

PUNISHMENT OF WAR CRIMINALS

A Statement by the World Jewish Congress

The unprecedented place which the present war holds in the history of humanity is due not only to its magnitude but to the ruthless lawlessness with which it has been waged by the Nazi regime and its allies. Not only have the laws of war as accepted by civilized nations been repeatedly violated, but new methods of warfare have been developed by Germany unprecedented in the history of Western nations and designed to insure German hegemony in Europe irrespective of the outcome of military operations.

Accordingly, the Germans have devised and waged biological warfare and have exterminated whole groups and classes with the object of permanently weakening peoples who stand in the way of German expansion. The most monstrous of these crimes has had as its purpose the destruction of an entire people: the Jews of Europe.

This crime, which has been described by President Roosevelt as "one of the blackest crimes of all history," was the result of a carefully prepared and openly avowed policy. First in Germany and then in the successively occupied territories, the Jews were systematically degraded, deprived of their means of livelihood, segregated in overcrowded ghettos and camps, subjected to a system of planned starvation and forced labor. The reduction of the Jewish population as a result of the appalling losses which this policy assured did not prove rapid enough to satisfy Nazi designs. The Nazis and their satellites therefore resorted to the methods of wholesale deportation and mass murder. Already millions of Jews have been done to death in Europe and it is doubtful whether more than a minority of those who remain will survive the war. *The process continues.*

The leaders of the United Nations have repeatedly taken note of the crimes perpetrated by the Axis powers and have proclaimed it to be their resolve, in the words of Prime Minister Winston Churchill, "to place retribution for these crimes among the major purposes of this war." The declaration to this effect made by the governments of the occupied countries on January 13, 1942 at St. James' Palace, London, was expanded and reinforced by the Moscow Statement of November 1, 1943, signed by the heads of the governments of Great Britain, Soviet Russia and the United States, "speaking in the interests of 32 United Nations."

In addition to the general warnings to the Axis powers, of which there have been a considerable number, they have been specifically warned that crimes against the Jewish populations under their control would be punished. As early as August 1942, such warnings were contained in messages addressed by President Roosevelt and Prime Minister Churchill to a mass meeting of New York citizens. These warnings were made even more specific in the joint statement issued simultaneously in London and Washington on December 17, 1942, by the governments of Great Britain, Soviet Russia and the United States together with the European governments-in-exile. In this formal statement condemning the Nazi policy of exterminating the Jewish people in Europe, these governments reiterated "their solemn resolution to insure that those responsible for these crimes shall not escape retribution."

The World Jewish Congress accordingly urges the adoption of the following measures and principles:

- 1) The necessary measures will be taken to insure that no Axis criminal escapes punishment.

2) The terms of reference defining the competence and jurisdiction of the War Crimes Commission, the proposed international tribunal and the national courts, shall be the official statements issued by spokesmen of the United Nations. In his statement of March 24, 1944, the President of the United States, referring to the extermination of the Jewish people, says that it was "begun by the Nazis in the day of peace and multiplied by them a hundred times in time of war." Accordingly, the jurisdiction of the judicial machinery to be set up to deal with it must include the territories of Germany and her satellites, as well as the occupied countries, and the acts for which the criminals will be held responsible must include all forms of persecution of racial, religious, and political minorities committed in the course of and incidental or preparatory to the war by the Axis and their satellites and collaborators after January 30, 1933 in countries under their control.

3) The commanders of the armies of liberation will be furnished with instructions on the problem of war criminals and their apprehension, and on the measures to be taken to assemble and safeguard the evidence of their crimes. Accordingly, all members of the SS and the Gestapo, as well as other persons suspected of having committed war crimes, including members of local quisling regimes, will be placed under arrest by the Allied military authorities as their armies advance in the liberation of occupied territories and in the occupation of the territories of the Axis powers.

4) Provision for the surrender of criminals will be included in armistice terms. It will be made clear that no criminal will be permitted to evade punishment, whether through conflict of jurisdiction or escape to neutral countries. Like all other war criminals, the violators of Jewish rights will be declared common criminals whose surrender or extradition all countries, whether Axis, satellite, neutral or non-belligerent, will be required to grant.

5) In the list of crimes made punishable ~~after the end of hostilities~~, the attempt to annihilate the Jewish people in Europe, and all acts of violence against Jews in the occupied countries and within the territory of the Axis nations and their satellites in whatever form ~~since 1933~~, will find their explicit and proper place together with other violations of law by the Axis and quisling criminals.

6) In all trials of Axis leaders who excelled themselves both in war crimes of a general character and in those directed against the Jewish population, adequate attention will be given to the specific counts dealing with their anti-Jewish acts.

7) The United Nations whose territories were occupied by the enemy will prosecute with all the required energy and vigor those responsible for the inhuman treatment meted out to the Jewish population, irrespective of nationality.

8) The prosecution of those responsible for the criminal treatment meted out to the Jews in Nazi Germany and in the territories of her satellites will be within the jurisdiction of an International Court of Criminal Justice. In no case will the trial of those accused of punishable acts under this head be entrusted to German courts or courts of the satellite States.

9) Representatives of the respective Jewish communities will be admitted to the prosecuting offices and courts as amici curiae and provision will be made to this effect.

10) Representatives of the Jewish Community (World Jewish Congress) will be officially admitted as amici curiae before the International Prosecuting Body and the International Court of Criminal Justice, whose constituting acts will contain the necessary provisions to this effect.

11) The Commission for the Investigation of War Crimes, or whatever other body may be established for this purpose by the United Nations, will receive and give due consideration to all material which may be submitted to it by the World Jewish Congress and its associated bodies, and will make the necessary arrangements through the establishment of special machinery and the appointment of special representatives to insure that full weight should be given to the evidence assembled by Jewish bodies.

The re-establishment of ordered society in Europe plainly requires that the Axis criminals shall be brought to justice, and brought to justice without delay. There can be no peace and security so long as large numbers of self-confessed criminals are allowed to be at large and by their very presence to mock the promises of a new and better international order made by the spokesmen of democracy. Moreover, if those who are guilty of heinous crimes against the Jewish people are allowed to escape punishment, it cannot but have the effect of encouraging adventurers in the post-war world to use anti-Semitism as a means of obtaining power and thereafter as an instrument of aggression.