

V—MISCELLANEOUS NEWS

The Question of War Crimes

At this time when renewed and intensified atrocities in France and the occupied countries reveal once more the savagery of crimes committed by the Germans and their accomplices under cover of war,¹ it is more imperative than ever for the United Nations to intervene in order that these crimes be punished.² If the justice meted out by the United Nations should prove insufficient, it is to be feared that individuals will be forced to avenge themselves. Already French Patriots, filled with horror and indignation, have issued a warning to the German civilian population. The text of this warning was sent to all police stations, local authorities, the Wehrmacht, Waffen SS and Vichy Militia headquarters. It was also posted on walls in several French towns. The *Gazette de Lausanne* published a copy of this poster which we print below:

Warning from French Patriots — (Reuter) — "We have decided to avenge ourselves upon German civilians for acts of brutality committed by the Germans. German lives will pay for our men, German lives will pay for our women and children.

We shall take vengeance not only in France and Germany, but also in neutral countries where several Gestapo agents have sent their families for safety."

(FRANCE, June 24, 1944)

¹See *Free France*, Vol 6, No. 2, page 76. The mass murders in Asca, and Vol. 6, No. 3, page 107. The destruction of Ouradour-sur-Glâne.

²The following inter-Allied statement on the punishment of war crimes was signed at St. James's Palace in London on January 13, 1942, by Belgium, Free France, Greece, Luxembourg, Norway, the Netherlands, Poland, Czechoslovakia and Yugoslavia:

The undersigned representing the Government of Belgium, the Government of Czechoslovakia, the Free French National Committee, the Government of Greece, the Government of Luxembourg, the Government of the Netherlands, the Government of Norway, the Government of Poland and the Government of Yugoslavia:

"Whereas Germany, since the beginning of the present conflict which arose out of her policy of aggression, has instituted in the Occupied countries a régime of terror characterised amongst other things by imprisonments, mass expulsions, the execution of hostages and massacres, and whereas these acts of violence are being similarly committed by the Allies and Associates of the Reich and, in certain countries, by the accomplices of the occupying Power,

And whereas international solidarity is necessary in order to avoid the repression of these acts of violence simply by acts of vengeance on the part of the general public, and in order to satisfy the sense of justice of the civilised world,

Recalling that international law, and in particular the Convention signed at The Hague in 1907 regarding the laws and customs of land warfare, do not permit belligerents in Occupied countries to commit acts of violence against civilians, to disregard the laws in force, or to overthrow national institutions,

- (1) affirm that acts of violence thus inflicted upon the civilian populations have nothing in common with the conceptions of an act of war or of a political crime as understood by civilised nations,
- (2) take note of the declarations made in this respect on 25th October, 1941, by the President of the United States of America and by the British Prime Minister,
- (3) place among their principal war aims the punishment, through the channel of organised justice, of those guilty of or responsible for these crimes, whether they have ordered them, perpetrated them or participated in them,
- (4) resolve to see to it in a spirit of international solidarity that (a) those guilty or responsible, whatever their nationality, are sought out, handed over to justice and judged, (b) that the sentences pronounced are carried out.

In faith whereof the undersigned duly authorised to this effect have signed the present Declaration.

Done in London, in nine copies, January 13, 1942.

BELGIUM —

M. HUBERT PIERLOT, *Prime Minister and Minister of Education*
M. PAUL HENRI SPAAK, *Minister for Foreign Affairs and Minister of Labour and Social Welfare*

The Position of the Provisional Government — On July 17, François de Menthon, Commissioner of Justice, read a report concerning the punishment of war crimes before the Foreign Affairs Committee, the Committee on State and Legislative Reform of the Consultative Assembly and members of the Committee of the Interior. A bill is being drafted on the basis of this report and will be considered by the Government in the near future.

After mentioning a recent statement by Lord Vansittart in the House of Lords³ in which he demanded merciless punishment of German butchers, this report states the French position in regard to the punishment of war crimes. Guiding principles have been established in inter-Allied conferences, and the question is now being considered by several Allied nations.

The plan presented by François de Menthon emphasizes the importance of keeping the punishment of such war crimes a purely legal matter, not a matter of politics or of reprisal. It is equally important in this regard that the punishment of German crimes should be kept free from mere legalism. That is why such punishment must be considered on a national scale and must be legally based on the following principles: a war crime shall be considered a crime against common law, governed by the French penal code, whether it shall have been committed in Germany or elsewhere, against a French national or a stateless person resident in France since 1940.

CZECHOSLOVAKIA —

MGR. JAN SRAMEK, *Prime Minister*
M. HUBERT RIPKA, *Minister of State*

FREE FRANCE —

*GENERAL CHARLES DE GAULLE, *President of the Free French Committee*
M. MAURICE DEJEAN, *National Commissioner for Foreign Affairs*

GREECE —

M. EMMANUEL TSOUDEROS, *Prime Minister and Minister for Foreign Affairs*
M. S. DIMITRAKAKIS, *Minister of Justice*

LUXEMBOURG —

M. JOSEPH BECH, *Minister of State and Minister for Foreign Affairs*
M. VICTOR BODSON, *Minister of Justice*

THE NETHERLANDS —

PROF. P. S. GERBRANDY, *Prime Minister*
JHR. E. F. M. J. MICHIELS VAN VERDUYNEN, *Minister without Portfolio and Acting Minister for Foreign Affairs*

NORWAY —

M. TRYGVE LIE, *Minister for Foreign Affairs*
M. TERJE WOLD, *Minister of Justice*

POLAND —

GENERAL WLADYSLAW SIKORSKI, *Prime Minister*
COUNT EDWARD RACZYNSKI, *Minister for Foreign Affairs (Acting)*

YUGOSLAVIA —

M. SLOBODAN YOVANOVITCH, *Prime Minister, Minister of the Interior and Deputy Minister of the Army, Navy and Air Force*

M. MOMTCHILO NINTCHITCH, *Minister for Foreign Affairs*

* (United Nations Information Office: "Punishment for War Crimes")

³Lord Vansittart proposed in his statement in the House of Lords that the United Nations demand the surrender of 50,000 members of the Gestapo. "I propose," he said, "that the Allied Governments should declare the Gestapo to be outlawed — fair game for anyone." This statement of Lord Vansittart brought about a heated exchange between him and the Bishop of Chichester who opposed harsh measures on the ground that they would recoil upon British prisoners in Germany, because they were inconsistent with British ideals "and because they were calculated to rally the Germans in a last desperate struggle." Viscount Cranborne said the Government was determined to bring all war criminals to justice and that the German Army and people must share the blame for Nazi atrocities.

Not only those persons who have committed such crimes shall be considered guilty but also those who may have ordered, authorized or tolerated them. A command or authorization by a superior in rank shall not be admitted as justification for commission of such crime.

French military tribunals composed of officers of the French Forces of the Interior shall have jurisdiction.

The punishment of war crimes has already passed the realm of deliberation and theory. The United Nations Commission for the Investigation of War Crimes which meets in London, has gathered evidence on the basis of information coming from France. In Tunisia hundreds of inquiries have been opened, and investigations are also proceeding in Corsica. Finally, directives have been issued to the Regional Commissioners of the Republic in Normandy. Moreover, the punishment of war crimes raises international problems. It is to be hoped that all Allied Governments will adopt identical procedures.

It is absolutely essential that an agreement be reached to enforce the extradition of guilty persons, and this agreement must specify those officials who are responsible for crimes committed under their jurisdiction. It is also essential to determine the jurisdiction of the International Criminal Court agreed upon in principle at the Moscow Conference.

(Commissioner of Information, Alger, July 18, 1944)

Mobilization of Frenchmen in Great Britain

The Decrees of January 24, and April 21, 1944, ordering the mobilization of Frenchmen living abroad shall henceforth apply in Great Britain.¹ The Delegation of the Provisional Government of the French Republic at London shall proceed with the enlistment of French residents of the classes of 1934 to 1944 inclusive for non-commission ranks, and of the classes of 1919 to the present for reserve officers.

The Delegation called the attention of French residents to the strict requirements of French law, reminding them that by service in the French Armed Forces only can they fulfill their legal obligations, unless they have received permission to serve, under detached classification, in the Allied Forces, as provided by the Ordinance of January 25, 1944.

(Commissioner of Information, Alger, July 15, 1944)

Fernand Grenier's Press Conference

In the course of a press conference given on July 27, Fernand Grenier, the Air Commissioner, praised the part taken in the fighting by the French Air Force. He reported that all our available forces were participating in operations.

¹The foreign affairs editor of the *Daily Telegraph* states that the mobilization of French residents in Great Britain very largely implies recognition of the Committee as the Government. The *Manchester Guardian* expresses the same view in remarking that the publication of this mobilization order with the consent of the British Government is evidence of the practical recognition given the Alger Government.

Later, speaking of measures taken to perfect the assignment, the living conditions and training of flyers, Fernand Grenier stated that recruitment was much improved. He paid a warm tribute to the courage of the men.

(Commissioner of Information, Alger, July 30, 1944)

Note: M. Fernand Grenier made a fresh statement on the subject of help given the FFI, after some of his words had been incorrectly reported in the Alger press:

"I have said and I maintain that, from the national point of view, it is most important that French flyers should help the FFI, while always taking into consideration the tactical and strategical needs of the inter-Allied Supreme Command. On the other hand, the Government has done everything possible to bring moral and material support to the Maquis and the FFI, for the Government has always been of the opinion and still contends that inaction at a moment when the supreme battle has begun, would be a crime against the country."

Moroccan Expression of Confidence to the GPRF

Gabriel Puaux, French Resident General of Morocco, at Rabat, sent the following message to the Provisional Government of the French Republic:

At the end of the July session of the Government Council, at the hour when the German Armies are retreating on all battle fronts, the Delegates of the three constituent bodies united by the same patriotic sense, have addressed a fervent appeal to the Moroccan population to ensure the already magnificent success of the subscription to the "Milliard de la Libération." They are following with pride and emotion the heroic struggle of the Forces of the Interior as well as the glorious advance of the French and Allied Armies, and are awaiting the liberation of the mother country with eager hope. They express their gratitude and attachment to General de Gaulle, and their confidence in him to restore in liberated France those Republican institutions to which they are so deeply attached. They ardently hope for the union of all Frenchmen, to draw from our trials, as General de Gaulle said in his last speech, great lessons and great plans for the future.

(Commissioner of Information, Alger, July 29, 1944)

Conference of FFI Delegates in Alger

Delegates of the French Forces of the Interior conferred in Alger with officials of the Provisional Government, officials of the Government General of Algeria, and Members of the Provisional Consultative Assembly present. The purpose of this meeting was to give first hand accounts of the battle engaged by the FFI since June 1940, and to demand arms for these soldiers who are fighting an unequal but unyielding battle.

Delegates of the movements "Prisonniers et déportés," "Forces de la jeunesse patriotique" and the United Resistance Movements ("Libération," "Combat," "Franc-Tireur")¹ defined the position of their organizations on the question of post-war problems and evolved the following doctrine: We constitute a revolutionary force.

¹See *Free France*, Vol. 6, No. 1, page 23.