MARCH 1945

The most outstanding legal events in this field were the report by Gen. Justice Robert H. Jackson, which outlined the international law to President Roosevelt (June 7th, 1942), and the Nuremberg, Sendai, and London regulations for the trial of war criminals (A.D. 1942), published in July 1942.

Mr. Justice Jackson's report established certain principles for the punishment of war criminals which have since been adopted by the World Jewish Congress. According to this report, the Nazi system was a criminal conspiracy which made anyone who took part in the execution of this criminal plan liable for any of the offenses committed by any other person in such an act.

The report further states that the acts of an unjust war is a crime, and it proposes to make the following offenses against the world Chief War Criminals:

1) Malignant and offenses against persons or property constituting violations of international law including the laws, rules, and customs of land and naval warfare.

2) Atrocities and offenses including atrocities and persecution on racial, religious, and political grounds committed since 1939.

3) Invasion of other countries or 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 line taken by the World Jewish Congress in the matter of war crimes, this would mean that the unique crime against the Jews would always be treated as a crime of persecution on racial grounds, as such has been consistently 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. Halev Cobb had interviews with several Allied personalities, including Sir Henry, Sir Henry, M. Viole, the Secretary of the Jewish, M. M. Döring, Professor A. M. S. Dori, who was in London as the head of the French delegation to the war crimes conference, and Lieut. Kohlmeier of the United States War Crimes Office. It was agreed that these crimes 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 offenses". 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.