

WAR CRIMES.

The most outstanding legal events in this field were the report by Mr. Justice Robert H. Jackson, Chief Counsel for the United States in the prosecution of Axis war criminals, to President Truman (June 7th 1945) and the Royal Warrant concerning Regulations for the Trial of War Criminals (A.O. 81/1945 of June 14th 1945, published June 18th).

Mr. Justice Jackson's report establishes certain principles for the prosecution of war criminals which have long been advocated by the World Jewish Congress: according to this report the Nazi master plan constitutes a criminal conspiracy which makes anybody who took part in the formulation or execution of this criminal plan liable for each of the offences committed and responsible for the acts of each other.

The report further states that the waging of an unjust war is a crime and it proposes to make the following charges against the major Nazi war criminals:-

- 1) Atrocities and offences against persons or property constituting violations of international law including the laws, rules and customs of land and naval warfare.
- 2) Atrocities and offences including atrocities and persecution on racial and religious grounds committed since 1933.
- 3) Invasion of other countries and initiation of wars of aggression in violation of international law or treaties.

It is obvious that the crimes against the Jews would come under the second heading. While on the whole Mr. Justice Jackson's report is on the lines taken by the World Jewish Congress in the matter of war crimes, this would mean that the unique crime against the Jews would simply be treated as a crime of persecution on racial grounds as such has been likewise committed against many nations. This cannot be entirely satisfactory from the Jewish point of view in regard to the singular and special treatment meted out by the Nazis to the Jews.

Dr. Steinberg had interviews with several Allied personalities, pointing out to them this view on the problem. He saw the Soviet Ambassador, M. Gusev; the Counsellor of the Embassy, M. Kukin, Professor Rene Cassin, who was in London as the head of the French delegation to the War Crimes Conference, and Lieut. Rothschild of the United States War Crimes Office. It was agreed that close contact should be kept with this office.

The Royal Warrant of 14th June 1945 is motivated by the consideration that it is "expedient to make provisions for the trial and punishment of violations of the laws and usages of war"; the jurisdiction of the Military Courts which are to be set up is thus restricted to violations of the laws and usages of war as distinct from other documents such as the Italian Terms of Surrender and the Declaration Concerning the Defeat of Germany of 5th June 1945, which speak of war crimes "or analogous offences". According to press comments the Courts to be set up are to try those guilty of atrocities committed in Concentration Camps like Belsen. Such atrocities would be treated as war crimes, as "most of the victims were Allied nationals". Whether atrocities will be prosecuted where the victims were Jews of enemy or neutral nationality or stateless remains to be seen.