

W.C.N.D.

Book

(PRESS NEWS SUMMARIES)

W.A. CRIMES
NEWS DIGEST

I.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

PRESS NEWS SUMMARY No. I

(October 31st, 1945).

(For internal circulation in the Commission.)

ACTIVITIES OF THE U.N.W.C.C.

The Chairman and some of the members attended sessions of the Hadamar trial at Wiesbaden (October 8th-11th). Their presence was noticed in the local Press and by the British Sunday papers.

The British Press also referred to the visit paid by the Chairman and Colonel Hodgson to Nürnberg, which had enabled them to obtain a bird's-eye view of the work of the prosecuting staffs. "The Times" (October 17th) published in full Lord Wright's statement in the Commission, on the previous day, to the effect that complaints of delay in the opening of the Nürnberg trials were unjustified; that a few weeks' delay would not seem much a hundred years hence, while it would be a tragedy if the trials were to begin before they were absolutely ready.

On October 17th, the Chairman and M. Stavropoulos went to Hamburg, where the "Peleus" trial had opened. The Press of the 18th mentioned Lord Wright's presence at the Belsen trial and at conferences held at Lüneburg, which—it was stated—would produce some speeding-up in other trials.

The expected opening of the War Crimes Exhibition was mentioned in the Press on three occasions, the last being on October 29th, when it was also broadcast in the morning news. Other important Press releases have been the first Press conference, with Dr. Zivkovic in the Chair, and the second Press conference at which Dr. Sawicki spoke about the Maidanek extermination camp. Besides being quoted in the majority of papers throughout the country, both these conferences were included in the morning news of the B.B.C.

A letter from Lord Wright dealing with the application of the rules of international law in trials of war criminals before military courts was published in the "Sunday Times" (October 28th), and formed the subject of a leading article in that paper.

The Commission's releases concerning reports of war crimes have been well received. For instance, "Cold Water Crimes" was broadcast on the morning of October 1st, and received a very big Press the same day and this was closely followed by "Poison Plan for Invaders", which was released for October 4th Press.

Various other items have gone out through the Ministry of Information, including two releases on "Listing" (September 28th and October 24th), which received wide publicity.

THE INTERNATIONAL MILITARY TRIBUNAL.

- + 19.10.45. The International Military Tribunal appointed by the Charter of August 8th, 1945, for the trial of the major war criminals of the Axis, held its first public session on October 18th, 1945, for the purpose of receiving the indictment against 24 Nazi leaders.

The judges composing the Tribunal were: British: Lord Justice LAWRENCE, who it was believed would preside; Deputy: Mr. Justice BIRKETT. French: DONNEDIEU de VALRES; Deputy: M. FALCO; Russian: General NIKICHENKO; Deputy: M. VOLOHKOV. United States: Mr. Francis BIDDLE; Deputy: Mr. Justice PARKER.

The indictment was presented to the Tribunal by the leading counsel for the prosecution, namely: British: Sir H. SHAWCROSS; French: M. F. de MENTHON; Russian: General RUDENKO; United States: Justice Robert H. JACKSON.

The accused numbered twenty-four, namely:

GÖRING, Hermann Wilhelm	:	KRUPP von Bohlen und Halbach, Gustav
HESS, Rudolph	:	RAEDER, Erich
RIBBENTROP, Joachim von	:	DÖNITZ, Karl
LEY, Robert	:	SCHIRACH, Baldur von
ROSENBERG, Alfred	:	SAUCKEL, Fritz
FRANK, Hans	:	SPEER, Albert
KALTENBRUNNER, Ernst	:	BORMANN, Martin
FRICK, Wilhelm	:	PAPEN, Franz von
STREICHER, Julius	:	JODL, Alfred
KEITEL, Wilhelm	:	NAURATH, Constantin von
FUNK, Walter	:	SEYSS-INQUART, Artur
SCHACHT, Hjalmar	:	FRITSCHKE, Hans

The indictment was arranged in four sections or counts:

The first section was general, and governed the other three. It charges the defendants with a "common plan of conspiracy" and names the Nazi party as an "instrument for carrying out the aims and purposes of the conspiracy." Tracing the history of the Nazi party, the indictment accused the "conspirators" of planning and launching "aggressive wars and wars in violation of international treaties, agreements and assurances."

+ Dates in the margin are those of the Press extracts.

The second section dealt with crimes committed against peace. These included waging wars of aggression against Poland, Great Britain, France, Denmark, Norway, Belgium, the Netherlands, Luxembourg, Yugoslavia, Greece, Russia, and the United States.

The third section dealt with war crimes. The defendants were accused of practising "methods of combat and of military occupation in direct conflict with the laws and customs of war," and of crimes in battle against prisoners, and in occupied territories. Among these were murder and ill-treatment of civilians and prisoners of war, drafting of slave labour, killing of hostages, plunder of public and private property, and wanton destruction of cities.

The fourth section dealt with crimes committed against humanity, both in Germany and invaded countries. These were described as murder, extermination, enslavement, deportation and "other inhumane acts committed against civilian populations." The defendants were also accused of persecuting people "on political, racial and religious grounds.

General Nichenko (Russia) said that the meeting was being held pursuant to the agreement between the Governments, dated in London August 8th, 1945, for the prosecution and punishment of the major war criminals of the European Axis; he further announced that, having regard to Article 9 of the Charter the Prosecution intended to ask the Tribunal to declare the following groups to be criminal organisations: the Reich Cabinet; the Reichleiters of the Nazi party; the SS. and SD; the Gestapo and the S.A.; and the High Command of the German armed forces.

[In regard to the latter point, "The Times" Nurnberg correspondent commented (October 29th) that "The trial of these six bodies is of far deeper significance than that of their protagonists, for it is foreseen that convictions would determine criminality once and for all, and that trials of members could be held in military courts throughout the country with almost the dispatch, as someone put it, of traffic courts. A series of Nurembergs, in other words, is not contemplated. Categorical statements that Rundstedt and Kesselring are to be brought to trial are based on the assumption that a conviction will be obtained against the general staff, whose inclusion in the indictment has more the look of a test case than any of the other organisations. Its definition has been expressly confined to the highest appointments, from the commanders-in-chief and chiefs-of-staffs of the three fighting services down to commanders-in-chief in the field, such as Rundstedt and Kesselring, but there is reason to believe that legal advice to General Eisenhower is that a conviction against the general staff as such is doubtful."]

General Nichenko further declared that the defendants would have full opportunity to present their defence, but he emphasised that the issue raised by the charges would admit of no delay either in the preparation of the defence or in the trial itself.

The President then closed the session, and the Tribunal left for Nurnberg where a meeting to approve rules of procedure was arranged for October 29th. The opening of the trial was fixed for November 20th.

In accordance with Articles 16 and 23 of the Court's Charter, the indictment was at once served on 21 of the defendants in the Nurnberg prison. Those absent were Bormann, who is not in custody, Krupp von Bohlen who was in hospital; Raeder and Fritzsche who are in the hands of the Russians and will be produced by them for the trial. In regard to Bormann, it was made known that he would be tried in his absence, and should he be afterwards arrested the sentence would be executed without further trial. (+)

A special official of the court was appointed to inform the accused of their right to choose counsel; a list of 200 eligible lawyers is said to have been furnished. In regard to this point the British General Council of the Bar passed a Resolution (October 25th) that it was "undesirable that a member of the

(+) A further reduction was caused by Ley's suicide (October 25th, 1945).

English Bar should appear for the defence of war criminals accused before the International Tribunal." Press reports from Germany (October 28th) said that Allied legal authorities in Berlin had welcomed this resolution. It was expected that the Russian, French and United States authorities would take similar action; German legal circles had given the resolution a mixed welcome.

The new Sueddeutsche Zeitung sold 400,000 copies, containing the indictments in three hours. The main impression of the German public was said to be that the trial would be a recital of facts already known, after which it was taken for granted that the accused would all be found guilty and executed.

Justice Jackson, as reported in "The Times" (30.10.45) told the Press that "although the essence of every defence is to play for time, no delay is indicated in the opening of the trial. "Once begun," he told correspondents, "the proceedings will be pushed on with the utmost dispatch. The Court is expected to sit six days a week, with the possibility of holding night sittings if necessary, and it would suit American plans if there were no recess for Christmas. In view of the necessity for translation into four languages, evidence will be dispensed with by the prosecution whenever a point can be proved from the mass of captured documents in allied hands, and full use will be made in court of many documentary films seized by the investigating teams. There is to be no separate arraignment of the accused before the trial opens."

TRIALS ...

TRIALS IN EUROPE BY NATIONAL TRIBUNALS.

CZECHOSLOVAKIA.

- 19.9.45. SS. Obergruppenführer Walter SCHMIDT was convicted of atrocities at Ravensbrück Camp and was executed at Prague on September 18th, 1945.
- 17.9.45. Dr. Joseph PFITZNER, ex-deputy Lord Mayor of Prague, was tried at Prague on September 6th, 1945, for preparing the German occupation of Sudetenland, Germanising Prague, removing monuments and using the city's funds for the benefit of Germans (see Report R/CZ/20/9), and was executed the same day.
- 22.9.45. Rudolf SCHICKETANZ, legal adviser to Hennlein, was tried and convicted at Prague on September 20th, 1945.
- 16.9.45. BLASKOWITZA, ex-Gestapo leader at Prague, was tried, convicted and executed about 15.9.45.

F R A N C E.

R/F/17/10E. The Recapitulation of judgments by French Military Courts, in war crimes cases, issued by the Military Justice Directorate on September 25th, included the trial by a Military Tribunal at R E N - N E S on July 13th, 1945, of five Germans, including HILLENBRAND, a Lieutenant Commander, charged with murder and attempted murder. They were all found guilty and sentenced to death.

A German N.C.O., SZABADOS, was tried by a Military Court at Lyon (8.3.45) on a charge of murder.

OCCUPIED GERMANY
(Soviet Zone)

3.10.45. Before a German "People's Court" at Dresden, in the Soviet Zone of Occupation, four guards and a doctor of the Radeberg Concentration Camp were tried for murder and ill-treatment (about September 30 - October 2nd).

The People's Court found them all guilty. Two were sentenced to death; one to life imprisonment; and two others to shorter terms of imprisonment.

UNITED KINGDOM.

The Belsen Trial.

This case has been fully dealt with in the Law Reports Series, No. 1, 2, et seq., prepared by Dr. Schwelb for Committee III.

It may be briefly stated that the trial, which on October 31st was in its seventh week, opened at Luneberg on September 17th, 1945, before a Military Court, convened under Royal Warrant by Field Marshal Montgomery. The defendants were 45 men and women, of the staffs of the Belsen Camps, including

Joseph KRAMER, the ex-Commandant, and KLEIN, one of the doctors. They were charged with ill-treatment of Allied nationals at Belsen; 12 of them were also accused of similar crimes at Auschwitz.

The Prosecution alleged that at both Belsen and Auschwitz conditions were deliberately brought about which must cause death or lasting injury; and that at Auschwitz there was deliberate killing of thousands, perhaps millions of people, in pursuance of a policy of extermination.

Witnesses for the prosecution gave evidence in the above sense. It was shown, for instance, that when the British troops arrived, 13,000 unburied corpses were lying about, while many thousands had been recently buried in mass graves. The main cause of death was starvation. Many were killed by beating, overwork and ill-treatment.

The general line taken by the defence was to represent the staff of the camps as overwhelmed by the collapse of the administrative machinery, owing to the interruption of transport and the war situation; and to regard the atrocities described by the witnesses as greatly exaggerated.

In regard to specific acts—such as the gassing of inmates—it was claimed that the defendants were bound by superior orders.

The proceedings were protracted owing to the needs of multiple translations. Thus, the opening speech for the prosecution, the examination of five witnesses, and the reading of one affidavit occupied the first six days.

The Russian Press comments showed impatience at the length of the trial, and at the latitude allowed to the defence. Thus, the "Izvestia", as quoted in the British Press (24.10.45) wrote:

"It is high time it ended; there is no sense in fussing so long over this festering ulcer the people have already passed sentence."

The Russian jurist, Professor Trainin, writing in the "Pravda" (as quoted on 23.10.45) complained that the defendants were allowed to "behave like offended children." He also protested against counsel for the defence acting as a mouthpiece of Nazi propaganda, for instance by saying that the internees in concentration camps "were of a very low type."

The "Manchester Guardian" (26.10.45) also criticised the defending counsel for having "needlessly adopted Nazi arguments"; at the same time it declared that the trials had got to satisfy posterity that justice was done.

Press reports (October 29th) said that, in industrial districts in the British Zone, Social Democrats and Communists were putting up placards demanding "Speedy justice" and "Death to the men of Belsen."

A Second Belsen Trial.

24.10.45. The Press announced that a second Belsen trial would follow the present one; the accused would be subordinate personnel of the camps whose crimes had come to light during investigations of the major cases.

The Peleus Case ...

The "Peleus" Case.

18.10.45. The trial opened at Hamburg on October 17th, before a military court, composed of British and Greek officers, of the captain (ECK), the first lieutenant HOFFMANN, the engineer officer (LENZ), the ship's doctor, WEISSPENNIG, and a naval rating, members of the crew of the U-boat 852. The case for the prosecution was that, after the Peleus had been torpedoed, the submarine surfaced and fired on the survivors in the water or on the rafts with Tommy-guns and grenades. Seven British and four Greek seamen thus lost their lives. Three men only survived. Lenz had stated that Eck gave orders for the elimination of the survivors, and that he had protested against it.

For the defence it was alleged that the German U-boat Control had forbidden attempts to save survivors of torpedoed ships. Eck, in his evidence, contended that he had merely sought to destroy the wreckage, which might betray the presence of his U-boat; he admitted, however, that Lenz had protested; and that in a broadcast to the crew he himself had warned them against too much sympathy and had reminded them of the bombing of their cities.

On October 20th, the Court declared all the prisoners guilty: the captain, first lieutenant and the doctor were sentenced to death; the other two defendants to imprisonment.

21.10.45. It was announced that the men convicted had lodged an appeal, which would be directed to the court's convening officer.

30.10.45. The Press reported from British Headquarters in Germany that five Luftwaffe officers would be tried at Wuppertal in the next week for ill-treating R.A.F. prisoners of war at the Dulag Luft Interrogation Camp. It was alleged that the victims were placed for two hours at a time in cells electrically heated up to 130 degrees Fahrenheit.

UNITED STATES.

9-16.10.45. At Wiesbaden seven Germans (the administrator and members of the staff of the Hadamar Insane Institute) were tried by an American Military Commission—consisting of six colonels—for killing with lethal injections some 400 Poles and Russians who had been sent to the Institute. They were all convicted; three were sentenced to death, and the others to varying terms of imprisonment.

An objection to the Court's jurisdiction, on the ground that it was only competent to try war crimes committed during the Occupation, and only then against American nationals, was overruled.

9-13.10.45. General Anton DOSTLER, ex-Commander of the 75th German Army Corps, was tried in Rome by an American Military Commission, consisting of two generals and three colonels, for having illegally ordered the shooting of 15 American prisoners of war.

According to The Times narrative, the prosecution alleged that a party, comprising two officers and 13 N.C.O.'s of the American Army, in uniform, landed on the Italian coast on the night of March 22nd, 1944, with orders to destroy a tunnel between Genoa and Spezia. They were captured on March 24th and summarily shot near Spezia two days later, without trial, by order of General Dostler.

For the defence it was argued that Dostler had acted under superior orders, in particular an order by the Fuhrer, dated 18.10.42, which declared that enemy commandos were employing illegal methods of war, and that such troops, even if in uniform, must be exterminated, without quarter. An amendment to this Order had directed that such prisoners be handed over to SS. units.

General Dostler, in his defence, said that the American party had been described to him as a "Commando"; he had asked Kesselring's staff for a ruling and was told in reply that the prisoners were to be shot. Mention was made of a later telegram—which arrived too late—ordering the suspension of the execution. The Military Court found General Dostler guilty and sentenced him to be shot.

21.10.45. The Press were informed of the conviction at Dachau (October 21st), after a trial before an American Military Commission of six officers, of Joseph HAUGOBI, an Austrian farmer for the murder of Lieut. CAUST, an American airman. The prosecution alleged, on the basis of signed confessions, that, on November 16th, 1944, the defendant had shot the airman, who had baled out from a plane, at Lamprechtshausen, near Salzburg. The defendant said that the airman had ignored several warnings to put his hands up, and tried to escape. Lieut. Caust, in a deathbed statement, said he was shot by an unseen assailant, while trying to unhitch his parachute. The proceedings were marked by a legal debate on the status of civilian members of Nazi-sponsored "defence groups" charged with belligerent acts. The defendant was sentenced to imprisonment for life.

28.10.45. The Press was informed by the Theater Judge Advocate at Frankfurt that General Eisenhower had confirmed the sentences on seven Germans (five men and two women) convicted at Darmstadt on July 31st for murdering six American airmen at Russelsheim. The men had been sentenced to be hanged; the two women to 30 years' imprisonment.

In the U.S. Zone, on September 15th, 1945, the trial⁽⁺⁾ was completed. before a Military Commission appointed by the Commanding-General, Eastern Military District, of Anton SCHOSSER, charged with the murder of an unarmed American airman, A. MANOCH.

It was alleged that Schosser shot and killed Manoch while escorting him to Erding for exhibition to the villagers. Schosser was found guilty and sentenced to death. Two other Germans, who had made affidavits to the effect that Schosser committed the murder, were also accused, but a motion for severance having been granted, they were to be tried separately.

26.10.45. A communication to the Press, from Heidelberg, stated that all war crimes in the Western Military District would be processed and tried at Ludwigsburg, where two courts were being prepared at the detention camp, capable of dealing with an average of five cases weekly. Trials beginning about November 1st would involve concentration camp atrocities, political murders, and crimes against the U.S. Army.

(+) Summary from War Crimes Trial Report No. 1 - R/G/18/10 E. (Received from the United States Commissioner).

THE FAR EAST.

25.10.45. In the House of Lords, Lord Addison said it was hoped that the recently appointed Commission would make recommendations that would effectively deprive Japan of any powers of aggression in future. As to war crimes, instructions had been sent to SEAC., in consort with Dominion representatives, to collect evidence and apprehend suspects and he hoped they were being acted on. A great deal of evidence was coming from prisoners of war and internees since liberated, and instructions had been issued to set up a military court, consisting of representatives of the United Kingdom, the Commonwealth, and the Allied Nations. Already there was a mass of evidence, which was increasing daily as further prisoners were liberated.

A despatch from Shanghai to the "Daily Mail" stated that, following orders from General Chiang-Kai-Shek, immediate action was to be taken against a number of war criminals. The offenders would include the "Lord Haw-Haw" of Japanese propaganda— a man of Russian origin, and ten Japanese arrested for the "death march" through Hangkow in December 1944, when three American B 29 pilots were tortured and burned to death.

The Philippines.

29.20.45. The Press reported the opening at Manila on October 29th of the trial, before an American Court composed of General Reynolds (President) and four other generals, of General YAMASHITA, charged on 123 counts with atrocities committed by his troops.

29.10.45. A Times Melbourne Correspondent's cable (October 29th) said that "unlike a court-martial, which is used only to investigate crimes committed by members of a nation's own forces or in areas under martial law, or to try spies, this court is not restricted in its findings by the articles of war. The final decision rests with General MacArthur, who will review the findings."

The prosecutor said that he would base his case on the contention that Yamashita failed to discharge his duty to control the operations of his command by permitting the continuance of atrocities of which he must have been aware, thus violating the laws of war. The atrocities were so notorious and flagrant that they must have been known by Yamashita. Witnesses mutilated for life would be brought to the court on stretchers, not to shock the court, but because they had stories relevant to the prosecution's case.

27.20.45. The Press (October 27th) quoted Colonel Carpenter, Chief of War Criminal Prosecution in Japan under General MacArthur, as having stated that trials of Japanese war criminals would begin in Japan within a month.

A letter written by a senior British officer in Malaya, received from the United Kingdom National Office, stated in part:

"Please show my letter to anyone who is sorry for the Japs. I can assure you that all I have told you is true. Luckily, we have witnesses and we have a list of names, and have already arrested many of the ringleaders. They will, I hope, be hanged, shooting is too good for them. We have given strict orders to discipline the Japs, but any British or Indian soldier found ill-treating them will be dealt with by us. We do not intend to descend to the level of the Japs, but we do intend to bring all war criminals to trial. I feel that unless we are careful, the British public will become apathetic. Once again, I do beg of you to give my letter the widest circulation."

The writer had seen and spoken to men and women who had been tortured, and had witnessed the conditions in which these people had existed for three and a half years. For instance, the Bishop of Singapore was confined with seventeen other British prisoners in a cell eight feet by eight feet for eight months. They had only one bucket for all lavatory purposes and they had to sit in a huddled position on the concrete floor without blankets or mattresses. On one occasion the Bishop himself was tied to a table and given two hundred lashes before he became unconscious.

Again, the British troops found a woman and "She was dead, thank God", says the writer, "with her breasts cut off, lighted cigarettes in her nostrils, and other atrocious details which are quite unprintable." It was a common occurrence for British women to be stripped naked and put in shop windows for all to see and kept there for a week. Nineteen nurses who refused to these sex maniacs were taken out and bayoneted to death in front of other female prisoners who had to bury them.

A sergeant, luckily discovered by the writer, with a broken thigh bone and a crushed leg, had been made to lie down while the Japs drove a lorry over him as a form of sport.

II

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

PRESS NEWS SUMMARY No. II.

(November 1945 - before the Nuremberg Trial)

(For internal circulation in the Commission.)

20th November, 1945.

PRESS REFERENCES TO THE U.N.W.C.C.

The Press mentioned (November 19th) that the Chairman of the United Nations War Crimes Commission would be among the distinguished visitors at the opening of the Nuremberg trial next day; Colonel Ledingham's appointment as Secretary-General of the United Nations War Crimes Commission appeared in "The Times" and "Daily Telegraph" of the same date.

The Commission's release on Prince Leopold's description of atrocities at Dachau was published in one or two Sunday papers of October 28th.

The Nazi plans for underground war industry and the building up of an Empire after defeat, as disclosed in the Kilgore papers, was released on November 8th, in longish form, and was published in over a dozen national and provincial papers.

The Commission's opinion that cannibalism is a war crime, which it was decided to release on November 8th, appeared in four or five papers the following day. (See also under Far East.)

A short release entitled "One Thousand One Hundred Persons Freezed to Death", written on the evidence of Dr. Kallay, went to the Press on November 19th, and has so far appeared in "The Times", "Daily Telegraph", and the "News Chronicle."

A U S T R I A.

+
1.11.45. The Vienna Radio reported the arrest of Dr. Karl Tuppa, Head of the Anthropological Institute, who since the liberation of the city had been living in the Mariazell region as a gamekeeper. Tuppa's findings as to whether a person was a Jew or non-Jew were regarded as decisive; between 1939 and March 1945, Tuppa had issued about seven hundred such decisions and received 170 Marks on each occasion.

+
13.11.45. The Vienna Chamber of Lawyers was requested by the International Tribunal at Nuremberg to provide counsel for Seyss-Inquart and Kaltenbrunner who were born Austrians. The Vienna Radio observed that the Austrian lawyers concerned would be discharging professional duties, irrespective of the nature of the case, just as the British Bar had nominated for the Belsen trial some of its eminent members, who had not incurred political strictures from anyone in Britain.

+
14.11.45. From November 16th onwards the UFA and Haydn cinemas were to exhibit the "Crimes of Horror" film. The Vienna Radio urged every Austrian to see this film, so as to ensure that such horrors should never recur.

+ Dates in the margin are those of publication in the Press.

C Z E C H O S L O V A K I A.

- 16.11.45. It was reported from Prague that a Czechoslovak team, operating in Germany with American assistance, had tracked down and arrested Albert Goering, Hermann Goering's brother, former General Manager of the Pilsen Skoda Works during the German Occupation.

(The destruction of these works formed the subject of the Czechoslovak Charge 1789/Cz/G/19.)

F R A N C E.

- 12.11.45. Robert Wagner, former Gauleiter of Alsace, was stated by the Paris Radio to be in prison at Baden-Baden; he was shortly to be taken to Strasbourg for trial.

[Among offences alleged against Wagner are the executions of Polish slave-workers without trial: See Summary of Information No. 20.]

G E R M A N Y.

- 12.11.45. In what is described as the first documented account of Hitler's approval of concentration camp and other atrocities, Eugen Kummig writes in the Süddeutsche Zeitung that "Hitler angrily dismissed all protests against inhumanity with the words: 'What? More of this humanitarian nonsense?'" Field Marshal von Reichenau attempted twice in 1942 to protest against the starvation, gassing and shooting of Russian soldiers, women and children, but was reprimanded by the Führer.

According to "Süddeutsche Zeitung", Kummig's account was based on his work at G.H.Q., where secret documents were available to him.

- 13.11.45. A poll of prominent Germans showed that a majority approved the trials of the Nazi leaders at Nuremberg. Ordinary citizens, approached in the same connection were apathetic. Some objected that the trials were too slow, and said that if the Nazis had won the war there would have been no trials—just shootings. They advised the Allies to do likewise.

Others, like Pastor Niemoller, protested against the wholesale indictment of the SS; and an elderly banker declared that the trials were "just Allied propaganda."

(See also German comments)

- 14.11.45. A speaker on the Berlin Radio stressed the need of punishing former active Nazis, as provided in the Four Party purge resolution. "The execution of measures against Nazi criminals not sentenced by the Courts of the United Nations lies," he said, "in the hands of German Courts. The Public Prosecutor's Office and the Criminal Investigation Police, in co-operation with all anti-Fascist German forces, would energetically seek the arrest of Nazi criminals."

G R E E C E.

- 15.11.45. Ankara Radio reported that Dr. Neubacher, former Minister for the Balkans, was wanted by Greece on charges of murder and torture.

- 16.11.45. It was reported from Athens that the Greek Government would ask the Allies for the surrender of Field Marshal List, former German Commander in Chief in the Balkans, with a view to his trial as a war criminal. (A photo in the "Sphere" shows List in the prisoner's Camp at Hersfeld (Germany).)

HUNGARY.

- 2.11.45. The German SS General Winkelmann was handed over, for interrogation, to the Hungarian Political Police by the United States authorities in Germany.
- 3.11.45. It was reported from Budapest that an agreement had been signed for an exchange of war criminals between Roumania and Hungary.
- 3.11.45. The report of the trial of Bardossy, former Hungarian Premier, who was sentenced to death by the People's Court, mentioned that: "the accused was acquitted on the charge of failing to prevent the atrocities committed by Hungarian forces at Novisad in January 1942. It has been verified that he was informed of them only after the fact, and that he ordered an immediate enquiry into the matter. In this instance, the Minister of National Defence, the Minister of the Interior and the Chief of Honved Staffs were responsible."
- 14.11.45. At his trial before the People's Court Bela Imredy admitted having helped, during Barany's premiership (1938) to prepare the anti-Jewish laws which were afterwards put in force during his own premiership.
- 17.11.45. An illustrated Press report showed leading Hungarian war criminals handcuffed and awaiting trial by the People's Court. They included: Peter HAIN, a high Gestapo official, who was active in the extermination of the Hungarian Jews; Lezlo ENDRE, former Minister of the Interior who was also responsible for the killing and deportation of thousands of Jews, and SZALASI, the former Hungarian F hrer. It was alleged that during the latter's reign his henchmen killed 30,000 Jews and handed more than 100,000 of them to the Germans for extermination at the death camps.

Other arrested criminals mentioned in the report are General REREGFFY, Szalasi's War Minister and General RATZ.

[With regard to the crimes of some of the above personalities, see Summary of Information No. 11.]

The same report stated that many of the war criminals sought by the present Hungarian Government had been captured by the United States authorities in Germany, and were being flown in batches from Salzburg to Budapest.

I R A Q.

- 2.11.45. The Prime Minister of Iraq informed a correspondent that his Government was formally asking Britain to list as a war criminal RASHID ALI, leader of the pro-Nazi Iraqi rising in April 1941, who had fled to Germany after the failure of the revolt and was believed to have found refuge in Saudi Arabia.

N O R W A Y.

The Oslo Trial:

- 23.11.45. Nine Gestapo officials will be tried at Oslo on November 23th before a British and Norwegian Military Court for the murder of five Norwegians and one Englishman.
- 15.11.45. A British team investigating war crimes at Oslo ascertained that the Germans killed members of a British glider crew which landed in a Norwegian Fjord during the Occupation. Four of the crew were injured by landing; two of these were killed by injections, one was hanged, and the fourth was

NORWAY (Cont.)

shot in the back as he was being led into a cell. The Germans threw their bodies into the sea on a dark night. The five remaining members of the crew were taken to a place of execution north of Oslo where they were shot.

UNITED KINGDOM.

The Belsen (Lüneburg) Trial.

This Trial, which had lasted for 54 days, ended on November 17th, when 30 of the original 45 defendants were declared guilty. Of these, 11 (8 men and 3 women), including Josef KRAMER, ex-Commandant of the Camps, and KLEIN, the Roumanian-born medical officer of the camp, and HOSSLER, formerly in command at Auschwitz, were sentenced to be hanged; the remaining 19 received various terms of imprisonment. One of the latter group (ZODDEL) was already under sentence of death for the murder of a Hungarian girl. Fourteen of the defendants were acquitted. The case against one man (GURA), who was ill in hospital, was dropped on November 13th, and it was announced that the convening officer would deal with his case as he thought fit. Kramer and six of the defendants sentenced to death appealed to Field Marshal Montgomery against the verdict and the sentences. All of the remaining 18 found guilty have also appealed.

[The proceedings have been fully discussed in the Law Reports Series prepared for Committee III by the Legal Officer.]

PRESS CRITICISMS.

As before, many of the comments—especially those from the U.S.S.R.—showed impatience at the length of the proceedings:

FRENCH COMMENTS.

18.11.45. M. Henri Benazet, broadcasting from Paris, said that the Lüneburg verdict was of a scandalous and revolting clemency; he was more than disconcerted by a British Agency's embarrassed explanations. Were they to believe that it was difficult to ascertain the responsibilities for crimes on such a large scale? The internees present among the public had reacted with natural indignation. So had the families of all the dead. What had justice to do with this sad affair? It was easy to read between the lines of some British papers that the question was one of propaganda. One of them naively observed that, by this result, the Germans would be led to a better conception of human dignities. Apparently, what mattered more than inflicting a penalty worthy of such crimes was to gratify the vanquished.

18.11.45. The French radio service for Belgrade, said that French public opinion learned with amazement that 14 of the Belsen executioners had been acquitted, while only 11 had been sentenced to be hanged. The British judges' verdict would further disturb world public opinion, already surprised by the trial's slow tempo.

18.11.45. "L'Aube" wrote: "This verdict will fail to satisfy human conscience. Is it not significant that even one of those who benefited under it passed judgment on it? Helena Kopper, when she heard that she had been sentenced to only 15 years' imprisonment, begged the judges to condemn her to death. What a lesson for the British judges!"

GERMAN COMMENTS.

18.11.45. In Germany, Axel Eggebrecht (Hamburg Radio):

"This then, was the end of the great trial: great not only because of the large number of accused and the long time it has taken but above all because of the gigantic extent of the crimes involved. ... The first striking detail that comes to mind is that almost one third of the accused have been found not guilty. This alone bears witness to the objectivity of the proceedings. True, some who got off were clearly members of the concentration camp guard and, before a summary Hitler Court, would have been found guilty... It is understandable if many convinced anti-Nazis—especially those who have suffered for years in concentration camps—cannot understand this over-objectivity and had expected a short trial with summary sentences. On the other hand, people who whispered that the whole thing was only a show and the sentences a foregone conclusion, have been proved wrong." Nevertheless, even now I feel that not much has been achieved. After all, it was not our trial: it had been announced that only crimes against members of the Allied nations were on trial. As to the concentration camps which existed long before the outbreak of this war and used without interruption against Germans, the British attitude was: that is your own affair. Very well. We accept that. Let us draw from it an important conclusion: Let us open German concentration camp trials before German courts, to get justice for German victims. These trials have still to come, and as quickly as possible."

18.11.45. Dr. Petersen, Mayor of Hamburg, said in a broadcast:

"We must pay a heavy price for the atrocities of a man, who with devilish cleverness, managed to force his power on the able but politically inexperienced German people. We must suffer for the dismal deeds of a clique of conspirators. Justice demands, however, that we emphasise that we are not all responsible for the crimes and atrocities in the camps, which were kept secret from most people."

RUSSIAN COMMENTS.

1.11.45. M. Mikhailov, a Soviet speaker at the World Youth Conference, asked:

"Why are the Judges of Luneberg so patient, while in their presence arrogant murderers have been clowning for more than a month and mocking justice; while their counsel, like Mr. Winwood, are using the tribune of the Court for open Fascist propaganda?"

2.11.45. Professor Trainin in the Soviet News ((2.11.45) criticised the "strange—and disgusting—attitude of the leading defence counsel" and complained that his "gentlemanliness is rather one-sided; it is invariably reserved for Germany and the accused." He protested, in particular, against the seizure of Sudetenland being called a "return to the home country" and that of Danzig as "a free city joining the German Empire of its own free will." Finally, Professor Trainin observed that "according to Winwood it was the prisoners themselves who were to blame for the deathly regime." "The danger," he concluded, "that counsel for the defence may be turned into a mouthpiece for Fascist propaganda must be eliminated."

BRITISH COMMENTS.

13.11.34. The British Press, on the other hand, quoted Colonel Backhouse's statement, before his closing address, "that no time had been wasted by the defence"; and Judge Advocate Stirling's remark that "time was relatively unimportant so long as justice can be done."

One paper, the "Dundee Courier" (10.11.45), after criticising some of the arguments of the defence, observed:

"Such excessive efforts of extenuation publicised from Lüneburg are having unhealthy reactions in unexpected quarters. A leading Arabic newspaper in Palestine comments that Goering and his co-prisoners were only doing their duty to their homeland, and that their trial would go down to history as a monument of political injustice."

19.11.45. "The Times", in a leading article (19.11.45) said that, though a good deal of the evidence had been redundant and some of doubtful value, this latitude has "confirmed rather than invalidated the general impression of the almost exaggerated desire to accord fair play to the accused; and no impartial observer or reader will be inclined to doubt that the sentenced men and women have been proved, by any test, guilty of causing death and injury in circumstances of aggravated cruelty to allied nationals in the two camps." (See also page 14: Swiss Comments.)

Coming Trials.

The "Dulag Luft" Trial.

31.10.45. It was announced that the trial of the five German air force officers accused of torturing R.A.F. prisoners of war by imprisoning them in heated cells would begin at Wuppertal in November. (This trial has now been fixed for November 26th.)

The "Essen" Trial.

31.10.45. The Press announced that a trial would take place at Wuppertal in November of nine Germans accused of murdering three British airmen who were shot down over Essen on 13.12.44. It was alleged that the officer in charge of the airmen incited the mob to kill them; two of them were beaten to death and one jumped over a bridge and was shot in the water. (The date of opening of this trial is not yet known.)

The trial of two Germans accused of the murder of Gerald HOOD, was to begin at Almeno late in November.

The Oslo Trial.

(See under Norway.)

The Neuengamme Trial.

31.10.45. The Press announced that, after the Belsen trial, a court would sit to deal with atrocities against Allied nationals in the Neuengamme Concentration Camps, in the Hamburg area. The first defendants would be a group of twelve officials; a second batch of 25 subordinate SS personnel would follow them in the dock.

The Ravensbrück Trial.

- 1.11/12/45. British investigators are collecting evidence against six German doctors who performed "vivisectionist" experiments on prisoners in the Ravensbrück women's camp, which lies in the Russian Zone. The accused, with the evidence, may be handed over to the Russians; or, if the latter do not want to try them, they will be tried by the British.

M i s c e l l a n e o u s .

The "Peleus" Trial.

- 23.10.45. Speaking in the House, with reference to the "Peleus" Trial, the Earl of Cork and Orrery was reported as saying:

"We have read lately the report of a trial of young German officers on a submarine. Some of them, I understand, have been sentenced to death. The one man who should have been tried, if anybody was to be tried, was the man in command. You cannot in a military service have a young officer saying, 'I do not think this is a right order.' If he did, what would happen to him? If he did that he would be shot or sent to a concentration camp. I think before you condemn anybody you must think of the orders he was working on. The man who gave the order is the man who should be tried. Why an engineer who was down in the engine room should be condemned to death is hard to understand."

- 19.11.45. The Press reported from Nuremberg that Admiral Doenitz wished to call ECK, the Commander of U-boat 852, who was sentenced to death in the "Peleus" trial, as a witness for his defence; and that, should it be found that Eck's evidence might be useful, he would be temporarily reprieved.

- 1.11.45. The press reported that Kurt von SCHROEDER, now held by the British in Düsseldorf, was likely to be tried as a war criminal. It is alleged that he was in the Inner Councils of the Nazi leaders, and assisted Hitler to oust Schleicher and assume power.

- 8.11.45. Press photographs showed General Kurt MEYER, closely guarded, on his way from England to Oldenburg to be tried for the illegal execution of 48 Canadian prisoners of war, in Normandy in 1944.

- 9.11.45. Albert HOFFMANN, Gauleiter of Southern Westphalia, was arrested in the Ruhr.

(Hoffmann was the author of an order, dated 26.2.45, forbidding the police to interfere with the vengeance of the mobs upon shot-down airmen: See Summary of Information No. 36 - Appendix 3 b.)

UNITED STATES.

Trials in the American Zone.

The Dachau Trial.

15.11.45. Forty persons were arraigned at Dachau on November 15th before an American Third Army Military Commission consisting of eight officers with Brigadier General Lenz as President; Lieut.-Colonel Densen as Prosecutor; and Lieut.-Colonel Bates as defending counsel. The Charges were for "cruelty, mis-treatment, including killings, beating, tortures, starvation, abuse and indignity, against both civilian nationals and Allied prisoners of war." Under the broad term "Violation of the Laws and Usages of War" the accused were specifically charged with the conduct of medical experiments on the inmates of the camp, including experiments made on behalf of the Luftwaffe (see Summary of Information No. 41).

The accused included Dr. Schilling (disease experiments); Dr. Hintermayer (Luftwaffe experiments); SS. Commandant Johan Eichelsdorfer (murders of Jewish inmates at Landsberg Subsidiary Camp); Ruppert, former commander of the prison compound (1941-45); and Kick (see Summary of Information No. 30), criminal secretary in the political department. Pleas that the defendants were prisoners of war and that the charges were invalid, owing to vagueness, were overruled.

16.11.45. One of the first witnesses, the Czech Dr. Blaha, described the experiments carried out by Dr. Rascher, when prisoners were subjected to various air-pressures, usually with fatal results; other experiments carried out were liver punctures, sea-water diet, and malarial injections. This witness had made 6,000 to 7,000 autopsies.

Russian comments on Dachau.

18.11.45. The Moscow radio observed that, obviously, the practices at Lüneburg have encouraged the defence of other Nazi desperados. "The defence of the Dachau blackguards, for instance, is insisting that they be tried by the same court that tries U.S. Army delinquents. Further, the defence wants to annul the indictment altogether, on the grounds that all the names of the victims and the date of each crime have not been indicated. Such an objection is reminiscent of the questions put to victims of the Nazis at the Lüneburg trial as to what breed of dog was set on them. The defenders of the Dachau butchers should be advised to talk to the fathers, wives and mothers of the victims, and ask them when they wept for their lost ones, what hour and what minute precisely, and what was the time when their loved ones were murdered. At any rate, the Nazis' legal defenders should be reminded that they might retain a sense of propriety. The world, indignant at the horrors, must not be insulted."

The Buchenwald Trial.

3.11.45. It was announced from General Headquarters that the defendants at this trial will include Dr. Kirchner, who was principal medical officer at Buchenwald from November 1937 till December 1938, and before that deputy-medical officer at Dachau. He was to be charged with condoning minimum rations, insufficient medical attention, and responsibility for sterilisation of non-Aryans.

Arrests in the American Zone.

The Big Six.

1.11.45.) Mr. Nixon, deputy-director of the competent branch of the U.S.
2.11.45.) Military Government, told a Press conference of the arrest of 21
directors and managers of the six big German banks, namely: Deutsche
Bank, Dresdner Bank, Commerz Bank, Reichskreditgesellschaft, Berliner
Handelgesellschaft, Bank der deutschen Arbeit.

Among those arrested were: Hans Oesterlink; Albert Pietzsch;
Richard Freudenberg; Karl Goetz; Wilhelm Kisskalt; Hans Schippen;
Hugo Zinsser; Wilhelm Avieny; Friedrich Flick; Hans Pilder;
Heinrich Giesbert; Alex Haffner, Stuttgart; Joseph Schilling, Berlin;
Karl Hettlage; Heinz Reitbauer; Hans Walz; Hermann Hanssen;
Ludger Westrick.

Mr. Nixon said that these banks represented an enormous concentra-
tion of economic power, and that, under the Nazis, their power had
steadily increased. After the annexation of Austria in 1938, they
secured complete control of the banks of Austria, Czechoslovakia, Yugo-
slavia, Roumania and Poland, and effective control of the banks of
Hungary, Luxembourg, Holland and Belgium. Arrangements were also made
to "co-operate" with the three principal Greek banks. The Laenderbank
and Creditanstalt Bankverein in Vienna and the Continentalbank in
Brussels were brought under the yoke of the invading Power. Under the
Nazi programme of Aryanisation, the Deutsche Bank absorbed the firm of
Burkhardt and Co., Essen, as well as the former Jewish firm of Simon
Hirschland; the firm of Gebrueder Arnold, its sister firm, Hardy and Co.,
and the Jewish firm of Bleichroeder and Company were absorbed by the
Dresdner Bank.

By these methods the "Big Six" had joined forces with the Reich
to dominate the world. The Banks did good business, with Hitler's war
machine as a police force behind them. The directors maintained close
contact with German economy, especially with the heavy industries; this
enabled them to control more than 200 large industrial firms, as well as
thousands of smaller ones. Moreover, the directors sat on the boards
of 62 German chemical firms producing war material. Most of the capital
of the "Big Six" was invested in long-term loans, absorbing money in the
form of deposits and placing it at the disposal of the Reich's war
finances.

The "Big Six" participated directly in financing war orders.
In 1942 they had granted loans exceeding M4,000,000,000 to industry, an
amount equal to the total payments in advance for war supplies of the
German Government. With their capital they helped to put the Nazis in
influential key positions within their own organisations. Since the
prominent bankers belonged to the Nazi Party, they soon achieved a high
reputation. In 1942, the Dresdner Bank transferred M 50,000 to the SS.
The "Big Six" had encouraged the employment of slave-labour demanded by
the industrial enterprises under their control.

Mr. Nixon thought that the arrests would facilitate investigation
of the six banks as "holders and collaborators in the misdeeds of
the Nazis."

Press Comments.

- 3.11.45. "Neues Oesterreich", commenting on the arrests, stressed the part played by high finance in supporting Nazism. They had harnessed the people's money for Hitler's war; bankers and Party men were working closely together, corrupting finance and sharing the loot. Their trials would reveal their responsibility for the tragedy which had befallen the world.
- + + + + +
- 31.10.45. Monika von Dittmar, daughter of General Kurt Dittmar, was arrested by the American police near Oberammergau; she admitted having worked at Dachau as a dental assistant. During the interrogation she tried to commit suicide.
- 2.11.45. Malzacher "the Krupp of Austria," former head of the Hermann Goering steel plant at Linz, and Fritz Wenk, former head of the Steyr Auto Factory, were arrested at Salzburg by the U.S. Military Police; Friedrich Schutz, former Labour Front leader for Wurtemberg was arrested at Stuttgart.
- 29.11.45. General Heming von Bassewitz-Behr, one of Himmler's personal staff, was arrested at Bremen; he carried a phial of cyanide similar to that used by Himmler.
- 7.11.45. It was announced at Frankfurt that the death sentence on Strasser, a Kreisleiter, passed by a U.S. 3rd. Army Military Commission sitting at Dachau on August 24th last, had been confirmed. Strasser was one of four Germans accused of the murder of five American airmen who baled out near Kaplitz (Sudetenland). Of the other three, one named Lindemayer had committed suicide and two were still at large. The captured airmen were taken by Strasser and his accomplices in a motor car to Kaplitz, where they were shot as they dismounted from the vehicle.
- 10.11.45. The Press reported that Josef HARTMANN, the local propaganda leader, and four other Germans, sentenced to death by an American Military Commission at Darmstadt for the murder of six American airmen who baled out near Russellheim in August 1944, were to be hanged in the prison at Brucksal near Heidelberg on November 11th. Two women, who were sentenced to death at the same trial for inciting the crowd to stone airmen, were reprieved. The sentence had been reviewed and confirmed by General Eisenhower and Lieut.-General Keyes, commanding the 7th U.S. Army.

YUGOSLAVIA.

- 1.11.45. The report from Belgrade of the Novisad massacre trial stated that the Military Tribunal passed sentence on the war criminals and Magyar Fascist officers . . . The former senator Popovitch, Governor Deak, industrialist Kramer, and Zombory, Chief of the Novisad Police, were sentenced to death by shooting; Bothory and Dr. Koenyoki, senior police inspector and councillor of the Novisad police, to death by hanging. Those sentenced were responsible for the mass slaughter of Serbs and Jews in the Backa and Baranja . . . In 31 years, almost 22,000 people were killed there.
- 1.11.45. A B.U.P. despatch from Belgrade stated that Great Britain had agreed to hand over 15 war criminals to the Yugoslav Government. These would include: General Milan Nedic, head of the puppet Government in Belgrade during the German occupation; General Rupnik; General Janic, military commander of Nedic's troops, and Milloslav Spalajkovic, former Yugoslav Minister in Paris.

PREPARATIONS FOR THE NUREMBERG TRIAL.

The Prosecuting Committee, consisting of the four Staffs, numbered about 1,050, made up of 150 British, 150 French, an unknown number of Russians. The Americans, who are in the position of hosts, had about 600, including household staffs. These figures were increased by some 600 correspondents, broadcasters, and photographers. The British representatives were Sir Hartley Shawcross, Attorney-General; Sir David Maxwell-Fyfe; Mr. G.D. Roberts, K.C. Lieut.-Colonel Griffith Jones; Colonel H. Phillimore; and Major F. Elwyn Jones. General Nikitchenko, the Chief Soviet Judge arrived on November 17th; the Chief Soviet Prosecutor, M. Rudenko, who was prevented from coming by illness, was temporarily replaced by his deputy, M. Pavlovsky.

Rumours of an expected postponement of the trial had been contradicted on November 8th; a request by Streicher's counsel for a week's delay had been refused; but events which took place a week later threatened to cause some delay.

At a meeting of the Tribunal on November 14th, Dr. Klefisch, counsel for Gustav Krupp von Bohlen, (who was gravely ill at Salzburg and had been pronounced unfit to be moved by an Allied medical board) pleaded that it would be contrary to justice to try his client in absentia.

Justice Jackson accordingly asked the Court to amend the indictment by adding to it the name of Krupp's son Alfred, in order that the Krupp armament industry should be represented in it; the resulting delay need not extend beyond December 2nd, and this was a case where thoroughness should have precedence over "uninformed demands for haste". Dr. Klefisch, however, insisted that he ought to be allowed the same 30 days period to prepare the defence that had been granted for the other defendants.

Sir H. Shawcross, on the other hand, was opposed to the substitution of son for the father in the indictment, and also to a postponement of the trial.

M. Dubost, French deputy prosecutor, supported Justice Jackson's application as representing the most expedient course, even if it caused delay.

The Russian Prosecutor supported the American and French view.

15.11.45. The Tribunal, giving judgment, declared that the interests of justice would not be served by the trial of the elder Krupp in absentia, under Article 12 of the Court's Charter; and directed that the charges against him should be retained in the docket of the Tribunal for trial hereafter, if his physical and mental condition should permit.

In view of this ruling Justice Jackson put in a statement explaining his country's attitude towards subsequent trials. The United States, he observed, had never committed itself to participate in any four-Power trial, except in that now pending. It had been the purpose of the United States to bring into this one trial all that was necessary by way of defendants and evidence to reach the large number of persons responsible for the crimes charged against their organization or groups, without going over the entire evidence again. A finding at Nuremberg that the organizations charged in the indictment were criminal would lead to more expeditious trials before military courts of about 130,000 persons held in custody by the United States Army alone; and he desired to put it on record that his country was not permitted by the Court's order to take part in any subsequent international trial.

The French Chief Prosecutor then asked that Alfred Krupp Junior should simply be added to the defendants (instead of being substituted for his father). Sir H. Shawcross was understood to have opposed this suggestion, and to have proposed instead that Krupp Junior should be included in another indictment, for a subsequent trial.

13.11.45. A plea of insanity having been entered on Hess's behalf, he was examined by a board of psychiatrists on behalf of the Allied authorities. In the event, the plea seems not to have been entertained, and Hess took his place with the defendants.

18.11.45. The indictment had been "served" on Martin Bormann by an announcement in four Berlin newspapers, giving him the opportunity, if still alive, of selecting his counsel. The Tribunal now decided that he should be tried in his absence, and that counsel would be selected to defend him. Sir Maxwell Fyfe stated that there was still "a clear possibility" that Bormann was alive.

On the eve of the trial, Kaltenbrunner, the former head of the Security Police, was incapacitated by a cerebral haemorrhage.

Admiral Raeder, former head of the Navy, and Fritzsche, propaganda chief had arrived at Nuremberg from Moscow, heavily guarded. The number of defendants to be tried was thus made up to twenty, all of whom had been duly provided with counsel.

20.11.45. The "Times" observed that the German lawyers were enjoying better facilities than in a British court, and that they expressed astonishment at the help given to them: all the documents, in this largely documentary trial, had been issued to the defence, and counsel would receive daily a transcript of the proceedings.

20.11.45. The stage was then set for the opening of the trial; there seemed every reason to hope, as Sir H. Shawcross told the Press, "that the Nuremberg trial will be a model of objective and dispassionate justice setting a precedent of great importance for history and for the future peace of the world."

4.11.45. Sir Maxwell Fyfe told the Press that the defendants would not be able to plead "superior orders" as this did not constitute a defence under international law. It could of course, mitigate the severity of the sentence, but it could not affect the verdict of guilty or not guilty of the crimes charged. "We have not", he said, "invented any new international law, but the Tribunal's Charter has merely placed in codified, coherent form the world's best opinion on the subject."

PRESS COMMENTS.

The Resolution of the British Bar Council deprecating the assumption of the defence by members of the Bar led to some controversy in the Press. Referring to correspondence on the subject, the Law Times (10.11.45) wrote:

"In the national courts of England this attitude of professional independence is entirely admirable and politic. The advocate is among his own people. . . . But it may well be that in the eyes of people on the Continent of Europe the accused, already called "war criminals", are being given an unnecessary opportunity of exculpating themselves, and all who assist them in their defence will be regarded as in some measure sympathising with their cause."

The "Spectator" (16.11.45) wrote on the same subject:

"Several leading barristers have expressed criticism of it (the Bar Council resolution) as contrary to the tradition of the Bar, by which an advocate is free to appear before any Court for any person. It is suggested that the accused Nazis may be adequately defended by German lawyers, of whom one hundred are licensed to practise. But the German lawyers are all anti-Nazis; a condition of their admission to practise. Legal issues of the greatest importance are involved in the trial, and it would seem desirable that they should be argued by qualified counsel without distinction of nationality. It may be that

the restriction has been imposed because of the susceptibility for Russian feelings which have been troubled by the Belsen trial. Some compromise has had, indeed, to be made between the British conception of a criminal trial, which is tender to the accused and treats him as innocent till he is proved guilty, and the Continental conception, which is concerned rather to establish the guilt of those against whom the accusation is presented."

In anticipation of the trial the Soviet News published denunciations of three of the defendants; some extracts are given below:

Hjalmar Schacht.

15.11.45. "During the Weimar Republic Schacht was already maintaining close contact with the Nazis, though he posed as a democrat. In 1931, asked who would direct Germany's national economy if the Nazis came to power, he answered: "I." He continued to pose as an anti-Nazi even when, in later years, he became one of Hitler's chief advisers. His pretence of being in disagreement with the Nazis was a business trick which enabled him to render better service to the Nazis. In 1940, while officially in retirement, he mapped out at Hitler's request a plan for the economic plunder of Europe after the war. Schacht was a partner in the conspiracy against peace, and in planning Germany's aggressive war—crimes for which he is to be tried and sentenced."

Dönitz.

19.11.45. "It was Dönitz's egoism that made him into the unprincipled careerist who proved so valuable to the Hitlerite regime. When he returned to Germany, Goering enlisted him in the Nazi Party and introduced him to Hitler. Dönitz set about evolving a theory of 'total submarine warfare', and got into the good graces of his Nazi masters. Dönitz was from the beginning Hitler's close collaborator in all his monstrous war plans. He shares with Hitler and Goering full responsibility for all the needless bloodshed in the Nazi-bred war, and for all the needless devastation it wrought. When Karl Dönitz, war criminal, faces the Court at Nuremberg, this must be remembered."

Von Papen.

19.11.45. "The Austrian Chancellor Dolfuss was killed by a group of Nazi bandits three weeks before von Papen's arrival in Vienna, but this Berlin-organised murder did not achieve the results Hitler had counted on—the seizure of Austria. The Berlin gang had recourse to different tactics to overcome their victim by threats and trickery. That was the mission von Papen discharged so successfully. The Anschluss was achieved, and von Papen was recalled to Berlin, to be presented by Hitler with the Gold Badge of the Nazi Party for services rendered. For thirteen years, in collaboration with other Nazi conspirators, he methodically and cold-bloodedly planned the war of aggression."

FURTHER COMMENTS ON THE BELSEN TRIAL.

(Continued from page 6)

Professor Smith's Statement.

[The full text of this statement was circulated in the Law Reports Series No. 4 by the Legal Officer.]

SWITZERLAND.

8.11.45. "The Basler Nachrichten", in a paragraph headed "Sensation in the Belsen Trial", writes:

Luneburg (Exchange) -

"In the Belsen trial, which is now nearing its end, Professor Smith, the London expert on international law, caused a sensation, in the course of his defence of the accused on Wednesday, the 45th day of the trial, when he said THAT THE TRIAL OUGHT NOT TO HAVE BEEN UNDERTAKEN, because no war crime had been committed" (The paragraph then gives a short summary of his arguments, without further comment.)

8.11.45. The same paragraph (no doubt syndicated) appeared almost verbatim in the "Bund", the "Basler Volksblatt," and the "Solothurner Zeitung."

9.11.45. The "Tribune de Geneve", in a paragraph headed: "Dramatic Incident at the Belsen Trial", wrote:

Luneburg, 8 (Exchange):

"In the Belsen trial, which is now nearing its end, a a veritable sensation was caused by a declaration by Professor Smith, an expert on international law, who told the Court, on Wednesday, the 45th day of the proceedings, that this trial ought never to have taken place. Professor Smith was defending one of the accused. He said that the acts for which the accused had been sent for trial by the Court were not punishable under the laws of the IIIrd Reich, and that there was therefore no jurisprudence applicable to the accused."

THE FAR EAST.

The Trial of General Yamashita.

- 1.11.45. This trial was continued at Manila. Evidence was given of massacres of prisoners and refugees. One witness deposed that Yamashita had been sent to the Philippines because of his reputation for cruelty.
- 13.11.45. The defence appealed to the Supreme Court for a writ of Habeas Corpus on the grounds that the charge did not show any violation of the laws of war, that the military commission had no jurisdiction since the Philippines were not under military law, that the rules did not permit of a fair trial, and that the Geneva Convention was violated because Japan's Protecting Power had not been informed. If the writ were granted, Yamashita would become a prisoner of war, and the Supreme Court would have to decide whether the Military Commission had jurisdiction.
- 19.11.45. It was reported from Melbourne that the depositions of some Indian soldiers who had since been killed in an air-crash would be admitted as evidence in the first trials of Japanese War Crimes in the Wewak area.
- 1.11.45. A Press cable reported that Major General Ohtsuka, Chief of the Japanese Judge Advocate General's Office in Singapore, together with the commander of the gaol and 50 of the guards had been arrested, and would be tried, for beheading ten British and Australian prisoners of war and for other atrocities.
- 7.11.45. A spokesman in Tokyo stated that trials of War Criminals in Japan would start early in December; a B.U.P. despatch mentioned December 1st.
- 9.11.45. The Press reported from Tokyo that General MacArthur had ordered the arrest and delivery, as soon as practicable, of 300 officials of prisoner of war camps and hospitals throughout Japan. The despatch named Colonels Sugiyama and Morata, commandants of the Hiroshima and Osaka camps respectively; and officials of the prisoner of war camps at Omaro, Shinegara and Ofuna, and of the Shinegawa hospital, the scene of "vivisectionist" experiments on prisoners. These 300 men would be the defendants in the first trial at Tokyo, which, it is believed, will be held in the Great Hall of the Japanese Diet.
- 20.11.45. According to despatches from Tokyo, General MacArthur ordered the arrest of eleven more major criminals, including:
- General KOISO, Tojo's successor as Premier (1944), former Chief of Staff of Kwantung Army; MATSUOKA, Foreign Minister (1940-41) when the Tripartite Pact was signed; General MATSUI, responsible for the massacres at Nankin, Director General of "Greater East Asia" H.Q.; General MAZAKI, military adviser to Japanese forces in China (1944); General ARAKI, Accomplice of Tojo; Baron Honjo: leader of Japanese militarists; KUZUN, since 1937 Chief of the Black Dragon Society.

BOOKS AND MAGAZINE ARTICLES.

"WAR CRIMES" by Manfred LACHS (Polish National Office): Stevens & Company.,
7/6d. net.

9.11.45. A reviewer (L. Stein) describes this work as a "careful analysis of a somewhat elusive conception." "Among these problems", he writes, "is that of punishment: Who can be punished for a war crime? What tribunal has jurisdiction? What penalties can be awarded? To none of these questions is it easy to find a comprehensive answer which lawyers can regard as satisfactory."

"By his scholarly exposition.....", Mr. Stein concludes, "Dr. Lachs has placed all students of the subjects in his debt, and has provided valuable material for the further examination of a somewhat intractable problem."

"GENOCIDE."

Under this title Francis Bauer, in the "Nineteenth Century" (November 1945) reviews the chapter on "Genocide" in "Axis Rule in Occupied Europe" by Dr. Lemkin, the author of the expression. Mr. Bauer notes especially the section dealing with attempts to destroy race in Occupied Territories by destroying their language and culture.

"The educated classes," he writes, "became the focal point of this attack, because this group largely provided national leadership and organised resistance against Germanisation. The native population of the incorporated areas was forbidden to use its own language in schools and in printing. German teachers were appointed in all schools and compelled to teach according to the principles of National Socialism. In order to prevent the expression of the national spirit through artistic media, a rigid control of all cultural activities was exercised. All national creative activities in the cultural and artistic fields have been made impossible by the regimentation, and the population has also been deprived of inspiration from the existing cultural and artistic values."

"THE TRIAL OF THE NAZIS".

Writing on this subject in the "Fortnightly Review", a Barrister-at-Law examines the legal difficulties in the way of a judicial procedure, and finds that they are insoluble; in this connection he also refers to "War Crimes" by Dr. Lachs (see above). In regard to major criminals, he believes that the Inter-Allied London Agreement has happily resolved that problem.

III 5-

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

PRESS NEWS SUMMARY No. III.

(For internal circulation in the Commission)

10th December, 1945.

I.

PRESS REFERENCES TO THE COMMISSION

(Contributed by the Public Relations Officer)

In the December 1st issue of "Picture Post", a page was devoted to the United Nations War Crimes Commission, with a picture of a full session in the Commission.

The notice handed out regarding the 16th List of War Criminals appeared generally in the Press of December 7th.

The War Crimes Exhibition.

As early as October 29th advance notices of the Exhibition had appeared in the London and provincial Press and in some Scottish papers. The date of opening was given out by the B.B.C. on November 27th; on December 4th a pre-view was arranged for the Press, and on the same day notices that the Exhibition would be opened the next day by the Chairman and the French Minister of Justice appeared in some of the papers. On December 5th the opening was announced in "To-day's Events" in the "Daily Telegraph", and "To-day's Happenings" in "The Times". On December 6th a fairly full description of the Exhibition was given in the B.B.C. 7 a.m. and 8 a.m. news. The opening of the Exhibition on December 5th and the speeches delivered by Lord Wright and M. Teitgen were briefly reported in "The Times" and some other papers on December 6th.

Though the Press notices on hand, up to date, have been rather slight (+), it is pleasing to say that the Exhibition is being well filled, and the cinema attached has so far been packed at every one of the four daily performances. The complete attendance on Thursday, the day after the opening, was well over 2,000, and a very intelligent type of audience was arriving, as could be judged from the questions they asked our staff, and the criticisms they made. Quite a few visitors were men who had been prisoners in the Far East. They said they never dreamed that such atrocities had taken place in Europe.

(+) Since this was written at least eleven more excellent notices have appeared in the Press. The attendances at the Exhibition were very satisfactory; on Sunday morning there was a queue at 9.45 a.m.

A U S T R I A

- 26.11.45⁺ The former district leader Leopold Hoellerichter and two Hitler Youth lads have been arrested, charged with the massacre of all Jewish inmates in the concentration camp at Goestling on April 30th 1945, - 23 men, 42 women and 11 children; and for another massacre on the following day near Randegg when two hundred Jews were taken to a wood and killed with machine gun fire.

C Z E C H O S L O V A K I A

- 22.11.45 The Prague radio announced the formal indictment of Konstantin von Neurath, one of the Nazi major war criminals now on trial, as being responsible for the murder of Czech students in Prague on November 17th 1939. The Czechoslovak representative, Minister Plenipotentiary Colonel Ecer, had submitted a report to the appropriate Allied authorities. It stated that Neurath, as Nazi protector, had issued a proclamation in August 1939 making the whole Czech nation responsible for acts of sabotage; this became the legal basis for the terror against the Czech people. The report also accuses Neurath of responsibility for Gestapo crimes in Czechoslovakia as the Gestapo was under his orders (see also Weekly Bulletin No.11, R/Cz/28/11 B).
- 30.11.45 It was announced that Harold Wiesmann, former head of the Kladno Gestapo, one of the men responsible for the destruction of Lidice was arrested by the Americans and brought to Prague, where he was immediately interrogated.

F R A N C E

- 22.11.45) Otto Abetz, former German "Ambassador" in Paris was handed over to
30.11.45) military justice at the Cherche-midi Military Prison on November 24th, after having undergone eight days' interrogation by the Sûreté Nationale. He was notified that he would be charged with wilful murder, systematic looting and arbitrary detention of innocent citizens.

G E R M A N Y

- 30.11.45 The "Deutsche Volkszeitung" reported that investigations had revealed that the Reich Health Department, under the notorious Dr. Conti, had ordered the poisoning of 350 children and 100 adults at the Dr. Wese Sanatorium at Uchtsprunge in the Altmark, between 1941 and 1943. One male and three female nurses who administered the poison had been arrested: the doctors - Wenzel and Wese - had escaped to Western Germany.

H U N G A R Y

- 22.11.45 The Budapest radio reported that the U.S.A. Control Commission in Germany had now handed over another 104 war criminals to the Hungarian authorities. The prisoners, who were brought by military lorries to Budapest, included ex-Ministers Homan and Vajna.

J U G O S L A V I A

- 24.11.45 General Fritz Neidholdt, wanted as a war criminal by the Yugoslav Government is shown in a photograph in "The Sphere" as an inmate of the prisoner of war cage at Hersfeldt, in the American occupied zone.

+ Dates in the margin are those of publication in the Press.

NETHERLANDS

- 17.11.45 A Reuter message from The Hague quoted Commander Mouton, the Netherlands Commissioner, as saying that the Dutch War Crimes Commission had a list of 75 German war criminals, including Seyss-Inquart, General Christiansen, former Commander-in-Chief in the Netherlands, and Police General Rauter, the former Gestapo Chief.

NORWAY

- 30.11.45 At Oslo 11 German Gestapo officers were arraigned before a mixed court composed of one Norwegian and three British officers and were charged with the killing of seven of the crew (~~one~~ British and ~~one~~ six Norwegian) of a Norwegian MT boat in 1943; the accused pleaded that they acted in accordance with Hitler's order that everybody captured along the Norwegian coast was to be destroyed.

The Prosecutor, Major Steel, said that the Germans had tried to make the captured men reveal details of the Allied apparatus for detecting submarines.

UNITED KINGDOM

Official Records of War Trials.

- 28.11.45 The "Daily Telegraph" reported that: "The British Cabinet will shortly have to decide the exact form in which permanent records of the Belsen and Nuremberg trials shall be handed down to posterity; the full proceedings will be published, but how and when has not been settled. The seven-weeks' Belsen proceedings would fill a large volume. Nuremberg will probably require a series. A verbatim record of the Nuremberg trial is being made by the United States Army Legal Section. Sound records of the high-lights are being made by British and American technicians. As the Belsen trial was an all British affair, it was recorded by the British Legal Section of the Control Commission. Preparation of transcripts for publication will probably be carried out by the Attorney-General's Department."

The Belsen Trial - Further Press Comments.

- 24.11.45 The Law Journal wrote:

"Comment has been made at various times on the length of the proceedings. But once the policy was established that the procedure to be adopted was a trial in a court of justice of charges preferred in accordance with what was described as law (and we need not here go into the vexed question of what exactly the term 'law' should mean), it was obviously right that the accused should be given full and fair opportunity to present their defences. The prosecution's case lasted eighteen days and the defence's lasted thirty days, which was perhaps, not long, when one considers the number of the accused and that this was a trial of capital charges."

- 25.11.45 In the "Sunday Dispatch", under the title "We are Mocked", Lord Vansittart complained of the slow progress in trying war criminals: "months after VE Day we have tried 44 and got only 11 death sentences." "At Belsen," he continued, "we condemned one quarter to death" . . . "Your readers may then at least ask why 19 out of the 30 who were condemned were not sentenced to death. In case after case the Press reports read 'accused of kicking prisoners to death: 15 years' . . . and so on. Did they or didn't they? If they did, why not death? As it is we shall have these murderous vermin let loose again on the world."

23.11.45. "Truth" expressed doubts as to the legality of the Belsen trial:

"Where doubt does arise, however, is in deciding whether or not the proceedings really were legal. Britain's leading authority on international law assured the court that it had no proper legal authority with which to try the cases. That is a disturbing thought."

22.11.45. The Berlin "Neue Zeit" wrote: "One of the most dangerous parts of the Nazi organisation was the Security Police and its central office in Berlin. Only a few of those who caused the death of thousands were in Allied hands. We intend, therefore, to help to find these guilty men by means of a search service." [A list of some 30 officials of the Security Police was appended with details of their crimes.]

22.11.45. The Central Committee of Polish Jews in Warsaw published a protest:

"Millions of Polish Jews and Jews from Occupied Countries perished ... in Belsen after terrible physical and moral torments A group of hangmen faced the Tribunal. The court granted life to a great proportion of these abominable criminals. ... In the name of countless murdered victims ... we demand the reopening of the trial in the spirit of complete justice to satisfy deeply injured humanity."

24.11.45. The (Jugoslav) "Glas" wrote:

"The ideas of certain representatives of the Allied juridical machine regarding the conduct of war criminal trials, the assessment of responsibility for the crimes and the sentences, have caused surprise and justified dissatisfaction. The trial was dragged out. It gave the impression that it was not being conducted to prove the guilt of the accused, which was already abundantly clear, but to give them a chance of presenting themselves as exemplary, conscientious servants of their people and even as the benefactors of their gassed victims. Accused and defending counsel actually used the trial for propaganda in favour of National-Socialist regime and to justify its crimes. Sentence has now been passed. Only 11 of the 30 accused were sentenced to death, 14 were released, the remainder being sentenced to varying terms of imprisonment. If the manner in which the Belsen trial was conducted called forth indignation, the sentences are a direct insult to all freedom-loving peoples, particularly the concentration camp victims. Many of our finest countrymen languished and lost their lives in these camps. In their name, in the name of all who suffered from Nazi tyranny, in the name of justice and civilisation, we protest against this treatment of war criminals and associate ourselves with the demand, already made in many quarters, that the sentences on the Belsen criminals be revised and that they receive their due punishment."

U.S.S.R. Comments on the Belsen Trial

3.11.45

Article by I. Bachelis, in Izvestiya.

"First of all I must call your attention to facts which indicate that the English military tribunal at Lüneberg is still virtually unconvinced of its right to judge the Fascist criminals. On the very first day of the trial, when the defendants were accused of violating international law in the conduct of war, the defence cast doubt upon the right of the court to consider crimes of this nature. The court rejected this attempt of the defence to interrupt the trial at its inception, but at the same time it allowed the defence the right to return to this question in the course of the trial. The defence has now availed itself of this right. Exactly one month after the opening of the trial, the critical moment has come. For the defence, Colonel Smith has stepped forward, introduced to the court as an "extra-defendant", and an expert in international law. Major Cranfield, conducting the defence, demanded that the court hear immediately Smith's expert opinion, which would prove that, from the point of view of international law, "the indictment does not constitute a crime", and that the court was not competent to judge that case."

"Thus the situation arose that after sitting for a month the court was called upon to define its rights. How did the court proceed? After lengthy deliberation, it decided - on grounds of procedure - to postpone consideration of Smith's expert opinion until the end of the trial. The question remains open.

"One can imagine the day when Mr. Smith, well-known in England for his established Fascist views and sympathies, will step forward for the defence at Lüneberg. It is asserted that his speech will contain the new doctrine invented by him, according to which it is impossible to judge not only Kramer at Lüneberg but Goering in Nuremberg: it was with this in view that he hastened to appear before the court in his anticipatory rôle of honour. Let us assume, for a moment, that Smith's deductions will seem sufficiently convincing to the court - what then? Instead of pronouncing sentence, General Berney-Ficklin will be compelled to offer an apology to Kramer and the others for having sat in judgment over them for two months when they had no right to do so.

"Nor is this proposition so entirely fantastic - the testimony of the "extra-defendant" was surely not an empty formality? Yet it is unbelievable that on the last day of the trial the court could cast doubts upon its own right to judge the Hitler murderers. It is unbelievable that on the last day of the trial the court should define its powers. It is unbelievable that the court should allow an equivocal vagueness concerning its prerogatives to persist throughout the whole hearing of the case. Such an equivocal situation in the very basis of the affair constitutes the foremost error in the conduct of the case."

23.11.45

Article by Polyansky in the Red Star:

Lessons of the Lüneberg Trial.

"The trial of the hangmen of Belsen and Oswiecim, which lasted two months, has ended. Retribution for the horrible crimes of the accused has come. We are interested in the question whether the Nuremberg trial will be similar to that at Lüneberg. The statute of the International Military Tribunal guarantees the tribunal every possibility of uncovering the roots of Fascism and the political motives of the Nazi leaders' criminal actions. The Lüneberg trial had a similar task. However, at that trial the political side of the Nazi crimes was glossed over in every way. What were the parts of the judges, the prosecutor,

the defence and the experts in the Lüneberg trial, which ran its course in accordance with English legal procedure? First of all, what was the part of the judges? English legal proceedings are based on the principle of contest. Both sides produce evidence and examine it before the judges, that is, they mainly interrogate witnesses. The judges only assess the evidence presented by the two sides. Naturally English judges, too, may abandon their rôle of mere observers of the trial when they find it necessary, but as a matter of principle, which can be carried to absurdity, only the litigants are active at the trial; the judges are passive. They merely assess what is laid on the scales by the prosecutor and defender.

"Strictly adhering to this principle, the Lüneberg tribunal allowed the defence to ask witnesses questions which could be taken for mockery. What was the breed of the dog which hunted down and killed one of the women? What was the length of the stick with which a witness was beaten to unconsciousness? What was the rank of the SS woman overseer? When, to this latter question the witness replied that she had not been in a fit state to examine the stripes on the overseer's dress, counsel declared her testimony was not fully valid. Colonel Smith, an English lawyer acting as an expert, allowed himself the liberty of instructing the judges about the verdict they should pass. Neither did the judges in this case abandon their rôle of passive listeners to the speech of a defender of the accused who assumed the mask of an expert.

"Soviet legal proceedings, too, are based on the principle of contest, but the judges have wide powers to participate in them and to direct the investigation in a way which contributes most to the establishing of truth.

"The statute of the International Military Tribunal grants the Nuremberg tribunal wide powers for establishing the truth within the shortest possible time. The judges must exclude any questions or statements which have no bearing on the case and admit any evidence which, in their opinion, is conclusive.

"As correspondents remarked, at Lüneberg, the prosecutor did not perform his duty in the way one might have expected. The defendants had carried out the directives of the Fascist Party; they were part of the horrible tentacles with which the Hitlerite beast intended to grip the world. Nevertheless, the prosecutor did not mention Fascism at all. He formulated the indictment as if it were an ordinary criminal case, only conspicuous by the number of defendants. At the Nuremberg trial, the indictment itself excludes a similar attitude on the part of the prosecution. It describes the defendants as participants in a general plot and the Nazi Party as the centre of this plot. When he spoke about the link between the Fascist camps and the war, the Lüneberg prosecutor confined himself to pointing out the purely external aspect of this connection. Kramer and the majority of his subordinates did indeed hold military ranks and were members of the armed forces. However, the connection between the Fascist camps, including those set up before the war in Germany, and the war goes much deeper. The expert Smith tried to prove that concentration camps had nothing to do with the war, since the camps set up during the war differed from those which existed before the war only in their location. The prosecutor should have drawn the opposite conclusion from this juxtaposition, namely, that both types of camps were equally connected with the war. Counsel at the Lüneberg trial based their defence on argument that the defendants acted in accordance with Fascist law, the statute of the International Tribunal has declared that crimes against humanity will be punished irrespective of whether they constituted a violation of the internal law of the country in which they were perpetrated. At Lüneberg, defence counsel

made extensive use of the argument of non-responsibility for acts carried out under compulsion or on military orders. Major Winwood said Kramer was merely an agent, as were all the Germans. The virtue of the Nazis was their obedience to orders. Kramer was merely carrying out orders; he was a subordinate and his acts were justified by his position.

"The Soviet point of view on the problem of responsibility for crimes carried out on military orders was formulated by the State Prosecutor, Dunaev, at the Kharkov atrocities trial. "There are actions", said the State Prosecutor, "the criminality of which is obvious to everyone. This applies especially to the crimes which have been the subject of this legal examination. There can be no question that orders of commanders should relieve the Hitlerite fiends of responsibility for their bestial crimes. Numerous orders of the Hitlerite Government and the Hitlerite military authorities prescribed the perpetration of actions which are, clearly and beyond doubt, crimes of the first magnitude and a flagrant violation of international law." The statute of the International Military Tribunal also refuses to interpret orders issued by the Command as a factor relieving the accused of responsibility for crimes enumerated in the statute. The fact that a defendant acted on the orders of the Government or of superiors does not release him from responsibility.

"From the legal point of view, the findings of the experts at Lüneberg are an example of what unbiassed expert findings should not be. From the political point of view, they are an example of how demagogic methods have been used in the interests of the most sinister forces of reaction. Smith appealed to the courage of the judges which, in his view, would be shown by acquitting the accused. It was absurd to try to prove that the actions of which the defendants at Lüneberg were accused could not be classified as crimes at the time when they were committed. Smith, however, did attempt to prove this and, in insisting upon it, he appealed to ideals of lawfulness and democracy which do not permit a person to be condemned for actions not previously foreseen by the criminal law. What a flagrant contradiction, to appeal to lawfulness in defence of lawlessness, to appeal to law in an attempt to justify a régime of oppression and lawlessness. Is it permissible to justify an aggressor on the basis of a principle refusing retrospective force to criminal law? Is it permissible that a principle which has become part of the legal conception of a democracy with a highly developed criminal law should be turned into a privilege of impunity in cases where no sanction has previously been laid down? To appeal to the ideals of democracy in an attempt to defend the aggressor is to distort these ideals. They were born in the struggle against the arbitrary judgment of absolutism. Now some people want to turn them into a bulwark for Fascist usurpers within a State, for those who violate international relations."

The Almelo Trial

25.11.45 At Almelo (Holland) four Germans, Sandrock, Schweinberger, Haggermann and another, members of the SS, were convicted by a British Military Court of the murder of RAF Pilot Officer Gerald Hood, who baled out over Holland, and of a young Dutchman, van der Wal who had given him shelter. The evidence showed that Hood was taken by the accused in a car to a wood where he was murdered; van der Wal was murdered in the same way three days later. Rebutting the plea of "superior orders" put forward by the defence, Major Reid, Prosecutor, said: "These orders are no defence in British International or even in German Military Law provided that the accused are well aware of the criminal character of the orders: the so-called execution of Pilot Officer Hood and van der Wal was cold blooded murder."

27.11.45 Two of the defendants (Sandrock and Schweinberger) were condemned to death; the other two to 15 years' imprisonment.

The "Heated Cells" Trial at Wuppertal.

- 27.11.45) Colonel Killinger, Commandant; Major Junge; Major Boehringer;
3.12.45) Lieutenant Eberhardt and Lieutenant Sleitegroll, all officers of the Luftwaffe, were charged on November 26th before a British military court, with torturing British RAF prisoners in order to elicit information. The Prosecutor was Major G. Draper.

The evidence showed that RAF prisoners of war, having refused to give information, were confined in super-heated cells. Colonel Killinger, giving evidence, said that prisoners of war had to be handed over, in certain cases, to the Gestapo (see Summary of Information No.37). Air Vice-Marshal Chaplin, witness for the defence, said that Colonel Killinger had saved British prisoners from being handed over to the Gestapo, at whose hands he had suffered torture.

Killinger and Junge were sentenced to five years' imprisonment, Eberhardt to three years'; the two others were acquitted.

M i s c e l l a n e o u s

- 1.12.45 Captain-Lieutenant Eck, Lieutenant Hoffmann and Naval Surgeon Weisspfennig, convicted at Kiel by a mixed British and Greek Court, on October 20th, of the murder of survivors of the Peleus were executed on November 23rd (see Press News Summary No.1, page 7).

- 29-30.11.45 It is hoped to bring to trial the Nazis responsible for the deportation of Channel Islanders and the reduction of the Islanders' rations during the Occupation. At a sitting of the Jersey States, the President announced that the case against General Muller and Colonel Knackfuss was complete, and steps were being taken to arrest them.

(General Muller was commanding the Channel Islands during the war; Colonel Knackfuss was Military Commandant of Jersey.)

- 22.11.45 In the House of Commons Mr. Lawson stated that, if the SA, SS, Gestapo and certain other bodies were found by the Nuremberg Court to be criminal organisations, their members - including most of the concentration camp guards - could be tried before international military or occupational courts.

The German Industrialists

- 3.12.45 After two months careful investigation of documents 76 Nazi leaders of the Ruhr steel industry were arrested on December 3rd by the British Field Security Officers at Dortmund, Düsseldorf, Essen and Duisberg. Among them were four directors of Krupps: Friedrich von Buelow, Dr. Ed. Houdremont, Dr. Erich Muller, Dr. Hans Radenacher; also Heinz Gehr, Walter Schwede, Rudolf Siedersleben, Arthur Hennecke, Gunther Henle. Seven more arrests were said to be expected.

- 30.11.45 Commenting on the guilt of the German industrialists a Moscow radio commentator observed:

"Documents made public at Nuremberg disclose details of the way the German war potential was restored after the last war. The prosecution's analysis of Germany's economic war preparations is most instructive, particularly in view of the efforts being made to-day to disregard the Potsdam decisions on Germany's economic disarmament."

- 1.12.45 In another broadcast from Moscow K. Hoffmann declared that the Nazi conspiracy had been worked out by German bankers, industrialists, diplomats and generals; Krupp's personal archives had shown how German industrial concerns had prepared for the Second World War from 1919 and particularly after 1933; it had already become clear from the Nuremberg trial that, if Hitler had not enjoyed the support of the armament kings, none of his plans would have been feasible.

UNITED STATES

The Dachau Trial

- 22.11.45 Among the first witnesses in this trial was Prince Leopold of Prussia who had been confined at Dachau for listening to foreign broadcasts. (His experiences have been related in one of the Commission's releases - see Press News Summary No.II).
- 26.11.45 Another witness was the British Sergeant Edwards, former prisoner of war, who had been illegally confined at Dachau (see Charge 373/UK/G/103) where he was mal-treated by Kink, the political agent in the camp (see Summary of Information No.30, Annexe I) and tortured.
- 30.11.45 Weiss, a former commandant of Dachau, stated that plans had been made for the Luftwaffe to destroy the Dachau camp, should the Allies overrun it. Some witnesses called for the defence testified that Weiss, when in command, had dismissed officials who had been mal-treating prisoners.
- 28.11.45 Edmund Kratky, former commandant of the Engerau concentration camp in Austria, who is accused of killing thousands of Jews, was arrested in the American zone of Austria.
- 26.11.45 American Intelligence officers were searching for Glasmeier, a Munich Nazi, former head of the South Germany Radio System, who, it is believed, can say whether Martin Bormann is alive or dead. According to another report, attributed to Hanna Reitsch, a woman air-pilot, who flew the last out of Berlin, Bormann had joined in a death-pact with Hitler a few hours before Berlin fell.
- 30.11.45 The American Military Government at Coburg announced on November 25th the arrest of Karl Eduard, Duke of Saxe-Coburg and Gotha, a grandson of Queen Victoria; as he was ill he was confined in hospital.
- 29.11.45 At Salzburg the United States authorities arrested Krausen, former commandant of Auschwitz. He had been hiding in St. Wolfgang Hospital, and had posed as a former inmate of the camp. Sayings such as: "all inmates of concentration camps are Germany's enemies who must be destroyed", and "the more die, the more room for the rest", are attributed to Krausen.
- 3.12.45 General Anton Dostler, who was convicted (see Press News Summary No.I) by a United States court in October last, of illegally executing fifteen American prisoners of war, was shot on December 1st at Aversa (Italy).

THE FAR EAST

- 26.11.45 The Australian army authorities announced that more than 400 Japanese would be listed as war criminals for acts in New Britain, New Guinea and Bougainville.
- 1.12.45 The first Australian war crimes trial opened at Morotai in the Moluccas on November 29th. The Japanese Captain Iwasa was charged with having RAAF airmen bayoneted to death at Beo in the Celebes on March 23rd last. The accused admitted the deed, but pleaded superior orders. (#)
- 2.12.45 Lieutenant Tazaki was sentenced to death by an Australian Military Court at Wewak for having mutilated the body of an Australian soldier killed in action, and eaten a portion of the flesh.
- 20.11.45 Baron Honjo, former Commander of the Kwantung Army and conqueror of Manchuria, whose arrest has been ordered by General MacArthur, committed suicide.
- 24.11.45 The U.S. War Department has ordered the postponement of the trials of Tojo and other high officials whose crimes might involve more than one nation; the State Department is, however, negotiating with other countries in order to speed up the trials.
- 2.12.45 At Tokio, General MacArthur ordered the arrest of 59 Japanese suspects. The list includes two former Prime Ministers, Baron Hiranuma (Premier in 1939); Hirota (1936); Field Marshal Hata, Commander-in-Chief Japanese forces in China until November 1944; General Tada, member of the Supreme War Council in 1941; Admiral Toyoda, former Chief of Naval Staff and Navy Minister until October 1945; and Admiral Takashi, former commander of the combined Japanese fleet. The industrialists include Nakajima, whose aircraft plants manufactured the Japanese Zero fighter plane; and Goko, managing director of the Mitsubishi heavy industries combine.
- 7.12.45 The trial of General Yamashita, late commander in the Philippines, before a United States Military Commission at Manila ended with a verdict of guilty. General Reynolds, the President, said that the Commission found that a series of atrocities had been committed by the Japanese forces under the defendant's command; these were not mere incidents but had been methodically supervised by Japanese officers and N.C.O.'s; the defendant had failed to provide effective control over his troops. Accordingly, by a secret ballot, with two-thirds or more of the members concurring, they found him guilty, and sentenced him to be hanged. Counsel for the defence intimated that General Yamashita would appeal to General Steyer, who convened the Court and to the United States Supreme Court.

2.12.45 Captain Isawa was found guilty and sentenced to death.

II.

THE NUREMBERG TRIAL.

In opening the trial of the 20 major war criminals on November 20th, Lord Justice Lawrence said: "The trial which is now about to begin is unique in the history of the jurisprudence of the world. It is of supreme importance to millions of people all over the globe."

The first day was mostly occupied by the reading of the Indictment.

The Prosecution had divided its tasks on the following broad lines: The United States undertook the conspiracy to seize power, to arm Germany for war, to urge aggressive war, and to commit war crimes and crimes against humanity; the British were to deal with breaches of treaties; the French and Soviets were concerned with the actual commission of war crimes, in the West and East, respectively.

On the next day, after the defendants had all pleaded "Not guilty", the Prosecution, on Count I, was opened by Mr. Justice Jackson in a four-hour speech, "generally acclaimed as a magnificent exposition of the American case" ("The Times", 22.11.45), concluding with the words:

"The refuge of the defendants can only be their hope that international law will lag so far behind the moral sense of mankind that conduct, which is a crime in the moral sense, must be regarded as innocent in law."

The presentation of Count I was continued, mainly on documentary evidence, by the U.S. deputy-prosecutors during the rest of the month.

The most sensational disclosure was made (November 30th) by the first oral witness, General Lahousen, deputy of the late Admiral Canaris, alleging the complicity of Keitel and Heinrich Müller (head of the Gestapo) in plans for the murder of General Giraud.

On November 29th the Court and defendants witnessed a film revealing horrors of the concentration camps; Justice Jackson submitted that all the accused, together with the SS and SA, shared responsibility for these horrors.

The following are some of the pleas and manoeuvres of the defence noted in the Press:

A plea moved by Dr. Stahmer, counsel for Göring, submitted (20.11.45) on behalf of all the accused that the trial "has no legal basis in international law but is a procedure based on a new penal law—a penal law which has been created only after the Act" was disallowed.

An appeal for an adjournment, to enable the defence to see all the documents cited, made by Dr. Seidle, counsel for Frank, was disallowed, but Lord Justice Lawrence announced, that in future, only parts of documents read in court by prosecution would be put into official record, that photo-gravure copy of original documents must be deposited in defence counsel's room at the same time as they are produced in court; that the Prosecution must furnish ten copies of trial briefs and five copies of documents and books to defence.

24.11.45. It was reported that Ribbentrop had applied to summon as witnesses some well-known British personalities, including Lord Vansittart, Lord Beaverbrook, Lord Londonderry, Lord Derby, Lord Kemsley and Lady Astor; also Lord Dawson of Penn, Mr. Geoffrey Dawson (both of whom are deceased), and a General Wood of the U.S. Army. Keitel asked to call a nephew of Mr. Churchill and a cousin of Field-Marshal Alexander, and to call Jodl to give evidence of his protests against the handing over of recaptured prisoners of war to the SS. Hans Frank applied to call five witnesses, including his secretary, to prove that he had no authority over the SS in Poland. Schacht applied for six witnesses to show that he joined in the attempt against Hitler.

The Court ruled (November 28th) that the presence of the British personages mentioned above would not be demanded. Interrogatories would be sent to some of them, enabling them to give evidence, and they would be told they might appear at Nuremberg if they so desired.

An application by Hess to call Goring as a witness was granted by the Court on November 26th.

Seyss-Inquart's counsel objected to the admission of an affidavit by Schuschnigg, the ex-Chancellor of Austria, on the ground that he had recently been present in Court, and could give his evidence in person. The Court ruled that he could be summoned either by the prosecution or the defence.

An objection by von Papen's counsel to an affidavit by Mr. Messersmith, former U.S. Consul General in Berlin, now in Mexico, relating to conversations with Nazi leaders, on the ground that he should give his evidence in person, was overruled by the President under Article 19 of the charter, which exempts the Tribunal from some of the technical rules of evidence.

- 22.11.45. In the case of Streicher, for whom his counsel had pleaded insanity, the Court ruled that he was "capable of understanding the nature and quality of his acts" during the time covered by the indictment.
- 22.11.45. The Court also rejected a plea by counsel for Bormann, who is being tried in his absence, for a postponement of his trial.
- 29.11.45. The seven medical experts of the Four Powers who had examined Hess had agreed, broadly, that his hysterical condition made him unable to defend himself. The Prosecuting Counsel of Britain, the U.S.A. and Russia had, however, opposed Hess's counsel's application for a suspension of the proceedings against him. Sir David Maxwell-Fyfe cited precedents to show that a loss of memory did not relieve a defendant from responsibility. Justice Jackson submitted that, as Hess had refused every simple treatment, he was not in a position—even were his amnesia genuine—to say that he should not be tried.

Some astonishment was caused when Hess announced in court (1.12.45) that his reasons for simulating loss of memory had been "tactical", and that he was ready to be tried with the rest.

- 1.12.45. In a statement handed to the President of the Tribunal, the Polish delegate referred to its Government's ~~request~~ ^{request} of August 31st to be included in the Agreement of August 8th, 1945, constituting the Charter of the Court. It requested the Court to be admitted to the trial as "amicus curiae". If this were granted, it was prepared to present documentary evidence after the summing up of the four main prosecutors.

U.S.S.R.

- 26.11.45 M. Vyshnisky, Soviet Vice-Commissar for Foreign Affairs, and former State Prosecutor attended the trial as an official observer for the Soviet Government. A Press correspondent reported in this connection that Russia wished to hasten the proceedings, so that the trial should end in January 1946.

PRESS COMMENTS ON THE NUREMBERG TRIAL

- 20.11.45 In the British House of Commons the Speaker gave a ruling that all the members of the International Court at Nuremberg should be protected to the same extent as British judges, and discussion of the proceedings before them which are sub judice was out of order.
- 23.11.45 In a leading article "The Times" observed, in this regard, that the Court had been set up without precedent, and therefore a new precedent had to be created. "The Speaker," it continued, "went on to draw a natural corollary, extending a little beyond the specific point raised for his decision. He decided that the rule that precludes members from discussing issues that are sub judice in British courts should also apply to the case now being argued at Nuremberg. This ruling is of perhaps even greater importance than that to which it is appended." The article further points out that "subject to judicial ruling, it would appear that the compulsory abstention from criticism which the law of contempt of court requires while cases are pending before a domestic tribunal, is not applicable to, for instance, newspaper discussion of the Nuremberg proceedings;" but it hopes that the example set by the House of Commons will be generally followed.
- 25.11.45 The "Observer", commenting on Justice Jackson's opening speech, wrote, that it "has greatly clarified the question of the 'retroactivity' of the law . . . He was replying to the objection raised by the defence that 'the indictment was contrary to the principle that punishment is only possible if a law has been violated which was in existence at the time the act was committed and which provided punishment.'". . . "It is a fact," Mr. Justice Jackson pointed out, "that when law evolves by the case method, as does common law, and as international law must do if it is to advance at all, it advances at the expense of those who guessed wrong and learned their error too late."
- 24.11.45 The "Economist" wrote that it was doubtful if the Nuremberg Trial could avoid the same pitfall as that of Belzen. "The long and short of it is that once legal procedure is adopted, the accused must be given a fair hearing. And if the twenty top Nazis are to be fairly tried for crimes with infinite ramifications lasting over eleven years, evidence ad lib. must be heard. Ribbentrop must be in a position to call Sir Horace Wilson if he wishes. Yet to do so turns the scene into one that offends the common opinion of reasonable men. . . . It might have been wiser and more effective, if there had to be a judicial trial at all, to try each criminal on account of two or three specific and ugly items in his dossier, just as a blackguard who inter alia commits a murder is prosecuted for murder and not for having led a sinful life. But now, it seems, we are committed to going ahead on the general count and doing the best that lawyers of four nations can do."
- 24.11.45 The "New Statesman" wrote:
- "The novel nature of this trial is that it is publicly announced by the victorious Powers that to plan a war is a crime in a legal sense. That is to announce the creation of an international law which overrides sovereignty and to which all States, including the present victorious Allies, must be amenable."

24.11.45 In the Soviet News, D. Zaslavsky wrote, in part: "... the accused at Nuremberg ... were convinced that their ranks and titles gave them immunity. Indeed, authoritative American and British lawyers were involved in deep discussion as to whether or not rulers of state might be tried for war and war crimes. Now these rulers are in the dock. ... The nations of the world, taught by bitter experience, have rejected the old tradition of the irresponsibility of statesmen who convert international policy into plots. The responsibility of Goering, Hess Ribbentrop and the rest began ... from the moment the plans for conquering Europe and the whole world were conceived. The Belsen trial was a foreword, an introductory speech to the Nuremberg trial. The foreword, we know, was much too long and not too successful. The defence failed to gain any credit in this trial. They defended the crimes, not the criminals."

29.11.45 In its "Nuremberg Notebook" the "Neue Zeit" writes that "some of the accused want countless foreigners called in their defence. Schacht has devised a grotesque game of his own. He argues that he tried to upset Hitler in 1938, and joined in the July 1944 plot! It was the big banks, ruled over by Schacht, which made Germany's gigantic rearmament possible."

27.11.45 P. Orlov, Moscow radio commentator, said, in part: "The German defence counsel at Nuremberg are drawing on the experience and arguments of the British counsel in the Belsen trial. The statement of counsel Stahmer attempting to question the tribunal's power of jurisdiction closely followed the argumentation of the British expert, Smith, at Lüneberg. But the things that occurred, unfortunately, at Lüneberg cannot be allowed at Nuremberg. The Court has turned down both Stahmer's statement and the counsel's plea that some of the defendants are of unsound mind. Nor has the Court allowed Goering and the other Nazi chieftains to make speeches instead of giving answers to the point. This is an encouraging beginning. ... It's not just an accident that the US reactionary Press treats Nuremberg as a secondary matter. ... Many US and British papers and their correspondents are concentrating on the details of procedure, the appearance of the judges, prosecutors and defenders and even the furnishings of the Court, and saying very little about the essentials of the case or the contents of the indictment. The "New York Times" claims that the guilt of the defendants is personal, not collective - a claim that is patently untrue. ... Nor is it only that attempts are made to belittle the significance of the Nuremberg Trial. There are some obviously pro-Fascist journalists who are, whether openly or covertly, campaigning against the punishment of the Nazi war criminals."

30.11.45 Continuing its Nuremberg "Rogues Gallery" series, the Soviet News published denunciations of Fritzsche and Sauckel:

"Hans FRITZSCHE plied the pen, not the sword. Although he did not actually kill people with his own hands, he encouraged countless murders. ... Through the channels of Nazi propaganda, Fritzsche poured cataracts of brazen lies and calls for pogroms. When the Germans started rolling west before the Red Army, Fritzsche consoled his countrymen with stories of the devastation they had left behind them. Chuckling with rapture, he depicted the awful desolation of cities and the annihilation of life. His joy was the joy of a cannibal at a victory dance. ... He gave his all to Nazism. That is why he is to-day sitting with the other Nazi chiefs in the prisoners' dock at Nuremberg. The sentence of the peoples will be grim and just."

"SAUCKEL was head of the Nazi organisation for exploitation of labour power from German-occupied territory. . . . It was on Sauckel's orders that 4,000,000 citizens of the Soviet Union and 750,000 Czechoslovak citizens, hundreds of thousands of Frenchmen, Belgians, Poles, Yugoslavs, Danes and Dutch were made into slaves. . . . In 1942, Sauckel became administrator of all the potential labour power - including foreigners and prisoners of war - in the areas under German control. . . . Men, women and children were driven into barracks like cattle, stripped of all human rights and dignity, deprived of their very names. It was Sauckel who determined the conditions under which the 20th century slaves lived, worked and died. It was Sauckel who ordered the use of the overseer's whip and the bloodhounds . . . "

30.11.45 Writing from Nuremberg in the Swiss "Weltwoche", R. Jungk criticises the work of the prosecuting staffs who, he says, work too much in isolation from each other; this is especially the case with the Russians, who affect ignorance of other languages. The lack of co-ordination is apparent in the examination of witnesses, some of whom (e.g. General von Thoma) have been flown back and forth between London, Paris, Washington, Moscow and Warsaw. Mr. Jungk observes the same lack of co-ordination in the Indictment, some of whose defects he ascribes to errors of the Washington Administration; these produced a chaos which had to be remedied by empirical methods usual among the Anglo-Saxons.

British Press

26.11.45 Commenting on the opposition to the calling of witnesses for the defence from abroad, the Press correspondent cited a legal precedent in the "Hilander Castle" Trial at Leipzig in 1919, when the British Attorney-General opposed the admission of evidence tending to show that other persons had been guilty of similar offences. It was also observed that a summons for a witness would not be binding outside occupied territory, and that it would be for the Governments of the witnesses to request their attendance.

7.12.45 "The Spectator" writes:

"What record of the Nuremberg trial - perhaps the greatest legal process in the history of the world - is to be left to posterity? I doubt if anyone has begun to think much about that yet, but it is quite time someone did. Already verbatim reports of the proceedings are piling up in the House of Commons Library, where they are at the disposal of any Member desiring to consult them. 'Consult' is the right word, for it must be some uncommon enthusiast who can spare time to read these accumulating foolscap pages of typescript. But they might well be printed in serial form like Hansard, for it can hardly be argued that they are of less importance and interest than the average run of proceedings in Parliament. These is at the same time a great opportunity to set the right person preparing a short descriptive account of the trial. . . . "

III.

LEGAL LITERATURE.

(Contributed by Dr. Schwelb, Legal Officer)

Professor Norman BENTWICH discusses the Belsen trial in The Law Journal of 24th November, 1945. He points out that a sincere and earnest effort was made in that trial to maintain the spirit of British justice, to treat the accused as innocent until they were proved guilty and to give them every facility for defence. While they were charged, together and jointly, as a group which had carried out a policy of brutal crime, the prosecution was at pains to bring home to each of them their individual guilt. That, with its corollary of individual defence, was the main cause of the wearisome length of the trial. The British defending officers brought a professional zeal to their cause which knew scarcely any limit.

One of the purposes served by the trial, according to Professor Norman Bentwich, was to establish, once and for all, that those who disregard the primary dictates of humanity are guilty of murder though they may plead that they were menial instruments of a system, or were acting under orders. In this connection, Professor Bentwich recalls, quoting from E. FRAENKEL ("Military Occupation and the Rule of Law"), that Goebbels himself, writing on the "Air Terror of our Enemies" in 1944, expressly asserted the individual responsibility of those who violate laws of war, and rejected the plea of Respondere Superior. Goebbels held that: "No international law of war provides that the soldier who has committed a crime can escape punishment by pleading in his defence that he followed the commands of his superior. This holds particularly if the commands are contrary to human ethics, and opposed to well-established international usages of war."

Dr. Manfred LACHS (Polish National Office) has published two articles on important topics connected with the problems of war criminals. One, "Crimes de Guerre — Délits Politiques" appeared in Nos. 1 - 2 of the Revue de Droit International de Sciences Diplomatiques et Politiques, 1945, Geneva; and the other, on "The Unwritten Laws of Warfare", in the Tulane Law Review, New Orleans, October 1945. In the first of the two articles the learned author presents a historical and analytical discussion of the notion of political crimes and comes, in accordance with the declaration of the Occupied European Countries made at St. James's Palace on January 13th, 1942, to the conclusion that the war crimes committed during the second World War are not political crimes, with the privileges appurtenant to such, but are common crimes subject to the existing extradition laws and treaties. In the article published in the Tulane Law Review, Dr. Lachs deals particularly with the problem of the interpretation of the written and unwritten rules of warfare, examines the so-called doctrine of military necessity and comes to the general conclusion that the written international laws of warfare are inadequate. Since the days of the Hague Conferences so many changes have occurred that these rules cover only a very small field of law. The ways and methods of interpreting the laws of warfare have to be adapted to the fact of ^{the} co-existence of written and unwritten law. It is time to think of the codification of the rules of warfare. They must be brought up to date. They must be clear and not ambiguous. They must be the guardian of law and become a deterrent to all those who would think of resorting to war.

IV

No. IV.

19th December, 1945.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

PRESS NEWS SUMMARY No. I V.

(For internal circulation in the Commission)

C O N T E N T S:

	<u>Page</u>
I. PUBLIC RELATIONS	1
II. SUMMARY OF EVENTS	2
III. THE TRIAL OF THE MAJOR WAR CRIMINALS:	10
PRESS COMMENTS.	12
IV. LEGAL LITERATURE — including articles by Lord Wright in the Law Quarterly Review, and by "Judex" in the Journal of the Institute of International Affairs.	15

I.

PUBLIC RELATIONS

(Contributed by the Public Relations Officer)

The news of the arrival of Mr. Justice Mansfield, Judge of the Supreme Court of Queensland, after a journey by air of less than four days from Australia, to assume his duties as Australian Government Representative with the UNWCC., was published in the leading British Sunday papers on December 16th.

The War Crimes Exhibition had been visited by 28,864 people up to Saturday evening, December 15th. The notices in the Press (copies of some of which have been circulated separately to the Commission), upon the opening of the Exhibition, included appreciative references to the speeches delivered by Lord Wright and by M. Teitgen, the French Minister of Justice.

Notices regarding the Commission's 15th List of War Criminals, issued on October 25th last, appeared in the American Press, via Reuter.

Arrangements have been made with the United Nations Information Organisation to ensure that adequate coverage is given to the Commission's activities in broadcasting from various stations in Europe.

"UNIO" assembles material on United Nations activities and the B.B.C. uses this material in regular transmission. Prague radio is also experimenting in a special service on these lines; and other stations, notably Paris, Copenhagen, Oslo and Stockholm are regularly supplied. Any material supplied to these states by the UNWCC. will be used for these radio programmes and in the UNIO monthly digest of International Affairs, which has a circulation of about 2,500; when occasion permits it will also be used in the UNIO News Bulletin, which has a circulation of about 9,000.

II.

S U M M A R Y O F E V E N T S .

A U S T R I A .

3.12.45. The Vienna radio announced that the first list of 300 names drawn up by the Austrian Commission for the trial of war criminals included the following: Dr. APOLD, former Director-General of the Alpine Montan Gesellschaft; Ing. BLASCHKE, former Mayor of Vienna; BRUNNER I and II, heads of the Vienna Jewish Emigration Office; EIGRUBER, former Gauleiter of Upper Austria; *FISCHBOECK, Dr. Hans, Minister of Commerce in the Government which negotiated the Anschluss; FRAUENFELD, Alfred and Eduard; GLAISE-HORSTENAU; *GLOBOTSCHNIK, Odilo, former Gauleiter of Vienna; GOTZMANN, Dr. Leo, former Police Chief of Vienna; *HABICHT, Theodor, underground Landesinspekteur for Austria; HOFER, Franz, former Gauleiter of Tyrol; HUBER, Gestapo Chief of Vienna; HUEBER, a member of the Anschluss Government; *KALTENBRUNNER, Dr. Ernst, SS-General; *MALZACHER, Dr. Hans, Director-General of the Berghütte; MENGHIN, Dr. Oswald, former Minister for Education and University Professor; Ing. NEUBACHER; Dr. NEUMAYER; PROKSCH, Alfred; RAFFELS-BERGER, Walter; RAINER, the former Gauleiter of Carinthia; REINTHALLER, SS-General; RESCHNY, SA-General; Dr. RINTELEN; SCHARITZER, Karl; SCHMIDT, Dr. Guido; *SEYSS-INQUART; Dr. - TAFF; *UIBERREITER, Siegfried; WEIDENHAMMER, Rudolf, industrialist.

[Names marked + appear in the Lists of the U.N.W.C.C.]

5.12.45. Another list of 85 war criminals wanted for trial, published in the Austrian Press, includes Prince Waldeck Pyrmont, former SS. and Police leader in Wehrkreiss IX. (This name appears in Charges Nos. 1056/Fr/G/490 and 1791/Cz/G/21 filed with the U.N.W.C.C.)

B E L G I U M .

6.12.45. The Associated Press reported that nine Germans had been handed over to the Belgian authorities charged with mass murders during the German offensive in the Ardennes in December 1945. It is alleged that these men herded 21 civilians, 19 men and two women into a small barn at Renardmont-lez-Stavelot. They then turned machine-guns on their victims, and the barn was soaked in petrol and set on fire.

The farmer, his wife and their two children, who witnessed the atrocity were then set upon too, and murdered in cold blood.

Schmidt, a former commandant of the Breendonck Concentration Camp was found hiding in The Netherlands, and, after being identified by the Belgian witness, Paul Levy, was handed over to the Belgian authorities for trial.

C A N A D A .

11.12.45. The trial of Brigadeführer Kurt Meyer by a Canadian military court on five charges involving the illegal execution of Canadian prisoners of war began at Aurich in Germany on December 10th, 1945.

(The charge against this defendant was filed with the Commission in June 1945: No. 948/C/G 1).

The defendant pleaded not guilty. The Prosecutor, Colonel MacDonald, said that the defendant was responsible "both directly and indirectly" for the murder of 41 Canadian prisoners of war killed by men under his command near Caen; witnesses from one of Meyer's own units—the 15th Reconnaissance Motor-cycle Company—would say that, during their training, Meyer had told them, more than once: "My unit takes no prisoners; I don't care what others do, my Company takes no prisoners." The alleged killings consisted of mass-shootings, in which as many as nine were killed at a time, and also of individual murders of wounded soldiers.

C Z E C H O S L O V A K I A .

27.11.45. The Prague radio announced: "Colonel Ecer has arrived in Prague by air. He will take back to Nuremberg the protocols of K.H.Frank's depositions. Following the decision that Frank shall not appear before the International Court even as a witness, it has become necessary to submit in writing his depositions concerning the defendants at the Nuremberg trial. Frank's trial in this country will be conducted in the same manner as the Nuremberg trials, since the International War Crimes Commission has recognised Czechoslovak views on the conduct of justice. Czechoslovak and Polish observers at the International Court were recently asked how they wished to participate in the trials. The United States Prosecutor Jackson, who according to Dr. Ecer, is the 'Backbone' of the whole Court, made it plain that even were a defendant acquitted by the International Court, he would be handed over to the country where he had pursued his activities. This is important for us, especially regarding Neurath."

8.12.45. The Prague radio announced: Dr. Ecer, the Czechoslovak delegate to the U.N.W.C.C., spoke on the Nuremberg trial at a public meeting in Lucerna Hall, Prague, yesterday. He explained the principles on which the procedure is based and said he was convinced that the small nations, especially our Republic, would be given a chance to come forward as direct plaintiffs.

D E N M A R K .

4.12.45. The Kalundborg radio stated: "Denmark is still not represented at Nuremberg, but official circles there say that an invitation was sent to the Government's appointed observer, Professor Hurwitz, as soon as the name was received from the State Department at Washington. In this connection, Professor Hurwitz informs the Radio News Service that, in the first place, no invitation has been received, and secondly, that the Minister of Justice has asked him to work on the Committee concerning the revision of the Treason Acts. Professor Hurwitz cannot, therefore, for the time being go to Nuremberg but he expects to leave after Christmas."

G E R M A N Y .

5.12.45. A B.U.P. message from Berlin stated that 30 I.G. Farben-Industrie chiefs were likely to be charged before an international court with planning aggressive warfare. Each of the four Occupying Powers was submitting lists of industrialists, who would be put on trial.

G E R M A N Y (Cont.)

- 7.12.45. The Berlin radio, in a talk entitled: "The Allied Council Acts", said that the Allied Control Council's laws No. 8 and No. 9, dealing respectively with the banning of military training and the seizure of I.G. Farbenindustrie, had a political connection; for monopoly capitalism, as represented by I.G. Farbenindustrie, always backed militarism. The Nuremberg trial would be followed by a second war criminals' trial, at which representatives of German monopoly capital would be among the chief defendants. "We are convinced," it said, "that I.G. Farbenindustrie representatives will be among them, and we hope that Herr Hugenberg, still free to-day, will not be absent."
- 12.12.45. The "Berliner Zeitung" of December 11th demanded a German-organised series of trials, to deal with six groups of criminals: Generals, who knew the truth, but ruthlessly prolonged the war; commanders of pockets who compelled garrisons to fight on hopelessly; officers of summary courts who sentenced thousands of Volksturm members to death; commanders of "youth brigades"; provincial Nazi leaders who spread "lying propaganda" that the war was not lost; Volksturm leaders who directed the "scorched earth" policy.

H U N G A R Y.

- 8.12.45. The Hungarian Minister of Justice was officially informed by the Allied Control Commission in Hungary that no demand for the extradition of Bardossy (former Premier, sentenced to death at Budapest for treason) would be made by the International Tribunal at Nuremberg. Meanwhile, Bardossy's attorney has appealed against the sentence, pointing out that Bardossy had not been found guilty of military offences against Yugoslavia.
- 9.12.45. Ferenc Szalasi, Premier of Hungary during the German domination of that country, was sentenced to death by the People's Court.
- 22.11.45. In a broadcast from The Hague the Dutch Prime Minister, Mr. Schermerhorn, explained the organisation of The Netherlands War Crimes Commission, consisting of a central authority with sub-commissions at Amsterdam, Rotterdam and all the provincial capitals. Citizens were urged to report to the burgomasters war crimes of which they had been witnesses.
- (For a fuller account of this speech see Commission Document C.159 circulated on December 10th 1945.)
- 13.12.45. The trial for treason of Anton Mussert who styled himself "Führer" of the Netherlands, took place at The Hague before a special court (November 27th-28th). Sentence of death was announced on December 13th.

U N I T E D K I N G D O M.

- 6.12.45. The Glasgow "Evening News" reported that no less than 500 (sic) war crimes trials were pending within the next few months in the British zone. Among them would be a sensational case against the staffs of two children's "mercy-killing" institutions at Helmstadt, where it is alleged that about 500 infants from Eastern Europe were murdered.

UNITED KINGDOM (Cont.)

10.12.45. Other approaching trials announced in the Press are those of Ernst Tanneberger, former salt-mine manager, who is to be tried in Celle on a charge of inciting German workers to maltreat foreign workers. Dr. Helmut Jung, a former German army doctor was to be arraigned at Göttingen on December 14th for cruelty to British prisoners of war.

11.12.45. After the announcement of the verdict in the Dulag Luft ("Sweat Box") trial at Wuppertal (see Press Summary No. III), it was stated in Court by a U.S. officer, who had interrogated some of the defendants last summer, that they had informed him of the murder by the Germans of five R.A.F. men who took part with Wing-Commander Gibson (missing since September 1944) in the famous raid on the Möhne Dam, in May 1943.

14.12.45. At Oslo two officials of the Gestapo were sentenced to death by shooting for the murder of four British airmen who had baled out over Stavanger in 1942.

+ + + + +

The Belsen Sentences.

11.12.45. Erich Zoddell, sentenced to imprisonment for life at the Belsen trial on November 17th, was executed on a previous sentence of death for the murder of a Polish girl. The latter sentence had been confirmed, but execution had been postponed so that Zoddell might be arraigned in the Belsen trial.

9.12.45. Field Marshal Montgomery confirmed the sentences passed on November 17th on 30 persons found guilty of crimes in the Belsen Camp. The appeals of Josef Kramer and seven other defendants against the death sentence were rejected. Press messages observed that, under Regulation 12 of the Royal Warrant for the trial of War Criminals, the British Secretary for War had power to commute or mitigate punishments, though it was not likely to be exercised. Three of the condemned did not appear.

6.12.45. The Press reported that the French prosecution staff at Nuremberg wished to call Josef Kramer, ex-Commandant of Belsen, sentenced to death on November 17th, as a witness to substantiate the affidavits of other concentration camp commanders, which, they believed, would be challenged by the defence. The "Daily Mail" quoted an officer of the French prosecuting staff as saying that they had affidavits by Ziereis, late commandant of Mauthausen camp, and his assistant, Adolf Zutter, but that both of them had been killed by the inmates of that camp when it was liberated. The "Sunday Times" correspondent at B.A.O.R. headquarters wrote that Field Marshal Montgomery was opposed to the summoning as witnesses of persons under sentence of death.

14.12.45. Josef Kramer, and the other ten criminals condemned to death, were hanged at Hamelin on December 13th.

UNITED KINGDOM (Cont.)

In the House of Commons the Attorney-General was asked:
"In view of the ruling given at the Belsen trial, that being a member of a concentration camp staff did not constitute a war crime, to state what machinery of justice existed to deal with such persons."
Mr. Lawson, replying for the Attorney-General, said that "any such statement by the Judge Advocate was an expression of his own opinion, and could not be regarded as a ruling binding on any subsequent Court. The machinery for dealing with the persons referred to depended on action by the International Military Tribunal of Nuremberg, which was being asked to declare that the S.A., S.S., Gestapo and other bodies were criminal organisations. If that were done, members of concentration camp staffs could be tried before international or occupational courts."

[This statement was briefly referred to in No. 2 of this Series, page 8, and is now given in full.]

2.12.45. In the "Sunday Times" an "Army Officer" who attended the Belsen trial wrote:

"May I attempt to relieve the uneasiness recorded by one of your readers at what he described as the leniency of the sentences? Some of the evidence was revealed as mere hearsay, which normally is inadmissible in a British Court but was admitted at Nuremberg and given such weight as the Court thought fit. In the cases referred to, it is clear that the main allegations were not proved to the satisfaction of the Court.

"I cannot agree that 'where specific crimes could not be proved the prisoners were self-condemned by the mere fact of their being camp guards at Belsen since none but the criminally brutal could or would hold such positions.'

"Some of the accused were themselves internees, others had arrived there only a few days before we entered and had no choice in the matter at all, while one, I believe, worked in the camp after we arrived. To hold that these should share the responsibility for the condition in which they found the camp is surely not just."

The writer concluded that "the trials bring home to the Germans that they are now living in a world where justice, though, inexorable, is free and impartial."

9.12.45. Sir Walford Selby in the "Sunday Times" considered the above-quoted "Army Officer's" conclusion to be "exactly right." "The procedure which is being followed," Sir Walford Selby said, "has been decided upon after full and careful deliberation by the highest and most qualified authorities in the Allied countries, and it does appear to me expedient that while the whole question is sub judice, the less criticism there is of the procedure of the tribunals, and of the decisions to which they may come, the more likely are we to be able to achieve our main purpose, namely, as a result of these trials provide ourselves with a real and tangible guarantee against any repetition of developments which led to earlier wars—the destruction of such guarantees sufficiently solid in their time, as were incorporated in the Treaty of Versailles."

29.11.45. G.A. Lanczy, D.Pol., writing in the "Patriot," said, in part:
"The war trials conducted and finished last week in the British Zone of occupied Germany were certainly fair in form and substance..... Also, the Prosecutor did his very difficult legal job with much tact and objectivity."

There is one thing, however, which seems to have been neglected: insistence of generally accepted Press etiquette, i.e., not to report on the cases far in advance of their hearing in a manner prejudicial to justice, for the Press did its best to turn public opinion against the accused long before they appeared in dock. Pressure from outside, in fact became so strong that verdicts seemed to become foregone conclusions."

5.12.45. The Belgrade radio quoted a telegram sent by the Jews in Yugoslavia to the British Government: "The Association of Jewish Religious Communities of the Federal People's Republic of Yugoslavia has learnt with indignation and grievous disappointment of the verdict passed at Luneberg against the Fascist criminals from Belsen camp. In the name of 10,000 survivors and of the 70,000 Yugoslav Jews wiped out by the Nazi Fascist criminals, we protest against the unjust leniency of this verdict, which is also an insult to innumerable innocent victims. We demand a just and strict revision of it, and the severest punishment of all Fascist criminals."

3.12.45. The Press reported from Hamburg that "for having ordered that no Allied prisoners be taken in an attack on a hill near Vernon in August 1944, Lieutenant Karl Heinz Kniep and Hans Wichmann, an N.C.O., were sentenced on December 2nd to three years' imprisonment by a War Crimes Tribunal sitting at Hamburg. When the hill was taken, it was found to be unoccupied, so no harm was done, but the court found that the issue of such orders constituted a war crime."

The Ruhr Industrialists.

2.12.45. With reference to the arrest of 76 steel magnates, Press reports mention the name of Karl EBERHARDT, chief armaments sales director, in addition to those given in Press Summary No. 3. A senior intelligence officer who took part in the arrests said:

"The weight of German heavy industry was behind the Nazi Party even before its accession to power, and the authority and destructive ambition of the party before and during the war years were to a very large extent derived from the existing strength and ambition of German industry."

7.12.45. An Associated Press message from Iserlohn said that "four more German industrialists had been arrested in the Ruhr by the British Field Security Police, following the weekend round-up of the steel magnates. See No. 3 of this Series. They were held for interrogation pending the detention in custody of some, and the charging of others as war criminals. Three other industrialists on the British list were said to be still at large; a fourth was in a German hospital."

NORWAY.

-12.45. The trial of Gestapo officials before a mixed British-Norwegian court at Oslo for murdering the crew of the M.T.B. 345 (see Press Summary No. 3) resulted in one death-sentence, six sentences of imprisonment, and two acquittals.

There is one thing, however, which seems to have been neglected: insistence of generally accepted Press etiquette, i.e., not to report on the cases far in advance of their hearing in a manner prejudicial to justice, for the Press did its best to turn public opinion against the accused long before they appeared in dock. Pressure from outside, in fact became so strong that verdicts seemed to become foregone conclusions."

5.12.45. The Belgrade radio quoted a telegram sent by the Jews in Yugoslavia to the British Government: "The Association of Jewish Religious Communities of the Federal People's Republic of Yugoslavia has learnt with indignation and grievous disappointment of the verdict passed at Luneberg against the Fascist criminals from Belsen camp. In the name of 10,000 survivors and of the 70,000 Yugoslav Jews wiped out by the Nazi Fascist criminals, we protest against the unjust leniency of this verdict, which is also an insult to innumerable innocent victims. We demand a just and strict revision of it, and the severest punishment of all Fascist criminals."

3.12.45. The Press reported from Hamburg that "for having ordered that no Allied prisoners be taken in an attack on a hill near Vernon in August 1944, Lieutenant Karl Heinz Kniep and Hans Wichmann, an N.C.O., were sentenced on December 2nd to three years' imprisonment by a War Crimes Tribunal sitting at Hamburg. When the hill was taken, it was found to be unoccupied, so no harm was done, but the court found that the issue of such orders constituted a war crime."

The Ruhr Industrialists.

2.12.45. With reference to the arrest of 76 steel magnates, Press reports mention the name of Karl EBERHARDT, chief armaments sales director, in addition to those given in Press Summary No. 3. A senior intelligence officer who took part in the arrests said:

"The weight of German heavy industry was behind the Nazi Party even before its accession to power, and the authority and destructive ambition of the party before and during the war years were to a very large extent derived from the existing strength and ambition of German industry."

7.12.45. An Associated Press message from Iserlohn said that "four more German industrialists had been arrested in the Ruhr by the British Field Security Police, following the weekend round-up of the steel magnates. See No. 3 of this Series. They were held for interrogation pending the detention in custody of some, and the charging of others as war criminals. Three other industrialists on the British list were said to be still at large; a fourth was in a German hospital."

NORWAY.

-12.45. The trial of Gestapo officials before a mixed British-Norwegian court at Oslo for murdering the crew of the M.T.B. 345 (see Press Summary No. 3) resulted in one death-sentence, six sentences of imprisonment, and two acquittals.

There is one thing, however, which seems to have been neglected: insistence of generally accepted Press etiquette, i.e., not to report on the cases far in advance of their hearing in a manner prejudicial to justice, for the Press did its best to turn public opinion against the accused long before they appeared in dock. Pressure from outside, in fact became so strong that verdicts seemed to become foregone conclusions."

- 5.12.45. The Belgrade radio quoted a telegram sent by the Jews in Yugoslavia to the British Government: "The Association of Jewish Religious Communities of the Federal People's Republic of Yugoslavia has learnt with indignation and grievous disappointment of the verdict passed at Luneberg against the Fascist criminals from Belsen camp. In the name of 10,000 survivors and of the 70,000 Yugoslav Jews wiped out by the Nazi Fascist criminals, we protest against the unjust leniency of this verdict, which is also an insult to innumerable innocent victims. We demand a just and strict revision of it, and the severest punishment of all Fascist criminals."
- 3.12.45. The Press reported from Hamburg that "for having ordered that no Allied prisoners be taken in an attack on a hill near Vernon in August 1944, Lieutenant Karl Heinz Kniep and Hans Wichmann, an N.C.O., were sentenced on December 2nd to three years' imprisonment by a War Crimes Tribunal sitting at Hamburg. When the hill was taken, it was found to be unoccupied, so no harm was done, but the court found that the issue of such orders constituted a war crime."

The Ruhr Industrialists.

- 2.12.45. With reference to the arrest of 76 steel magnates, Press reports mention the name of Karl EBERHARDT, chief armaments sales director, in addition to those given in Press Summary No. 3. A senior intelligence officer who took part in the arrests said:

"The weight of German heavy industry was behind the Nazi Party even before its accession to power, and the authority and destructive ambition of the party before and during the war years were to a very large extent derived from the existing strength and ambition of German industry."

- 7.12.45. An Associated Press message from Iserlohn said that "four more German industrialists had been arrested in the Ruhr by the British Field Security Police, following the weekend round-up of the steel magnates. See No. 3 of this Series. They were held for interrogation pending the detention in custody of some, and the charging of others as war criminals. Three other industrialists on the British list were said to be still at large; a fourth was in a German hospital."

NORWAY.

- 12.45. The trial of Gestapo officials before a mixed British-Norwegian court at Oslo for murdering the crew of the M.T.B. 345 (see Press Summary No. 3) resulted in one death-sentence, six sentences of imprisonment, and two acquittals.

UNITED STATES.

- 23.11.45. The American News Service in Germany reported the execution at Landsberg prison on November 19th, after a trial by an American military commission, of three Germans for murdering American airmen, viz.: Ernest Waldermann for the murder of an airman at Haimbuck on December 2nd, 1944; Wilhelm Haffner for a similar murder on December 12th, 1944; and Albert Bury, police chief of Langenselbold.
- 26.11.45. The same news service reported that, on the date in question, there were 60 cases, expected to last three months, on the dockets of the War Crimes Courts of the Western Military District at Ludwigsburg; the fourth trial was then in progress. One German had been sentenced to death and two to imprisonment. Two had been acquitted. Most of these cases, the message stated, concerned the killing or beating of Allied airmen; the former category are tried by a General Court able to pass a death sentence; the latter by an "intermediate court" able to award imprisonment up to ten years.
- A case which may—the report stated—"prove an important precedent" was dealt with on November 23rd, was that of Ludwig Schardt, of the Volksturm, who admitted killing three American airmen, but pleaded superior orders. (It appears that in this case the court gave some weight to his plea as he was sentenced only to life imprisonment.)
- 28.11.45. The same News Service announced that an "intermediate" war crimes court, on Monday 26th November, had convicted and sentenced to imprisonment for one year, Werner Pornklewicz, a resident of Hastenbech, who was accused of beating a captive Allied airman. The pilot, who parachuted near Hastenbech in March 1944, was held under armed police guard. The accused beat him about the head and shoulders with a lath while the guards held him helpless.
- 8.12.45. The "Daily Telegraph" reported that August Kobus, former Nazi Mayor of Freilassing, Bavaria, was sentenced to death by an American military court in Ludwigsburg for shooting a wounded American pilot.

The Dachau Trial.

- 13.12.45. This trial, which began on November 15th (See No. 3 of this Series) ended on December 12th, when all the forty defendants were found guilty. The President of the court said: "The evidence convinced the court that Dachau Concentration Camp subjected its inmates to killings, tortures, and indignities to an extent that necessitates the indictment of every one, high and low, who had anything to do with its conduct." Thirty-six of the defendants were then sentenced to be hanged, including Martin WEISS, Commandant, Drs. SCHILLING, WITTELER and HINTERMAYER, who conducted medical experiments.
- 13.12.45. A Press message from New York states that Richard DRAUZ, a minor ~~off~~ official of the Nazi party, was sentenced by a Military Government court at Dachau to be hanged for killing a handcuffed American airman. The principal witness against him was Heins Enders, who had already been sentenced to death for killing four others of a group of six airmen murdered on March 24th.

THE FAR EAST.

JAPAN.

10.12.45. "The Times" reported from Tokyo that TOJO, former Prime Minister, and members of his Cabinet would be tried there in January. Mr. Keenan, United States special prosecutor, who had recently arrived at Tokyo, told the Press that the death penalty would probably be demanded for Tojo and "the men who set in motion the mechanism which made the dropping of bombs inevitable."

"A number of the accused," will," he said, "undergo several trials, having judges from the various countries where they were alleged to have committed crimes against humanity." Mr. Keenan added that "other Allied nations had been invited to send General MacArthur the names of the representatives they wanted on the bench or among the prosecutors."

6.12.45. General MacArthur ordered the arrest of Prince Konoye⁺, former Prime Minister. Among eight other leading Japanese arrested was Koichi Kido, described as the Emperor's right-hand man during the war. Yushio Kodama, who is to be tried as a war criminal has admitted that he made £60,000,000 out of the war.

1.12.45. Lieut.-General HALL, commander 8th U.S. Army, announced that the first war crimes trial in Japan would open at Yokohama on December 13th. About 300 Japanese were to be tried before military commissions of five to eight members.

10.12.45. A list of 57 Japanese whose arrest was ordered by General MacArthur includes the commander of the Cabanatuan Camp in the Philippines.

SOUTH PACIFIC.

9.12.45. "The Times" reported from Melbourne that the biggest trial so far held in the Pacific area would begin at Labuan on December 10th. Seventy Japanese would appear to answer joint charges on ill-treatment of interned persons at Kuching, where 1400 white men, women, and children died of neglect and ill-treatment.

A Morotai Court, after 20 minutes' deliberation, found Lieutenant Tanaka and Private Fujisaki guilty of the murder of an Australian airman on Talfa Island on March 23rd. Fujisaki told the Court, on oath, how he was ordered from the ranks by Tanaka and bayoneted the airman.

On December 8th an Australian military court sentenced to death by shooting 20 Japanese and Formosan guards, including Sergeant-Major Tsuroo Sugnio, found guilty of the massacre of 46 prisoners of war at Miri (Sarawak). This was the third trial in the Miri massacres series.

+ Prince Konoye has since committed suicide.

III.

THE TRIAL OF THE MAJOR WAR CRIMINALS.

Progress of the Trial;
Points of interest noticed by the
Press and Radio; Press comments.

COUNT II OF THE INDICTMENT

The American prosecutors' survey of Count I (conspiracy) was interrupted on December 4th to allow Sir Hartley Shawcross to open the British case on Count II (crimes against peace) before returning to England for the Joyce appeal. The British Attorney-General accordingly made a detailed survey of Count II, in a speech of 24,000 words, setting forth the diplomatic background of the aggressive wars launched by the Nazis; the case was supported by over 200 documents.

On December 5th Mr. Alderman, the U.S. deputy prosecutor resumed his survey of the betrayal of the Munich pact (Count I); Sir David Maxwell-Fyfe then continued with Count II, and dealt with the question of broken treaties and the attacks on Poland, Denmark, Norway, Belgium and Holland, which was then further elaborated by the British deputy prosecutors. The British case was completed on December 7th. The U.S. deputy prosecutors then continued with Count I and dealt (December 10th) with the collaboration of Germany and Japan.

7.12.45 Lord Justice Lawrence, President of the Tribunal, announced that it would take a recess from December 21st to January 2nd. Defence Counsel had asked for a three weeks adjournment to enable them to study the documents.

8.12.45 After hearing Hess's statement that his loss of memory had been simulated, the Court ruled on December 2nd that it found no reason whatever why he should not stand his trial. An American psychiatrist, who had Hess under observation, stated, in conversation, that his memory was now indeed normal.

11.12.45 Ernst Kaltenbrunner, former head of the Security Police and RSHA, who had hitherto been prevented from appearing in court by a cerebral haemorrhage, took his place in the dock and pleaded "not guilty".

4.12.45 As a result of tests carried out in the prison the defendants at the Nuremberg trial were graded by a psychologist, in the following order, as regards their intelligence: Schacht (in the genius class); Seyss-Inquart; Goering; Doenitz; Papen; Frank; Fritzsche; Schirach; Ribbentrop; Keitel; Speer; Jodl; Rosenberg; Neurath; Frick; Funk; Sauckel; Hess; Streicher.

Among points of law or procedure noticed by the daily press or radio were the following:

5.12.45 In his opening address Sir Hartley Shawcross dismissed a likely point of the defence - that it was England and France that declared war in 1939 - by arguing that, in attacking Poland in violation of the Kellogg Pact, Germany had violated her obligation towards all the signatories of that pact.

III.

THE TRIAL OF THE MAJOR WAR CRIMINALS.

Progress of the Trial;
Points of interest noticed by the
Press and Radio; Press comments.

COUNT II OF THE INDICTMENT

The American prosecutors' survey of Count I (conspiracy) was interrupted on December 4th to allow Sir Hartley Shawcross to open the British case on Count II (crimes against peace) before returning to England for the Joyce appeal. The British Attorney-General accordingly made a detailed survey of Count II, in a speech of 24,000 words, setting forth the diplomatic background of the aggressive wars launched by the Nazis; the case was supported by over 200 documents.

On December 5th Mr. Alderman, the U.S. deputy prosecutor resumed his survey of the betrayal of the Munich pact (Count I); Sir David Maxwell-Fyfe then continued with Count II, and dealt with the question of broken treaties and the attacks on Poland, Denmark, Norway, Belgium and Holland, which was then further elaborated by the British deputy prosecutors. The British case was completed on December 7th. The U.S. deputy prosecutors then continued with Count I and dealt (December 10th) with the collaboration of Germany and Japan.

7.12.45 Lord Justice Lawrence, President of the Tribunal, announced that it would take a recess from December 21st to January 2nd. Defence Counsel had asked for a three weeks adjournment to enable them to study the documents.

8.12.45 After hearing Hess's statement that his loss of memory had been simulated, the Court ruled on December 2nd that it found no reason whatever why he should not stand his trial. An American psychiatrist, who had Hess under observation, stated, in conversation, that his memory was now indeed normal.

11.12.45 Ernst Kaltenbrunner, former head of the Security Police and RSHA, who had hitherto been prevented from appearing in court by a cerebral haemorrhage, took his place in the dock and pleaded "not guilty".

4.12.45 As a result of tests carried out in the prison the defendants at the Nuremberg trial were graded by a psychologist, in the following order, as regards their intelligence: Schacht (in the genius class); Seyss-Inquart; Goering; Doenitz; Papen; Frank; Fritzsche; Schirach; Ribbentrop; Keitel; Speer; Jodl; Rosenberg; Neurath; Frick; Funk; Sauckel; Hess; Streicher.

Among points of law or procedure noticed by the daily press or radio were the following:

5.12.45 In his opening address Sir Hartley Shawcross dismissed a likely point of the defence - that it was England and France that declared war in 1939 - by arguing that, in attacking Poland in violation of the Kellogg Pact, Germany had violated her obligation towards all the signatories of that pact.

T H E F A R E A S T .

J A P A N .

10.12.45. "The Times" reported from Tokyo that TOJO, former Prime Minister, and members of his Cabinet would be tried there in January. Mr. Keenan, United States special prosecutor, who had recently arrived at Tokyo, told the Press that the death penalty would probably be demanded for Tojo and "the men who set in motion the mechanism which made the dropping of bombs inevitable."

"A number of the accused," will," he said, "undergo several trials, having judges from the various countries where they were alleged to have committed crimes against humanity." Mr. Keenan added that "other Allied nations had been invited to send General MacArthur the names of the representatives they wanted on the bench or among the prosecutors."

6.12.45. General MacArthur ordered the arrest of Prince Konoye⁺, former Prime Minister. Among eight other leading Japanese arrested was Koichi Kido, described as the Emperor's right-hand man during the war. Yushio Kodama, who is to be tried as a war criminal has admitted that he made £60,000,000 out of the war.

4.12.45. Lieut.-General HALL, commander 8th U.S. Army, announced that the first war crimes trial in Japan would open at Yokohama on December 13th. About 300 Japanese were to be tried before military commissions of five to eight members.

10.12.45. A list of 57 Japanese whose arrest was ordered by General MacArthur includes the commander of the Cabanatuan Camp in the Philippines.

S O U T H P A C I F I C .

9.12.45. "The Times" reported from Melbourne that the biggest trial so far held in the Pacific area would begin at Labuan on December 10th. Seventy Japanese would appear to answer joint charges on ill-treatment of interned persons at Kuching, where 1400 white men, women, and children died of neglect and ill-treatment.

A Morotai Court, after 20 minutes' deliberation, found Lieutenant Tanaka and Private Fujisaki guilty of the murder of an Australian airman on Talfa Island on March 23rd. Fujisaki told the Court, on oath, how he was ordered from the ranks by Tanaka and bayoneted the airman.

On December 8th an Australian military court sentenced to death by shooting 20 Japanese and Formosan guards, including Sergeant-Major Tsuruo Sugnio, found guilty of the massacre of 46 prisoners of war at Miri (Sarawak). This was the third trial in the Miri massacres series.

+ Prince Konoye has since committed suicide.

III.

THE TRIAL OF THE MAJOR WAR CRIMINALS.

Progress of the Trial;
Points of interest noticed by the
Press and Radio; Press comments.

COUNT II OF THE INDICTMENT

The American prosecutors' survey of Count I (conspiracy) was interrupted on December 4th to allow Sir Hartley Shawcross to open the British case on Count II (crimes against peace) before returning to England for the Joyce appeal. The British Attorney-General accordingly made a detailed survey of Count II, in a speech of 24,000 words, setting forth the diplomatic background of the aggressive wars launched by the Nazis; the case was supported by over 200 documents.

On December 5th Mr. Alderman, the U.S. deputy prosecutor resumed his survey of the betrayal of the Munich pact (Count I); Sir David Maxwell-Fyfe then continued with Count II, and dealt with the question of broken treaties and the attacks on Poland, Denmark, Norway, Belgium and Holland, which was then further elaborated by the British deputy prosecutors. The British case was completed on December 7th. The U.S. deputy prosecutors then continued with Count I and dealt (December 10th) with the collaboration of Germany and Japan.

-
- 7.12.45 Lord Justice Lawrence, President of the Tribunal, announced that it would take a recess from December 21st to January 2nd. Defence Counsel had asked for a three weeks adjournment to enable them to study the documents.
- 8.12.45 After hearing Hess's statement that his loss of memory had been simulated, the Court ruled on December 2nd that it found no reason whatever why he should not stand his trial. An American psychiatrist, who had Hess under observation, stated, in conversation, that his memory was now indeed normal.
- 11.12.45 Ernst Kaltenbrunner, former head of the Security Police and RSHA, who had hitherto been prevented from appearing in court by a cerebral haemorrhage, took his place in the dock and pleaded "not guilty".
- 4.12.45 As a result of tests carried out in the prison the defendants at the Nuremberg trial were graded by a psychologist, in the following order, as regards their intelligence: Schacht (in the genius class); Seyss-Inquart; Goering; Doenitz; Papen; Frank; Fritzsche; Schirach; Ribbentrop; Keitel; Speer; Jodl; Rosenberg; Neurath; Frick; Funk; Sauckel; Hess; Streicher.

Among points of law or procedure noticed by the daily press or radio were the following:

- 5.12.45 In his opening address Sir Hartley Shawcross dismissed a likely point of the defence - that it was England and France that declared war in 1939 - by arguing that, in attacking Poland in violation of the Kellogg Pact, Germany had violated her obligation towards all the signatories of that pact.

- 5.12.45. In the same address the British Attorney-General said that "only two points adopted by the tribunal could in any way be called innovations. These were that a State could be responsible for crimes committed in its name, and that individuals could be held responsible for a crime committed on behalf of the State. 'If this is an innovation, it is one which we are prepared to defend and to justify. It is a salutary legal rule that persons who, in violation of the law, plunge their own and other countries into an aggressive war, do so with a halter around their neck.'"
- 2.12.45. On December 1st Dr. Stahmer, Goering's Counsel, submitted "that the defendants should be entitled to question the witnesses, contending that the terms of the charter governing the trial made this permissible. Justice Jackson opposed the application. The defendants, he pointed out, were given the right to conduct their own cases or have the assistance of counsel, and all had chosen counsel. The hearing would, he declared, become a performance rather than a trial if this sort of thing were to be allowed. The Court refused the application, but said that the defendants would be allowed to give evidence and make statements at the end of the trial.
- 4.12.45. On December 3rd, Dr. Stahmer objected to the admission of affidavits by SS-General Gottlob Berger and by Naujocks of the SD, who had made them at Nuremberg during the past fortnight, and argued that the witnesses themselves should be available for cross-examination. The President allowed the objection, and told the defence that they could call these witnesses if they wished.
- 5.12.45. A Press report from Nuremberg said that payments of RM 2,000 per month would be paid by the Court to each of the defence counsel. This sum would be charged against Reparations; but, if nothing was obtainable from that source, the expense would have to be borne by the exchequers of the Four Powers.
- 10.12.45. Lord Justice Lawrence said that when the prosecution had completed its case, each defendant would be allowed to state what witnesses he wished to call and what their evidence would cover; he warned the defence counsel, however, that this would not be an opportunity for speeches; during the defence each defendant would be allowed to make one speech.
- 5.12.45. Referring to a criticism in the U.S. "Army Journal" to the effect that the prosecution was seeking to establish "a principle of international law under which professional military leaders were subject to conviction as war criminals because of service in high commands or on general staffs, Justice Jackson pointed out that "in his opening statement, he had made it clear that German militarists were not being charged with having served their country, but with mastering it and driving it to war; not with fighting a war but with promoting one. They were not being tried because they belonged to a profession, but for the crime of planning an aggressive war."
- 1.12.45. With reference to the request signed by Dr. Cyprian and other Polish delegates for Poland to be admitted as "amicus curiae" to the Nuremberg trial (see Press Summary No. 3), the Warsaw radio announced that the question would be decided by the Tribunal and all the prosecution representatives; the Secretary-General of the U.S. Tribunal, General Mitchell, had promised support. If Poland should meet difficulties from the Tribunal or the prosecutors, they would be caused only by the fear of prolonging the trial, especially if other States should request the same favour.

- 6.12.45. The Polish P.A.P. representative at Nuremberg declared:
 "The Polish drama is emerging ever day more clearly at the trial.....
 In view of Poland's special position and great losses, she has demanded
 participation in main proceedings, at least in those where Frank is
 concerned. To allow Poland to take direct part in the trial
 would not only satisfy the Polish people but also guarantee that the
 crimes committed on Polish territory were fully substantiated."
 [See also under Czechoslovakia, page 3.]

PRESS COMMENTS ON THE NUREMBERG TRIAL.

- 1.12.45 The "Law Times" writing on the subject of the Speaker's ruling on
 November 22nd that members of the international tribunal sitting at Nurem-
 berg, were, as regards comment in the House, protected to the same extent
 as British judges, observes that there are two rules of the House which
 apply to proceedings in British courts: (1) that reflections on judges of
 the superior courts can only be made by a substantive motion; (2) that
 matters which are sub judice are not the subject of discussion in the
 House. "The Speaker indicated that it would be worse than invidious, and
 indeed improper, not to extend the protection afforded to the British
 members of the Tribunal by the first rule to their colleagues who represent-
 ed the three other Allied nations. As to the second rule, the Tribunal was
 one in which British judges participated, 'and,' the Speaker went on, 'we
 have the same interest in seeing that nothing is done here to disturb its
 judicial atmosphere as we have in the case of British courts - indeed per-
 haps, a greater interest, since the eyes of the world are upon this new
 and difficult procedure of international justice, and the consequences of
 ill-advised interference might be incalculably mischievous.'"

- 1.12.45 Referring to Justice Jackson's opening address, Mr. P. de Mendelssohn
 writes in the "New Statesman and Nation":

"In style, phrasing and delivery, Justice Jackson's 25,000 word
 statement has the genuine, inspiring ring of Mr. Roosevelt at his best,
 and it made a tremendous impression on all who heard it, including . . .
 Goering. The speech ranks, without . . . exaggeration, among the great
 documents of our age. As a legal exposé it has few equals; as a political
 document it stands alone . . ."

In regard to the German attitude the same writer says:

"They (the Germans) take the view that the present trial has 'no legal
 basis in international law, but is a procedure based on new penal law which
 was created only after the act,' and they argue that, while they fully
 favour the creation of such a new international law for the sake of future
 law and security in the world, the present defendants will have to be let
 off unless they can be proved guilty of crimes punishable under laws in
 force at the time of their commission. Nobody, they contend, has ever
 thought of incriminating statesmen, generals and economic leaders for
 using force. They imply that therefore it cannot be done now; that even
 as recently as San Francisco no rule of law was created to enable an inter-
 national court to punish persons who launch an unjust war. They deliber-
 ately ignore the fact that it is one of the chief purposes of this trial,
 although not its only one, to create such a law."

Mr. Mendelssohn goes on to quote Sir David Maxwell Fyfe's statement that the trial is the "logical application to the international field of what has long been applied on the national field. What is punishable under national law is logically punishable also under international law, and the International Tribunal is thus seen as the natural corollary to national tribunals, in that the crimes committed concern several nations and are not limited to one country."

On the question of conspiracy he says:

"Ingenious and correct as the charge of conspiracy is, its limitations became visible as soon as the presentation of the evidence began. The strictly legal approach to a political issue restricted the object of the prosecution to the Nazi Party, and logically took for its starting point the foundation of the Party under Hitler in 1920, thereby ignoring a large number of other factors and tendencies which made their contribution to the final catastrophe."

- 2.12.45. In the "Sunday Dispatch" Lord Vansittart writes that he had been alarmed by the length of the Belsen Trial, and had feared that, allowing for the larger scale of the Nuremberg issues, a trial of the major war criminals would be protracted to a length which might blunt their effect and retard other trials. He now admits, however, that the magnitude and thoroughness of the revelations brought forth at Nuremberg makes its proceedings a valuable historic record, and he hopes that they will convince the world, including some Germans, of what the Allies were really up against.
- 6.12.45. The "Weekly Review" complains that the accused are continually pilloried in a way that would not be permitted in England. This method of reporting it deplores when "it is directed against members of the accused who, so far as the general public is aware, have committed no greater crime than obedience to an admittedly vile Government. Keitel, von Papen, Schacht, for example, may be criminals, but we do not recall the publication of any crimes committed by them—unless it be a crime to give support to one's country when it is ruled by a vicious Government." But would it not be a dangerous precedent to introduce such a charge into international law?
- 8.12.45. "Time and Tide", discussing the opening of the British case, writes that Sir Hartley Shawcross argued that the violation of the Kellogg Pact and kindred instruments was against the law. "But what law? — was it against the law of the German Reich? And is there yet—effectively—any other than national law? There has been no authoritative answer to that question such as ends controversy, and as such an answer can hardly be obtained from the present bench, in the very nature of things the controversy will go on."
- 7.12.45. A correspondent of "The Friend" writes, in part: "In spite of all the legal care taken to ensure a proper defence and a fair trial, the blunt fact remains that the Tribunal is not a Court of Justice as that term is used in Britain, France and America. It is a Military Court of the prisoners' enemies, exclusively; the judges being British, American, French and Russian."
- 8.12.45. "The Economist" regrets that public attention tends to be deflected from the pattern that the prosecution is following by side issues, and that too little attention is paid to the careful plan emerging from counsel's speeches. "Proof", the article continues, "is being built up on a common criminal intention. The case seems to be that this intention, originally evolved by two or three men, was, owing to the scale of their

+ See, in this connection, Justice Jackson's observation on page 11 (5.12.45).

operations, by about 1938 such common property that economists, diplomats, armament manufacturers and so on were party to it. They had to be admitted to the conspiracy because they had to know why operations of such magnitude were required of them. It now seems possible that the prosecutions net can be woven in a mesh sufficiently fine to catch even Dr. Schacht."

5.12.45. Dorothy Thompson, the American journalist, writes in the "Yorkshire Post": "Justice Jackson bases his case on natural law, the state of public consciousness and conscience. Much law has been Judge-made. The conscience of mankind is against aggressive war. This universal sense that aggressive war is a crime must, he argues, become law by establishing the precedent that individuals who conspire or assist to make it shall be held personally responsible. 'Only persons commit crimes.' I am not impressed in this case by arguments against ex post facto law. Sometime, somewhere, a supreme tribunal must fix responsibility for acts committed in the name of States that, were they private, would send any man to the gallows."

She expresses, however, her dismay at Justice Jackson's observation that "If these defendants should succeed, for any reason, in escaping condemnation of this tribunal, those who are American held prisoners will be delivered up to our Continental Allies." This, she observes, 'is judgment in advance of hearing. It throws doubt on the jurisdiction of the tribunal itself.'

7.12.45. In its "Nuremberg Notebook", "Neue Zeit" states that the many readers' letters received reflect the interest the public is taking in the Nuremberg proceedings. These letters express deep consternation at the incriminating documents submitted by the prosecution and, at the same time, the public's sense of justice is manifested in the refusal to consider the defendants already guilty. "Our political judgment on the Nuremberg Defendants is something completely different from the judgment to be passed by the Court. During recent House of Commons debates a point was made not to anticipate sentences to be passed by the Nuremberg Court. Sir Hartley Shawcross also made it perfectly clear that the proceedings constitute jurisdiction, and not a dictate of the victors. 'Might is Right' is a glibly repeated Hitler-phrase. What we in Germany need above all is the faith in the might of eternal justice prevailing over injustice."

+ + + + +

The German Press at first gave front page positions to the Nuremberg Trial, though latterly it has been relegated to the inner pages. Justice Jackson's speech was carried in fairly full extracts by all papers; some even spread the speech over two issues. The following figures are typical of the space allotted to the trial reports: Frankfurter Rundschau - 7 p.c. of total space; Wiesbaden Kurier - 60 p.c.; the average of the remainder ranges between 20 and 30 p.c. There was no trace of uniformity in the reports; this shows that there has been no regimentation of the licensed papers by the Occupying Power.

IV.

LEGAL LITERATURE.

(Contributed by E. SCHWELB, Legal Officer)

Lord WRIGHT: War Crimes under International Law.

Law Quarterly Review, January, 1946, page 1:-

Lord Wright deals in this paper with more or less all legal problems facing any lawyer engaged in the problem of war crimes. He says of the International Military Tribunal established by the Four Power Agreement of August 8th 1945 that it is intended to act under International Law. It is clearly to be a judicial tribunal, constituted to apply and enforce the appropriate rules of International Law. The three classes of persons which the Charter of the I.M.T. specifies (in Article 6) are war criminals; the acts mentioned in classes (a), (b) and (c) (crimes against peace, violations of the laws and customs of war, crimes against humanity) are crimes, not because of the agreement of the four Governments, but the Governments have scheduled them as coming under the jurisdiction of the Tribunal because they are already crimes by existing law. On any other assumption the Court would not be a court of law but a manifestation of power. The principles which are declared in the Agreement are not laid down as an arbitrary direction to the Court, but are intended to define and do, in Lord Wright's opinion, accurately define what is the existing International Law on these matters.

As to war crimes, stricto sensu, there is undoubtedly a system of laws of war and, ancillary to that system, the recognised right of military commanders to create military courts to enforce that branch of International Law. Hall makes the test of jurisdiction to punish for the violation of the law, the fact that the offender has fallen into the belligerent's hands. The whole position is very fully explored by Chief Justice Stone in the judgment of the Supreme Court of the United States in the "Saboteurs" case, Ex p. Quirin.

Dealing with the usual objections against the idea of punishing individual violators of the laws and customs of war, Lord Wright dismisses the allegations that the law relied on is retrospective, or uncertain, or not sufficiently specified. These objections fail if the "laws and customs of war are a standard certain to be found in books of authority and in the practice of nations." (Scott and Lansing, Minority Report of the Commission on Responsibilities, 1919). A criminal cannot exculpate himself on the ground that he was ignorant of the law which affects him.

It is no answer to the law that it is being enforced by the victorious belligerents against the vanquished. Someone must act as policeman if law is violated. That the stronger may sometimes in fact be substituting power for justice is, no doubt, a calamity when it happens, but this possibility is not relevant to the argument when what is being sought is justice, not revenge. A criminal is not entitled to be tried by a neutral court. All he is entitled to is a trial on fact and law conducted on the principles of elementary justice.

As to the plea of superior orders as a defence, the true view is, in Lord Wright's opinion, that if what is ordered is a crime, which is or ought to be a crime manifest to the subordinate soldier or Government agent, he cannot justify his obedience. Even if the criminality of the order is not reasonably obvious, the plea would not be a defence though it might go to extenuation.

The defence of the immunity of heads of States is based on one or both of two obsolete and exploded fallacies. Both the sovereign State and its head are, in war conditions, subject to penal measures. The imagined rule of immunity is illogical, for even its extreme supporters admit that it does not apply to heads of State who are captured, or who surrender, or who have abdicated. In the last resort the defence can only be supported on the lines of a personal immunity, like the divine right of kings, eloquently claimed by certain royal personages in Shakespeare.

Lord Wright quotes Professor Trainin's work on Hitlerite Responsibility under the Criminal Law, particularly the author's conclusion that all the Hitlerite criminals are liable, without exception, "from the lance-corporal in the army to the lance-corporal on the throne". Crimes do not cease to be crimes because planned and organised on an unparalleled magnitude. Nor do they cease to be crimes against the law of war because they are also crimes against the moral law or the elementary principles of right and wrong.

It is with these considerations in his mind, that Lord Wright approaches the question of the "crime against peace". There are two approaches to it:-
1) the concrete method, starting from the actual violations of the laws of war in a totalitarian conflict, and tracing the responsibility up to the originators of the whole scheme.
2) the more abstract argument resting upon the very nature of war as a thing evil in itself. To initiate a war of aggression is the chief of war crimes, the accumulated evil of the whole. Here, again, Lord Wright adopts Professor Trainin's definition: "the basic prescriptions of any international communion is the existence of peaceful relations between States. The direct and most dangerous form of offence against peace is the attack of one State on another. Unjust aggression is therefore the most dangerous international crime".

It is not easy at first sight to understand why an unjust war is not a crime under International Law. The question is whether the offence has achieved the status of being forbidden by law. The banishment of Napoleon I to St. Helena by the executive action of the Allies may be taken in some sort to create a precedent for the similar executive action for the punishment of deposed or of abdicated sovereigns. However, the punishment of heads or other members of Governments or national leaders for complicity in the planning and initiative of aggressive or unjust war has not yet been enforced by a Court as a matter of International Law. But between 1918 and the commencement of the second World War, the Covenant of the League of Nations and the Kellogg-Briand Pact were signed and adhered to. There seems no room for doubt that the latter intended to declare war to be an illegal thing. The Pact of Paris is not only a solemn Treaty, it is also evidence of the acceptance by the civilised nations of the principle that war is illegal. It may be that before the Pact this principle was simply a rule of morality, a rule of natural as contrasted with positive law. The Pact converts the moral rule into a positive rule of law, binding on individuals. International Law has progressed as it is bound to progress if it is to be a living and operative force in these days of widening sense of humanity.

An international Court, faced with the duty of deciding if the bringing of aggressive war is an international crime, is entitled and bound to hold that it is.

The Treatment of War Crimes and Crimes Incidental to the War by "Judex".

(Reprinted from the Bulletin of International News,
Royal Institute of International Affairs.)

"Judex", a distinguished member of the United Nations War Crimes Commission, contributed in February and March, 1945, a series of articles to the Bulletin of International News, published by the Royal Institute of International Affairs, which have now been reprinted as one pamphlet.

"Judex" distinguished between: I. war crimes proper, viz., violations of the laws of war; II. the punishment of Quislings, traitors and the like, and III. the punishment for the waging of an aggressive war. The learned author deals shortly, but very lucidly with the treatment of war crimes after the last war ("The Precedents of 1914-1922") and goes on to analyse the "present situation", giving an outline of the work done during World War II, both on an official and on an unofficial level. Of particular interest is the chapter on the punishment of Quislings, because this aspect of the problem has so far been neglected by the relevant literature.

In his paper, which was published before the end of the war and long before the Four-Power Agreement of 8th August 1945, the author sums up as follows:

"Hitler could be sentenced to death as a common criminal for any one of the crimes which he has ordered—but if this were done, he would be whitewashed, in the eyes of posterity, of all his crimes except that one. The same applies to all other arch-criminals.

It is essential for the future peace of the world that would-be imitators of these men should know that the United Nations have irrevocably decided to punish with death an act of aggression as well as grave violations of the laws of war.

It is important that the arch-criminals be charged with the whole of their misdeeds, including the gross outrages upon the law of nations and international good faith that brought about the war, the part which they took in organising and ordering violations of the laws of war, and the part they took in carrying out the policy of oppression and extermination of the peoples of occupied countries.

So long as condign punishment is imposed, the method by which this is brought about is of lesser importance. There is as much justification for trying them for all these misdeeds as for punishing them by means of a political decision; a political decision would be more expedient, but it is erroneous to believe there would be no legal basis for punishment by trial by an international court; on the international level the substantive law prohibiting aggression and violations already exists, but the machinery would have to be set up and the procedure agreed upon.

Whether punishment is imposed judicially or politically, in either case some sort of body or machinery will have to be entrusted with the duty of determining responsibilities and apportioning punishment to each individual, since to punish whole categories en bloc without some investigation of their guilt would be contrary to the traditions of the peoples of the United Nations.

It is very possible that, rather than create some new judicial organ, it would be more convenient to charge some existing body with the duty of preparing the reasons for political decisions imposing punishment upon the individuals described in the Moscow Declaration as "criminals whose offences have no particular geographical location". The United Nations War Crimes Commission has up to the present abstained from making any public statements about its activities, but those who know something of the work that it has done consider that this has been of considerable importance, particularly in proposing

constructive solutions for some of the most difficult of the problems referred to in this article. The War Crimes Commission appears to be the qualified and naturally indicated body to undertake this task."

In comparing this summary with what actually has been decided in the Four-Power Agreement and what is actually being given effect to in the Nuremberg trial, one will see that though the procedure eventually adopted differs from Judex's proposals, in substance his ideas have been accepted by the United Nations.

"NUREMBERG: BEFORE AND AFTER." By C.K.A.

("Truth," 23.11.45.)

This article is not a legal treatise and was not published in a legal periodical. It is mentioned here because the initials suggest a leading Oxford scholar and University teacher of law (a former Professor of Jurisprudence in the University of Oxford) as the author.

C.K.A. says he has not found a single person who doubts that the Nazi riff-raff ought to be dealt with rigorously; on the other hand he has met very few people and hardly any lawyers who believe that a "trial" is the proper or expedient method.

The following is a summary of the author's objections:

1. A trial, in which the issue is a foregone conclusion is not, to English notions, a judicial process at all, but a public demonstration masquerading as a trial and to that extent, detrimental to the whole British conception of impartial justice. The author refers to many treason trials of "high offenders" whose real crime in most cases was that they had incurred royal displeasure. These were not really trials, but mere pompous preliminaries to a sentence, conducted in a manner which nowadays pains and astonishes us. The writer believes that future generations will reward the Nuremberg trials with the same disavowal, not to say shame.
2. The indictment consists largely of charges which, whatever International lawyers may say, are quite unknown and unprecedented to counsel practising in English courts.
3. The English Bar has standards of its own which are not always understood in other countries. British counsel for the defence in Belsen are receiving abusive and threatening letters from persons who do not understand the principles of English advocacy and they are also being vilified in the Russian Press with the usual restraint and courtesy of that nation.
4. One of the reasons constantly urged for these trials is that they will deter the Nazis of the future. People who use this argument vastly underestimate the gigantic capacity of the human mind for self-deception. There is a considerable danger that the accused at Nuremberg, far from serving as warning examples, may acquire a dignity and an importance out of all proportion to their essential emptiness. Though there is no danger that the Nuremberg trials will descend to the depths of the Laval affair, it is a significant fact that trial and execution brought to one of the most cynical rogues in Europe a certain sympathy which no single word or action of his life could ever have won him.

The writer does not express an opinion on the correctness or incorrectness of resolutions of the practising profession concerning standards of professional conduct. Having obviously in mind the recommendation of the English Bar Council that English barristers should not take up the defence of the accused at Nuremberg, he says that as one who values our national principles of justice and seems them in danger from various causes to-day, he can only be thankful that our high traditions of advocacy are not going to be compromised in this imbroglio.

V

No. V.
7th January, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

PRESS NEWS SUMMARY No. V.

(For internal circulation in the Commission)

C O N T E N T S.

	<u>Page</u>
I. PUBLIC RELATIONS	1
II. SUMMARY OF EVENTS	2
III. THE NUREMBERG TRIALS:	12
PRESS COMMENTS	13
IV. LEGAL LITERATURE	17

I.

PUBLIC RELATIONS.

(Contributed by the Public Relations Officer)

The Nazi War Crimes Exhibition at Prince's Galleries, Piccadilly, continued to run with consistent success. Up to December 31st last, 60,000 people had visited this Exhibition.

In view of the interest shown, it has been decided to extend the Exhibition until January 14th. This fact was mentioned twice on the B.B.C., and appeared in several daily papers, including "The Times" and "Daily Telegraph" of December 31st.

+ + + + +

A letter from Sir Robert Craigie on the position of the Japanese Emperor was published in "The Times" of January 1st (see under "Far East").

II. ...

II.

S U M M A R Y O F E V E N T S .

A U S T R I A .

29.12.45. The Salzburg radio broadcast a list of prominent Nazis arrested as war criminals and awaiting trial. These included: Rudolf NEUMAYER; SS. Stbfr. Johann HAY; SS. Stbfr. Franz KAMBER; SS. Stbfr. Otto HAUKE; Standartenfr. Franz RICHTER; Johann RECHZINGER, a Gestapo official. Gauleiter Alfred FRAUENFELD, Dr. BARDOLFF, Professor MENGHIN and Walter FIEDLER are said to be held by the U.S. authorities.

A separate list of war criminals was published in Styria. It included Dr. RUST, Police President of Graz, responsible for mass executions; Alfred FLEISCHMANN, Gau Inspector of Styria; Dr. HUGO (? Duetti), Kresileiter of Deutschlandsberg, responsible for mass executions in Lower Styria. Burgenland will be represented on the next list by SS. Oberführer Tobias PORTSCHY.

C Z E C H O S L O V A K I A .

17.12.45. The Prague radio announced that 17 members of the former Gestapo staff of Pilsen had been arrested in German by Czechoslovak officials, and were being extradited at the request of the Czechoslovak authorities.

17.12.45. It was reported to Prague from Nuremberg that Officers of the Czechoslovak Investigation Service under General Bartik had arrested in Bavaria SS. Pavel Otto (? Stopa), Governor of Pankrac Prison in Prague during the Occupation. He had been hiding in Dachau in German uniform, and using forged papers. He was now in U.S. prison, but would be handed over to Czechoslovakia. Interrogated, he admitted having been implicated in the execution of Counsellor LISKA; his evidence also incriminated K.H. FRANK.

The Investigation Service also arrested in Bavaria (?) KVOS, another high Gestapo officer, who was in charge of the so-called property office. He admitted that his office had confiscated property worth Kcs. 8,000,000,000 in Bohemia alone. He also was sent to the U.S. prison and was to be extradited to Czechoslovakia when the formalities had been completed.

G E R M A N Y .

Allied Control Council.

27.12.45. The Press was informed of the publication in Berlin of Law No. 10 of the Allied Control Council dealing with the punishment of those guilty of war crimes against peace and against humanity. The law was signed by the Council on December 20th and is designed to establish a uniform legal basis in Germany for the prosecution of alleged war criminals and similar offenders other than those now on trial at Nuremberg.

The Moscow Declaration of October 30, 1943, "concerning the responsibility of the Hitlerites for committed atrocities" and the London Agreement of August 8, 1945, "concerning the prosecution and punishment of major war criminals of the European Axis" are made integral parts of the new law. It defines acts to be recognised as crimes against peace, war crimes, and crimes against humanity and lays down the penalties.

[For full text of the Law, as published by the American
"DANA" News Agency in Germany - see Documents Series No. 15.]

G E R M A N Y (Cont.)

17.12.45. The Berlin radio reported a meeting of "Victims of Fascism" organised as a demonstration against the crimes of the Hitler regime.

DAHRENDORF, member of the Central Committee of the Social Democratic Party, gave examples of the criminal practices of National Socialist politics. Otto BRASS, Chairman of the Free German Trade Union Association, spoke of the Nazi crimes against the workers and Soviet prisoners of war who, contrary to international law, had been deported to concentration camps. Frau STAEHLE, of the Christian Democratic Union, referred to the crimes against the women and children of the subjugated nations and the Jews.

AMERICAN OCCUPIED ZONE.

Arrests, Detentions and Discharges.

The following information, dated Frankfurt, December 3rd, was given to the Press through the American News Service in Germany: "Former members of the German armed forces now in custody in the U.S. zones of Germany and Austria will be discharged as rapidly as practicable, except those held for security reasons or needed for labour. "War criminals, security suspects or individuals wanted as war crime witnesses will not be discharged nor will any members of the disarmed enemy forces who are needed for employment in U.S. Military Labour Service units or for other labour required in support of U.S. Forces in Europe. Included among the security suspects are all officers of the German General Staff Corps and other potentially dangerous officers of the German armed forces."

In a further communication to the Press, dated Berlin on the same day, it was stated:

"Of approximately six million in U.S. custody on V-E Day, 2,327,248 have been discharged, 1,738,492 have been transferred to Allied nations and 1,474,074 are still being held in the U.S. zone of Germany and Austria, the Bremen enclave, Italy, and the U.S.

"Of the prisoners of war still in U.S. custody, some are being detained as suspected war criminals or security suspects. These and potentially dangerous officers of the former Wehrmacht and affiliated military organisations will not be released until quadripartite judicial action establishes their innocence.

"Large numbers of prisoners of war in U.S. custody formerly lived in other occupied zones of Germany. Under the new procedure it is mandatory that all such prisoners be transferred to the zone of former domicile and, when or where practicable, on a man-for-man exchange basis.

"Termination of demobilisation cannot be reached until all inter-zonal transfers with other Allies are completed.

"Complete statistics on all prisoners of war in U.S. custody must be obtained.

"Within 48 hours of arrival at their place of residence, discharged prisoners of war must register with local civil authorities. Control machinery is thus provided, and the occupational skills of the prisoners of war are put to best advantage."

G E R M A N Y (Cont.)

BRITISH OCCUPIED ZONE.

Arrests, Detentions and Discharges.

- 30.12.45. A despatch from Hamburg stated: "At present over 53,000 German nationals are interned in eight civilian internment camps in the British zone. The arrests were made under measures taken against Nazi organisations and persons dangerous to the occupation Powers. Another 2,000 persons may be transferred to these camps from outside the British zone. It is expected that arrests will continue for several months, but the number is decreasing and in the spring will probably amount to only a few cases a week. In July over 2,000 arrests were made each week; in recent weeks the number has declined to between 600 and 700. No decision has yet been made concerning the duration of internment of National Socialists. Some internees have already been released because they are no longer a threat to security; sick and old persons are also being released."
- 8.12.45. The American News Service in Germany announced that Dr. Hans von HELMS, once an official in the Prussian Ministry of the Interior, and latterly head of the German Military Administration in South-Western France, had been arrested in the British zone.
- 15.12.45. The Neue Rheinische Zeitung mentioned the arrest in the British zone of the Ruhr industrialist Johannes WELKER of Duisburg, director of shipping and coal companies in the Ruhr.

The Essen Trial.

- 17.12.45. The trial before a British Military Court of seven Germans, accused of causing the death of some unknown British airmen by causing them to be paraded through the streets where they were killed by a mob (see No. II - page 6 of this Series), opened at Essen on December 17th.

[Note: Two of the defendants were sentenced to death on December 23rd; three to varying items of imprisonment; two were acquitted.]

Trials at Borken.

- 12.12.45. A Press message reported the opening of a trial, before a British Military Court, of two Germans, accused of ill-treating an unidentified British airman.

(Both the accused—Stockl and Moeller—were acquitted.)

- 17.12.45. The same Press message stated that another trial was to begin at Borken on December 21st, in connection with the deaths of Flying-Officer Mansell on March 25th, 1942.

(One of the defendants—Oening—was given eight years' imprisonment; the other—Nix—was acquitted.)

+ + + + +

N O T E: In British War Crimes Trials—including Belsen—up to December 31st, 1945, 103 persons were accused; 71 were convicted; 32 were acquitted.

G E R M A N Y.

BRITISH OCCUPIED ZONE (Cont.)

The Aurich Trial.

28.12.45. The trial by a Canadian Military Court of Major General Kurt MEYER, ex-commander of the 12th SS. Panzer Division, on charges of "direct and indirect" responsibility for the murders of 41 Canadian prisoners of war, was resumed at Aurich on December 27th, after a four days' recess. The Court on that day acquitted the defendant on two charges, viz.: (1) responsibility for the killing by his troops of 23 Canadian prisoners of war near Buron and Authie, and (2) having ordered his troops to kill seven other Canadian prisoners of war at the ancient Ardenne Abbey.

On the following day the Court declared the defendant guilty on three other charges, and sentenced him to be shot. General MEYER, who acknowledged the fairness of the proceedings, appealed against the finding and sentence.

H U N G A R Y.

13.12.45. The Yugo-Slav "Tanyug" reported that the war criminal Feketealmi-Czeydner, one of the main culprits in the Novisad (+) massacre was now in Salzburg, whence the American authorities will send him to Hungary.

30.12.45. The Budapest radio reported: "The trials of major Hungarian war criminals will end at latest by May. To speed up the cases, the Budapest Office of People's Prosecutors in future will group the chief war criminals and issue a joint writ against them. The Prosecutor conducting the examination, therefore, will not have to hear each witness separately. Thus, members of the Sztojay Government will possibly face the court jointly. Their case will be heard immediately after the Szalasi trial ends."

The Budapest radio of 18.12.45 also reported the opening of the trials, before the People's Court, of ENDRE, JAROSS and BAKY, former Hungarian Ministers and Under-Secretaries accused, among other crimes, of large-scale deportations of Jews and others to the German Concentration Camps at Oswiecim (Auschwitz) and Dachau.

L U X E M B O U R G.

The Luxembourg Minister of Justice informed the Press that Gustav SIMON, who was Chief of the Civil Administration of Luxembourg during the Occupation, and Gauleiter of the Moselland, had been arrested in the British zone, and had hanged himself in his cell.

(Gustav SIMON had been charged by the Luxembourg National Office in connection with the executing of strikers in 1941, and other crimes: see Charge 256/L/G/1).

(+) The massacre at Novisad has formed the subject of charges filed by the Yugo-slav National Office.

N O R W A Y.

- 19.12.45. Albert WEINER, a former German police official in Norway, who was detained at Oslo, awaiting trial for murder, obtained a revolver and shot another SS. man and himself.

(Weiner was recently charged by the Norwegian National Office:
See Charge 2066/N/G 33.)

P O L A N D.

- 18.12.45. The Warsaw radio and Press service announced that, by order of the Minister of Justice, Paul HOFFMANN was to be hanged outside the Maidanek crematorium. Hoffman was an habitual criminal, and had been made chief executioner of the crematorium, where 2,000,000 people perished, as a reward for his sadistic zeal. He had been discovered at Kattowice, where he posed as a displaced person awaiting repatriation.

- 29.12.45. Hoffmann was hanged in SS. uniform in the presence of a large crowd who tried to lynch him.

(Note: Hoffmann does not appear to have been one of the men convicted at the "Maidanek Trial", described in Law Report No. 7.)

- 31.12.45. A Press message from Warsaw to the Soviet News Agency stated that a special court at Danzig had sentenced a German—WOLFART—to death for brutal treatment of the Polish population during the German Occupation. Three men and a woman were also sentenced to death by the same court for betraying Polish patriots.

A Polish War Crimes Exhibition.

- 21.12.45. The Warsaw radio announced that the new exhibition, "Warsaw Accuses", had five sections. The first represented Poland's struggle for freedom and independence; the second pre-war Warsaw; the third Warsaw's struggle from 1939-45, with a special sub-section on the destruction of the Warsaw Ghetto; the fourth the extent of the devastation in Warsaw, featuring a German plan for the city's destruction; the fifth the work of reconstruction already achieved and the plans for rebuilding Warsaw in the future. Mrs. Bliss-Lane, wife of the U.S. Ambassador to Poland, was patron of the exhibition, which was to be shown first in New York and then in other U.S. towns. Two smaller exhibitions on the same lines were to be sent to London and Paris.

U. S. S. R.

- 20.12.45. The Russian "Moskovsky Bolshevik", an international review, after referring to the Nuremberg trial, wrote that in the New Year more trials of war criminals and traitors would take place in several liberated countries. The People's Court in Czechoslovakia would try three collaborators—Generals BLAHA, RICHTMOC and MOHAPL. In Hungary, Arrow Cross leader SZALASI would be brought before the court. Also to be tried were SZOELLOOSI, who was deputy-Premier and the Hungarian Chief of Staff, Karoly Borogffy.

It was, however, not always possible to bring to book those responsible for innumerable national disasters. For instance, the Yugoslav traitors Pavelitch and Noditch were out of reach of the Belgrade Tribunal.

(See below under Yugo-Slavia regarding the latter point.)

U. S. S. R. (Cont.)

The Smolensk War Crimes Trial.

17.12.45. In this trial, which opened at Smolensk on December 15th, ten former members of the German forces were charged with man-murders and torture of civilians and Red Army prisoners of war during the German occupation of the Smolensk area. The President of the Court was Major-General GORYACHEF; the Prosecutor was Counsellor SMIRNOFF.

The indictment described how, after a treacherous attack on the Soviet Union, the German troops occupied the town and province of Smolensk and started a systematic extermination of Soviet people by shooting, hanging, etc., women, children, old people and prisoners of war. Towns and villages were burnt and destroyed, industrial establishments and collective farms looted and people driven to slavery in Germany. Investigations had proved that German officers and men had been perpetrating these crimes by order of the Commanding Officer in charge of security services of the Central Army Group, General von SCHENKENDORF, who acted in accordance with general plans and instructions of the German Army Supreme Command. The special commission headed by N. Burdenko which visited Smolensk and investigated mass graves had established that, during the temporary German occupation of the town and province of Smolensk, the Germans put to death over 135,000 Soviet citizens; various German Army units took part in the work of extermination, including the 335th and 490th Security Battalions. The statements of the accused showed that the systematic extermination of Soviet people in Smolensk, as in other occupied Soviet territory, was carried out by direct order of the German Government and the Army Command. Soviet war prisoners were also exterminated in German Field Hospital No. 551. In Smolensk the Germans destroyed 96 industrial establishments and 7,300 houses, in addition to 125,000 dwelling houses in Smolensk province.

All the defendants pleaded guilty. The evidence showed that, among other atrocities, Russian children had been bled to death to provide blood for hospitals for German wounded.

On December 20th the Court found all the prisoners guilty. Seven were sentenced to death and were hanged on the same day in the city square. The other three received varying terms of imprisonment.

The Bryansk Trial.

26.12.45. In this trial, which opened at Bryansk on December 26th, the defendants were General Friedrich BERNHARDT, former commander of the 2nd Tank Army, General Adolf HAMANN, former Governor of the Orel area, and two German N.C.O.'s. The President of the Tribunal was Major General MIKLYAYEV. The prosecutor was Lieut.-Colonel MAKSIMOV.

The indictment stated that the German invaders during the temporary occupation of the Bryansk area committed atrocities against Soviet civilians, including mass extermination and torture of citizens, looting and destruction of towns. Investigation had shown that the Germans shot and tortured to death about 90,000 peaceful Soviet civilians in the Orel and Bryansk Provinces. German military units and punitive organs commanded by Bernhardt and Hamann deported masses of Soviet people to Germany and burned whole villages in reprisal for attempts to avoid deportation.

General Hamann pleaded that he had merely obeyed superior orders and had not violated the Hague Convention. General Bernhardt admitted having instituted concentration camps and deported civilians for work in Germany; he also admitted that the massacres of old people and children described by witnesses were not authorised by the German army regulations, but were part

U. S. S. R. (Cont.)

of the Nazi policy aiming at the extermination of the Soviet population.

On December 29th the court, acting under Article IV of the R.S.F.S.R. and Articles 319 and 320 of the Criminal Procedure Code, sentenced Generals Bernhardt and Hamann and one of the N.C.O.'s to be hanged, and the fourth defendant to twenty years' hard labour. The death sentences were carried out three hours later in the city square.

The Leningrad Trial.

29.12.45. The Moscow radio announced the opening of a trial before the Military Tribunal of the Leningrad district. Eleven defendants, including Major-General Heinrich Remlinger, formerly commandant of Pskov and latterly of Budapest, were arraigned on charges of mass-murder and ill-treatment, of the Soviet inhabitants, looting and destruction. The President of the Court was Major General of Justice Isaenkov. The indictment stated that the Germans had, in the Leningrad Province, murdered 52,000 civilians in prison camps and deported 400,000 into slavery; and had destroyed the city of Novgorod. General Remlinger and one other defendant pleaded not guilty; the other defendants admitted their guilt.

YUGO-SLAVIA.

Listing of War Criminals.

18.12.45. Announcement No. 81 issued by the State War Crimes Commission lists the following war criminals ^{as} responsible for crimes in Yugoslavia; in addition to Hitler, the members of his Government and the highest party officials: Reichsstatthalter for Styria, Siegfried Uiberreither; SA. Obergruppenführer Siegfried Kasche, German Minister to Zagreb; SS. Hauptsturmführer Humitsch; Dr. Glaser, Counsellor of Legation in Zagreb; Kiessel of the Military Administration in Serbia; Dr. Kuchs, head of the Gestapo in Belgrade; Franz Neuhausen, Economic Plenipotentiary in Serbia; Kuehn, Legation Counsellor in Zagreb; Robert Patzelt, Controller of State Railways in Zagreb; Dr. Krainer, scientific expert at the German Legation in Zagreb; SS. Untersturmführer (?) Urbantke; SS. Hauptsturmführer Dr. Seidel; Major Ferrant; Professor Möschner; von Schlichtling, Administrative Counsellor to Feldkommandantur 610 in Snederevo; Captain Hoefner, liaison officer in Zagreb; SS. Sturmbannführer Dr. Weinmann; SS. Sturmbannführer Beisner.

The State War Crimes Commission has also issued a statement on crimes committed by Italian occupation troops in the district of Bilece in Herzegovina. These crimes were committed not only by troops stationed in Bilece, but also by the "Garibaldi" Division, the "Marche" under General Luzzani; the 55th and 56th Regiments; and the "Murgio" divisions under General Negri.

26.12.45. The State Commission also established crimes by the Italian General Umberto Fabbri. The Commission, on the basis of collected evidence, had already listed General Fabbri as a war criminal. The Commission possesses another document concerning his crimes in January and February 1943. On the basis of the facts ascertained, the State Commission announced the following generals as war criminals: Fabbri, Atti, Vicarelli, Robotti and Roatta, Supreme Commander of the Second Army Corps.

30.12.45. The Slovene War Crimes Commission published a document in which a division commander informed Army Commander Robotti that he had arrested 73 villagers suspected of helping partisans. General Robotti complained that not one of the suspects was shot, saying "there is not enough killing." In connection with this, the Chief of Staff of the 11th Army Corps, Colonel Annibale Gallo, circularised all units, stressing that the orders given should be carried out more severely.

30.12.45. A "Tanyug" despatch stated: "The organ of the British Occupation Forces in Carinthia, 'Kaertner Nachrichten' reports that eight Nazis, officials of the Nazi Party in Carinthia, have been arrested. This action by the British authorities is approved by all anti-Fascists in Carinthia, but it is stressed that many Nazi officials who committed numerous crimes against the Slovene people in Carinthia and other parts of Slovenia are still at large."

Delays in Extradition.

13.12.45. The Yugo-Slav Press and radio continued their protests against the delays in extraditing the war criminals wanted by Yugo-Slavia. Thus, the Belgrade radio diary observed that: "Article 22 of the act on Germany's capitulation had provided not only for the punishment of the war criminals, but also the extradition of their own traitors to the members of the United Nations. The same provision was made in the clauses of the armistice with Italy at the Foreign Ministers' Conference in London. State Commissions of the United Nations had been functioning in various Allied countries as far back as January, 1944, compiling lists of war criminals and of their own traitors, demanding through their Governments their extradition from the Allied military authorities in Germany, Austria and Italy. This was also how the Yugoslav State Commission for the Establishment of War Crimes had proceeded. The British Foreign Office replied with a note of 9th October, and the American Secretariat of State with a note of 19th October, agreeing to extradite the main traitors. However, these Governments still found reasons for not handing over those war criminals and traitors."

15.12.45. The Yugo-Slav paper "Borba" published an article under the heading "Why delay with the extradition of war criminals to Yugoslavia?", which said: "The report that the British Government had decided to hand over to Yugoslavia a group of war criminals, which was published two months ago, was received by Yugoslav public opinion with satisfaction. It has, however, transpired that the attitude of the occupation authorities of the Western Powers has not changed. Not even those war criminals, who were confirmed in the British Note as being in the hands of the British occupation authorities, have been handed over....."

THE FAR EAST.

CHINA.

- 28.12.45. Tahara Miki, former executive officer of a prison camp in Manchuria, was arrested at Shanghai and will be charged with ill-treatment, causing death, of prisoners and confiscating medical supplies.
- 30.12.45. A despatch from Peiping reported that Lieut.-General Takashi Sakai, former Japanese Commander in South China and Commander of the troops which captured Hongkong early in the Far Eastern war, had been arrested in the western suburbs of Peiping on Christmas day. Chinese despatches added that General Sakai had been sent to Nanking, where it was believed he would be tried as a war criminal.

JAPAN.

- 16.12.45. A message from Delhi reported that the Japanese Government had been ordered by General MacArthur's H.Q. to turn over all documents relating to a series of notorious incidents which took place between 1932 and 1940. The order is understood to have been issued to aid the preparation of the prosecution case in the coming war crimes trial in Japan. American sources say that the documents relate to incidents like the February, 1936, revolt of the young officers and the assassination attempt on Hachiro Arita whom Japanese nationalists disliked because of his stand against the alliance with Germany.
- 16.12.45. A radio despatch from Tokyo stated authoritatively that General MacArthur was likely soon to review the war crimes situation in Japan with a view, possibly, to suspending the arrest of prominent Japanese in politics and business. It was believed that the temporary cessation of arrests would give breathing space for political development to be resumed.
- 18.12.45. A Press cable from Tokyo stated that the first war crimes trial held in Japan opened at Yokohama Court House on December 18th. The accused was Tatsuo Tsuthiya ("Little Glass Eye"), an ex-official of Internment Camp No. 2 at Mistushima, Japan.

Position of the Emperor.

- 30.12.45. A Press cable from Tokyo stated that, unless General MacArthur's hand was forced, it was unlikely that the Emperor Hirohito would be arraigned as a war criminal.
- 31.12.45. The Emperor, in his New Year message declared the idea that he was divine, or that the Japanese people were a superior race, to be a false conception.

In a letter published in "The Times" (1.1.46) Sir Robert Craigie wrote, on this subject:

"..... The Emperor's message will leave the people of Japan, apart from the more highly educated stratum, stunned and confused. It will uproot a doctrine which the militarists have been busily propagating for a generation, and may place parts of the population, like a rudderless ship, at the mercy of any wind that blows. But in the long run it will be immensely valuable in destroying the virus of militarism, and it is fortunate that the Emperor, whom I have always known to be opposed to this nationalist mumbo-jumbo, has himself taken an important initiative....."

THE FAR EAST (Continued)

THE PHILIPPINES AND MARSHAL ISLANDS.

- 17.12.45. "The Times" reported from Washington that the Supreme Court had granted a stay of execution in the case of General Yamashita, former Commander-in-Chief in the Philippines, who was recently sentenced to death by the United States Military Court at Manila, and had appealed to the Supreme Court for a civil trial in the United States. The Supreme Court also had before it a petition from Yamashita's counsel asking for a review of the Philippine Supreme Court's refusal to intercede during Yamashita's trial.
- 19.12.45. Lieut.-General Masaharu Homma, a former C.i.C. in the Philippines, was placed on trial at Manila, charged with responsibility for the infamous "Bataan death march" in 1942.
- 27.12.45. A Press message, dated New York, December 26th, stated that Admiral Sakaibara, who commanded on Wake Island; his executive officer, Commander Tachibana; and nine other Japanese were sentenced on December 25th by an American military commission in the Marshall Islands to be hanged for the mass execution in 1943 of the 98 civilian employees of Pan-American Airways. Four other Japanese were sentenced to terms of imprisonment ranging from five years to life.

SOUTHERN PACIFIC.

- 18.12.45. A Press message from Melbourne stated that Captains Nakata, Takino and Ojima, and Lieutenant Yamamoto were being tried in Labuan on charges of having denied prisoners of war medical supplies and food, and of having forced sick and starving prisoners to do heavy manual labour, causing many of them to die.
- Lieut.-Colonel Suga, the commanding officer of the camp, had committed suicide in Labuan after the surrender.
- The prosecutor told the court that between 600 and 700 prisoners, including officers of the 8th Division, A.I.F., died in a prison camp at Kuching, Sarawak, from starvation, brutal assaults, and the denial of available medical supplies. The accused deliberately plotted to kill the prisoners slowly.
- 22.12.45. From the same source it is reported that Yunomura, of the Japanese Navy, was found guilty at Morotai and sentenced to death by shooting for the murder of two Australian prisoners of war.

SINGAPORE and MALAYA.

- 28.12.45. "The Times" reported from Singapore that 1,100 Japanese war criminals were to be tried in Singapore, where four special courts are to be set up early in January. The defendants will include General Animura (in charge of prisoner of war affairs in Malaya and Siam), General Nashimura (concerned with the occupation of Singapore in 1942), and General Mataguchi, who was said to be still in Japan.
-

III.

THE NUREMBERG TRIALS.

PRESS COMMENTS ON THE PROCEEDINGS.

m/ Continuing with Court I (Conspiracy) the United States Prosecutors dealt (December 12th- 13th) with the inter-related questions of deportations, forced labour, concentration camps and persecution of the Jews. "The Times" correspondent observed that the broad design was to fix responsibility on certain individuals—among whom he mentioned Sauckel, Göring, Rosenberg, Speer and Keitel—within the framework of general conspiracy.

The Prosecution next dealt with the ruthless measures adopted by Himmler's "Commissariat" for Germanisation in Czechoslovakia and the incorporated territories.

On December 12th and at subsequent sittings, the United States prosecutors presented the case concerning the "active criminality" of the "Leadership Corps" of the Nazi Party (the S.A., S.D., and Gestapo)—a term which, Colonel Storey observed, might well cover some 2,000,000 people, though he limited its definition to 600,000 of them.

After sitting for one month the International Tribunal adjourned on December 20th until January 2nd for the Christmas recess.

+ + + + +

Ernest KALTENBRUNNER, former head of the "R.S.H.A." and Gestapo, was absent from the dock on December 18th, and subsequent days, owing to a renewed attack of cranial haemorrhage.

THE GÖRING INTERVIEW.

17.12.45. This incident, which aroused angry comments in the Soviet Press, was reported by the Moscow radio as follows:

"In the U.S. newspaper 'Neue Zeitung', published in Nuremberg, there appeared a few days ago a so-called 'interview' with Goering, which he gave through his counsel to an A.P. correspondent. In it with synical ease, Goering praised Fascism and the Hitlerite regime. According to information received here, the main Soviet prosecutor, Colonel Rudenko at to-day's sitting of the prosecutor's committee, made a protest about this in which he said such a situation should not be allowed. This was not the first time accused had had an opportunity to utilise, for Fascist propaganda, the Press published in the U.S. occupation zone for the German population. Comrade Rudenko said it was essential to stop such things and establish such a regime of confinement for the accused as to exclude them from any change of communicating with newspapers. The prosecutor's committee agreed with Comrade Rudenko and passed on his protest for the consideration of the tribunal, whose decision is expected on Friday."

18.12.45. On the following day Lord Justice Lawrence announced in court that the obtaining of Press interviews with the defendants, through counsel, was a procedure which could not be countenanced, and he warned counsel to "observe the highest professional standards in such matters."

(See also under "Press Comments" below.)

THE NUREMBERG TRIALS (Cont.)

Witnesses summoned by the Defence.

20.12.45. The Press at Nuremberg was informed that permission for the interrogation of Lord Halifax, Sir A. Cadogan, and a Swedish industrialist, Mr. Dahlerus, was granted by the War Crimes Tribunal on the application of Göring's counsel.

Four other British peers—Lord Beaverbrook, Lord Kemsley, Lord Londonderry, and Lord Vansittart were to be interrogated at the request of von Ribbentrop. His application for the interrogation of Lord Derby was refused.

+ + + + +

13.12.45. A radio message from Kallundborg stated that Attorney-General Trolle had just been appointed Danish representative at the Nuremberg trial. The French delegation had asked the Danish Ministry of Justice to make an appointment. In a Press interview, Trolle said his task would be to explain the crimes committed in Denmark by the German authorities during the Occupation. He did not yet know the date of his departure. It depended on the French delegation, which was responsible for the prosecution on the crimes committed in Western Europe. The Danish Foreign Ministry had already sent material on conditions in Denmark during the occupation, and Attorney Hoff was in Nuremberg as observer for Denmark.

28.12.45. The Hilversum radio announced that the Netherlands representative at the Nuremberg trial had stated that a confidential report to Hitler written by Seyss-Inquart, describing the situation in the Netherlands from 29th May to 19th July, 1940, would be handed to the Court. Other documents provided by the Netherlands delegation would be handed over to and used by the French prosecution.

PRESS COMMENTS ON THE NUREMBERG TRIALS.

Brazil:

27.12.45. A Rio newspaper, the Correio da Manhã, published an article demanding the acquittal of the defendants on the ground that they had simply acted in accordance with the established laws of Germany, and that the International Tribunal had no more competence to try them than it had to try bigamists from Arabia or cannibals from Polynesia under the laws of London or New York. The Tribuna Popular vehemently denounced this attitude and said that the Correio da Manhã was placing itself at the service of the enemies of mankind.

The Moscow radio (27.12.45.) commented that "by siding in this war with the United Nations, the Brazilian people had unambiguously expressed their attitude to these intrigues of German imperialism. Dark elements, however, were endeavouring to stifle the growth of anti-Fascist feelings in the country."

PRESS COMMENTS ON THE NUREMBERG TRIALS (Cont.)

Britain.

Referring to the instructions issued by Oswald POHL for concentration camps (submitted on December 12th), ordering the reduction of food, extension of working hours, and the exaction of labour "exhausting in the true meaning," The Times correspondent observed that "Altogether these documents refute the widely held idea that the collapse of Germany towards the end of the war was mainly responsible for the condition in which the slave workers existed. No policy, in the submission of the prosecution, was more deliberate or calculated."

Poland.

12.12.45. The Warsaw radio broadcast the description of a mass-meeting of 15,000 persons, in the Freedom Square, Poznan, regarding Poland's participation in the German war criminals' trial. Those present demanded that the judges should be former prisoners in German concentration camps. They protested strongly against German lawyers being permitted to defend the accused, on the ground that these lawyers, being compatriots, should also be in the dock. They asked that the indictment be amended in the sense of placing Poland as the main scene of Fascist atrocities, and not as one of the scenes. Greiser, Forster and Frank should be tried in Poland, in Polish special criminal courts; former political prisoners should sit as judges.

16.12.45. The "Wolna Polska" wrote in a leader that "no butcher, big or small, will be allowed this easy escape. FRANK is first on Poland's list. For what he has done there is full evidence; in fact, every page of his diary has produced enough to hang him. The real issue of the Nuremberg trial is, however, not whether this or that man should hang, but that justice should triumph and that the Nazi ideology should be killed. It can be killed only if its exponents die as well."

The article added that "at Nuremberg the Polish delegation has handed in an abbreviated form of the indictment. Its evidence spreads over six years of crime. Humanity has waited a long time for this trial, and at long last it has come. It is without precedent in that there has never been such a court—or such crimes."

Broadcasting from Nuremberg, Wladyslaw Pawlak declared that "the systematic extermination of the Polish Jews could not be included in the massacre of other Poles, but constituted a separate crime. Governor Frank was basing his defence on the duality of the administration in Poland and charging Himmler and his subordinates with all atrocities committed there. The evidence of Frank's own diary, however, was against him...." The opinion of the tribunal was that death camps like the one at Tremblinka could not have been set up except on Frank's orders or at least with his consent."

Spain.

11.12.45. In a broadcast from Madrid "Nauticus" severely criticised the proceedings, first because although the defendants were charged with aggression, the Bench included a judge of the U.S.S.R., which, in the writer's view, had participated with Germany in aggression against Poland and the Baltic States; and secondly because the defendants included "Army officers and diplomats who exercised their professional activities under the orders given them by the man who held authority in their country."

U.S.S.R.

The Göring Interview.

The "interview" with Göring and other defendants communicated to the Neue Zeitung (see above) was vehemently condemned by all the Soviet commentators.

14.12.45. Thus, "Ermaker" broadcasting in English from Moscow, said "Every criminal tries to find excuses for himself. There is nothing surprising about that, but what is surprising is that they are given the opportunity to do so." One's blood boils at reading the interviews with Göring, Ribbentrop and Raeder. Göring's interview was printed in "Neue Zeitung", which is published by the U.S. occupation authorities. These interviews were obtained by correspondents of A.P., with the help of the Fascist chieftains' counsel. This is not merely a craze for sensation-hunting. One cannot help asking who has an interest in giving Göring and the other Nazi ring leaders extra publicity. At the very time when the Nazi chieftains are on trial, they are given the opportunity to carry on propaganda in the columns of a paper published by the victors."

17.12.45. Again, Vishnevsky, correspondence of the "Pravda" at Nuremberg, wrote of "the impermissible conduct of some newspapers, notably British papers published in Germany and German newspapers which print material that plays into the hands of the Fascist criminals, like interviews with the defendant." "Both the defence and the defendants seek to win time," "these expectations are apparently encouraged by the liberal attitude of certain foreign circles towards the criminals. For instance, certain big foreign publishers are trying to secure memoirs from the defendants....".

18.12.45. In the "Red Star" Sheinin, reviewing "the first month of the Trial", wrote:

"A month has passed. It is, of course, still too early to sum up. Actually only the first stage of the trial has proceeded so far. For the first time in history an international military tribunal has been formed. It has no precedent. It matured as the fruit of the solidarity of the United Nations and as the symbol of grateful result of their aspiration towards justice and law. Its legal apparatus includes a defence, and even organisations and institutions, which the indictment has qualified as criminal—the Gestapo, S.A., S.F., and so on are also defended by three counsel at the trial. All rules of procedure have been adhered to. The competitive principle of a criminal trial has been realised; the prosecutors are bound to present proof of the defendants' guilt, even though it is generally known, while the defendants and their counsel may dispute the proof. All this has already taken up, and will take up, considerable time."

....."We realise that counsel for defence are supposed to defend their clients—that is their professional duty—but it should be done scrupulously in the first place and literately in the second—that too is a professional duty. Counsel for defence may not be an accomplice or a shield, though even a counsel may become both."

.....It is not only the national criminal law of the European countries which provides for and qualifies these crimes. Long before the Second World War the Hague Conference defined war crimes. The statute of the International Military Tribunal was the result of the nations' aspiration to find a legal penalty for such forms of crime. That is why discussions regarding the jurisdiction and competence of the tribunal are senseless and unscrupulous.

"Is it worth replying to the nonsensical babble about the participation of neutral countries? A man who is an indifferent witness of torture, loot and murder, and continues with cold curiosity to follow the course of events, with no intention of aiding the victim, might claim the role of criminal's accomplice, but never that of judge! What then can one say about some of the neutral countries which formally stood aloof from the gigantic struggle of the freedom-loving nations while helping Fascist Germany under cover?"

Sheinin then condemns the tactics of the defence, in seeking to retard the proceedings by summoning unnecessary witnesses. This, he says, "is an attempt to make use of procedural rights to drag out the trial and drown the terrible facts of monstrous crimes in the cloudy water of senseless babbling by quite unnecessary witnesses. Mankind and history will appreciate the calm deliberation of the Nuremberg trial, at which with reserve and without haste, keenly and profoundly the whole picture of the criminal conspiracy is being displayed. With scientific accuracy and extreme clarity crime after crime is established fact by fact, step by step. Therein is the great significance of the trial, which has been summoned not only to condemn the culprits, but also to reveal all the roots of and motives for their crimes as well as the soil in which they grow and all factors which aided this growth: a trial summoned to condemn not only the defendants but the whole monstrous Fascist system. However, no one should be allowed to make use of the calm and deliberateness of the trial to drag it out, or of procedural rights for dirty and unscrupulous casuistry."

IV.

LEGAL LITERATURE.

(Contributed by E. Schwelb, Legal Officer.)

"EXTRADITION OF WAR CRIMINALS", by 'E.'

(Law Journal, 29th December, 1945.)

In this article the author deals with the distinction between political crimes and war crimes. He quotes the two leading English authorities on the question of what constitutes an "offence of a political character," namely Re Castioni and Re Meunier.

In the former case a politician from the Ticino had in the course of a political rising killed a member of the government of the Canton. He escaped to England and his extradition was not granted because in the opinion of Hawkins, J., the killing was only incidental to the political disturbance.

Re Meunier falls on the other side of the line. Here Cave, J., denied the political character of the act of a French anarchist who had caused explosions in a cafe in Paris and in a French barracks.

The author contends that Nazis in neutral countries will not be able to plead that their murders were political murders if the lead given in the Meunier case is followed by the neutral tribunals.

As further authority he adduces the decision of the Swiss Federal Court in the case of the anti-Fascist Pavan who, in 1928, killed an Italian Fascist in Paris and fled to Switzerland where he unsuccessfully invoked the right of asylum as a political refugee. (The facts of the Pavan case are given in Lachs's "War Crimes", page 52.)

It may be pointed out in this connection that the Inter-Allied Declaration signed at St. James's Palace on 13th January, 1942, had already confirmed that acts of violence inflicted upon the civilian population have nothing in common with the conceptions of an act of war or with a political crime as understood by civilised nations.

"THE COURT PROCEDURE AT NUREMBERG", by Professor I. Trainin.

("Soviet News," 21st December, 1945.)

The author makes some critical observations on the procedure of the International Military Tribunal. He points out that the course of the proceedings is settled by Article 24 of the Charter of the International Military Tribunal and submits that the American prosecutors have deviated from the provisions of the charter. The prosecution is called upon to make an opening statement, but the introductory speech of the Chief American Prosecutor alone lasted for more than two weeks, and so could hardly be called a speech in the usual sense of the word. He objects also to the fact that the opening statement of the prosecution was suddenly interrupted by the cross-examination of a witness which should have been reserved for a later stage in the procedure (Article 24 (e)). If evidence is set forth and witnesses are examined by the first of the Chief Prosecutors the task of the others, who follow, will become very difficult since everything will have been exhaustively discussed already.

Professor Trainin also criticises the exorbitant number of—in his opinion—irrelevant witnesses who have been called by the defence. Calling of witnesses must not be used as a means to delay and sabotage the trial. He concludes by the expression of the opinion that the International Tribunal will certainly frustrate these hopes of the German Fascist criminals and will conduct this international trial to its logical conclusion.

VI

No. VI

30th January, 1946.

UNITED NATIONS WAR CRIMES COMMISSION.

(Research Office)

PRESS NEWS SUMMARY No. VI.

C O N T E N T S.

	<u>Page</u>
I. PUBLIC RELATIONS	1
II. SUMMARY OF EVENTS	2
III. THE NUREMBERG TRIALS	15
PRESS COMMENTS	16
IV. LEGAL LITERATURE	18

I.

PUBLIC RELATIONS

(Contributed by the Public Relations Officer.)

The Nazi Crime Exhibition finished on the evening of January 15th. Since its opening by Lord Wright and Monsieur Teitgen on December 5th, over 100,000 visitors have been escorted round Princes Galleries, Piccadilly. This figure was broadcast, and was announced in the Daily Telegraph and other journals on January 16th. The War Crime Film cinema gave four shows daily, and was packed on every occasion.

An offer of reserved seats for the four cinema showings on Sunday, January 13th, was made to all UNO Delegates and members, in two ways. First, by a verbal invitation understood to have been given by the Foreign Office at a meeting of UNO Liaison officers, on January 11th, and secondly by an invitation broadcast by the B.B.C. in their 12.30 p.m. Home News Service on Sunday, the day in question.

It appears that no acceptance was made to this offer, but there was an excellent attendance throughout the day. On the last few days of the Exhibition a "Visitors Book" was put out over the tricoloured flag on the table in the main hall, where Lord Wright opened the Exhibition. Many interesting comments were made in it; the majority urged that the Exhibition should be sent round the British Isles and also to Canada, America, and other countries which had not been physically "hit" by the war.

As reported in the Evening Standard on January 19th, one entry in the Visitors Book was made by a Zulu Chief, who simply said "Thank God I am a savage". On the evening of January 11th, a party of twenty Managers and workers of the Artificial Limb Manufacturers from Queen Mary's Hospital, Roehampton, came to see the Exhibition and films. After the latter they were so impressed that they went round the Exhibition again, special tuition being given to them on various points. Their appreciation has been expressed in writing.

In a feature, "Our London Letter", which appears in the Kemsley Press, the following mention was made on January 9th of Mr. Justice Mansfield:-

"Australia's youngest Judge - he was 37 when he was appointed six years ago - has come to London. He is Mr. Justice Mansfield, a spare athletic figure of average height, with twinkling eyes which indicate his keen sense of humour. This is his first visit to Britain, he told me. . . . Having travelled to Borneo, the Philippines and several of the smaller islands in the Pacific, gathering evidence of Japanese cruelty to troops in the prisoner of war camps, he is here on a six weeks' visit to report to the United Nations War Crimes Commission. In a five weeks' tour of the Pacific, Mr. Justice Mansfield travelled more than 10,000 miles. Some of his experiences were grim. He attended the exhumation of several soldiers, carried out to ascertain whether they had been tortured or beheaded."

II.

SUMMARY OF EVENTS.

A U S T R I A

- 23.12.45. The Wiener Zeitung announced that, at the forthcoming trial of Dr. Rudolf Neumayer, charged with high treason against Austria, Dr. Berger would be president of the court, and Dr. Helmreich public prosecutor.
- 4.1.46. The Austrian Radio reported the deaths of 800 insane children in the Vienna Mental Hospital, Steinhof, between September 1943 and February 1945 are being investigated. According to medical experts more than 100 weak-minded children were deliberately killed by the doctors of the hospital. Most of the children received an overdose of morphia; in other cases injections which caused fatal pneumonia.
- 4.1.46. The Minister of Justice gave the Press the following data concerning the prosecution of Nazi war criminals before the People's Court: that Court which began its activities in the middle of August, received 6,874 complaints against National Socialists. Out of the 323 prosecutions begun, 150 sentences had so far been passed, while about 1,900 charges were dropped. The Ministry of Justice had asked the Nuremberg Tribunal to examine three categories of persons: first, the chief war criminals, Goering, Seyss-Inquart, Kaltenbrunner, Papen, Ribbentrop, Keitel and Schirach; second, the former Gauleiters Rainer, Eigruber, Hofer, and the National Socialists Neubacher, (?Boehmarn), Tavs, Reinthaler, Glaize-Horstenau and the former German Military Attaché in Vienna, Lt.Gen. Huff. Permission had been asked to send an Austrian investigation commission to Nuremberg. Finally the extradition of Seyss-Inquart, Kaltenbrunner, Papen and Schirach to Austria after the Nuremberg trial had been demanded, irrespective of whether they will be sentenced or acquitted. Austria accuses all these persons of having been instrumental in bringing about the annexation of Austria. Kaltenbrunner is furthermore charged with having ordered the murder for personal revenge of two policemen at Linz in March, 1938.
- 12.1.46. A second list of major war criminals issued in Vienna includes the following names among others: Dr. Richard FRANZLEITNER, deputy Gauleiter of Styria; Dr. Armin DADIEU, Reichsstatthalter of Styria; Dr. HELFRICH, Gauleiter of Styria; Otto LURCHER, head of the Security Service who signed over 10,000 death sentences; Klaus MAHNERT, deputy Gauleiter of Tyrol; Dr. Dietrich (?SEIDEL) head of the Terezin Concentration Camp; Dr. WALLNER, Police Superintendent of Maribor, accused of mass executions. The report adds that 40% of these men are held by the Allies and 10% by the Austrians.
- 12.1.46. The Ministry of Justice announced the discovery of mass graves of 162 victims, belonging to a convey of Jews taken from Hungary to Mauthausen Concentration Camp: eighty persons have been arrested as suspected murderers.

Extradition of Yugoslav war criminals: see Yugoslavia.

C Z E C H O S L O V A K I A.

14.1.46.

The Prague radio reported that National Security detachments near Novy Jicin had arrested Lieutenant Heinrich Goering, nephew of Marshal Goering. He had escaped from a prisoner of war convoy and was passing himself off as an ex lance-corporal.

D E N M A R K

9.1.46

The Press reported that Werner BEST, former German plenipotentiary in Denmark, and Guenther PANCKE, chief of S.S. in Denmark, who head the Danish list of German war criminals, had appeared before a Danish court in secret.

11.1.46.

In a radio talk Professor Andenes said that about 63,000 persons in Norway would be affected by legal proceedings against traitors. In Denmark the number would be about 8,000 - 10,000. Russia, he said, had been very lenient, having taken only the leaders in Vlasov's Army (apparently from among refugees in Norway and Denmark) and allowing the rest to go free.

G E R M A N Y

7.1.46.

The Petrusblatt, an official organ of the Roman Catholic Church in Berlin, stated that 1,467 Catholic priests were interned at the Dachau concentration camp on January 1st, 1945. The list was made up of 325 German nationals and 19 Germans from other countries, 791 Poles, 122 Frenchmen, 73 Czechoslovaks, 38 Netherlands, 34 Belgians, 29 Italians, 19 Yugoslavs, 8 Luxemburgers, 4 Hungarians, 2 Swiss and 1 Russian, 1 Britisher and 1 American.

9.1.46.

The Berlin radio recorded a speech made at a BVG works meeting by Kurt Stoebe who said that his colleagues had taken note with horror of the indictment against the main war criminals at Nuremberg. "They regard, however," he said, "the pillars of the Nazi Intermediary Reich as not the only guilty ones, for their backers among the captains of industry and the Junkers' caste are not in the dock. Those at this meeting, fully realising that the sentencing of the Nuremberg defendants will atone only for a portion of the crime against the world, demand that the German people shall take justice into their own hands, meting out well-deserved punishment to that far greater number of war criminals who have offended against the German people."

14.1.46.

The "GNS" service reported from Berlin that the Berlin city administration was asking all former Polish prisoners of war to help in a search for former Gestapo members, state's attorneys, judges and prison, penitentiary or concentration camp officials who had successfully evaded punishment so far. Fifty thousand questionnaires were being distributed to these ex-prisoners, requesting names of all former Nazi justice officials and accounts of their prison experiences.

GERMANY. (cont.)

AMERICAN OCCUPIED ZONE

26.12.45.

The American "News from Germany" issued, from Berlin, a concise summary of Law No.10 in the following form:

"Law No.10 defines the criminals and the criminal acts involved, states the punishment on conviction, and outlines the procedures to be followed by the occupying power in each zone to bring them to trial. The definitions closely follow the ones set down by the Tribunal for major war criminals.

"Criminal Acts Defined

"Criminal acts are defined in the following categories: 1. Crimes against peace. These involve the initiation, planning or waging a war of aggression in violation of international agreements, or taking part in such acts. 2. War Crimes involve atrocities which constitute violations of the laws and customs of war and includes the mistreatment of the civilian population of territory formerly occupied by the Germans, the pillaging and wanton destruction of property, and devastation not justified by military necessity. 3. Crimes against humanity include murder, enslavement, imprisonment, torture, rape or other inhumane acts against any civilian population; or persecution on political, racial or religious grounds.

"Under Law No.10, membership in any group or organization which the Tribunal declares criminal, is also considered a crime.

"Persons are considered guilty of war crimes if: 1. they took part actively or otherwise in the crimes, either as principal or accessory, and regardless of their nationality; 2. they were members of criminal organizations; 3. they held high political, civil, economic or military positions, which positions enabled them to take part in the initiation, waging or planning of an aggressive war.

"Maximum Penalty is Death.

"The penalties for these crimes range from death to the loss of some or all civil rights.

"The new law also states that the person who acted only under orders from a superior is not considered free from the responsibility of his crimes. However, this fact will be taken into consideration in any trial.

"The procedure for trial begins with the arrest by the occupying power of each zone of any suspected person, his property confiscated pending final disposition. The occupying power is requested to report to the legal directorate of the Allied Control Council the names of the persons arrested and the reasons for the arrest.

"Most Serious Charge has Priority.

"In the event that the crime has been committed by a German national against another German national or stateless person, the court trying him may be a German court.

"All tribunals will be under the jurisdiction of the commander of the respective zones. Procedure has been set up providing for the transfer of suspected persons from one zone to another, or from Germany to the country where the crime was committed. However, the Tribunal will have priority over any other court if a person is wanted by the tribunal for trial or as a witness.

GERMANY (cont.)

"If the suspected person is wanted for trial by two or more United Nations, priority will be given to the one which has the most serious charges against him. If within six months the delivered person has not been brought to trial or his conviction has not taken place, then he will be returned upon the demand of the zone commander to the locality from which he was sent."

This summary was accompanied by the following commentary, dated Frankfurt, 26.12.45.

"The move opens the way for the trial and punishment of persons who, because of activities on behalf of the Nazi party, were given amnesties or were otherwise not prosecuted.

"These persons will be tried under German law. The Nazi who shot and killed an opponent of Nazism and the Nazi who took the property of an anti-Nazi escaped punishment as criminals because they had the blessings of the Nazi party.

"They had committed no crime against Allied governments or nationals, so they escaped punishment there.

"The three ministers of justice will submit a co-ordinated plan for enactment of German legislation to waive provisions of amnesties granted by the former Nazi government and statutes of limitations in cases of this kind.

"Trials of these suspects will be held by regularly constituted courts which have been reopened with de-Nazified personnel."

14.1.46.

Press messages from Nuremberg confirm that Dr. Leonardo Conti, former Minister of Health, whose death had been rumoured, hanged himself three months ago in his cell at Nuremberg. (Conti was listed by the UNWCC as a war criminal.)

BRITISH OCCUPIED ZONE

The Trial of General Kurt Meyer

15.1.46.

A Reuter's despatch said that 3rd. Division Headquarters of the Canadian Army at Bad Zwischenahn announced that the sentence of death on General Kurt Meyer convicted on December 28th on three out of five charges concerning the killing of Canadian prisoners in Normandy (see News Summary No.V.) had been commuted to life imprisonment. The statement said:-

"The confirming authority, after a thorough review of the proceedings of the military court which tried Brigadeführer Kurt Meyer whereby he was found guilty and condemned to death in regard to the shooting of Canadian prisoners, but not guilty of issuing any direct orders for such shootings, considers Meyer's degree of responsibility not such as to warrant the extreme penalty.

"The confirming authority does, therefore, deem fit to commute the death sentence to one of life imprisonment, which sentence will be served in a Canadian prison."

GERMANY (Cont.)

16.1.46. The Montreal radio stated that Meyer's reprieve raised a chorus of protest in Canada, a protest that was balanced in some degree by other views that commutation was justified. Most critical were officials of various Canadian Legion branches, but the army newspaper "Maple Leaf" said that it was right that Meyer should get the lesser penalty, since it was not proved that he actually ordered the shooting of Canadian prisoners. Major-General Foster, who pronounced the death sentence on Meyer said: "I think it is very unfair to a man like him to shut him in prison for the rest of his life. The best thing would be to shoot him."

18.1.46. Mr. Rose, M.P. for Montreal, described the reprieve as "a betrayal". The Russian controlled communist paper "Deutsche Volkszeitung" in Berlin also protested. It was said that Russia might demand the surrender of Meyer, for trial as a war criminal. In view of these protests the following statement was issued in Ottawa (17.1.46.):-

"The Defence Department states that Major-General Vokes, G.O.C., Canadian Army of occupation in Germany, as convening authority, reviewed the court's proceedings without reference to the Government or military authorities in Canada and in accordance with regulations. 'The Canadian military court' it is said, 'did not find that Meyer personally had ordered or authorized the killing of prisoners. It had expressly found him not guilty of issuing any orders for such shooting. The reviewing officer found that there had not been that degree of complicity which could be regarded as justifying a death sentence under the laws and usages of war. On the other hand, there was a failure on Meyer's part to take adequate measures to prevent murder by forces who were under his immediate command and control.' Under the regulations there was no need for any prior reference to Canadian Government or its military headquarters. The place of Meyer's imprisonment has not yet been decided, and there is no truth in the report that his family might come to Canada."

20.1.46. Blair Fraser, a radio commentator, said:-

"Canadians are reassured when they learn who advised General Vokes. General Simmons, the Canadian Commander; General Murchie, head of CMHQ; Brigadier Ford; the Judge Advocate General - all read the evidence and agreed with General Vokes in commuting the sentence. People in Ottawa at least, were reassured when they learned that the one civilian whose advice was heard was John Read, legal adviser to the Department of External Affairs, who is in London for the UN Conference. Mr. Read is Canada's nominee to the Court of International Justice and, outside the Bench, I don't suppose any Canadian's opinion is more respected."

10.1.46. The Press reported that the War Crimes Section of the J.A.G.'s department was investigating the deaths of Flight Lieutenant Scott and Sergeant Robertson, who are alleged to have been "shot while trying to escape" after baling out over Germany during a raid on Dessau in March, 1945.

10.1.46. General Nikolaus von Below, who had been Hitler's adjutant since 1933 and was probably the sole surviving witness of Hitler's will was arrested at Bad Godesberg.

18.1.46. The American Press Service in Germany reported that the British had arrested, for trial as war criminals, three German poison-gas experts, directors of a Hamburg firm that supplied prussic acid for killing inmates of concentration camps.

G E R M A N Y (Cont.)

23.1.46. It was announced that Gruppenführer Loritz, former commandant of Sachsenhausen, where he is alleged to have killed 20,000 Russians, had been found, in disguise, in the British zone and arrested.

23.1.46. Seven leading oil magnates, Emil Helfferich, Max Engel, Karl Grosse, Hans Brockhaus, Hans Hubrig, Edmund Gallenberg and Dr. Carl Schmidt were arrested by British Security officers. An official announcement said: "The men were selected because of the significant part they played in the organization of the mineral oil industry for war and their collaboration with the party to that end. In several instances they were involved in seizure and exploitation of oil properties in occupied countries."

FRENCH OCCUPIED ZONE.

11.1.46. At a mass meeting of the Democratic People's Party at Stuttgart Dr. Maier, Minister-President said that Germany's surrender at Rheims should be supplemented by a "domestic surrender" in which the Nazis should admit their liability to the German people on nine grounds. These included: "(7) The number of foreign workers forcibly brought to Germany; (8) The number of insane persons killed, and (9) The number of German nationals thrown into concentration camps and the number of Germans killed there."

14.1.46. The Stuttgart radio announced that French Military Government Courts were competent to deal with all war crimes committed after 1st September, 1939, outside France or territories which at the time of the offences were under French Sovereignty, by citizens of non-Allied States or of other than French nationality in the service of such States.

H U N G A R Y

2.1.46. The Hungarian "Kis Ujsag" reported that, in the French occupied zone of Austria, particularly in larger towns, "Arrow Cross" men were literally swarming. Attempts made on the Hungarian side, to arrest these war criminals, had hitherto failed, because the French authorities had been misled by Laszlo Vay, formerly in the "Arrow Cross" Government. The "Hangman of Sopron-Koshida", Major Dominics, was still in the French Zone. The French authorities had now got in touch with the Hungarian delegation in Salzburg, and informed it that all war criminals to be found in the French Zone would be handed over to the Hungarians.

9.1.46. The Budapest radio announced that the U.S. Military Mission had sent a letter, signed by Lt. General Key, to Premier Tildy, informing him that the Allied Powers had no intention of questioning Imredy, Rajniss, Budinszky and Palffy at Nuremberg and that the death sentences passed on them could therefore be carried out without hindrance.

7.1.46. General Grassy and Marton Zoeldi were tried before the People's Court at Budapest, for the massacre of Yugoslavs at Novi Sad, and sentenced to death. A message from Budapest (17.1.46.) said that these criminals, after being sentenced were handed over to the Yugoslav authorities for trial by a military court at Novi Sad.

7.1.46. The Vienna radio announced that the Hungarian Government had demanded the surrender, as a war criminal, of the Austrian Archduke Albrecht, who was in the French Zone of occupation at Feldkirchen.

HUNGARY. (Cont.)

11.1.46. Bardossy, former Prime Minister, whose name appears in the UNWCC's List of War Criminals, was executed on January 11th in pursuance of the sentence pronounced by the People's Court.

18.1.46. The Press reported the trials before the People's Court at Budapest of Jaross, Endre and Baký, formerly members of Sztojáy's puppet government. Evidence regarding their responsibility for deportations of Jews and others was furnished by documents found at Dachau and Auschwitz. The report states:

"On Jaross's orders, the internment camps filled with Jews were moved to positions adjoining the most important and, consequently, the most exposed war industries, partly to have as many of them killed as possible and partly to protect these places from the Anglo-Saxon bombers. Jaross's signature appears on the decree instructing executive bodies to transport the deportees in sealed wagons without water. The seals could only be removed when the train arrived at its destination. Laszlo Baký was an active participant in these crimes of deporting Jews in sealed wagons without food and water so that many perished on the way."

(Endre and Baký were sentenced to be hanged and Jaross to be shot.)

17.1.46. The Budapest radio said that the Hungarian Minister of Justice had requested the Allies and the Nuremberg Court to allow Vessenmayer, who was Hitler's representative in Hungary, as well as SS General Winkelmann, the ill-famed defender of Budapest, to be tried by Hungarian Courts. These two war criminals were formerly brought to Budapest as witnesses at the People's Court. There is believed to be no obstacle to a favourable reply.

6.1.46. The "Szabad Nep" stated that the Hungarian Minister of Justice had suggested to the Ministry of Education that detailed accounts of the present trials of Hungarian war criminals should be taught systematically in secondary schools and universities. The Minister of Justice, therefore, had ordered minutes of the trials to be taken in shorthand.

I T A L Y

The Naples Trial

(10.1.46. Agency messages from Naples reported the trial before an American
(15.1.46. Military Court of the German Major Schiffer and two other SS men charged with hanging an American captain and shooting a British major, three American lieutenants, an American sergeant, and a British sergeant at Bolzano, in north Italy, in March, 1945, after torturing them to extract military information. Major Schiffer had already confessed to ordering the executions. The evidence showed that the victims were first tortured to make them divulge radar secrets.

On January 15th, the Court delivered judgment. SS. Major August Schiffer, Lieutenant Heinrich Andergassen, and Unteroffizier Albert Storz were sentenced to death. Special Police Chief Hans Butz, found guilty of complicity and acting jointly with the others, received the life sentence.

N E T H E R L A N D S

- 15.1.46. Press messages from Amsterdam stated that the Netherlands War Commission had sent General Friedrich Christiansen, former German commander of the Wehrmacht in the Netherlands, to the Hague for trial as a war criminal. He was held responsible for the execution of the majority of 40,000 Dutch resistance workers.
(NOTE: General Christiansen has been listed as a war criminal by the UNWCC.)

N O R W A Y

- 12.1.46. The (Danish) Kalundborg radio stated that 700 Germans in Norway, charged with war crimes, had been sent to Akershus Prison, Oslo.

P O L A N D

- 9.1.46. The Warsaw radio reported from Oppeln that a Polish-Soviet Commission had investigated the former P.O.W. camp at Lambinowice, in Silesia. It has been established that Polish, Soviet, British, French, New Zealand, Greek, American and French Moroccan soldiers were held in this camp. Anglo-Saxon prisoners of war were on the whole better treated, but others underwent inhuman persecutions and tortures by the German military authorities. The graves in Lambinowice stretch over a distance of eight kilometres and bodies are sometimes buried in eight rows. It is estimated that the numbers murdered in Lambinowice amounted to at least 80,000. The Commission established that Polish prisoners of war held in the camp underwent special hardships. The instructions to German soldiers, found in the camp, stated that Poles should not be beaten but that bullets and bayonets were to be used.
- 13.1.46. The Moscow radio reported from Warsaw that the S.S. General Lindemann, found guilty of the murder of thousands of Polish patriots during the German occupation, had been sentenced to death by hanging.
- 13.1.46. After a two days' trial the Military Court of Katowice passed sentence on Germans who worked for a forcible separation of parts of the Polish State and the setting up thereon of a German State of a Hitlerite pattern. Antonina Klyszcz, a German woman was sentenced to death, and 11 others to imprisonment.
- 14.1.46. The Warsaw radio reported that the case of Bishop Splott would come before the Court at Danzig on January 28th. It would probably last two or three days. The plaintiffs were to be represented by the Prosecutor of the Supreme Court. A number of ecclesiastics staying on the Polish coast at the time of Bishop Splott's rule will serve as witnesses.

U.S.S.R.

The Leningrad Trial: (see also News Summary No.V, Page 8.)

- 6.1.46. The trial of the German Major General Remlinger, 3 junior officers and 7 other ranks before a Russian military tribunal was continued at Leningrad. The indictment alleged that the Germans had murdered 52,000 persons in camps in the Leningrad area and had deported 404,000 with slavery. On January 5th the court found the defendants guilty of mass shootings, crimes and assaults against Soviet civilians, burning and looting towns and villages, driving Soviet citizens to German slavery - that is, of crimes stated in article one of the decree of the Praesidium of the Supreme Council of the USSR of 19th April, 1943. In accordance with article four of the Criminal Code of the RSFSR and articles 319 and 320 of the Criminal Proceedings Code of the RSFSR, and taking into

U. S. S. R. (Cont.)

consideration the degree of guilt of each of the accused, the Military Tribunal has passed the following sentences: General Remlinger, 2 other officers and 5 men were sentenced to be hanged; 1 junior officer and 2 men to terms of imprisonment. The death sentences were carried out in a Leningrad square on January 5th.

The Nikolayev Trial

15.1.46. The German Lieutenant-General WINKLER, former Commandant of Nikolayev, a major, a captain, a chief of security police and some N.C.O.'s were tried by a Military Court of the Odessa district for atrocities in the Nikolayev region in 1941 - 1944. The indictment described in detail how during the German occupation of a considerable part of the Ukrainian Soviet Republic, including the Nikolayev region, the invaders consistently put into effect the plans of the Hitler Government and the German Army Command, aimed at the extermination of the Soviet civilian population. Ten of the accused pleaded guilty.

On January 17th the Court found all the prisoners guilty, and sentenced the following to death by hanging: Lt. Gen. Winkler, Commandant of Nikolayev; SS Obstf. Sandner, Chief of Security Police; Maj. Buettner; Maj. Michel; Witzleb, Chief of Security Police; Schmale, Deputy Chief of Security Police. The remainder were sentenced to terms of imprisonment. The death sentences were carried out the same day.

19.1.46. The trial was proceeding before a military court at Kiev of Obstf. Heynisch, General Karl Burchardt, former commander of the Sixth Army, Police General Scheer and other Germans for atrocities in the Kiev province.

19.1.46. At the same time a trial was proceeding at Minsk, where General Erdmannsdorf, former commandant of the Mogilev area and other Germans were charged with atrocities against the population.

19.1.46. At the meeting of UNO on January 18th M. Kisieliev, the Byelorussian delegate recalled the joint declaration of December 18th 1942 in which the Governments "reaffirm their solemn obligation to ensure together with the United Nations that the persons responsible for these crimes will not escape the retribution they deserve, and to accelerate the necessary practical measures to attain the said aims." He then gave the details of the atrocities committed in his country and said they had a list of 1,200 criminals. But, he continued, "the overwhelming majority of these criminals have not yet been discovered by us. According to the information we have, a number of outstanding criminals have found shelter in Franco's Spain; for example: Col. Erst, who acting as Commandant of the town of Gorodok, Vitebsk area, organised mass shootings of civilians; Major Lemp, who is accused of burning alive hundreds of women, children and old men in the Lioznyansky area; Lt. Gen. von Illge, who destroyed Gomel and carried out mass extermination of civilians; Fritz Reipenintz, Divisional Commander, who was engaged on exterminating partisans and civilians; Lt. Gen. Speling, Commandant of Minsk, under whose direction 317,000 civilians of the town and its surroundings were exterminated.

"The Byelorussian Delegation considers that the time has come for carrying out the declarations and agreements made by the Governments at war with Germany on the punishment of criminals in the places of their crimes. Therefore my Delegation proposes to discuss at the First Session of the General Assembly the question of the surrender and punishment of the German War Criminals with the view of taking such decisions which would enable us to hasten their punishment.

U.S.S.R. (Cont.)

"At the same time I think that the United Nations should urge also those states who are not members of the World Organisation to expel the criminals to the countries in which they committed their crimes."

- 15.1.46. An Associated Press message from Moscow said that foreign correspondents in the Soviet Union had been invited to attend the trials of several Germans accused of war crimes, in the Minsk and Kiev regions.

YUGOSLAVIA

Listing of War Criminals.

- 2.1.46. The Tanyug agency referred to a report by Macchi, the Chief Prosecutor, of the Italian Military Court, "Tribunale Militare di Guerra della Seconda Armata Seseione Lubiana". From November, 1941 to August 20th, 1943, 8,405 trials of 12,574 accused were registered, of which number only 1,150 were soldiers, while the remainder were men, women and Slovene youths. Eighty-four persons were sentenced to death and 434 to life imprisonment. The terroristic methods of this court are proved by the fact that it prepared mass trials at which 30 to 70 persons were tried at once. As an example of the blood-thirst of the Italian judges, at the notorious Preserje trial, which ended on 25th February, 1942, of 69 accused, 28 were sentenced to death and nearly all the others to life imprisonment. All members of the Italian Military Court in Ljubljana are regarded, in accordance with the decisions of the Moscow Conference, as war criminals, because they themselves carried out or helped systematic terrorism, murders and massacres against the Slovene people. The Yugoslav authorities will request the extradition of these criminals.
- 9.1.46. The Ober Bayerische Volksblad reported from Nuremberg that the former Hungarian Regent, Admiral Horthy, who had been recently released and was staying at Weilheim, had been declared a war criminal by the Yugoslav Government who would shortly demand his extradition. (The Daily Telegraph 15.1.46. stated that Horthy had been re-arrested at the demand of Yugoslavia.)
- 12.1.46. The State War Crimes Commission published details of atrocities by the Germans in the Sajmiste Camp near Belgrade, where, according to the camp records 40,000 persons perished. The Yugoslav War Crimes Commission's report lists the names of those responsible for these horrible crimes. Among them are the German political representative to the Independent State of Croatia, von Kasche, Pavelitch and Eugen Kvaternik; and the Commission demands that these persons be handed over to the Yugoslav Courts to be tried as war criminals.
- 14.1.46. The Slovenian War Crimes Commission quoted a document circulated by the Italian General Robotti, already declared a war criminal, (see also News Summary No.V, page 9) instructing commanders in Slovenia to kill immediately all imprisoned partisans regardless of nationality. Captured archives of the 11th Corps show that the order was obeyed.
- 14.1.46. An Agency message from Belgrade said that the Yugoslav War Crimes Commission had announced that German military and political officials, together with Pavlic and 14 other Croatian war criminals, were responsible for the deaths of 40,000 Yugoslavs.

YUGOSLAVIA (Cont.)

Demands for Arrest and Extradition

The Yugoslav papers continued to press for the arrest and extradition of war criminals and "Quislings" living in the Allied zones.

14.1.46.

The "Politika" wrote that the delay in the extradition of war criminals to the countries in which they perpetrated their crimes was contrary to the decisions at inter-Allied conferences and at the Moscow Conference, and complained that even after the announcement by the British authorities that some Yugoslav war criminals would be handed over to the Yugoslav authorities, some time elapsed. The war criminals Neditch, Dinitch, Rupnik and Dokitch have only just come into our hands. According to the statement of the British authorities, there were several persons on the same list who have not yet been extradited. Recently, the demand for the extradition of Yugoslav war criminals from the countries in which they have found asylum has been repeatedly voiced abroad.

The latter statement may refer to an article in the "Oesterreichische Volkstimme" of 3.1.46. on "Fascist bandits in Austria", which said, in part:- "The notorious Fascists Neditch, Pavelitch and General Rupnik are wanted by the Yugoslav Government as war criminals. Neditch is in the U.S. Zone; the others in Carinthia. . . Austria must be cleansed of this gang of Fascists."

In France, also, M. Benazet, broadcasting on 3.1.46. from Paris, expressed surprise at the release of Horthy (see above) and went on:-

"Now can the release of one of the Heads of State responsible for the war be justified, either from the juridical or the humanitarian point of view? The prosecution found there was no charge against him, says the official statement. Official circles hasten to add that, as Horthy was 77 and ill, he deserved consideration. Some of us will remain unconvinced. We do not necessarily demand the death penalty for the sinner, but it would be unwise to admit this plenary absolution."

From a differing standpoint Miss Dorothy Thompson, the American journalist, wrote in the Yorkshire Post (1.1.46.) that, while "a most violent campaign" was being launched against the British and American Governments for not surrendering Pavelic, other war criminals and collaborationists on the Yugoslav list, who were in Yugoslav hands, were not being prosecuted. Among these she instanced General Mesitch, who commanded a German regiment

10.1.46.

Among steps to meet the demands for extradition a B.U.P. message from Belgrade said it was announced that Yugoslav war criminals were being handed over by the British to the Yugoslav authorities for trial by the Supreme Yugoslav Court.

4.1.46.

The Budapest radio said that the Allied Control Commission in Hungary had informed the Premier that the Yugoslav Government were demanding the extradition from Hungary of "Major General Grassy, and Captain Zoeldi, declared war criminals by the United Nations London Commission for criminal acts committed at Novisad and other Yugoslav localities; Bardossy, a former Premier, who is to be held responsible for all the criminal acts committed in the Southern Bacska during the pogrom; the former Mayor of Novisad, Miklos Nagy, an accomplice in the crimes committed during the Novisad pogrom. Bardossy and Nagy are also included on the London Commission's List of war criminals. In accordance with the Armistice Agreement, the Allied Control Commission does not object to the extradition by Hungary to the Yugoslav Government of all the above mentioned war criminals, to be tried by a Yugoslav Court."

THE FAR EAST.

The Crime Against Peace.

In a series of extracts from a forthcoming book, published by the Daily Telegraph, Sir Robert Craigie referred (January 10th) to an important meeting of the Japanese Cabinet, followed by an Imperial Headquarters Council, immediately after the arrival in Tokyo of the United States proposals of November 26th, 1941 for a settlement and a pact of non-aggression with Japan. "Judging from the evidence available to us in Tokyo," Sir Robert Craigie writes, "it is my belief that the decision to break off the Washington discussions and to put into operation the long-matured plans for the treacherous attacks on Pearl Harbour and Malaya was taken at those meetings." At a conversation with the Japanese Foreign Minister on December 8th, when the attack on Pearl Harbour had actually taken place, Sir Robert Craigie was given a memorandum which contained not a word about war. "This conversation," Sir Robert Craigie writes, "throws a lurid light on the lengths to which the Japanese Government were prepared to go with the object of masking their murderous intentions."

C H I N A .

- 7.1.46. The Paris radio reported that the Chinese Government had sent a note to the French Consul-General at Shanghai, demanding the surrender, for trial as a war criminal, of Jean Carcopino, who had been arrested by the French at Shanghai. The note was being forwarded to the French Government.
- 17.1.46. An Agency message stated that the Chinese would ask the Far Eastern Advisory Council for the extradition of General Yamashita (sentenced to death by a U.S.A. Court at Manila on December 7th - see No. III of this series) - on account of the massacre of 50,000 Singapore Chinese.
- 10.1.46. The Associated Press reported from Peking that Major-General Eugen Ott, Nazi Ambassador to Tokyo at the time of the Pearl Harbour attack, had been arrested in Peking, where he had lived since 1943, and that he was to be taken to Tokyo for questioning by General MacArthur's war crimes staff.
- 28.10.45. The Honolulu Advertiser mentioned the arrest at Shanghai, at the request of the American authorities, of Klaus Mehnert, a Nazi propagandist, former Professor at Hawaii University; and of Dr. Karl Neumann, former medical officer in Buchenwald concentration camp. (Dr. Neumann was recently mentioned as a former official at Dachau. It now appears probable that he was not there, but at Buchenwald).

J A P A N

- 27.12.45. The first war crimes trial held in Japan (Yokohama) ended with a sentence of life imprisonment on Tsuchiya, a prison guard, who beat an American prisoner to death. The accused was acquitted on several other charges.
- 10.1.46. The Times reported from Tokyo the arrest of seven Japanese Generals by order of supreme Allied headquarters. They included General Kagesa, who was Press and Information officer with the Nanking puppet Government, General Sakai, commander of Hong-Kong, who accepted the surrender of the colony; General Isogai, governor of Hong-Kong; and General Wachi, chief of staff in the Philippines.

J A P A N (Cont.)

- 18.1.46. Reuter reported from Tokyo that General MacArthur had ordered the establishment of an International Military Tribunal in Tokyo. This Tribunal was to consist of not less than five and not more than nine members from a list submitted by the Allies who signed the Japanese surrender terms.
- 18.1.46. The Times reported that Tojo and members of his Cabinet would be tried before this Tribunal. The Soviets had allowed to pass the date of January 15th, by which the Allies had to nominate their representatives. If they now applied to the State Department, they could still be permitted to name a judge, but it was thought in Tokyo that they had decided not to take part. Ø France and the Netherlands had not yet signified whether they wished to participate in the trial.
- 21.1.46. A message from Ottawa stated that Mr. E.S. Macdougall, judge of the King's Bench, Quebec, had been nominated to represent Canada on the Tribunal; and Brigadier Nolan, vice-J.A.G. as an associate prosecutor.
- 10.1.46. The British Press announced that Mr. A. Comyns Carr K.C. had been appointed Chief British Prosecutor at the approaching trials of Japanese war criminals, and that he was shortly leaving by air for Tokyo.

S O U T H P A C I F I C

- 3.1.46. A despatch from Melbourne stated that 93 Japanese officers and Guards of the Tantei prison camp were charged collectively before the war crimes court in Amboina with ill-treatment of Allied prisoners of war. The prosecution showed that out of 550 prisoners 17 were executed and 326 died of ill-treatment.
- 9.1.46. A message from Morotai said that war crimes trials were proceeding at Cembon in the Dutch East Indies and a Labuan Island off Borneo. Captain Takawa commandant of the Sandakan camp and Watanabe his adjutant were accused of the murder of 832 British and Australians during the "Borneo death march". The defence was "superior orders".
- 14.1.46. The Melbourne radio said that Admiral HAMANAKA had been sentenced to death by the Australian Military Court at Morotai for complicity in the murder of an Australian prisoner in June 1945. The Court recommended him to mercy, as having acted under "supervision orders". Baron Takaski, who was tried at the same time, was acquitted.

S I N G A P O R E A N D M A L A Y A

- 8.1.46. It was announced that the trials of 1,000 Japanese for atrocities committed in Singapore and Malaya (see Press News Summary No.V, page 11) would begin about January 10th. The prisoners were to include General Animura, who is held responsible for the Thailand "blood railway" horrors; the British J.A.G., Brigadier Davis, was to be in charge of the prosecution.

Ø Since this statement appeared it has been announced by Chief Prosecutor Keenan that the Soviets will participate in the trials.

III.

THE NUREMBERG TRIALS (January 2 - 21)

Conclusion of Counts 1 and 2; opening of Count 3.

The International Military Tribunal re-opened on January 2nd after the Christmas recess, when United States Counsel presented the case against "criminal groups and organisations" under Appendix B of the Indictment, combined with the charges of "individual responsibility" (Appendix A) against Kaltenbrunner and other defendants. On January 8th British Counsel dealt with the responsibility of Ribbentrop, Keitel and Jodl. The American Counsel then continued on the same count until January 15th, when the British dealt with Dönitz and Raeder.

The American and British cases under Counts 1 and 2 being thus virtually completed, the Chief Prosecutor for France, M. de Menthon, opened the case under Count 3 (War Crimes) in an impressive speech of 4½ hours, in the course of which, for the first time, the death penalty was definitely demanded for all the accused. The French case on Count 3 was continued (January 17th - 21st) by MM. Hertzog and Gerthoffer, deputy prosecutors.

In the course of the proceedings the text was read of Hitler's order of October 1942 for the destruction of members of commandos. As translated in the British Press it read:

"Even if they are to all appearances soldiers in uniform or demolition troops, whether armed or unarmed, in battle or in flight, they are to be slaughtered to the last man," said the order. "It does not make any difference whether they are landed from ships and aeroplanes, or whether they are dropped by parachute. Even if they should appear prepared to give themselves up, no pardon is to be granted them. Any imprisonment under military guard is strictly prohibited, even if only intended for a short time."

POINTS OF INTEREST

(The following points of interest in the Nuremberg Trials were mentioned in the Press and Radio.)

9.1.46.

An agency message from Nuremberg reported the setting up of a committee to edit and assemble for publication documents, books, and briefs used in the trial. Mr. Gordon DEAN, chairman of the committee was quoted as saying that this did not, however, mean a transcript of the trial, which would come later.

19.1.46.

The Press reported that President Truman had issued an order in Washington which would enable Justice Jackson, Chief Prosecuting Counsel, to return to the United States, leaving to the other prosecuting counsel of his Committee the presentation of the secondary evidence.

19.1.46.

M. Champetier de Ribes, former French Minister, was nominated as Chief French prosecutor, in succession to M. de Menthon, who has been elected chairman of a Commission of the National Assembly.

+ + + + +

THE NUREMBERG TRIALS (Cont.)

- 3.1.46. It was authoritatively stated by British Intelligence Officers that Martin Bormann, one of the defendants named in the Indictment, was killed in a German tank when trying to escape from the Reich Chancellery in the last days of the Third Reich.
- 5.1.46. A B.U.P. telegram stated that Ribbentrop was to have a new counsel, as he had complained that Dr. Sauter, representing Funk and Schirach, was paying insufficient attention to his case.
- 13.1.46. Kaltenbrunner's counsel having asked that the case against his client should be postponed till he was fit to appear in court again, Lord Justice Lawrence refused the request on the ground that the case against Kaltenbrunner could not be separated from that against the Nazi organisations and the other defendants.
- 19.1.46. At the British Bar Council's meeting on January 18th, two resolutions criticising the Council's action in resolving on October 25th, 1945, (see No. I of this series) that it was undesirable for members of the British Bar to defend the Nazi war criminals at Nuremberg were rejected after a debate.

PRESS AND PUBLIC COMMENTS ON THE NUREMBERG TRIALS

- 17.1.46. In his address to the United Nations Assembly, Mr. Bevin said:
- "We have accepted the view that aggressive war was a crime and that he who started such aggression must pay the price. This is made clear by the establishment of the War Crimes Tribunals, before whom are being revealed for the whole world to know the devious methods and cruel conceptions of those who sought to use force for the mastery of the world. These men who were responsible are now being brought to justice. The aggressor can no longer look forward to a halo of glory and statues created to his memory. Instead he will be remembered by the scaffold and hangman's rope."
- Several writers have urged the importance of more publicity in order that the Nuremberg trial may have educative value. The Daily Telegraph wrote in a leader: "It is ironical and unfortunate that, when the crime of war has been so utterly exposed, the means of advertising the exposure should be so restricted. Even in this country, the handicap of the shortage on newsprint is notorious. . . Abroad, except in the United States, the position is even worse."
- On the same subject the "Star" wrote - "Newspapers in Germany are so small that only the most perfunctory accounts of the Nuremberg proceedings are appearing in them. A fairly full daily broadcast of the evidence would perhaps have filled the gap, but the Nazis confiscated so many radio sets . . . that few Germans have sets left."
- On the other hand, the United States Information Control Division informed the Press (18.1.46.) that "editors of licensed German newspapers in the American zone are today accredited correspondents at the war crimes trial of the Nazi leaders at Nuremberg and are streaming to that city in increasing numbers. They express their reactions in graphic reports to their papers, and their articles are being widely read by millions of German readers." As illustrations: the Nuremberger Nachrichten wrote: "If only all Germans could witness this spectacle . . . They would acknowledge the fact that a higher humanity is at work in Nuremberg, even though the criminal is allowed counsel for his defence."

THE NUREMBERG TRIALS (Cont.)

The Wiesbaden Kurier wrote: "Kaltenbrunner burst into tears when he was told that he would have to appear before court after his discharge from the hospital. What a tremendous difference between this defendant who prays for mercy and the ruthless 'executioner' of the Gestapo in which role Kaltenbrunner once ordered the execution of numberless victims." The Harburger Presse wrote: "The defendants all share the guilt in the poisoning of the German soul. They incited child against parents, wife against husband, brother against brother in order to fill the concentration camps with the victims of the Gestapo."

- 3.1.46. A B.U.P. message from Nuremberg said that "interest had been aroused by a broadcast in German from Radio Munich, a German civilian station, which branded the prosecution witness Lahousen, as a traitor, and generally disparaged to the prosecution. Judge Jackson, the United States prosecutor, is understood to have asked for an investigation into the broadcast by the Information Control Division, which is now supposed to control German civilian press and radio."
- 22.1.46. The Daily Herald reported from Nuremberg that letters threatening torture and death had reached the German journalists reporting the trial. One man has received six, another seven of these letters, threatening "something more ingenious than gassing".
- 19.1.46. The Polish Press appreciated the news that "at the moment of the indictment of Frank being presented at Nuremberg by the US prosecutor, the Polish representative Dr. Piotrowski, took a seat at his table. It is regarded in Poland as proof of the recognition that German war crimes in Poland were such as to entitle that country to supplement the indictment in a measure corresponding to her injury."
- 8.1.46. In Finland the Vapa Sana wrote in a leader that "the United Nations have desired to show, clearly, through this trial, that the question is not of condemning the defeated . . . but to reveal the crimes of the Nazi leaders against peace and humanity so that the truth . . . may show Europe from what she has escaped and prevent a false . . . sentimentality from creating . . . martyr's glory around the Nazi leaders."
- 18.1.46. A Spanish radio commentator, referring to M. de Menthon's speech for the prosecution, said "the French attorney's intervention has been one of the most impressive as well as one of the juridically best founded." He thought, however, that "to cite as an example of forced labour the workers for the Todt Organisation was possibly a mistake. These workers were well paid and fairly well fed." (An amazing misstatement!-R.O.) In regard to the question of war guilt he said: "The Nuremberg judges accuse Berlin of responsibility for the war, history will equally accuse Berlin and Moscow."

IV.

LEGAL LITERATURE.

(Contributed by E.Schweib, Legal Officer.)

INTERNATIONAL AND NATIONAL TRIALS OF WAR CRIMINALS,
By Professor I. Trainin, Soviet News, 4.1.46.

In this article, Professor Trainin discusses the provisions of the Charter of the International Military Tribunal which deal with the criminality of groups or organisations. He points out that at the Nuremberg trial there is no question of inflicting punishment on organisations, but the tribunal can class an organisation as criminal, not in order to punish it, but in order to give national courts the right to try individuals for membership of such organisations. The author quotes Article 10 of the Charter, which provides that if the tribunal finds any organisation to be criminal, then "the criminal nature of the group or organisation is considered proved and shall not be questioned". This introduces a new principle into the statutes, namely that the findings of the International Tribunal are binding on all National Courts.

It may be submitted, with great respect to the learned author, that this applies only to the national courts of the four Signatories of the Agreement of 8th August 1945, namely, the United Kingdom, the United States, the Soviet Union, and France. The Courts of Allied Powers which, without being Signatories of the Agreement, have adhered to it pursuant of Article 5 of the Agreement are not ipso facto, bound by the decisions of the International Military Tribunal. Also, as far as the national Courts of the four great Powers are concerned, the principle of Article 10 of the Charter needs transformation into their municipal law.

Professor Trainin points out that the question whether individuals are guilty of membership of a criminal organisation, together with the question of their responsibility for such membership, remains within the jurisdiction of the national Courts. The national Court may decide that a given individual was not a member of an organisation, and on that basis may acquit him, but the question whether an organisation that has been found criminal by an International Tribunal is to be considered criminal by any national Court, (namely of one of the four Great Powers) is one which cannot be disputed. The competency of national Courts is restricted in the interests of international justice.

Professor Trainin also points out, in concluding his article, that nothing has happened so far to give any grounds for reproaching the Tribunal with too speedy action. Haste, however, is not among the best things in legal practice.

"NUREMBERG JUSTICE", Spectator, 18.1.46.

"THE NUREMBERG TRIBUNAL, AN ATMOSPHERE OF

SCRUPULOUS JUSTICE. RIGHTS OF THE DEFENCE." - The Times, 21.1.46.)

)
(Wilson HARRIS,
M.P.

These two articles by a British Member of Parliament, though not legal treatises, may be mentioned in this connection because they give a picture of the background and atmosphere of the Nuremberg Trial.

VII

No. VII.

February 15th, 1946.

UNITED NATIONS WAR CRIMES COMMISSION

(Research Office)

WAR CRIMES NEWS DIGEST

[NOTE: The above title replaces that of "Press News Summary", used in previous numbers of this series. The Digest will include information officially communicated, as well as news from Press sources.- R.O.]

C O N T E N T S

							<u>Page</u>
I.	PUBLIC RELATIONS	...	...	...	...	...	1
II.	SUMMARY OF EVENTS	...	...	...	...	...	2
	UNITED NATIONS	...	...	...	...	...	10
III.	NUREMBERG TRIALS	...	...	...	...	...	11
	PRESS COMMENTS	...	...	...	...	...	12
	APPENDIX A: General MacArthur's Order for Japanese War Criminal Trials	...	...	...	...	...	14
	The Charter of the International Military Tribunal for the Far East	...	...	...	...	...	14
	APPENDIX B: Revised Resolution concerning Arrest of War Criminals, as presented on 12.2.46 to the competent Committee of the United Nations	...	...	...	...	...	17
	APPENDIX C: Extract from a Resolution proposed by the United States Delegation to the United Nations concerning Refugees, on 5.2.46.	...	...	...	...	...	18

I.

PUBLIC RELATIONS.

(Contributed by the Public Relations Officer)

The national papers of January 28th, and a few provincial papers reported the move of the United Nations War Crimes Commission to its new offices in Lansdowne House, Berkeley Square, W. 1.

An announcement of the issue of a 24th list of War Criminals, containing the names of Japanese wrongdoers, was put out after the Commission meeting held on January 30th and appeared in "The Times" and other national papers of the following day.

A story regarding the dying confession of Ziereis, Commandant of the Mauthausen Concentration Camp, was issued via the Ministry of Information on January 12th.

As this number of the Digest goes to press, an important meeting is being held in regard to the tour of the Nazi Crime Exhibition throughout the country. It is a question of making final and complete arrangements between Paris and the French Embassy in London, and as soon as this is happily arranged, a series of towns will be selected.

It would appear that the first showing will take place in the premises of Lewis's, the large departmental store in Leeds.

II. ...

II.

S U M M A R Y O F E V E N T S

A U S T R I A

14.1.46. The Linz radio broadcast a second list of 55 war criminals compiled by the Preparatory War Crimes Commission. It included Adolf ANDERLE, Captain of SS; Josef AURINGER, Gestapo official; Hans PEIRUS, Colonel of SS; Gustav DIETZEL, Gau propaganda Chief for Styria; Hans GLUECK, Major General of SS; Maximilian GRABNER, mass murderer at Auschwitz Concentration Camp; Franz KLEEDORFER, "the blood hound of Athens", Lt.-Colonel of SS; Hans LUKAS, accused of killing 300 Jews at Guond Camp; Hans RAUTER, Lt.-General of SS; Emil MARKART, Gestapo official accused of murdering foreigners; Johann RITZINGER, high official of the Jewish department of the Gestapo, and many others.

The Austrian authorities have asked the Allies to hand over to them those war criminals on the list who are in Allied custody. To ensure international co-operation in the prosecution of war criminals, a copy of this list is to be passed to the Central Office for the prosecution of war criminals in Paris. Further lists of major war criminals are in preparation.

1.2.46. The Austrian Minister of Justice, asked by an interviewer whether his Government would maintain the demand for the extradition of the war criminals Schirach, Kaltenbrunner, Seyss-Inquart if they were sentenced by the International Court, said that it was expected that the Court would take a decision on the handing over of these war criminals to Austria before sentences were passed. Should they be handed over to Austria after being sentenced, the Austrian Government would have to decide whether these sentences were adequate or whether they should be tried by an Austrian People's Court.

30.1.46. An agency message reported that Dr. Anton Rintelen, former Gauleiter of Styria, who was to have been tried as a war criminal, had died near Graz.

2.2.46. War Crimes Exhibition in Austria

The Moscow radio reported the opening in Vienna of a "Crimes of the Nazis" exhibition, organized by the French Military Command in Austria. The Exhibition was opened by General Bethouard and the visitors included Marshal Konev, General McCreary and Austrian ministers.

B E L G I U M

30.1.46. The Ministry of Justice announced that, as the result of an inquiry by the (Belgian) War Crimes Commission, it appears that several Belgian nationals, mostly Jewish, were deported from Spain to Germany in June and July 1940, under an agreement by which the French Government authorised the Gestapo to choose among inmates of Spanish prisons those whom it wanted to deport to Germany. Anyone who could give information on this matter was asked to inform the War Crimes Commission at Brussels.

C Z E C H O S L O V A K I A

- 26.1.46. The Prague radio announced that SS Hauptsturmführer Jaeckel, former Commandant at Terezin, his wife and daughter, Max Ruske, former Head of the Third Department of the Gestapo, and Dr. Grietsch, former Mayor of Mariánské Lázně, (Marienbad), had been brought from Germany to Prague under escort. Jaeckel was later taken to the scene of his crimes.
- 31.1.46. The "Rudo Pravo" reported that the Czechoslovak police had arrested a group of German women in Fryvaldov. They are former superintendents in the concentration camps at Ravensbrück and Oswiecim, and included Sofia Nietzsche, Emilia Boeke, Wilhelmina Engels, Anna David and Ingeborg (? Wernat). All these women volunteered in 1943 as members of SS detachments and superintendents in concentration camps. Before they started on their criminal duties they were specially trained at Ravensbrück. Sofia Nietzsche said they were taught how to force women prisoners to work by beating and torturing them; while being trained she killed 50 women by striking them on the temple with her fist; she admitted killing 1,000 women altogether. The women will be brought to Moravská Ostrava for trial.
- 31.1.46. Dr. ECER informed the Press that three more Nazi criminals would probably be extradited to Czechoslovakia. They were: Kurt DALUEGE, Gen. VOSSE and Maj. Hans HOFFMANN. Daluege was in Nuremberg prison. His evidence was no longer needed there. In Prague he would be called as a witness against K.H. Frank and would then be tried. Gen. VOSSE was commander of the 6th SS Death's Head Regiment in Prague from 1939. On Frank's orders he sent a firing squad to the Ruzyn airfield to execute a large number of Czech students. Maj. Hans Hoffmann was Frank's ADC. Hoffmann would also give evidence at Frank's trial, which would probably open in March.
- Dr. Ecer also spoke about the Nuremberg trial. He said the Czechoslovak delegation was in daily touch with the Soviet prosecutors, whom it had supplied with extensive evidence on German crimes against Czechoslovakia, such as the depositions of K.H. Frank, proof of Neurath's crimes against Czech students, etc. The figures of Czechoslovak losses submitted are 160,000 people and over 360,000,000 crowns. Two German documentary films, one about Lidice and the other about Terezin, were also submitted by the Czechoslovak authorities.

D E N M A R K

- 19.1.46. The Daily Telegraph reported that Hans Toft, 19, who during the Nazi occupation worked as a torturer in the Gestapo H.Q. in North Jutland, had been sentenced to death. It was the fifth death sentence passed in Denmark since the liberation.
- 6.2.46. According to the Swedish "Information", extensive investigations are to be started in the German refugee camps in Denmark. It has been found that these camps are being used to screen a Nazi fifth column, and it is believed that all the leaders of the East Prussian Gestapo are hiding among the refugees. Recently the German leader of the biggest camp was arrested as a war criminal. (The latter statement possibly refers to Loritz.)
- 6.2.46. Interrogation reports submitted to the Nuremberg Tribunal showed that Dr. Werner BEST, the former German plenipotentiary in Denmark, and Police General Pancke, head of the SS in Denmark had been concerned in the murder of over 100 prominent Danes; this crime had been decided upon after a conference, in 1943, between Best, Himmler and Kaltenbrunner. (Best and Pancke are on the UNWCC List of war criminals.)

FRANCE

- 28.1.46. The Paris radio reported from Strasbourg that Simon, Nazi Public Prosecutor at the Special Tribunal in Strasbourg, had been questioned on war crimes committed in Alsace during the occupation. Simon stated that, in most cases, Gauleiter Wagner decided what sentences should be passed on Alsatian patriots.

GERMANY

American Zone

- 18.1.46. The "Dana" service reported from Dachau that the War Crimes Trial Commission announced that a second trial of former SS guards, officials and physicians of Dachau concentration camp would take place early in February. Charges of deliberate mistreatment and murder of concentration camp inmates had already been completed against the 25 defendants in the forthcoming trial.
- 27.1.46. General Truscott, commanding the 3rd U.S. Army, informed the Press that three of the death sentences imposed on the defendants at the first Dachau trial had been commuted to imprisonment, viz: Dr. Hans EISELE, on the ground that he tried to improve conditions and obtain medicine for prisoners; Dr. Fridolin PUHR, on the ground that his only contact with the prisoners was as witness of executions and signing death certificates; MAHL, the hangman, on the ground that 'the acts he committed under the orders of S.S. superiors were a result of the moral degradation he suffered in the concentration camp.' The death sentences on the remaining 33 defendants are awaiting confirmation by General MacNarney.
- 18.1.46. The "Dana" news service reported that three Germans convicted of killing captured American airmen were hanged on January 12th at Bruchsal prison. The three, Dominikus Thomas, Wilhelm Dietermann and Karl Block were all found guilty by a military commission of shooting Americans who had parachuted over Germany.
- 7.2.46. The American news service reported that 15 German ex-soldiers and civilians were arraigned before the Ludwigsburg War Crimes Court on 6th February charged with the murder of 7 American airmen who crash landed on Borkum Island on August 4th, 1944. The report added:
- "The trial is considered one of the most important, certainly involving the most defendants, in the series of more than 65 cases scheduled for this court which first opened in November."
- 6.2.46. The American news service in Germany reported that the indictment of a score of German industrialists and financiers at a trial to be held after the present Nuremberg trials had been under discussion at Frankfurt, Nuremberg and Paris for some weeks; representatives of France, Great Britain, the U.S.A. and U.S.S.R. would shortly meet to take a decision. The statement continued:
- "If such a trial is held there is general agreement that one of the defendants would be Alfred Krupp, son of the ailing munitions-maker. Others almost certainly would include directors or representatives of the Hermann Goering works, the Rhine metal industry and the IG Farben industrial empire. U.S. Prosecutor Robert H. Jackson last November said in a formal statement to the tribunal, 'The interests of justice cannot be determined without taking into account the justice to men of four generations whose lives have been menaced by Krupp munitions and Krupp armament.'"

GERMANY (Cont.)

American Zone (Cont.)

19.1.46. The American Press service reported that Matthias PIER, head of Germany's synthetic petrol industry had been arrested by the military authorities in Heidelberg. He joined the Nazi party in 1937 and became an officer in the S.A. in 1943.

14.1.46. It was confirmed that Dr. Leonardo CONTI, former Minister of Health, who was responsible for the deaths of thousands of persons for the sake of "race purity" killed himself in his cell at Nuremberg 3 weeks before Dr. Ley's suicide.
(Conti was on the UNWCC List)

British Zone

7.2.46. Forthcoming trials: (officially communicated). Arrangements have been made for the following trials of war criminals:
11th February, Hamburg; GRUMPELT - The scuttling of submarines after surrender.
15th February, Wuppertal; DREIHALDER CASE - The killing of a number of Air Force officers.
25th February, Hamburg; TESCH & OTHERS - Use of poison gas at Concentration camps. To follow TESCH, - Neuengamme Concentration Camp - 13 accused at Hamburg.

(See also Document C. 168)

4.2.46. The Berlin radio, referring to the capture of LORITZ, former commandant of Sachsenhausen concentration camp, by the British authorities, published an interview with a former inmate of that camp, who said:

"This man who is responsible for countless murders, should be brought to trial at the place where his crimes were committed. A court should be set up in Sachsenhausen to pass sentence on this murderer; for there are innumerable witnesses there who have first-hand knowledge of his misdeeds."

ITALY

2.2.46. The Italian Cabinet's Press Office announced: "Two days ago the Allies handed over to the Italian judicial authorities Dr. Maximilian Bernhuber, whom they arrested at Bolzano last August. He was a director of the Reichsbank, and, was responsible for the removal of the Bank of Italy gold reserve, for the imposition of L12,000,000,000 monthly as occupation expenses for the German armed forces in Italy, for printing Italian currency for the use of those forces, for the purchase of large quantities of goods which were sent to Germany and for the looting of many Italian works of art. Dr. Bernhuber was taken to the Boccea fortress and will be the first Nazi war criminal to be tried by an Italian military court."

POLAND

(25.1.46. The Ministry of Justice published a 3rd List of 75 German war
29.1.46. criminals, whose names were to be broadcast in 5 batches, 15 names at a time. All persons having information about the men named were requested to inform the (Polish) Investigating Commission. The names

P O L A N D (Cont.)

included: HAUSNER, official of the Oswiecim and Rajsk concentration camps from 1940 to 1943; HASSE, women official in the women's section of the Oswiecim and Rajsk concentration camps from 1940 to 1943; Hans HECKER, SS leader in Gniezno from 1939 to 1942; HERMANN, President of Danzig and West Prussia from 1939 to 1942; HESSE, Deputy President for Wartheland from 1939 to 1942; HEIDRICH, official of the Oranienburg concentration camp from 1939 to 1942; HILDERBRANDT, Chief of Police for Danzig and West Prussia from 1939 to 1943; Walter HILLER, Chief of Police for Wartheland from 1940 to 1943; (?HURT), Chief of Police in Cracow from 1939 to 1942; Arthur KRISLAN von HIRSCHFELD, District Chief in Inowroclaw in 1939; Rudolf HESS, Commandant of the Oswiecim and Rajsk concentration camps from 1940 to 1943; HOFFMAN, Commandant of Oswiecim in 1943; HOFFMANN, Chief of the Nowy Sacz Gestapo till 1943; Joseph SAUKE, Chief of the Jaslo Gestapo from 1944; Dr. HAHN, Chief of the Cracow Gestapo in 1940 - 41 and later Chief of the Warsaw Gestapo until 1944; Hans WITTECK, member of the Jaslo Gestapo in 1943 - 44; DATZ, Gestapo commander in Cracow in 1943 - 44; KRAUSS, Deputy Commander of the Cracow Gestapo in 1940 - 44; WEICHELT, Commander of the Sicherheitsdienst in Sanok in 1940 - 42 and in Przemysl in 1942 - 44; BARISCH; Willy STANICKI, Chief of the Sanok Gestapo in 1939 - 42, and in Lwow in 1942 - 45; Hans OBERLINDOVER, a general, friend of Hitler; Gustav BECKMANN, Chief of the Gestapo for the Cracow District.

- 6.2.46. The Polish Press Agency reported that the Polish Prosecutor Sawicki had questioned Gen. von dem Bach in Nuremberg, on his rôle in the destruction of Warsaw during the rising. Bach stated that he had intervened against shooting civilians, but that the general of the police troops had invoked Hitler's order that no prisoners were to be taken. Bach attempted to put all the responsibility on Himmler, and stated that he personally had sabotaged Hitler's orders.

U. S. S. R.

The Kiev Trial (See also Press News Summary No. VI)

- 29.1.46. The trial of Lt. General SCHEER, Lt. General BURCKHARDT, Maj. General von TSCHAMMER und OSTEN, Obersturmbannführer SS HEINISCH, and 11 other members of the German Army continued before the Military Tribunal at Kiev. The evidence showed that more than 4,000,000 Soviet citizens had been put to death during the German occupation of the Ukraine, and that 2,000,000 others were deported for slave labour in Germany. Eleven of the defendants, including Lt. General Scheer, pleaded guilty on all counts.

- 30.1.46. All the accused were found guilty; Generals Scheer, Burckhardt, von Tschammer and nine others were sentenced to be hanged; the three other defendants were sentenced to 15 - 20 years imprisonment.

The Minsk Trial (See also Press News Summary No. VI)

- 22.1.46. The Military Tribunal at Minsk continued the trial of 18 Germans, including Lt. General RICHERT, Maj. General HERF, Maj. General ERMANNSDORF and other high ranking officers, charged with atrocities committed during the occupation of Byelorussia. The indictment stated that over 2,000,000 Soviet citizens had been exterminated, and about 380,000 deported as slave workers to Germany.

- 2.2.46. All the 18 accused were found guilty; 14 of them were sentenced to be hanged; the remainder received sentences of imprisonment ranging from 15 - 20 years. The death sentences were carried out on the following day at the city's racecourse.

U. S. S. R. (Cont.)

The Riga Trial.

- 29.1.46. The Military Tribunal of the Riga District began the hearing of the case against Germans charged with committing atrocities during the occupation of the Latvian, Lithuanian and Estonian Republics. The defendants included: General of Police ECKELN, Lt. General RUFF, Lt. General Dejon von MONTETON, Lt. General WOLFGANG von DITFURT, Maj. General WERTHER, Maj. General Bruno PAUL, Maj. General KNEPPER and SA Standartenführer BECKING. The evidence showed that during the occupation, over 1,400,000 people were put to death, property was looted and whole towns were destroyed. On February 3rd the court found all the prisoners guilty. Seven of them were sentenced to death by hanging; the remainder to varying terms of imprisonment; the death sentences were carried out the same day.

The Velikie Luki Trial

- 2.2.46. A number of Germans, among them Lt. General Fritz von RAPPARD, Col. E. von SASS, Major SONNEWALD besides other officers and N.C.O.'s of the German Army, were arraigned before a Military Tribunal at Velikie Luki. According to the indictment, the Germans exterminated about 60,000 Soviet civilians and prisoners of war in the Velikie Luki region; they deported some 40,000 others to slavery in Germany. On February 1st the Court declared all the defendants guilty; eight of them were sentenced to death by hanging; three others to varying terms of imprisonment. The death sentences were carried out on the same day.

YUGOSLAVIA

- 5.2.46. In the House of Commons on February 4th Mr. McNeil said, in answer to a question, that the British Government had received requests from the Yugoslav Government for the surrender of a number of quislings and people of Yugoslav nationality alleged to have engaged in treasonable activities against the Yugoslav State and to be guilty of offences under Yugoslav law. Up to the present the allied authorities in Italy had traced and surrendered to the Yugoslav Government four of those concerned including the principal Slovene quisling, General Rupnik. General Nedic had been handed over by the United States authorities. Search for others continued.
-