

No.36.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Notes of the Meeting of Committee I held on Wednesday  
31st October 1945, at 10.30 a.m.

In the Chair: Lord Wright, (Chairman of the Commission.)

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	United States of America,
Mr. Beaumont,	United Kingdom,
Major Dr. Fanderlik,	Czechoslovakia,
Dr. Mayr-Harting,	Czechoslovakia.

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

Mr. Burdekin,	New Zealand,
Mr. Kent,	United Kingdom,
Dr. Cyprian,	Poland,
M. Ziller,	France.

In the absence of M. de Baer, Lord Wright took the Chair.

I. Minutes of the Last Meeting.

On the motion of Captain WOLFF, the Notes No.35 of the last meeting were amended to the effect that the last paragraph on page 6 should read as follows:

" Captain WOLFF said that the accuracy of this document should be carefully checked by the Legal Officers as well as by the Research Officer. He suggested that the following passages be deleted on page 19: the first entire paragraph and the 5th sentence of the 2nd paragraph. He stated that it was unnecessary to express an opinion on the accuracy of the mentioned passages; even if we assume their accuracy, they would seem to be unnecessary and might give rise to controversy. "

The Committee also took notice of two amendments sent by Sir Robert CRAIGIE who was unable to attend the meeting, to the effect that in the 3rd paragraph on page 2 the word "strongly" in the first line should be omitted and in the second line of the same paragraph the word "Italian" should read "Yugoslav".

II. Proceedings in Individual Cases.

## 1) Polish Cases.

The Committee considered one Polish case, No.1083 and decided to list all the accused on 'A'.

2) French Cases.

The Committee decided upon 12 French cases as follows:

- 1710, 1 on 'A'. 2 and 3 on 'C'.  
1711, On 'A'.  
1712, 1 - 6 on 'A'. 7 on 'C'.  
1713, 1 and 2 on 'A'. 3 on 'W'.  
1714, On 'A'.  
1715, The accused on 'A' plus REISER on 'W'.  
1716, This case was adjourned in order to enable the French National Office to supplement the charge with the police ranks of members of the Gestapo and with the description in full of the various sections of the Gestapo indicated only by numbers.  
1717, On 'A'.  
1718, The accused 1 - 4 on 'A'. Suspects 1 - 14 on 'S'.  
1719, On 'A'.  
1720, On 'A'.  
1721, 1 - 3 on 'A'. 4 on 'W'.

3) United Kingdom cases against Germans.

The Committee decided upon the addenda to two old cases and upon 13 new United Kingdom cases as follows:

- 789, (Addendum) MARIANELLO as the accused No.4. on 'A'.  
961, (Addendum) All on 'A' with all the amendments proposed by the National Office.  
1489,) 1 on 'A'. 2 - 4 adjourned pending further investigation  
1490,) by the National Office.  
1491,) On 'A'.  
1726, On 'A'.  
1727, On 'A'.  
1728, On 'A' with the understanding that the accused's name was corrected for KRAUSE or KRAUS instead of Kreutzen.  
1729, 1 on 'A'. 2 on 'C'.  
1730, On 'A'.  
1731, On 'S'.  
1732, On 'A'.  
1733, On 'S'.  
1734, On 'A'.  
1735, 1 on 'A'. 2 - 4 adjourned pending further investigation as to their identity.

4) United Kingdom Cases against Japanese.

The Committee decided upon the following 7 United Kingdom cases:

- P.22, 1, 2, 3, 4, 7, 11, 12, 13 and 14 on 'A'.  
5, 6, 8 and 15 on 'C'.  
9 and 10 on 'W'.  
P.23, 1, 2, 3, 4, 7, 10, 11, 12, 13 and 14 on 'A'.  
5, 6, 8 and 15 on 'C'.  
9 on 'W'.  
P.24,) 1, 2, 3, 4, 6 and 8 on 'A'.  
P.25,) 5 and 7 on 'C'.

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- P.26, 1, 2, 3, 4, 7, 9, 10 on 'A'.  
5, 6, and 8 on 'C'.
- P.27,) 1, 2, 3, 4, and 6 on 'A'.
- P.28,) 5, 7 and 8 on 'C',  
9 on 'W'.

The Committee further decided to list all the persons mentioned in paragraph 3 sub (1), (2) and (3) of the addendum to the above cases, on 'W'.

#### 5) United States Cases.

The Committee decided upon 10 United States Cases against Japanese and 2 cases against Germans as follows:

- P.29, 1 and 2 on 'A', Witness left out.
- P.30, 'A'. Witness left out.
- P.31, 'A'. Witness left out.
- P.32, Both on 'A' with the understanding that the accused No.2. was commandant of the Prisoner of War Camp.  
Witness left out.
- P.33, On 'A' with the understanding that the accused No.2. was commandant of the camp. Witness left out.
- P.34, On 'A'. Witness left out.
- P.35, On 'A'. Witness left out.

In all the above cases the witnesses were left out because the persons indicated were not enemy witnesses.

- P.36, On 'A'.
- P.37, On 'A' with the understanding that the accused No.2. was commandant of the camp.
- P.38, On 'A'.
- 1631, (Previously adjourned). After some explanation by Captain Wolff the Committee considered the facts presented in this case as constituting a prima facie case of ill-treatment and decided to list all the accused on 'A'.
- 1739, 1 and 3 on 'A'. 2 on 'C'.

#### 6) Belgian and Yugoslav Cases.

The consideration of the Belgian and Yugoslav cases was adjourned because no representatives of the National Offices concerned were present.

- III. (a) Report on Arrest of persons listed by the Commission (Doc.I/40)
- (b) Report on Trial of persons listed by the Commission (Doc.I/42)
- (c) The case of Colonel Langsdorff (Summary of Information No.34)(Doc.I/43)

The consideration of these three items was adjourned.



No.35.  
26th October 1945.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes No.35 on the Meeting of Committee I held on 24th October 1945  
at 10.30 a.m.

Chairman, M. de Baer (Belgium)

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	United States of America.
Sir Robert Craigie,	United Kingdom,
Dr. Mayr-Harting.	Czechoslovakia.

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

Lord Wright,	Chairman of the Commission,
Dr. Zivković	Yugoslavia,
Mr. Kent,	United Kingdom,
Mr. Burdekin,	New Zealand,
M. Ziller.	France.

I. Proceedings in Individual Cases.

1) Yugoslav Cases Nos.1323, 1339, 1461 and 1462.

Dr. ZIVKOVIC opened the discussion on the above four Yugoslav cases which had been previously adjourned several times (see Docs. I/25 and I/30). With regard to case No.1323, Dr. ZIVKOVIC referred to his addendum which shows that Yugoslav citizens were sentenced by the Special Court as well as persons described as Italians of Yugoslav race. He expressed his view that all members of this special Italian court should be held responsible for sentencing Yugoslav citizens and so far as Italian citizens of Yugoslav origin were concerned the respective crimes should be regarded as crimes against humanity. Dr. Zivkovic proposed that the perpetrators of these crimes should be listed on special lists by the United Nations War Crimes Commission.

With regard to case No.1339, he said that this case was closely connected with the previous one and stressed the fact that all the victims were ill-treated and many atrocities committed when they were awaiting trial by the special court in Rome. Among the detained and mal-treated persons was at least one Yugoslav citizen, namely Professor CERMEJ, who had never been of Italian citizenship.

With regard to the case No.1461, Dr. Zivkovic pointed out that only paragraph 3 referred to crimes against Yugoslavs of Yugoslav citizenship.



M. de BAER pointed out that crimes committed by Italians against Italian citizens of Yugoslav origin were in point of law on an equal footing to crimes committed by Germans against Germans or by Italians against Italians.

Dr. MAYR-HARTING was in favour of listing forthwith those who had committed crimes against Yugoslav nationals and postponing the decision with regard to crimes against Italian citizens until the question how to proceed against perpetrators of crimes against humanity will have been settled. He referred to the discussions taking place in Committee III on this subject.

Yugoslav Sir Robert CRAIGIE felt ~~strongly~~ that it would be a mistake to leave crimes against ~~Italian~~ nationals unpunished and expressed his agreement with the proposals put forward by Dr. Mayr-Harting.

Captain WOLFF said: It appears that many of the crimes were committed by Italians against Italians, and while it is stated that some of the victims were of Yugoslav origin this would not appear to be relevant to the problem. In view of these circumstances it is felt that the accused should not be listed by the Commission but that the cases should be more properly referred to the Allied Control Commission for Italy.

When the Committee started examining Dr. ZIVKOVIC's addendum in detail, Sir Robert CRAIGIE said that the addendum had not been sent to him. He declared that he had no objection to the Committee examining it but his final attitude he would state in the Committee's next meeting.

The Committee decided to limit its present discussions to those parts of the four cases in which Yugoslav citizens were among the victims. The following were the principal decisions taken by the Committee on the cases mentioned under I - XI of the Yugoslav addendum to the Charge No. 1323.

Paragraph I. Having regard to the fact that the Yugoslav National, Professor CERMELJ was among the victims the Committee decided to put the persons involved in this case on 'A', Sir Robert CRAIGIE reserving in this, and in all the following cases, his decision. (This decision of the Committee concerns the accused Nos. 1, 7, 13, 16, 17, 24 and 26, who go on 'A'.)

Paragraph II. This crime concerns only Yugoslav victims. It was decided to put the persons involved on 'A'. (This decision concerns the accused Nos. 4, 7, 12, 20, 27 and 39 and a man called PALMERI: there are two men with the family name of Palmeri, contained in the list of accused, namely No. 19, Gaetano Palmeri and No. 30, Alessandro Palmeri. The Yugoslav National Office will therefore have to be asked to indicate ~~who~~ of these two persons is involved in this particular crime.)

Paragraph III. Because it is not stated that Yugoslav citizens were among the victims of this crime, this part of the case was adjourned.

Paragraph IV. This paragraph concerns a crime committed before the outbreak of the war between Yugoslavia and Italy. The case was therefore adjourned.

Paragraph V. After discussion the Committee took note of the statement made by Dr. ZIVKOVIC to the effect that the victims of this crime were uniformed members of the Yugoslav gendarmerie who had not crossed the Yugoslav/Italian border when performing their military duty of

M. de BAER pointed out that crimes committed by Italians against Italian citizens of Yugoslav origin were in point of law on an equal footing to crimes committed by Germans against Germans or by Italians against Italians.

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Captain WOLFF said: It appears that many of the crimes were committed by Italians against Italians, and while it is stated that some of the victims were of Yugoslav origin this would not appear to be relevant to the problem. In view of these circumstances it is felt that the accused should not be listed by the Commission but that the cases should be more properly referred to the Allied Control Commission for Italy.

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Paragraph I. Having regard to the fact that the Yugoslav National, Professor CERNELJ was among the victims the Committee decided to put the persons involved in this case on 'A', Sir Robert CRAIGIE reserving in this, and in all the following cases, his decision. (This decision of the Committee concerns the accused Nos. 1, 7, 13, 16, 17, 24 and 26, who go on 'A'.)

Paragraph II. This crime concerns only Yugoslav victims. It was decided to put the persons involved on 'A'. (This decision concerns the accused Nos. 4, 7, 12, 20, 27 and 39 and a man called PALMERI: there are two men with the family name of Palmeri, contained in the list of accused, namely No. 19, Gaetano Palmeri and No. 30, Alessandro Palmeri. The Yugoslav National Office will therefore have to be asked to indicate who of these two persons is involved in this particular crime.)

Paragraph III. Because it is not stated that Yugoslav citizens were among the victims of this crime, this part of the case was adjourned.

Paragraph IV. This paragraph concerns a crime committed before the outbreak of the war between Yugoslavia and Italy. The case was therefore adjourned.

Paragraph V. After discussion the Committee took note of the statement made by Dr. ZIVKOVIC to the effect that the victims of this crime were uniformed members of the Yugoslav gendarmerie who had not crossed the Yugoslav/Italian border when performing their military duty of



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patrolling and reporting. The Committee decided to put the persons involved in this crime on 'A'. (This decision concerns the accused Nos. 2, 8, 11, 15, 17, 20, 23 on 'A'.)

Paragraph VI. This paragraph concerns two Yugoslav citizens who had been sentenced for getting into touch with the American Consul General in Zagreb. Dr. ZIVKOVIC said that this was sufficient to establish a prima facie case. Captain WOLFF was not so sure about that, having regard to the fact that it all happened under military occupation. The Legal Officer, Dr. SCHWELB mentioned that in his view, the belligerent occupation had no extra-territorial effect and could not affect ships sailing in the western hemisphere. The Committee decided that Dr. Schwelb should report on this legal question in more detail for the next meeting. This part of the case was adjourned.

Paragraph VII. The victims in this case were Italian citizens serving in the Yugoslav army. This part of the case was adjourned.

Paragraph VIII. When this part of the case was discussed, it appeared doubtful to some of the members whether what had been committed, was a war crime. The Yugoslav victims had been sentenced for maintaining liaison with the British. If this allegation had been genuine, the Italian authorities would have been entitled to suppress such activities. The case was adjourned to enable the Yugoslav National Office to furnish additional information showing that the judges had no reason to believe the allegation to be true. Dr. Zivkovic further mentioned that the court trying this case was not a court which the occupation authorities were entitled, under International Law, to establish in the occupied territory, but it was an Italian court Established in Italy for the suppression of the opponents of the fascist régime.

Paragraph IX. This part of the case was adjourned because in the opinion of the Committee the material so far furnished had not established a prima facie case against the accused as many Continental legal orders allowed the punishment of certain crimes committed by foreigners abroad.

Paragraph X. Having regard to the fact that among the victims was one Yugoslav national serving in the Yugoslav army of Liberation (Jardas), the Committee decided to put the persons involved in this part of the case on 'A'. (This decision concerns the accused Nos. 2, 8, 13, 16, 18, 25 and 26.)

Paragraph XI. In this part of the charge which concerns sentences passed upon the internees of the LIPARI Islands Concentration Camp, the Committee expressed its opinion that the Italian authorities would, at the utmost, have been entitled to make use of disciplinary powers against the internees. There was, therefore, the suspicion that a crime had been committed by sentencing the internees to hard labour for many years. It was, therefore, decided to put the persons involved in this crime on 'B'. (This decision refers to the accused Nos. 5, 9, 17, 22, 29, and 33 and one of the two accused Palmeri (19 or 30)).

Paragraph XII. Dr. ZIVKOVIC declared that no particular person was charged with the crime described under XII of the addendum.

In the case No. 1339, Dr. ZIVKOVIC declared that he would supplement the charge by giving additional information about the accused No. 2. (General CORTE). The persons named under 1, 3, 4 and 5 were put on 'A' because they were responsible for the ill-treatment, inter alia of the



Yugoslav national Dr. Cernelj, No.1. being the chief and Nos. 3, 4 and 5 the actual perpetrators and members of the Italian OVRA, the Italian Fascist police organisation, corresponding to the German Gestapo. As to the accused No.2, the charge was adjourned.

In the case No.1461, Dr. ZIVKOVIC declared that he would place before the Committee additional information about the geographical position of the places mentioned in paragraph 3 of the charge and about the nationality of the victims mentioned there. His proposal to adjourn this case was agreed to.

In the case No.1462, Dr. ZIVKOVIC proposed that it should be dealt with as a charge alleging crimes against humanity. The case was accordingly adjourned.

Regarding the question how to dispose of those parts of the charges 1323, 1461 and 1462, which did not allege crimes committed on allied territory or against allied nationals, but which accused the persons named of crimes against humanity, Dr. MAYR-HARTING proposed that this question should be referred to Committee II (Enforcement) with the request that Committee II should, before making its recommendations, have regard to the recommendations of Committee III which at present was discussing the problem of crimes against humanity.

Captain WOLFF proposed that Dr. Zivković should separate those parts of the charges which dealt with crimes against humanity from those which contained charges of war crimes proper. He proposed again that the charges containing allegations of crimes against humanity should be referred to the Allied Control Council for Italy.

A decision on this question was adjourned until the report of Committee III on the case of Sepp Dietz (No.26) will be before Committee I.

Having regard to the fact that M. de Baer will not be in London next week, it was further decided that the final decision of these cases as far as they concerned war crimes proper will be made in the Committee's meeting of 7th November 1945.

In case Sir Robert CRAIGIE or any other member of the Committee should not express their disagreement with the decision as to listing persons upon that part of the cases which referred to war crimes proper against Yugoslav nationals, the case of these accused will not be further discussed in Committee I and they will be put on the appropriate list after the meeting to be held on 7th November.

## 2) British Cases.

The Committee decided upon the addenda to 8 old cases and upon 13 new United Kingdom cases as follows:

### (a) Addenda.

1489,	On 'C'
1490,	On 'C'
1491,	On 'C'
1560,	No change. It remains on 'C' because the additional information transmitted by the United Kingdom National Office was not considered sufficient.
1562,	Both new names on 'A'.
1563,	This case was adjourned on the proposal of Mr. Kent, for further clarification by the National Office of the evidence presented in this case.

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789 and 961. The consideration of these two cases was postponed until next week.

(b) New Cases.

1643. Captain WOLFF stated that he was not in full agreement with all details of the opinion expressed in Dr. Schwelb's paper I/41, but had no objection to listing the accused on the ground that the case disclosed a wanton act not justified by military necessity, because military necessity does not admit of cruelty or infliction of suffering for revenge. It was decided to list the accused on 'A'.
1644. On 'A'. This case was brought up by the United Kingdom National Office on behalf of Australia.
1645. 1 on 'A', 2 on 'W'.
1646. On 'A'.
1647. On 'A'.
1648. On 'A'.
1649. On 'A' with the understanding that Article 31 of the Convention of 1929 (Prisoners of War) be added by the Committee as an additional description of the crimes referred to in this case.
1650. 1 on 'C', 2 on 'A', 3 and 4 on 'C'.
1651. On 'A'.
1652. On 'A'.
1653. 1 - 4 plus SCHMIDT on 'A'.
1654. On 'A'.
1655. On 'A'.

3) United States Cases.

The committee decided upon the following 13 United States Cases:

1656. On 'A'.
1657. 1 on 'A', 2 and 3 on 'S'.
1658. On 'A'.
1659. On 'A'. witness left out (not enemy witness)
- 1660, 1661, )
- 1662, 1663, )
- 1664, 1665, ) On 'A'.
- 1666, )
1667. 1 and 2 plus VOLLBEHR on 'A'.
1668. On 'A'.

4) French Cases.

The Committee decided upon the addenda to 5 old cases and upon 53 new French cases as follows:

(a) Addenda.

441. On 'A'.
564. On 'A' plus WILMOUTH on 'W'.
663. 1 and 2 on 'A'. 3 adjourned for further information to be supplied by the National Office. 4 on 'C'.
728. On 'A'.
1517. On 'A'.

(b) New Cases.

- |               |  |
|---------------|--|
| 1669.         | 1 - 15 plus Marx or Max on 'A'. 16 and 17 on 'W'.                      |
| 1670.         | 1, 2 and 3 on 'A'. 4 - 8 on 'S'.                                       |
| 1671.         | On 'A'.  |
| 1672.         | Both on 'S'.   |
| 1673.         | On 'A'.  |
| 1674.         | On 'A'.  |
| 1675.         | 1 - 11 on 'A'. 12 - 16 on 'S'.   |
| 1676.         | On 'A'.  |
| 1677.         | On 'W'.  |
| 1678.         | 1 - 4 on 'A'. SCHLINDER and HOFFELDER on 'W'.                          |
| 1679, 1680, ) |  |
| 1681, 1682, ) | On 'A'   |
| 1683, )       |  |
| 1684.         | Adjourned for the necessary identification of the unit involved.       |
| 1685, 1686, ) |  |
| 1687, 1688, ) |  |
| 1689, 1690, ) | On 'A'.  |
| 1691, 1692, ) |  |
| 1693, 1694, ) |  |
| 1695, 1696, ) |  |
| 1697.         | On 'A', plus OTTO on 'W'.  |
| 1698.         | 1 on 'A', 2 and 3 on 'W'.  |
| 1699.         | On 'S'.  |
| 1700.         | On 'A'.  |
| 1701.         | On 'A'.  |
| 1702.         | 1 on 'A', 2 on 'S'.  |
| 1703.         | On 'A'.  |
| 1704.         | On 'A'.  |
| 1705.         | 1, 2 and 3 on 'A'. 4 on 'S'.   |
| 1706.         | On 'A'.  |
| 1707.         | 1 plus Robert X. on 'A'. 2 on 'W'.                                     |
| 1708.         | On 'A'.  |
| 1709.         | On 'A'.  |
| 1710 - 1721.  | The consideration of these cases was adjourned until the next meeting. |

5) Belgian Cases.

There was not sufficient time to deal with the Belgian cases and it was decided that they should be adjourned until next week.

II. Report by the Legal Commission of The Free German Movement. (Doc.C.152.)

The Chairman submitted for consideration the report prepared by the above mentioned Commission concerning the persecution of the German anti-Nazis since 1933.

Captain WOLFF was in favour of giving more opportunity to members of the Committee for careful study of this very extensive document. Captain Wolff further suggested that one paragraph and one sentence be deleted on page 19 of this report, i.e. the whole of the first paragraph on this page and out of the heading "The Protestant Church" the fifth sentence beginning with the words "A great majority" up to the words "conflict with Protestantism" because of the inaccurate statements they implied.

Amended  
Dec No 36.



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It was decided to propose to the Commission that afternoon the deletion of these two items from the report as well as to ask the legal officers of the Commission to check up the accuracy of other statements of this document.

- III. (a) Report on Arrest of persons listed by the Commission (I/40)  
(b) Report on Trial of persons listed by the Commission (I/42)

The consideration of these two reports was adjourned.

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No.34.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.

Notes No.34 of the Meeting of Committee I held on 17th October 1945  
at 10.30 a.m.

Chairman,

M. de Baer, (Belgium)

There were also present:

Members of Committee I and their deputies:Sir Robert Craigie,  
Captain Wolff,United Kingdom,  
United States of America,Members of the Commission, not Members of Committee I.M. Golstein,  
Professor Gros,  
Dr. Zivković,Belgium,  
France,  
Yugoslavia.I. Minutes of the Last Meeting.

On the motion of Captain Wolff, the Minutes No.33 were amended to the effect that paragraph 5 on page 3, should be corrected as follows:

" 5 Yugoslav Cases, Nos.1323, 1339, 1461 and 1462.

As regards these four cases, Captain Wolff stated that they raised novel and difficult questions which should be carefully studied. As Colonel Hodgson had been out of town recently and had therefore **been** unable to give as much attention to these cases as he felt was necessary, Captain Wolff proposed to adjourn these cases for another two weeks. This was agreed."

Captain Wolff further proposed that if the Minutes of a meeting were altered, the entire Minutes should be re-issued. After discussion, this was agreed to, with the qualification that the re-issue should take place only if substantial alterations were made and that only the pages affected should be re-issued. Accordingly, in the present case, only page 3 of Minutes 33 will be re-issued.

II. Procedure in Individual Cases.1) Belgian Cases:

The Committee decided upon the new Belgian Case No.1591, in putting all the accused on 'A', and further decided upon the following addenda to Belgian cases as follows:

907,	All new names on 'S'
989,	All new names on 'A'
1107,	On 'A'.
1486,	On 'A'.

2) Yugoslav Cases.

The Committee decided on the addendum to the case No.956 in putting the two new names on 'A'.

It further decided upon the following 6 new Yugoslav cases, as follows:

1592,	1 - 11 on 'A' 12 on 'S'.
1593,	On 'W'
1594,	On 'A'
1595,	On 'A'
1596,	On 'A'
1597,	1 on 'A', 2 on 'W', 3 on 'C'.

With regard to the adjourned Yugoslav cases Nos. 1323, 1339, 1461 and 1462, Dr. ZIVKOVIC referred to the addendum to the case 1323 from which he said, it follows that almost all the accused had committed crimes against Yugoslav nationals.

Captain WOLFF moved that these four cases which are rather complicated, should not be dealt with in a summary manner. In his opinion they should be examined in detail on the basis of Doc. I/25.

To that, Dr. ZIVKOVIC replied that the points raised in Doc. I/25 had been answered in the addendum submitted by the Yugoslav National Office.

Having regard to the long time the examination of these four cases would take, the Committee decided, with the consent of Dr. Zivković, that the Luxembourg, French and American cases which were on the agenda should be dealt with first and the adjourned Yugoslav cases afterwards.

When the Luxembourg, French and American cases had been dealt with (see below), there was not sufficient time left to deal with the adjourned Yugoslav cases and it was decided that they should be again adjourned till next week, but that they were to be taken as the first item on the agenda.

### 3) Luxembourg Cases.

The committee decided upon the four Luxembourg cases 1598 - 1601 and put all the accused persons on 'A'.

### 4) French Cases.

The committee decided upon the addenda to the French cases 732 and 1355 and put all persons named in the addendum to 732 on 'A' and the person named as No.2. in No.1355 also on 'A', the persons named in 1, 3, 4 and 5 of the addendum being already on 'A' on account of the original charge. The Committee further decided upon the following 26 French cases:

1602,	All on 'A'.
1603,	All on 'A'.
1604,	M. de Baer expressed complete agreement with the proposal set out in Paragraph V of Doc. I/39. A discussion followed in which Captain WOLFF proposed that the unit rule should be applied in this case.

Mr. SCHWELB explained that in the analogous French case No. 1445, in his note prepared for the meeting held on 12th September 1945, he had proposed the application of the unit rule to the Gestapo of Vichy. Committee I, when deciding the case No.1445, had considered itself bound by Doc. C.149 the Czechoslovak Oswiecim charge, where it had been laid down, inter alia, that officials of the security police will be listed on 'A' from a certain rank upwards. Because in the case of the French charge against the Gestapo of Vichy, the Police rank of the individual accused was not known, the



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decision of the case No. 1445 was based on the principle that a) all those who were charged with specific crimes would go on 'A', b) all members of the Gestapo staff, including translators and interpreters, who were not charged with specific crimes, would go on 'S' and c) typists would go on 'W'. Because the results of the application of this rule would not be satisfactory in the present case, he had now proposed, in Doc. I/39, that in cases where the police rank of a person is not known, but the S.S. rank is, those members of the staff of the Gestapo should be, ipso facto, listed on 'A', who had an S.S. rank from a certain rank upwards. Mr. Schwelb stated that he had made this proposal in deference to Doc. C.140 by which Committee I had considered itself bound in the previous case No. 1445.

Professor GROS stated that in his view all members of a Gestapo unit should go on 'A', if the unit as such was accused of a crime, but he did not oppose to except from that people who had been only typists, as distinguished from translators and interpreters.

Captain WOLFF said that the subtle differentiation in the Czechoslovak Oswiecim case had been made in view of the technical difficulties connected with a proposal to put several thousand persons, whose names were not known, on 'A'. In his opinion, Committee I should not consider itself bound by the principles applied in the Oswiecim case when deciding the present charge, where the technical difficulties of the Oswiecim case were absent.

This was agreed to.

The case was decided as follows:

Nos. 9, 13, 17 and 19 on 'S'. No. 20 on 'W'.  
All others, including Lackner, on 'A'.

1605,	1 and 2 on 'S'.
1606,	1 - 6 on 'A'.
1607,	1 and 2 on 'W'.
1608,	1, 2 and 31 on 'A', 3 - 30 on 'S'.
1609,	1 and 2 on 'A', 3 - 43 on 'S'. 44 - 49 on 'W'.
1610,	On 'A'.
1611,	1 - 3 on 'A', 4 on 'S'.
1612,	1 on 'A'.
1613,	1 on 'W'.
1614,	1 on 'W'.
1615,	1 on 'A', and Lydia Friedli on 'W'.
1616,	

Doc. I/38 was considered and it was decided to place the accused on 'A' on the first count. The Committee were of the opinion that Hornung had compelled the inhabitants to do work at places where military operations were actually being conducted. The case fell, therefore, within the notion of military operations, as distinguished from military preparations.

1617,	1 - 48 on 'A', 49 - 54 on 'W'.
1618,	1 on 'A', 2 on 'W'.
1619,	1 and 2 on 'A'.
1620,	1 on 'A'.
1621,	1 on 'W'.
1622,	1 and 2 on 'W'.
1623,	1 - 3 on 'A'.
1624,	1 on 'A'.
1625,	

It was decided to put the accused SCHNIEBERT on 'A' because what he had done was not only contrary to Article 52 of the Hague Regulations, but constituted also the ordering of slave labour.

1626, 1 on 'A'  
1627, 1 - 4 on 'A'.

5) United States Cases.

The Committee decided upon the following 15 United States cases, as follows:

1628, Supplementing the charge, Captain WOLFF said that "Wanted Reports" had been sent by the U.S. War Crimes Branch to CROWCASS with regard to all the accused. That meant that the U.S. War Crimes Branch has evidence that all the accused persons had taken an active part in the ill-treatment of prisoners of war, with which they are charged. On that basis, it was decided to put all the accused, 1 - 15 on 'A'.  
1629, It was decided to put 1 - 5 on 'A' and 6 on 'W', Captain WOLFF having undertaken to give additional information as to the identity of the persons mentioned under 1 and 3.  
1630, 1 - 5 on 'A'.  
1631, This was adjourned in order to enable the U.S. National Office to give additional information.  
1632, All on 'A'.  
1633, 1 on 'A'.  
1634, 1 on 'A' and Ellenberger on 'W'.  
1635, 1 and 2 on 'A' on the assumption that additional information making identification of No.2. possible, will be supplied.  
1636, 1 - 3 on 'A'.  
1637, 1 on 'A'.  
1638, 1 on 'A'.  
1639, Captain WOLFF supplemented the information contained in the charge by stating that the charge against the accused No.1. was based on his own admission. It was decided to put 1 on 'A' and 2 - 6 provisionally on 'S'.  
1640, On 'C'.  
1641, 1 and 2 on 'A'.  
1642, 1 on 'A'. 2 and 3 on 'W'.

(411)

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ES.

No.33  
Page 3 (a)

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Page 3 of Minutes No.33 of the Meeting of Committee I  
held on 3rd October 1945, as amended by decision of the  
Meeting of Committee I held on 17th October 1945,  
(Minutes No.34).



ES.

No. 33.  
Page 3 (c)(4) Belgian Cases.

The Committee decided upon 21 cases and two addenda, as follows:  
Nos. 1572, 1573, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1585,  
1586, 1587, 1589, all on 'A'.

1570, All on 'S'.  
1571, 1 on 'A', 2 on 'W'.  
1574, 1 on 'W', 2 on 'C'.  
1575, 1, 2 and 3 on 'C', 4, 5, 6, and 7 on 'S'.  
1584, The Commandant of the camp on 'A'. Others on 'C'.  
1588, 1 on 'S'. 2 on 'C'.  
1590, 1 left out, 2 - 8 and 12 on 'A'. 9, 10 and 11 on 'S'.  
Nos. 628 ) (Addenda) the accused 1 - 34 on 'A'. Witnesses: 1 and 2  
1109 ) left out, 3 - 8 on 'W'.

(5) Yugoslav Cases Nos. 1323, 1339, 1461 and 1462.

As regards these four cases, Captain Wolff stated that they raised novel and difficult questions which should be carefully studied. As Colonel Hodgson had been out of town recently and had therefore been unable to give as much attention to these cases as he felt was necessary, Captain Wolff proposed to adjourn these cases for another two weeks. This was agreed.

IV. STERILIZATION IN GERMANY (Doc. I/35.)

It was decided that further information received from Dr. Lang on this subject should be sent to the Control Council for Germany for investigation, and circulated to all the National Offices for information.

1.41

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16th October 1945.

ES/MG.

Dear Dr. Liang,

Referring to to-day's conversation, I would like to confirm that according to the wishes expressed by you, the question of the classification of cases by the Main Commission on the one hand and by the Far Eastern and Pacific Sub-Commission on the other, will not be discussed at tomorrow's meeting of Committee I.

I, further, have pleasure in enclosing a copy of Committee I document I/37 which was meant as a basis of discussion for Committee I.

Yours sincerely,

ES

Legal Officer.

Dr. Y. Liang,  
Chinese Embassy,  
49, Portland Place,  
London, W.1.

1.411

104

16 October 1945.

Correction of Minutes No. 33 (Committee I) from Capt. Wolff

The statement appearing on page 3 under number 5 should be corrected as follows:

As regards these four cases Captain Wolff stated that they raised novel and difficult questions which should be carefully studied. As Colonel Hodgson had been out of town recently and had therefore been unable to give as much attention to these cases as he felt was necessary Captain Wolff proposed to adjourn these cases for another two weeks. This was agreed.

No.33.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Notes No.33 of Meeting of Committee I held on 3rd October 1945.

Chairman,

M. de Baer (Belgium),

There were also present:

Members of Committee I and their deputies,Captain Wolff,  
Sir Robert Craigie,  
Dr. Mayr-Harting,United States of America,  
United Kingdom,  
Czechoslovakia,Members of the Commission, not members of Committee I, and  
representatives of the National Offices.Lord Wright,  
Dr. Zivković  
Mr. Kent,  
Captain J. Rosselli,Chairman of the Commission,  
Yugoslavia,  
United Kingdom,  
France.I. MINUTES OF LAST MEETING.

On the motion of Captain WOLFF, the Minutes No.32 of the last meeting were amended to the effect that the paragraphs on page 3, regarding the Yugoslav cases Nos.1323, 1339, 1461 and 1462 should read as follows:

" Dr. ZIVKOVIC proposed the adjournment of these cases until next Wednesday. It was his intention to give more opportunity to members of the Committee for careful study of these cases and especially of the reports prepared on these cases by himself and Dr. Schwelb.

" The Chairman suggested to refer all the legal problems arising out of these cases, for the consideration of Committee III.

" Captain WOLFF stated that two questions must be distinguished in regard to these cases: (a) the question of criminal responsibility of judges, and (b) the jurisdiction of this Commission in matters concerning crimes committed by Italians against Italians of Yugoslav race.

" As regards (a), reference to Committee III was unnecessary because this Committee had already in a long line of cases, evolved certain guiding principles concerning the responsibility of judges for crimes committed in exercise of their function. As regards (b), Captain WOLFF was of the opinion that Committee I should try to come to a decision before referring the cases to Committee III. "

II. DISPOSAL OF GENERAL KANSTEIN.

Referring to what was decided on this matter at the Commission's last meeting, the CHAIRMAN said that a cable from the Danish Ministry for Foreign Affairs had been received, to the effect that the Danish authorities request that Kanstein be handed over and transferred to Denmark for investigation, although no concrete charges against him had been established at present.



It was decided to bring this matter to the notice of the Commission and to notify the Danish Government's request to Crowcase and to the appropriate military authorities in Italy.

### III. PROCEEDINGS IN INDIVIDUAL CASES.

#### (1) United Kingdom Cases.

The Committee decided upon 18 cases and one addendum, as follows: As regards Cases Nos. 1555, 1557, 1558, 1559, 1561, 1562, 1563, the Committee decided to list all the accused on 'A'.

- 1553. The accused on 'A'. Smitt on 'W' (mentioned in the affidavit.
- 1554. 1 and 2 on 'A'. 3 on 'C'. KUBISCH, NIMITZ and HANISCH, (mentioned in the affidavits), on 'W'.
- 1556. This case was adjourned on the proposal of Mr. KENT, in order to furnish further information.
- 1560. On 'C'.
- 1564. 1 on 'A', 2 on 'C'.
- 1540. (ADDENDUM) KEITEL and BERGER on 'A'.
- 1258. 1, (HERTZEL) on 'A'. 2 on 'C'.

In the following five cases it was decided to adjourn the decision in respect of some of the persons accused because the Committee felt their responsibility for the alleged crimes had not been sufficiently established:

- 1565. 1, 2 and 3 on 'A'. 4, 5, 6, 7, and 8 adjourned. 9 on 'C'.
- 1566. 1 and 2 on 'A'. 3, 4 and 5 adjourned. 6 on 'C'.
- 1567. 1 on 'A'. 2, 3 and 4 adjourned  
5 on 'S' - with the understanding that he is not an American citizen.
- 1568. 1 on 'A', 2 and 3 adjourned. 4, 5, and 6 on 'C'.
- 1569. 1 on 'A', 2, 3, 4 and 5 adjourned. 6 on 'C'.

#### (2) Reclassification of 'C' Cases.

The Committee decided upon the reclassification of the two United Kingdom cases, as follows:

- No. 34, BEAR, on 'A'.
- No. 35, No Change.

#### (3) French Case No. 1445.

Applying the principle agreed upon in the meeting held on 19th September 1945, (see Minutes No. 31), the Committee decided to list all persons charged in this case as follows: (Numbers of persons are those indicated in Doc. I/32.)

The following 53 go on 'A' 3, 7, 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 24, 26, 28, 31, 33, 34, 35, 36, 38, 39, 40, 42, 43, 44, 45, 47, 49, 53, 54, 57, 58, 61, 62, 65, 66, 68, 70, 71, 72, 73, 74, 77, 80, 82, 86, 91, 92, 94, 96, 97, 100.

The following 36 go on 'S'. 1, 2, 5, 6, 18, 20, 21, 23, 27, 29, 30, 32, 37, 41, 48, 50, 51, 52, 55, 56, 59, 63, 64, 69, 75, 76, 78, 79, 85, 87, 88, 89, 93, 95, 98, 99.

The following 11 go on 'W'. 4, 8, 12, 25, 46, 60, 67, 81, 83, 84, 90.

It was decided to bring this matter to the notice of the Commission and to notify the Danish Government's request to Crowcase and to the appropriate military authorities in Italy.

### III. PROCEEDINGS IN INDIVIDUAL CASES.

#### (1) United Kingdom Cases.

The Committee decided upon 18 cases and one addendum, as follows: As regards Cases Nos. 1555, 1557, 1558, 1559, 1561, 1562, 1563, the Committee decided to list all the accused on 'A'.

- 1553. The accused on 'A'. Smitt on 'W' (mentioned in the affidavit.
- 1554. 1 and 2 on 'A'. 3 on 'C'. KUBISCH, NIMITZ and HANISCH, (mentioned in the affidavits), on 'W'.
- 1556. This case was adjourned on the proposal of Mr. KENT, in order to furnish further information.
- 1560. On 'C'.
- 1564. 1 on 'A', 2 on 'C'.
- 1540. (ADDENDUM) KEITEL and BERGER on 'A'.
- 1258. 1, (HERTZEL) on 'A'. 2 on 'C'.

In the following five cases-it was decided to adjourn the decision in respect of some of the persons accused because the Committee felt their responsibility for the alleged crimes had not been sufficiently established:

- 1565. 1, 2 and 3 on 'A'. 4, 5, 6, 7, and 8 adjourned. 9 on 'C'.
- 1566. 1 and 2 on 'A'. 3, 4 and 5 adjourned. 6 on 'C'.
- 1567. 1 on 'A'. 2, 3 and 4 adjourned  
5 on 'S'- with the understanding that he is not an American citizen.
- 1568. 1 on 'A', 2 and 3 adjourned. 4, 5, and 6 on 'C'.
- 1569. 1 on 'A', 2, 3, 4 and 5 adjourned. 6 on 'C'.

#### (2) Reclassification of 'C' Cases.

The Committee decided upon the reclassification of the two United Kingdom cases, as follows:

- No. 34, BEAR, on 'A'.
- No. 35, No Change.

#### (3) French Case No. 1445.

Applying the principle agreed upon in the meeting held on 19th September 1945, (see Minutes No. 31) the Committee decided to list all persons charged in this case as follows: (Numbers of persons are those indicated in Doc. I/32.)

The following 53 go on 'A' 3, 7, 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 24, 26, 28, 31, 33, 34, 35, 36, 38, 39, 40, 42, 43, 44, 45, 47, 49, 53, 54, 57, 58, 61, 62, 65, 66, 68, 70, 71, 72, 73, 74, 77, 80, 82, 86, 91, 92, 94, 96, 97, 100.

The following 36 go on 'S'. 1, 2, 5, 6, 18, 20, 21, 23, 27, 29, 30, 32, 37, 41, 48, 50, 51, 52, 55, 56, 59, 63, 64, 69, 75, 76, 78, 79, 85, 87, 88, 89, 93, 95, 98, 99.

The following 11 go on 'W'. 4, 8, 12, 25, 46, 60, 67, 81, 83, 94, 90.

-3-

(4) Belgian Cases.

The Committee decided upon 21 cases and two addenda, as follows:  
 Nos. 1572, 1573, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583,  
 1585, 1586, 1587, 1589, all on 'A'.

1570. All on 'S'.  
 1571. 1 on 'A', 2 on 'W'.  
 1574. 1 on 'W', 2 on 'C'.  
 1575. 1, 2 and 3 on 'C', 4, 5, 6 and 7 on 'S'.  
 1584. The Commandant of the camp on 'A'. Others on 'C'.  
 1588. 1 on 'S'. 2 on 'C'.  
 1590. 1 left out, 2- 8 and 12 on 'A'. 9, 10 and 11 on 'S'.  
 Nos. 628 ) (Addenda) the accused 1 - 34 on 'A'. Witnesses: 1 and 2  
 1109 ) left out, 3 - 8 on 'W'.

(5) Yugoslav Cases Nos. 1323, 1339, 1461 and 1462.

See  
 corrected  
 statement.

As regards these four previously adjourned cases, Captain WOLFF stated that these cases raised some difficult problems which must be carefully studied. As Colonel Hodgson had been away for some time, and had not had an opportunity to study them, Captain Wolff proposed to adjourn the discussion again for two weeks. This was agreed.

IV. STERILIZATION IN GERMANY (Dec. I/35)

It was decided that further information received from Dr. Lang on this subject should be sent to the Control Council for Germany for investigation, and circulated to all the National Offices for information.



No. 32.

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Notes No. 32 of Meeting of Committee I. held on 26th September 1945.

Chairman: M. de Baer, (Belgium)

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	U.S.A.,
Sir Robert L. Craigie,	United Kingdom,
Mr. Beaumont,	United Kingdom,
Dr. Mayr-Harting,	Czechoslovakia,

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

Lord Wright,	Chairman of the Commission,
Dr. Zivković	Yugoslavia,
M. Golstein,	Belgium,
Mr. Kent,	United Kingdom.

Before commencing the business, the Chairman extended cordial greetings to the Rt. Hon. Sir Robert Leslie Craigie who assumed his duties as representative of the United Kingdom Government on the Commission and at the same time, his membership of Committee I.

I. PROCEEDINGS IN INDIVIDUAL CASES.1) United Kingdom Cases.

The committee decided upon 24 United Kingdom cases, as follows:

In regard to cases Nos. 1495, 1496, 1497, 1498, 1499, 1500, 1501 and 1502, 1539, 1542, and 1544, the Committee decided to list all the accused on 'A'.

As regards cases Nos. 1478, 1537 and 1538, all the accused were placed on list 'A' and in addition, the Committee decided to put on list 'W', persons indicated in the affidavits attached to these cases.

No. 1488. 1 on 'A', 4 on 'C', 2 and 3 left out.

Nos. 1489,) These were adjourned to enable the United Kingdom National  
1490,) Office to make the necessary changes in accordance with the  
1491,) evidence attached to these charges, from which it appeared  
that the crimes were committed by Germans only and there  
was not sufficient ground to bring charges against Italian  
authorities.

Nos. 1492,) The Chairman pointed out that crimes described in these  
1493,) charges were minor offences and that the accused involved  
1494,) could not possibly be put on the same level as Germans  
involved in, for instance, crimes committed in concentration  
camps. There was also a danger of holding such persons  
indefinitely in custody before proceedings could be started.

Mr. KENT informed the Committee that the British National Office proposed to prosecute those persons in any case and he hoped that procedure in such instances could be decided in a very short time. He also proposed to adjourn these cases indefinitely with the understanding that he would inform the Committee at the appropriate time of the procedure adopted in cases of this kind.

No.1536. 1 on 'A', 2 on 'C'.

No.1540. Colonel WADE drew attention to the fact that marching of prisoners across Germany was ordered by the German authorities of the highest level and accordingly, some of the top people responsible for such orders should have been charged also. The Committee decided to put all the accused on 'A' with the understanding that Mr. Kent would make an addendum following the suggestion of Colonel Wade.

No.1541. Both on 'C'.

No.1543. 1 and 2 on 'A', 3 on 'C'. The decision in regard to all other members of the respective Gestapo unit was adjourned.

No.1545. 1, 2 and 3 on 'S'. 4, 6, and 7 on 'A'. 5 on 'W'.

Captain WOLFF mentioned that in this case one of the victims was an American national and that from a letter sent to him by Mr. Kent, he understood that the British National Office intended to proceed with these charges only so far as British victims were concerned.

#### 2) Belgian Cases:

The Committee decided upon 4 cases and one addendum as follows:

No.1546. 1 on 'A', 2 on 'C'.

No.1547. Both on 'A'.

No.1548. 1 on 'A', 2 on 'C'.

No.1486. Was adjourned on the motion of the Belgian National Office in order to furnish further information about the unit involved.

Nos.898 and 907. (Addendum) on 'S'.

#### 3) Yugoslav Cases:

The Committee decided upon four new cases, four previously adjourned cases and one addendum, as follows:-

No.1549. Both on 'A'.

No.1550. 1 adjourned, 2 - 5 on 'A'.

No.1551. 1, 2, 3, 5, 6, 7, on 'A'. 4 on 'C'.

No.1552. All on 'A'.

No.1463. (Addendum) All on 'A'.

-3-

Nos. 1323, ) Dr. ZIVKOVIC proposed the adjournment of these cases until  
 1339, ) next Wednesday. It was his intention to give more oppor-  
 1461, ) tunity to members of the Committee for careful study of  
 1462, ) these cases and especially of the reports prepared on these  
 cases by himself and Dr. Schwelb.

Captain WOLFF said that two questions must be distinguished in regard to these cases: (a) the question of criminal responsibility of judges, and (b) the jurisdiction of this Commission in matters concerning crimes committed by Italians against Italians of Yugoslav race.

At (a), reference to Committee III was not necessary because this Committee had already, in a long line of cases, dealt with the principle that judges are responsible for crimes committed in the exercise of their function. At (b), Captain Wolff was of the opinion that Committee I should try to achieve the decision itself before considering referring the question to Committee III.

Amended - see Minutes No. 33

#### 4) French Case:

No. 1445. The Committee decided to adjourn this case because the representative of the French National Office was not present.

#### II. CHARGES AGAINST 576 GERMAN CRIMINALS TRANSMITTED BY THE JEWISH AGENCY FOR PALESTINE. (Doc. I/31)

The Chairman presented the paper prepared by Dr. Schwelb. It was decided to adjourn the matter so as to enable the Chairman of the Committee to raise this matter this afternoon at the Commission's meeting and contact the Polish Representative on the Commission, as to what proposals he could make in this respect and how the material presented by the Jewish Agency for Palestine could best be disposed of by the Commission.

#### III. MINUTES OF THE LAST MEETING.

On the motion of Dr. MEYER-HARTING, it was decided to amend sentence 3 on page 3 of Minutes No. 31 and to insert after the words "against German nationals" the words "before the war", and further on, after the words "Czechoslovak citizens", the words "in March 1939".

#### IV. CLOSING OF LATEST COMMISSION'S LIST OF WAR CRIMINALS.

Miss Pittendrigh, the Chief Clerk, reported to the Committee that there were already about 1,000 new names of German War Criminals accumulated for a new list. The Chairman suggested to propose to the Commission the closing of a new Commission's list of German War Criminals, and issuing it as a Commission's list No. 14. This was agreed.

#### V. DOCUMENT I/35 (STERILISATION IN GERMANY.)

DR. SCHWELB informed the Committee that further information had been received from Dr. Lang on this subject and he raised the question whether the paper prepared by him on this matter could be discussed.

Colonel WADE pointed out that this was a matter for the Research Office which had been by-passed in this respect.

On the suggestion of Captain WOLFF, it was decided to adjourn further discussion of this subject until next Wednesday.



VI. DISPOSAL OF PERSONS PLACED ON COMMISSION'S LISTS  
Nos. 7 and 9.

Dr. LITANSKI reported to the Committee that a letter from Croweass had been received asking for instructions as to the disposal of General Kanstein, listed on the Commission's list No.9, who is being detained by Allied Forces Headquarters, Mediterranean Theatre. Taking into account that this man was Chief of the Gestapo in Copenhagen, the Committee decided to approach the Danish Representative on the Commission to ascertain whether his Government could take up the necessary action.

No. 31.  
19th September 1945.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes on Meeting held on 19th September 1945, at 10.30 a.m.

Chairman

M. de Baer.

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	U.S.A.
Mr. Beaumont,	United Kingdom,
Dr. Mayr-Harting,	Czechoslovakia.

Members of the Commission not members of Committee I and representatives of National Offices:

Dr. Malézieux,	France,
Dr. Zivković	Yugoslavia.

I. PROCEEDINGS IN INDIVIDUAL CASES.

1. Yugoslav Cases.

The Committee decided upon the following 9 cases in accordance with the proposals contained in the charges: 1503 - 1511.

2. French Cases.

The Committee considered the case No. 1445 which had been adjourned at the last meeting (see minutes No. 30) on the basis of the note prepared by Mr. Schwelb for the Committee meeting of the 12th September, and on the basis of Document I/32.

The Chairman marked 17 persons (in the Doc. I/32) under Nos. 4, 5, 8, 12, 25, 30, 32, 46, 50, 55, 60, 63, 67, 81, 83, 84 and 91 as those who fall within the category of translators and typists and who are, therefore, not proposed for 'A'.

Dr. MAYR-HARTING drew the attention of the Committee to the principle applied with regard to the Czechoslovak Sawlecin charge No. 952 (see Docs. I/13, I/19 and C.140) where Committee I and the Commission had decided to put on 'A' the staff of Gestapo offices from a particular rank upwards.

Captain WOLFF asked why the unit rule was not applied in the present case, and why in the note on the case, Document C.106 and Article 6 of the Charter of the International Military Tribunal were quoted.

Mr. SCHWELB explained that he had quoted these two documents because through them the principle of collective responsibility for members of a unit had been approved on a higher level than Committee I, namely by the Commission in Doc. C.106 and by the four Great Powers in the Charter of the International Military Tribunal.

Dr. MALEZIEUX distinguished the present case from the Czechoslovak Oswiecim charge by pointing out that here one particular unit was charged with a great number of specified and concrete crimes, while in the Czechoslovak case a general principle had been elaborated and applied to persons not known by name. In the present case the names of the accused were known and the identity established.

After further discussion the Committee unanimously agreed to decide this charge on the principle that:

- a) all those who are charged with specific crimes will go on 'A'
- b) all members of the Gestapo staff, including translators and interpreters, who are not charged with specific crimes will go on 'S',
- c) that typists will go on 'W'.

Mr. SCHWELB will place before the next meeting of the Committee a list drafted on these lines.

The Committee further decided upon the following 14 cases in accordance with the proposals contained in the charges: 926 (addendum), 1512, 1513, 1515, 1519 (reference to Blutgruppe left out), 1520, 1524, 1525, 1526, 1530, 1531, 1532 (Doc. I/33 considered), 1533, 1534.

The following 9 cases were decided with some modifications:

- 1514. This is the same charge as the charge No. 1193 but more precise details are given. It was, therefore, decided to treat this charge as an addendum to the charge No. 1193.
- 1516. Proposed witnesses struck out.
- 1517. Schwartz on 'A'. Metzger, alias Metzger, and Jacobs on 'S'. Witnesses struck out.
- 1521. Korvetten Kapitän Schaefer on 'S'. The second Schaefer and the third accused on 'A'. The witnesses struck out.
- 1522. Becker on 'A'. Hermann on 'W'. The French witness struck out.
- 1523. Kotter and Traxceller, alias Traxzeller, on 'A'. Heinz on 'S'. Witnesses struck out.
- 1527. 1, (Tetard) on 'A'. 2 on 'C'. Witnesses struck out.
- 1528. Schmitt on 'A'. All others struck out.
- 1529. Sternkopf on 'A'. Regarding the rest, the case was adjourned, Sternkopf being a Prisoner of War who can be questioned about the particulars of the Russian Colonel and the other persons involved.

The case No. 1518 was adjourned because the Committee wanted to get more information about the nature of the "court" involved in this charge.

### 3. Czechoslovak Cases.

- 1535. This case was discussed on the basis of the note prepared for to-day's meeting. It was decided to add the Chef des Sanitätswesens der Waffen-SS as No. 51 of the list of the accused and to place 1 - 39, 41, 49 and 51 on 'A', 40, 42 - 48 and 50 on 'S'. As to Nos. 26, 41 and 49, the names are to be entered according to the prepared note.
- No. 26. M. DE BAER expressed the opinion that the accused, Sepp Dietz, should go on 'A'.



Mr. BEAUMONT (United Kingdom) said that Article 6 of the Charter attached to the Agreement of the 8th August is only an indictment and does not as yet constitute a tried and accepted principle of International law. It does not, therefore, provide grounds on which a fact finding body like Committee I (of the United Nations War Crimes Commission) may state that a prima facie case of guilt of a war crime has or has not been established. Furthermore, the United Kingdom Government has not, so far, endorsed the unilateral declaration of the Czechoslovak Government that they have been at war with Germany since October 1938. For chronological reasons, therefore, we cannot agree that this is a war crime.

We fully agree, however, that Dietz, who was guilty of a crime on Czechoslovak soil, should be transferred to the Czechoslovak authorities as a criminal, but not as a war criminal.

Dr. MAYR-HARTING repeated that by the Agreement of the 8th August 1945, crimes against humanity have been assimilated to war crimes, at least in procedure. If crimes committed against German nationals are made the subject of the prosecution by the United Nations, there was really no reason why the crimes committed on Czechoslovak territory against Czechoslovak citizens should not be made the subject of the proceedings of this Commission. *in March 1949*

Captain WOLFF stated that the charge raised difficult questions of law and required further study.

M. de BAER stated that the problem of retrospective criminal legislation was not involved in this case, Sepp Dietz being charged with murder which was a crime at the time it was committed, under any civilised system of law.

Mr. BEAUMONT added that the case might be reviewed in the light of the findings of the International Military Tribunal. At present he could not agree to the proposal to treat Dietz as a war criminal.

Dr. MAYR-HARTING proposed to refer the question to Committee III and this was agreed to unanimously.

II. CASE OF SS. COLONEL LANGSDORF.

After discussion of this case, it was decided that Lord Wright should be contacted on the question whether he agreed with the Commission entertaining Italian charges against German criminals.

III. QUESTION OF A LIST OF WITNESSES.

It was decided that a list of Witnesses should not be produced, but that material containing particulars of relevant witnesses should be circulated to the National Offices to enable them to make use of these witnesses. It was decided that one of the Legal Officers should prepare a paper on the subject.

IV. PROCEDURE IN DEALING WITH PRIVATE CHARGES AGAINST GERMAN AND AUSTRIAN CRIMINALS.

Dr. LITAWSKI asked for a ruling as to what to do with regard to letters which the Commission receives from private persons, containing charges against German and Austrian criminals. It was decided that similar information should be sent to the Control Council for Germany which would be asked to allot it to that Element within the jurisdiction of which the crime had been committed, or the criminal could be apprehended.

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No. 30.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Notes of Meeting of Committee I held on 12th September 1945 at 10.30 a.m.

In the Chair: Captain Wolff (U.S.A.)

There were also present:

Members of Committee I. and their deputies.

Mr. Beaumont,	U.K.
M. Golstein,	Belgium,
Dr. Mayr-Harting,	Czechoslovakia,

Members of the Commission not members of Committee I and representatives of National Offices:

Dr. Malézieux,	France,
Commandant H. Lohorde,	France,
Capitain J. Rosselli,	France,
Mr. Kent,	U.K.
Dr. Zivković	Yugoslavia.

In the absence of M. de Baer, Captain Wolff took the Chair.

I. PROCEEDINGS IN INDIVIDUAL CASES.

1. French Cases.

The Committee decided upon the following 11 cases, in accordance with the proposals contained in the charges: 1443, 1444, 1448, 1450, 1451, 1453, 1454, 1455, 1457, 1458, 1459.

The following 5 cases were decided with some modifications:

1442,	Prince of Hesse on 'W'. Others on 'A'. Proposed witnesses
1446,	No. 5, Personnel of Gestapo, Chartres, on 'S' (left out.
1449,	Two witnesses added.
1452,	No. 3. (X) on 'C', No. 4. (Hanna Paul) on 'W'
1456,	1 on 'S', 2 on 'W', 3 left out.

The committee adjourned the following three cases:

1445,	(Gestapo of Vichy) on the motion of Captain Wolff, in order to make possible further consideration.
1447,	On the motion of Capitain Rosselli who proposed to furnish additional information.
1460,	(Victim an American Airman) Adjournement agreed between Dr. Malézieux and Captain Wolff.

The Committee further decided on the addendum to the French case No. 551.

2. Yugoslav Cases.

On the motion of Dr. Zivković the cases 1461 and 1462, as well as the adjourned cases 1323 and 1339, were adjourned because the important legal questions implied in these four cases are under consideration. Dr. Zivković expressed the wish that these cases should be decided after the return of Lord Wright.

The Committee decided upon the following 10 cases, according to the proposals made by the Yugoslav National Office: 1463 to 1472. The case 1463 was adjourned as to the accused No.9 and No.10.

The Committee also decided upon the addendum to the Yugoslav case No.954.

3. United Kingdom Cases.

The Committee decided upon 9 U.K. cases in accordance with the proposal made by the U.K. National Office. (1473-1477 and 1479-1482)

The case No.1478 (Prisoner of War Camp Boehmisch Truebau, Czechoslovakia) was adjourned on the motion of Mr. Kent.

The Committee further decided on British addenda to the cases Nos. 700 and 340, and on the re-opened 'C' case No.34.

4. Norwegian Cases.

The Committee decided on 3 Norwegian cases, in accordance with the proposals made by the Norwegian National Office, (1483-1485).

5. Belgian Cases.

The Committee decided upon one Belgian case (1487) and adjourned another, (1486), for two weeks. The adjournment took place on the motion of the Belgian National Office, in order to furnish further information about the unit involved.

The Belgian addendum to the case No. 796 was also decided upon.

6. Czechoslovak Case.

The Czechoslovak case No. 26 (Sepp Dietz; crime committed in the Moravian town of Jihlava at the beginning of March 1939) was adjourned for one week on the motion of Mr. Beaumont and Captain Wolff. It was decided that a copy of the old case should be distributed to members.

II. JEWISH AGENCY FOR PALESTINE CHARGES AGAINST 576 GERMAN CRIMINALS.

The consideration of this case was adjourned for two weeks to make it possible that this important case should be considered in the presence of Lord Wright and M. de Baer.

III. CASE OF S.S. COLONEL LANGSDORF.

The discussion of this case, brought up by Colonel Wade, was adjourned for one week.



IV. THE QUESTION OF A LIST OF WITNESSES.

Colonel Wade brought up the question of what steps could be taken by the Commission to secure evidence of war crimes by way of securing witnesses who are not mentioned in individual charges brought before the Commission.

It was decided to put this question on the agenda of next week's meeting.

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No.29 a.

UNITED NATIONS WAR CRIMES COMMISSION.

COMMITTEE I.

Amendment of Notes of Meeting No.29. (5-9-45.)

At page 2, under: 3) Belgian Cases. the following is to be inserted:

No. 907: 16 names furnished by the Belgian National Office, put on 'S'.

No. 1305: Nos. 9 - 69 adjourned on 22nd August 1945 (see minutes No.25), put on 'W'.

1.411

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UNITED NATIONS WAR CRIMES COMMISSION.

No. 29.

*See Amendment  
also*

COMMITTEE I.

Notes on the Meeting held on 5th September 1945 at 10.30 a.m.

CHAIRMAN:

M. de BAER.

There were also present:

Members of Committee I and their deputies:

Captain Wolff,	U.S.A.,
Dr. Mayr-Harting,	Czechoslovakia.

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

Lord Wright,	Chairman of the Commission,
Dr. Zivković	Yugoslavia,
M. Golstein,	Belgium,
Dr. Malézieux,	France,
M. Ziller,	France.

I. PROCEEDINGS IN INDIVIDUAL CASES.

1. French cases.

The Committee decided on French addenda to the cases Nos. 4, 13 and 498. In the last mentioned case, Dr. Malézieux, on behalf of the French National Office, supplemented the charge by stating that the Gestapo at BEAUNE is responsible for the massacre at MANLAY. The Committee further decided upon 58 French cases (1371-1375 and 1377 - 1429). The case No. 1376 (Crimes Committed against American Airmen) was adjourned on the motion of Captain WOLFF, with the consent of Dr. Malézieux.

2. Yugoslav Cases.

The Committee decided upon the addendum to the Yugoslav case 622 and upon 10 new Yugoslav cases (1431, 1432, 1433, 1435 - 1441). Case No. 1434 (Charge of systematic terrorism against the population of Italian occupied Yugoslav territory) was considered and it was decided to put all accused on A, with the exception of Bettini (No. 6), Inchiostri (7), Ciubelli (9) and Nicoletti (20).

With regard to these four accused, who are charged with attempts to denationalise the inhabitants of occupied territory, M. DE BAER and Captain WOLFF expressed doubt whether what they were charged with constituted war crimes. Captain WOLFF pointed out that there must be made a distinction between violations of International law on the one hand and war crimes on the other. Only such acts should be treated as war crimes as shocked the conscience of humanity.

Dr. MAYR-HARTING expressed the opinion that, as the Commission had accepted the attempt to denationalise the inhabitants of occupied territory as a war crime, (Appendix to Doc. 1, No. XII) it could not be denied that, in the present case, there was prima facie evidence of this crime.



Captain WOLFF and M. DE BAER having declared themselves against putting the four accused, Nos. 6,7,9 and 20 on A, it was decided to put the question before the Legal Commission (III) and to adjourn the case as far as these four accused were concerned.

The Yugoslav cases 1323 and 1339 were again adjourned on the motion of Dr. Zivković.

3. Belgian Cases.

The Committee decided upon the addendum to the Belgian case No.795 (Buchenwald)

II. MINUTE No. 28.

On the motion of Dr. MAYR-HARTING, the Minutes No.28 dealing with the meeting held on 31st August 1945 between members of Committee I and the delegates from the Associations of German Democratic Lawyers, were amended as follows: Page 3, 1st line of 1st paragraph should read as follows: "Dr. MAYR-HARTING suggested that the gentlemen should be compensated with an amount corresponding to a salary of an official of a National Office."

On the motion of M. DE BAER the same minutes were amended also to the effect that on page one, lines 9 and 3 from the bottom, for the words "Persecution of the Jews" the following words should be inserted: "Persecution of minorities."

III. LETTER FROM W.A. BULMER.

It was decided that the information furnished by W.A. Bulmer should be treated like other similar cases dealing with crimes committed by Germans against Germans. It was decided that a letter of thanks should be sent to the writer of the letter.

IV. THE CASE OF COL. LANGSDORF.

Colonel WADE brought up the case of Colonel Langsdorf dealt with in the Summary of Information No.34. It was decided to adjourn the consideration of this case to the next meeting.

V. REPORT UPON 'C' CASES BY Mr. McCAUSLAND.

The Committee continued the consideration of the report upon 'C' cases prepared by Mr. McCAUSLAND (see minutes No.27, paragraph V). The Committee decided upon cases 350 to 944 dealt with on page 4 of Mr. McCausland's report. The two recent cases, Nos. 1253 and 1258 remain adjourned.

VI. STERILISATION IN GERMANY. (Doc. I/20 and I/29)

It was decided to send a letter, the draft of which is contained in Doc. I/29, to the Control Council for Germany. Mr. Schwelb was charged with the task of consulting Captain Alletson, representative of the Control Council on the Commission, about the proper way to correspond with the Control Council.

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VII. COMMUNICATIONS TO NATIONAL OFFICES.

In order not to delay the production of the lists, the Chief Clerk proposed that the communications to the national offices of the decisions of the Committee should be discontinued and that instead the minutes of Committee I. should be sent to the National Offices concerned.

This was agreed to.

UNITED NATIONS WAR CRIMES COMMISSIONNOTES OF MEETING HELD ON 31ST AUGUST 1945, AT 10.30 A.M. BETWEEN  
MEMBERS OF COMMITTEE I AND DELEGATES FROM THE ASSOCIATION  
OF GERMAN DEMOCRATIC LAWYERS

Chairman: M. de BAER.

There were also present:

Captain WOLFF - United States of America  
Dr. MAYR-HARTING - Czechoslovakia

and

Mr. RAWITZKI - Chairman of the Association of  
German Democratic Lawyers.  
Mr. HELLENDALL - Secretary of the Association of  
German Democratic Lawyers.

M. de BAER opened the meeting and said that it had been arranged in order to discuss points which had been raised in connection with dossiers which the Association of German Democratic Lawyers had been kind enough to send to the Commission. The crimes which had been committed by Germans against Germans in Germany are now considered as crimes against humanity and the military courts of each of the four occupying countries in Germany were dealing with these matters. The Association of German Democratic Lawyers had sent nine cases to the Commission which had been referred to Mr. Justice Jackson's Committee. At their suggestion the Commission had been asked to determine whether the Association of German Democratic Lawyers could prepare a summary which would sum up the subject of Persecution of ~~the Jews~~ <sup>minorities</sup> in Germany. M. de Baer asked if this could be done.

Mr. RAWITZKI said that he thought it could be done, and asked for guidance as to what was required.

M. de BAER said that up to the present the Commission had been dealing with particular cases. What was wanted now was a general summary of the entire subject of Persecution of ~~the Jews~~ <sup>minorities</sup> in Germany.

Captain WOLFF added that what was wanted was any information that would show the policy of persecution instituted by the German Government since 1933.



Mr. HELLENDALL stated that the Association of German Democratic Lawyers had had the honour to report on a similar question for the Czechoslovak Government at the close of last year, and that they would be glad to undertake the work, but that the question of time would have to be considered.

M. de BAER said that the trials were due to begin at Nuremberg on the 15th October, and the Commission would require the report at the latest by the 25th September in order to give it time to discuss it. The Commission would examine each part of the report in detail and would take the responsibility of submitting it under the authority of the United Nations War Crimes Commission.

M. de Baer stated that each one of the United Nations which had suffered at the hands of Germany had had the opportunity of bringing their grievances before a court. The Commission wanted to put the Association of German Democratic Lawyers in the same position if they wished to avail themselves of the opportunity.

Mr. RAWITZKI said that that was the one great difference between their position and that of the other nations. They had no Government.

Dr. MAYR-HARTING said that Dr. Ecer had pointed out the question of finance. The people who prepared this report would have to be paid.

M. de BAER said that the question of finance would have to go before the members of the Commission, but that perhaps the World Jewish Organisation could finance the people who will prepare the report.

Mr. RAWITZKI said that they had no connection with the World Jewish Congress, and that the Association of German Democratic Lawyers was the only organisation interested in Germany. He was also chairman of the Free German Movement, and both those organisations had very small means. Mr. Rawitzki said that they had tried to contact the World Jewish Organisation but that they had declined to collaborate.

Dr. MAYR-HARTING said that if a question of finance was raised, Dr. Ecer was prepared to support a motion to finance the cost of preparing the report.

M. de BAER said that he was also prepared to support such a motion and asked the delegates of the Association of German Democratic Lawyers what they thought the expense would be.

Mr. HELLENDALL said that it depended on the amount of work which could be done in the allotted time.

M. de BAER said that a report of 5 to 10 pages would suffice.

Dr. MAYR-HARTING said that the Commission had in the past compensated reporters at the rate of £10 for a full-time week.

Mr. RAWITZKI said that it would be a full-time position for him.

Dr. MAYR-HARTING stated that the expense for one full-time person and two part-time assistants would be £20 a week for three weeks.

Captain WOLFF asked Mr. Rawitzki whether he could undertake to prepare a report in three or four weeks if the matter of finance were solved.

Mr. RAWITZKI replied that he thought he would be able to, but if not he would notify the Commission within a few days. He said he would have to go to the libraries and study available material.

M. de BAER said that he could give assistance for the typing of the report, but he could not say whether the Commission would endorse the proposal of £60. expenditure.

Mr. HILLENDALE said that they would start on the work at once in any case. The Report would not be as detailed as they would like owing to the lack of time. He asked whether the Commission wanted it confined to the question of persecution.

M. de BAER said that it should be confined to the Persecution of Minorities.

Captain WOLFF said that the matter of finance would be taken up with the members of the Commission at their next meeting on Wednesday, and the Executive Secretary was asked to telephone to Mr. Rawitzki after the next Commission meeting and inform him of the decision of the Commission on the question of finance.

M. de BAER said that the Association of German Democratic Lawyers should continue to send cases to the Commission, but that they made no commitments as to its disposition.

Captain WOLFF said that he would like to add that the Commission recently sent the cases which the Association of German Democratic Lawyers had sent to the Commission to Mr. Fahy who is the Chief of the Legal Branch of the U.S. Control Commission. The Control Commission has authority to try these cases.

Mr. RAWITZKI said that they had material for new cases and would forward them.

The meeting then adjourned.

SECRET.

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No. 27.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I.

NOTES OF MEETING HELD ON 29th AUGUST, 1945.  
at 10.30 a.m.

Chairman: M. de BAER.

There were also present:

Members of Committee I and their deputies:

Captain WOLFF - United States of America.  
Mr. BEAUMONT - United Kingdom.  
Dr. MAYR-HARTING - Czechoslovakia.

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

Lord WRIGHT - Chairman of the Commission.  
Mr. P.H.B. KENT - United Kingdom.  
Dr. ZIVKOVIC - Yugoslavia.  
Dr. MALEZIEUX - France.

I. Minutes of August 23rd, 1945 (No. 26).

On the motion of Captain WOLFF it was decided to amend paragraph IV of Minutes No. 26 (page 2), para. 6, sentence 2) to the effect that that sentence should read as follows:

"We should seek to determine how the directive was applied in actual practice."

II. Examination of new Cases.

- (1) Yugoslav cases.- The Committee decided upon 20 cases (1333-1344, 1364, and upon previously adjourned cases Nos. 461, 600, 601, 1152, 1268, 1265 and 1243). Case No. 1339 was adjourned at the request of Dr. ZIVKOVIC to enable the National Office to transmit further information on the subject dealt with in this charge.
- (2) French cases.- The Committee decided upon 16 cases (1345-1360). In regard to case No. 1345 it was decided to change the description of crimes on page 1 (see Dr. LITAWSKI's note). In regard to case No. 1355 the Committee decided to write to CROWCASS for identification of all guards of the camp mentioned in the case. It was also decided to adjourn two cases, i.e., Nos. 1347 and 1359, the reasons for adjournment of the first one being stated...



stated in Dr. Litawski's note, and the second one in accordance with a request made by Dr. MALEZIEUX.

(3) Luxembourg and British cases.- The Committee decided further on upon three Luxembourg (1361-1363) and six British cases (1365-1370). With reference to the British case, No. 1365, Mr. KENT explained that this case had been presented on the assumption that the victim was a national of the United Kingdom.

III. Sterilization in Germany (Doc. I/20).

The CHAIRMAN presented the draft letter, prepared by Dr. SCHWELB, to be sent to the Commanding Officers in Germany. Captain WOLFF suggested that this letter should be sent to the Control Commission in Germany rather than to the Commanding Officers, and proposed also to adjourn this matter till the next meeting to enable members of the Committee to discuss the appropriate procedure to be applied in matters like this with members of the Control Commission who were arriving in London that day. This was agreed.

IV. Treasury Solicitor's letter concerning General FALKENHAUSEN.

The CHAIRMAN read a letter sent by the Treasury Solicitor (U.K. National Office) of August 25th, asking for advice as to what steps should be taken to draw attention to certain statements made in General von FALKENHAUSEN's favour. The Committee decided to ask Mr. KENT to transmit the evidence available in this matter to the Commission as well as to General de BAER.

V. Report upon "C" cases.

The CHAIRMAN presented the Report upon "C" cases prepared by Mr. McCausland, and proposed to reconsider only those cases which were indicated in the report as suitable for alteration generally from "C" to "A". This was agreed to. Thus the Committee decided upon all French and Belgian cases and a number of United Kingdom cases as follows: Nos. 529, 532, 534, 166, 275, 276, 272, 344, 345, 346, 615, 179 and 314. In these cases either all or some of the accused had been transferred from "C" to "A". Consideration of the remaining United Kingdom cases was adjourned till next Wednesday,

[H11]

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24th August, 1945.

Dear Captain Wolff,

Referring to our conversation,

--- I have pleasure in enclosing a copy of  
Minutes No. 21.

Paragraph IV of these Minutes was  
amended at the meeting of August 8th  
which was the subject of Minutes No. 22.

Yours sincerely,

E. Schwelb.

Legal Officer.

Captain Wolff,  
Aldford House,  
Flat 27,  
Park Lane, W.1.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 23rd August,  
1945, at 10 a.m.

Chairman: M. de BAER.

There were also present :

Members of Committee I and their deputies:

Col. HODGSON	}	United States of America.
Capt. WOLFF		
Major FANDERLIK	}	Czechoslovakia.
Dr. MAYR-HARTING		

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

Lord WRIGHT	Chairman of the Commission.
Col. OLDHAM	Australia.

I. Crowcass Detention List No. 1 (Doc. 1/27)

The note I/27 prepared by Dr. Litawski was discussed.

II. List of Key-Men.

The 3rd list of key-men prepared by Dr. Litawski was discussed. The letter by Mr. Wold, Acting Chairman of Committee III, was read. It is as follows:

"In the course of the discussion of the Potsdam decisions in relation to the problem of war criminals which had been referred to Committee III by the Commission, the question was raised in Committee III which implications, if any, the Potsdam principles had on the preparation of Lists of War Criminals by the Commission, particularly on the production of the so-called key-men lists. After different opinions on this problem had been voiced, details of which you will see from the enclosed Minutes of the meeting held on August 20th, Committee III were of the opinion that the question which bearing the Potsdam decisions had on the producing of lists in general and, particularly, whether the Commission should go on with the preparation of key-men lists, was a matter for Committee I to decide."

The Committee decided not to go on with the production of key-men lists unless asked so to do by the Commission, and to put the 3rd key-men list into the archives of the Commission. This decision will be communicated to Mr. Terje Wold.

III. S.S. Men List

The Committee discussed the list of S.S. personnel prepared by Mr. Schwelb, and decided to send one copy each to Crowcass and to the Control Commission for Germany.

The list of S.S. personnel who have been acting on Belgian territory



and which has been forwarded to the Commission by the Belgian National Office will be added to the list as an annex. M. de Baer's Secretary will forward the necessary copies.

In the covering letter it will be pointed out that it was a list of S.S. men for the overseas information and the persons listed will not be declared to be war criminals.

*addressees'*

IV. Surrender of War Criminals by SHAEF AND SACMED  
(Doc. C.143)

The letter from the Foreign Office to the Chairman of the Commission dated 20th August 1945, was discussed.

the  
Dr. Mayr-Harting pointed out that the procedure outlined in the letter diminished the value of the list of persons on the United Nations War Crimes Commission's list.

Lord Wright suggested that Dr. Mayr-Harting should be asked to draft a letter from the Commission to the member Governments referring to the letter C.143 and point out that though a distinction is drawn between persons listed on the lists of the United Nations War Crimes Commission (A) and persons not so listed (B), there was no express difference stated in the procedure in respect of the two types.

If it is to be understood that persons coming under B (persons not listed by the Commission) are to be handed over on receipt of a plain statement, this renders unnecessary the careful procedure adopted by the Commission, from the very beginning, and to some extent, at least, to render the work of the Commission superfluous and nugatory.

Dr. Mayr-Harting mentioned that the National Offices Conference had made recommendations on the question.

Col. Hodgson said that further information would be needed before such a step should be undertaken. The letter was purely hypothetical and we should try as far as possible to reduce matters from hypothesis to actual practice. He thought that it would be preferable to put the question to the Foreign Office. The language of the letter was subject to administrative interpretation.

M. de Baer agreed that it would be preferable to put the letter into the form of a question.

Lord Wright said that he would be disposed to write for the time being a formal letter acknowledging receipt, and in the meantime, make enquiries what the administrative authorities were doing. The Committee should not stiffen up something that probably was elastic.

This proposal was agreed to.

V. Four suggestions concerning Crowcass (Doc. I/28)

M. de Baer's paper (Doc. I/28) was discussed.

Paragraph 1 was agreed to.

After discussion it was decided to propose merely the making of a general recommendation for the continuation of Crowcass beyond the period of lend-lease.

The Executive Secretary, Mr. Lyman, was asked to enquire of Crowcass what would be their attitude to the Commission taking charge of them. It was stated that there was no objection to reading paragraph II of Document I/28 to them.

With regard to paragraph III of I/28, Dr. Mayr-Harting asked why only the United States, Great Britain and France should be represented on the administration of Crowcass.

M. de Baer replied that otherwise the machinery would be top heavy.

Dr. Mayr-Harting said that those three Powers with the possible addition of a 4th and 5th should represent the United Nations War Crimes Commission as a Committee.

M. de Baer said that it was not even proposed for the time being that the Commission should finance Crowcass.

It was therefore decided to hold paragraph III of Doc. I/28 in abeyance, but the Executive Secretary was asked to communicate paragraph III to Crowcass and ask them what they thought of it.

About paragraph IV of Doc. I/28, there was general agreement on it, but it was not clear to whom to address the letter. It was decided to recommend to the Commission to send a note to all member Governments who had not yet stated their view of Document C.123, asking them for a reply to the recommendation contained therein.

M. de Baer was asked to prepare a paper for the Commission on paragraphs I and II of Doc. I/23, paragraphs III and IV being left out for the moment.

VI. The question of two people listed on Key-Men List and wanted by G2.

The Executive Secretary informed the Committee that Col. Palfrey had 'phoned that two persons who are on our lists were also asked for by G2. It was proposed to answer that there was no objection of placing anybody at the disposal of G2, if they remained at the disposal of the Government which had asked for them.

Col. Hodgson remarked that the two persons were on List 9, and drew attention to the prefaces of Lists 7 and 9.

VII. The Crime of Initiating Aggressive War

Lord Wright raised the question of the criminality of waging aggressive war which had been so much discussed in the Commission.

He thought that with regard to the Signatories to the Four Power Agreement, the question was already decided in the affirmative.

He suggested that the replies received on this question from the member Governments should be collected and that a general statement on this question should be made by the Commission.

Mr. Schwelb drew attention to the closely connected work being undertaken by Committee III in connection with the question whether or no the Commission should recommend the member Governments to adhere to the Agreement in accordance with its Article 5.

SECRET

No. 25.

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UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 22nd August,  
1945, at 10.30 a.m.

Chairman: M. de BAER.

There were also present:

Members of Committee I and their deputies:

Col. HODGSON )	United States of America
Capt. WOLFF )	
Major FANDERLIK )	Czechoslovakia
Dr. MAYR-HARTING )	

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

Lord WRIGHT	Chairman of the Commission
Mr. P.H.B. KENT	United Kingdom
Dr. ZIVKOVIC	Yugoslavia
Judge HAMMES	Luxembourg
Dr. MALEZIEUX	France.

Apology for absence was received from Mr. Beaumont.

I. Proceedings in individual cases

1). Luxembourg cases. These cases were again adjourned for a continuation of that meeting to be held at 2.30 p.m. that afternoon.

2). United Kingdom. The Committee decided upon 10 cases (1289 to 1296; 1298; 1299) and adjourned one (1297) the reasons for the adjournment being stated in Mr. Schwelb's note.

3). Belgium. The Committee decided upon 10 cases (1300 to 1309). One of them (1305) was adjourned as to the accused 9 to 69. The reasons are given in Dr. Litawski's note.

4). Yugoslavia. The Committee decided upon 15 cases (1310 to 1322; 1324, 1325) and the addendum to the case No. 1014. The case 1323 (see Doc. I/25) was adjourned on the motion of Capt. Wolff, Dr. Zivkovic concurring. Dr. Zivkovic presented to the Committee an addendum to the charge No. 1311. In the case 1312 the four persons mentioned in Mr. Schwelb's note on this case and taken from J. Col. Wade's report on Neuengamme were added and Dr. Jager was listed as a witness. The decision on case 1320 is based on counts 1 and 2 of the charge only.

5). France. The Committee decided upon six French cases (1326 to 1331) and two addenda (Nos. 217 and 438).

6). Norway. The Committee decided upon case 1332.

II. Sterilization in Germany (Doc. I/20).

It was decided that Dr. Litawski should draft for tomorrow's meeting a letter to be sent to the commanding officers in Germany and to notify the receipt to Dr. Lang. It was decided that, at a later stage, the National Offices should also be informed.



III. Meeting with Association of German Democratic Lawyers.

It was decided to hold the meeting on 31st August, 1945, at 10.30 a.m.

IV. Proposals by M. de Baer (paper containing four suggestions) concerning CROWCASS (Doc. I/28).

This paper was read and discussed. Its further consideration and the remaining items were adjourned to a special meeting to be held on August 23rd, 1945.

The meeting was continued at 2.30 p.m.

The Luxembourg cases 994, 1084, 1085, 1219, 1220 were considered and again adjourned (See Doc. I/23).

The Committee decided upon four Luxembourg cases (Nos. 1285 to 1288). The decision on the annex to charge No. 1288 (Kripo) was adjourned.

## UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 15th August,  
1945, at 10.30 a.m.

In the absence of M. de Baer Lord Wright took the chair.

There were also present:

Members of Committee I and their deputies:

Col. HODGSON	}	United States of America
Capt. WOLFF		
Miss <del>RED</del> KITE		
Mr. BEAUMONT	}	United Kingdom
Major FANDERLIK		
Dr. MAYR-HARTING		
	}	Czechoslovakia.

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

Col. OLDHAM	Australia
Dr. MALEZIEUX	France
M. MARKOVIC	Yugoslavia

I. Research Questions.

These items which had been on the agenda of the meeting of August 13th and could not be dealt with for lack of a quorum were again adjourned owing to pressure of work at the present meeting sitting on VJ-Day.

II. Summoning of meeting with delegates of the Association of German Democratic Lawyers.

This item was adjourned for next week.

III. Charge against the Grand Mufti of Jerusalem.

The Committee decided to ask the Secretary-General to inform the Hebrew Committee of National Liberation in America that the Yugoslav Government have so far submitted no charge against the Grand Mufti.

IV. Proceedings in individual cases.

1. United Kingdom Cases.

The Committee decided upon 10 United Kingdom cases (1251, 1252, 1254 to 1257, 1259, 1260, 1261 to 1263) and adjourned three (1253, 1258 and 1260). The reasons for the adjournments are set out in Mr. Schwelb's note on these cases.

2. Yugoslav cases.

The Committee decided upon 15 Yugoslav cases (1266, 1267, 1269 to 1280, 1283) and adjourned five (1265, 1268, 1281, 1282 and 1284). The reasons for the adjournment of the cases 1265 and 1268 are given in Dr. Litawski's note on them. The case No. 1281 (taking of hostages without shooting them) was adjourned for further information in order to clarify the question whether - provided there was no illtreatment - the taking of hostages constituted a war crime.

3. Luxembourg cases.

The consideration of the cases 1285-1288 was adjourned because no representative of the Luxembourg National Office was present.

4. French cases.

The case No. 947 (Staff des Militärbefehlshaber in France) was again adjourned after a discussion in which Lord Wright, Mr. Beaumont and Col. Hodgson expressed the view that the charge could not be accepted in its present form.

The case No. 1053 (Sinking of French merchantman by Italian submarine) was also adjourned after a discussion of the legal problems involved. (See Documents I/17 and I/17A).

V. Report on Sterilisation in Germany (Doc. I/20).

The consideration of this report was adjourned for next week.



No.23

UNITED NATIONS WAR CRIMES COMMISSION

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COMMITTEE I

Notes of Meeting held on 13th August, 1945  
at 11 a.m.

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Present: Col. Hodgson (U.S.A.), acting Chairman .  
Dr. Mayr-Harting (Czechoslovakia)

There being no quorum the meeting was adjourned.

The agenda (Research Questions) will be dealt with at the  
next meeting of Committee I on Wednesday, 15th August, 1945,  
10.30 a.m.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of Meeting held on 8th August, 1945, at 10.30 a.m. and continued at 2.30 p.m.

Chairman: M. de BAER

There were also present :

Members of Committee I and their deputies :

Col. HODGSON	United States of America
Capt. WOLFF	" " " "
Mr. BEAUMONT	United Kingdom
Major FANDERLIK	Czechoslovakia
Dr. MAYR-HARTING	"

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

Lord WRIGHT	Chairman of the Commission
M. GOLSTEIN	Belgium
Major PALMSTROM	Norway
M. Alphonse ALS	Luxembourg
Dr. ZIVKOVIC	Yugoslavia

I. Minutes of August 1st, 1945 (No. 21)

On the motion of the Chairman it was decided to amend paragraph IV of Minutes No. 21 to the effect that it reads as follows :

"IV. Crimes committed against Germans and Austrians (Doc. I/18)

Col. Hodgson reported that he had approached Mr. Justice Jackson who had read Doc. I/18 with great interest. He (Mr. Justice Jackson) wished to study the matter; the final attitude depended on the outcome of the negotiations which are in progress. Mr. Fahy, Solicitor-General of the United States who was acting as legal advisor to the U.S. Control Group (Germany), would also be greatly interested in these cases. The Military Government Courts act as successors to the German courts and Austrian courts. They had, therefore, jurisdiction to try these cases. It had been suggested that Col. Hodgson write to Mr. Fahy.

Colonel Hodgson was asked by the Committee to act accordingly and the Committee decided to wait until a reply from Mr. Fahy will be forthcoming."

II. Crimes committed in the Belsen Concentration camp

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Lord WRIGHT stated that the trial against Kramer and other members of the Belsen Concentration Camp staff will begin soon and that it would be appropriate to have the names of the accused listed by the Commission. All the names with sufficient particulars, have been supplied to the Commission. Lord Wright proposed that these persons should be listed on a "commission charge".

M. de BAER agreed and proposed that a new list of War Criminals should be closed including all names listed by last Thursday and the names contained in the Commission charge re Belsen, proposed by Lord Wright.

This was unanimously agreed to and Dr. Mayr-Harting drew attention to the

Czechoslovak charge against Kramer (No. 867/Cz/G/16) dealing with a crime committed by him at Dachau. Dr. Zivkovic mentioned that he was in a position to lay before the Committee a new charge, which, inter alia, also referred to crimes committed at Belsen. (Note: This charge was later numbered 1264).

It was decided to ask Col. Wade to furnish copies of these two charges to the English Attorney General's Office.

In connection with the closing of a new list, implied in this decision, Col. Wade drew attention to wishes expressed by functionaries of Crowcass as to the dates to be mentioned in the Lists of War Criminals, particularly the Christian names of the accused and the places where the crime had been committed.

M. de BAER replied that these data were being published wherever they were known.

Lord WRIGHT mentioned the necessity of publishing addenda to the Lists of War Criminals, containing additional information eventually collected. The Secretariat (Secretary General) was asked to undertake this work in conjunction with the Research Office.

### III. Proceedings in individual cases

The Committee decided upon one Luxembourg case (1221) and adjourned two (1219, 1220). It decided upon one Belgian addendum (630) and six Belgian cases (1222 - 1226, 1249) and one Norwegian case (1250). It decided upon 23 new Yugoslav cases (1227 - 1242, 1244 - 1248 and 1264) and one case that previously had been partly adjourned (1145). The case 1243 was adjourned, the case 1248 was adjourned as to the accused 1 to 8.

The French cases 947 (Staff des Militärbefehlshabers in Frankreich) and 1053 (Italian submarine case) were adjourned because of the absence of a representative of France.

### IV. Crimes committed by Germans and Austrians against German and Austrian nationals.

M. de BAER read the following letter dated August 7th, 1945, which he had received from Col. Hodgson :

"At the August 1st meeting of Committee I, I reported that I had discussed with Mr. Justice Jackson the dossiers filed with the Commission by the Association of Democratic German Lawyers. These dossiers cover alleged offences committed by Germans against Germans in Germany. Two courses of action were reported to the Committee; first, that possibly (depending on the outcome of the present negotiations) the mentioned cases could be made use of in the trial of the so-called major war criminals as examples of the offences committed by the Germans against their own nationals in Germany, and, second, that, inasmuch as the Military Government Courts in Germany have jurisdiction to try cases of offences under German law committed prior to the occupation, the cases could be reported to The Honorable Charles Fahy, legal advisor to the United States Control Group (Germany), to the end that prosecutions be instituted in such courts. The Committee approved both courses, and I am awaiting receipt from the Secretariat of copies of the cases to be sent to Mr. Fahy.

Since then the cases have been discussed again with the Office of the United States Chief of Counsel, and I have received a memorandum concerning them. A copy is enclosed for the information of the Committee."

He further read a "Memorandum for Colonel Hodgson" dated August 6th, 1945, by Colonel Bernays, U.S. General Staff Corps, which was to the following effect :

"2. As you know, Justice Jackson's mission can make only very limited use of individual atrocity cases. However, if the group which presented the cases summarized in the referenced paper have enough material for the purpose, and are willing to do so, they might present a summarization of these cases, appropriately documented, to your Commission, and the latter could then transmit that data to Mr. Justice Jackson if it is of a character approved by your Commission. Consideration could then be given to the possible utilization of this matter in the trial.



3. I would further suggest that care be taken not to commit the Commission or Mr. Justice Jackson to the use of this material on the trial."

After discussion it was decided :

a) To send to Colonel Hodgson the charges drawn up by the Association of German Democratic Lawyers for the use of The Honorable Charles Fahy, Legal advisor to the U.S. Control Group (Germany).

b) To inform the Association of German Democratic Lawyers of the step taken and to invite them to send a delegation to Committee I in order to discuss the drawing up by them of the summarization of the cases in accordance with paragraph 2 of Colonel Bernay's memorandum (supra).

V. List of S.S. Men

The Legal Officer, Mr. Schwelb, presented the Draft List of S.S. Men and it was decided to adjourn its consideration for the 22nd August.

VI. List of Key-Men

It was decided to consider the 3rd list of Key-Men drawn up by the Legal Officer, Dr. Litawski, on 22nd August.

VII. Reports by Colonel Wade

The Research Officer, Col. Wade, drew attention to some of the recent Summaries of Information which required action to be taken by Committee I. On the motion of Lord Wright it was decided to hold a special meeting of Committee I in order to deal exclusively with matters presented by Col. Wade. The meeting will be held on Monday, 13th August, at 11 a.m. In the absence of M. de Baer, Col. Hodgson will take the chair.

VIII. Crimes against Italians

The Public Relations Officer, Major Fielden, asked for guidance by the Committee how to reply to an inquiry by a reporter concerning the case of a German Lieutenant Emden who is guilty of atrocities against Italians.

The consideration of this question was continued at 2.30 p.m.; reference was made to Doc. C.11 and Major Fielden was given the necessary information.

-----oOo-----

7th August, 1945.

Notes on Yugoslav Cases submitted for consideration  
by Committee I

By Dr. Litawski, Legal Officer.

- No. 1227 The short statement of facts (page 1) is not supported by any particulars or explanation on page 2 on what ground the accused Nos. 1 and 2 are being held responsible. If they issued explicit orders to commit the crimes described in the case, it would be very interesting to see the evidence offered on page 3. In that case General SPIGO should have been also charged.
- No. 1229 The "illegality" of cases conducted by the accused is not established. It would be very useful to see the evidence mentioned on page 3.
- Nos. 1230, 1234, 1235, 1236, 1237, 1240, 1241. As to the date of commission of crimes at least the period of the enemy occupation should be specified.
- No. 1230. It appears that the offender STOJANOV should have been also charged.
- No. 1232 a) The official position of the accused No. 3. not identified.  
b) It is not clear what kind of orders were issued by the accused No. 1. It would be interesting to see the evidence.
- No. 1238 It appears that the Police Chief of the town BABUSNICA and the Commander of the 25th Infantry Regiment should have been also charged.
- No. 1239 The accused not sufficiently identified (unit)
- No. 1245 Dr. SCHAEFFER'S responsibility not established.
- No. 1248 The responsibility of the accused Nos. 1 - 8 not established. The military authorities in occupied territories were usually not responsible for deporting of people to concentration camps or for conditions in those camps.

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Wednesday, 1.8.45

NOTES  
ON CASES SUBMITTED FOR CONSIDERATION OF COMMITTEE I  
BY DR. LITAWSKI, LEGAL OFFICER.

YUGOSLAV CASES:

- No. 1123      The accused not sufficiently identified ( Units ).
- No. 1124      do.
- No. 1131      Same as to the accused No. 3.
- No. 1132      Units not identified.
- No. 1135      do.
- No. 1139      Place of commission of crimes not given.
- No. 1144      It seems that the offences, as presented, are too limited in number ( four only ), and too insignificant to charge the C.-in-C. of an Army in respect of them. The charge does not give any indication that pillage has taken place on a large scale and systematically.
- No. 1146      a) The accused No. 8 not sufficiently identified ( Unit).  
b) Responsibility of the accused No. 11 not established.  
c) The Yugoslav National Office should give some explanation as to the circumstances in which the described crimes were committed. If they were committed during military operations against the Partisan Forces such acts might be eventually considered as legitimate acts of warfare.
- No. 1147      See note on the case No. 1146 sub. c)
- No. 1157      It is doubtful whether denunciation constitutes a war crime. Why not charge the Commandant of the Bulgarian Police Station at KRUPAC?
- No. 1161      See note on the case No. 1146 sub. c)

FRENCH CASES:

- No. 849      It is not quite clear whether the French National Office proposes to put the accused on List A, S, or W.
- No. 1164      a) The case is quite incomplete.  
b) The name of the accused No. 7 seems improbable.
- No. 1167      The responsibility of the accused MATTEL not established.
- No. 1168      Responsibility of the accused 1) and 2) not clearly established.
- No. 1172      HIMMLER and someone of the " Direction" at WIESBADEN should have been also charged. ( See statement on page 2 ).
- No. 1175      Both of the accused not sufficiently identified. ( Units ).
- No. 1183      The unit AZERBAIDJAN should be placed on A instead of on S.



- No. 1184 The crime was committed in Poland.
- No. 1186 The accused 1-3 and 5 should be placed on S and persons listed as suspects on C. The information is not sufficient to consider the latter even as suspects.
- No. 1203 The accused not sufficiently identified.
- No. 1208 It is doubtful whether the facts as presented in the charge, constitute a war crime.
- No. 1214 The accused not sufficiently identified.
- No. 1215 a) The Case is incomplete as to the date and place of Commission of crime.  
b) No indication as to the responsibility of the accused:  
PFANNENSTIEL  
LINDEN  
GRAWITZ  
GERSTEN and all persons mentioned in Part III.
- No. 1216 a) The second group of the accused should be placed on A, instead of on S.  
b) Persons listed as W, are not enemy witnesses.

UNITED NATIONS WAR CRIMES COMMISSIONCOMMITTEE INotes of Meeting held on 1st Aug.  
1945.

Chairman : M. de BAER

There were also present:

Members of Committee I and their deputies :

Col. HODGSON	United States of America
Capt. WOLFF	" " " "
Dr. MAYR-HARTING	Czechoslovakia
Mr. BEAUMONT	United Kingdom.

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

Lord WRIGHT	Chairman of the Commission
Dr. ZIVKOVIC	Yugoslavia
Dr. MALEZIEUX	France
M. STAVROPOULOS	Greece.

I. Proceedings in individual cases

The Committee decided upon 3 Yugoslav addenda (379, 889 and 1010) and partly 38 Yugoslav new cases (1121 - 1126, 1128 - 1131, 1133 - 1142, 1144 - 1145 (partly, adjourned), 1146 - 1149, 1151 - 1161, 1163). It adjourned the following Yugoslav cases: 1127, 1132, 1143, 1145 (partly, partly decided), 1150, 1162.

The Committee further decided upon one French addendum (849) and upon 51 French new cases (1165 - 1184, 1186 - 1209, 1210 (partly, partly adjourned), 1211 - 1214, 1216 and 1217). The case 1165 was withdrawn and two French cases were adjourned (1185, 1215). The consideration of the French case 947 (Staff of the Militärbefehlshaber in France) was also adjourned for next week.

The Committee also decided the Greek case No. 1218.

The Yugoslav case 1143 (debasement of currency and similar activities) was adjourned in order to enable the Yugoslav National Office to give more details both about the facts which they consider to constitute the offence of "debasement of currency" and about the "exorbitant contributions" imposed on the population.

When the French case No. 1165 (murder of American airmen on French territory) was discussed, Col. Hodgson raised objections similar to those recorded in the Minutes No. 13, dated 16th June, 1945, with regard to the Belgian cases 602, 604 and 875. The Committee decided to adjourn case 1165, but later in the proceedings Dr. Malézieux withdrew the case on behalf of the French National Office.

In connection with the case 1174, it was pointed out by Mr. Beaumont that the case should be conveyed to the British National Office. It was decided that this should be done and Mr. Beaumont consented to hand over his copy to the British National Office.

II. The Trial against Kramer and others (Doc. I/21)

The chairman opened the debate on Doc. I/21.

Mr. Beaumont said he could not answer the question at present.

Col. Hodgson saw no legal objection.

Lord Wright expressed the view that this was no business of the Commission and that he regarded the proposal as a luxury of doubtful practical utility. It would be only a matter of grace on the part of the military authorities.

M. de Baer and Dr. Mayr-Harting expressed themselves in favour of the proposal I/21.

Mr. Schwelb, Legal Officer, explained that he had not had in mind that the Commission should send to the trial persons who would act as officers of the Court, but under observer he meant a member in the audience in a public trial.

Col. Hodgson thought that the right way would be to suggest that the Commission would appreciate an invitation.

It was decided to bring the matter up in the Commission that afternoon.

III. Report on the Czechoslovak Oswiecim charge 952. (Documents I/19 and I/19A)..

The draft report I/19 by Dr. Litawski, as amended by I/19A (Dr. Mayr-Harting) was agreed to. It will be circulated as a Commission document.

IV. Crimes committed against Germans and Austrians (Doc. I/18)

Col. Hodgson reported that he had approached Mr. Justice Jackson who had read Doc. I/18 with great interest. He (Mr. Justice Jackson) wished to study the matter; the final attitude depended on the outcome of the negotiations which are in progress. Mr. Fahy, Solicitor-General of the United States, would also be greatly interested in these cases. The Military Government Courts act as successors to the German courts. They had, therefore, jurisdiction to try these cases. Col. Hodgson had been authorised by Mr. Justice Jackson to write to the Solicitor-General of the U.S.A. and refer to this authorization.

Colonel Hodgson was asked by the Committee to act accordingly and the Committee decided to wait until a reply from Mr. Fahy will be forthcoming.

V. Sterilization in Germany (Doc. I/20)

The consideration of Dr. Ecer's report I/20 was adjourned.



UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Notes of Meeting, held on 25th July, 1945.

Chairman: M. de BAER.

There were also present:

Members of Committee I and their deputies:

Colonel HODGSON	United States of America
Captain WOLFF	do.
Mr. BRAUMONT	United Kingdom
Dr. MAYR-HARTING	Czechoslovakia

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

Lord WRIGHT	Chairman of the Commission
Dr. ZIVKOVIC	Yugoslavia
M. STAVROPOULOS	Greece
Mr. KENT	United Kingdom

I. Proceedings in individual cases.

The Committee decided on 16 British cases (Nos. 1075-1082, 1087, 1112-1119), 3 Luxembourg cases, 24 Belgian cases, and adjourned Polish cases.

In the British cases Nos. 1075 and 1082 the Committee decided to change the official position of the accused No. 1 given in these cases to: "Inspector-General of P.O.W. Camps". As to the persons charged under No. 2 in the charge No. 1075, the Committee suggested the British National Office should ask CROWCASS to trace the names of the accused if possible.

In the British case No. 1076 the Committee decided to list all different spellings of the accused's name, i.e. FARSON, FARSONS and FASCH.

In the British case No. 1080 it was decided to leave out the accused No. 2, taking into account that the crime presented in this charge was an individual one.

M. STAVROPOULOS pointed out that in the British case No. 1087 all elements of the crime were Greek, i.e. the ship in which the crime was committed as well as the victims, but he did not therefore wish to interfere with the charge brought by the British National Office. The Chairman suggested to M. Stavropoulos that the Greek National Office might eventually transmit to the Commission a charge of its own.

The Luxembourg cases Nos. 1084 and 1085 have been adjourned for a fortnight in order to ask the National Office for more specification as to the facts presented on Page 2.

In the case No. 1086 it was decided to place the accused No. 2 on the "S" List because his responsibility for the crime had not been quite clearly established.

The CHAIRMAN proposed to adjourn two Polish cases on the Agenda, i.e. Nos. 1083 and 1120 because the representative of the National Office was not present. Dr. LITAWSKI, in reply to Lord Wright, explained that he does not represent the Polish National Office, and that the future of that Office has not yet been decided. Colonel Hodgson expressed his view that the mat-

should be adjourned until the Warsaw Government take the necessary steps. The Committee decided to adjourn both cases.

In the Belgian case No. 1091, the Committee decided to list as war criminal a certain POSCH, Fernand, who, though mentioned in the charge, has been omitted on the list of persons accused.

The Belgian case No. 1093 was adjourned in order that the National Office might be asked for explanations as to the nationality of the victims involved; also as to where the crime had been committed, i.e. in Germany or in Belgium.

It was also decided that the Belgian National Office should be asked for additional information and explanations in the following cases:

- No. 1094 (as to the responsibility of the accused and names or nationality of victims);
- No. 1095 (names of victims and date of commission of crimes);
- No. 1096 (further particulars of crime and place of commission);
- No. 1107 (further particulars of crime and responsibility).

In the Belgian case No. 1098 it was decided to add to the list of accused all members of the staff of the concentration camp.

In the case No. 1100 the Committee decided to change the description of STEPFELMAN's position to: "SS Commandant of the Coke Ovens"; in the case No. 1106 to change a similar description to "the Director" instead of "Direction"; and in the case No. 1104 to add as accused also the Commandant of the camp in question.

In the Yugoslav case No. 974 previously adjourned, Dr. ZIVKOVIC explained that the crimes were committed by a unit but only two members of this unit have been charged as no other persons have as yet been identified. It was decided to list both of the accused on List A.

## II. Charges of Germans against Germans and of Austrians against Austrians.

After some discussion upon the report prepared on this subject by Dr. Schwelb, the Committee decided to change its previous decision and not to send this report to any authority. Lord Wright and Colonel Hodgson thought such a step would not be advisable at the moment. Instead, Mr. Justice Jackson's Service in London should be approached and advised of the existence of such cases. If they should be interested in this matter from a practical point of view, they could ask for particulars and material. Colonel Hodgson undertook to consult the representative of the U.S.A. team in this respect and to report the issue at the next meeting.

## III. Report resulting from the Czechoslovak Case No. 952.

The CHAIRMAN presented the Draft prepared by Dr. LITAWSKI. Dr. MAYRHARTING asked for some changes to be made in the Draft, and, on the Chairman's request, undertook to make these proposals in writing for next Wednesday.

It was also decided to distribute the final text to members of the Commission instead of to National Offices.

## IV. Third List of German Key-men.

This item was adjourned.

## V. Other Business.

The CHAIRMAN presented Colonel WADE's Note of July 21st, stressing the need for some machinery to deal with information coming to the Commission's office and denouncing persons responsible for war crimes.

After some discussion it was decided to issue periodically a kind of bulletin giving in concise form notes on information and lists of material available in the Commission's office which might be of interest and of importance to the National Offices for further action. The Chairman was also asked to submit this matter to the Commission for final decision.

Wednesday, 25.7.45.

NOTESon Cases submitted for consideration by Committee I.

(By the Legal Officer, Dr. LITAWSKI).

British Cases:

- No. 1075. a) Official position of the accused No. 1 given in the case should be changed to: "Inspector-General of P.O.W. camps".  
b) It is doubtful whether it would be useful to ask CROWPASS for names of the accused No. 2; taking into account the circumstances it seems nobody could know these names.
- No. 1076. The case gives three different spellings of the accused's name, i.e. FARSON, FARSCHE and FASCHE.
- No. 1077. a) Unit not sufficiently described. It should be possible for the British National Office to ask witnesses for it.  
b) Copy of Mrs. HOWLETT'S affidavit is not annexed as mentioned on page 3.
- No. 1078. The unit not sufficiently described. The British National Office should be asked to find it (Witnesses).
- No. 1079. No remarks.
- No. 1080. The unit not sufficiently described. The said Working Commando must have been attached to one of P.O.W. camps in Wehrkreis VIII. In that case it would appear that the Commandant of the appropriate P.O.W. camps should be charged rather than the Commandant of Wehrkreis VIII.
- No. 1081. Unit not described.
- No. 1082. See note on the case No. 1075 sub a).

Polish Case.

- No. 2083. No remarks.

Luxembourg Cases.

- No. 1084. Official position not sufficiently described. The accused as Staatsanwalt must have been attached to a Sondergericht.
- No. 1085. See note as above, No. 1084.
- No. 1086. The responsibility of the accused No. 2 is not quite clearly established.
- No. 1087. No remarks.

Belgian Cases.

General Remark: Charges in all Belgian cases are too summarily presented. They give on page 2 merely general statements of facts instead of particulars of crimes.

- No. 1088. No remarks.



- No. 1089. The responsibility of the accused is not established. He should be considered as a suspect.
- No. 1090. No remarks.
- No. 1091. A certain POSCH, Fernand, has been omitted on the list of persons accused.
- No. 1092. No remarks.
- No. 1093. The victims in this case are Poles and Russians. The Polish National Office should be notified to take action.
- No. 1094. a) All the accused, except No. 2, are not sufficiently identified.  
b) The P.O.W. camp is not stated.  
c) The responsibility of the accused (for denunciation) is doubtful. The commandant of the P.O.W. camp should be charged.  
d) Names of victims and their nationality not given.
- No. 1095. No names of victims.
- No. 1096. a) No names of victims. No particulars of alleged crimes.  
b) It is doubtful if this charge deals with a war crime. In any case the matter is of no importance.
- No. 1097. a) No names of victims.  
b) The name and surname seem not rightly spelt.  
c) It is doubtful if the facts as presented constitute a war crime.
- No. 1098. No names of victims.
- No. 1099. No remarks.
- No. 1100. a) It is not clear in what way the accused are to be held responsible for the crime.  
b) Place of commission of crime not sufficiently described (Gneisenau not sufficient.)
- No. 1101. No names of victims and their nationality.
- No. 1102. It is doubtful if the facts as presented constitute a war crime.
- No. 1103. a) The position of the accused not stated.  
b) Is it a war crime,  
c) No names of victims.
- No. 1104. See notes on the case No. 1103 sub a) b).
- No. 1105. a) The accused not sufficiently identified.  
b) Particulars on Page 2 not sufficient to consider them as war crime.
- No. 1106. See notes as above, No. 1105.
- No. 1107. a) See notes as above, No. 1106.  
b) Responsibility of the accused not established.

Nos. 1108. )  
1109. )  
1110. )  
1111. )

No remarks.  
"  
"  
"

British Cases.

No. 1112.

The responsibility of the accused 3 and 4 not established.

No. 1113.

The accused is of Polish nationality. The Polish National Office should be notified.

Nos. 1114. )  
1115. )  
1116. )  
1117. )  
1118. )  
1119. )

No remarks.  
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Polish Case.

No. 1120.

<sup>signed</sup>  
SCHMIDT who ~~signed~~ several of the decrees on behalf of FRANK should also be charged.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

NOTES OF MEETING HELD ON 18TH JULY,  
1945, at 10.30 a.m.

Chairman: M. de BAER

There were also present :

Members of Committee I and their deputies

Captain WOLFF	United States of America
Dr. MAYR-HARTING	Czechoslovakia
Mr. BEAUMONT	United Kingdom.

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

Lord WRIGHT	Chairman of the Commission
M. GOLSTEIN	Belgium
Dr. MALEZIEUX	France
Dr. ZIVKOVIC	Yugoslavia

I. Proceedings in individual cases.

The Committee decided on 15 French cases (Nos. 624, 1046 - 1052, 1054 - 1060) and adjourned two (Nos. 732 and 1053). It further decided on 1 Yugoslav addendum (321) and 13 new Yugoslav cases (1061 to 1065, 1067 to 1074). It also decided upon an addendum to the case No. 1063 presented to the Committee by Dr. Zivkovic during the meeting. It adjourned the Yugoslav case No. 1066.

The decision on the French case No. 624 (members of German court martial at Dax and others) is, as far as the members of the court martial are concerned, based on the prima facie proof that the accused members of the court condemned to death captured members of the F.F.I. for the sole reason of this membership.

The French case No. 732 (addenda to the Natzweiler charge) was adjourned because the French National Office will furnish further information and particulars.

The French case No. 1058 (poisoning of Jewish children in the concentration camp Neuengamme) was decided and the accused (Heissmeier) put on A after Dr. Malezieux had stated that among the victims had been children of Allied nationality.

The Yugoslav case No. 1066 (crimes committed by<sup>3</sup> tobacconist in his shop) was adjourned, after discussion, the character of the crimes as war crimes having been questioned.

II. Information to National Offices about cases of great importance.

Dr. Mayr-Harting drew attention to the fact that the proceedings of different National Offices often differ in questions of very great similarity, e.g. the Czechoslovak Government had charged about 2,000 people in connection with Oswiecim - Rajsho, while the Netherlands had charged only about 20 persons for Terepin. He submitted that similar discrepancies were due to the lack of mutual information. M. de Baer and Dr. Litawski, Legal Officer, pointed out that in their opinion this was due not so much to the lack of information



but to a difference of policy.

It was decided that Dr. Litawski should draw up and circulate a summary of the Czechoslovak charge No. 952 and of the way it had been decided by Committee I.

III. Information about sterilisation practiced by Germany.

Dr. Mayr-Harting informed the Committee that his National Office had received valuable information via Switzerland regarding methods of sterilisation practiced by Germany. Several members of the Committee expressed their interest in the matter and Dr. Mayr-Harting promised to make the information available for Committee I.

IV. Accusation against Dr. Willi Jung.

The chairman read a letter by Mr. Robert B. Lehmann to Mr. Grew concerning the criminal activities of Dr. Willi Jung, a close collaborator of Burckel as Gauleiter of the Saar and of Austria.

V. Nazi Atrocities in Innsbruck (Doc. I/12).

After discussion of Doc. I/12 and of the cases submitted by the Association of German Democratic Lawyers (see Minutes No. 10, item 4) it was decided that Mr. Schwelb, Legal Officer, should draw up information about the contents of both the German and Austrian crimes and that the information will be sent to :

The Control Council for Germany.  
Mr. Justice Jackson.  
The Attorney General.  
The Allied Military Authorities in Innsbruck.  
The American representative on the Commission.  
The British representative on the Commission.  
The French representative on the Commission.

VI. List of German Key Men.

This item was adjourned.

UNITED NATIONS WAR CRIMES COMMISSION

Committee I

Notes of Meeting held on  
11th July, 1945, at 10.30 a.m.

Chairman: M. de BAER - Belgium

There were also  
present:

Members of Committee I and their Deputies

Lt.-Col. HODGSON	- United States of America
Captain WOLFF	- " "
Lt.Col. OLDHAM	- Australia
Dr. MAYR HARTING	- Czechoslovakia
Mr. BEAUMONT	- United Kingdom

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

Lord WRIGHT	- Chairman of the Commission
M. GOLSTEIN	- Belgium
Professor GROS	- France
Dr. MALEZIEUX	- "
M. CLASEN	- Luxembourg
Mr. PRICE	- United Kingdom
Dr. ZIVKOVIC	- Yugoslavia

I. PROCEEDINGS IN INDIVIDUAL CASES

Part 1: Adjourned Cases

(a) The French case 947 (Staff of Militärbefehlshaber in France)

Professor GROS expressed his desire that the discussion on this case (see minutes Nos. 15, 16 and 17, the Summary of Information No. 31 and Document I/10) should be re-opened. He said that the charge was in effect based on the facts collected

- (i) in the Official Report by the Inter-Allied Sub-Committee on Dispossession; and
- (ii) in the Reports (Summaries of Information) of the Research Department of this Commission dealing with the problem of looting.

It was only due to a mistake in typing that the reference to these two sources had been left out in the charge 947. Professor Gros added that the Inter-Allied Sub-Committee (i) had been appointed on an official level by all the Governments after the Inter-Allied Declaration of January 5th, 1943 and read out the last two paragraphs of this Declaration. (Note: An extract from the Declaration is being circulated to members of Committee I in Document I/15) Professor Gros went on to say that the result of the enquiry by the Inter-Allied Sub-Committee was a report of 47 pages which was in the hands of the Foreign Offices of all the member governments. The Soviet Union was also represented on the Inter-Allied Sub-Committee. The Report was a complete record of everything that had been done in Europe by way of dispossession and looting and he (Professor Gros) could not suppose that this valuable report was covered by dust. He read out the names of the

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prominent allied experts who had been serving on the Inter-Allied Sub-Committee and declared that he would write to Mr. Gregory, the head of the United Kingdom Trading with the Enemy Department asking him to consent to circulating this report to the members of Committee I.

Having further regard to the valuable reports by Colonel Wade he (Professor Gros) had thought that there was no further necessity of arguing the case.

Professor Gros referred to Mr. Justice Jackson's report and expressed the opinion that the persons named in the document attached to the charge No. 947 were all members of a "unit" which was collectively responsible. It was difficult to make a difference between the head of the section, the deputy head and other officials. The principle of collective criminality and collective responsibility must be applied to the case. All the named persons were executants of a German policy of dispossession. Before circulating the report of the Inter-Allied Sub-Commission, he wanted a preliminary discussion of the question whether the principle of collective responsibility was applicable. Finally, Professor Gros also referred to the statement made by the Under-Secretary of State, Ministry of Economic Warfare, Mr. Dingle Foot, in the House of Commons on October 26th, 1944.

Monsieur de BAER was of opinion that the discussion would be more useful if the Committee had the Inter-Allied report before it.

Lord WRIGHT agreed and said that we might resume the discussion in a week, when we have got the Report.

It was decided again to adjourn the examination of this case.

(b) The Czechoslovak case No. 952 (Oswiecim-Rajsko)

After a discussion, in which Mr. Beaumont, Captain Wolff, Dr. Mayr-Harting and Colonel Hodgson took part, it was unanimously decided to accept the Czechoslovak charge, as amended by Dr. Ecer's communication received on July 2nd, 1945, on the basis of the Report I/11.

(c) The Yugoslav Case No. 940

After a discussion, in which the memorandum submitted by the Yugoslav National Office and the Report I/13 were considered, it was decided to put the accused 1-21 on A, the accused 22-37 on S.

Part 2: New Cases and addenda.

In addition to the proceedings in the three cases mentioned above (947, 952, and 940) the Committee decided upon 11 Belgian cases (Nos. 980 to 990) and 2 Belgian addenda (Nos. 139 and 795). It decided upon five Luxembourg cases (991 to 993, 995, 996) and adjourned one (994). It further decided upon two Yugoslav addenda (954 and 969) and 18 Yugoslav cases (997 to 1014). Four British cases (1015-1018) were decided. Finally the Committee decided upon 22 French cases (Nos. 1020 to 1024, 1026 to 1038, 1040 to 1045) and adjourned three (1019, 1025 and 1039). It decided upon one French addendum (No. 443) and adjourned one (624).

(a) The Luxembourg case No. 991 (Landgerichtsdirektor Adolf Raderschall).

It was unanimously decided to place Raderschall, who has been arrested and is detained by forces of the U.S. occupation army on A. On the motion of Captain Wolff it was decided that the basis for the Commission's decision is the last count of the charge: the allegation that Raderschall as member of a Standgericht is responsible for the condemnation to death (in 21 cases) of Luxembourg patriots who had protested against the introduction, on 30.8.1942, of compulsory military service with the German Army and against the conferment of German citizenship on Luxembourg nationals.



(b) The Luxembourg case No. 993 (Leo Drach, Erster Staatsanwalt und Stellvertretender Kommissar für die Staatsanwaltschaft).

It was unanimously decided to put Drach, who is also detained by the United States forces on A, the ratio decidendi being in this case, similarly as in the case of Raderschall (No. 991) the accusation that Drach, as public prosecutor, has demanded the death sentence on the Luxembourg patriots, by the Standgericht, of which Raderschall was a member.

(c) The Luxembourg case No. 994 (Dr. Lüdtké, Senatspräsident des oberlandesgerichtlichen Senates und Stellvertretender Kommissar für die Justizverwaltung) was adjourned because the Committee thinks it advisable to get more details about the constitution and procedure of the Sondergericht of which Lüdtké was president.

Dr. MAYR HARTING drew attention to the similar Czechoslovak case re Sondergerichte and expressed the opinion that the provisions regarding Sondergerichte were the same throughout the territories "annexed" (as distinguished from merely occupied) by Germany.

(d) The Luxembourg case No. 995 (Théodore Gervers, director of the Prison at Luxembourg-Ville)

It was unanimously decided to put Gervers on A, the decision being based on the second and third counts of the charge (responsibility for the illtreatment of prisoners and transportation of accumulated goods to Germany).

(e) The Yugoslav Case No. 1014. (Terrorism in Krusevac, Kragujevac and Cacak)

It was decided to strike out items 16 and 19 (H. Kori G.m.b.H. and Didier Werke A.G. Ofenbau) and to add Meissner and Grabenhofer in accordance with the Note I/14 to A. All other named persons go also on A.

(f) The French case 1019 (General Brenner and Commander Richter: tortures, massacres, pillage and arson at Rouffignac) was adjourned, on the request of Dr. Malézieux, because Colonel Wade stated that he could not identify General Brenner as commander of the 44th Division B. There is a General Brenner, but he is a Police General commanding the 6th SS. Panzer Division. The number 304631 does not convey any information either.

(g) The French case 1025 (Oberland and others, pillage, murder and arson at St. Nazaire en Royans) was adjourned in order to get some more information.

(h) The French case 1039 (Meyer and others, destruction of the radio installations of Radio-Normandie at Louvetot (Seine Inférieure))

M. de BAER raised the question whether the destruction of the radio installation of Radio Normandie was not an act of legitimate warfare.

Dr. MALEZIEUX replied that in his opinion it was a war crime because the perpetrators had no valid reason to destroy it.

Captain WOLFF said that in August 1944, the Germans were certainly retreating.

Mr. BEAUMONT expressed the opinion that this case will fall rather under Reparations than under War Crimes.

The case was adjourned in order to get more details about the circumstances of the case.

(i) The French case 1043 (Kowacht and Ottawa: pillage of a watchmaker's shop and of a barber's shop at Maintenon (Eure et Loir).)

Dr. MAYR HARTING asked whether the prosecution of Ottawa who was of Czechoslovak nationality should not be left to the Czechoslovak authorities according to general principles.

M. de BAER ruled that in a case of a Czechoslovak national who committed a crime while serving with the German army there was no objection to putting him on the list on the request of the country against which the crime has been committed.

It was unanimously decided to place Kowacht and Ottawa on A, the question of the prosecution of Ottawa being left open to negotiations between the French and Czechoslovak Governments.

## II. THIRD LIST OF KEY MEN

The CHAIRMAN informed the Committee that Lord Wright, who had left the meeting in the meantime would require further time to consider the Draft List. This item of the agenda was therefore adjourned for next week.

## III. LIST OF WAR CRIMINALS NO. 12 (ITALIANS)

It was decided to present the Draft List to the Commission that afternoon.

# UNITED NATIONS WAR CRIMES COMMISSION

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## Notes of Meeting of Committee I

held on

4th July, 1945 at

10.30 a.m.

Chairman: M. de BAER (Belgium)

There were also  
present:

### Members of Committee I & their Deputies

Lt.-Col. HODGSON	- United States of America
Captain WOLFF	- " " " "
Lt.-Col. OLDHAM	- Australia
Dr. MAYR HARTING	- Czechoslovakia
Mr. BEAUMONT	- United Kingdom

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

Lord WRIGHT	- Chairman of the Commission
M. GOLSTEIN	- Belgium
M. MALEZIEUX	- France
Commander MOUTON	- Netherlands
Dr. Van den BERGH	- "
Mr. KENT	- United Kingdom
Dr. MARKOVIC	- Yugoslavia

## 1. PROCEEDINGS IN INDIVIDUAL CASES

The Committee decided upon 1 Dutch case (No. 960) and upon three British cases (961, 962, 963). It adjourned the case 964 submitted by the United Kingdom National Office, the Czechoslovak case 952 and the French case 947. It decided upon 14 Yugoslav cases (Nos. 965 to 973 and 975 to 979) and adjourned two (Nos. 940 and 974).

(a) The Czechoslovak Oswiecim case: The Czechoslovak case 952 was adjourned because the members of the Committee had not had the opportunity to study the Amendment received on July 2nd, 1945 and the Report Doc. I/11.

(b) Investigations through Crowcase: When the British case 961 was being discussed, it was decided that - until another arrangement would be made - Mr. Schwelb should in similar cases write to Crowcase (the Central Registry of War Criminals and Security Suspects) C-1 Division, S.H.A.E.F., A.P.O., 887 in order to try to establish the identity of the accused.

(c) A South African case: When the case 964 (concerning manslaughter by neglect, committed against the members of the Union of South Africa Forces) was brought up, the Legal Officer (Mr. Schwelb) asked Mr. Kent whether the case was submitted by the United Kingdom National Office on behalf of the Union of South Africa.

Mr. Oldham said that he was informed that the Union Government agreed that cases should be dealt with where South African soldiers were involved as



victims together with members of the armed forces from other parts of the British Commonwealth and Empire, but that the Union Government did not want a charge to be brought where only South Africans were involved.

Mr. Kent proposed the adjournment of the case and it was so decided.

(d) The French case 947 (Staff of Militärbefehlshaber in France): In the discussion regarding the French charge No. 947, M. de Baer said that as a whole he was very much in agreement with Doc. I/10. Colonel Hodgson said that List 7 stood by itself. He would be very reluctant to depart from the practice of Committee I that a prima facie case was necessary and that the National Offices had to submit not only lists, but charges. A change of policy would require careful reflection. If we did not require prima facie evidence, it would reflect on our lists in general.

Monsieur Malézieux declared that the French National Office wanted the people arrested and interrogated.

Mr. Beaumont entirely agreed with the moral and practical reasons adduced by Colonel Hodgson. He thought that the persons listed in the document should be put on a list of administrative officials.

M. de Baer said that the French National Office certainly could furnish the Committee with thousands of instances of looting in France.

Colonel Hodgson added that if the French National Office would furnish the Committee with evidence, he would hasten to put the persons involved on A or S.

Colonel Oldham thought that it would not be difficult for the French National Office to prepare some charges.

M. Malézieux expressed the view that it was a question of principle which should be submitted to Committee II.

Colonel Hodgson replied that it was not a matter of enforcement and that the question fell within the competence of this Committee (I).

Mr. Beaumont added that the object of the French National Office seemed to be rather to list the organisation as a criminal conspiracy than to list the individuals.

Mr. Oldham said that the list of suspects should be in the possession of the military as soon as possible in view of the impending partial demobilisation of the German army.

Colonel Wade referred to similar problems arising in connection with the Concentration Camp personnel.

Mr. Schwelb explained that he fully agreed with the legal arguments of Colonel Hodgson and Mr. Beaumont against listing the persons concerned on A or on S. He had himself pointed out in his report I/10 (Para ii) that none of the persons listed in the document was charged with a particular crime and that their listing would be possible only in applying the "precedent" set by producing Lists 7 and 9. He also drew attention to the fact that the organisation was not only a "looting organisation" but that it covered the whole of a state machinery, comprising all administrative departments excepting police and armed forces.

Colonel Hodgson again stressed the difference between Lists 7 and 9 and this case. He said that Lists 7 and 9 had been compiled on the Commission's own initiative and while the present case was a charge by the French National Office implying the request for handing the accused over to France. No such request by a National Office was implied in the case of the Key-men lists.

Mr. Litawski, Legal Officer, thought that the French National Office could give a general report on what happened in the different spheres of

economic life in France. The principals could be put on the keymen list which was being presented to the Committee (see below). 150

M. Malézieux said that it would be easy to prove that France had been looted. But it was, in his opinion, necessary to explain what was the position of the Commission towards the German administration in the occupied countries. The furnishing of concrete details would take rather a long time, approximately a month.

It was decided to adjourn the case 947 until the Committee gets the additional information from the French National Office.

(e) The Yugoslav case against Italian Courts personnel: The supplementary memorandum submitted by the Yugoslav National Office to the charge No. 940 (see Notes No.15 of 20th June 1945) was distributed and the consideration of the case adjourned.

## 2. CLOSING OF A LIST OF ITALIANS, HUNGARIANS AND BULGARIANS

On the motion of Colonel Hodgson it was decided to propose to the Commission that afternoon to close a List of the Italians, Hungarians and Bulgarians.

## 3. CHARGES OF ITALIANS AGAINST ITALIANS AND OF ITALIANS AGAINST GERMANS

Colonel Wade asked for a ruling of Committee I on how to deal with charges sent to the Commission by an American Regiment stationed in Italy.

After discussion it was decided to ask Colonel Wade to write to the appropriate authorities with a view to obtaining further information.

## 4. LIST OF KEY MEN

Dr. Litawski, Legal Officer, distributed the Draft List of Key-men and proposed the setting up of a subcommittee for its examination. It was decided to consider the list in the next meeting.

UNITED NATIONS WAR CRIMES COMMISSIONNotes of Meeting of Committee I

held on

4th July, 1945 at

10.30 a.m.

Chairman: M. de BAER (Belgium)

There were also

present:

Members of Committee I & their Deputies

Lt.-Col. HODGSON	- United States of America
Captain WOLFF	- " " " "
Lt.-Col. GLEHAM	- Australia
Dr. MAER HARTING	- Czechoslovakia
Mr. BEAUMONT	- United Kingdom

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

Lord WRIGHT	- Chairman of the Commission
M. GOLSTEIN	- Belgium
M. MALEZIEUX	- France
Alexander MEYTON	- Netherlands
Dr. Van den BERGH	- "
Mr. KENT	- United Kingdom
Dr. MARKWIC	- Yugoslavia

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Mr. GLEHAM said that he was informed that the Union Government had decided that cases should be dealt with where South African soldiers were involved.



times together with members of the armed forces from other parts of the British Commonwealth and Empire, but that the Union Government did not want charge to be brought where only South Africans were involved.

Mr. Kent proposed the adjournment of the case and it was so decided.

(d) The French case 947 (Staff of Militärbefehlshaber in France): In the discussion regarding the French charge No. 947, M. de Baer said that as a whole he was very much in agreement with Doc. 1/10. Colonel Hodgson said that List 7 stood by itself. He would be very reluctant to depart from the practice of Committee II that a prima facie case was necessary and that the National Office had to submit not only lists, but charges. A change of policy would require careful reflection. If we did not require prima facie evidence, it would reflect on our lists in general.

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Mr. Beaumont added that the object of the French National Office seemed to be rather to list the organization as a criminal conspiracy than to list the individuals.

Mr. Oldham said that the list of suspects should be in the possession of the military as soon as possible in view of the impending partial demobilization of the German army.

Colonel Wade referred to similar problems arising in connection with the Concentration Camp personnel.

Mr. Schwallb explained that he fully agreed with the legal arguments of Colonel Hodgson and Mr. Beaumont against listing the persons concerned on A or on B. He had himself pointed out in his report 1/10 (Para ii) that none of the persons listed in the document was charged with a particular crime and that their listing would be possible only in applying the "precedent" set by producing Lists 7 and 9. He also drew attention to the fact that the organization was not only a "looting organization" but that it covered the whole of a state machinery, comprising all administrative departments excepting police and armed forces.

Colonel Hodgson again stressed the difference between Lists 7 and 9 and this case. He said that Lists 7 and 9 had been compiled on the Commission's own initiative ~~and~~ while the present case was a charge by the French National Office implying the request for handing the accused over to France. No such request by a National Office was implied in the case of the Key-men lists.

Mr. Litwinski, Legal Officer, thought that the French National Office could give a general report on what happened in the different spheres of

economic life in France. The principals could be put on the keymen list which was being presented to the Committee (see below).

M. Malézieux said that it would be easy to prove that France had been looted. But it was, in his opinion, necessary to explain what was the position of the Commission towards the German administration in the occupied countries. The furnishing of concrete details would take rather a long time, approximately a month.

It was decided to adjourn the case 947 until the Committee gets the additional information from the French National Office.

(e) The Yugoslav case against Italian Courts personnel: The supplementary memorandum submitted by the Yugoslav National Office to the charge No. 940 (see Notes No. 15 of 20th June 1945) was distributed and the consideration of the case adjourned.

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On the motion of Colonel Hodgson it was decided to propose to the Commission that afternoon to close a list of ~~the~~ Italians, Hungarians and Bulgarians.

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Colonel Wade asked for a ruling of Committee I on how to deal with charges sent to the Commission by an American Regiment stationed in Italy.

After discussion it was decided to ask Colonel Wade to write to the appropriate authorities with a view to obtaining further information.

## 4. LIST OF KEY MEN

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SECRET

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No. 16

UNITED NATIONS WAR CRIMES COMMISSION

Notes of Meeting of Committee I  
held on  
27th June, 1945, at 10.30 a.m

Chairman: M. de Baer (Belgium)

There were also present:

Lt.-Col. Hodgson	}	- United States of America
Capt. Wolff		
Lord Wright		- Australia
Dr. Mayr-Harting		- Czechoslovakia
Mr. Beaumont		- United Kingdom

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

M. Golstein	- Belgium
M. Malézieux	- France
Mr. Kent	- United Kingdom
Dr. Zivkovic	- Yugoslavia

1) Proceedings in individual cases

The Committee decided upon 11 British cases (new cases and addenda), and adjourned three British cases (Nos. 944, 945 and 946). It decided upon one French case (949) and further adjourned the French case No. 947.

The Committee adjourned the Czechoslovak case No. 952, and decided upon 6 Yugoslav cases and addenda.

In the British case 840, Mr. Kent gave the following particulars of the accused whose name has been found out:

Gefreiter Alfons Rebhahn, born Hassfurth-am-Main,  
joined Army 1942, Unit 1012, Landschutz Battalion,  
age about 20.

In the French case 947, the Legal Officer (Mr. Schwelb) <sup>2</sup> informed the Committee that according to its decision of June 20th he had made an analysis of the German Military Administration in France as it appeared from the document submitted by the French National Office, and that his paper would be circulated to the National Offices as an enclosure of Col. Wade's Summary of Information. Capt. Wolff asked that it should also be circulated to the members of Committee I.

<sup>3</sup> <The case was adjourned until next week and M. Malézieux will - with the collaboration of the Legal Officer - submit to the Committee a proposal as to how to deal with the persons mentioned in the document.>

In the Czechoslovak case No. 952, it was decided to adjourn it until next week. Dr. Mayr-Harting will - in consultation with Col. Wade and Mr. Schwelb - make proposals particularly as to how to limit those items in the charge where all officials or the whole staff of certain offices are accused.

In the Yugoslav case 956, (Italian military courts in Cetinje). Dr. Zivkovic explained that the acts which formed the subject of the trials by the Italian courts were done at a time when the country had



not been occupied. The people were free, were not under occupation, they carried arms openly and fought back, as they were entitled to do. Dr. Zivković referred to the Article of the Hague Regulations defining the status of belligerents (Article 1).

This explanation satisfied the Committee and it was unanimously decided to put all the accused on 'A.'

2) Lists of Key men

The Legal Officer (Dr. Litawski) reported on the preparation of a list of Italian key-men.

Colonel HODGSON expressed doubts as to whether the considerations which were applicable in the case of the German Key-Men Lists Nos. 7 & 9 were applicable in the present case. While the Commission, when producing the two lists of German Key-men, had had before it a very great number of particular charges against Germans, preferred by the National Offices concerned, the Commission had, so far, dealt only with comparatively few cases against Italians. He proposed to defer the decision about the production of a list of Italian Key-men.

Lord WRIGHT was in full agreement with Col. Hodgson's view, and doubted whether the Italians were as systematic in atrocities as the Germans have been. He pointed out that we had got to get a sufficient number of individual cases before producing a list of key-men.

Dr. ZIVKOVIC, while answering in the affirmative the question whether the Italians had been as systematic in atrocities as the Germans, did not oppose the proposal to defer the question of a list of Italian Key-men, and it was so decided nemine contradicente.

Dr. LITAWSKI reported on the preparations with regard to a list of Hungarian key-men, and out of the reasons explained in Doc. I/9, proposed not to produce such a list. This was agreed to. Dr. Litawski finally reported that a further list of German key-men would be prepared for the next meeting of the Committee.

3) Minutes of Meeting held on 20th June, 1945 (No. 15) were approved.

4) Questions of Organisation (Doc. I/3).

It was decided not to proceed in this matter further.

SECRET

165  
No. 15.

UNITED NATIONS WAR CRIMES COMMISSION

Notes of Meeting of Committee I

held on

20th June, 1945, at 10.30 a.m.

1. Lists of Key Men

The Legal Officer, Dr. Litawski, reported on the lists of German, Italian and Hungarian key men which were being prepared and submitted that a special meeting of Committee I to deal with them, will have to be summoned next week.

2. Proceedings in individual cases

The Committee decided upon 1 Norwegian, 1 Canadian, 27 French and 9 Yugoslav cases and adjourned one French case (947) and one Yugoslav case (940). The United Kingdom cases 944 et seq. were adjourned on the request of Mr. Kent.

In the Canadian case 948 item 1 was placed on A, 2 and 3 provisionally on C, Lt. Colonel MacDonald (Canadian National Office) declaring that he would further enquire into the matter.

In the French cases 913 and 924 the fact that some of the accused are reported to have committed suicide or to have been killed will be marked in the Miscellaneous column of the Commission's list.

In the case 912, Col. Wade pointed out that the Division had changed its number but that the regiment has retained it.

In the case 914, Col. Wade reported that Brun is not known to the military authorities as a German general.

In the case 915 (Division "Das Reich"), after a discussion in which Cpt. Wolff, Lord Wright, M. de Baer, Monsieur Malézieux (French National Office), and Dr. Mayr-Harting took part, M. de Baer proposed to interpret the charge as a charge against the named persons. This was unanimously agreed to and it was decided to put all named persons on A.

The case 931 (XIth Panzer Division) was distinguished from the case 915 and it was unanimously decided to place all named individuals on S.

In the case 947 (the whole Staff of the German Militaerbefehlshaber in Frankreich) it was pointed out by Col. Wade that the French charge went only as far as to the heads of the German occupying authorities in France and he drew attention to the Summary of Information No. 18 explaining the German looting organisation/its top-level.

Dr. Mayr-Harting said it would be useful to make the information contained in the French charge available to the other National Offices and to inform them also of the decision of Committee I on the charge for guidance.

It was decided that the case will be adjourned in order to enable the French National Office :

- a) to extend the charge to include the persons responsible on the top level in Germany,
- b) to sort out those individuals whom they propose to place on A or S respectively.

It was further decided that Col. Wade, with the assistance of Mr. Schwelb should explain in a special paper the system and structure of the German machinery in France, as it appeared according to the French charge.

In the Yugoslav case 934 Mr. Zivkovic explained, in supplementing the charge, that the Lombardia Division operated on Yugoslav territory and was subject to the supreme command of Ambrosio and to Vecchiarelli who was the commander of the 5th corps, forming part of the Second Army. It was decided to put all accused on A.

In the case 935 the Legal Officer, Mr. Schwelb, pointed out that most of the places where the crimes had been committed (Trieste, Gorizia, Rijeka, Pola) were in territory which before this was formed part of Italy.

Mr. Zivkovic explained that both former Italian and Italian occupied Yugoslav territory were administered as one area and that the crimes were committed against Yugoslavs there. It was decided to put all accused on A.

The case 940 was adjourned for a fortnight, the Committee wishing to obtain additional information about the character of the courts to which part of the accused belonged, their procedure, and the substantive law which they were called upon to administer.

Four persons named in an addendum to the Yugoslav charge 397 were put on A. Dr. Zivkovic declared that he has passed on the additional information to the Norwegian National Office.

### 3. Re-classification of French Cases

The Committee decided upon the French cases which were reported upon in Report No. 2, Doc. 1, presented by the Legal Officer, Mr. Schwelb, as follows :

- No. 202. Commander Pflaum: A
- Kolbinger and Fischer: S.
- No. 239. transferred to A.
- No. 260. No further action proposed.
- No. 280. transferred to A.
- No. 292. Adjourned. French delegate will try to get additional information.
- No. 295. transferred to A.
- No. 297. transferred to A.
- No. 444. Adjourned. French delegate will try to get additional information.
- No. 452. Classified C.
- No. 475. Classified C.
- No. 496. 1 on A
- 2 (five men) on C
- 3 on C.
- 4, 5 on A.
- No. 497. Bedurcke on A.
- Others on C.
- No. 499. Kihm on A.
- Schön on W.
- No. 500. classified C.
- No. 528. classified W.

### 4. Closing of a New List

It was decided to propose to the Commission to close a new list including the cases against Germans dealt with today. //

- 5. Minutes of Meeting held on 13th June, 1945 (no. 14) agreed to.



UNITED NATIONS WAR CRIMES COMMISSION

Notes of Meeting of Committee I  
held on  
13th June, 1945, at 10.30 a.m.

Proceedings in individual cases

The Committee decided upon twelve Belgian and two Yugoslav cases.

The Committee unanimously decided to put on the appropriate lists all the persons or units charged in the Belgian cases Nos. 894, 895, 896, 897, 900, 901, 902 and 903.

In the case No. 898, it was decided to change the description of the unit given by the Belgian National Office: 1st S.S. Panzerdivision, Leibstandarte Adolf Hitler and list it on C and also to add the names of two possible commanders of this unit, i.e. Dietrich, Sepp, and Kumm, and put them on S List.

In the case No. 893, it was decided to ask the Belgian National Office if they are charging all the personnel of the Geheime Feldpolizei, the Kreiskommandatur and of the prison at Charleroi as units or merely those members of those units named in the charge. In the meantime the named persons are to be listed on A and the personnel on C.

It was decided to regard the case No. 899 as an additif to the previous Belgian case No. 877.

The case No. 907 was adjourned, and it was decided to ask the Belgian National Office for explanations of the persons named in this case participated in the crimes or were mentioned merely as members of the given unit.

The Committee unanimously decided to put on the appropriate lists all the persons charged in the Yugoslav cases Nos. 891 and 892.

2. Reclassification of French "C" cases: This item was adjourned until next Wednesday so as to enable the French representative to get himself acquainted with the cases concerned.

3. Enemy witnesses (Polish cases): It was decided to add to the Commission's List now in preparation (No. 10) two enemy witnesses named in previous Polish cases, i.e. in No. 18 (Rev. Bickerich) and in No. 721 (Pflaumer) and place them in List W.

4. Italian/German Commission's charges: The Chairman presented the Memorandum I/8 on this subject prepared by Dr. Schwelb. The Committee decided to keep the matter in suspense until the 15th August.

5. Italian and Hungarian Key-men Lists: Discussion on this matter (Memorandum I/9) has been adjourned until next Wednesday, and it was decided to ask Dr. Zivkovic to attend the next meeting for this purpose.

6. Questions of organisation (Doc. I/3): This item was adjourned.

7. Other business: Dr. Litawski presented to the Committee a letter from S.H.A.E.F. concerning the responsibility for war crimes of Dorpmueller, German Minister for Transport. It was decided to refer the matter to the Commission.

## UNITED NATIONS WAR CRIMES COMMISSION

## Notes of Meeting of Committee I

held on

6th June, 1945, at 10.30a.m.

1) Proceedings in individual cases

The Committee decided upon twenty-two Belgian and three Yugoslav cases. It decided upon one Commission charge, and adjourned three Belgian cases.

/the In the cases 602, 604 and 875, Colonel HODGSON (U.S.A.) said that these cases were concerned with crimes committed against United States nationals only. There were no Belgian victims. Because the crimes concerned were committed against United States military personnel engaged in/execution of military operations, the United States would claim jurisdiction over them. Colonel Hodgson quoted the second paragraph of the Document C.52(1) which reads as follows:

"It is recognised that a military commander of an army in  
"campaign has full power to constitute military tribunals and to  
"try all offences against or affecting such army or arising out  
"of or incident to the operations of the enemy or persons aiding  
"or assisting the enemy. It is recognised also that a military  
"commander of an army in occupation of enemy territory has full  
"power to constitute military tribunals and to try all cases  
"involving the safety of his army or the maintenance of law and  
"order. Accordingly, such offences and cases are not within the  
"purview of the recommendation contained herein and the  
"recommendation is not to be considered as a limitation of these  
"principles or as a restriction upon the mentioned powers of such  
"military commanders."

The Chairman (M. de BAER) said that he was absolutely in agreement with Colonel Hodgson. In his opinion the reason for the Belgian Government bringing up these cases to the Commission was to bring them to the notice of the United States authorities, and to show that they were quite ready to take charge of them. He thought that the Belgian Government would agree to the assumption of jurisdiction by American Military Courts about these crimes.

M. GOLSTEIN (Belgian National Office) thought that in view of the fact that the crimes were committed on Belgian soil, an agreement between the Belgian and United States Governments should be reached, and the proceedings of Committee I about these cases ~~were~~ adjourned.

The CHAIRMAN proposed the indefinite adjournment of the three cases.

Colonel HODGSON read the following statement:

"In the absence of special circumstances the policy of the  
"United States Government will be itself to try cases of war  
"crimes committed specifically against United States nationals.  
"It is, however, recognized that there may be occasions when it  
"will be desirable for reasons of policy to have the trial before  
"a mixed military tribunal, composed of officers of one or more  
"of the Allies."



"I wish to make it clear that in cases of the type under discussion the United States Government reserves the right to demand that the accused be delivered to it for prosecution, irrespective of the fact that the case may have been filed with the Commission by some other Government."

Lord FINLAY expressed the opinion that Committee I could state that there was a prima facie case against all the accused in these three cases, that they could be put on List A and held in reserve.

Colonel HODGSON stated that he would prefer the procedure proposed by the Chairman, that was - to hold the three cases in suspense. He added that he appreciated the action of the Belgian Government in bringing the crimes to the notice of the United States authorities.

The Committee then unanimously decided that the cases 602, 604 and 875 would be held in suspense on request of the United States representative, who claimed jurisdiction for United States Military Courts.

/prefer

In the case 628 (the Belgian Oswiegm charge) in which the Belgian National Office had filed with Committee I a copy of the Soviet State Commission's Report on the case, M. GOLSTEIN declared that he would ~~propose~~ an additional charge to put on the Commission's list those people named in the Russian Report who have not yet been charged by the Belgian National Office.

In the case 877 a discussion arose as to whether the unit mentioned under item 7 should be placed on "S" or on "A". Captain WOLFF suggested that the unit should be put on "S".

Lord FINLAY ~~expressed~~ <sup>referred to</sup> the opinion arrived at in the similar French case 798. In that case it was decided by a majority (Lord Wright, Lord Finlay, Professor Gros; M. de Baer and Capt. Wolff dissenting), that the company of the S.S. Division "Das Reich" should be put on the "A" Unit List, (see Minutes No. 8 of 16th May, as amended in Minutes No. 10 of 23rd May, Item 2).

Captain WOLFF still felt it would be better not to extend the unit rule to a case like this.

Colonel HODGSON supported the view expressed by Capt. Wolff, particularly from the point of view of the people receiving the List; it might reflect on the List. Colonel Hodgson proposed that the Committee should restrict the decision arrived at in the case 798 to that particular case, and that the decision on the case 798 should not be considered as a general rule.

Lord FINLAY said that he shared the opinion that each case must be treated on its own merits, and that he agreed that in the present case, 877, the Unit mentioned in item 7 of the charge should be put on "S".

It was unanimously decided to put the Unit on "S".

In the case 878, Col. WADE suggested that Rudolf Rathke, Oberfeldwebel Volkssturm, Gau 18, should be added to List "W", both in this case, 878, and in the case 630.

It was so decided.



In the case 879 the question was raised as to whether the so-called 'scorched earth' policy constituted a war crime. The Committee adopted the view that there was a prima facie case which, of course, could be displaced by the defence of military necessity. Colonel HODGSON pointed out that military necessity is on no account a defence for murder.

In the case 880, it was decided on the motion of the Chairman to add the following three men to the list and put them on "A":

KÜBERLING Walter  
SPLETTSTOESSER Willy  
KITZINGER Paul

In the case 884, which concerns the crimes of Bands, it was decided to put (1) Hauptmann Franz LANG, Commander of the Feldgendarmerie, probably a native of the region of Malmédy, on "A"; (2) unidentified persons on "C"; (3) Gustav HOFMANN on "S".

In the case 885 it was decided to notify the Polish National Office.

In the Yugoslav case 890 (General ROATTA and others) it was decided to put all accused on "A" except LUZZI (or LUCI) - item 3 of the charge - and LUZZI on "S". The Legal Officer drew the attention of Dr. Zivkovic to the fact that some Italian officers mentioned in a statement of the Italian witness as having committed abominable crimes were not charged in the case drawn up by the Yugoslav National Office. Dr. ZIVKOVIC said that he would submit to the Commission an additional charge.

In the Commission charge against the people responsible for the mercy-killing organization, Beelitzstiftung, it was decided to put all accused on "A".

2) Reclassification of French charges.

The Commission decided upon the report No. 1 (Doc. I/5) submitted by the Legal Officer, Mr. Schwelb, and put the people charged in the Charges No. 8, 54, 55, 56, 57, 58, 59, 64, 185 and 196 on List "A", while leaving the decision of Charge No. 49 for the time being unaltered ("C").

3) Closing of List No. 10.

The Chief Clerk, Miss Pittendrigh, proposed that a new List (List No. 10) be closed on that day. The List would be available for approval by Committee I and the Commission within a fortnight.

4) Summaries of Information by Col. Wade.

Committee I discussed the question whether it should proceed on its own initiative to draw up Commission charges based on the Summaries of Information referring to: (a) Belsen Concentration Camp, (b) the looting of machinery, (c) leading officers of concentration camps, (d) Sauckel, Speer, and Dorsch.

It was decided that no action should be taken by the Commission on these four documents, because it is expected that the French National Office will submit charges regarding (a) and (b), and that charges regarding these two points and (c) will be forthcoming also from other National Offices. Charges against Sauckel and Speer have already been preferred by some National Offices in connection with the imposition of forced labour and the ordering of deportations.

- 5) Note by Col. Wade and Mr. Schwelb about material submitted by military authorities. (Doc. I/6)

During the discussion of this paper, it was pointed out by the CHAIRMAN, Col. HODGSON and Lord WRIGHT that the only object of Commission lists is to fill gaps, and that the Commission should use its extraordinary power to draw up Commission charges in extraordinary cases only, but the Committee expressed its approval of the mode of procedure proposed by Col. Wade and Mr. Schwelb as pointed out in I/6, paragraphs 1, 2 and 3. With regard to paragraph 3, it was decided to leave out the words "at its next meeting", and insert instead the words "at the earliest possible moment".

- 6) Letter from the Hebrew Committee of National Liberation regarding the Grand Mufti Hadj Amin al-Husseini.

After discussion it was decided to inform the Hebrew Committee of National Liberation that the Committee deals with charges brought before it by National Offices and not by private organizations.

- 7) Questions referred to Committee I by Committee II.

This item was adjourned.

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UNITED NATIONS WAR CRIMES COMMISSION

Notes of the Meeting of Committee I

held on

30th May, 1945, at 10.30 a.m.

1. Proceedings in individual cases

The Committee decided upon 4 British, 26 French, 1 Czechoslovak and 1 Polish cases.

In the case 846, it was decided to transmit to the French National Office a copy of the charge because the offence against the French partisans was of a more serious character than the offence against British interests.

In the case 847, it was decided, with the concurrence of Mr. Kent - to put the following persons on List A:

Karl Albert Oberg  
Dr. Helmuth Knochen

It was decided to communicate Mr. Kent the dossier about the Gestapo in France with a view to re-casting the accused.

The case was adjourned.

In the case 727, it was pointed out that the particulars should be investigated by the French investigating office in Germany.

After discussion it was decided to put the patrol on A.

In the case 855 with the concurrence of Professor Cassin, Vogel was also put on A.

2. Minutes of meeting held on 23rd May 1945.

On the motion of M. de BAER, the minutes No. 10 were modified to the effect that the last but one paragraph on page 2 will read as follows:

"Monsieur de Baer concurred with the view expressed by Lord Finlay. He did not see what instructions the Commission could give to Shaef concerning the disposition of persons who were not wanted by any Allied government for trial. He did not see the point of making lists of war criminals which no Allied Government was prepared to charge or to try. It would be different if the United Nations as a whole were prepared to prosecute and try major criminals and the Committee were asked to draft a list of such persons. There seemed to be an intention to create a United Nations Military Court. The Commission should be given power to indict persons before such Court on behalf of the United Nations as a whole."

3. The items: Re-classification of French cases; and questions of organisation (Doc. I/3) were adjourned until next week.



## UNITED NATIONS WAR CRIMES COMMISSION

## Notes of the Meeting of Committee I

held on

24th May, 1945, at 11 a.m.

The meeting of Committee I was devoted to the preparation of the Conference of National Offices to be held on 31st May and June 1st and 2nd.

Colonel HODGSON pointed out that the following questions will have to be settled: the publicity to be given to the Conference; the appointment of a Steering Committee; the time to be scheduled; the appointment of rapporteurs; and papers to be circulated in advance.

The Committee decided on the election of the following rapporteurs, and settled the time-table of the Conference thus:-

On Thursday, May 31st, at 11.30 a.m., the first meeting of the Conference would take place, and the Chairman of the Commission, Lord Wright, would deliver a speech of welcome. The time up to the closing of the morning session would be filled by replies by delegates and the distribution of papers prepared by the rapporteurs.

On Thursday at 2.30 p.m., Lord Wright, who was elected rapporteur on item 1 of the Agenda (General survey, etc.) will read his paper on the subject.

On Friday, June 1st, at 10.30 a.m., Colonel Hodgson, who was elected rapporteur for items 2 and 3 of the Agenda, will read his paper.

On Friday, at 2.30 p.m., Lord Finlay, rapporteur on item 4 of the Agenda, will read his paper.

On Saturday, June 2nd, at 10.30 a.m., Monsieur de Baer, rapporteur on item 5 of the Agenda, will read his paper.

On Saturday afternoon at 2.30 p.m., Dr. Zivković, rapporteur on item 6 of the Agenda, will read his paper.

Any other business (item 7 of the Agenda) will be dealt with on Saturday afternoon. If necessary, the Conference will continue on Sunday, June 3rd.

On the motion of Mr. DUTT (India) it was decided that the Steering Committee of the Conference should consist of the five rapporteurs (Lord Wright, Colonel Hodgson, Lord Finlay, Monsieur de Baer and Dr. Zivković).

The Secretary General, Mr. McKinnon Wood, would act as secretary to the Conference.

The Conference would take place in King's Bench Court, No. 5.

The Committee further discussed the question of Press relations and photographic publicity, and decided to recommend that the Conference be not public, but it was intended to issue a statement every day, and it was expected that the Ministry of Information would make a Press expert available for the time of the Conference.

On Thursday at 7 p.m. there would be a dinner for those attending the Conference. The Secretary General informed the Committee that Parliamentary stenographers would act during the Conference.

With a view to expediency it would be tried to conduct the Conference in the English language only.

SECRET

175  
No. 10.

UNITED NATIONS WAR CRIMES COMMISSION

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Notes of the Meeting of Committee I

held on

23rd May, 1945, at 10.30 a.m.

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1) Proposal by the Chairman to elect Dr. Eder as a member of Committee I.

The Chairman of Committee I, M. de BAER, said that it would be useful to increase the number of members of Committee I, and proposed to elect Dr. Eder, (Czechoslovakia), to the membership of Committee I. Dr. de MOOR and Captain WOLFF endorsed the proposal. No objection was raised, and it was decided that the election of Dr. Eder to the membership of Committee I should be moved in the Commission that afternoon.

2) Minutes No. 8 of the meeting of Committee I held on 16th May, 1945.

On the motion of Captain WOLFF, it was decided to add to these Minutes a statement regarding the voting on the French case 798, as follows:

"Professor GROS, Lord WRIGHT and Lord FINLAY voted "for putting the Company of the S.S. Division "Das Reich", "which was garrisoned at St. Lys in April and May, 1944, "on the "A" Unit List. Monsieur de BAER and Capt. WOLFF "voted for putting it on List "B". It was therefore decided "by a majority to put the unit on a Units List."

3) Proceedings in individual cases.

The Committee decided upon cases submitted by the Yugoslav, British, Polish and Belgian Governments in the manner recorded by the Chief Clerk in the official files and in the Reports as follows:

Yugoslav	No. 4
United Kingdom	No. 7
Poland	No. 4
Belgium	No. 6

In connection with the Yugoslav case 848 (Bastianini, Barbera and Butti), Dr. ZIVKOVIC (Yugoslavia) explained the case, and produced a photostat of the Ordinance issued by Bastianini on 7th June, 1942, which he will subsequently attach to the charge. The Legal Officer, (Dr. Schwelb), asked Dr. Zivkovic whether he could supplement the charge, as far as it referred to Barbera and Butti, by a statement saying that their jurisdiction referred to Yugoslav territory.

Dr. ZIVKOVIC supplemented charge 848 with the following note:

"Zadar, although belonging to the pre-war Italian "territory, was a centre of the whole Yugoslav Dalmatian "territory occupied by Italy during this war. It was from "there that instructions for the commission of crimes "in those Yugoslav territories were issued."

It was decided to put all three accused on "A".



When the United Kingdom charge 837 (Concentration Camp, Oranienburg) was discussed, the Legal Officer said that before the Polish charge 843 regarding Oranienburg had been submitted, he had made up a note on the personnel of the Concentration Camp at Oranienburg contained in the Czechoslovak charge 463, and in the United Kingdom charge 837, and had sent his note to the British and Czechoslovak National Offices. The Committee decided that the names on all three charges relating to the Concentration Camp at Oranienburg should be checked up against each other.

- 4) Crimes committed by Germans against their own nationals (Cases submitted by the Association of German Democratic Lawyers in Great Britain).

The Committee continued the general discussion of these cases which had been adjourned in the meeting of May 2nd (see Minutes No. 6), and after a debate in which the Chairman, Dr. de Moor, Lord Finlay and the Secretary General took part, it was decided: (i) that a letter should be sent to the Foreign Office exploring the view of the British Government regarding the activities of the Commission concerning cases of this character; (ii) the Committee took note of the fact that Lord Finlay very kindly assented to enquire into the question personally; (iii) it was decided to write to the Association of German Democratic Lawyers in Great Britain saying that the Commission were exploring the situation.

- 5) List of War Criminals No. 9. (Second List of Key Criminals).

The Chairman submitted the Introduction to the List for approval by Committee I, and expressed his opinion that the people put on this list should not be designated 'war criminals'. He said that he personally favoured the second alternative of the draft Introduction.

/and Mr. OLDHAM was against changing the title of the second Key List as against the first Key List. Lord WRIGHT, Captain WOLFF both expressed their opinion to the effect that we should stick to the designation 'War Criminals'. Monsieur de BAER said that after what Mr. Oldham, Lord Wright and Captain Wolff had said he was out-voted.

Lord Finlay said that the British War Office had objected to the fourth paragraph of the Preface to List No. 7 where it was said that the "agencies charged by the Governments with responsibility for apprehension of war criminals should, if the names of the accused persons do not appear in one of the Commission's other Lists at the instance of a Government, apply to the Commission for instructions as to their disposal." The British War Office were of the opinion that instructions should be given by the Governments and not by the Commission.

Monsieur de Baer said the Commission should point out the absolute necessity of the United Nations to indict war criminals. There seemed to be an intention to create a United Nations Military Court. The Commission should be given power to indict.

Lord Wright said it was our duty to compile these Lists (List No. 7 & No. 9). We could leave in uncertainty for the moment what was to be done with the people on these Lists if they are apprehended.

Monsieur de BAER said that having produced these Lists we should produce a constructive scheme of dealing with the persons listed on them.

Captain WOLFF said it would not be illogical to apply to the Commission for instructions. Lord WRIGHT concurred with this view.

Mr. OLDHAM pointed out that first we were to indict the war criminals, then the National Offices were charged with this task, but residual power still stays with the Commission to cover cases not covered by the National Offices.

Dr. de MOOR agreed with Mr. Oldham's view, but added that unhappily making Lists is the end of our task. We have not got the right to indict, and he was much afraid we shall never get it. As to the paragraph in the Preface to List No. 7, Dr. de Moor said that we could leave it out.

Lord WRIGHT said he did not know whether the other Offices shared the view of the British War Office. Applying for instructions does mean that we are the central office to which application should be made. He did not feel the slightest desire to go back on what had been decided. We ought to stick to the scheme adopted, which was the right scheme.

Lord FINLAY said he would report to the War Office and inform them of what the Chairman had said, and if they want to raise serious objections they should do so in writing.

Lord WRIGHT said he did not think the objections were sufficiently well founded. We could not admit it was wrong. We were an international body.

Mr. OLDHAM said the fears were hypothetical. We were not faced with an actual case.

Monsieur de BAER said it was absolutely certain to happen.

Lord WRIGHT said we would use the same formula in List No. 9.

It was decided not to make a new Preface to List No. 9, but to refer back to the Preface to List No. 7.

6) Making up a List of S.S. personnel

Dr. SCHWELB reported that Col. WADE, Dr. LITAWSKI and himself had considered the possibility of making up a list of S.S. men not included in Lists 7 or 9, and containing persons who were not on the level of being classified as key men.

Colonel WADE added that a list of Camp Commandants of Concentration Camps could be added to this list.

Monsieur de BAER supported the idea, and it was decided that a list of S.S. men should be produced.

The discussion centered round the question as to whether this S.S. List should be called a List of War Criminals or List of Suspects or Summary of Information. It was decided to give it the name "List of Suspects".

The Camp Commandants will be listed as War Criminals.

- 7) Dr. Litawski asked whether he should start making up a further list of key men, particularly Italians and Hungarians. This was agreed to.
- 8) The remaining items on the Agenda - Plundering of Art Treasures, reclassification of French "C" cases, and two items referred to Committee I by Committee II, were postponed until the next week.



SECRET

No. 9

179

UNITED NATIONS WAR CRIMES COMMISSION

NOTES OF MEETINGS OF COMMITTEE I

held on

17th May, 1945, at 3 p.m.

&

18th May, 1945, at 11 a.m.

The Committee examined and, after some modifications, agreed to the Second List of Major Criminals (Key-men) prepared by Colonel Wade and Dr. Litawski.

All decisions were made unanimously. In the case of Admiral Doenitz Captain Wolff (U.S.A.) abstained from voting.

The names of criminals connected with the "Beelitz Stiftung" were struck out of the list and Dr. Schwelb was asked to make up a Commission charge against them.

SECRET

180  
No. 8

UNITED NATIONS WAR CRIMES COMMISSION

NOTES OF MEETING OF COMMITTEE I

held on

May 16th, 1945, at 10.30 a.m.

1) Proceedings in individual cases.

The Committee decided upon the cases submitted in the manner recorded by the Chief Clerk in the official files and in the Reports:

France No. 3  
Norway No. 3

In connection with case No. 498, the Chairman (M. de BAER) pointed out that it will be advisable to make up a special list of units which have been put on "C". In the introductory note to this list it should be pointed out that the cases are quite incomplete and that in respect of them a proper investigation has to be made by a proper authority. Dealing with the differences between "C" lists, "S" lists and "A" unit lists the Chairman said that in his opinion the fact that somebody has been put on "A" means that he or the unit will be sent back to the country demanding him.

M. GROS drew the attention of the Committee to the fact that as far as he was aware nobody has been sent to the country demanding specified criminals, e.g. nobody has been handed over to France.

Mr. OLDHAM said that we do not know so far which authorities get our lists, and we do not know how they act upon them.

/but Lord WRIGHT expressed the opinion that we must keep the major criminals in suspense/apart from this, if a listed man is a prisoner of war, he ought to be sent back to the country demanding him.

M. GROS repeated that nobody has been sent back so far, and mentioned the case of Goering who, on the motion of two countries represented on the Commission, has been put on List "A".

Col. HODGSON said that subject to the Moscow Declaration, as far as it referred to the criminals whose offences have no particular geographical location, the names of people on "A" are listed as claimed by a particular country and ultimately will be sent back. As yet the time had not yet arrived, but eventually the time will come. There are only two exceptions to this rule: (1) People who might come within the terms of the Moscow Declaration; and (2) Persons who are wanted by two or more different countries. This question must be decided unless the countries agree amongst themselves.

M. de BAER drew the attention of the Committee to the difference between cases like Oradour-sur-Glane where all the members have participated in the crime, and a list of suspects which is adequate for cases where the crime has not been committed by the entire unit.

/agreement Mr. OLDHAM raised again the question as to what will happen to those held on behalf of e.g. Buchenwald, where several nations claim to get hold of them, and where, therefore, some/examine is necessary. Oradour-sur-Glane was a purely French case, and no doubt the people arrested in connection with this crime should be sent to France.

Lord WRIGHT said that we must allow some latitude of time. It is only one week or so since the war had ended, and the Allied military authorities are engaged in changing over from strategic military operations to military government operations. They must have some time.

M. GROS: Oradour-sur-Glane is a test case.

Lord WRIGHT: Oradour-sur-Glane is a very good case.

Col. HODGSON said that all the questions could be cleared up by conversations. We must be patient. The military authorities are very busy in changing over from tactical operations to military government operations.

M. GROS mentioned the SS. Div. "Das Reich", and asked whether the Allied authorities are prepared to give us (France) the whole Division.

Mr. OLDHAM pointed out that a certain amount of demobilisation is proceeding.

Lord WRIGHT said that a meeting with the military authorities should be held within a week or two, and added:- let the matter lie subject to this, that we make up our mind what are the proposals to be laid before the military authorities.

M. de BAER said that in the first meeting which had been held at the time it was the general assumption that all people who are on "A" will be handed over when SHAEF gets hold of them.

M. GROS: We could make the investigation at the place where the Division is.

Lord WRIGHT supported the proposal to extract a list of units which have been listed. If we can get that list of units it raises particular problems of its own. The general problem will be: what machinery is being put into effect whereby the people are sent to the country demanding them?

/to be

Col. HODGSON: I stated my own personal view. SHAEF operates according to directions they get from the Governments.

Mr. OLDHAM: We could not prevent them.

The Legal Officer, Dr. Schwelb, was charged with the task of making up a special Units List.

While the case 494 was being discussed, M. GROS agreed to alter the charge by replacing the words "presumed guilty" by the words "accused by Horn".

In connection with the case 799, it was pointed out by M. GROS that it will be advisable to keep the order presented in this case in evidence, when we review the orders given by German authorities with regard to general destruction. M. Gros also supplemented the charge No. 799 by inserting the name of Adolf Hitler, whom it was decided to put on "A".

During consideration of the Norwegian charge 834 it was decided to replace the designation of the criminal listed under 340 to the effect that it should read "A commander of the Boten Camp from Easter 1943". No. 353 will read "the whole staff of Boten camp".



2) Re-opening "C" cases.

It was decided to adjourn the consideration of the Report No. 1 on charges to be re-classified, until next week.

3) Question of crimes committed by Germans against their own nationals.

(Cases submitted by the Association of German Democratic Lawyers)

This question was also adjourned until next week.

SECRET

No. 7

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UNITED NATIONS WAR CRIMES COMMISSION

NOTES OF THE MEETING OF COMMITTEE I

held on

May 10th, 1945, at 10.30 a.m.

1. Proceedings in individual cases.

The Committee decided upon two cases submitted by the Belgian Government (Nos. 796 and 797) in the manner recorded by the Chief Clerk in the official files and in the Report Belgium No. 5.

2. Commission Charge against Altemeyer (crime committed at Skirosawa, near Riga)

It was decided to put Altemeyer on List A, Bruns and Goerz on W and to recommend to the Commission to furnish particulars of the case to the Soviet Ambassador in London with a view to informing the Soviet Extraordinary State Commission for the investigation of German crimes.

3. Cases submitted by the Association of German Democratic Lawyers

It was decided to adjourn the consideration of these cases to next week.

4. Meeting of National Offices

It was decided to recommend to the Commission to convene a meeting of the National Offices. TIME: at least a fortnight after sending out the invitations. PLACE: London.

5. List of Key Men and connected topics.

Procedure in the cases of "top-criminals". COLONEL WADE informed the Committee of his work concerning the supplementing of the list of German key men and of the preparation of lists of Hungarian keymen. President Truman's recent statement and the appointment of Mr. Justice Jackson of the Supreme Court of the United States to investigate the cases of the "top criminals" on behalf of the United States were discussed.

The question of the steps to be taken along the lines proposed by Professor Gros and M. de Baer was adjourned.

It was pointed out that it will be necessary to determine a formula who these people are and how they should be disposed of. A paper will be submitted by the Chairman.

A file will be set up for each person listed as a key-criminal. The Legal Officer (Mr. Litawski) will assist Colonel Wade in this task.

6. Re-opening of "C" cases.

In accordance with the decision of the meeting held on April 18th, 1945 (see notes No. 4) letters had been sent to the National Offices inviting them to inform the Committee of those old cases which they wanted to be taken up. Except one Polish charge, no request from any National Office had been forthcoming.

The Committee decided to take up the cases on its own initiative and the Legal Officer (Mr. Schwelb) was charged to go through them and to submit to the Committee those which he thinks fit for re-grouping. There is no Polish and no Belgian case to be re-opened.

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April 25th, 1945..

Dear Wing-Commander Jones,

/• I enclose the shorthand  
note of your report to Committee  
I and the interspersed discussion.  
Would you be so good as to make  
any corrections which you may  
wish, and return the paper to me  
for circulation?

Yours very sincerely,

(S) H. McK. W.

Wing Commander Jones,  
R.A.A.F.,  
Kodak House,  
Kingsway,  
W.C. 2.



## UNITED NATIONS WAR CRIMES COMMISSION

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## NOTES OF THE MEETING OF COMMITTEE I

held on 2 May, 1945. at 10.30 a.m.

1. PROCEEDINGS IN INDIVIDUAL CASES

The Committee decided upon cases submitted by the Polish, United Kingdom and Belgian Governments and upon one Commission charge in the manner recorded by the Chief Clerk in the official files and in the Reports:

Poland	No. 3
United Kingdom	No. 8
Belgium	No. 4

In the British cases 786 and 787 the precedent of the case 782 (see notes of meeting, held April 27, 1945; No. 5) was followed and it was decided to put

- 1) General ~~Wittig~~ and
- 2) the officer in charge of the Abteilung Organisation des Kriegsgefangenenwesens on A.

In the case 788 it was pointed out by Mr. Kent (United Kingdom National Office) that it was a New Zealand case put forward by the United Kingdom national office on behalf of the Dominion of New Zealand.

During the discussions regarding the Commission charge 790 (Kesselring and Kamptz) the Committee decided to put on A not only Kamptz, but also Field Marshal Kesselring. The prima facie case against him is supported by the charge 329, containing a similar Order originating from Kesselring. Colonel BEHLE pointed out, in connection with this old case 329, that all similar cases should be taken up again.

While the Belgian case 795 (Buchenwald) was considered, a letter from Colonel Hodgson to Lord Wright and its enclosure containing a number of further names of the Buchenwald staff was read by the Chairman. This information originates from freed Buchenwald internees. On the motion of the Chairman it was decided to add the new names contained in this document to the list submitted by the Belgian Government which was being considered.

The names are as follows:

- 1) S.S. Scharfuhrer Hubner
- 2) S.S. Untersturmfuhrer Dombach
- 3) Dr. Ding, physician
- 4) Dr. Hof (or Hov?), physician
- 5) Hauptscharfuhrer Balnk (?)

2. MINUTES OF LAST MEETING

The Minutes No. 5 were agreed to, with some modifications suggested by the Chairman, as follows:

Page 1, para. 1. At end add the sentence "Mr. Kent agreed to charge him".  
Alter the third and fourth paragraphs to read: "In the case 781 (Fischbach) Colonel BEHLE discussed the question whether Fischbach should not be put on S instead of on A. The Committee unanimously decided to place Fischbach on A for the reason that Fischbach was personally engaged in the act which is alleged to constitute a war crime, viz. the shooting of the prisoner of war Bramman. The question, whether he has a valid defence, e.g. having acted in self-defence against a man of whom it is said that he had been abnormal both in mind and conduct, is not for the Committee to decide."

Page 2, line 29. After the words "National Offices" insert the word "when" and delete "to the fact that".

3. NUMBERING OF COMMITTEE I DOCUMENTS

On the motion of Col. BEHLE it was decided to adopt in the proceedings of Committee I the same degree of formality as adopted by Committees II and III and to number its documents. Wing Commander Jones's report, on the Looting of Art Treasures, will be No. I/1; the note by the Chairman on a Conference of the National Offices (see below), will be No. I/2.

4. CASES SUBMITTED BY THE ASSOCIATION OF GERMAN DEMOCRATIC LAWYERS

The Committee considered nine cases against German criminals, submitted to the Commission. In the discussion several speakers expressed the view that the cases should be examined and kept as a special source of information. It was pointed out that in examining them the Committee will have to be a little more careful than when examining cases presented by a Government. The Committee have no means of examining the reliability of witnesses. The effect of the lapse of time (most of the cases date from 1933/34) and the question of prescription were also discussed.

It was resolved to adjourn the matter for the next meeting and then to report to the Commission and to explain to the gentlemen who have submitted the cases what the Commission are doing.

5. LETTER BY MR. S.N. DUTT DATED NOVEMBER 15, 1944

A draft of a reply to Mr. Dutt, presented by the Secretary General, was agreed to with certain modifications.

6. PROPOSAL FOR A CONFERENCE OF NATIONAL OFFICES

The Chairman presented a note on the proposal to convene a conference of the National Offices.

After discussion the matter was adjourned for the next meeting of Committee I.



LOOTING OF ART TREASURES AND  
REPORT OF VAUCHER COMMITTEE

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WING COMMANDER JONES reported that the Vaucher Committee had filed in all between 700 and 800 cases, in the form of a memorandum showing what personal details were known, and the connection with the looting of various art treasures. He had extracted from this about 40 cases in which it appeared that the persons were directly concerned with looting. He went through this list with Dr. S..... of the Polish Authorities, who agreed that these people were the ones responsible, not just minor cases incidentally concerned, but the people behind the movement who had definitely taken part in it. He had asked Dr. S..... for details of the categorical statement made by the Vaucher Committee regarding the particular persons responsible for looting, and found that there were some difficulties. This statement was based in the main on reports received through the underground movement, or from cuttings in German newspapers. Dr. Streiker had sent him, however, in each of the cases, the names of the witnesses whom he suggested would be able to give definite evidence of that categorical statement. But whether such evidence could be supported, he could not say, because it was not in any sense briefed. The witnesses were mainly Polish. The first name, for instance - in his list of 40 - was that of a Dr. Abb, a German who was apparently a librarian and became the Director of the Cracow Library. While there, he set up a German central library, amalgamating the various private and State libraries; he took whatever he required and got rid of or pulped the remainder. The Polish submit that this man was the directing mind behind the movement which seized books from State and private libraries and either took them to Germany or put them in the Nazi library. That was a typical example. The people trained for this purpose were mainly professors, but there were others too, such as the wife of the Nazi mayor, who, if she fancied something, took it from a museum for her own private use. Wing Commander JONES was unable to say definitely that any charges lay against these 40 persons - except for the categorical statement issued which declared they were responsible for looting - but ~~such~~ evidence was lacking and witnesses unavailable. In the Abb case, for example, the witnesses were .....  
.....

but that was all he could obtain from the Polish Authorities to substantiate the

case. They relied chiefly upon the booklet "Nazi Culture in Poland", saying that the report of a certain person's activities was to be found in it. There was a lot of hearsay, and hearsay upon hearsay, although no doubt evidence was available if it could be found. Dr. Streiker's attitude was that these people would be captured and if possible he would talk to them and obtain the evidence he required.

MR. OLDHAM thought these were cases for the "S" (Suspect) list, but LORD FINLAY pointed out that Committee I was only concerned with prima facie evidence, and some of these cases seemed to be suitable for list "A"; evidence could always be given later.

WING COMMANDER JONES agreed and said he would study the booklet mentioned for further information. The Vaucher Committee had suggested that in many instances, there were persons, who, while not themselves responsible, would be able to throw some light on the present whereabouts of the art treasures.

M. DE BAER said they would be listed as witnesses. If Poles, the Polish National Office was responsible, but if Germans, we should ask that they be held in custody. He added that this was also valuable to the Vaucher Committee.

COLONEL WADE asked if the organisation Wing Commander Jones had been talking about was the same as the Rosenberg organisation, but WING COMMANDER JONES said he was not referring to any particular organisation which had been unearthed, but to the libraries which had been formed, etc.

COLONEL BEHLE suggested that Colonel Wade's report, when ready, would prove very valuable to Wing Commander Jones, and <sup>proposed</sup> ~~said~~ that Dr. Schwelb should provide him with a copy of document C.87 to help him formulate one or two cases for submission to this Commission. The Secretariat would also give him stenographic assistance. COLONEL WADE pointed out that his report concerned the Western countries mostly, and WING COMMANDER JONES said that his information would supplement it, as it concerned the Eastern countries, mostly Poland.

LORD FINLAY proposed that four specimen cases should be prepared.

COLONEL BEHLE and M. DE BAER thanked Wing Commander Jones for his report, and offered the Committee's help, adding that he was at liberty to attend the meetings whenever he liked. They should endeavour to enlist each other's collaboration.

SECRET

file copy  
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NO. 5

UNITED NATIONS WAR CRIMES COMMISSION

NOTES OF THE MEETING OF COMMITTEE I HELD ON 24TH

APRIL, 1945 AT 10.30 a.m.

1. Proceedings regarding individual cases.

The Committee decided upon cases submitted by the United Kingdom Government in the manner recorded by the Chief Clerk in the official files and in the Report:

United Kingdom No. 7

In the case 730 (Stalag 315; murder of four Indian prisoners of war), the Chairman (M. de Baer) asked whether the "Lager Kommandant" should not also be made responsible. *Mr. Kent accepted to charge him.*

It was unanimously decided to put "the Lager Kommandant of Stalag 315, Epinal, France, on 15th July, 1944" on A, and the persons mentioned in the charge sub (1) and (2) on C.

In the case 731 (Fischbach) Colonel RHLE discussed the question whether Fischbach [~~who is only a suspect of the murder of Guardsman Brennan~~] should not be put on S instead of on A. The Committee unanimously decided to place Fischbach on A, *for* the reason, ~~as expressed by all members of the Committee who took part in the discussion being capable of summarizing as follows:~~  
~~list "A" is a collection of names of persons who are suspected of having taken part in a crime, committed by a group or class of persons, under circumstances where it at present is not possible to say whether the individual accused has personally himself committed an unlawful act or not.~~

~~In the present case there is no doubt that~~ Fischbach was personally engaged in the act which is alleged to constitute a war crime, viz. the shooting of the prisoner of war Brennan. The question, whether he has a valid defence, e.g. having acted in self-defence against a man of whom it is said that he had been abnormal both in mind and conduct, is not for the Committee to decide.

In the case of 732 (deportation of 168 British and American officers and non-commissioned officers from Fresnes to Buchenwald) Colonel Wade suggested that in addition to the persons accused in the charge also the following persons should be charged :



- 1) General Otto Röttig, Inspector General of Prisoner of War Camps and Chief of Prisoners of War Affairs.
- 2) The officer in charge of the Branch for Prisoners of war Organisation (Abteilung Organisation des Kriegsgefangenenwesens, Kriegsgef. Org) in the office "Chef des Kriegsgefangenenwesens im Oberkommando der Wehrmacht".

With the concurrence of Mr. Kent (United Kingdom National Office) it was decided to put these two persons on "A" and the persons charged in the original charge No. 782 on "C".

In the case 783 (torture of British and American Officers and Non-commissioned officers in Buchenwald) it was stated that the name of the Kommandant is now known (Voss).

It was decided to put

- (1) on A
- (2) and (3) on A units and to modify (3) to the effect that it included also women concerned in the ill-treatment of internees in Buchenwald ("men and women" or "personnel").

In connection with the charges 783 and 784, Colonel BEHLE pointed out that the Secretary or the Legal Officer should draw the attention of National Offices *when* ~~to the fact that~~ from a charge, submitted by one national office, it appeared that also citizens of another United Nation were among the victims of that particular crime.

2. The Looting of Art Treasures - Report by Wing-Commander Jones and discussion

Wing-Commander Jones gave a report on the work of the Vaucher Commission and said that he had not been concerned with the objects, but with the persons concerned i.e. the people directly engaged in looting, or people who would be aware of the location of various objects, or people incidentally involved.

Wing-Commander Jones's report and the discussion following it will be circulated separately.

It was decided that Wing-Commander Jones should be asked to get in touch with Colonel Wade and the Legal Officer and that they together should formulate four charges for Committee I, who then would decide whether the material collected by the Vaucher Commission was sufficient for the purposes of the War Crimes Commission.

3). Re-organisation of the Commission and the question of new premises.

Colonel BEHLE said that ways and means had to be found to set up a larger organisation in larger premises. He raised the question of an appropriate index-card-system which should enable the Commission to deal with the cases which will be flooding in in increasing volume. He mentioned the "Central Control Punch Card System" and explained its peculiarities.

M. van den BERGH informed the Committee of his visit to Scotland Yard and described the ingenious system of card indexes on which they were working there. He said that unless we had a centralised record on a very large scale we shall not be able to cope with the tasks of the Commission has to fulfil.

The Secretary-General presented the Committee a scheme regarding new premises.

Colonel BEHLE suggested that an informal conference be held with the national offices, S.H.A.E.F. and the Mediterranean Command.

M. van den BERGH promised to make a report on the card index problem in writing.

4) The minutes of the following meetings of Committee I, circulated by the Legal Officer were approved :

No. 1 :	Meeting of April 5th, 1945.
No. 2 :	" " " 11th, 1945.
No. 3 :	" " " 17th, 1945.
No. 4 :	" " " 18th, 1945.

SECRET

No. 3

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of the Meeting of Committee I  
held on  
17th April, 1945 at 2.30 p.m.

In the absence of the Chairman (M. de Boer) Lord WRIGHT took the chair.

1) LIST OF "MAJOR CRIMINALS", "RING LEADERS" OR "KEY MEN"

Colonel HODGSON explained the necessity of compiling a list of people who held key positions and who must be held prima facie responsible for the atrocities committed. There was a general government policy of systematic terrorism. These people ought to be brought together on a "master criminals list" though some of them are already on the lists at the instance of a national office. All of them are at least aiders and abettors to these crimes in cases where they are not principals.

Lord FINLAY agreed with the proposal on the ground that we are faced with an entirely criminal system. We are taking a new departure from which Lord Finlay does not dissent. He entirely sees the point of putting the German government on the list. Here we are going rather beyond.

Lord WRIGHT: We list them as prima facie war criminals and it is a fair assumption that they had something to do with the crimes. We have to show that they had a position in the government of an area where schemes of atrocities were carried out. Lord Wright has no hesitation, e.g. about the Gauleiters. "Regional commissioners" must be held responsible for the systematic schemes carried out in the area subject to each individual. Any reasonable person would say that the crimes were carried out under his authority, knowledge and consent.

Dr. de MEER expressed his agreement with the procedure adopted.

Colonel HODGSON presented a list, supplementary to the list drafted by Colonel Wade, and added that it will be necessary to put also leading industrialists and bankers on a similar list.

Lord WRIGHT agreed with the necessity of looking also into the names of industrialists and bankers.

Colonel WADE read out

- a) the list compiled by himself;
- b) the list presented to the Committee by Colonel Hodgson.

The Committee resolved to have the list, compiled by putting these two lists together, duplicated and referred to the Commission for to-morrow's meeting.



Lord HIGHT and Colonel BIBLE said that this list might be supplemented and was subject to revision.

The Secretary-General presented a draft introductory note to this list which, after some alterations, was agreed to.

2) PROCEDURE REGARDING INDIVIDUAL CASES

The Committee decided upon cases submitted by the United Kingdom Government in the manner recorded by the Chief Clerk of the Commission in the official files and in the

Cases Report United Kingdom No. 6.

The cases 773 to 779 ("Commission charges" re crimes committed mainly against Italians) were adjourned in order to obtain further and more detailed information.

It was decided to put General Palmke (responsible for crimes committed in Denmark) on A ("Commission charge").

3) The technical questions connected with the production both of the next list of War Criminals and of the list of "key men" (see *supra* (1)) were discussed.

424/CE/G/10  
464/CE/G/34

# REPORT BY THE LEGAL OFFICER ON THE CZECHOSLOVAK CHARGES

## "SONDERGERICHTE" and "STANDGERICHTE"

On March 28th, 1945, the proceedings of Committee I were adjourned till April 11th, and I was instructed to report on the two cases mentioned above.

Both charges are closely connected with the charge preferred by the Czechoslovak Government against Adolf Hitler and others (Standgerichte - No. 389/CE/G/6), in which case it was decided by Committee I on November 11th, 1944, to put all the accused whose names had been given on List A (with the exception of Hess and Gurtner).

### The case already decided by Committee I.

I understand from the file 389/2 that the charge was based not only on the general illegality in international law of the occupation of Czechoslovakia, on the doctrine of non-recognition of acts of aggression and their consequences and on the illegality, in the circumstances, of setting up German criminal courts on the occupied territory, but the chief reason seems to have been the particular character of the courts in question (Standgerichte), their composition and procedure, and last, but not least, the law which they were called upon to administer.

The following were the most striking features that seem to have convinced Committee I that the Standgerichte with which the charge 389 was dealing were not law courts, but administrative instrumentalities cloaking the committing of crimes against life and liberty, namely:

- (a) The composition of the courts;
- (b) The summary character of their procedure;
- (c) The provision that the findings of the Standgerichte may be either the death sentence or the handing over of the accused to the Secret State Police;
- (d) That the death sentence is to be imposed not only on those who shelter or help persons who took part in the attack on Heydrich, or who possess knowledge of their identity or place of concealment and fail to report, but that also the families of such persons will be shot;
- (e) That any person of fifteen years and over who fails to register will be shot;
- (f) That persons giving shelter to anyone unregistered after a certain date will be shot.

From this it follows, in my view, that the ratio decidendi of Committee I seems to have been not that the setting up of courts in occupied territory is a criminal offence in all circumstances, but only in the particular circumstances as described in the Czechoslovak charge 389.

The charge 389 refers to the time between May 27th, 1942 and July 7th, 1942, i.e., the weeks after the attempt on the life of Heydrich.

464/CE/G/11.

### The Charge "Standgerichte"

This charge is mainly an extension of the time of the charge dealt with previously. While the charge 389 was dealing with the Standgerichte after the attempt on Heydrich, the new charge (464) indicts the setting up of the Standgerichte by Heydrich himself and covers the time from September 28th, 1941, to January 19th, 1942. Although some particularly appalling provisions of substantive law which the Standgerichte

had to ...

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had to administer were introduced after May 27th, 1942, and therefore were not in force at the time covered by the charge 464, there seems to be no sufficient reason to distinguish the present case 464 from the case already decided (389).

The Czechoslovak charge 464 sets out in detail the historical development which in September 1941 led to the removal of Neurath and to the appointment of Heydrich as acting Reich Protector in Bohemia and Moravia, the Order issued by Heydrich on September 27th, 1941, concerning the declaration of a state of civil emergency, together with the proclamations of "Standrecht" on September 28th and October 1st, 1941, were, as it were, the chief instrument of the reign of terror which Heydrich was appointed to introduce.

As a matter of fact, the activities of the Standgerichte in the first weeks after Heydrich's arrival were indistinguishable from the activities of the same courts after the attempt on Heydrich's life.

The persons charged in case No. 464 are the same as those charged in No. 389, with the omission of Speer, the Reich German Minister of Munitions, and Daluge, who came to Czechoslovakia after May 27th, 1942.

424/CZ/G/10.

The Charge "Sondergerichte".

This case differs from the previous ones in two respects:

- (1) It refers to a kind of court the character of which as an instrument of judicial murder is not so obvious as in the case of the Standgerichte;
- (2) In this case the Czechoslovak Government indict a greater number of persons.

Ad 1.

The Czechoslovak charge sets out in detail why in the view of the Government also the institution of these Sondergerichte and their activities constitute war crimes. The following are those of the reasons adduced by the Czechoslovak Government which appear to me most convincing:

- (a) The provision enabling the Sondergerichte to impose sentences in excess of the ordinary maximum penalty, if the "sound popular feeling" (das gesunde Volksempfinden) calls for it;
- (b) The manner of the execution of the death penalty is not being defined by the judge in the sentence, but is fixed by administrative officials after the sentence has been passed;
- (c) The excessiveness of the penalties to be imposed and actually imposed by the Sondergerichte (e.g., the death penalty for theft and for the slightest infringement of the numerous emergency regulations);
- (d) By an Order dated July 3rd, 1942, the Sondergerichte replaced the Standgerichte after the state of civil emergency had ceased to exist. This Order provides for the punishment by death of anyone who gives lodgings or any other help to a person whom he knows to be engaged in an act hostile to the Reich, or who, according to the circumstances, can be assumed to be so engaged or who omits to notify the authorities in time. Section 1, Article 2, of this Order introduced an un rebuttable presumption that if a person is not registered with the police, he is deemed to be a person whose harbouring is punishable by death;
- (e) Simultaneously, the death sentence was introduced for the forgery or alterations of identity cards and similar offences.

From the list of persons executed in consequence of sentences passed by the Sondergerichte, it follows that actually people were found guilty, punished by death and executed for offences like larceny of postal parcels, black-out offences, assault and ill-treatment of German nationals, concealment of part of the harvest, illicit slaughter of cattle, etc.



With regard to the members of the Hitler Government and the other persons responsible for the institution of these Sondergerichte, their case is therefore also indistinguishable in law from the case already decided by Committee I (389).

Adv. 2c

This charge indicts, inter alia, the other two, Adolf Hitler and the members of the German Reich Government and in addition Kurt Daluege and Karl Hermann Frank.

Daluege acted as deputy Reich Protector in the time between the attempt on the life of Heydrich and the appointment of the new Reich Protector Frick, and is no doubt responsible for what was going on in Czechoslovakia when he was in supreme power.

Karl Hermann Frank is indicted (a) in his capacity of a member of the Reich Government under 2 (bb), and (b) as Secretary of State in the so-called Protectorate under (4). (There is no doubt that Karl Hermann Frank has been the chief administrative officer in the Protectorate virtually since March 1939, namely from March 1939 to August 1943 as "Secretary of State", and since August 1943 as "German State Minister" in the Protectorate.)

In addition, the charge submits a list of all persons who in the relevant time were judges at the German courts established in Czechoslovakia because from those judges the members of the Sondergerichte were chosen.

The charge also indicts the persons who, in the relevant time, were members of the staffs of the German Public Prosecutors in Czechoslovakia.

I consider it to be certain that some of the judges and public prosecutors contained in the list acted as members of the S/G and as public prosecutors before the S/G and are therefore responsible for the sentences complained of.

For obvious reasons it cannot be stated at present which particular judges took part in particular proceedings and passed particular judgments. It will be necessary for Committee I to give a ruling on which list the names of these judges and public prosecutors are to be put.

Under Section 11, sub-section 2 of the Order dated 21st February, 1940, (No. 4,4) the President of the Oberlandesgericht appoints the chairmen and the members of the Sondergerichte. He also arranges the distribution of the Agenda of the Sondergerichte. Therefore there seems to be a prima facie case against the Presidents of the German Oberlandesgerichte in Prague and Idzmerice (Jelmertitz) respectively, Dr. Hartig and Dr. David, for having taken active part in connection with the Sondergerichte.

Their names might therefore be entered on list A.

London, 3rd April, 1945.

*Ernst Blumfeld*

SECRET

No. 4.

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UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of the Meeting of Committee I  
held on  
18th April, 1945, at 10.30 am.

(1) PROCEEDINGS REGARDING INDIVIDUAL CASES

The Czechoslovak case No. 424 ("Sonnenrichte")

The decision recorded by the Chief Clerk of the Commission in the official files (to put the executive personnel, the presidents of the Oberlandesgerichte Prague and Litomerice and all the public prosecutors on A, all the named judges on B) was unanimously agreed to, Captain Wolff (U.S.A.) abstaining from voting.

The Committee then decided upon cases submitted by the Dutch, Belgian, Polish and French Governments in the manner recorded by the Chief Clerk in the official files and in the Cases Reports:

Czechoslovakia	No. 2
Netherlands	No. 3
Poland	No. 2
Belgium	No. 3
France	No. 2

In the case 732 (Concentration camp Natzweiler - Struthof) it was decided to put 1 - 18 on A, 19 on A - units, but it was resolved to inquire with regard to No. 5 ("Haupt, Sturmfuehrer") whether this was a name of an accused or only the designation of an S.S. rank.

In the case 738 (members of a court martial) Captain WILFF wanted additional information about the "conditions illégales" and moved the adjournment of the case. LORINGHET said he was not in favour of adjournment. The motion to adjourn the case having been rejected, Captain WILFF abstained from voting, and it was decided to put 1 to 7 and 10 and 11 on A, but to adjourn the case of nos. 8 and 9 (Rappeau and Heinzeller).

(2) CLOSING OF THE LIST

It was decided to close the list with the cases dealt with at today's meeting, with the exception of the large number of French cases. In order that the preparation of the list should not be delayed by the inclusion of these cases, M. GROS agreed that they should be held over for inclusion in a subsequent list to appear shortly.

(3) TAKING UP OLD CASES

It was resolved to send a letter to the national offices inviting them to inform the Committee of those old cases which they want to be taken up.

(4) It was resolved to invite Wing Commander Jones to attend next week's meeting.

SECRET

2.

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Notes of the meeting of Committee I

held on

11th April 1945, 10.30 a.m.

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The Committee decided upon cases submitted by the British, Czechoslovak and Belgian Governments in the manner recorded by the Chief Clerk of the Commission in the official files and in the Reports:

United Kingdom No. 5  
Belgium No. 2.

1. COLONEL WADE informed the Committee of an important document regarding art treasures, containing information about the whole staff of Rosenberg's office both in Germany and in the occupied countries.

THE CHAIRMAN (MR. DE BAER) recommended the circulation of this document to the members of the Committee.

2. LIST OF MAJOR WAR CRIMINALS. MR. DE BAER proposed to circulate a list.

LORD WRIGHT said that a summary of the charges would be useful. COLONEL HODGSON said he had been checking the lists of the Commission against a list he (Colonel Hodgson) possessed. A number of names did not appear on the list, inter alia, Gauleiters, e.g. the Gauleiter for Germans outside Europe. Even people he had listed as members of German governments and as key officials in occupied countries have been omitted. Colonel Hodgson will bring those lists, they will have to go to the representatives of the individual allied Governments. COLONEL WADE pointed out that the Commission had so far listed those only whose names came up in connection with a particular crime.

LORD WRIGHT expressed the opinion that the Commission were not bound to wait until a name was presented to them and they could pick up these things themselves.

GENERAL WEIR said that the American authorities had taken all 43 Gauleiters and there will, no doubt, be found something on each one of them.

THE CHAIRMAN pointed out that some of the National Offices might help.

Colonel Wade and Mr. Schwelb were asked to go through the list of major criminals and to report to the Committee.

3. PROCEEDINGS REGARDING INDIVIDUAL CASES. In the Czechoslovak case 464 (Standgerichte II), LORD WRIGHT and DR. DE MOOR expressed their agreement with the report submitted on this case by the Legal Officer.

COLONEL HODGSON pointed out that he found a number of grounds on which he did not fully agree with the Czechoslovak charge in this case. Colonel Hodgson promised to circulate his statement to the members of Committee I. His opinion may be summarised thus that, in his view, it is not the mere institution of the courts, which would be ipso facto a crime, but the activities of the courts, and it was in view of these activities that he will vote for putting the accused on ~~List~~ A.

LORD WRIGHT stated that the Legal Officer's report distinguished between setting up of courts in occupied territory in general, which was not a crime, and these ...



and these particular courts, which were different owing to their composition, procedure and the law they were called upon to administer (p. 1 of the Report para (4)(a) to (f)).

It was unanimously resolved to put all the named persons on ~~List~~ A, the unknown members of the Standgerichte on C.

In the Czechoslovak case 424 (Sondergerichte) -

COLONEL HODGSON declared that he wanted to study further the question whether the judges should not also go on A.

DR MAYR HARTING (Czechoslovakia) expressed the opinion that the public prosecutors, mentioned in the charge by name, should go on ~~List~~ A.

LORD WRIGHT proposed to adjourn the case until next week. This was agreed to.

During the proceedings re the United Kingdom case 699 ("Guard, probably a non-commissioned officer etc. ...") THE CHAIRMAN put the question whether these un-identified men should go to A or to C. The LEGAL OFFICER stated that identification was in this case probable because German proceedings had been taken. It was resolved to put the accused on A and expressly to point out that the accused are men referred to in the Memorandum of the German Ministry of Foreign Affairs, dated 16th October 1944, R.670 Br.

In the United Kingdom case 700 ("A Wachmann, etc. ...") the precedent of case 699 (supra) was followed, with the effect that the accused was put on A and it will be pointed out that the accused is the person referred to in the Memorandum R. 4677/Br of the German Foreign Ministry, dated 8th August 1944.

In the United Kingdom case No. 711 (General Messina and others), the LEGAL OFFICER drew the attention of the Committee to the fact that the accused (4) (Germi) was not directly connected with the war crime in question. As to the accused (2) (Sabatini) he was charged with weakness, incompetence and timidity which had resulted in the increase of the death rate of sick prisoners of war.

LORD WRIGHT pointed out that there may be a prima facie case of manslaughter by neglect.

MR KENT agreed to the posting of Germi (4) on List W and it was so decided. As to (5) and (6) the case was adjourned on the motion of Mr. Kent. It was resolved to put (1), (2) and (3) on A.

4. MINUTES OF LAST MEETING. The Secretary/<sup>General</sup> asked whether the form of the minutes, circulated by the Legal Officer, was according to the wishes of the Committee. The Chairman answered in the affirmative.

The examination of the Minutes of the meeting of 5th April 1945 was held over for next week.

SECRET

1.

199

UNITED NATIONS WAR CRIMES COMMISSION

COMMITTEE I

Report

on the meeting of Committee I

held on

5th April, 1945, 2.30 p.m.

The Committee decided upon cases submitted by the British, French and Netherlands Governments in the manner recorded by the Chief Clerk of the Commission in the official files and in the Cases Reports:

United Kingdom, No. 4

France, No. 1

Netherlands, No. 2

During the debate on case 636 (United Kingdom, Kapitän Hoffmann), Colonel Wade drew the Committee's attention to the fact that the Divisional Commander of the 276th Division is probably also responsible.

In the French case 436 (Paul Dix and others), Professor Gros pointed out that Pont Audemer was a very small town and the number of persons serving with the Feldgendarmarie there must necessarily have been very small. He proposed to put the three persons on list S and leave the unit on C.

During the proceedings re the French case 502 (<sup>Oberst</sup> ~~Faersch~~ Kleffel and others; execution of 16 inhabitants), Professor Gros supplemented the written statement as to the facts by adding that the accused were all actually serving during the operation complained of.

When the Committee were considering the French case 647 (Ramprecht and others) Colonel Wade pointed out that there was no 16th Panzer Division S.S. Reichsführer. There was a 16th Panzer Division, but it was not S.S., and a 16th S.S. Division but it was not "Panzer".

During the Committee's deliberations regarding the French case 650 (Von Wietersheim and others) Professor Gros proposed to put all officers, non-commissioned officers and men mentioned in the charge, on List A. The Chairman, M. de Baer, asked whether if an unwieldy number of rank and file people were put on List A this would not drown the Commission's Lists. Captain Wolff and Lord Finlay expressed their agreement with the French proposal to put all on List A as the names were given. It was unanimously resolved to put all the named persons (altogether 300) on List A.

In considering the case 657 (Haeckel and others) it was pointed out that the connection with the crime of the persons mentioned under Nos. 4, 5, 6, 7 and 8 (Stadl, Mangolo, Blumerkamm, Muller, Schneider) did not appear from the written statement of facts. It was, therefore, resolved to put these men provisionally on List S. Nos. 1, 2 and 3 were put on List A, No. 9 on List C.

In the case 662 (Mentzel) several members of the Committee raised the question whether the activities of Mentzel constituted a war crime. While admitting that it was a borderline case, the Committee decided to put Mentzel on List A.

In the case 670 (Grunewald, Eckard and others), the Chairman pointed out that the written statement did not allege any particular crime with regard to the accused Blumenkamp and Buhler. Professor Gros replied that they were members of the Gestapo. Captain Wolff asked whether they were being charged as members of an association of criminals (association de malfaiteurs). Professor Gros confirmed that and the Committee decided to put all persons named on List A.

In the case 677 (Kinipp and others), the Chairman drew the attention of the Secretariat to the fact that it will, in this case, be necessary to point out that the German soldiers, Wilhelm and Steingruber, are not to be treated as suspects of a crime, but only as witnesses. They are not suspect at all and are not to be treated as common murderers when they have done their best to help.

In the case 693 the Committee, while deciding to put Oberleutnant Bauer on List A, adjourned the case as far as Hauptmann Dietrich was concerned, the latter not being mentioned in the statement of facts.