

UNITED NATIONS WAR CRIMES COMMISSION.COMMITTEE I.Summary Minutes of the Meeting of Committee I held on 14th November 1946
at 10.30. a.m.

In the Chair

Monsieur de Baer.

There were also present:

Members of Committee I and their Deputies:

Dr. Mayr-Harting	Czechoslovakia.
Sir Robert Craigie	United Kingdom.
Colonel Springer	United States of America.

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

Major Fanderlik	Czechoslovakia.
Mlle. Capicmont	France.
M. Dimitzas	Greece.
Commander Mouton	Netherlands.
Dr. Szerer	Poland.
Dr. Zivković	Yugoslavia.

I. Minutes No. 80.

Minutes of the Meeting held on the 7th November 1946 were approved subject to the following amendment:-

The second paragraph regarding the Committee's decision on the Czechoslovak case No. 4210 on page 4 should read as follows:

"In connection with these and similar cases it was also decided to refer to Committee III for its opinion the general question as to what extent and for what reasons denunciation as defined in Czechoslovak law should be regarded as a war crime in International law."

II. Proceedings in Individual Cases.

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

1) POLISH Cases.

4261 1-19 and 21-85 on 'A' provided that all descriptions of crimes submitted in this case by the National Office will be brought into line with those in the working list of war crimes as set out in Document C.1.

With regard to the accused No. 20 the case was

(4261 continued) adjourned as it was doubtful whether the charge against him could be regarded as a war crime in view of the fact that the accused was himself a prisoner.

4187 The Committee expressed the unanimous opinion that in this case, as submitted, no war crime was involved. The case was accordingly adjourned in order that Dr. Szerer might obtain further information concerning actual war crimes committed by the accused, if that was in fact the case.

2) YUGOSLAV Cases.

4146 On 'A'

4254 Commenting on this case Dr. Mayr-Harting said that there was no doubt that Yugoslav prisoners of war were killed in camps in Norway but according to a British report and other information available to him, there were mostly Germans in the camp in question and Yugoslav prisoners numbered about 25 only. He therefore could not see how 9000 Yugoslavs could have been held there. His submission was that this particular camp had nothing to do with prisoners of war nor was it an extermination camp but a camp for penal labour for persons convicted for common offences by Criminal Courts and the inmates were mainly Germans and Czechs. This information was strengthened by the fact that the ranks of the persons accused in this case were the ranks of the personnel of an ordinary prison.

Dr. Zivković replied that his National Office is in possession of reports from American sources that also offered evidence of survivors, and the case exactly as it is stated in the charge. Some of the persons have already been charged with crimes committed in these camps. There were several camps of this type in Norway, and one or two of them were set aside for Yugoslavs who were brought over from Yugoslavia for the express purpose of being killed in these camps. The National Office has also statements from the Norwegian guards in the camps and reports from other sources showing all crimes committed therein. There is also evidence that Yugoslav prisoners were shifted from prisoner of war camps to penal camps for the purpose of killing them there and the accused took part in the killing.

This case is related to cases already accepted by Committee I and concerning crimes in KORGEN and other camps in Norway.

It was decided to adjourn the case pending submission by Dr. Mayr-Harting of the evidence

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(4254 continued). mentioned by him as well as of any information Colonel Wade may have on the subject in his research material.

- 4255 On 'A'
- 4256 2-4 on 'A'
1 and 5 on 'S'
- 4257 On 'A'
- 4258 On 'A'
- 4259 1 on 'A' for forced labour.
14 on 'A' for torture and ill-treatment.
As to 2-13 it was decided to ask the National Office for additional information as to which of these accused were concerned in illegal arrests, and for what reasons the latter have been carried out, as well as for further information necessary to substantiate the charge of murder. This part of the case was accordingly adjourned.

3) BELGIAN Cases.

- 873 (addendum 1). On 'A' for torture and ill-treatment.
Previous incorrect spelling of this accused's name should be removed from the Commission List.
- 4242 On 'A' for forced labour and deportation.
- 4260 On 'A' for torture and indiscriminate mass arrest.

4) NETHERLANDS Cases.

- 4262 2 on 'A' for pillage.
1 and 3 adjourned and referred to Committee III for its opinion in connection with other similar Netherlands cases now under consideration by that Committee. In addition, the National Office was also asked to submit a copy of the order issued by the first accused.
- 4263 1 on 'A' for complicity in deportation and pillage.
2 on 'A' for pillage.
3 and 4 adjourned as there was nothing in the case to justify putting them on the List of War Criminals.
5-6 on 'W'
- 4264 On 'A'
- 4265 1, 2, 4-7 on 'W'
3 on 'A' for illegally sentencing to imprisonment.

- 4266 1-5 on 'A' on all counts.
 6 on 'A' for murder and pillage.
 7 on 'A' on counts III and XIII.
 8-9, 12-15 and 17-20 on 'A' as submitted by the
 National Office.
 11 and 16 on 'W'.
- 4267 On 'A'
- 4268 1-3 on 'A'
 4 on 'W'.

III. Request of Dr. Barranco (Document I/69).

Mademoiselle CAPIOMONT stated that a reply had been received from the French Government that it was not desirable for the Commission to furnish information as requested to war criminals who had not as yet been put under arrest; and drew the Committee's attention to the recent letter from the French Government in connection with other similar matter, and their policy of not supplying information regarding French cases to alleged war criminals.

After some discussion the Committee arrived at the conclusion that a reply to the Solicitors' letter informing them that Dr. Barranco had in fact been listed by the Commission would create an undesirable precedent and therefore decided that a reply should only be sent to the effect that the Commission was not in a position to give them any information on the subject as the matter was now in the hands of the French Authorities, to whom they should apply for further particulars. It was also decided that a copy of the Solicitors' letter should be officially transmitted to the French Government with a communication informing them of the decision taken.

IV. The Criminal Organizations in the Nuremberg Judgement (Document III/64).

Monsieur de BAER congratulated Dr. SCHWELB on the paper he had written and with regard to page 5 of the document, wished to add that the provisions of the Belgian Criminal Code were similar to those of the French Criminal Code, and that he would submit the relevant paragraph to Dr. Schwelb for inclusion.

He had read the document with the greatest interest and would like to know what Dr. Schwelb proposed in respect of the bearing of this part of the Nuremberg Judgement on the activities of Committee I.

Dr. SCHWELB said that though he had written this paper without having primarily in mind the activities of Committee I, he thought that it might be useful if Committee I decided how to proceed in cases where persons falling within the scope of declarations by the International Tribunal as to the criminality of the organisations were concerned. He thought that when cases were presented from which it appeared that the accused had been members of an organization covered by a declaration of the Tribunal and when there was prima facie evidence that they knew of the criminal purpose of the organization, then it would be superfluous for Committee I to ask the National Offices for further information and further proof as to the particular facts alleged if such proof would otherwise appear necessary.

Consideration of this matter was adjourned until the next Meeting.