

I/14
10th July, 1945

UNITED NATIONS WAR CRIMES COMMISSION

Committee I

NOTE ON THE YUGOSLAV CASE NO.1014

Terrorism in Krusevac, Kragujevac and Cacak

I

H. KORI G.m.b.H. (item 16) is a Limited Company, (Gesellschaft mit beschränkter Haftung) comparable to an English Private Company.

DIDIER-WERKE A.G. OFENBAU (item 19) is also a Limited Company (Aktiengesellschaft) comparable to an English Public Company.

These companies are charged with having constructed and delivered special ovens for the cremation of the bodies of executed persons.

It is doubtful whether the construction and delivery of appliances for the cremation of the bodies of executed persons constitutes a crime. The positions appear to be distinguishable from the case of the Berlin firm of FAULHABER, the partners of which have been listed on a Commission charge for having delivered gas chambers for the extermination (killing) of living persons.

In case Committee I should regard also persons who delivered appliances for the disposal of dead bodies as accessories to the crimes by which the prisoners had been killed, it would be necessary to find out the persons in charge of and responsible for the two companies. I very much doubt whether Corporations aggregate can as such be listed as war criminals. Even in English law a corporation aggregate cannot be indicted for criminal offences involving violence. Most continental legal systems do not know at all the criminal responsibility of corporations.

The persons responsible for the two companies could be found out without difficulty from the Commercial Registry (Handelsregister).

II

On page 3 of the charge it is stated that MEISSNER gave the actual order for the punitive expedition in October and December 1942.

According to page 4, General Ritter von GRABENHOFE (probably Grabenhof or Brabenhofer) was, a.o. responsible for certain crimes.

These two names do not appear in the list of accused.

E. Schwelb.