Question 2:

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

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

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

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

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

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

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

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

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

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

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

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

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

Regarding Question 3:

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

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

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

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

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

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

Regarding Question 4:

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

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

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

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

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

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

See
new text
attached

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

M. de BAER agreed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Monsieur de BAER left the meeting at this point.

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

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

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

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

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

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

In the Chair

Monsieur de Baer (Belgium)

There were also present

Members of Committee I and their Deputies:

Sir Robert Craigie

United Kingdom

Mr. Kintner

United States of America

Dr. Neumann

Czechoslovakia

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

Major Fletcher

United Kingdom

Miss Deunk

Netherlands

Colonel Muszkat

Poland

Dr. Zivković

Yugoslavia

I. Minutes No. 91.

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

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

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

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

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

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

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

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

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

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

III. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

4767	On 'A'
4784	On 'A'

2) NORWEGIAN Case.

4791	On 'A'
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3) POLISH Cases.

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

.....

(POLISH Cases continued).

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

4) YUGOSLAV Cases.

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

(YUGOSLAV Cases continued)

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

5) NETHERLANDS Cases.

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

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

6) UNITED STATES Cases.

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

7) CZECHOSLOVAK Cases.

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

8) FRENCH Case.

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

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

V. First Priority List.

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

It was decided to circulate copies of this List to:

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

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

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

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

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

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

UNITED NATIONS WAR CRIMES COMMISSION.

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

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

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

In the Chair Sir Robert Craigie (United Kingdom).

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Miss Goold-Adams	Belgium
Mlle Capiomont	France
Commander Mouton	Netherlands
Dr. Muszkat	Poland
Dr. Zivković	Yugoslavia

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

I. Minutes No. 92 and No. 93.

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

II. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Case.

4873 On 'A'

2) NETHERLANDS Cases.

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

(NETHERLANDS Cases continued).

4266 (addendum) 1-2 on 'A'
4840 1-4 on 'A' } for improper use of means of deception
5 on 'W' } (Article 23(f) of the Hague Regulations).

3) YUGOSLAV Cases.

4874 On 'A' on all counts except XI and XII
4875 1-2 on 'S'
3-7 on 'A'
4876 1-9 on 'A'

4) POLISH Cases.

4327 1 and 2 on 'A'
4828 1-4 on 'A'
4829 On 'A' for ill-treatment resulting in death. (Priority List).
4830 1-2 on 'A'
4831 1-2 on 'A'
4832 1-185 on 'A'

5) FRENCH Cases.

4698 In accordance with the recommendation of Committee III (see Doc. C. 253 of 25th March, 1947), the case was adjourned for further information, as indicated in that Document.
2676 (addendum) In view of the fact that the accused's activities also constituted a war crime, it was decided to retain his name on the Commission's List and only rectify his personal data as submitted by the National Office.
3481 (addendum) 1 and 2 on 'A'
3 on 'S'
4283 (addendum) The persons charged in the original case have been listed on 'W' pending further information from the National Office as to their actual responsibility for the crimes alleged, and in particular as to where the interrogation of the victims took place, by whom it was carried out, and who gave the order for shooting.

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

(FRENCH Cases continued)

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

(FRENCH Cases continued)

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

6) CZECHOSLOVAK Cases.

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

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

7) BELGIAN Case.

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

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

III. The Case of Dr. MADORI.

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

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

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

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

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No. 94(a)

Supplement to page 2

UNITED NATIONS WAR CRIMES COMMISSION

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

The following case should be added under

Item 4 POLISH Cases:

4831

1-2 on 'A'

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 18th April, 1947,
at 10.30. a. m.

In the Chair

Monsieur de Baer (Belgium).

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner

United States of America

Dr. Neumann

Czechoslovakia

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

Major Fletcher

United Kingdom

Mlle Capimont

France

Miss Deunk

Netherlands

Dr. Zivković

Yugoslavia.

I. Minutes No. 94.

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

II. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

4899 1-8 on 'A'

4940 On 'A'

4941 On 'A'

4942 On 'A'

2) NORWEGIAN Case.

4898 1-2 on 'A'

3) YUGOSLAV Cases.

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

4) NETHERLANDS Cases.

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

5) POLISH Cases.

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

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

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

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

.....

(POLISH Cases continued)

4933)
4934)

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

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

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

4947

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

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

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

6) FRENCH Cases.

503 (addendum) 1 and 2 on 'A'

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

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

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

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

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

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

4900 On 'A'

4901 On 'A'

4902 On 'A'

(FRENCH Cases continued)

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

(FRENCH Cases continued)

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

6) CZECHOSLOVAK Case.

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

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

~~(19 on Priority List)~~

III. Closing of 56th List of War Criminals.

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

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 24th April, 1947,
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie

United Kingdom

Mr. Kintner

United States of America

Dr. Neumann

Czechoslovakia

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

Mlle Capiomont

France

Dr. Zivković

Yugoslavia

I. Minutes No. 95.

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

II. Proceedings in Individual Cases.

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

1) POLISH Cases.

4933)
4934)
4975)
4976)

Consideration of the Polish cases was adjourned until the next Meeting as no Representative of the National Office was present.

2) YUGOSLAV Cases.

4985

On 'S' on all counts except XIV.

4986

On 'A' for illegal arrest and pillage.

4987

1-2 on 'A'

4988

On 'A'

4989

1-13 on 'S' on all counts except XI

4990

1-2 on 'A'

4991

On 'S' on all counts except IX, XI and XIV.

3) NETHERLANDS Cases.

4198 (addendum II) On 'S'.

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

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

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

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

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

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

4981 1 on 'A'
2 on 'W'

4982 On 'A'

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

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

4) FRENCH Cases.

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

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

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

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

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(FRENCH Cases continued)

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

5) CZECHOSLOVAK Cases.

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

III. Extradition of persons listed on 'S'.

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

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

See letter
attached

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

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

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

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

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

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

.....

-5-

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

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

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

See Minutes No. 96. 248



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

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

KEN. 42031/6505X 3400

21st April, 1947.

Dear General de Baer,

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

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

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

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

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

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

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

Yours very sincerely,

M. R. Zimorin

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

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

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

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

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

Miss Deunk	Netherlands
Colonel Muszkat	Poland

I. Minutes No. 96.

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

II. Proceedings in Individual Cases.

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

1) YUGOSLAV Cases.

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

2) NETHERLANDS Cases.

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

.....

(NETHERLANDS Cases continued)

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

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

3) POLISH Cases.

4933)
4934)
4947)
4975)
4976)

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

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

4933

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

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

4934

1-140 on 'A'

4947 (original case, and Addendum I)

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

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

Addendum I

4975

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

4976

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

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

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(POLISH Cases continued).

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

4) UNITED STATES Cases.

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

5) CZECHOSLOVAK Case.

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

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

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

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

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

NO. 98.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 7th May, 1947,
at 3 p.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

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

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

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

I. Minutes No. 97.

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

II. Proceedings in Individual Cases.

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

1) GREEK Cases.

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

(GREEK Cases continued)

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

2) NETHERLANDS Cases.

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

3) FRENCH Cases.

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

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

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(FRENCH Cases continued)

3335 (addendum I) On 'S'

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

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

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

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

5094 On 'A' for ill-treatment

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

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

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

5098 On 'A' on all counts except murder

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

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

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

5101 On 'A'

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

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

5104 1 on 'S'
2 on 'A'

5105 On 'A'

5106 On 'A'

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

(FRENCH Cases continued)

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

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

5110 1-2 on 'A'

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

5112 On 'A' for pillage only

5113 1-2 on 'A'

5114 1-2 on 'A'

5115 1-4 on 'A'

5116 1-3 on 'A'

4) POLISH Cases.

5032 On 'A'

5033 On 'A'

5034 On 'A'

5035 On 'A'

5036 On 'A'

5037 1-3 on 'A'

5038 On 'A'

5039 On 'A'

5040 1-2 on 'A'

5041 On 'A'

5042 On 'A'

5043 On 'A'

5044 On 'A'

5045 On 'A'

5046 On 'A'

(POLISH Cases continued)

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

(POLISH Cases continued)

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

5) UNITED STATES Cases.

5030	On 'A'
5031	On 'A'

6) BELGIAN Cases.

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

(BELGIAN Cases continued)

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

III. Charges submitted by Ethiopia.

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

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

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

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

In the Chair:

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

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

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

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

I. Minutes No. 98.

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

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

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

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

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

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

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

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

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

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

"But Auschwitz was different.

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

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

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

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

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

"In the verdict, he was found guilty of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"The witnesses told us that gold teeth taken from the

-5-

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

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

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

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

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

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

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

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

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

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

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

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

"This question is far more important than many purely

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

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

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

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

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

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

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

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

III. Proceedings in Individual Cases.

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

.....

1) UNITED KINGDOM Case.

5120 1-4 on 'A'

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

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

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

5123 On 'A'

5124 On 'A'

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

5126 On 'A'

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

5128 On 'A'

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

5130 On 'A'

5131 On 'A'

5132 On 'S' for murder

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

(POLISH Cases continued)

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

5) FRENCH Case.

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

6) CZECHOSLOVAK Case.

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

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

IV. Closing of 58th List of War Criminals.

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

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 22nd May, 1947,
at 10. 30 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

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

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

Major Mason	United Kingdom
Commander Mouton	Netherlands
Colonel Muszkat	Poland

I. Minutes No. 99.

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

II. Questions of Procedure.

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

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

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

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

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

See
Amendment
No 100(a)
attached

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

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

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

See attached
letters
to

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

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

III. Proceedings in Individual Cases.

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

1) UNITED KINGDOM Cases.

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

2) NETHERLANDS Cases.

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

.....

(NETHERLANDS Cases continued)

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

3) YUGOSLAV Cases.

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

4) POLISH Cases.

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

.....

(POLISH Cases continued)

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

5) UNITED STATES Cases.

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

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

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

of the cases until the next meeting.

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

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

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

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

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

VI. Issue of Second Priority List.

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

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

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

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

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

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

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

With regard to the second question (2),

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

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

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

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

VIII. Additional names for List 58.

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

10th June, 1947.

Dear Mr. Dimitas,

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

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

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

Yours sincerely,

Legal Officer.
Secretary of Committee I.

M. A. Dimitas.

10th June, 1947.

Dear Dr. Milenković,

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

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

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

Yours sincerely,

Legal Officer.
Secretary of Committee I.

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

Dr Tadeusz Cyprian.

Incorporated in Minutes No 99

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THE AUSCHWITZ TRIAL IN WARSAW

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

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

" But Auschwitz was different.

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

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

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

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

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

In the verdict, he was found guilty of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Questioned about his conscience, he replied that he was an

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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No. 100(a)

Amendment

UNITED NATIONS WAR CRIMES COMMISSION

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

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

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

RG-30
DC-3

1.411
Third file

MAIN FILE OF
COMMITTEE I
MINUTES

No. 101-141.

Indexed

372-546

1.411
Third file

RD-30

20-3

1.411

Third file

MAIN FILE OF

COMMITTEE I

MINUTES

No. 101-141.

Indexed

372-546

1.411
Third file

RD-30

20-3

1.4.11
Third file

MAIN FILE OF

COMMITTEE I

MINUTES

No. 101-141.

Indexed

372-546

1.4.11
Third file

544

NO. 101.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 4th June 1947,
at 10. 30 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

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

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

Commander Mouton	Netherlands
Colonel Muszkat	Poland
Dr. Milenković	Yugoslavia

I. Minutes No. 100.

Minutes of the Meeting held on 22nd May, 1947, were approved, subject to two corrections requested by Monsieur de BAER which will be incorporated into the final text.

II. Proceedings in Individual Cases.

The Committee considered 166 cases against 924 persons submitted by Yugoslavia, France, the Netherlands, Poland, Denmark, Czechoslovakia and Belgium, and decided as follows:-

1) YUGOSLAV Cases.

5323	On 'A'
5324	On 'W'

2) FRENCH Cases.

731 (addendum)	1-4. on 'W'
3561	On the request of the National Office re-consideration of this case was adjourned for two weeks.

3) NETHERLANDS Cases.

3386 (addendum)	1-3, 5-9 and 12 on 'A'
	4, 10, 11, 13 on 'S'

.....

3) (NETHERLANDS Cases continued)

4337 (addendum)	1-3 and 5 on 'A'	
	4, 6-16 on 'S'	
	17-21 on 'W'	
5154 (addendum)	1-2 on 'A'	
	3-4 on 'W'	
5237	1-3 on 'A'	} for ill-treatment resulting in death
	4-8 on 'W'	
5238	1-5 on 'A'	
	6 on 'W'	
5239	On 'A'	
5240	1-2 on 'A'	
	3-9 on 'S'	
	10-15 on 'W'	
5354	1-5 on 'A'	
	6 on 'S'	

4) POLISH Cases.

5201	On 'A'
5202	On 'A' for deportation and internment under inhuman conditions.
5203	On 'A'
5204	On 'A'
5205	On 'A' for deportation and internment under inhuman conditions.
5206 to 5211	On 'A'
5212	On 'A' for deportation and internment under inhuman conditions.
5213 to 5219	On 'A'
5220	On 'A' for deportation and internment under inhuman conditions.
5221 to 5228	On 'A'
5229	All persons charged with common design were listed on 'S' for complicity in murder, ill-treatment and other crimes. All others on 'A'.
5230 to 5236	On 'A'
5325	On 'A'
5326	1-2 on 'A'

.....

4) (POLISH Cases continued)

5327	On 'A'
5328	On 'A' for ill-treatment only
5329	On 'A'. <u>(Priority List)</u> .
5330 to 5339	On 'A'
5340	1-2 on 'A'
5341	1-3 on 'A'
5342	This case was adjourned for more elaborated information as to the accused's responsibility as Commandant of the concentration camp.
5343 to 5351	On 'A'
5352	1-5 and 7 on 'A' 6 and 8 adjourned for additional information necessary to substantiate the responsibility of these accused.
5353	1-7 on 'A'

5) DANISH Cases.

Consideration of these cases was adjourned until the next meeting, as no Representative of the National Office was present.

6) CZECHOSLOVAK Cases.

4835	1-3 on 'A' on the understanding that the Secretariat will take the necessary steps in order to collect information on other similar cases of this type.
5199	On 'A' for complicity in deportation only.
5200	On 'A' for ill-treatment and complicity in internment of civilians under inhuman conditions.

7) BELGIAN Cases.

1570 (addendum)	1-2 on 'S' 3-4 already listed.
4399 (addendum)	3 and 6 of the original case to be deleted from the Commission List. 5 of the addendum on 'A'
5087 (addendum)	On 'A'
5089 (addendum)	1-3 on 'A' 4 to 59 on 'S'

III. Closing of 59th List of War Criminals.

The Committee decided to issue a new Commission's List No. 59 which would include cases accepted by the Committee up to the 4th June 1947.

IV. Case of General MARINOV - letter from the Bulgarian Government.
(Doc. I/88).

The Committee took note of a letter received from the Bulgarian Government dated 13th May, 1947, and decided that it did not call for any reply or further action.

V. PRIORITY LISTS.

1). Communication from J.A.G.

The Committee took note of a letter from Colonel Barratt, Office of the J.A.G., dated 29th May, 1947, in reply to Sir Robert Craigie's enquiry with regard to the Commission's First Priority List.

Sir Robert, commenting on the last sentence of the letter, pointed out that Colonel Barratt gave no reason for his opinion that while the Priority Lists were excellent in principle, it was not felt that any useful purpose was likely to be served by the continuation of them so far as B.A.O.R. and B.T.A. were concerned. Before taking any decision on the matter therefore, Sir Robert said he would like to contact Colonel Barratt and ask him for an explanation, especially in view of his statement that the J.A.G. was still awaiting a reply from the various theatres.

The Committee decided to postpone further consideration of this matter until the next meeting.

2). Priority Cases submitted by National Offices.

Dr. LITAWSKI said that with regard to lists of priority cases so far received from the National Offices - it was apparent that the type of a large number of cases submitted did not conform with the Commission's recommendation. Whereas the Commission had agreed to base the selection of such cases on the heinous nature of the crime committed, the National Offices were inclined rather to base their selection on the position or function of the accused.

The Committee was of the opinion that since the Commission had taken a decision on the type of cases which were to qualify as priority cases, it was the responsibility of its Members to see that their National Offices complied with the Commission's proposals. Accordingly, it was decided that the Secretary should forward the lists of cases to the representatives concerned pointing out that for the most part they did not conform to the type of cases proposed by the Commission in its recommendation of 12th March, 1947, and requesting the representatives to select and submit only those cases where the crimes were of a really heinous nature.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE ISummary Minutes of the Meeting of Committee I held on 12th June 1947at 10.30 a.m

In the Chair:

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Major Mason	United Kingdom
Mlle. Capimont	France
Commander Mouton	Netherlands
Colonel Muszkat	Poland
Dr. Milenković	Yugoslavia

Monsieur de Baer was prevented from attending by other duties in London concerned with the United Nations War Crimes Commission.

I. Minutes No. 101

Minutes of the meeting held on 4th June, 1947, were approved.

II. PRIORITY LISTS - (continuation of discussion)

Referring to the discussion on this matter at the last meeting Sir Robert CRAIGIE informed the Committee that he had been in touch with the Office of the Judge Advocate General, and, in Colonel Barratt's absence, had contacted Colonel Halse. He had explained to Colonel Halse that the Commission was not pressing for any immediate results with regard to the apprehension of the persons listed in the Priority Lists; it merely expressed the hope that the competent authorities would keep the few names concerned before them, bearing in mind that the persons were guilty of particularly heinous crimes, and take whatever steps were possible to trace them.

Colonel Halse had replied that after making further enquiries he thought the Priority Lists might serve a useful purpose - and advised the Commission to continue with them. Colonel Halse had particularly urged, however, that the lists should be kept as short as possible - about twelve names - and should be concerned only with the most heinous crimes.

In view of Colonel Halse's advice, Sir Robert said that he thought the Committee would have to be even more meticulous than hitherto in its selection of priority cases.

Mr. KINTNER said he fully agreed that it was essential that the Committee should exercise great care in its selection of priority cases.

Dr. NEUMANN agreed that the lists should be kept as short as possible, but with regard to the priority lists submitted by the National Offices it was apparent that they seemed to be more interested in the apprehension of high-ranking criminals rather than those who had committed heinous crimes. In view of this, Dr. Neumann thought the question should be put before the Commission.

Dr. LITAWSKI observed that the Committee had already taken a decision on that question at the last meeting when it was agreed that the National Offices should be asked to make a further selection of cases of the type recommended by the Commission. Dr. Litawski added that the high-ranking persons afforded the least difficulty to the apprehending authorities as they were well-known and easily identifiable, and as far as persons already included in the published Lists were concerned, no purpose was achieved in placing their names again on the Priority Lists.

Sir Robert CRAIGIE agreed, adding that the purpose of the Priority Lists was to apprehend persons of lesser standing who were guilty of very serious atrocities, and, by means of these Lists, to draw special attention to such persons as distinct from the great majority of war criminals.

Mr. KINTNER said that the United States Government fully approved the principle of Priority Lists, but only on the basis of heinous crimes such as would shock the conscience of humanity. His Government were not interested in any intensive search for a person simply on account of his rank or position, or because of certain political implications attached to his case.

So far as Priority Lists submitted by the National Offices were concerned, Sir Robert CRAIGIE proposed that as they did not on the whole satisfy the requirements of the Committee, the Secretariat should inform the National Offices concerned of the Committee's decision taken in this respect at its last meeting, requesting them to reduce the lists to the necessary minimum. The Committee would limit itself in the first instance to future cases where the crimes were of such a heinous nature as to fully justify priority listing. The Lists would thus be kept quite short and the apprehending authorities would thereby be disposed to act upon them.

The Committee accepted Sir Robert Craigie's proposals.

III. Proceedings in Individual Cases

The Committee considered 162 cases against 405 persons submitted by the United Kingdom, China, Yugoslavia, the Netherlands, Poland, France, Denmark, Czechoslovakia and the United States, and decided as follows:-

1) UNITED KINGDOM Cases

5423 On 'A'

5431 On 'A'

2) CHINESE Case

5358 On 'A' for illegal arrests and extortion of private property.

3) YUGOSLAV Cases.

- 5427 Although this case, as it stood, did not provide sufficient facts and evidence, especially in regard to the question whether the accused could be held unreservedly responsible for the conditions in the P.O.W. Camps in the last months of the war under general conditions of disruption which then prevailed in Germany, the Committee nevertheless decided to accept the case and list the accused on 'A' in view of the fact that he already appeared on the Commission List on a number of cases submitted to the Commission by the United Kingdom National Office, substantiating the accused's responsibility for various crimes committed against prisoners of war in Germany.
- 5428 On 'A' for illegal confiscation of property.
- 5429 This case was adjourned for further information necessary to substantiate the individual responsibility of all the accused for, and their direct connection with the crimes alleged. The National Office was also asked to furnish information on the status and activities of the Heimatsbund sufficient to establish to what extent this organisation, as a whole, and the leading officers, in particular, were involved in, and responsible for the policy of extermination and persecution of the Yugoslav population in that part of Yugoslav territory.
- 5430 On 'A'

4) NETHERLANDS Cases.

- 4267 (addendum) 1 on 'A'
2 on 'S'
3-6 on 'W'
- 5424 1 on 'A' for deportation for forced labour only
2-6 on 'W'
- 5425 1-3 on 'A'
4-8 on 'W'
- 5426 After Commander Mouton had supplemented the case with additional information as to the responsibility of the sixth accused, it was decided to list the accused 1-19 on 'A'.
20 on 'W'

5) POLISH Cases.

- 5401 On 'A' for ill-treatment and deportation
- 5402 On 'A'
- 5403 On 'A'
- 5404 1-3 on 'A'
- 5405 On 'A'
- 5406 On 'A'
- 5407 1-7 on 'A'

POLISH Cases continued)

5408	1-4 on 'A'
5409	On 'A'
5410	On 'A'
5411	1-3 on 'A'
5412	On 'A'
5413	On 'A'
5414	On 'A'
5415	On 'A' for ill-treatment only
5416	After Colonel Muszkat had supplemented the case with additional information as to the responsibility of the second and third accused, it was decided to list the accused as follows:- 1 on 'A' for ill-treatment, pillage and complicity in deportation. 2-3 on 'A' for pillage.
5417	On 'A' for ill-treatment and complicity in deportation.
5418	After Colonel Muszkat had supplemented the case with additional information as to the accused's responsibility it was decided to list the latter on 'S'
5419	1-3 on 'A'
5420	On 'A'
5421	On 'A'
5422	On 'A'

6) FRENCH Cases.

217 (addendum)	1-6 on 'A'
4747 (addendum)	3, 10, 16, 17 on 'S' 1, 2, 4-9, 11-15 on 'W'
5376	On 'A'
5377	This case was adjourned for further information as to the evidence on which the unit as such had been connected with the alleged crimes.
5378	This case was adjourned for additional information as to the nature of the sentence imposed on the accused by the German authorities.
5379	On 'A'
5380	On 'A'
5381	1-4 on 'A'

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 12th June 1947, at 10.30 am.

In the Chair: Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Major Mason	United Kingdom
Mlle Capicmont	France
Commander Mouton	Netherlands
Colonel Muszkat	Poland
Dr. Milenković	Yugoslavia

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

(See Amendment) Monsieur de Baer was prevented from attending by other duties in London concerned with the U.N.W.C.C.

I. Minutes No. 101.

Minutes of the Meeting held on 4th June, 1947, were approved.

II. PRIORITY LISTS - (continuation of the discussion).

Referring to the discussion on this matter at the last meeting Sir Robert CRAIGIE informed the Committee that he had been in touch with the Office of the Judge Advocate General, and, in Colonel Barratt's absence, had contacted Colonel Halse. He had explained to Colonel Halse that the Commission was not pressing for any immediate results with regard to the apprehension of the persons listed in the Priority Lists; - it merely expressed the hope that the competent authorities would keep the few names concerned before them, bearing in mind that the persons were guilty of particularly heinous crimes, and take whatever steps were possible to trace them.

Colonel Halse had replied that after making further enquiries he thought the Priority Lists might serve a useful purpose - and advised the Commission to continue with them. Colonel Halse had particularly urged, however, that the lists should be kept as short as possible - about twelve names - and should be concerned only with the most heinous crimes.

In view of Colonel Halse's advice, Sir Robert said that he thought the Committee would have to be even more meticulous than hitherto in its selection of priority cases.

Mr. KINTNER said he fully agreed that it was essential that the Committee should exercise great care in its selection of priority cases.

Dr. NEUMANN agreed that the lists should be kept as short as possible, but with regard to the priority lists submitted by the National Offices it was apparent that they seemed to be more interested in the apprehension of high-ranking criminals rather than those who had committed heinous crimes. In view of this, Dr. Neumann thought the question should be put before the Commission.

Dr. LITAWSKI observed that the Committee had already taken a decision on that question at the last meeting when it was agreed that the National Offices should be asked to make a further selection of cases of the type recommended by the Commission. Dr. Litawski added that the high-ranking persons afforded the least difficulty to the apprehending authorities as they were well-known and easily identifiable, and as far as persons already included in the published Lists were concerned, no purpose was achieved in placing their names again on the Priority Lists.

Sir Robert CRAIGIE agreed, adding that the purpose of the Priority Lists was to apprehend persons of lesser standing who were guilty of very serious atrocities, and, by means of these Lists, to draw special attention to such persons as distinct from the great majority of war criminals.

Mr. KINTNER said that the United States Government fully approved the principle of Priority Lists, but only on the basis of heinous crimes such as would shock the conscience of humanity. His Government were not interested in any intensive search for a person simply on account of his rank or position, or because of certain political implications attached to his case.

See
Amendment

So far as Priority Lists submitted by the National Offices were concerned, Sir Robert CRAIGIE proposed that as they did not on the whole satisfy the requirements of the Committee, no further action should be taken with regard to them. The Committee should limit itself to future cases only where the crimes were of such a heinous nature as to fully justify priority listing. The Lists would thus be kept quite short and the apprehending authorities would thereby be disposed to act upon them.

The Committee accepted Sir Robert Craigie's proposals.

III. Proceedings in Individual Cases.

The Committee considered 162 cases against 405 persons submitted by the United Kingdom, China, Yugoslavia, the Netherlands, Poland, France, Denmark, Czechoslovakia and the United States, and decided as follows:-

1) UNITED KINGDOM Cases.

5423 On 'A'

5431 On 'A'

2) CHINESE Case.

5358 On 'A' for illegal arrests and extortion of private property.

3) YUGOSLAV Cases.

- 5427 Although this case, as it stood, did not provide sufficient facts and evidence, especially in regard to the question whether the accused could be held unreservedly responsible for the conditions in the P.O.W. Camps in the last months of the war under general conditions of disruption which then prevailed in Germany, the Committee nevertheless decided to accept the case and list the accused on 'A' in view of the fact that he already appeared on the Commission List on a number of cases submitted to the Commission by the United Kingdom National Office, substantiating the accused's responsibility for various crimes committed against prisoners of war in Germany.
- 5428 On 'A' for illegal confiscation of property.
- 5429 This case was adjourned for further information necessary to substantiate the individual responsibility of all the accused for, and their direct connection with the crimes alleged. The National Office was also asked to furnish information on the status and activities of the Heimatsbund sufficient to establish to what extent this organisation, as a whole, and the leading officers, in particular, were involved in, and responsible for the policy of extermination and persecution of the Yugoslav population in that part of Yugoslav territory.
- 5430 On 'A'

4) NETHERLANDS Cases.

- 4267 (addendum) 1 on 'A'
2 on 'S'
3-6 on 'W'
- 5424 1 on 'A' for deportation for forced labour only
2-6 on 'W'
- 5425 1-3 on 'A'
4-8 on 'W'
- 5426 After Commander Mouton had supplemented the case with additional information as to the responsibility of the sixth accused, it was decided to list the accused 1-19 on 'A'.
20 on 'W'

5) POLISH Cases.

- 5401 On 'A' for ill-treatment and deportation
- 5402 On 'A'
- 5403 On 'A'
- 5404 1-3 on 'A'
- 5405 On 'A'
- 5406 On 'A'
- 5407 1-7 on 'A'

POLISH Cases continued)

5408	1-4 on 'A'
5409	On 'A'
5410	On 'A'
5411	1-3 on 'A'
5412	On 'A'
5413	On 'A'
5414	On 'A'
5415	On 'A' for ill-treatment only
5416	After Colonel Muszkat had supplemented the case with additional information as to the responsibility of the second and third accused, it was decided to list the accused as follows:- 1 on 'A' for ill-treatment, pillage and complicity in deportation. 2-3 on 'A' for pillage.
5417	On 'A' for ill-treatment and complicity in deportation.
5418	After Colonel Muszkat had supplemented the case with additional information as to the accused's responsibility it was decided to list the latter on 'S'
5419	1-3 on 'A'
5420	On 'A'
5421	On 'A'
5422	On 'A'

6) FRENCH Cases.

217 (addendum)	1-6 on 'A'
4747 (addendum)	3, 10, 16, 17 on 'S' 1, 2, 4-9, 11-15 on 'W'
5376	On 'A'
5377	This case was adjourned for further information as to the evidence on which the unit as such had been connected with the alleged crimes.
5378	This case was adjourned for additional information as to the nature of the sentence imposed on the accused by the German authorities.
5379	On 'A'
5380	On 'A'
5381	1-4 on 'A'

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(FRENCH Cases continued)

- 5382 On 'A'
- 5383 1, 2 and 4 on 'S'
3 on 'A'
- 5384 1-6 and 9 on 'A'
10-11 on 'S'
7, 8, 12-15 on 'W'
- 5385 1-2 on 'A'
- 5386 On 'S'
- 5387 This case was adjourned for additional information necessary to establish that the destruction in question was not necessitated by military reasons.
- 5388 On 'A'
- 5389 3-5 on 'A'
1-2, 6-39 on 'S'
- 5390 On 'A'
- 5391 On 'A'
- 5392 On 'S' (for complicity in murder)
- 5393 On 'S' (for complicity in murder)
- 5394 On 'S' (for complicity in murder)
- 5395 On 'A'
- 5396 1-12 on 'A'.
- 5397 1-13 on 'A'
- 5398 1-2 on 'A'
- 5399 On 'A'
- 5400 1-3 on 'S'

7) DANISH Cases.

The Committee took note of Part IV. "Terror" of an official Memorandum dated October, 1945, prepared and submitted by the Danish Government to the International Military Tribunal at Nuremberg and containing general information on the activities of the so-called terror groups and purposes of the sabotage actions carried out by them. On the basis of this information extracts of which it was agreed to include ex officio as a supplement into the present collection of Danish cases, the Committee decided upon the individual cases as follows:-

- 5241 On 'A'
- 5242 On 'A' for wanton destruction only
- 5243 This had been withdrawn by the National Office.
- 5244 to 5245 On 'A'
- 5246 On 'S'
- 5247 to 5250 On 'A'
- 5251 On 'A' for torture, deportation and internment under inhuman conditions.

(DANISH Cases continued)

5252 to 5255	On 'A'
5256	On 'A' for torture and wanton destruction of property
5257	On 'A'
5258	On 'S'
5259	On 'A'
5260	On 'A' for torture only
5261	On 'S' for attempted murder
5262 to 5264	On 'A'
5265	On 'A' for wanton destruction of property only
5266 to 5271	On 'A'
5272	On 'A' for murder and wanton destruction of property
5273 to 5289	On 'A'
5290	On 'A' for attempted murder
5291	On 'S'
5292	On 'A' for wanton destruction
5293 to 5298	On 'A'
5299	On 'A' for murder and deportation
5300 to 5302	On 'A'
5303	On 'S'
5304 to 5310	On 'A'
5311	On 'A' on the understanding that the accused gave orders to shoot the victim
5312	On 'A'
5313	On 'A' for torture and wanton destruction (On 'S' for murder)
5314	On 'A'
5315	On 'A' for torture
5316	On 'A'
5317	On 'A' for torture
5318 to 5322	On 'A'

8) CZECHOSLOVAK Cases.

5355	On 'A'
5356	On 'A'
5357	On 'A'

9) UNITED STATES Cases.

5359	1-3 on 'A'
5360	On 'A'
5361	On 'A'
5362	On 'A'
5363	1-3 on 'A' 4 on 'W'
5364	1-2 on 'A' for complicity in murder
5365	1-2 on 'A'
5366	1-2 on 'A' 3 on 'W'
5367	On 'A'
5368	1-4 on 'A'
5369	1 on 'A' 2-6 on 'W'
5370	1-4 on 'A'
5371	1-3 on 'A' 4-6 on 'W'
5372	1-2 on 'A'
5373	On 'A'
5374	1-8 on 'A'
5375	On 'A'

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No. 102

Amendment

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

The attached pages 1 and 2, as amended by the decision of Committee I on June 19th, 1947, should replace pages 1 and 2 of the Summary Minutes (No. 102) of the Meeting of Committee I held on 12th June, 1947, already circulated.

NO. 103.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 19th June 1947, at 10.30 a.m.

In the Chair Monsieur de Baer (Belgium)

There were also present: Members of Committee I and their Deputies:

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

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

Colonel Barratt	United Kingdom
Commander Mouton	Netherlands
Colonel Myszkat	Poland
Dr. Milenković	Yugoslavia.

I. Minutes No. 102.

Minutes of the Meeting held on 12th June, 1947, were approved, subject to one correction and one amendment requested by Monsieur de Baer and Sir Robert Craigie respectively, which will be incorporated into the final text.

II. Proceedings in Individual Cases.

The Committee considered 76 cases against 380 persons submitted by the United Kingdom, the Netherlands, Yugoslavia, Poland and Belgium, and decided as follows:-

1) UNITED KINGDOM Case..

5432 1-19 on 'A'
As the original charge 315/UK/G/70 had been withdrawn it was decided to delete all persons listed therein from the Commission List.

2) NETHERLANDS Cases.

5489 1-23 on 'A'
24-31 on 'W'

5490 On 'S'

5491 1 on 'S' on charge of murder
1-11 on 'A' on charge of destruction of property and/or looting.
12-14 on 'W'

3) YUGOSLAV Cases.

5496	On 'A'
5497	1-2, 4-6 on 'A' on counts VII, XII and XIV. 3 on 'W'
5498	This case was adjourned and the National Office asked for additional information as to the nature of the offences for which the victims had been sentenced to death and/or deportation.
5499	On 'A' for ill-treatment only
5500	On 'A' on all counts except XI.
5501	On 'A'

4) POLISH Cases.

a) Adjourned.

5342	On 'A'
5352	6 and 8 on 'A'

b) New. Cases.

5433	On 'A'
5434	After Colonel Muszkat had stated that the evidence against all the accused except 1-4 had not yet been completed and the material now available was not sufficient to establish individual responsibility of the persons listed in the charge, it was agreed to put accused <u>1-4</u> on 'A', and <u>5-114</u> on 'S'.

As to accused 114, Colonel Muszkat had additionally stated that this accused was a clerk in the Gestapo Office and denounced many innocent Poles on political grounds.

5435	On 'A'
5436	On 'A'
5437	On 'S'
5438	On 'A'
5439	On 'A' for ill-treatment
5440	1-7 on 'A'
5441	On 'A'
5442	On 'A'
5443	On 'A'
5444	On 'A'

(POLISH Cases continued)

5445	On 'A'
5446	On 'A'
5447	On 'A'
5448	On 'A'
5449	On 'A'
5450	On 'A'
5451	On 'A'
5452	On 'A'
5453	On 'A'
5454	On 'A'
5455	On 'A'
5456	On 'A' for ill-treatment
5457	On 'A'
5458	On 'A'
5459	On 'A'
5460	On 'A'
5461	On 'A'
5462	On 'S' for ill-treatment only
5463	On 'A'
5464	On 'A'
5465	On 'A' for crimes committed between 1939-1944 only
5466	On 'A'
5467	On 'A'
5468	On 'A'
5469	On 'A'
5470	On 'A'
5471	On 'A'
5472	This was adjourned for further information and evidence in support of actual charges.
5473	After Colonel Muszkat had explained that the victims were arrested on political grounds it was decided to list the accused on <u>'A'</u> for illegal arrest.

(POLISH Cases continued)

5474 1 on 'A' for pillage and complicity in deportation
2, 3 and 6 on 'A' for complicity in deportation
4, 5 and 7 were adjourned as no sufficient evidence to
substantiate their responsibility for deportation was
available

5475 1-6 on 'A'

5476 On 'A'

5477 On 'A'

5478 On 'A'

5479 On 'A'

5480 On 'A'

5481 On 'A'

5482 On 'A'

5483 On 'A'

5484 1-7 on 'A'

5485 On 'A'

5486 On 'A'

5487 On 'S'

5488 On 'A' for complicity in illegal arrest and deportation.

5) BELGIAN Cases.

872 (addendum I) On 'A'

1108 (addendum II) 1-12 on 'A' —
13-14 on 'S'

1890 (addendum II) 1-6 on 'A'

2401 (addendum II) On 'S'

5492 1-35 on 'S'
36-82 on 'W'

5493 1-2 on 'A'
3 on 'S'

5494 On 'A'

5495 1 on 'W'
2 on 'C'

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 26th June, 1947,
at 10.30 a.m.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Major Mason	United Kingdom
M. Dimitas	Greece
Commander Mouton	Netherlands
Colonel Muszkat	Poland
Dr. Milenković	Yugoslavia.

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

The Chairman extended a welcome to Dr. C. H. YANG, who attended the meeting as observer on behalf of the Chinese Ministry of Justice.

I. Minutes No. 103.

Minutes of the Meeting held on 19th June, 1947, were approved.

II. Extradition of war criminals in the United States Zone of Occupation.
(Letter from Colonel Muszkat).

The Committee took note of a letter dated 23rd June, 1947, addressed by Colonel Muszkat to Monsieur de Baer, the text of which was as follows:

"I am taking the liberty of informing you about the following matter which would appear to be rendering useless all the work of Committee I, and I should like to ask you to decide whether any further action on the part of the Committee or the Commission as a whole would be desirable.

"1. In the letter No. 6/7/347/47, dated 2nd May, addressed by the Deputy Chief of the Polish War Crimes Liaison Detachment, in Augsburg, attached to USFET, to the Deputy Judge Advocate's Office, 7708 War Crimes Group, European Command, A.F.O. 178, U.S. Army, it was requested inter alia that the detachment might be released from the duty of producing evidence constituting a prima facie case with regard to individuals already registered on the UNWCC lists. This request was made for the reason that the procedure of the UNWCC requires that a prima facie case shall be proved in respect of each

"individual prior to his listing as an alleged war criminal or suspect.

"2. Replying to the above mentioned letter on the 29th May, the commanding officer of the Headquarters 7708 War Crimes Group, European Command, A.P.O. 178, Col. C.E. Straight stated, in para. 4 of his letter, that:

"As to those registered with the United Nations War Crimes Commission, it is agreed that the action of the Commission in registering individuals as war criminals is entitled to extraordinary weight, but should not necessarily be controlling." (my underlining) "It is doubted if the action of the Commission in merely registering an individual as a war criminal suspect, as contrasted with registration as a war criminal, is entitled to such extraordinary weight. Furthermore, inadequate description of those covered in UNWCC Wanted Lists and the typographical errors inevitably inherent in a large reproduction and editing project, militates against accepting the information set forth in the Lists as to a named individual unaccompanied by supplemental information. Therefore, as to the category covered in this paragraph, it is believed that evidence affording reasonable support to the charge should be furnished."

"3. It seems to me desirable, in view of the above quoted ruling of the American War Crimes Office and in order to avoid the double presentation of prima facie evidence - once in Committee I without practical result and also for definite decision to the office of the Deputy Judge Advocate's department - that further listing with Committee I (apparently practically worthless) should be discontinued and the necessary preparatory work for the extradition of war criminals, including the production of prima facie evidence, should be concentrated in Germany.

"I will be very grateful to you for your opinion in this matter, as to whether or not this question should be raised with the Commission. I am venturing to lay these facts before you because, in my opinion, the statement of the American War Crimes Office, if it should be followed by similar statements by the other allied authorities in Germany, makes absolutely unnecessary all the work of Committee I, and would also be a reason for shortening the life of the Commission."

Mr. KINTNER said that a similar letter from Colonel Myszkat had been received by Colonel Springer, on whose behalf he wished to reply that the attitude of the United States authorities had already been explained in a recent meeting of the Commission when a similar question had been raised by the Yugoslav Representative. The United States authorities had always held the view that the U.N.W.C.C. Lists, while not being conclusive, should be given very considerable weight in determining whether or not war criminals should be handed over on the request of another Allied Government. The United States authorities in Germany had, in fact, always regarded the work of Committee I, and the listing of war criminals by the Commission, as being extremely helpful, and there seemed to be no likelihood of them altering their views in that respect.

With regard to the question as to whether the Polish National Office should continue to submit charges to the Commission, Colonel Springer was of opinion that it was entirely a matter for the National Office itself to decide.

It might be deduced from the relevant part of Colonel Straight's

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letter which was quoted, that discrimination was apparently being made as between war criminals proper (persons listed on 'A') and what are determined as "war criminal suspects" (persons listed on 'S'), and that requests for extradition of persons of the latter category are regarded as warranting additional evidence. In this connection it was important to remember that in the majority of cases submitted by the National Office, the Committee, in making its decisions, has before it only summaries of evidence against the accused, unlike in the United Kingdom and Netherlands cases in which it was the general practice to submit copies of affidavits. It was evident, therefore, that in most cases the Committee did not have all the facts upon which to make more judicious decisions, and that alone was sufficient reason for requesting additional evidence in any case in which the holding authorities felt some doubt. As far as Colonel Springer was aware, however, there never had been, nor was there likely to be, any change in the United States policy regarding the surrender of war criminals, nor in the United States attitude towards the Commission's Lists, and he had no hesitation in saying that in their experience Colonel Straight had always given very careful consideration to every request of an Allied nation for surrender of a war criminal, and had always shown extreme fairness.

Sir Robert CRAIGIE said that according to his own interpretation of Colonel Straight's letter, the action of the Commission in listing individuals as war criminals, though not conclusive, was being given considerable weight. This policy seemed to be entirely in accordance with the Commission's recommendation, since the Commission itself had never maintained that its lists were in any way conclusive to the extent of relieving the holding authorities of any justification for requesting further evidence.

With regard to those listed as Suspects, the Commission itself was never assured that a sufficient prima facie case against them existed, and had recommended that persons listed as Suspects should be surrendered only when further evidence of guilt had been submitted which satisfied the holding authorities that the persons should, in fact, be surrendered. It was, therefore, highly desirable that the holding authorities should exercise the same discrimination between war criminals and suspects as the Commission itself did.

It would seem, therefore, from Colonel Straight's letter, that the United States War Crimes Group were acting entirely in accordance with the policy and practice of the Commission.

Colonel MUSZKAT said that as far as collaboration between the Polish War Crimes Liaison Detachment and the United States authorities was concerned, there was no possible cause for complaint, as the Polish Detachment always received the greatest help from Colonel Straight and his staff. All that he was concerned about was the apparent change in policy whereby the U.N.W.C.C. Lists were being regarded with less authority than hitherto. Colonel Muszkat was of opinion that it was the practice of the United States authorities to request additional evidence in regard to those listed as war criminals as well as to those listed as suspects, and if it should appear that that was the general practice of other Allied holding authorities, then the work of Committee I was superfluous, and evidence in all cases should rather be submitted straight to the authorities in Germany.

Dr. NEUMANN suggested that the United States authorities might be informed of the Committee's recent decision to insist in all cases upon the submission of more complete and substantiated evidence before deciding on listing persons on the Commission's Lists.

Dr. ZIVKOVIC suggested that the United States War Crimes Group might be asked whether their request for evidence before effecting surrender

was a matter of general practice or whether such request was only made in exceptional cases.

Mr. KINTNER said that Colonel Springer had already given the matter very careful thought and had repeatedly referred it to the United States authorities on the Continent, and he did not think, therefore, that any useful purpose would be accomplished by constant probing of the question. As Colonel Springer had already informed the Commission, the U.N.W.C.C. Lists were given very considerable weight in determining whether or not persons should be surrendered, but all holding authorities reserved the right to request additional information where they think necessary. As far as they were aware, no discrimination was ever being made as between one Allied nation and another.

Sir Robert CRAIGIE said that that also was the practice of the United Kingdom holding authorities. They reserved the right to ask for further evidence in any particular case in which they thought such evidence desirable. Sir Robert supported Dr. Neumann's suggestion of informing the United States authorities of the Committee's procedure in requesting further evidence, and suggested that they should also be informed of the very careful discrimination which is now being made by the Committee between war criminals and suspects.

Mr. KINTNER undertook to inform the United States War Crimes Group accordingly, and to forward a copy of the Minutes of the present meeting.

III. Case of General von STOCKHAUSEN, charged by Yugoslavia (Doc. I/89).

Sir Robert CRAIGIE said that from the information submitted to the Committee by the accused's lawyer, it would appear that the case of General von Stockhausen would require very careful reconsideration both by the Committee and by the Yugoslav authorities. There would appear to have been some error if it was true that von Stockhausen was only in the area in question for three weeks, and, though technically in command, was not responsible for the crimes committed by the SS. Division, which had occupied Belgrade contrary to given orders. Sir Robert asked Major Mason, of the Office of the Judge Advocate General, if he would be kind enough to ascertain whether von Stockhausen had already been handed over to the Yugoslav authorities, and, if so, at what date he was surrendered.

Major MASON replied that he would obtain the necessary information for the Committee as soon as possible.

Dr. MILENKOVIC said that insofar as he had had time to study the document, he was under the impression that the letter on behalf of von Stockhausen was written simply in order to try to lessen the accused's responsibility for the atrocities committed during the early part of the German occupation in the area in question. It was precisely in those first three weeks that the crimes were committed. As to the statement that death sentences were inflicted by the court-martial of the SS. Division "Das Reich", and confirmed by the commander of that Division, and not by the accused, Dr. Milenković said it was doubtful whether, in that short space of time, a regular court-martial could have been established by the SS. It was more probable that any sentences which had to be carried out were done so under the direct orders of the military commander on the spot.

In the charge upon which the Committee had based its original decision, there was ample prima facie evidence that von Stockhausen was guilty. As local commander during the first three weeks of the German occupation, he was well acquainted with everything which took place. It was stated by one witness (page 2 of the charge) that on April 22nd, 1941, General von Stockhausen ordered 36 out of 40 people to be put to death. Eighteen men were hanged by the Volksdeutsche and an equal number were shot by a firing squad composed of members of Major Kreuger's battalion who was subordinate to the accused. These mass murders were committed without previous trial of the victims. Further, units under the command of Stockhausen were responsible for the deaths of 112 Yugoslav citizens. As stated on page 3 of the charge a certain German medical officer, Dr. Schroeder, confirmed that the executions were ordered by Stockhausen himself. The Yugoslav National Office had plenty of evidence, and if a prima facie case was established there was surely no reason for the Committee to withdraw from its original decision. It was the responsibility of the competent court to prove whether the accused was, in fact, guilty, and Dr. Milenković said that the information submitted on behalf of the accused would be transmitted immediately to Belgrade in order that it might be taken note of in any impending trial. He did not know whether von Stockhausen was already in the custody of his Government, but he would request all relevant information regarding the case to be forwarded to him from Belgrade as soon as possible.

Sir Robert CRAIGIE pointed out that the Committee was always open to receive and consider any additional evidence submitted to it regarding a particular charge, and was fully entitled to change its original decision if, and whenever, substantially new evidence would warrant such a course.

The Committee decided to adjourn further consideration of the case for one week when it would be reconsidered together with all the relevant data.

IV. Proceedings in Individual Cases

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to page 6

IV. Proceedings in Individual Cases.

The Committee considered 131 cases against 263 persons submitted by the United Kingdom, the Netherlands, France, Greece, the United States, and Poland, and decided as follows:-

1) UNITED KINGDOM Case.

5626 On 'A'

2) NETHERLANDS Cases.

2562 (addendum) On 'W'

5622 On 'S'

5623 1-2 on 'A'
3 on 'S'
4-7 on 'W'

5624 1 on 'A' for pillage and ill-treatment
2-3 on 'A' for pillage
4-14 on 'W'

Consideration of a further charge against the 3rd accused charged with improper use of the Red Cross emblems was adjourned for further information as to whether the alleged act was committed at a time when military operations were in progress, and also whether the Red Cross car was improperly used in order to avoid attack by Allied forces.

5625 1-22 on 'A'
23-32 on 'W'

3) FRENCH Cases.

217 (addendum) This was adjourned for further investigation by the National Office as to whether the unit of which the accused were members was in fact operating in France. It was pointed out that the massacre at Oradour on 10th June, 1944, was carried out by the 2nd SS Panzer Division "Das Reich" and that the 18th ("Horst Wessel") Division was in the East, not in France.

3946 (addendum) On 'S'

5384 (addendum) 1-3 on 'W'

5502 1-3 on 'A'

5503 On 'A'

5504 On 'A'

5505 1-4 on 'A'

5506 1-2 on 'A'

5507 1 on 'S' for murder
2-4: adjourned as there was not sufficient evidence against these accused.

5508 1-5 on 'A'
6-29 on 'S'
30 on 'W'

531

(FRENCH Cases continued)

-7-

- 5509 1 on 'W'
2-4 on 'A'
- 5510 1 on 'A'
2-7 adjourned and the National Office asked for more information necessary to substantiate the illegality of killing the victims mentioned in paragraph 2 on page 2, and also as to the individual responsibility of these accused.
- 5511 On 'A'
- 5512 1 on 'A'
2-4: adjourned as there was not sufficient evidence against these accused.

See attached
letter sent
to French
NO

With regard to French cases generally, and particularly in those borderline cases in which there was some degree of doubt as to whether or not a war crime had been committed, Sir Robert CRAIGIE said he thought it desirable that the Committee should have rather fuller evidence than hitherto. It was not necessary to request affidavits, but at least the Committee should have summaries of evidence upon which to base its decisions. Now that the National Offices were well-organised, he was of opinion that the Committee were quite justified in making this request.

Mr. KINTNER fully agreed, adding that it was a point which the Committee had constantly under consideration.

The Secretary was accordingly instructed to inform the French National Office of the Committee's decision taken in this respect.

4) GREEK Cases.

- 5591 1-2 on 'A'
- 5592 1-2 on 'A'
- 5593 On 'A'
- 5594 Adjourned: the National Office was asked for more information as to the individual responsibility of these accused separately and for more particulars of the alleged crimes.
- 5595 1-3 on 'A'
- 5596 1-2 on 'A'
- 5597 1-2 on 'A'
- 5598 Adjourned for additional information and specimens of evidence necessary to substantiate the charges, and in particular as to what the alleged ill-treatment consisted of and in what circumstances the alleged victims were employed on military installations.
- 5599 1-2 on 'A' for wanton destruction of property
- 5600 1-3 on 'A' on all counts except arrest of hostages
- 5601 On 'A'
- 5602 On 'A' for torture
- 5603 On 'A' for murder
- 5604 On 'A' for murder, pillage and ill-treatment
- 5605 On 'A'
- 5606 On 'A' for mass murder
- 5607 On 'A' for mass murder and looting

(GREEK Cases continued)

5608	On 'A'
5609	On 'A' for murder and wanton destruction of property
5610	On 'A' for murder and internment of civilians under inhuman conditions
5611	On 'A' for mass murder
5612	On 'A' for murder
5613	On 'A' for complicity in mass murder
5614	On 'A'
5615	On 'A'
5616	On 'A' for torture
5617	On 'A'
5618	On 'A'
5619	On 'A' for ill-treatment resulting in death
5620	Adjourned for more information necessary to substantiate the charges
5621	1-2, 5 and 7 on 'A' 3-4 on 'S' 6:- adjourned as the charge against this accused was not sufficiently substantiated. The National Office was accordingly asked for further information and a summary of evidence.

5) UNITED STATES Cases.

5627	On 'A'
5628	On 'A'
5639	On 'A'

6) POLISH Cases.

5513	On 'A' - plus 3 witnesses on 'W'
5514	On 'A'
5515	On 'A'
5516	On 'A'
5517	On 'A'
5518	Adjourned for further information as to the circumstances under which, and the reasons for which, the alleged victims were put to death.

(POLISH Cases continued)

5519	On 'A'
5520	On 'A' for pillage and ill-treatment and also on 'S' for murder .
5521	On 'A'
5522	On 'A'
5523	On 'A'
5524	On 'A'
5525	On 'A'
5526	Adjourned for further information as to whether the accused knowingly took part in the arrest of innocent people, since the particulars as they now stand did not show the reasons for which the alleged victims had been arrested. More particulars were requested as to the way in which the accused took part in the execution of people.
5527	On 'A'
5528	On 'S'
5529	On 'A'
5530	On 'A'
5531	On 'A'
5532	On 'A'
5533	On 'A'
5534	On 'A'
5535	Adjourned for additional information regarding the reasons for which the alleged victims were executed. The charge regarding the shooting of a British P.O.W. should be supplemented with the information as to whether he had not made an attempt to escape.
5536	On 'A'
5537	On 'S'
5538	Adjourned for additional information as to whether any offence had been committed by the two persons executed by the accused.
5539	On 'A'
5540	On 'A'
5541	On 'A'
5542	On 'A'
5543	On 'A'
5544	On 'A' for torture

(POLISH Cases continued)

5545	On 'A' for torture
5546	On 'A' for murder and ill-treatment
5547	On 'A' for ill-treatment
5548	On 'A' for murder and ill-treatment
5549	On 'A' for murder and ill-treatment
5550	On 'A' for murder and ill-treatment
5551	On 'A' for murder and ill-treatment
5552	On 'A' for murder and ill-treatment
5553	On 'A' for murder and ill-treatment
5554	On 'A' for murder and ill-treatment
5555	On 'A' for murder and ill-treatment
5556	On 'A' for murder and ill-treatment
5557	On 'A' for murder
5558	On 'A' for torture
5559	On 'A' for murder and torture
5560	On 'A' for ill-treatment
5561	On 'A' for putting hostages to death Witness MAY on 'W'
5562	On 'A' for putting hostages to death. Witness MAY on 'W'
5563	On 'A' for putting hostages to death Witness MAY on 'W'
5564	On 'A' for ill-treatment
5565	On 'A' for ill-treatment
5566	Adjourned for additional information as to whether the accused acted as a mere executant in deporting people and confiscating their property, or had freedom in selecting persons to be deported and property to be confiscated.
5567	On 'A' for ill-treatment
5568	On 'A' for ill-treatment
5569	On 'A' for ill-treatment
5570	On 'A' for ill-treatment
5571	On 'A' for ill-treatment. Witness MACH on 'W'
5572	On 'A' for murder and ill-treatment
5573	On 'A' for torture
5574	On 'A' for torture

(POLISH Cases continued)

- 5575 On 'S' for complicity in mass murder
- 5576 On 'A' for torture
- 5577 On 'A' for wanton destruction of religious buildings and monuments.
Witness MAY on 'W'
- 5578 1-4 on 'A' for complicity in murder subject to producing additional evidence as to the responsibility of all the accused for the extermination of workers deported from the factory at Treblinka and Poniatowo. The charge against the first accused should also be supplemented with additional information disclosing the reason for which, and the circumstances under which, FINKE was put to death.
- 5579 On 'A' for torture
- 5580 On 'A' for ill-treatment
- 5581 On 'A' for ill-treatment
- 5582 On 'A' for ill-treatment
- 5583 On 'A' for torture
- 5584 On 'S' for torture
Witness AUGUST on 'W'
- 5585 1 and 3 on 'A' for murder and torture
2 on 'A' for systematic terrorism
- 5586 On 'A' for ill-treatment
- 5587 On 'A' for murder and deportation
- 5588 On 'A' for ill-treatment
- 5589 On 'A' for torture
- 5590 On 'A' for torture.

V. Extradition Certificates.

The Committee took note of a letter dated 20th June, 1947, received from Colonel Muszkat, asking the Commission to issue three extradition certificates in connection with the charges Nos. 5150 and 5151.

The Committee decided to issue these certificates subject to confirmation of this decision by Lord Wright, Chairman of the Commission.

VI. Closing of 60th List of War Criminals.

The Committee decided to issue a new Commission List of war criminals (No. 60), which would include cases accepted by the Committee up to 26th June, 1947.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 3rd July 1947
at 10.30 a.m.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie
Mr. Kintner

United Kingdom
United States of America

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

Miss Deunk
Colonel Myszkat
Dr. Milenković

Netherlands
Poland
Yugoslavia

Dr. NEUMANN sent apologies for not being able to be present.

I. Minutes No. 104.

Minutes of the Meeting held on 26th June, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered 88 cases against 145 persons submitted by the Netherlands, Yugoslavia, Czechoslovakia and Poland, and decided as in the Annex.

III. Case of General von Stockhausen (Doc. I/89) - (continuation
of discussion)

With reference to the Committee's request for information concerning the surrender of General von Stockhausen, Sir Robert CRAIGIE said he had received a reply from Colonel Barrett, of the Office of the Judge Advocate General, to the effect that General von Stockhausen was transferred to the Yugoslav authorities on 20th April, 1947.

That being the case, Sir Robert said that no practical result would be achieved in considering whether von Stockhausen's name should be removed from the Commission's Lists, since he was already in the custody of the Yugoslav authorities. On the other hand, however, the Committee presumably had jurisdiction to remove an individual's name from its Lists, even though he was already in the custody of the country charging him; further, such a removal might, possibly, influence the prosecuting authorities accordingly. He felt, therefore, that the Committee should continue to re-consider the case, and ascertain whether there was sufficient justification for keeping von Stockhausen's name on its Lists of persons accused of war crimes.

Mr. KINTNER was of opinion that the Committee, as a matter of principle, should satisfy itself as to whether or not its original decision should be maintained or withdrawn, regardless of the fact that the accused was already in custody and that he would receive a fair and just trial. Since the Committee had taken note of evidence in the form of affidavits from one side, it was only right that affidavits from the other side should also be considered, and he suggested that the question could be more easily resolved if the Committee had before it extracts from the testimony of the witnesses referred to in the Yugoslav charge.

M. de BAER drew attention to the fact that according to the Affidavit of Field-Marshal General von Weichs, Belgrade was mentioned as being the town which was occupied by the Germans, and in the vicinity of which the alleged crimes were committed, whereas in the charge submitted by Yugoslavia, Pancevo was stated to be the town in question. M. de Baer enquired whether these two towns were close to one another.

Dr. MILENKOVIC replied that Belgrade and Pancevo were approximately ten miles apart.

Sir Robert CRAIGIE said that in order to ascertain whether there was a sufficient prima facie case against von Stockhausen, it was important to establish in the first place whether the area around Pancevo was occupied by the SS. Division "Das Reich", or by the "Grossdeutschland" Regiment under von Stockhausen's command.

With regard to the information submitted by the Yugoslav National Office in the charge, Sir Robert made the following observations.

According to a statement contained therein, Stockhausen arrested a number of people during the period April 16 - 23, 1941, who were tortured and some of whom were killed. It would be helpful if the National Office could submit the direct evidence on which this statement was based.

The same consideration applied to the statements concerning the alleged crimes against the civilian population committed by members of Major Krueger's battalion which operated under von Stockhausen's command.

With reference to the statement that arrested people were taken from their homes and interrogated as to their activities before the attack on Yugoslavia (i.e. before April 6, 1941), Sir Robert pointed out that as von Stockhausen did not enter Yugoslav territory until after 6 April, he presumably could not be held responsible for anything that occurred before that date.

Further, witnesses were stated to have said that on April 22, Stockhausen came to a court-martial accompanied by several officers, took a list of victims, and consulted the local Volksdeutsche about the attitude of the victims towards the Germans before the war, and on this information he decided who was to be executed and marked the list accordingly. If the Yugoslav National Office could supply the actual affidavits of some of those witnesses who were in a position to identify von Stockhausen himself, such evidence would be most conclusive.

The above were some of the more obvious points on which the National Office could no doubt quite easily produce more information. Sir Robert thought that where a case was in dispute, and evidence from both sides conflicted, the Committee were quite justified in requesting fuller particulars.

M. de BAER pointed out that the Committee should have before it extracts from the same evidence as that which was to be used in the trial of the accused, otherwise two quite conflicting decisions might result, which would, in his opinion, be most undesirable.

Dr. MILENKOVIC said that he would supply the evidence as requested by the Committee. He assured the Committee, however, that the accused would receive a fair trial by a regular tribunal, and he had already transmitted to Belgrade the information submitted on behalf of the accused where it would be used in evidence.

Dr. Milenković said he wished to repeat, and to stress, what he had already said at the last meeting, namely, that there was already ample prima facie evidence that von Stockhausen was directly responsible for the crimes committed during the first three weeks of the German occupation in Yugoslavia.

The Committee unanimously agreed that further consideration of the case be adjourned pending submission of further evidence by the Yugoslav National Office on the points enumerated above. Further, it was decided that a reply should be communicated to von Stockhausen's lawyer, through the Office of the Regional Commissioner at Hamburg, to the effect that General von Stockhausen had already been transferred to the Yugoslav authorities on 20th April, 1947, for trial; that the matter is under consideration and that the Commission in the meantime were awaiting further information and evidence which the accused's lawyer had proposed to submit.

IV. Case of Dr. GASSAUER, charged by Czechoslovakia, (Doc. I/90).

The Committee took note of a letter from Dr. GASSAUER's lawyer, dated 25th June, 1947, (circulated as Doc. I/90),

Monsieur de BAER referred to the charge in question which concerned the Sondergerichte (Special Courts) set up by the Germans in Czechoslovakia. All the accused indicated in the charge had been listed by the Commission. The name of Gassauer had been submitted later upon an Addendum to the original charge, and he, as a Judge appointed to the Special Court in Brno from 6th July, 1942, onwards, had been listed as a war criminal. In the letter submitted by the accused's lawyer, however, there was no mention of Gassauer being a member of the Sondergerichte.

Dr. LITAVSKI drew attention to the paragraph in the letter where it was stated that "several times acquittals issued by Dr. Gassauer were squashed by the superior courts or by the department of justice of the so-called "Reichsprotektor" in Prague". As there was no right of appeal in the Sondergerichte it was to be inferred from this letter that Gassauer was attached to some court other than the Sondergerichte.

The Committee therefore requested particular clarification on the question as to whether or not Gassauer was attached to the Sondergerichte in Brno, from July, 1942.

Information was also requested as to whether Gassauer was in Austrian or in Allied custody.

The Committee took note of a letter from Dr. Neumann stating that he had already applied to Prague for additional information on the case; and requesting that the matter be adjourned for one month.

The Committee decided to adjourn the case accordingly, and to draw Dr. Neumann's attention in particular to the request of the Committee for clarification on the points referred to above.

It was further decided that a reply should be transmitted to the accused's lawyer to the effect that the matter was being considered by the relevant Committee, and that further inquiries were being made

in order to clarify the points raised in his submission.

V. Release of "automatic arrestees".

The SECRETARY GENERAL informed the Committee that he had received an inquiry from the Prisoners of War Section, War Office, concerning "automatic arrestees" detained in the United Kingdom.

Investigating teams were at present visiting the various prisoner-of-war camps in order to screen all "automatic arrestees" detained therein, and at the end of their investigations, which would cover three to four weeks, the authorities concerned would feel very much inclined to repatriate those in respect of whom no charge was preferred, and whose names did not appear either on the U.N.W.C.C. Lists, or on CROWCASS Wanted Lists. There was the possibility, however, that some of those concerned might perhaps be charged at some future date by a particular nation for the commission of war crimes. The Prisoners of War Section, War Office, had therefore asked advice on how long they were justified in detaining these "automatic arrestees" in the event of their being the subject of some future charges. The Secretary-General had, in the meantime, suggested to the Prisoners of War Section, War Office, that at the end of their investigations the Commission should be supplied with the names of the "automatic arrestees" concerned.

Sir Robert CRAIGIE said that in his opinion there was no justification whatever in detaining persons, two years after the war, merely on the grounds that they were "automatic arrestees", and that a charge might, or might not be preferred against them at some future date. He suggested, however, that it would be advisable for the Commission to scrutinize the names of the individuals when the list was completed.

Monsieur de BAER agreed, adding that there should be no difficulty in apprehending such persons even after repatriation owing to security regulations imposed upon all repatriated prisoners-of-war.

The Committee were of the opinion that the matter was one which came within the competence of the Commission rather than the Committee, and advised the Secretary-General that the list of names, when received from the Prisoners of War Section, War Office, should be submitted to the Commission for its subsequent consideration and action.

ANNEX TO MINUTES NO. 105 OF THE MEETING OF COMMITTEE I HELD ON
3rd JULY, 1947.

1) NETHERLANDS Cases.

- 2561 (addendum) 1-8 on 'W'
- 5705 1 on 'A' for ill-treatment only
2-6 on 'W'
As to the charge of complicity in internment there was not sufficient evidence to establish that a war crime had been committed. In particular, it would be necessary to know what anti-German remarks were made by the alleged victims.
- 5706 1-2 on 'A'
- 5707 1 on 'A' for ill-treatment and pillage only
2-5 on 'W'

In view of the fact that the victim was a member of the Resistance Movement and was shot while trying to escape, it was difficult to see any ground for accepting the charge of murder.

As to the 2nd and 3rd accused, there was not sufficient evidence for listing them even as Suspects (on the charge of pillage) and therefore they were listed as Witnesses only.

- 5708 On 'W'
- 5709 On 'A'
- 5710 On 'A'
- 5711 On 'A' for ill-treatment only.

There was no evidence as to whether the accused himself was responsible for deporting the victim.

- 5712 1-2 on 'A'
8-15 on 'W'
As to 3-7, more information was requested to substantiate the charges, and the case against these accused was adjourned accordingly.
- 5713 1-3 on 'A'

2) YUGOSLAV Cases.

- 4987 (addendum) On 'S'
- 5629 1 on 'A'
2-3 on 'S'
- 5630 On 'A' on counts XII and XIII, and for complicity in deportation
- 5631 1-4 and 20 on 'A' on all counts except X.
5-19 on 'S' on all counts except X.

(YUGOSLAV Cases continued)

- 5632 As it appeared that none of the charges was sufficiently substantiated and supported by the particulars of the alleged crimes and evidence, the accused was listed on 'W' only
- 5633 As it appeared that none of the charges was sufficiently substantiated and supported by the particulars of the alleged crimes and evidence, the accused was listed on 'W' only.
- 5634 1 on 'S' for pillage
2 on 'A' for pillage.
The National Office was asked for more information as to the alleged murder.
- 5635 On 'A' for ill-treatment, deportation and internment under inhuman conditions.
Other charges were not sufficiently substantiated.
- 5636 Adjourned for more particulars as to the circumstances of the crimes alleged under 1 and 2 on page 2.

The Committee was of opinion that the charge under 3, as it stood, could not be accepted as a prima facie case of a war crime in view of the accused's position.
- 5637 Adjourned and the National Office asked for extracts of evidence indicated on page 3 of the case
- 5638 Adjourned for specification as to those of the alleged crimes for which the accused could personally be held responsible and also for particulars necessary to substantiate the charges.
- 5697 Adjourned for more information necessary to substantiate the accused's responsibility for the crimes alleged and in particular for more evidence necessary to show on what grounds he was being held responsible.
- 5698 Adjourned for more particulars of the alleged crimes, especially those under XII, XIII, XIV and XVIII

The National Office was also asked to submit extracts of evidence necessary to substantiate the accused's responsibility for the commission of the above crimes.
- 5699 Adjourned as no particulars of the alleged crimes have been submitted.
- 5700 Adjourned for particulars and evidence of the alleged crimes.
- 5701 Adjourned as there was no evidence sufficient to substantiate the alleged crimes.
- 5702 On 'A' for ill-treatment only
As regards the other charges, the accused's responsibility was not substantiated.
- 5703 Adjourned for additional information and evidence as to the circumstances in which the alleged crimes were committed.
- 5704 On 'A'

3) CZECHOSLOVAK Case.

5640 On 'A' for ill-treatment and complicity in deportation.
The illegality of the alleged confiscation was not established
and there was no evidence that any pillage had been committed.

4) POLISH Cases.

5472 On the basis of the additional information submitted by the
National Office, it was decided to list the accused on 'A'
for ill-treatment only.

5474 On the basis of the additional information submitted by the
National Office, it was decided to list the accused 4 and 7 on 'A'
for ill-treatment and for complicity in illegal arrests and
deportations.
5 on 'A' for complicity in illegal arrests and deportations.

5641 On 'A'

5642 On 'A'

5643 On 'A'

5644 On 'A'

5645 On 'A'

5646 On 'A'

5647 On 'A' for ill-treatment only

5648 On 'A'

5649 On 'A'

5650 On 'A'

5651 On 'A' also for wanton destruction of property

5652 On 'A'

5653 On 'A'

5654 On 'A' for ill-treatment and illegal arrests.
5655 On 'A'
5656 After Colonel Muszkat had additionally stated that the alleged
crimes were committed by way of reprisals, it was decided to
list the accused on 'A'.

5657 On 'A'

5658 On 'A'

5659 On 'A'

5660 On 'A'

5661 On 'A'

(POLISH Cases continued)

5662	On 'A' for murder and systematic terrorism
5663	On 'A'
5664	On 'A' for deportation
5665	On 'A'
5666	On 'A'
5667	On 'A'
5668	On 'A'
5669	On 'A'
5670	On 'A'
5671	On 'A'
5672	Adjourned for further information as to whether the persons on the list prepared by the accused were, not guilty of any offence or suspicion warranting the arrest
5673	On 'A'
5674	Adjourned for more information concerning the actual part played by the accused in the preparation of and in the carrying out of the executions.
5675	On 'A' for ill-treatment
5676	On 'A' Witness MONENSCHHEIN on 'W'
5677	On 'A' for murder, deportation and pillage
5678	On 'A' for murder
5679	On 'A'
5680	On 'A'
5681	On 'A'
5682	On 'A'
5683	On 'S'
5684	On 'A'
5685	On 'A'
5686	On 'A'
5687	On 'A'
5688	On 'S'.

The charge should be supplemented with particulars concerning the circumstances under which the accused committed manslaughter.

526

(POLISH Cases continued)

5689 On 'A'
5690 On 'A'
5691 On 'A'.

The accused may be identical with the Hermann FEGELEIN reported dead by H.R. Trevor-Roper in his investigation of the death of Hitler. (See his book "The Last Days of Hitler", pp. 25, 170-175, 186 and 271-273)

5692 On 'A' for ill-treatment and complicity in mass murder
5693 On 'A' for murder and pillage
5694 On 'A' for torture and murder
5695 On 'A'
5696 On 'A'

JL/EGC.

527

2nd July, 1947.

Dear Mademoiselle Capionmont,

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

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

I have also to draw your attention to a further decision of the Committee taken with regard to cases submitted by the French National Office, and in this connection would refer you to the relevant paragraph on page 7, item IV(3), of the Minutes of Committee I held on 26th June, 1947, which I have pleasure in enclosing herewith.

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

Yours sincerely,

Legal Officer.
Secretary of Committee I.

Mademoiselle Capionmont,
4, Carlton Gardens,
S.W.I.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE ISummary Minutes of the Meeting of Committee I held on 10 July, 1947
at 10.30 a.m.In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner

United States of America

Members of the Commission, not Members of Committee I,
and Representatives of the National OfficesCommander Mouton
Dr. MilenkovićNetherlands
Yugoslavia

An apology for absence owing to indisposition was received from
Monsieur de Baer. In his absence Sir Robert Craigie took the Chair.

An apology for absence was also received from Dr. Neumann. In his
absence Dr. Milenković was asked to act as a member of the Committee
at its present session.

I. Minutes No. 105

Minutes of the Meeting held on 3rd July, 1947, were approved.

II. Proceedings in Individual Cases

The Committee considered 73 cases against 345 persons submitted by
the Netherlands, Yugoslavia, Poland, Denmark and Belgium, and decided
as follows:-

1) NETHERLANDS Cases

5809	1-6 on 'A' 7-18 on 'S' 19-21 on 'W'
5810	1-4 on 'A' 6 and 9 on 'S' 5, 7, 8, 10, 11 on 'W'
5811	1 on 'A' 2 on 'S' 3 on 'W'
5812	On 'S'
5813	On 'A'

2) YUGOSLAV Cases

- 5814 2 on 'A' for putting to death of hostages;
1, 3-17 adjourned for more particulars with
regard to the individual guilt of the
accused for the alleged crimes as
described in the charge.
- 5815 Adjourned for details regarding the personal
responsibility of the accused and circumstances
under which the alleged crimes were committed.
- 5816 Adjourned for more details both as regards the
alleged crime and the guilt of the accused.
- 5817 The Committee took note of a relevant extract
from the Nuremberg Judgment where it was stated
that membership alone in an organisation was not
sufficient to consider a member belonging to the
organisation as guilty of a war crime, unless
evidence had been submitted that either he had
knowledge of the criminal purposes of the organi-
sation, or that he was actually responsible for the
perpetration of a crime.
It was found that no sufficient evidence was
submitted by the Yugoslav National Office in this
case to support the statement made in the charge
that each of the accused knew of the criminal
purposes of the Einsatzstab and was in agreement
with them. Namely, it was stated in the charge
that the Einsatzstab was the highest civilian
authority in this part of Yugoslavia, and references
were made concerning functions of the organisation
other than the perpetration of crimes.
Consequently, it has neither been possible to
presume guilty knowledge of the members, nor their
personal responsibility for each of the alleged
crimes, before having more direct evidence either
on the predominant criminal nature of the organi-
sation, or on the individual guilt of the accused
for the crimes described as having been perpetrated
by the organisation as a whole.
Additional information was also required as to
the rank of the accused, in order to show what
position they held as presumed members of the
Gestapo.
The Committee accordingly decided to adjourn
the case in order that the National Office might
submit further evidence on the lines indicated above.

- 5818 1-6 on 'S' on counts vii, viii and xiv.
- 5819 On 'A'
- 5820 On 'S'

3) POLISH Cases

- 478.9 (addendum) 1-9 on 'A'
- 479.0 (addendum) 1-14 on 'S') listed as Suspects only because no
specific charges were submitted, or
493.3 (addendum) 1-105 on 'S') because extracts from statements
of witnesses were necessary to
show the link between the accused
and the crimes committed.
- 5518 On 'A'
- 5526 On 'A' for complicity in illegal arrests;
On 'S' for murder
- 5538 On 'A'

5566

On 'A' for complicity in illegal arrests, deportations and confiscations

5578

1-4 on 'A' for ill-treatment, and for complicity in deportation and murder.

4) DANISH Cases

See letter
attached of
14/7/47.

NOTE. The Committee took note that the Danish National Office, probably unaware of the present ruling of Committee I, had not substantiated the charges below by extracts from statements of witnesses in support of the evidence referred to in its charges.

The National Office is therefore requested to substantiate the charges in all future cases by extracts from statements of witnesses in support of evidence referred to, and to submit at the earliest opportunity extracts from such statements in support of all cases examined at the present meeting where the accused have been listed on 'A'.

✓ 5714

Adjourned for details concerning the circumstances under which the alleged crimes were perpetrated, and the personal part taken by the accused in their commission.

5715

On 'A'

5716

On 'A'

✓ 5717

Adjourned. Since the accused are charged only with attempts to perpetrate crimes, more particulars, and especially more substantial evidence are required.

5718

On 'A'

5719

X summary
B

On 'A'

5720

On 'A' for ill-treatment only

✓ 5721

Adjourned for additional information as to the circumstances under which the accused allegedly blew up the two buildings.

5722

On 'A'

5723

On 'A'

✓ 5724

Adjourned for more direct evidence in support of the charges.

✓ 5725

Adjourned for the submission of fuller particulars

5726

On 'A'

5727

On 'A'

5728

summary

Adjourned for more details to establish whether the alleged crime falls within the notion of "war crimes".

5729

On 'A'

5730

On 'A'

5731

On 'A'

5732

On 'A'

DANISH Cases (continued)

- 5733 On 'A' for ill-treatment
- ✓ 5734 Adjourned for details concerning the circumstances under which the alleged crimes were committed.
- ✓ 5735 Adjourned. The accused, having been charged with murder, more substantial evidence in support of the charge is required.
- ✓ 5736 Adjourned, since no particulars of evidence are given in support of the charge.
- 5737 On 'S', since more particulars are required as to how the accused was identified, especially as to whether any of the witnesses already knew his name before recognising the accused on the photograph.
- 5738 *withdrawn* Adjourned, since the alleged crime seems to represent an ordinary and not a war crime. On the other hand, the facts submitted, namely, the "state of strong intoxication" of the accused, warrants only a charge for manslaughter and not murder.
- 5739 On 'A'
- ✓ 5740 Adjourned, since particulars as they stand do not warrant the charges. More details are required as to the personal responsibility of the accused for the crimes alleged in the Short Statement of Facts.
- 5741 On 'A' for ill-treatment
- ✓ 5742 Adjourned, for details as to how and under what circumstances the victim happened to "clasp the uniform lapels" of the accused; particularly whether the accused was in the process of making an arrest on the person of the victim under a regular warrant or not.
- 5743 On 'A'
- 5744 On 'A'
- ✓ 5745 Adjourned, as the case cannot be treated as a clear one without the statements of witnesses.
- 5746 On 'A'
- ✓ 5747 Adjourned for more direct evidence as to the personal guilt of the accused.
- 5748 On 'A'
- 5749 On 'A'
- 5750 On 'A'
- 5751 On 'A' for ill-treatment only

520

DANISH Cases (continued)

5752 Or. 'A'

5753 Adjourned for more evidence as to the personal guilt of the accused in view of his denial as to his responsibility.

5754 On 'A'

5755 On 'A'

5756 On 'S' for systematic terrorism

5757 On 'A'

5758 On 'A' for ill-treatment

5759 On 'A'

5760 On 'A' for ill-treatment only

5) BELGIAN Cases

NOTE. The Committee would appreciate if the Belgian National Office would submit fuller details in French or in English, in those cases where the evidence itself is submitted in the Flemish language.

1818 (addendum) 1-11 on 'A'

1896 (addendum) 1-8 on 'A'
9 on 'S', since it has not been established whether the accused had not good reason to refuse admission of sick persons to the hospital, and to administer the medicines.

5761 1-11 on 'A'
13-14 on 'S'
12 : adjourned for evidence as to the responsibility of the accused for the policy of inhuman treatment of the victims.

5762 1-4 on 'A'

5763 1-2 on 'A'

5764 1-3 on 'A' on all counts;
4-48 on 'S' for pillage and wanton destruction of property

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE I

Summary Minutes of the Meeting of Committee I held on 17 July, 1947,
at 10.30 a.m.

In the Chair

M. de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner

United States of America

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

Major Mason
Miss Deunk

United Kingdom
Netherlands

Dr. Milenković (Yugoslavia) who was acting as
a Member of the Committee at its present session

Apologies for absence were received from Sir Robert Craigie
and Dr. Neumann.

I. Minutes No. 106

Minutes of the Meeting held on 10 July, 1947, were approved.

II. Proceedings in Individual Cases

The Committee considered 78 cases against 162 persons submitted by
the United Kingdom, the Netherlands, the United States of America,
Poland and Belgium, and decided as follows:-

1) UNITED KINGDOM Case

5862 1-5 on 'A'

2) NETHERLANDS Cases

4266 (addendum 2) 1 on 'A' for ill-treatment and on
'S' on other counts;
2 on 'W'

5859 On 'S'

5860 1 on 'A'
2 on 'W'

(NETHERLANDS Cases continued)

5861 1-3 on 'W'. As particulars stand the use of weapons resulting in destruction of property seem to have been justified by military operations. Direct evidence is required as to the individual guilt of the accused for the charge of murder and pillage.

3) UNITED STATES Cases.

5821 1 on 'A'
2 on 'W'

5822 2 on 'A'
1 on 'W'

5823 On 'A'

5824 On 'A' for ill-treatment

5825 On 'A'

5826 1-2 on 'A'

5827 On 'A' for ill-treatment and on 'S' for murder

5828 1-7 on 'A'

In all the above cases the United States National Office is requested to submit extracts from evidence in support.

4) POLISH Cases.

5765 1-43 on 'S'. Extracts from statements of witnesses mentioned on p. 3 are required for ascertaining the individual guilt of the accused for specific crimes perpetrated in the PLASZOW Camp.

5766 On 'A' for murder

5767 On 'A' for murder

5768 On 'A' for murder

5769 Adjourned. It is not clear how the witness happened to learn of the alleged murders.

5770 On 'A'

5771 On 'A'

5772 On 'A'

5773 On 'A'

5774 On 'A'

5775 On 'A'

(POLISH Cases continued)

- 5776 On 'S' pending submission of more details of the actual part taken by the accused in the commission of crimes reported by the witness.
Attached sketch (p.4) of the accused's profile should be sent to the apprehending authorities.
- 5777 On 'A'
- 5778 On 'A' for ill-treatment and pillage
- 5779 On 'A' for deportation
- 5780 On 'A' for ill-treatment. Charges for murder should be supplemented by more substantial extracts from statements of witnesses.
- 5781 On 'A'
- 5782 On 'S'. A clear statement as to how the witnesses knew of the alleged crimes is required.
- 5783 On 'S'. A similar statement as above is required.
- 5784 On 'S'. A similar statement as above is required.
- 5785 On 'A'
- 5786 On 'S'. A clear statement as to how the witnesses knew of the alleged crimes is required.
- 5787 On 'S' A similar statement as above is required.
- 5788 Adjourned. More particulars are required as to the ill-treatment of the workers by the accused. The slapping of WALLAS is a very minor case and pending further details the accused cannot be held responsible for the subsequent fate of WALLAS.
- 5789 On 'A' for ill-treatment.
- 5790 On 'A' for ill-treatment
- 5791 1-4 on 'S' pending submission of more substantial extracts from statements of witnesses.
- 5792 On 'A'
- 5793 Adjourned. Supplementary evidence is required concerning the personal responsibility of the accused for the policy of deportation and more details should be presented regarding the actual carrying out of that policy
- 5794 Adjourned. Fuller details are required regarding both the alleged crimes and the guilt of the accused.
- 5795 Adjourned. An extract from the statement given by the accused himself should be submitted.
- 5796 Adjourned. The case should be supplemented with information concerning the circumstances under which the alleged crimes were committed, and regarding the position (rank, etc.) held by the accused.
- 5797 1-2 on 'S' pending submission of fuller details and

(POLISH Cases continued)

- (5797 continued) and extracts from evidence regarding the personal guilt of the accused.
- 5798 On 'S' pending submission of fuller extracts from the evidence, if possible of extracts from the orders allegedly issued by the accused.
- 5799 1-2 on 'A' for ill-treatment
- 5800 On 'A' for ill-treatment
- 5801 On 'A' for ill-treatment.
- 5802 Adjourned. Fuller details and extracts from the evidence are required.
- 5803 On 'A' for ill-treatment
- 5804 On 'A' for ill-treatment
- 5805 On 'A'
- 5806 Adjourned. Fuller details and more direct evidence are required.
- 5807 On 'S' pending submission of more substantial extracts from statements of witnesses as to the circumstances under which the alleged crimes were committed.
- 5808 On 'A' for ill-treatment
- 5829 On 'A' for complicity in systematic terrorism
- 5830 1-3 on 'S' pending submission of fuller particulars, including places and dates of the alleged crimes.
- 5831 On 'S'. With reference to the ruling concerning denunciation, evidence is required as to the knowledge of the accused for the criminal consequences of his acts. Concrete details regarding actual cases of denunciation are also required.
- 5832 On 'A'
- 5833 On 'S' pending submission of fuller details and extracts from evidence.
- 5834 Adjourned. The charge should be supplemented with particulars as to whether the victim had been arrested by the accused for an offence and what offence.
- 5835 On 'S' for murder. It should be made clear whether the action of "pacification" in the course of which inhabitants were murdered consisted in military operations or not.
- More details are required regarding the circumstances under which the Jewish shopkeeper and his wife were killed.
- 5836 On 'A'

575

(POLISH Cases continued)

5837	On 'A'
5838	On 'A'
5839	On 'A'
5840	On 'A'
5841	On 'A'
5842	On 'A'
5843	On 'A'
5844	On 'A' for torture
5845	On 'A'
5846	Adjourned. Fuller details are required concerning the ill-treatment of inhabitants, as well as whether the execution was justified or not with regard to the innocence of the victims.
5847	On 'A'
5848	On 'A'
5849	On 'A'
5850	On 'S'. A clear statement as to how the witness learned of the alleged crimes is required.
5851	On 'A'
5852	On 'A'
Duplicate 5853 of case 5419	1-3 on 'S' pending further evidence as to whether or not the taking away of the medical equipment was justified.
5854	On 'A'
5855	On 'A'
5856	Adjourned. Fuller details concerning concrete cases are required.
5857	On 'A'
5858	On 'A'

5) BELGIAN Case.

4161 (addendum) On 'A' for ill-treatment.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 25th July,
1947 at 10.30 am.

In the Chair

Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

Sir Robert Craigie
Mr. Kintner

United Kingdom
United States of America

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

Monsieur Heisbourg
Commander Mouton

Luxembourg
Netherlands

I. Minutes No. 107.

Minutes of the Meeting held on 17th July, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered 78 cases against 386 persons submitted by the Netherlands, Luxembourg, Poland, the United States, and Belgium, and decided as in the Annex.

III. Priority List submitted by Denmark.

With regard to the issuing of a further Priority List, Monsieur de BAER drew attention to the fact that so far the Commission had received no information from the apprehending authorities of any practical results with regard to the First Priority List issued in March, 1947.

The Committee was of the opinion, therefore, that examination of further Priority Lists submitted by the National Offices should be discontinued for the time being until definite information was forthcoming to the effect that the Lists were serving a practical and useful purpose.

The Secretary was accordingly instructed to advise the Danish National Office of the Committee's present decision to adjourn examination of the Priority List for the time being.

IV. Closing of 61st List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals, (No. 61), to include cases accepted by the Committee between 20th June and 17th July, 1947, inclusive.

ANNEX TO MINUTES NO. 108 OF THE MEETING OF COMMITTEE I HELD ON
25th JULY, 1947.

1) NETHERLANDS Cases.

- | | |
|------|--|
| 5931 | On 'A' |
| 5932 | 1 on 'A'
2-3 on 'W' |
| 5933 | 1 on 'A' on all counts
2 on 'A' for arson
3-6 on 'S' |
| 5934 | 1 on 'A'
2-5 on 'W' |
| 5935 | 1 on 'S'
2-4 on 'W' |

2) LUXEMBOURG Cases.

NOTE

The Committee took note that the Luxembourg National Office, probably unaware of the present ruling of Committee I, had not substantiated the charges below by extracts from statements of witnesses in support of the evidence referred to in its charges.

The National Office is therefore requested to substantiate the charges in all future cases by extracts from statements of witnesses in support of evidence referred to, and to submit extracts from such statements in support of cases examined at the present meeting. Details are required both as regards concrete cases and the personal responsibility of the accused for the commission of the alleged crimes. Particulars regarding actual criminal offences, times and places of their commission and the actual part taken by the accused in their perpetration are especially relevant.

With regard to the charges concerning denationalisation of Luxembourg nationals, the Committee requested further substantial evidence in order to establish that the accused were directly implicated in the policy of denationalisation, and in particular whether they were in a sufficiently influential official position as to be responsible in some measure for initiating and carrying out such a policy.

- | | |
|----------------|--|
| 5863 | Adjourned in order that the case might be more fully substantiated. |
| 5864 | On 'S' for deportation, pending submission of extracts from evidence in support. |
| 5865)
5866) | Adjourned, in order that the cases might be more fully substantiated. |
| 5867 | On 'S' for deportation, pending submission of extracts from evidence in support |
| 5868 | Adjourned, in order that the case might be more fully substantiated. |

(LUXEMBOURG Cases continued)

- 5869 On 'S' for murder, pending submission of extracts from evidence in support.
With regard to the order issued by the accused to shoot Allied airmen prisoners-of-war in July, 1944, the Committee took note of the fact that such an order was very likely the direct result of instructions emanating from a conference at Hitler's Headquarters in June of the same year.
- 5870 On 'A' for murder and ill-treatment subject to an undertaking by the representative of the National Office to submit extracts from evidence in support of the crimes alleged.
- 5871 On 'A' for deportation
- 5872 Adjourned, in order that the case might be more fully substantiated
- 5873 On 'S' for ill-treatment pending submission of extracts from evidence in support
- 5874 On 'S' for deportation
- 5875 to 5880 Adjourned, in order that the cases might be more fully substantiated.
- 5881 Rejected, as there was no evidence of a war crime having been committed.
- 5882 Adjourned, in order that the case might be more fully substantiated.
- 5883 On 'S' for pillage, pending submission of extracts from evidence in support
- 5884 Adjourned, in order that the case might be more fully substantiated, particularly with regard to the personal responsibility of the accused for the arrest and ill-treatment of Luxembourg subjects.

3) POLISH Cases.

- 5885 On 'A'
- 5886 On 'A'
- 5887 On 'A'
- 5888 On 'A'
- 5889 On 'A'. (Priority Case).
- 5890 On 'A'
- 5891 On 'A'
- 5892 Adjourned, in order that the National Office might substantiate the case more fully with regard to the requisitioning of premises and equipment, giving more specific details regarding actual charges.

(POLISH Cases continued)

5893	On 'A'
5894	1-3 on 'A'
5895	On 'A' for ill-treatment
5896	On 'A' for ill-treatment
5897	Adjourned. With regard to the charge of pillage, the National Office was requested to supplement the charge with fuller details concerning each of the individuals accused in order to establish whether the valuables were, in fact, removed illegally, and whether the accused, in virtue of their position, could be held responsible for their removal or were instruments of a definite policy emanating from Berlin. As regards the other crimes allegedly committed by the accused (e.g. ill-treatment, wanton destruction of property, etc.) the Committee suggested that the National Office should present separate charges giving fuller details regarding the actual offences.
5898	On 'A'
5899	On 'A' for ill-treatment
5900	On 'A'
5901	On 'A'
5902	On 'A'
5903	On 'A'
5904	1-2, 4-5 on 'A' 3 on 'S'
5905	On 'A'
5906	On 'A' for ill-treatment
5907	On 'A'
5908	On 'A'
5909	On 'A'
5910	On 'A'. <u>(Priority Case)</u> .
5911	On 'A'
5912	On 'A'
5913	On 'A'
5914	On 'A'

4) UNITED STATES Cases.

5917-5930

The Committee was of the opinion that although it might be presumed that the accused, as leading members of the firm of Krupps, were undoubtedly involved in the crimes alleged, the particulars given in the charges presented were not sufficiently substantiated, and the evidence submitted was in too general terms.

Mr. KINTNER said he would undertake to supplement the charges with a copy of the Indictment to be used in the impending trial of the accused, which would cover the points raised by the Committee. Subject to Mr. Kintner's undertaking, therefore, the Committee decided to list the accused in charges 5917-30 on 'A'.

5) BELGIAN Cases.

Addenda

902

1 on 'A'
2 on 'S'

1105

1-4 on 'A'

1894

On 'A'

2584

On 'A' for ill-treatment only

3174

229-239, 241-245 on 'S'
1-228 and 240 on 'W'

Although the practice of the Committee was generally against the listing of such a large number of individuals as witnesses in any one case, it was felt that an exception to the rule was justified in this case in view of the particular nature of the crime involved.

New Cases.

5915

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

5916

1-2 on 'W'

3724

1.411
517

14th July, 1947

Dear Dr. Schram-Nielsen,

/ I have pleasure in enclosing herewith a copy of the Minutes of the meeting of Committee I held on 10th July, 1947, and in drawing your special attention to the NOTE on page 3 regarding cases submitted by your National Office.

In this connection I would also draw your attention to item II (Questions of Procedure) of the Minutes of 22nd May, where it will be observed that the Committee decided to confine itself at the present stage of its work to the more serious and important cases of war crimes, and to request the National Offices concerned to submit future cases with fuller evidence than has been done hitherto.

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

Yours sincerely,

R. ZIVKOVIC
Acting Secretary of Committee I

Dr. E. Schram-Nielsen,
Danish Embassy,
29, Pont St.,
S. W. 1.

Embassy
Danish Legation

22, Pont Street.

London, S. W. 1.

1.411

1.412

Ref. S.B.4.a. 516

15th July, 1947.



Dear Dr. Sivkovic,

I am much obliged to you for your letter of the 14th inst. with which you were good enough to enclose a copy of the minutes of Committee I's meeting on the 10th inst.

I shall of course immediately inform the Danish Authorities concerned according to the request of the Committee I, but I would like to point out to you - as I did the other day to Dr. Litanski - that so far statements of witnesses have never been supplied by the Danish Authorities and that therefore they had no reason to expect that it would be demanded in these cases.

Yours sincerely,

Dr. J. Sivkovic,
Acting Secretary of Committee I,
United Nations War Crimes Commission,
Imperial Palace,
Belgrade, Yugoslavia.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 30th July 1947, at 3.30 pm., continuing on 31st July, 1947, at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner
Commander Mouton

United States of America
Netherlands
(who was acting as a Member of
Committee I at its present session)

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

Major Mason
Mlle Capiomont

United Kingdom
France.

I. Minutes No. 108.

Minutes of the Meeting held on 25th July, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered 113 cases, against 822 persons submitted by the United Kingdom, the Netherlands, France, and Poland, and decided as in the Annex.

III. Case of Johann MAJOR or MAYER, listed by Poland (Doc. I/91).

In view of the evidence submitted through the British War Crimes Group in regard to the above-named, the Committee was of opinion that the case should be re-considered, and that the Polish National Office be requested to submit further evidence, especially in the form of complete affidavits of witnesses.

In the meantime it was decided that a reply should be transmitted to the War Crimes Group through the Office of the Judge Advocate General, to the effect that the Committee were re-considering the case, and that a final decision would be communicated in due course. The Committee desired to express to the authorities concerned its appreciation of the transmission of additional evidence. Such evidence with regard to any other particular case would always be of great value to the Committee.

IV. Case of Paul KNULL, listed by Poland (Doc. I/92).

In view of the communication received from the British War Crimes Group, the Committee agreed to re-consider the case with regard to the above-named, and to request the Polish National Office to submit further evidence, especially in the form of complete affidavits of witnesses.

It was decided that a reply should be communicated to the British War Crimes Group, through the Office of the Judge Advocate General, pointing out that Paul KNULL had already been charged on evidence submitted by the Polish National Office, and had been listed by the Commission, but the Committee had decided to re-consider the case in the light of further evidence to be submitted by the National Office. In the meantime the accused should be held in custody pending the Committee's final decision.

V. ENQUIRY FROM THE ITALIAN GOVERNMENT.

Sir Robert CRAIGIE informed the Committee that the United Kingdom Foreign Office had received a communication from the Italian Government with regard to the future procedure to be followed in obtaining information concerning Italians charged with war crimes whose extradition was requested. Since it was no longer possible to refer to the occupying authorities, the Italian Government had enquired whether it could apply for such information direct to the Commission.

Sir Robert said that it had seemed desirable that an answer should be communicated without delay, and he had therefore undertaken to reply on behalf of the Committee; his reply being to the effect that if the Italian Government desired information concerning a particular individual, it was advised to apply direct to the Commission for such information.

In connection with this particular question Sir Robert drew the attention of the Committee to a joint Report by Committees I and III, which had been adopted by the Commission on 26th March, 1947, Doc. C. 252 (I). In that Report it was stated that no decision was suggested on the question whether or not the lists of the United Nations War Crimes Commission containing the names of Italian war criminals should be communicated to the Italian Government or to the four Ambassadors of the Great Powers in Rome; a decision on the question would only be sought if and when the Italian Government asked for the communication of the lists. Sir Robert suggested that perhaps the Committee might wish to re-consider that decision.

Mr. KINTNER stated that in the absence of instructions from his Government he was not in a position to express an opinion as to whether or not the lists should be communicated to the Italian Government or to the four Ambassadors of the Great Powers in Rome.

The Committee was in complete agreement with the reply given by Sir Robert Craigie to the Italian Government. With regard to the question concerning the transmission of the Commission's lists, it was thought desirable that the Commission should be kept informed, at any rate for the time being, of those individuals whom the Italian Government were considering for surrender under the terms of the Peace Treaty. The Committee was therefore unanimously of the opinion that the matter should be left as it stood until such time as the Italian Government requested communication of the lists.

VI. Closing of 62nd List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 62), to include cases accepted by the Committee between 18th July and 31st July, 1947, inclusive.

ANNEX TO MINUTES NO. 109 OF THE MEETING OF COMMITTEE I HELD ON
30th and 31st JULY, 1947.

1) UNITED KINGDOM Case.

New Case.

5971 1-3 on 'A'

2) NETHERLANDS Cases.

Adjourned Case.

4980 1-2 on 'A' in view of a statement made by Commander Mouton to the effect that military operations were taking place in the immediate neighbourhood.

Addenda.

2469 1, 4, '5' on 'A' on counts indicated
2 on 'A' for ill-treatment and illegal arrest only, and
3 and 6 on 'W' on 'W' for murder.

2637 1 on 'A'
2 on 'W'

4977 2 on 'S' for complicity in murder
1 and 3 on 'W'

New Cases.

6041 1 on 'A' for torture
2-3 on 'W'

6042 1 on 'A' for ill-treatment
2-3 on 'W'

6043 On 'A'

3) FRENCH Cases.

NOTE: In order to comply with the present requirements of the Committee, and as previously indicated, it would be appreciated if the French National Office would in future submit further evidence in all cases in the form of extracts from statements of witnesses in support of the crimes alleged.

Addendum

3098 1-480 on 'S'

New Cases.

5972 1 on 'A'
2 on 'W'

507

(FRENCH Cases continued)

- | | |
|------|---|
| 5973 | Adjourned. The case should be supplemented with information as to whether the alleged crimes were committed during military operations. |
| 5974 | 1 and 2 on 'A' |
| 5975 | On 'A' |
| 5976 | 1 on 'A'
2-29 on 'S' |
| 5977 | 1 on 'A' for systematic terrorism, torture and pillage
2, 5-9 on 'A' for systematic terrorism and pillage
3-4, 10-11 on 'S' |
| 5978 | On 'A' |
| 5979 | 1-4 on 'A' |
| 5980 | 1-2 on 'A' |
| 5981 | On 'A' |
| 5982 | 1 on 'A'
2-14 on 'S' |
| 5983 | 1-3 on 'A' |
| 5984 | 1 on 'A'
2-3, 5-7, 9-10 and 12 on 'S'
4, 8, 11 on 'W' |
| 5985 | 1 on 'A'
2-3, 6-10 on 'S'
4-5, 11-14 on 'W' |
| 5986 | Adjourned. More particulars were required concerning the nature of the mission carried out by the victim and the way in which each of the accused was personally involved in the killing of the victim. |
| 5987 | 1 on 'A'
2-35 on 'S' |
| 5988 | 1 on 'A' on all counts
2 and 6 on 'A' for murder
3-5, 7-20 on 'S' |
| 5989 | 1, 4, 18 on 'A'
2, 3, 5, to 17, 19-36 on 'S' |

4) POLISH Cases.

NOTE: The Committee would appreciate if in cases indicated below, and in all future cases involving individuals of Polish nationality, the National Office would indicate whether the individuals concerned still retained their Polish nationality, or whether they had assumed German nationality

.....

(POLISH Cases continued)

(NOTE, continued) during the war and at the time of the alleged crimes.

It is further requested that with regard to the submission of evidence in support of alleged crimes, the Polish National Office would submit such evidence from more than one witness.

New Cases.

- 5936 On 'S'. In view of the fact that the charge was mainly based upon the testimony of the accused himself, the National Office was requested (1) to furnish information concerning the circumstances under which the accused made his confession, and (2) whether any other testimony was available in which the accused attempted to justify his alleged acts of ill-treatment.
- 5937 1-4 on 'A'
- 5938 On 'A' for ill-treatment and complicity in deportation
- 5939 On 'S' pending submission of further evidence concerning the actual responsibility of the accused for the crimes alleged, apart from his official position; and also further confirmatory evidence of other witnesses with regard to the murder of hospital inmates.
- 5940 On 'A'
- 5941 On 'A'
- 5942 Adjourned for further information necessary to establish that the accused was an accomplice in the commission of a war crime,
- 5943 On 'A'
- 5944 On 'A'
- 5945 On 'A'
- 5946 On 'A'
- 5947 On 'A'
- 5948 Adjourned in order that the National Office might furnish information as to the nationality of the accused. (See NOTE above).
- 5949 On 'S' pending submission of more substantial extracts from evidences showing the actual cases where the accused issued orders for the commission of the crimes
- 5950 On 'S'. Information was required as to whether the execution took place as a result of a trial
- 5951 On 'A'

(POLISH Cases continued)

5952	On 'A'
5953	On 'A'
5954	On 'A'
5955	On 'A'
5956	On 'S' pending submission of further evidence that the arrests were not justified by the necessity to suppress disorder
5957	On 'S' pending submission of further evidence showing that no trials of the victims had taken place and no orders were given for the executions from higher authority
5958	On 'A'
5959	On 'A'
5960	On 'S'. Information was required concerning the reason for which the accused issued the order for the execution
5961	On 'A' for ill-treatment only. Further evidence was required in order to substantiate the charge of murder
5962	On 'A'
5963	On 'A'
5964	On 'A'
5965	On 'A'
5966	On 'A'
5967	On 'A'
5968	On 'A'
5969	On 'A'
5970	On 'A'
5990	1-2 on 'A' for ill-treatment only. Further evidence was required in order to substantiate the charge of murder
5991	On 'A'
5992	Adjourned. Extracts from documentary evidence were requested in order to establish the personal guilt of the accused.
5993	Adjourned for information as to the nationality of the accused. (See NOTE above). Extracts from evidence in support of each of the accused were also required.

(POLISH Cases continued)

5994	Rejected. The charge seemed to warrant only treason and not a war crime.
5995	On 'A'
5996	On 'A'
5997	1-2 on 'A' for complicity in deportation
5998	On 'A'
5999	Adjourned. More information was requested in order to substantiate the charge of murder. Information was also required concerning the circumstances under which the letter of the accused's wife was written, and whether or not it was written to the accused personally
6000	On 'A'
6001	On 'A' for ill-treatment
6002	On 'A' for ill-treatment
6003	On 'A' for ill-treatment
6004	On 'A'
6005	1-4 on 'A'
6006	1-2, 4-5 on 'A' 3 on 'W'
6007	On 'A'
6008	On 'A'
6009	On 'A'
6010	On 'A'
6011	On 'A' for murder and ill-treatment
6012	On 'A'
6013	On 'A'
6014	On 'A'
6015	On 'A'
6016	On 'A' for ill-treatment
6017	On 'A'
6018	On 'A'. <u>(Priority Case)</u> .
6019	On 'A'
6020	On 'A'
6021	On 'A'

(POLISH Cases continued)

- 6022 Adjourned. More details were required concerning the 16 inhabitants and the circumstances under which they had been denounced and deported.
- 6023 On 'A'
- 6024 On 'A'
- 6025 On 'A'
- 6026 On 'A'
- 6027 Adjourned. Fuller details were required to prove that the acts committed by the accused were not justified by the laws and customs of war.

Information was required as to the nationality of the accused. (See NOTE above).
- 6028 On 'A'
- 6029 Adjourned for further extracts from the testimony of additional witnesses. Information was also required as to the nationality of the accused. (See NOTE above).
- 6030 On 'A' for illegal arrests and ill-treatment
- 6031 On 'A'
- 6032 On 'A' for ill-treatment
- 6033 On 'A' on all counts except murder
- 6034 On 'A'
- 6035 On 'A' for ill-treatment
- 6036 On 'A' for ill-treatment
- 6037 On 'A'
- 6038 On 'A' for ill-treatment
- 6039 On 'A'
- 6040 On 'A'

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 13th August, 1947, at 10.30 a.m., continuing on 14th August, 1947, at 10.45 a.m.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Lord Wright	Chairman of the Commission
Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia

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

Major Mason	United Kingdom
Captain Smith	United Kingdom
Mlle Gapiemont	France
Commander Mouton	Netherlands
Colonel Muszkat	Poland
Professor Piotrowski	Poland
M. Zimonjić	Yugoslavia.

The Chairman extended a welcome to Professor Piotrowski, who will represent Colonel Muszkat during his absence from London.

I. Minutes No. 109.

Minutes of the Meeting held on 30th and 31st July, 1947, were approved.

II. Case of Dr. NIETHAMMER, Listed by Poland (Doc. I/93).

The Committee considered certain correspondence and documents submitted on behalf of Dr. Niethammer, who was at present in the custody of the Polish authorities, after being handed over by the British Military authorities in November, 1946. The Polish National Office had, in March, 1947, submitted a charge to the Committee involving personnel of the Auschwitz Concentration Camp, on the basis of which Niethammer, in his capacity as a guard of the camp, had been listed as a Suspect.

It was pointed out that since Niethammer was already in Polish custody the Commission had no jurisdiction in the matter. The only question which concerned the Committee was whether or not he should remain on the Commission's Lists of Suspects in view of the additional evidence submitted.

.....

Dr. MUSZKAT explained that Niethammer had been handed over to his Government as a result of preliminary investigations made by the British authorities. At the present time the Polish authorities were conducting their own investigations with regard to the accused, and were already in possession of the evidence submitted by the Counsel for the Defence, which would, of course, be taken into consideration. Dr. Muszkat said the results of the investigations would be available in the near future, and he would suggest that further consideration of the case be adjourned until such time as he could acquaint the Committee with those results.

The Committee agreed that when further information from the Polish National Office was forthcoming, the case should be re-considered.

It was decided that a reply should be communicated to Dr. Niethammer's lawyer pointing out that since Niethammer was already delivered to the Polish authorities, the matter was not one in which the Commission could intervene. The Commission, however, was in touch with the Polish authorities, and if any helpful information was forthcoming the Commission would not hesitate to communicate such information to Dr. Hasche.

III. Future of CROWCASS (Doc. I/94).

The Committee considered a memorandum from CROWCASS concerning the future of that organisation and its eventual winding up at the end of 1947 or at the beginning of 1948. With regard to the request from Major Lewis, Director, for an expression of the Secretary-General's views on the matter, the Committee suggested that the only question on which it was possible to express an opinion at the present moment was that concerning the proposal to transfer all the files and records of CROWCASS to the United Nations War Crimes Commission. As the Commission quite obviously had no facilities for taking delivery of such material, it was advisable that CROWCASS should be thus informed. The Committee suggested that CROWCASS should further be informed that the Commission was not prepared at the present time to offer any practical proposals in regard to the matter as a whole; if, however, it was felt at some future date that the Commission's advice would be helpful in regard to a specific question, then the Commission would be willing to consider such a question if submitted to it.

IV. Proceedings in Individual Cases.

The Committee considered 145 cases, against 405 persons, submitted by the United Kingdom, the Netherlands, France, and Poland, and decided as follows:

1) UNITED KINGDOM Cases.

6044	1-3 on 'A'
6045	1-3 on 'A'
6046	1-10 on 'A'
6047	1-22 on 'A'

.....

(UNITED KINGDOM Cases continued)

6048 1-2 on 'A'
6049 On 'A'
6177 On 'A'

2) NETHERLANDS Cases.

4978

In view of the information submitted in the case that the accused were already sentenced for the alleged crimes by a German Court Martial, it was decided to adjourn the case on the understanding that it will be re-considered at a future date if and when the statement of the accused alleging that the sentences imposed had been served by them will prove to be a false one.

4640 (addendum)

1-9 on 'A'
10 on 'S'
11-13 on 'W' } for pillage only

6050

On 'A'

6051

1-2 on 'A'
3-6 on 'W' } for ill-treatment only
3-4 were put on 'W' only as the case against them was too minor a one.

6052

1 on 'A'
2 on 'W'

6053

1 on 'A'
2 on 'W'

6178

1-7 on 'A'
8-12 on 'W'

6179

1 on 'S'
2-5 on 'A'
6-8 on 'W'

6180

1-3 on 'A' for ill-treatment resulting in death.
4-6 on 'W'

3) FRENCH Cases.

217 (addendum 8)

In view of the additional statement now submitted by the National Office the accused 1-6 were listed on 'A'.

5510

HECK had already been listed on 'A'
BERNSHAUSEN and DOERR (accused 5 and 6) on 'S'

In regard to accused 2-4 and 7 the case remains adjourned.

5512

2-4 on 'S'

.....

(FRENCH Cases continued)

- 3389 (addendum 1) Adjourned. The National Office was requested to supplement the case with the accused's ranks and functions, and information as to the alleged crimes.
- 4747 (addendum 3) On 'S'
- 6054 1-5 on 'A'
- 6055 On 'A'
- 6056 On 'A':- 1-11, 13, 14, 21-23, 39 and 46.
On 'S':- 12, 15-20, 24-35, 38, 40-45, 47-52
54, 56-57.
On 'W':- 36-37, 53, 55, 58-65.
- 6057 1-2, 4-7 10, on 'A'
3 and 8 on 'S'
9 on 'W'
- 6058 On 'A'
- 6059 On 'A'
- 6060 1-7, 9, 13-18, 22, 23, 25, 26, on 'A'
10-12, 19-21, on 'S'
8 and 24 on 'W'
- 6061 On 'A'
- 6062 On 'A'
- 6063 1 on 'A'
2-8 on 'S'
9 on 'W'
- 6064 On 'A'
- 6065 1, 2, 5, 7, 8, 10, 11, on 'A'
3, 4, 6, 9, 12, on 'S'
- 6066 1-6 on 'A'
7-12 on 'S'
13 on 'W'

4) POLISH Cases.

- 6159 On 'A'
- 6160 1-2 on 'A'
- 6161 1-2 on 'A'
- 6162 1-2 on 'A'. (Priority Case).
- 6163 1-2 on 'A'
- 6164 On 'A'

.....

(POLISH Cases continued)

- 6165 1-2 on 'A' for murder, ill-treatment and complicity in deportation.
3 on 'W' pending submission of more evidence as to facts and responsibility of this accused.
- 6166 On 'A'
- 6167 On 'A'
- 6168 On 'A' on the first charge only
- 6169 On 'A'
- 6170 On 'A' for illegal arrests
- 6171 On 'A'
- 6172 1-3 on 'A' as submitted by the National Office except that the qualification of "exaction of illegitimate contributions" should be changed to "extortion of private property".
- 6173 On 'A'
- 6174 On 'A'
- 6175 On 'A'
- 6176 On 'A'
- 6067 Adjourned. In view of the fact that the activities of the accused appear to be those of a spy, which does not in itself represent a war crime, the National Office was requested to submit evidence to the effect that the accused by denouncing innocent persons knowingly caused illegal arrests or was aware of the fact that such arrests would result in the commission of war crimes.
- 6068 It was decided to list the accused on 'A' for complicity in illegal arrests in view of a statement made by the Representative of the National Office which is to be submitted in writing to the Committee during this week. The question whether on account of his presumed Polish nationality the accused was to be regarded as a traitor or as a war criminal was found to be immaterial on the basis of the evidence orally communicated by the Representative of the National Office that the accused actually took part as an accomplice in illegal arrests.
- 6069 1-4 on 'A' for ill-treatment
3 on 'S' also for murder
- 6070 On 'A'
- 6071 1-2 on 'A' for ill-treatment
- 6072 1-5 on 'A' for ill-treatment and complicity in deportation.
- 6073 On 'A' for pillage.

(POLISH Cases continued)

6074	1-2 on 'S' for complicity in illegal arrests.
6075	1-2 on 'A'
6076	On 'A' for ill-treatment
6077	On 'A' for ill-treatment and pillage
6078	On 'A'
6079	On 'A'
6080	On 'A'
6081	On 'A' for ill-treatment
6082	On 'A'. <u>(Priority Case)</u> .
6083	On 'A'
6084	1-2 on 'A'
6085	On 'A'
6086	On 'A'
6087	On 'A' for ill-treatment resulting in death
6088	On 'S'. Fuller details were required concerning the conduct of the trial and the charges brought before it against the victims.
6089	On 'S'. More details were required concerning the circumstances under which the alleged crimes were perpetrated, as well as statements of more witnesses.
6090	On 'S', pending submission of more substantial details.
6091	On 'A' for torture. More details were required concerning the alleged murders.
6092	On 'A'
6093	On 'S', pending submission of more substantial details.
6094	On 'A'
6095	On 'A'
6096	Adjourned pending submission of more details regarding the circumstances under which the mass execution took place.
6097	On 'A'
6098	Adjourned, pending submission of more details regarding the alleged murder.
6099	Adjourned. The National Office was requested to submit fuller particulars and to support the charges with statements of more witnesses.

POLISH Cases continued)

- 6100 On 'S' for ill-treatment. Details concerning the actual cases of denunciation were required.
- 6101 On 'S' for complicity in illegal arrests. More details were required regarding the actual murder of 17 arrested Poles and the personal responsibility of the accused for the murder
- 6102 Adjourned. More details regarding the alleged crimes and the guilt of the accused were required.
- 6103 On 'S'. The National Office was requested to submit information regarding the position held by the accused in the Gestapo, and also to show whether the witness is an eye-witness or learnt the facts from other persons.
- 6104 On 'A' for systematic terrorism and pillage.
- 6105 On 'S' pending submission of more particulars.
- 6106 On 'S'. The National Office was requested to make clear whether the evidence is based on hear-say or upon direct knowledge of the witness.
- 6107 On 'A' for torture
- 6108 On 'A'
- 6109 On 'A'
- 6110 On 'A' for ill-treatment
- 6111 1-3 on 'S'. The National Office was requested to submit more particulars concerning the circumstances under which the alleged murders took place.
- 6112 On 'A'
- 6113 On 'S' pending submission of more details regarding the circumstances under which the alleged crimes were committed
- 6114 On 'S' pending submission of more details regarding the circumstances under which the alleged crimes were committed.
- 6115 Adjourned. Fuller details were required, particularly concerning the personal responsibility of the accused for the deportations and mass executions.
- 6116 Adjourned. Full details of the circumstances under which the alleged murder took place were required.
- 6117 On 'S' pending submission of more particulars
- 6118 On 'A' for ill-treatment and on 'S' for murder.
- 6119 On 'A' for torture
- 6120 On 'S' pending submission of fuller details.

(POLISH Cases continued)

- 6121 On 'S' pending submission of fuller details
- 6122 On 'A'
- 6123 On 'A' for torture
- 6124 On 'A'. (Priority Case).
- 6125 On 'A'
- 6126 On 'A' for murder and torture
- 6127 On 'S' for ill-treatment
- 6128 On 'S'. The National Office was requested to make clear whether the evidence is based on hear-say or upon direct knowledge of the witness.
- 6129 Adjourned. Details regarding the personal responsibility of the accused were required.
- 6130 Rejected on the grounds that the alleged offences do not represent a war crime.
- 6131 On 'S' for pillage. Details regarding concrete cases of theft were required.
- 6132 On 'S'.
- 6133 On 'S'. Fuller details of the circumstances regarding the alleged murder were required.
- 6134 On 'S' pending submission of more details.
- 6135 1 on 'S' for ill-treatment.
2 adjourned. More details regarding the actual part taken by the accused in the alleged crimes were requested from the National Office.
- 6136 On 'S'. Details were required regarding concrete cases of arrests and deportations carried out upon the accused's orders.
- 6137 On 'A'
- 6138 On 'S'. The National Office was requested to submit statements of more witnesses with more particulars.
- 6139 Adjourned. This case being concerned with military operations, fuller details of the circumstances under which the alleged crimes were committed were required.
- 6140 Adjourned. The National Office was requested to make clear whether the knowledge of the witnesses was based on hear-say or on direct knowledge of the facts and of the guilt of the accused. It was also requested to support the charge of illegal judicial proceedings by an official investigation of the Polish authorities.

(POLISH Cases continued)

- 6141 On 'S'. The National Office was requested to submit more particulars concerning the actual cases of ill-treatment and executions, and support the charges by statements of more witnesses.
- 6142 On 'A'
- 6143 On 'A' for ill-treatment
- 6144 On 'S' pending submission of more details.
- 6145 On 'A' on the understanding that further particulars are submitted by the National Office.
- 6146 On 'A' for torture
- 6147 Adjourned. The National Office was requested to submit concrete instances of the alleged crimes.
- 6148 On 'A'
- 6149 On 'S'. Information regarding the official position of the accused was requested from the National Office as well as the information whether the statements of the witnesses is based upon hear-say or direct knowledge of the facts.
- 6150 1-2 on 'A'
3 on 'S'
- 6151 On 'A'
- 6152 1 on 'A'
2 on 'S'
3 - adjourned. The National Office was requested to submit particulars showing whether this accused knowingly provided transport in connection with the crimes perpetrated.
- 6153 Adjourned. The National Office was requested to submit particulars regarding actual cases of ill-treatment and fuller details regarding the throwing of the bomb and its connection with the subsequent crimes committed against Polish nationals.
- 6154 On 'A'
- 6155 On 'A'
- 6156 On 'A' for ill-treatment
- 6157 On 'A' for ill-treatment and pillage
- 6158 On 'S'
- 6205 On 'A' for complicity in murder and ill-treatment (Medical experiments).

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 4th
September, 1947, at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Neumann	Czechoslovakia
Mr. Zeman	Czechoslovakia.

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

Major Mason	United Kingdom
Miss Goold-Adams	Belgium
M. Dimitrijević	Greece
Commander Meunier	Netherlands
Professor Piotrowski	Poland
Dr. Milenković	Yugoslavia
M. Zimonjić	Yugoslavia
<u>Secretary to the Committee:</u>	Dr. J. Litawski (Legal Officer)

I. Minutes No. 110.

Minutes of the Meeting held on 13th and 14th August,
1947, were approved.

II. Preparation of charges (evidence).

The Committee considered a letter dated 14th August, 1947,
received from M. Zimonjić of the Yugoslav National Office, the text
of which was as follows:-

"We have in this Office a large number of charges,
probably between 300-400, which were prepared in Belgrade
before the Commission decided that additional evidence, such
as extracts from statements etc., should be included in the
charge. We have written to Belgrade to ask for the information
required, but to collect this extra evidence from the files,
make the necessary translations etc. will take, we think, at
least 2-3 months.

"These charges have, of course, been drawn up on
the basis of substantial evidence which is in the possession
of our State Commission, and in view of this we are proposing
to submit a number of charges to the Commission each week, as

"we feel it will be easier for your office, as well as our own, to do this rather than to send in a very large number at one time, and at a much later date.

"We trust you will agree to this proposal, and in the meantime we will endeavour to obtain the required evidence".

Sir Robert CRAIGIE said that he himself fully appreciated the technical difficulties encountered by the National Offices in regard to the preparation and submission of their charges; nevertheless, the fact remained that the Committee had taken a decision, as long as three months ago, whereby cases were required to be substantiated by extracts from evidence upon which the charges were based. Sir Robert felt that the National Offices had by now had ample time in which to comply with the Committee's decision, and he was of the opinion that the time had come when the decision should be fully complied with.

As far as delay in submitting the Yugoslav cases was concerned, Sir Robert wondered whether the delay would be quite so long as anticipated. The only additional information required was in the form of relevant extracts from witnesses' statements, which were already in the possession of the National Office.

A further observation made by Sir Robert was that emphasis should be laid at the present stage of the Commission's work on the submission of the more serious cases rather than on the submission of large numbers of cases. It was important to convey assurance to the occupying authorities in Germany that the Commission was concentrating only on really serious cases which contained well documented prima facie evidence.

Dr. MILENKOVIC said that with regard to Sir Robert Craigie's latter observation, the Yugoslav Office was carefully selecting and submitting to the Commission only those cases which involved the most serious crimes. Further, he could say without hesitation that there was ample evidence available concerning all the charges submitted; unfortunately this evidence was in Belgrade, and although he had requested the Yugoslav authorities there to send the necessary material to London, delay was inevitable. It was on those grounds that he had proposed to the Committee that the cases be considered as they stood, on the understanding that additional evidence would be forthcoming.

Mr. KINTNER expressed full agreement with the views of Sir Robert Craigie. He, too, appreciated the difficulties encountered by the Yugoslav National Office, especially as the United States authorities themselves, with greater facilities of communication, were encountering similar difficulties. Nevertheless, he was convinced that it was most desirable that cases should be well documented.

He wondered whether, however, in cases where it was really impossible to produce the necessary extracts from witnesses, the Committee might not consider listing the accused as Suspects.

Dr. NEUMANN suggested that in cases where there was insufficient prima facie evidence the Committee might list the accused as Suspects pending submission of supporting extracts from witnesses.

Sir Robert CRAIGIE pointed out that such a procedure would raise two difficulties. In the first place, the cases would have to be considered twice, which would impose an undue burden on the Committee; secondly, other National Offices faced with similar difficulties were conforming with the Committee's decision.

Dr. LITAWSKI observed that this procedure would also entail listing a number of persons twice in the Commission's Lists, first as Suspects and then as War Criminals, which might tend to confuse the apprehending authorities concerned. Further, the Commission originally intended the category of persons classified as Suspects to include those whose actual participation in a war crime was not definitely established, but where there was, nevertheless, sufficient prima facie evidence of a crime having been committed. If any change in procedure was envisaged, the Commission would need to modify its original decision.

Sir Robert CRAIGIE said he himself would be prepared to consider the Yugoslav cases submitted at the present meeting, even though they were not substantiated by extracts from evidence, on the understanding, however, that all future cases presented contained the necessary evidence. Exception, of course, would continue to be made in certain cases where large numbers of accused were involved - e.g. cases concerning Gestapo personnel - where the Committee must rather base its decision on the official position of the accused. The procedure in these latter cases would be to list as War Criminals only those where evidence was adduced in regard to particular individuals, and to list others as Suspects.

The Committee unanimously agreed with Sir Robert Craigie's proposal.

III. Future of CROWCASS.

Recalling the Committee's discussion on this matter in the meeting held on the 13th August, 1947, in connection with Document I/94, Dr. LITAWSKI reported that a new communication had been received from CROWCASS (a letter dated 21st August, 1947), in which the Commission was informed that the Memorandum on the future of CROWCASS had been amended to the effect that as from January 1948 CROWCASS records and documents should be handed to the French authorities for a period of one year, and eventually handed to the United Nations. The amended Memorandum was already submitted by CROWCASS to the Permanent Commission controlling that Organization. The reason for this new suggestion was that according to present indications approximately 50% of the persons still listed and wanted by the 31st December 1947 will be wanted by France. The French would, of course, provide information to the Allied Nations War Crimes Groups and the United Nations War Crimes Commission.

The Committee took note of the above and decided to submit the matter to the Commission for further consideration.

IV. Proceedings in Individual Cases,

The Committee considered 162 cases, against 604 persons submitted by the United Kingdom, Czechoslovakia, Belgium, Yugoslavia, the Netherlands, Poland, and France, and decided as in the Annex.

V. Case of General von Stockhausen (Doc. I/95).

The Committee took note of additional correspondence submitted on behalf of General von Stockhausen, but was of opinion that the information contained therein did not add substantially to the evidence submitted previously.

The Yugoslav representative was asked whether he had any additional information to submit to the Committee.

Dr. MILENKOVIC replied that he had as yet received no further information from Belgrade.

Sir Robert CRAIGIE asked Dr. Milenković whether he would be good enough to remind the Yugoslav authorities concerned, and to explain that the Committee would be grateful for an early reply, since their responsibility in the matter remained so long as von Stockhausen's name remained on the Commission's Lists of War Criminals.

Dr. MILENKOVIC promised to do so.

VI. Formal approval of 3rd Statistical Progress Report (Doc. C.261).

Consideration of this Report was adjourned until the next meeting.

VII. Closing of 63rd List of War Criminals.

The Committee decided to issue a new Commission's List of War Criminals (No. 63) which would include cases accepted by the Committee up to the 4th September, 1947.

ANNEX TO MINUTES NO. 111 OF THE MEETING OF COMMITTEE I HELD ON
4th SEPTEMBER, 1947.

1) UNITED KINGDOM Case.

6248 1-12 on 'A'

2) CZECHOSLOVAK Cases.

6249 On 'A'.

6250 Adjourned. More information was required in order to substantiate the accused's responsibility and in particular as to the following points:

a) what was the accused's official position in relation to the victims and on what ground it is alleged that she did order the victims to work in the castle;

b) whether the accused herself supervised the work and the victims, and issued orders to ill-treat them.

6251 Adjourned for more information necessary to establish direct responsibility of the accused and supplement the case as to the accused's position and nationality.

6252 After Dr. Neumann had additionally stated that the accused was a Volksdeutsche it was decided to list him on 'A' for complicity in illegal arrests and ill-treatment.

6253 Adjourned for additional information as to the nationality and official position of the accused.

3) BELGIAN Cases.

2401 (add. 3) 1-4, 6-14, 16-52, 60-83 on 'S'
5, 15, 53-59, 84-86 on 'W'

3174 (add. 7) On 'S'

6379 On 'S'

6380 On 'A': 1-6, 19, 21, 23, 27, 28, 35-36.
On 'S': 22, 33.
On 'W': 7-15, 17, 18, 20, 26, 30-32, 34, 37-46
On 'C': 16, 24-25, 29.

6381 Adjourned. More particulars of evidence in support was required.

6382 On 'A'

6383 On 'S'

6384 On 'S'

4) YUGOSLAV Cases.

- 3840 (add. 1) General STRACK on 'A' for murders, indiscriminate mass arrests, pillage and wanton destruction of property.
- 3843 (add. 1) In view of the fact that only charges under 5), 7), 8), and 11), were sufficiently clear, it was decided to list the accused on 'A' for pillage only.
- 4574 (add. 1) 1-46 on 'S' pending submission of extracts of evidence from witnesses and further information as to the period in which the first accused was in command at the material place and whether a statement that he and the other accused took part in the massacre should mean that he was actually present at the place of the commission of the alleged crimes.
- 6207 On 'A'
- 6208 Adjourned for additional information in view of the fact that the accused's official position and function as such did not give ground for holding him responsible for any of the crimes alleged.
- 6209 On 'A'
- 6210 1-2 on 'S' pending further particulars of the facts alleged, and evidence sufficient to establish the accused's responsibility for specific crimes.
- 6211 On 'A' for murders and torture only.
- 6212 Adjourned for further information necessary to establish that the accused was personally responsible for the specific crimes alleged.
- 6213 Rejected, as a prima facie case of a war crime was not established.
- 6214 Adjourned as there was no evidence as to who committed the alleged crimes and/or that the accused was responsible for their commission.
- 6215 Adjourned as a prima facie case was not established.
- 6216 1-3 on 'S'
- 6217 1-3 on 'A'
- 6218 On 'A' for murder and ill-treatment only
- 6219 On 'A' for pillage and wanton destruction of property.
- 6220 Adjourned for more particulars.
- 6221 1-3 on 'A' }
4-16 on 'S' } on all counts except XI.
17-18 on 'W' }

(YUGOSLAV Cases continued)

6222	1-20 on 'S' 21-27 on 'W'
6223	On 'S'
6224	1-3 on 'A'
6225	On 'S'
6226	On 'A' for deportation only
6227	Adjourned for further information necessary to establish personal responsibility of the accused.
6228	On 'A'
6229	On 'A' for murder and pillage.
6230	On 'A'
6231	On 'A' for deportation only
6232	Rejected as the accused's responsibility was not established
6233	Adjourned for more information as to facts and evidence in support
6234	Adjourned for same reasons as in the preceding case.
6235	Adjourned for further information necessary to substantiate the allegation of the accused's complicity in the crimes which were committed by German soldiers.
6236	On 'A'
6237	Adjourned for further information as to the circumstances in which all alleged crimes were committed
6238	On 'A'
6239	On 'A'
6240	Adjourned for a clear statement as to facts and responsibility
6241	On 'A'
6242	On 'A'
6243	On 'A'
6244	On 'A' for deportation and wanton destruction of property only
6254	On 'A'

(YUGOSLAV Cases continued)

- 6255 1-2 on 'A' on all counts except XVIII
- 6256 1-4 on 'S' only, in view of the fact that the information as to facts and circumstances was too general.
- 6257 On 'A'
- 6258 1-2 on 'A'
3-8 on 'S'
- 6259 1-3 on 'A'
- 6260 Adjourned as the information submitted was not sufficient to establish a prima facie case of a war crime attributable to the accused.
- 6261 1-2 on 'A'
- 6262 Adjourned for further information as to specific crimes attributable to the accused.
- 6263 Adjourned for full particulars and evidence in support
- 6264 Adjourned for more particulars and evidence
- 6265 On 'A' for deportation of civilians only
- 6266 Adjourned for more particulars and evidence in support
- 6267 On 'A'
- 6268 1-2 on 'S' only, as the information submitted was too general.
- 6269 Adjourned for full particulars and evidence
- 6270 On 'S'
- 6271 Adjourned for further information as to the circumstances in which the alleged crime was committed.
- 6272 1,2,5-7,11,14,15,17,19,25-26,31,35,36,40-43 on 'A' for complicity in deportation, internment of civilians under inhuman conditions, attempts to denationalise the inhabitants and confiscation of property.

3,4,8-10, 12,13,16,18,20-24,27-30,32-34,37-39, adjourned for further evidence necessary to substantiate individual responsibility of all these accused for, and their direct connection with the crimes alleged.

(YUGOSLAV Cases continued)5429

In connection with the preceding case, the Committee decided to re-consider the present case which was adjourned in toto in the meeting on 12th June 1947. In view of the fact that the present case was similar to the preceding one in that it charged persons belonging to the same organization and for similar activities, and furthermore in view of the fact that case 6272 supplied more information relevant to the points for which the present case was adjourned, it was decided to list on 'A' all persons who held the position of either Kreisführer or Ortsgruppenführer. Accordingly, the following persons were placed on 'A': 1,2,4,6-8,10, 13,15,16, for complicity in deportation, internment of civilians under inhuman conditions, attempts to denationalise the inhabitants and confiscation of property.

In regard to other persons the case remained adjourned.

6273

Adjourned for further information necessary to substantiate the accused's responsibility for compulsory enlistment of soldiers, and as to the circumstances in which the alleged shooting was committed.

to page 10

5) NETHERLANDS Cases

2421 (addendum 1)

1-3 on 'A'
4-5 on 'W'

With reference to the communication and suggestion made by the National Office, it was established that accused FISSCHER in the original charge is identical with FRITZCHEN, being the nickname of accused HOEPPNER in the addendum. Therefore it was decided to remove FISSCHER from the Commission's List No. 27.

2753 (addendum 1)

On 'A'

4622 (addendum 1)

1-7, 9, 11-12 on 'A'
10 on 'W'
8 on 'C' pending further data regarding the identity of the accused

4701 (addendum 1)

1 on 'A'
2 on 'W'

4983 (addendum 1)

1-2 on 'A' for pillage
3 on 'A' for ill-treatment

New cases:

6245

1-3 on 'A' for pillage

6246

1-4 on 'A'

6247

1 on 'A'
2 on 'W'

A copy of the balance sheet for 1943 was shown to the Committee in support of the alleged statement that the sum for the purchase of the factory was taken from the firm's capital. A copy of a covering letter proving that the accused purchased the factory was also shown as part of the evidence.

6385

1 on 'S' for confiscation
2 on 'A' for confiscation
3 on 'A' for pillage
6 on 'W'

The case was adjourned in respect of accused 4 and 5 pending submission of more particulars

6386

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

6387

1-2 on 'A' for pillage
3 on 'W'

6388

This case was adjourned for more careful consideration at the next meeting of the Committee

6389

1-3 on 'A'
4-6 on 'W'

(NETHERLANDS Cases continued)

- 6390 1 on 'A' for ill-treatment
The evidence submitted in respect of the sewing-machines was found insufficient to show that this was a case of pillage. Consequently, the case involving accused 2 and 3 was adjourned until the next meeting of the Committee.
- 6391 1-3 on 'A'
4 on 'W'
- 6392 1-26 on 'A'
27-32 on 'W'
- 6393 On 'A'
- 6394 On 'W'
- 6395 1-6 on 'A'
7 on 'W'
- 6396 1 on 'A'
2-8 on 'S'
9-23 on 'W'
- 6397 1-2 on 'A'

6) POLISH Cases

- 5769 On 'A'
- 5942 On 'A' for complicity in illegal arrests.
The representative of the National Office stated that in the last case submitted in the charge the accused denounced the victim only in revenge for a personal quarrel they had before the war.
- 5948 On 'A'
- 5992 1-4 on 'A'
5-7 on 'S'
- 6181 to 6186 On 'A'
- 6187 On 'A' for ill-treatment and complicity in deportation
- 6188 to 6192 On 'A'
- 6193 On 'A' for illegal arrests, confiscation and ill-treatment

(POLISH Cases continued)

- 6194 Adjourned. The case should be supplemented with particulars concerning the charges made by the accused against the Polish teacher, and with the information whether, in addition to having detected a Polish citizen in the woods, he had anything to do with the shooting committed by the gendarmes.
- 6195
to
6201 On 'A'
- 6202 On 'A' for ill-treatment. Corroborative evidence was required for the other charges
- 6203 1-2 on 'A'
- 6204 On 'A'
- 6206 On 'A'
- 6308 On 'A'
- 6309
to
6332 On 'A'
- 6333 Adjourned. The National Office was requested to supplement the case with particulars showing that the trials before the court were held contrary to the rules of law.
- 6334 On 'A'
- 6335 On 'A'
- 6336 On 'A'
- 6337 On 'S' for murder pending submission of further details, particularly as to whether the accused had a warrant for arrests from superior authorities or not.
- 6338
to
6343 On 'A'

7) FRENCH Case

- 4695 Owing to the absence of the French representative the case was adjourned until such time as he would be present at the meeting of the Committee.

487

NO. 112.

UNITED NATIONS WAR CRIMES COMMISSION.
COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 11th
September, 1947, at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia

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

Major Mason	United Kingdom
Mlle Capionmont	France
Commander Mouton	Netherlands
Professor Piotrowski	Poland

Secretary to the Committee: Dr. J. Litawski. (Legal Officer).

The Chairman extended a welcome to Dr. Zeman who had replaced Dr. Neumann as a member of the Committee.

I. Minutes No. 111.

Minutes of the Meeting held on 4th September, 1947, were approved.

II

II. Proceedings in Individual Cases.

The Committee considered 90 cases against 198 persons submitted by the United Kingdom, the Netherlands, the United States, and Poland, and decided as follows:-

1) UNITED KINGDOM Cases.

6440	1-2 on 'A'
6441	1-11 on 'A'
6442	1-2 on 'A'

2) NETHERLANDS Cases.

6388	1-2 on 'S' for plunder on the assumption that the sums spent on the Black Market were not refunded to the Dutch authorities.
------	--

The National Office was required to supplement

.....

(NETHERLANDS Cases continued)

6388 (continued) the charge with the following information:-

(a) the description of the scheme of German agencies set up under Goering's Four-year plan with a view to purchase goods in Holland at Black Market prices and in violation of Dutch municipal law, with particular regard to the activities of JAHN and SOMMER.

(b) clear statement supported by prima facie evidence regarding the alleged fact that purchases made by JAHN and SOMMER were financed through Reichsbank's accounts in the Dutch National Bank and that sums spent through these accounts were not refunded to the Dutch National Bank.

6390

1 on 'A' for ill-treatment.

The case against accused 2-3 was adjourned and the National Office requested to supplement the charge with information concerning the following:-

(a) the position held by GEITENBRUGGE in connection with the confiscation of Jewish or other property in Holland, particularly whether he held a responsible position.

(b) the nature, competence and practice of the "Deutsche Treuhandgesellschaft A.G." and the position held in it by BODENBACK.

(c) description of the operation through which the sewing-machines concerned were disposed of and remitted to GREINER, and particulars regarding the personal part played in it by accused 2 and 3.

5118 (addendum) On 'A'

5809 (addendum) 1-6 on 'A' and 6 other names to be corrected as suggested by the National Office.

6392 GRABBE on 'S'

6443 1 on 'A'
2 on 'W'

6444 1-3 on 'S'
4-5 on 'W'

6445 1-2 on 'A'
3-5 on 'S' only, as the complicity of these accused is not quite clear.

6446 After Commander Mouton had additionally stated that the 3rd accused was a member of the Standgerichte which illegally passed death sentences on persons

.....

(NETHERLANDS Cases continued)

6446 (continued)

who went on strike it was decided to list the accused as follows:-

On 'A':- 1,2,5-9,11-13,15-26.
On 'S':- 3,4,10,14.
On 'W':- 27-35.

6447

1 on 'A' for murder.
2 on 'A' for ill-treatment and pillage.
3 on 'A' for pillage.
4-5 on 'S' for pillage.
6-12 on 'W'

3) UNITED STATES Cases.

6398-6414

All on 'S' pending submission by the National Office of extracts from evidence.

6448

Mr. Kintner stated that ample evidence of the accused's responsibility had been collected which will be additionally submitted as soon as possible, together with the indictment.

Dr. Zeman said that in his view the accused's responsibility is quite clear as his activities in connection with the extermination of Jews spread over a vast field including Czechoslovakia which herself contemplated bringing a charge against him. Actually some information and evidence had been collected by his Government from which it results that the accused was definitely connected with the policy of extermination.

It was decided to list the accused on 'A' provided that sufficient evidence as to his direct responsibility for that policy will be submitted in due course.

4) POLISH Cases.

6344

On 'A'

6345

On 'A'

6346

On 'A'

6347

On 'A'

6348

1-2 on 'A'

6349

On 'A'

6350

On 'A' for ill-treatment and pillage.

-4-

(POLISH Cases continued)

6351	On 'A'
6352	On 'A'
6353	On 'A'
6354	On 'A' for murder and pillage
6355	1-3 on 'A'. <u>(Priority Case)</u> .
6356	On 'A' for mass murder
6357	On 'A'
6358	On 'A'
6359	On 'A'
6360	On 'A'
6361	On 'A'
6362	On 'A'
6363	On 'A'
6364	On 'A'
6365	On 'A'
6366	1-3 on 'A'
6367	On 'A'
6368	On 'A'
6369	On 'A'
6370	On 'A'
6371	On 'A'
6372	On 'A'
6373	On 'A'
6374	On 'A'
6375	On 'A'. <u>(Priority Case)</u> .
6376	On 'A'
6377	On 'A'
6378	On 'A'
6415	On 'A' for ill-treatment
6416	On 'A'
6417	On 'A'

(POLISH Cases continued)

6418	On 'A'
6419	On 'A'
6420	On 'A'
6421	On 'A'
6422	On 'A'
6423	On 'A'
6424	On 'A'
6425	On 'A'
6426	On 'A'
6427	On 'A'
6428	On 'A'
6429	On 'A'
6430	On 'A'
6431	On 'A'
6432	On 'A'
6433	On 'A'
6434	On 'A'
6435	On 'A'
6436	On 'A'
6437	On 'A'
6438	On 'A'. <u>(Priority Case)</u> .
6439	On 'A'

III. French Case on Black Market, Charge No. 4695, (Doc. C.260(1)).

The Committee took note of Committee III's recommendations (Doc. C.260 (1)), and of a letter received from Monsieur Maillard dated 10th June, 1947.

It was reported in that letter that acts committed by the accused were committed in violation of the following French laws:-

.....

- (a) Law of 21st October, 1940, which codified the legislation concerning prices, and under whose Art. 31 and 37 purchases made at prices higher than those authorised by the law are criminal offences.
- (b) Law of 15th March, 1942, which provides for the punishment of violations of the rules regulating prices, rationing, distribution and circulation of goods, particularly in the following cases:
 - When such violations are committed by persons who are not producers or merchants, and who carry out operations similar to a professional activity on account of the importance or frequency of such operations.
 - When such violations are committed by means of "illegal manoeuvres" such as by failing to keep book accounts or to issue due bills.
- (c) Ordinance of 28th August, 1944, under whose Art. 2 "the taking away or export from French territory by any means of any goods" is regarded as pillage.

In view of the above, and with reference to the Report of Committee III (Doc. C. 260 (1)), the Committee decided to list the accused as follows:

1 on 'A'	} for exaction of illegitimate and exorbitant contributions. (Article 49 of Hague Regulations).
2-36 on 'B'	

1-36 on 'A' for systematic violations of French municipal law (Article 43 of Hague Regulations).

IV. Third Statistical Progress Report (Doc. C. 261).

The Third Statistical Progress Report, covering the period up to the end of June, 1947, and already circulated, was formally approved.

5th September, 1947.

Dear Dr. Zimonjic,

You will recall that at the meeting of Committee I held on 4th September, 1947, your letter of 14th August was considered relating to charges prepared by the Yugoslav National Office which do not contain the necessary supporting evidence.

The Committee, while fully appreciating the difficulties of the National Offices in regard to the preparation of their cases, was nevertheless of the opinion that all future cases should conform with the present requirements of the Committee as decided upon in its meeting of 22nd May, 1947.

In accordance with the Committee's decision, therefore, and on instructions of its Chairman, I very much regret that I am obliged to return to you the enclosed 146 cases which the Secretariat has received, in order that they may be revised by your National Office. You will notice that some have already been registered.

The Committee's decision taken on the above matter will be recorded in the Minutes of the meeting (No. 111), copies of which we shall transmit to you in due course.

Yours sincerely,

J. LITANSKI
Secretary of Committee I

Dr. M. B. Zimonjic,
195, Queen's Gate,
S. W. 7.

15 August, 1947.

Dear Monsieur Zimonjic,

I have to acknowledge your letter of 14th August, 1947, with regard to those charges already prepared by the Yugoslav National Office which do not contain the additional evidence now requested by Committee I.

The contents of your letter will be brought to the attention of the Committee at its next meeting, and I shall hope to communicate with you further in due course.

Yours sincerely,

J. LITAWSKI
Secretary to Committee I

Monsieur M. Zimonjic,
195, Queen's Gate,
S. W. 7.



1.411 3.214 15 Aug 1947 492

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

195, QUEEN'S GATE, LONDON, S.W.7.
KEN. ~~3400~~ 3400

RECEIVED

15 AUG 1947

Ans.

14th August, 1947.

Dear Dr. Litawski,

We have in this Office a large number of charges, probably between 300-400, which were prepared in Belgrade before the Commission decided that additional evidence, such as extracts from statements etc., should be included in the charge. We have written to Belgrade to ask for the information required, but to collect this extra evidence from the files, make the necessary translations etc. will take, we think, at least 2-3 months.

These charges have, of course, been drawn up on the basis of substantial evidence which is in the possession of our State Commission, and in view of this we are proposing to submit a number of charges to the Commission each week, as we feel it will be easier for your office, as well as our own, to do this rather than to send in a very large number at one time, and at a much later date.

We trust you will agree to this proposal, and in the meantime we will endeavour to obtain the required evidence.

Yours sincerely,

M. S. Zimonjić

(Milivoje S. Zimonjić)

*Mr. Litawski
Please inform
the other staff
that it will be
to the attention of the
Commission*

Dr. J. Litawski,
Legal Officer,
The United Nations War Crimes Commission,
Lansdowne House (3rd Floor),
Berkeley Square,
London, W.1.

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NO. 113.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 18th
September, 1947, at 10.30 am.

In the Chair

Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia

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

Miss Goold-Adams	Belgium
Miss Deunk	Netherlands
Professor Piotrowski	Poland

Secretary to the Committee: Dr. J. Litawski (Legal Officer).

I. Minutes No. 112.

Minutes of the Meeting held on 11th September, 1947,
were approved.

II. Preparation of Cases (communication from Monsieur Dimitzas).

The Committee took note of a letter received from
Monsieur Dimitzas, dated 17th September, 1947, which reads as
follows:

"I wish to inform you that, according to a
telegram received from the Greek National War Crimes
Office, the decision of Committee I for further
documentation of the charges we submit to the
Commission, will render their work more difficult
with the result of postponing the submission of two
hundred cases, already sent to me, for three months
at least".

The Committee expressed its appreciation of the
difficulties resulting for the National Office from the Committee's
new practice. In order, however, to expedite the examination of

.....

cases, the Committee suggested and would welcome it, if the National Office could submit a few cases at a time, when they are completed, rather than wait until all the two hundred cases are supplemented by relevant extracts from evidence.

III. Proceedings in Individual Cases.

The Committee considered 54 cases against 124 persons submitted by the Netherlands, Czech. Slovakia, Belgium, Poland and the United States, and decided as follows:-

1) NETHERLANDS Cases.

Addenda

3828	1-6, 8-15 on 'A' 7 and 16 on 'S' 17-22 on 'W'
4938	1-3 on 'A' for deportation of civilians and on 'S' for complicity in murder. 4 on 'S' for ill-treatment 5-13 on 'W'

New Cases.

6490	1 on 'A' 2-3 on 'W'
6491	1 and 3 on 'A' 2 on 'S' 4-6 on 'W'
6492	Adjourned for further information on what ground it was established that the perpetrator's name was BERGMAN.
6493	1 on 'S' 2-3 on 'A'

2) CZECHOSLOVAK Cases.

Adjourned.

6250	On 'A' for ill-treatment only
6251	On 'S'

3) BELGIAN Cases.

Addenda.

3441	Rejected on the ground that according
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(BELGIAN Cases continued)

(3441 continued) to the Committee's opinion the alleged act
could not be considered as a war crime.

4421 (2nd addendum) 1-2 on 'A'

6379 Reclassified from 'S' to 'A'.
(To be included in List No. 63).

6380 (Numbers of accused quoted from addendum)
2, 8-11 on 'A' for ill-treatment
1 and 3-5 on 'S' for ill-treatment
6-7 and 12 to remain on 'W'
13-16 on 'W'

4) POLISH Cases.

6449 1-2 on 'A'

6450 On 'A'

6451 On 'A'

6452 On 'A'

6453 On 'A'

6454 On 'A'

6455 On 'A'

6456 On 'A'

6457 On 'A'

6458 1 on 'A'
2 on 'W'

6459 1-3 on 'A' for murder and ill-treatment

6460 On 'A'

6461 On 'A'

6462 On 'A'

6463 On 'A'

6464 On 'A'

6465 1-2 on 'A'

6466 1-4 on 'A' for ill-treatment only

6467 On 'A'

6468 On 'A'

6469 On 'A'

(POLISH Cases continued)

6470	On 'A' for mass murder and ill-treatment
6471	On 'A' for mass murder and ill-treatment
6472	On 'A'
6473	On 'A'
6474	On 'A'
6475	On 'A'
6476	On 'A' for mass murder and ill-treatment
6477	On 'S' for complicity in murder
6478	On 'A'
6479	On 'A' for ill-treatment
6480	On 'A'
6481	On 'A'
6482	On 'A'
6483	On 'A'
6484	On 'A'
6485	On 'A'
6486	On 'A' (Mass murder instead of massacre)
6487	On 'A'
6488	On 'A'
6489	On 'A' (Mass murder instead of massacre)

5) UNITED STATES Case.

6448

In connection with this case which was decided upon in the meeting of 11th September, Colonel Wade, Research Office, submitted that according to information available, the accused, ERDMANSDORF, was recently sent to Nuremberg from the British Zone in Germany for interrogation by the U.S. Authorities on the basis of documents recently discovered. He at first denied all knowledge of anti-Jewish matters, but when confronted with the documents, broke down and admitted his connection with the policy of the extermination of Jews. Colonel Wade referred also to Vol. X of the Proceedings of the Nuremberg Trial where on pages 92-97 there was a good deal of information about anti-Jewish activities in the German Foreign Office.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 25th
September, 1947, at 10.30 am.

In the Chair Monsieur de Baer (Belgium)

There were also present:

Members of Committee I and their Deputies:

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

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

Commander Mouton	Netherlands
Professor Piotrowski	Poland

Secretary to the Committee: Dr. J. Litawski (Legal Officer).

I. Minutes 113.

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

II. Departure of Monsieur de Baer.

Monsieur de BAER said: "This is a formal occasion upon which I am very happy to hand over the Chairmanship of this Committee to the joint Chairmen appointed. I very much regret leaving. It is four years since I was appointed Chairman of Committee I, which is a very long time. At the beginning we very much wondered if it was necessary to set up this Committee at all, the first Committee to be set up and of which I was the first Chairman. Then we received no cases, as the various Governments had no confidence, which seems quite extraordinary now. The first meetings were attended by many prominent members of the Commission, Sir Cecil Hurst, Minister Pell, Dr. Eder, Professor Glaser and Professeur Gros. Finally this Committee did have quite a lot of work. What has been so comforting is that I believe that all decisions in this Committee have been taken unanimously, without discrepancies or differences of opinion, and that everyone has always agreed with these decisions.

"I am very sorry to be leaving this Committee, although I

.....

'am not leaving the Commission. However, my new work at Geneva really prevents me from continuing, and although I shall be here once a month, my new duties preclude me from going on with my work for Committee I. I am handing over the Chairmanship to Members far more competent and far wiser than myself, and I have much pleasure in handing it over to Sir Robert Craigie and Mr. Kintner. I thank you all very much for the whole hearted co-operation I have always received."

Sir Robert CRAIGIE answered on behalf of the Committee saying: "I am sure I will be expressing the general sentiments of the Committee in replying to Monsieur de Baer. First of all I wish to thank him for his interesting review of the history of the Committee and heartily endorse what he has said regarding the unanimity of decisions sometimes on very involved problems, unanimity which has led to some extent to the growth of the confidence of the Governments in these decisions.

"We are about to lose the member of the Committee who has not only been here the longest - since the inception of the Committee - but who has borne a full burden of everything in the very heavy work during the last four years. The Members of the whole Commission owe him a very great debt of gratitude for his self-sacrifice and work in conducting discussions and acting on decisions. We shall all miss him personally, and his wise counsel and advice will be very seriously missed in the days which lie ahead.

"Nevertheless Mr. Kintner and I will jointly endeavour to the best of our ability to don the mantle which he is shedding, a very large mantle which will cover both our shoulders adequately.

"We wish Monsieur de Baer every success in the new venture which he is undertaking, and hope to see him at the Commission Meetings as often as possible".

Mr. KINTNER seconded Sir Robert's remarks, with which he agreed whole heartedly.

On this occasion the exchange of the following letters took place between Monsieur de BAER and Dr. LITAWSKI.

"Dear Dr. Litawski,

"On retiring from the Chairmanship of Committee I I felt I must write you a personal note to express to you my very deep appreciation of the way in which you have contributed to the smooth running of the Committee.

"Our deliberations were based almost entirely on the recommendations which you made concerning each case, and I am fully aware of the extremely hard work which this entailed before every meeting. Indeed, I am sure that you were many times forced to burn the midnight oil to have your comments ready in time for the members of the Committee to examine before the meeting.

"The pleasant functioning of any committee depends on the efficiency and hard work of the secretary, and the case of Committee I is no exception to the rule. Without your assistance

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we should never have been able to cope with the flow of cases which have been coming in during the past year, and for this reason. I felt I should like to set down in writing my appreciation of the debt I owe you for your work in Committee I."

Yours sincerely,

M. de BAER.

"Dear Monsieur de Baer,

"I should like to thank you very much for your letter of 25th September, 1947, in which, on the occasion of your retirement from the Chairmanship of Committee I, you were kind enough to express so much appreciation of my modest contribution to the work of the Committee.

"It is nearly four years since I was first fortunate enough to be given the opportunity of cooperating, since its very inception, with Committee I, under your wise Chairmanship, in my former capacity of Director of the Polish War Crimes Office in London, in 1943-45. I shall always remember the kind and generous support you gave me in those days and months when, owing to the circumstances of war, too many difficulties were facing the National Offices, and when almost everything had to be done from practically nothing.

"When, in the latter part of 1945 I was appointed by the Commission to the post of Legal Officer and entrusted with the Secretaryship of Committee I, all this not without much of your doing, I found myself at times overwhelmed with my responsibilities to the extent that sometimes and in a sense I myself felt a victim of war crimes. But, although it was hard work, I must say I nevertheless enjoyed it very much, due in the first instance to the very pleasant atmosphere and admirable spirit which, thanks to you, have always prevailed in the Committee. It was really a great privilege for me to work under your learned guidance and to profit abundantly from your knowledge and experience.

I owe you, Monsieur de Baer, many thanks and much gratitude for your kindness towards me and for your appreciation of my assistance.

I am,

Yours very sincerely,

J. LITAWSKI.

At this point the Chair was taken
over by Sir Robert
Craigie.

III. Proceedings in Individual Cases.

The Committee considered 38 cases against 93 persons
submitted by Poland, the Netherlands, and Belgium, and decided
as follows:

1) POLISH Cases.

- | | |
|------|--|
| 6494 | 1-2 on 'A' |
| 6495 | On 'A' |
| 6496 | 1-4 on 'A' |
| 6497 | 1-2 on 'A' |
| 6498 | Consideration of this case was adjourned
until the next Meeting in order to enable
the Secretariat to establish whether any evidence
ence against the accused could be found
in the Research Office, and also whether
he could not be identified with any person
of the same name already listed by the
Commission. |
| 6499 | On 'A' for ill-treatment and complicity in
internment of civilians under inhuman
conditions. |
| 6500 | After Professor Piotrowski had additionally
stated that the accused was leader of a special
German Committee which advised the German
soldiers as to which of the Poles in the
district should be deported and/or their
property confiscated, it was decided to list
him on 'S' for <u>complicity in deportation
and confiscation of property.</u> |
| 6501 | On 'A' |
| 6502 | 1-2 on 'A',
3-4 on 'C' |
| 6503 | On 'A' |
| 6504 | On 'A' |
| 6505 | On 'A' for ill-treatment and complicity in
internment of civilians under inhuman
conditions. |
| 6506 | On 'A' |
| 6507 | 1-2 on 'A' |
| 6508 | After Professor Piotrowski had additionally
stated that the Ukrainian Police, of which the
accused was member closely cooperated with
the German authorities and were supervised |

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(POLISH Cases continued)

(6508 continued)

by them, and their criminal activities were in accordance with the policy of the German authorities, it was decided to list the accused on 'A'. (Priority Case).

However, the Polish Representative was requested to undertake to supply the Committee, for future reference, with a general report explaining the structure and organisation of the Ukrainian police in Poland under German occupation, and their connection and collaboration with the S.S., the Gestapo and other German authorities of occupation.

6509	On 'A'
6510	On 'A'
6511	On 'A' for murder and ill-treatment
6512	1-3 on 'A'
6513	On 'A'
6514	On 'A'
6515	On 'A'

2) NETHERLANDS Cases.

6516	On 'A'
6517	On 'A' for ill-treatment only
6518	1 on 'A' (<u>Priority Case</u>) 2 on 'W'
6519	1 on 'A' 2-3 on 'W'
6520	1 on 'A' 2 on 'C' 3 on 'S' 4-6 on 'W'
6521	1-3 on 'A'
6522	1-2 on 'A'
6523	1-8 on 'A' 9-13 on 'W'
6524	1-6 on 'A' 7-8 on 'W'
6525	1-2 on 'A' 3 on 'W'

(NETHERLANDS Cases continued)

6526

Adjourned for further information as to the fate of persons who were removed by the German soldiers, and in particular, as to whether any of them were victimised in any specific way, or any particular damage was caused.

The Committee were of opinion that in view of the fact that the orders were issued and carried out in connection with military operations and for military reasons, the case as it stood could not be accepted as prima facie of a war crime.

6527

1-3 on 'A'

6528

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

6529

On 'A' on counts IX and XIII only

6530

1 on 'A' for wanton destruction of property.
2 on 'S'
3-6 on 'W'

3) BELGIAN Case.

907 (add. 3)

On 'S'

1.411

483

18th September, 1947.

Dear Dr. Dimitrakas,

Thank you very much for your letter of 17th September, 1947, in which you were kind enough to inform me that the decision of Committee I for further documentation of charges will result in postponing submission of 200 Greek cases for about three months.

I have brought the contents of your communication to the attention of Committee I this morning, which expresses its appreciation of the difficulties resulting for the National Office from the Committee's new practice. In order, however, to expedite the examination of cases, the Committee suggests, and would welcome it, if the National Office could submit a few cases at a time as they are completed rather than wait until all the 200 cases are supplemented by relevant extracts from evidence.

I hope that this suggestion will be helpful both to your National Office and to the Committee.

Yours sincerely,

R. L. Gargie

Monsieur Dimitrakas.

THE REPRESENTATIVE OF GREECE
UNITED NATIONS WAR CRIMES COMMISSION

484
C/O R. GREEK EMBASSY,
51, UPPER BROOK STREET, W.1.

London, September 17, 1947.

The Rt. Hon.
Sir Robert Craigie, G.C.M.G., C.B.,
United Kingdom Representative on U.N.W.C.C.,
Lansdowne House,
Berkeley Square, W.1.

Dear Sir Robert,

I wish to inform you that, according to a telegram received from the Greek National War Crimes Office, the decision of Committee I for further documentation of the charges we submit to the Commission, will render their work more difficult with the result of postponing the submission of two hundred cases, already sent to me, for three months at least.

Yours sincerely
Albinizos

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NO. 115

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 2nd
October, 1947, at 10.30 a.m.

In the Chair Mr. Kintner (United States of America)

There were also present:

Members of Committee I and their Deputies:

Lord Wright	Chairman of the Commission
Dr. Zeman	Czechoslovakia.
Commander Mouton	Netherlands (who was acting as a Member of Committee I at its present Session)

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

Major Mason	United Kingdom
Mlle Capiomont	France
Miss Gould Adams	Belgium
Professor Piotrowski	Poland
Dr. Zimonjić	Yugoslavia.

Secretary to the Committee: Dr. J. Litawski (Legal Officer).

I. Minutes No. 114.

Minutes of the Meeting held on 25th September, 1947,
were approved.

II. Proceedings in Individual Cases.

The Committee considered 64 cases against 153 persons
submitted by the United Kingdom, the Netherlands, Belgium, Poland,
Czechoslovakia and France, and decided as follows:-

1) UNITED KINGDOM Case.

6568 1-20 on 'A'

2) NETHERLANDS Cases.

Addendum

3910 1-5 on 'A'
6-8 on 'S'
9-14 on 'W'

.....

(NETHERLANDS Cases continued)

New Cases.

6578 1 on 'A'
2-3 on 'W'

6579 1-2 on 'A'

6580 1-2 on 'A' for murder and ill-treatment
3-5 on 'A' for ill-treatment

6581 On 'A'.
(The Unit of which the accused was member
should be described as "Demolition Unit" of
the "Fallschirmjäger").

6582 1 on 'A'
2-4 on 'W'

6583 1-2 on 'A' for wanton destruction of property.
2 also for murder

6584 1-2 on 'A'
3 on 'S'
4 on 'W'

6585 1 on 'A' (Priority Case).
2 on 'S'

6586 1 on 'A' for ill-treatment resulting in serious
2-4 on 'W' bodily harm and pillage.

6587 1 on 'A'
2-3 on 'W'

3) BELGIAN Cases.

Adjourned.

6381 On 'A'

Addenda.

2095 1-2 reclassified from 'S' to 'A'.

(Sylvester BTADLER was commander of the 4th
Führer (not 3rd) Regiment of the 2nd Reich
Division Waffen SS. He was appointed General
of the 9th SS Division some time in the summer
of 1944.

As he is referred to in this charge as "le
Général" it seems that he must have been still
serving with his regiment, after his promotion
to General).

4166 1-2 reclassified from 'W' to 'A' for ill-treatment
resulting in death.

4633 1-3 on 'W'

(BELGIAN Cases continued)

- 6574 1-2 on 'A'
- 6575 On 'A' for wanton destruction of property and for pillage.
 ("Grenadier Regiment 4" would be the Führer Regiment.
 Note: the "4" must relate to the Regiment, not the Division. Das Reich was the 2nd Division.)
- 6576 1 on 'A'
 2 on 'S'
- 6577 1-4 on 'A'
 5 on 'W'

4) POLISH Cases.

In regard to the Polish cases, Mr. Kintner drew the attention of the Polish Representative to the fact that in most of the present cases only one affidavit has been submitted in support of the charges.

In agreement with the Committee, he suggested to the National Office that in future cases more than one affidavit of witnesses should be submitted as far as practicable.

Professor Piotrowski promised to comply with this suggestion as far as possible.

- 6498 In connection with the previous adjournment of this case, the Committee took note of the submission by the Secretariat that:

a). there is no evidence in the Research Office against the accused,

and

b). there is no person of the name of FISCHER listed in connection with the Gestapo in Warsaw.

It was decided to adjourn the case for further information necessary to substantiate the accused's responsibility and in particular the allegation that FISCHER "bears the entire responsibility" for the destruction of the Warsaw Ghetto and the extermination of its inmates.

New Cases.

- 6531 On 'A'
- 6532 On 'A'

.....

-4-

(POLISH Cases continued)

6533 On 'A'

6534 On 'S' pending further evidence as to the personal responsibility of the accused.

6535 On 'A'

6536 In regard to the official position of the accused, Colonel Wade of the Research Office explained that **Politische Leiter** were officials of the political section of the Gestapo who exercised wide security and political powers, and in some respects, were superior to the commandants.

It was decided to list the accused on 'A'

6537 On 'A'

6538 On 'A'

6539 On 'A' for mass murder

6540 On 'A'

6541 On 'A'

6542 1-2 on 'A' for mass murder

6543 1-2 on 'A' for ~~illegal arrest and~~ deportation

6544 On 'A'

6545 1-2 on 'A'

6546 On 'A'

6547 On 'A'

6548 1-2 on 'A'

6549 1-7 on 'A'

6550 On 'A'

6551 On 'A'

6552 On 'A' plus ZIMMERMANN and von BREDOU on 'W'

6553 On 'A'

6554 On 'A'

6555 On 'A'

6556 1-4 on 'A'

.....

(POLISH Cases continued)

6557	On 'A'
6558	On 'A'
6559	On 'A'
6560	On 'A'
6561	On 'A'
6562	On 'A'
6563	On 'A'
6564	On 'A'
6565	On 'A'
6566	On 'A'
6567	After Professor Piotrowski had additionally stated that according to his files the accused had personally committed the alleged crimes, it was decided to <u>list him on 'A'</u> .

5) CZECHOSLOVAK Cases.

6569	On 'A' for complicity in murder and ill-treatment.
6570	1-7 on 'A' for murder and ill-treatment
6571	After it was explained that according to orders issued by Himmler no judicial proceedings were to be instituted in such cases, after September 1944, and the accused were to be dealt with summarily, it was decided to <u>list the accused 1-2 on 'A'</u> .
6572	On 'A' for pillage.
6573	On 'A'

6) FRENCH Cases.

It was reported by the Secretary that 31 new French cases had been received which, however, did not comply with the Committee ruling now in force regarding evidence and therefore had not been circulated to Members.

The Committee decided to draw once more the attention of the French National Office to the present requirements as to the way in which all cases should be prepared and submitted to the Commission, namely, that all cases, in principle, should contain extracts from at least one, or if possible, more than one statement by witnesses.

In this connection the attention of the National Office drawn to Committee I Minutes of 22nd May and 4th September, 1947, (Nos. 100 and 111).

(FRENCH Cases continued)

The Committee, however, agreed to consider of the present batch of cases those relating to crimes committed by members of the Gestapo or military units and in which no particular evidence was required, and accordingly instructed the Secretary to select such cases and place them on the Agenda of the next Meeting, and to return to the National Office all other cases.

217 (addendum)

1-9 on 'A'

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 9th
October 1947, at 10.30 am.

In the Chair Sir Robert Craigie (United Kingdom)

There were also present:

Members of Committee I and their Deputies:

Mr. Kintner	United States of America
Dr. Zeman	Czechoslovakia
M. Aars Rynning	Norway

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

Major Mason	United Kingdom
Mlle Capiomont	France
Miss Gould Adams	Belgium
Commander Mouton	Netherlands
Professor Piotrowski	Poland.

Secretary to the Committee: Dr. J. Litawski (Legal Officer).

I. Minutes No. 115.

Minutes of the Meeting held on 2nd October, 1947, were approved.

II. Listing of Witnesses.

Referring to the Committee's practice of listing certain persons as witnesses, Sir Robert CRAIGIE said that he had always understood it to be the general policy that persons listed as such were not kept in custody for an indefinite period after arrest. Sir Robert referred to the Committee's previous enquiries two years ago, when it had been ascertained from the United Kingdom authorities that witnesses were subjected to a minimum of inconvenience, and were not held in custody longer than was absolutely necessary. It was on these grounds that he had hitherto been prepared to agree quite readily to the listing of witnesses. Sir Robert was now informed, however, that in some instances witnesses were, in fact, detained for months in prison pending interrogation; and, if that was the case, he felt the Committee ought seriously to re-consider its

.....

practice of listing witnesses.

So far as the United Kingdom and United States Zones were concerned, both Major MASON and Mr. KINTNER expressed the opinion that where a witness could be relied upon to co-operate with the authorities concerned he would be released, provided the authorities were satisfied that he would be available for interrogation in the event of trial. Exception would be made only where the holding authorities could not be sure of maintaining contact with a witness. No person was held indefinitely, however, without some specific reason.

Sir Robert CRAIGIE fully appreciated that it was necessary for the apprehending authorities to exercise their discretion. He thought, however, that the Committee should take account of the practice adopted also by the wanting authorities to whom the witnesses were eventually transferred. It was most unfortunate if witnesses were kept in custody in the same manner as the accused themselves simply because they might be able to throw some light on a particular crime.

Sir Robert CRAIGIE therefore requested the United Kingdom, United States and French representatives to ascertain the exact ruling concerning the detention of witnesses in their respective zones, and report to the Committee accordingly. He further requested that those National Offices who had asked for the listing of witnesses should inform the Committee as to the policy adopted by their authorities in regard to detention of witnesses who are surrendered as a result of listing by the United Nations War Crimes Commission. In particular, it was necessary to know whether detention was on the same footing as that of war criminals, and if not, whether witnesses were kept in custody indefinitely pending institution of proceedings.

III. Proceedings in Individual Cases.

The Committee considered 54 cases against 287 persons submitted by the United Kingdom, Belgium, France, the Netherlands, and Poland, and decided as follows:-

1) UNITED KINGDOM Case.

Addendum 1.

6248 1-2 on 'A' for ill-treatment of civilians.

2) BELGIAN Cases.

Adjourned.

" 4024 1, 3, 7-8, 10 and 30 on 'S'
2, 4-6, 9, 11-29, 31, 32, adjourned until more information could be provided by the National Office as to the responsibility of these accused.

.....

(BELGIAN Cases continued)

Addendum 1.

2696

1, 2 and 4 had already been listed and therefore no further action was necessary.
3 on 'A' for murder and ill-treatment
5-8 on 'W'

New Cases.

6588

1-3 : W

4: Adjourned until the unit implicated in the alleged crimes could definitely be identified.

6589

Commanding Officer of Unit No. 59473F on 'A'
2 on 'W'

6590

Adjourned in order to establish the identify of the accused, and in particular whether he is identical with General Otto BAUM, C.O. either of the 17th SS. Division or the 2nd SS. Division.

6591

1-2 on 'S'

3) FRENCH Cases.

Addenda.

1515 (Add. 2)

The accused's name was rectified as requested.

2154 (Add. 1)

On 'A' as BERGER Fritz vel Friedrich.

3138 (Add. 1)

Rectified as requested.

3996 (Add. 1)

1 already listed - no action was necessary.
2-6 on 'S' pending submission of evidence in support of charges.
7 remains on 'W' as already listed.

4213 (Add. 1)

1, 3, 4 on 'A'
2 left out
5 on 'S'

4741 (Add. 1)

Rectified as requested.

New Cases.

6617

1-11 on 'A'
12-28 adjourned for information necessary to substantiate the charges.

6618

1-3, 7, 8 and 12 on 'A'
4-6, 9-11, 13-16 adjourned for information and evidence necessary to substantiate their responsibility.

6619

1-35 on 'S'

(FRENCH Cases continued)

- | | |
|------|---|
| 6620 | 1-2 on 'A'
3-7 on 'S'
8 on 'W' |
| 6621 | 1 on 'S'
2 on 'A'
3-21 adjourned for information and evidence necessary to substantiate their personal responsibility for the crimes alleged.
(Majority of these accused are P.O.Ws. and could easily be interrogated. |
| 6622 | 1-44 on 'S' pending a statement by the National Office to the effect that all the accused had in fact been incriminated by witnesses interrogated in connection with this case. |

4) NETHERLANDS Cases.

Addendum.

- | | |
|------|--------|
| 2421 | On 'A' |
|------|--------|

New Cases.

- | | |
|------|---|
| 6623 | 1-3 on 'A'
4-6 on 'W' |
| 6624 | On 'A' for pillage |
| 6625 | 1-2 on 'A' for pillage
1 on 'A' also for deportation |
| 6626 | 1-2 on 'A'
3 on 'S' |
| 6627 | 1 on 'A' except on count No. IX.
2 on 'W' |
| 6628 | 1-3 on 'A' for ill-treatment
4 on 'W' |
| 6629 | On 'A' |
| 6630 | 3-29 on 'A'
1-2 on 'S'
30-32 on 'W' |

5) POLISH Cases.

Adjourned.

- | | |
|------|--------|
| 5794 | On 'A' |
|------|--------|

New Cases.

- | | |
|------|---|
| 6592 | On 'A' |
| 6593 | 1-2 on 'A' for systematic terrorism
3-6 on 'A' for mass murder, torture and ill-treatment. |

.....

(POLISH Cases continued)

6594	On 'A'
6595	On 'A'
6596	On 'A'
6597	On 'A' for murder
6598	1-3 on 'A'
6599	On 'A'
6600	On 'A'
6601	On 'A'
6602	On 'A' for deportation
6603	On 'A'
6604	On 'A'
6605	1-2 on 'A' for mass murder
6606	On 'A'
6607	1-2 on 'A'
6608	On 'A'
6609	On 'A'
6610	On 'A'
6611	On 'A'
6612	On 'A'
6613	On 'A'
6614	On 'A'
6615	On 'A'
6616	On 'A'

NO. 117.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Summary Minutes of the Meeting of Committee I held on 16th
October, 1947, at 10.30 am.

In the Chair Mr. Kintner (United States of America)

There were also present:

Members of Committee I and their Deputies:

Dr. Zeman	Czechoslovakia
M. Aars Rynning	Norway

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

Major Mason	United Kingdom
Commander Mouton	Netherlands
Colonel Muszkat	Poland
M. Zimonjić	Yugoslavia

Owing to illness, Sir Robert CRAIGIE was prevented from attending the meeting.

I. Minutes No. 116.

Minutes of the Meeting held on 9th October, 1947, were approved.

II. Proceedings in Individual Cases.

The Committee considered 23 cases against 78 persons submitted by the United Kingdom, Poland, the Netherlands, the United States and Czechoslovakia, and decided as follows:

1) UNITED KINGDOM Cases.

6632	1-2 on 'A'
6651	1-2 on 'A'

2) POLISH Case.

5349

This case was brought before Committee I for re-consideration in connection with a letter from the Judge Advocate's Office dated July 29th, 1947, and circulated as Doc. I/92.

At its meeting held on 30th July, 1947

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(POLISH Case continued)

5349

the Committee decided to request the Polish National Office for additional information regarding the guilt of the accused.

The Committee also took note of a second letter which had been received from the J.A.G. Office, dated 29th September, 1947, forwarding the translation of an affidavit containing a statement by the accused in lieu of an oath.

On the face of the additional evidence submitted by the National Office it was decided that the accused should remain on List 'A'.

3) NETHERLANDS Cases.

Addendum

4939

On 'A'

New Cases.

6642

On 'A'

6643

1 on 'A'
2-11 on 'S'
12-15 on 'W'

6644

1-6 on 'A' for complicity in murder

6645

On 'A'

6646

1-8 on 'A'
9-14 on 'S'
15-20 on 'W'

6647

1-3 on 'A'
4 on 'S'
5-6 on 'W'

6648

1 on 'A'
2 on 'S'

6649

1-5 on 'A'
6-8 on 'S'

4) UNITED STATES Cases.

6631

On 'S' for crimes against peace and for murder, ill-treatment, deportation of civilians, forced labour of civilians in connection with military operations of the enemy, and employment of prisoners of war on unauthorised works.

6650

On 'S' for mass murder and for employment of prisoners of war on unauthorised works.

467

5) CZECHOSLOVAK Cases.

- 6633 On 'A' for ill-treatment and torture
6634 On 'A' for torture
6635 On 'A' for complicity in illegal arrest
6636 On 'A' for persecution on racial or religious grounds, for deportation of civilians and pillage
6637 On 'A' on all counts except for denunciation
6638 The Committee took note of the fact that the Court which passed the sentences was a Gestapo Court and not a regularly constituted Court.
It was decided to list the accused
1-3 on 'A'
6639 On 'A'
6640 On 'A' for ill-treatment
6641 On 'A' for complicity in murder.

III. Case of Oberst HESSELMANN, listed by France on Case No. 1186. (Doc. I/96).

The Committee took note of a communication received from the United Kingdom Foreign Office with regard to the case of Oberst Hesselmann. In conformity with the Committee's usual practice it was decided that the case with regard to Hesselmann should be re-considered, and that the French National Office should be requested to submit any further information and observations in the matter which they might desire. The case was accordingly adjourned for a fortnight.

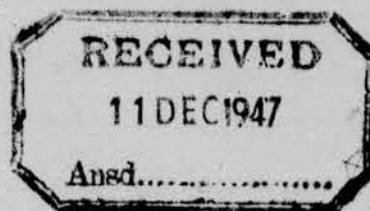
Dr. L. L. L.

S. 34.
468

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AMBASSADE DE FRANCE
A LONDRES

9 Décembre 1947



Monsieur le Secrétaire Général,

J'ai l'honneur de me référer à la discussion tenue, au cours de la séance du Comité I le 9 Octobre dernier à 10 H.30 et concernant la situation faite, dans certains cas, aux individus inscrits sur la liste de la commission comme témoins.

voir accord
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Je n'ai pas manqué d'interroger à ce sujet les autorités françaises compétentes, et suis à même aujourd'hui de vous faire parvenir leur réponse. Il résulte des termes de celle-ci qu'il n'a jamais été dans les usages suivis en zone française d'occupation de procéder à l'arrestation et à l'incarcération, même temporaire, de témoins ainsi que l'ont pratiqué les Autorités Alliées et notamment les Autorités américaines.

Il peut se faire que des mandats d'amener aient été décernés dans certains cas exceptionnels contre des témoins délinquants et désireux de soustraire à leur comparution. Mais si le cas s'est présenté, ces témoins n'ont pas été incarcérés et ont pu regagner librement leur domicile après avoir déposé.

Colonel Ledingham
Secretary General United Nations
War Crimes Commission
Landsdowne House
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DE LITAKSKI

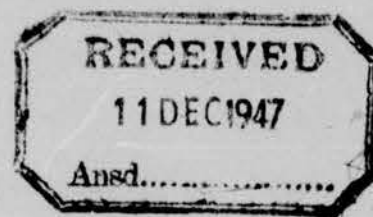
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A LONDRES

9 Décembre 1947



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J'ai l'honneur de me référer à la discussion tenue, au cours de la séance du Comité I le 9 Octobre dernier à 10 H.30 et concernant la situation faite, dans certains cas, aux individus inscrits sur la liste de la commission comme témoins.

Je n'ai pas manqué d'interroger à ce sujet les autorités françaises compétentes, et suis à même aujourd'hui de vous faire parvenir leur réponse. Il résulte des termes de celle-ci qu'il n'a jamais été dans les usages suivis en zone française d'occupation de procéder à l'arrestation et à l'incarcération, même temporaire, de témoins ainsi que l'ont pratiqué les Autorités Alliées et notamment les Autorités américaines.

Il peut se faire que des mandats d'arrestation aient été décernés dans certains cas exceptionnels contre des témoins défaillants et désireux de soustraire à leur coopération. Mais si le cas s'est présenté, ces témoins n'ont pas été incarcérés et ont pu regagner librement leur domicile après avoir déposé.

Colonel Ledingham
Secretary General United Nations
War Crimes Commission
Lancaster House

.....

Je crois toutefois devoir préciser que certains individus demandés par la France comme témoins, et notamment, inscrits en cette qualité sur les listes de Crowcase ont été arrêtés par les Autorités américaines ^{nous} et ont été remis après une détention quelquefois assez prolongée. Mais à leur arrivée en Zone française, ces individus ont fait l'objet d'un examen de situation qui a entraîné leur libération. Ce cas ne s'est d'ailleurs produit, à ma connaissance, qu'à quelques reprises seulement.

Tous les individus, qu'ils soient criminels de guerre ou criminels de droit commun, détenus en Zone française, sont en effet placés sous mandat de justice et les prisons ne peuvent les recevoir si leur détention n'est pas régulière.

Je vous serais reconnaissant de bien vouloir faire part de ces indications à M. Robert Craigie qui avait, je crois, sollicité de les lui fournir chacun des membres de la Commission.

Très sincèrement vôtre

Amellens

TRANSLATION.

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My dear Secretary General,

I have the honour to refer to the discussion held during the meeting of Committee I on 9th October last at 10.30 concerning the treatment of individuals listed as witnesses by the Commission.

I have made enquiries of the competent French authorities on the subject, and am now in a position to give you their replies. From these it appears that it has never been the policy in the French zone to arrest and detain witnesses, even temporarily, as has been the practice of other allied authorities, particularly the American authorities.

It is possible that warrants of summons (mandats d'amener) have been issued in certain exceptional cases against defaulting witnesses who tried to escape their audition. But if such cases have occurred, these witnesses have been free to return home as soon as they have made their declaration.

I think, however, that I should state that certain individuals wanted by France as witnesses, and particularly those listed as such on GROMASS lists, have been arrested by the U.S. authorities and have been handed over to us, sometimes after quite a long detention. But on their arrival in the French zone, these individuals have been the object of an examination which has resulted in their liberation. These cases, so far as I know, have only been rather exceptional.

All persons, whether they are war criminals or common law criminals, who are detained in the French zone, are placed under the mandate of justice (mandat de justice) and the prisons cannot receive them unless their detention is regular.

I should be grateful if you would be good enough to pass on this information to Mr Robert Frajic, who, I believe, asked the members of the Commission to supply him with it.

Yours very sincerely,

(Sd) MAILLARD



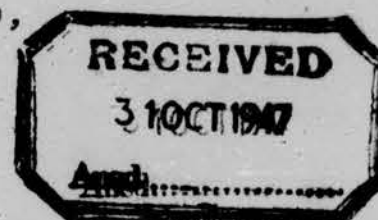
THE BELGIAN COMMISSIONER
ON THE
UNITED NATIONS WAR CRIMES COMMISSION

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2983/C/R

325 Lansdowne House,
Berkeley Square,
London, W.1.

29th October 1947



Dear Dr. Litawski,

Further to my letter No. 2978/C/R dated 23rd October, concerning the treatment of witnesses in Belgium, I have now received the following information from the Belgian National Office:

Witnesses are not detained in prison as criminals. They are lodged in the barracks of the "Petit Château" where they are well treated. To ensure their own protection and to prevent disagreeable incidents, they are not allowed out of the establishment, but they can receive visitors. There is a canteen established for their use and they can correspond with the outside world. In short, they enjoy, more or less, the privileges of prisoners of war. As soon as their interrogation is completed they are released and allowed to return to Germany.

in action

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Yours sincerely,

E. G. Gold. Adams

Dr. J. Litawski,
Legal Officer,
UNWCC,
Lansdowne House, W.1.