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AD HOC COMMISSION ON
PRISONERS OF WAR
Seventh session

REPORT OF THE AD HOC COMMISSION ON PRISONERS OF WAR ON THE
WORK OF ITS SEVENTH SESSION

1. The present report follows on the series of interim and progress Reports^{1/} submitted to the Secretary-General by the Ad Hoc Commission on Prisoners of War which was established under General Assembly resolution 427 (V) of 14 December 1950. Pursuant to that resolution, the Secretary-General on 26 June 1951 appointed Mr. José Gustavo Guerrero, Judge of the International Court of Justice, Countess Estelle Bernadotte, of Sweden, and Mr. Aung Khine, Judge of the High Court of Burma, as members of the Commission.
2. The Commission has held seven sessions to date. Mr. Guerrero has served as Chairman.
3. Chapter I of this report contains a record of the work done by the Ad Hoc Commission on Prisoners of War in co-operation with the Governments concerned during its present session. Chapter II describes the progress achieved both in the repatriation of, and in the accounting for prisoners of war, from the time of the establishment of the Commission. Chapter III of the report contains the conclusions and recommendations of the Commission.

^{1/} First interim report (A/AC.46/5) dated 27 August 1951; Second interim report (A/AC.46/8) dated 11 February 1952; Special report (A/AC.46/10) dated 12 September 1952; Third interim report (A/AC.46/11) dated 13 September 1952; Progress report to the Secretary-General (A/2482 and Corr.1) dated 18 September 1953; Progress report to the Secretary-General (A/AC.46/17) dated 30 September 1954; Progress report to the Secretary-General (A/AC.46/18) dated 2 November 1955; and Progress report to the Secretary-General (A/AC.46/19) dated 15 January 1957.

CHAPTER I

ORGANIZATION AND WORK OF THE SEVENTH SESSION OF THE COMMISSION

4. The seventh session of the Commission was held at the European Office of the United Nations from 2 to 11 September 1957. Judge J.G. Guerrero (Chairman), Countess Estelle Bernadotte and Judge Aung Khine attended the session. Mr. Egon Schwelb, Deputy Director of the Division of Human Rights, represented the Secretary-General. Mr. Pedro L. Yap, Division of Human Rights, was Secretary to the Commission.

5. The Commission had before it written statements made available by the Governments of the Federal Republic of Germany, Italy, Japan and the Netherlands; a communication from the World Veterans' Federation, an organization in consultative status with the Economic and Social Council, was also brought to its attention.

6. The Governments of the States directly concerned with the settlement of the problem of prisoners of war were informed of the date and place of the Seventh Session of the Commission. The following Governments expressed their intention of being represented before the Commission either by delegates or by observers: Belgium, the Federal Republic of Germany, Italy, Japan and the United States.

7. The Ad Hoc Commission considered at its first meeting on 2 September 1957 (POW/SR.76) that it might take advantage of the attendance of representatives of interested governments to obtain from them information useful for the purpose of acquainting the Secretary-General of the United Nations with the progress made since its last progress report of 15 January 1957 (A/AC.46/19).

8. The Commission therefore decided to inform the Governments of Australia, Belgium, France, the Federal Republic of Germany, Italy, Japan, Luxembourg, the Netherlands, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, that it would hold private meetings on Friday, 6 September, and Monday, 9 September 1957. It was also decided that the Commission would receive the representatives singly in the English alphabetical order of their States.

These governments were also informed that the Commission would hold a public meeting, at which they might be represented, on 9 September 1957.

9. During the private meetings the Commission held consultations with representatives of the Governments of Belgium, France, the Federal Republic of Germany, Italy, Japan, the Netherlands, the United Kingdom and the United States of America.

10. At the public meeting on 9 September 1957 the Governments of Australia, Belgium, France, the Federal Republic of Germany, Italy, Japan, the Netherlands, the United Kingdom and the United States of America were represented and their delegations made statements, summaries of which will be found in document A/AC.46/SR.10.

11. The Government of Luxembourg sent a message of regret that its representative could not attend the session. The Government of the USSR did not reply to the Commission's invitation. That being so, the information that the Commission is able to include in this report is that furnished to it during the seventh session by the Governments participating at that session, as well as information received in previous sessions or in writing.

12. The Commission agreed that, should circumstances so warrant, a session of the Commission might be convened by the Chairman in consultation with the other members of the Commission and with the Secretary-General.

CHAPTER II

PROGRESS IN THE REPATRIATION OF AND THE ACCOUNTING FOR PRISONERS OF WAR

13. The repatriation of prisoners of war still detained and the clarification of the fate of those whose whereabouts are unknown are two aspects of the problem with which the Commission has been entrusted.

14. At the outset the Commission deemed it necessary to give a precise interpretation of the basic character of its task. It unanimously arrived at the opinion that it was neither a judicial organ nor a body of political inquiry and that its task was to achieve a solution of the question of prisoners of war in a purely humanitarian spirit and on terms acceptable to all the Governments concerned. The Commission decided to inform the Governments of all Member and non-Member States of the interpretation which it had given to its mandate and of its intention to adhere strictly to it.

15. The Commission scrupulously avoided any gesture which might be given a political significance. For example, it did not accept invitations to go to Japan and the Federal Republic of Germany to obtain information on the spot. By impressing upon Governments that it would pursue its efforts without regard to any political considerations and in a strictly objective manner, the Commission hoped to create an atmosphere of confidence in its work. The Commission realized that it would be able to bring its work to a successful conclusion only if it received the co-operation of all the Governments concerned.

16. One special problem which faced the Commission concerned prisoners of war who were detained for war crimes. To some Governments such persons no longer possessed the status of prisoners of war. However, for the purpose of its task the Commission decided to consider as "prisoners of war", not only persons who were officially designated as such by the Governments which detained them, but also those others who, though no longer accorded such status, were still detained for one reason or another. While recognizing that it was not within its competence to examine the decisions of civil or military bodies in virtue of which prisoners of war charged with or convicted of war crimes were detained, the Commission held that in accordance with recognized standards of international conduct full information should be made available concerning such prisoners.

17. The Commission indicated that Governments could co-operate in the solution of the problem of prisoners of war, more particularly by furnishing such information as might be requested of them and by establishing direct contact with the Commission.

18. Accordingly, at its second (1952), third (1952) and fourth (1953) sessions, the Commission decided to invite the following eleven Governments, which it considered especially concerned with the problem, to send representatives with whom the Commission might consult: Australia, Belgium, France, the Federal Republic of Germany, Italy, Japan, Luxembourg, the Netherlands, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. With the exception of the USSR, all these Governments signified their readiness to take part in the work of the Commission and named representatives or observers to attend its sessions. Similar invitations were addressed to the same Governments at the present session of the Commission (see para. 8 above).

19. Governments were requested to furnish information on the following:

(a) The names of prisoners of war still held by them, the reasons for which they were detained and the places in which they were detained.

(b) The names of prisoners who had died while under their control as well as the date and cause of death and the manner and place of burial.

20. Of eighty Governments to whom the request for information was addressed, sixty-three replied.

21. The following forty Governments indicated in their replies that they possessed no information concerning prisoners of war, or that they had not participated in the Second World War, or that they had not held any prisoners of war:

Afghanistan	Ireland
Austria	Israel
Bolivia	Lebanon
Brazil	Liberia
Ceylon <u>2/</u>	Liechtenstein
Chile	Mexico
Colombia	Monaco
Costa Rica	Nepal
Cuba	Nicaragua
Dominican Republic	Pakistan
Ecuador	Panama
Egypt <u>3/</u>	Peru
El Salvador	Portugal
Guatemala	Saudi Arabia
Haiti	Sweden
Hashemite Kingdom of Jordan	Switzerland <u>4/</u>
Honduras	Thailand
Indonesia	Turkey
Iran	Venezuela
Iraq	Yemen

22. The following thirteen Governments indicated that at the time of the establishment of the Commission they were no longer holding any prisoners of war:

Belgium	Japan
Republic of China	Luxembourg
Finland	Netherlands
Germany, Federal Republic of	New Zealand
Greece	Union of South Africa
India	United States of America
Italy	

- 2/ The Government of Ceylon stated that prisoners held on its territory during the war were the responsibility of the United Kingdom.
- 3/ The Government of Egypt stated that all the prisoners of war captured during the Second World War were held by the British Military Authorities and that therefore the Egyptian Government had no information concerning them and played no part in their repatriation.
- 4/ The Government of Switzerland stated that during the Second World War it granted asylum to approximately 105,000 persons of foreign military forces and that they have been repatriated except those who, for political reasons, did not wish to return to their countries.

/...

23. From the information received by the Commission, it appeared that the following were holding prisoners of the Second World War in their custody at the time of the establishment of the Commission:

Albania 5/	Hungary 5/
Australia	Norway
Bulgaria 5/	Philippines
Burma	Poland 5/
Canada	Romania 5/
✓ People's Republic of China 6/	Union of Soviet Socialist Republics
Czechoslovakia 5/	United Kingdom of Great Britain
Denmark	and Northern Ireland
France	Yugoslavia

24. The following eight Governments, which at the time of the establishment of the Commission were holding prisoners in their custody for war crimes, informed the Commission subsequently that all such prisoners had been released or transferred to the custody of their own Governments:

Australia	Philippines
Burma	United Kingdom of Great Britain
Canada	and Northern Ireland
Denmark	Yugoslavia
Norway	

25. Governments were requested to furnish information concerning the names and other particulars of prisoners of war who had died in their custody. Information was received by the Commission from the following Governments:

Australia	Finland
Belgium	France
Canada	Germany, Federal Republic of
Greece	Norway
Japan	Philippines
Luxembourg	Union of South Africa
Netherlands	United Kingdom of Great Britain
New Zealand	and Northern Ireland
Ceylon	United States of America

5/ These countries did not supply any information to the Commission. However, the governments whose nationals were concerned informed the Commission that some of their nationals had been taken prisoners by or were in the custody of these countries.

6/ The Central People's Government of the People's Republic of China did not reply to the Commission's inquiry. However, the Government of the Union of Soviet Socialist Republics stated that it had handed over to the Government of the People's Republic of China some Japanese nationals for crimes which they were said to have committed against the Chinese people. /...

26. India and Italy indicated that they had already furnished information concerning prisoners who died in their custody to the governments concerned. The Republic of China and Yugoslavia stated that they were unable to furnish such information to the Commission as their records were incomplete. Burma and Denmark informed the Commission that no prisoners of war had died while in their custody.

27. From the information made available by the governments concerned, it has been shown that since the establishment of the Commission a large number of prisoners of war have been released and returned to their homes, largely as a result of negotiations conducted directly between the governments concerned or indirectly through the co-operative efforts of national and international non-governmental organizations, particularly the Red Cross Societies.

28. The following statistical summary^{7/} shows the number of prisoners of war and civilians who have been repatriated since the establishment of the Commission:

A. German nationals

(1) From the USSR

May 1950 - June 1954	10,525
September 1954 - August 1955	342
October 1955 - August 1956	9,818 (and 2,098 civilians)
September 1956 - August 1957	1,772 (and 831 civilians)
	<u>22,457</u>

(2) From Czechoslovakia

February 1951 - September 1952	325 (and 90 civilians)
January - March 1954	250
September 1954 - August 1955	1,069
September 1955 - August 1956	1,087 ^{8/}
September 1956 - August 1957	239
	<u>2,970</u>

(3) From Hungary

September 1953 - March 1954	1,050
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^{7/} Except where otherwise indicated, the information summarized here has been supplied by the Governments whose nationals are concerned.

^{8/} In addition, 338 German prisoners were released within Czechoslovakia.

(4) From Poland

February 1951 - September 1952	310 (and 68 civilians)
September 1953 - March 1954	74
September 1954 - August 1955	199
September 1955 - August 1956	261 9/
September 1956 - August 1957	566
	<u>1,410</u>

(5) From Romania

February 1951 - September 1952	102 (and 1 civilian)
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(6) From other countries 10/

Canada	3
Denmark	13
Norway	42
United Kingdom	57
Yugoslavia	431

B. Italian nationals

From the USSR

1950	21
1953	2
1954	34
1955	7
1956	4
1957 (as of March)	1
	<u>69</u>

9/ In addition, 35 German prisoners were released within Poland.

10/ The figures given were supplied by the detaining countries. These figures relate only to prisoners of war who were detained for war crimes at the time of the establishment of the Commission and who were subsequently pardoned or released to the custody of their own governments.

C. Japanese nationals

(1) From the People's Republic of China

<u>Year</u>	<u>Japanese nationals repatriated in mass</u> <u>11/</u>	<u>Japanese repatriated individually</u>	<u>War criminals released and repatriated</u> <u>12/</u>
1953	26,032	19	
1954	1,039	5	
1955	1,839	5	
1956	257	5	1,018
1957 (as of 1 July)	87	3	6
TOTAL	29,254	37	1,024

(2) From the USSR ^{13/}

1953	798
1954	419
1955	164
1956	1,189
Total	2,570

(3) From the Kuriles and South Saghalien 94

(4) From Outer Mongolia 4

(5) From North Korea 36

(6) From North Viet-Nam 71

(7) From other countries ^{14/}

Australia	246
Burma	30
Philippines	112
United Kingdom	300

GRAND TOTAL OF JAPANESE NATIONALS REPATRIATED 33,778

✓ 11/ The figures given include both military prisoners and civilians.

✓ 12/ These prisoners are those whose names were included in the list handed over by the Chinese Red Cross Society to the Japanese Red Cross in October 1954.

13/ The figures given include both military prisoners and civilians repatriated from the USSR.

14/ See footnote 10 above.

D. Other nationals

(1) Austrian nationals

From the USSR^{15/}

May 1951 120

From Yugoslavia^{16/} 27

(2) Spanish nationals

From the USSR

1954 286

29. Appreciable progress has also been attained in the clarification of the fate of hitherto missing persons as well as in the repatriation of detainees. As far as the governments which have co-operated with the Commission are concerned, adequate accounting for deceased and missing prisoners of war has already been provided, either through the Commission or through bilateral negotiations between the governments concerned. These governments have furnished, in response to requests by the Commission, information concerning prisoners who were detained, as well as prisoners who had died in their custody. The repatriation of large number of detainees has also contributed to the clarification of the fate of many missing persons, through the interrogation of the repatriates by the competent agencies of the interested governments and by the systematic classification of the information thus obtained.

30. An account of the significant developments in the matter of the repatriation of and the accounting for prisoners of war is given below. A summary of the information received from governments concerning prisoners of war is to be found in annex I to this Report.

^{15/} No official information has been received from Austria concerning repatriation of Austrian nationals from the USSR after May 1951.

^{16/} The information on repatriation of Austrian nationals from Yugoslavia was supplied by the Yugoslav Government, which informed the Commission of the release of all prisoners of war detained in its custody for war crimes.

German nationals

31. At the time of the establishment of the Commission, it appeared from the information received by the Commission that the following countries were holding German prisoners of war in their custody:

Albania 17/
Bulgaria 17/
Canada
Czechoslovakia 17/
Denmark
France
Hungary 17/

Norway
Poland 17/
Romania 17/
Union of Soviet Socialist Republics
United Kingdom of Great Britain
and Northern Ireland
Yugoslavia

32. The governments of Canada, Denmark, Norway, the United Kingdom and Yugoslavia submitted to the Commission full information concerning prisoners of war detained in their custody for war crimes. Subsequently they informed the Commission of the release of all the prisoners in their custody (see para. 24 above).

33. The Government of France has supplied the Commission full information relating to German prisoners of war detained in its custody for war crimes. It has fully co-operated with the Commission by supplying information requested of it from time to time. It likewise furnished the Federal Republic of Germany with information required for the purpose of ascertaining the fate of missing German nationals and indicated its willingness to enter into direct negotiations with the appropriate authorities of the Federal Government with a view to making the information on its records and files accessible for the purpose of clarifying the fate of those who were still missing.

34. In its reply to the Secretary-General's letters of 23 February and 22 June 1951 requesting information concerning prisoners of war, the Government of the USSR stated that the repatriation of German, Japanese and Italian prisoners of war from the Soviet Union had been completed, with the exception of persons who had been sentenced or were being prosecuted for war crimes, as announced in TASS communications of 4 January 1949, 22 April, 5 May and 9 June 1950 and in the statement of 18 March 1947 made by the Plenipotentiary Council of Ministers of the

17/ Those countries did not furnish the Commission any information. However, the Federal Republic of Germany reported that there were German prisoners of war held in the custody of those countries.

Union of Soviet Socialist Republics on the question of repatriation. The announcements referred to indicated that 13,546 German prisoners of war were in Soviet custody, as follows:

- 9,717 German prisoners of war convicted of war crimes;
- 3,815 German prisoners of war under investigation for war crimes; and
- 14 German prisoners of war detained due to illness, but scheduled for repatriation after completion of their medical treatment.

35. The Government of the Federal Republic of Germany has submitted to the Commission information concerning German prisoners of war released from the USSR and other Eastern European countries, as well as lists of German prisoners believed to be detained in those countries and lists of former members of the German army reported missing in those countries. These lists have been revised by the Federal Government from time to time as new information was brought to light on the basis of reports from repatriates and of news from the prisoners of war themselves.^{18/}

36. The Federal Government informed the Commission that as of March 1950, there were some 1,300,000 German soldiers registered as missing in the Eastern and Western theatres of the war.^{19/} In the course of the past years the Federal Government has been able to clear up the fate of more than 150,000 of these missing soldiers. At the seventh session of the Commission the Federal Government stated that it was in possession of the names of 1,150,871 German soldiers missing in the Eastern theatre of the war.

37. According to the information submitted by that Government to the Commission in 1954 there were some 20,000 German prisoners of war definitely known to have been detained in the USSR as of May 1950, and there were some 97,000 whose presence in captivity in the USSR was established at one time or another, but whose subsequent fate was unknown. During the period from May 1950 to August 1955 some 11,000 German prisoners of war were released by the Soviet Union.

^{18/} In the absence of the co-operation of the USSR and other governments concerned, the Commission had no way of verifying the data submitted by the Federal Republic of Germany.

^{19/} This figure has been revised from time to time as, on the one hand, more missing soldiers were reported and as, on the other, the fate of some of those reported missing was clarified (see Annex I).

38. In October 1956, the Federal Government informed the Commission that following the establishment of diplomatic relations between the Federal Republic of Germany and the Soviet Union in September 1955, a large number of German prisoners of war were released from Soviet custody and repatriated to Germany. Between October 1955 and September 1957, some 11,500 German prisoners of war were released and repatriated. In addition, some 3,000 civilians deported during the war from the eastern territories of Germany were also repatriated.

39. At the Commission's seventh session, the Federal Republic of Germany stated that seventy-eight German prisoners of war were still detained in Soviet camps and prisons as of August 1957. It further stated that it was in possession of the names of 87,353 German prisoners of war and 16,480 German civilians whose presence in captivity in the Soviet Union at one time or another had been established, but whose subsequent fate was not known.

40. The Federal Government also informed the Commission that there were still 125 German prisoners known to be in custody in Czechoslovakia, 301 in Poland thirty-one in Rmania and ten in Hungary, and that there were 11,330 German prisoners in Poland and 3,541 in Czechoslovakia from whom news had been received at one time or another but whose subsequent fate was not known.

Italian nationals

41. In its reply to the Secretary-General's notes verbales of 23 February and 22 June 1951, the Government of the USSR stated that the repatriation, among others, of Italian prisoners of war had been completed, with the exception of those persons convicted or accused of war crimes (see para. 34 above).

42. The Italian Government, however, submitted to the Commission in 1952 information concerning Italian nationals reported missing or believed to be in custody in the USSR. It transmitted lists containing the names of some 63,000 former Italian military personnel missing in the Soviet Union or in territories under its control, and of some 400 Italian prisoners of war reported to be in Soviet captivity.^{20/}

43. The Italian Government informed the Commission at its fifth session (March 1954) that as a result of negotiations between the Italian Embassy in Moscow and the

^{20/} In the absence of the co-operation of the USSR, the Commission had no way of verifying the data submitted by Italy.

Government of the USSR, thirty Italian prisoners held on charges of war crimes and six civilians were repatriated to Italy from September 1953 to February 1954. From 1955 to 1957, a few more Italian prisoners of war were repatriated from the USSR.

44. As of August 1957, individual "notifications of death" with respect to 360 Italian prisoners of war who had died in the custody of the Soviet Union, had been handed to the Italian Government through diplomatic channels.

45. The Italian Government submitted to the sixth (1954) and seventh sessions of the Commission, documentation containing the names of and other particulars relating to 933 Italian prisoners of war who at one time or another had been heard from or had been reported to be in custody in the USSR but whose subsequent fate was not known.

Japanese nationals

46. It was shown from the information received by the Commission that the following governments were holding Japanese prisoners of war in their custody at the time of the establishment of the Commission:

- Australia
- Burma
- ✓ People's Republic of China
- Philippines
- Union of Soviet Socialist Republics
- United Kingdom of Great Britain and Northern Ireland

47. Australia, Burma, the Philippines and the United Kingdom furnished the Commission information concerning Japanese nationals held in their custody for war crimes. Subsequently, these governments informed the Commission that all Japanese prisoners in their custody were released to Japan or transferred to the custody of the Japanese Government (see para. 24 above).

48. In its reply to the Secretary-General's notes of 23 February and 22 June 1951, the Government of the USSR stated that the repatriation of Japanese prisoners of war from the Soviet Union had been completed, with the exception of persons convicted or accused of war crimes (see para. 34 above). It referred to TASS announcements which gave the following information concerning detained prisoners:

1,487 Japanese prisoners of war sentenced or under investigation for war crimes;

9 Japanese prisoners of war subject to repatriation upon completion of their medical treatment;

971 Japanese prisoners of war placed at the disposal of the Central People's Government of the People's Republic of China for crimes against the Chinese people.

49. In May and June 1951, the Japanese Government presented some estimates of the number of its missing nationals. It stated that out of about 2,726,000 Japanese nationals who were in areas occupied by Soviet forces at the end of the war, approximately 2,357,000 had been repatriated from 1946 to 1950, thus leaving a balance of about 370,000 Japanese nationals not repatriated or otherwise accounted for. It had compiled a list of the names of 340,585 Japanese nationals, of whom 77,637 were said to be alive in Soviet Union, North Korea and the People's Republic of China.^{21/}

50. The Japanese Government informed the Commission that in November 1953 a mission composed of representatives of the Japanese Red Cross Society went to Moscow to negotiate with the Alliance of Red Cross and Red Crescent Societies of the Soviet Union concerning the repatriation of Japanese nationals still detained in the Soviet Union and the clarification of the fate of those who were missing and had been reported last heard of in territory under Soviet control. As an outcome of these negotiations, more than one thousand Japanese nationals were repatriated to Japan between 1 December 1953 and April 1955. In the course of the negotiations a list of 1,047 Japanese prisoners of war detained in the Soviet Union was given to the Japanese Red Cross Society. The Alliance also promised to conduct investigations for the missing "according to the formula of welfare enquiry of Red Cross Societies".

^{21/} According to the Japanese Government, its sources of information were the records and documents kept in Japan, information provided by repatriated Japanese nationals and correspondence received from the detainees. The estimates and the lists of names were revised by the Japanese Government from time to time as new information came to light as a result of further investigations. In the absence of the co-operation of the governments concerned, the Commission had no way of verifying the data submitted by Japan.

51. In June 1955 negotiations between the Soviet Union and Japan were started in London concerning re-establishment of diplomatic relations between the two countries. In the course of the negotiations, a list of 1,011 Japanese prisoners of war and a list of 354 civilians detained in the Soviet Union were furnished to the Japanese Government by the Soviet Union. The Japanese Government also requested the Soviet Government to ascertain the fate of some 11,177 Japanese nationals^{22/} who, apart from those included in the Soviet list, were believed to be in the Soviet Union.

52. In October 1956, a Joint Declaration was concluded between Japan and the Soviet Union ending the state of war between the two countries and providing, inter alia, that upon entry into force of the Joint Declaration all Japanese citizens serving sentences in the Soviet Union would be released and repatriated to Japan and that with respect to those Japanese whose fate was unknown the Soviet Union, at the request of Japan, would continue to investigate their fate. In accordance with the terms of that Declaration, more than one thousand Japanese nationals were released and repatriated to Japan in December 1956.

53. By July 1957, 1,309 of those included in the Soviet list had been repatriated to Japan. Consequently, only fifty-five of those mentioned in the list are still in the Soviet Union.^{23/}

✓ 54. Concerning Japanese prisoners of war detained in the custody of the Central People's Government of the People's Republic of China, no information has been received by the Commission directly from that Government.

✓ 55. The TASS announcements referred to in the Soviet reply to the Secretary-General's letters of 23 February and 22 June 1951 indicated that 971 Japanese prisoners of war were handed over by the Soviet Union to the People's Republic of China (see para. 48 above).

✓ 56. The Japanese Government informed the Commission at its sixth session (1954) that after the mass repatriation from the mainland of China had been concluded in 1949, only a few hundred Japanese nationals returned to Japan in the following three years. On 1 December 1952 it was announced by the Peiping radio that the People's Republic of China was willing to enter into negotiations regarding the

^{22/} As of 1 January 1957 the fate of 1,216 persons had been clarified.

^{23/} Only twenty-nine of this number are subject to repatriation; the rest have been ascertained to be Korean nationals or have decided to remain in the USSR.

repatriation of some 30,000 Japanese nationals in the mainland of China who wished to return to Japan. Negotiations were subsequently conducted between representatives of the Chinese Red Cross Society and of the Japanese Red Cross Society, the Japan-China Friendship Association and the Japan Peace Liaison Committee to work out the details of the repatriation. As a result of the negotiations, a mass repatriation of Japanese nationals started in March 1953. Over a period of two years some 27,000 Japanese were repatriated. Some of the repatriates were released prisoners of war.^{24/}

57. On 31 October 1954 the Chinese Red Cross Society handed to the Japanese Red Cross Society a list of 1,069 Japanese prisoners of war held by the People's Republic of China for war crimes and a list of forty deceased prisoners. Included in these lists were 969^{25/} Japanese prisoners of war handed over to the People's Republic of China in 1950 by the Soviet Union.

58. The Commission was informed by the Japanese Government that in April 1956 the Peiping radio announced that the Standing Committee of the National People's Congress of the People's Republic of China had adopted a resolution by which those Japanese prisoners of war who were being held for minor offences or were found repentant for their crimes were to be exempt from indictment and released, and those who had committed serious crimes were to be tried and punished. In accordance with that resolution 1,017 Japanese prisoners of war were exempted from indictment and were released and subsequently repatriated to Japan during the months of June, July and August 1956. Forty-five were held for trial and convicted; subsequently seven were released and repatriated to Japan. Thus thirty-eight Japanese prisoners of war convicted of war crimes would appear still to remain in the custody of the People's Republic of China as of August 1957.^{26/}

59. The Japanese Government has also reported that, through the co-operative efforts of the Japanese Red Cross Society and the North Korean Red Cross Society, thirty-six Japanese nationals were able to return to Japan from North Korea in April 1956.

^{24/} Among the repatriates, for example, were 417 Japanese prisoners of war detained for war crimes whose release was announced by the Peiping radio in August 1954.

^{25/} The figure of 971 was mentioned by TASS (see para. 55); however, two died before the transfer of custody was effected.

^{26/} Eight of these prisoners were to be released in September 1957.

60. The Japanese Government states that as of 15 August 1957 there were 8,069 Japanese nationals believed to be in the USSR and Outer Mongolia whose fate was unknown, 1,392 in the Kuriles and Saghalien, 2,629 in North Korea and 34,581 in the People's Republic of China. Of these, some 1,300 are known to be alive in the USSR, and about 7,000 in the People's Republic of China.

Repatriation of other nationals

61. At the time of the establishment of the Commission it was shown that some Austrian prisoners of war were held in custody in the Soviet Union. The Austrian Government informed the Commission of the repatriation of 120 Austrian prisoners of war in May 1951 and stated that the repatriation of Austrian prisoners of war was promised in bilateral negotiations between Austria and the Soviet Union. In May 1955 a treaty was signed between the Soviet Union, the United Kingdom, the United States and France, on the one hand, and Austria, on the other, concerning the re-establishment of Austria as a sovereign State. Article 18 of the treaty provided that Austrian prisoners of war were to be repatriated as soon as possible, in accordance with arrangements to be agreed upon by the individual powers detaining them and Austria. Following the conclusion of the treaty it was reported that several hundred Austrian prisoners were released and repatriated from the Soviet Union.

62. The governments of Belgium, Denmark, France, Luxembourg and the Netherlands reported that some of their nationals who had joined or were conscripted into the Wehrmacht during the Second World War were detained as prisoners of war in the Soviet Union. According to these governments negotiations with the Soviet Union concerning the repatriation of their nationals were in progress.

63. The Spanish Government informed the Commission at its third session in 1952 that several hundred Spanish nationals, including members of the Spanish Volunteer Division which fought against the USSR during the Second World War, were detained in the Soviet Union. At the Commission's sixth session (1954), it was reported that 286 Spanish nationals, a majority of whom were prisoners of war belonging to the Spanish Volunteer Division, were repatriated from the Soviet Union, through the French Red Cross Society acting as intermediary.

CHAPTER III

CONCLUSIONS AND RECOMMENDATIONS

64. The main conclusion emerging from the foregoing is that on account of the refusal of the USSR Government to co-operate, the Ad Hoc Commission, whose terms of reference as laid down by the General Assembly provided that the question of prisoners taken during the Second World War was to be settled "in a purely humanitarian spirit and on terms acceptable to all the governments concerned", was unable to negotiate directly with the government on whose co-operation the settlement of the problem to a large extent depended.

65. That being so, the Ad Hoc Commission decided to request the good offices of several national Red Cross Societies and to recommend to the governments whose nationals were concerned to initiate direct negotiations with governments still holding prisoners of war, or which had failed to account for the missing and deceased prisoners. It had been largely due to these negotiations conducted by the governments concerned and by the various national Red Cross Societies that the recent progress in the repatriation of prisoners has been achieved.

66. The Ad Hoc Commission therefore once more appeals to these governments and to the various organizations interested to continue their efforts as the problem concerning prisoners of war has not yet been completely settled.

ANNEX

SUMMARY OF INFORMATION RECEIVED FROM GOVERNMENTS

A. Australia

1. On 30 April 1951 the Government of Australia informed the Commission that the repatriation of prisoners of war - apart from certain Japanese ex-servicemen held in connexion with war crime trials - was completed by March 1946. It also transmitted lists of 492 deceased prisoners of war: 388 Japanese, 97 Italians and 7 Germans (A/AC.46/1, No. 26).

2. On 20 August 1951 the Australian Government furnished the Commission with the following information concerning prisoners of war suspected of, tried for, or convicted of war crimes:

(a) Names of 128 Japanese suspected of war crimes and transferred from Australia to Rabaul.^{1/}

(b) Names and other particulars of two Japanese war criminals included in (a) who were tried by Australian military forces courts at Rabaul.

(c) Names of 114 members of Japanese armed forces sentenced to death for war crimes and executed, together with dates of execution and burial details.

(d) Names of 12 members of the Japanese armed forces, sentenced to death or terms of imprisonment by Australian military courts for war crimes, who died while in custody, together with the date of death, the cause and the place of burial of each person.

(e) The name, date of death, cause of death and place of burial of one member of the armed forces who died while detained for trial

(A/AC.46/1/Add.11).

3. In reply to a request made by the Commission, the Australian Government on 25 September 1951 furnished the names of, as well as the former rank, former unit, date of conviction, sentence, and name and address of nearest of kin, of 246 Japanese former prisoners of war serving sentence on Manus Island as convicted war criminals (A/AC.46/1/Add.15).

^{1/} Apart from the two listed in (b), these persons were removed from the suspect list and included in the general repatriation to Japan which was completed in July 1946 (Note of 13 January 1953).

4. The Australian Government informed the Commission on 31 August 1953 that all Japanese war criminals serving their sentence for war crimes had been transferred to the custody of the Government of Japan (A/AC.46/1/Add.50).
5. At the fourth session (1953) of the Commission, the representative of Japan stated that "the Japanese Government was satisfied that no more Japanese nationals were detained" in Australia (POW/SR.48, page 3).

B. Austria

6. In its note of 28 March 1951 the Austrian Government stated that the repatriation of Austrian prisoners of war in Soviet custody was promised in bilateral negotiations. The Austrian Government informed the Commission that 120 prisoners of war arrived in Austria on 9 March 1951. (A/AC.46/1, No.5).

C. Belgium

7. On 1 May 1951 the Belgian Government informed the Commission that no prisoners of war were detained in Belgium at the time of the establishment of the Commission. All prisoners of war placed at the disposal of the Belgian Government by the United States and the United Kingdom were repatriated at the end of 1947 and early in 1948 (A/AC.46/1, No. 28).
8. The Government of Belgium also furnished the Commission with a list containing the names of and other particulars relating to 454 deceased prisoners of war. The Government of Belgium added that notice of death had been sent to the family of each deceased person in a "scrupulous application of the Geneva Convention of 1929".
9. In reply to an inquiry made by the Commission about the willingness of the Belgian Government to conduct investigations for the purpose of ascertaining the fate or the whereabouts of 32 German nationals whose names had been presented by the Federal Republic of Germany in a nominal roll and whose presence at one time in Belgian custody was said to have been established, the Belgian Government indicated its readiness to enter into direct bilateral negotiations with the competent German authorities for this purpose (Notes of 18 September and 5 October 1953).

10. On 5 October 1953 the Permanent Delegate of Belgium to the European Office of the United Nations informed the Commission that no former German prisoner of war was being detained in Belgium against his will "unless he was detained in a Belgian prison following a sentence regularly imposed by a court of the country".

11. At the seventh session, the Belgian representative stated that a number of Belgian nationals were detained in the Soviet Union. Negotiations concerning the repatriation of these prisoners were being conducted between the Belgian and the USSR Governments (A/AC.46/SR.10).

D. Burma

12. On 4 May 1951 the Government of Burma stated that all prisoners of war had been repatriated from Burma at the time of the establishment of the Commission, apart from 30 Japanese nationals convicted of war crimes and serving their respective terms of imprisonment. The Commission was also informed of the names of and other particulars concerning the prisoners who were detained (A/AC.46/1, No. 29).

13. By a Note dated 19 September 1951 the Government of Burma stated that the 30 Japanese war criminals were repatriated to Japan (A/AC.46/1/Add.14).

E. Canada

14. On 28 March 1951 the Canadian Government furnished the Commission with the following information (A/AC.46/1, No. 6):

(a) The names of and other particulars relating to 3 German prisoners of war from the United Kingdom who were still detained in Canada, one for medical treatment, one serving sentence for the murder of a fellow prisoner of war and one serving sentence for war crimes.

(b) The names of 10 German prisoners of war and enemy merchant seamen from the United Kingdom who had escaped and had not been recaptured.

(c) The names of 6 German prisoners of war and enemy merchant seamen from the United Kingdom who were released in Canada.

(d) The names of one German merchant seaman and one German internee (Canadian responsibility) who were released in Canada.

(e) The names of and other particulars relating to 137 German prisoners of war, merchant seamen and civilian internees from the United Kingdom who died while under Canadian control.

(f) The names of and other particulars relating to 3 Italian merchant seamen and internees from the United Kingdom who died while under Canadian control.

(g) The names of and other particulars relating to 5 Japanese internees (Canadian responsibility) who died while under Canadian control.

(h) The names of and other particulars relating to 5 German refugees from the United Kingdom who died while under Canadian control.

(i) The names of and other particulars relating to 13 German internees and enemy merchant seamen (Canadian responsibility) who died while under Canadian control.

15. On 7 November 1952 the Canadian Government informed the Commission that of the 7 German prisoners of war who had been tried by Canadian military courts on charges of war crimes, 4 were sentenced to death and executed, one was released and 2 were detained in prison in Germany (A/AC.46/1/Add.44).

F. Ceylon

16. On 28 March 1951 the Government of Ceylon informed the Commission that there were no prisoners of war held in Ceylon. It transmitted to the Commission information relating to 5 prisoners of war who died while in custody in Ceylon. All these prisoners were under United Kingdom control during the Second World War when Ceylon was a colony (A/AC.46/1, No. 7).

G. Republic of China

17. The Government of China stated in its Note of 16 May 1951 that all prisoners of war were repatriated before the end of 1947. They were all Japanese nationals. Their total number was 3,159,967 (A/AC.46/1, No. 33).

18. The Chinese Government was unable to furnish any information on the prisoners of war who died while in custody owing to the fact that the relevant records were incomplete on account of the occupation of the Chinese mainland (A/AC.46/1, No. 33).

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19. At the fourth session (1953) of the Commission, the Japanese Delegation stated that since the signing of the Japanese Peace Treaty in August 1952, the Chinese Government had released all Japanese war criminals (POW/SR.50, page 2).

H. Denmark

20. In its note of 15 May 1951 the Danish Government stated that there were no prisoners of war in Denmark at the time of the establishment of the Commission, apart from German nationals convicted of war crimes. A few prisoners of war under the control of the Allied Powers had been "lent" to the Danish authorities during the years since the capitulation in order to be examined as witnesses; they were all returned and none died during their stay in Denmark (A/AC.46/1, No. 32).

21. On 5 November 1951 the Danish Government furnished the Commission with the names of, and other particulars relating to, 13 German prisoners of war detained in Denmark for war crimes (A/AC.46/1/Add.26).

22. On 4 September 1952, in answer to a letter from the Chairman of the Commission, the Danish Government furnished particulars concerning 7 German prisoners of war who were detained for war crimes (A/AC.46/1/Add.39).

23. On 21 July 1954 the Commission was informed that the seven German prisoners who had been convicted of and held for war crimes were pardoned and repatriated to Germany.

I. Finland

24. In its note of 7 April 1951 the Government of Finland stated that, in accordance with the terms of the Armistice Agreement of 19 September 1944 between the USSR and the United Kingdom on the one hand and Finland on the other, all Soviet and Allied prisoners of war taken in the course of the war in 1941-1944, as well as all German prisoners of war taken in the course of the war against Germany in 1944-1945, were handed over to the Allied (Soviet) High Command. It was further stated that detailed lists of prisoners who died while in captivity and of those buried in Finland had been given to the Allied Control Commission (A/AC.46/1, No. 12).

25. On 24 August and 23 September 1953 the Government of Finland furnished the Commission with the names of, and other relevant particulars relating to, 43 German prisoners of war who had died in Finnish military hospitals while in captivity (A/AC.46/1/Add.18).

J. France

26. The French Government stated in its note of 25 August 1951 that the repatriation of prisoners of war under its control had been completed on 31 December 1948 and that only German prisoners of war accused of or sentenced for war crimes were still being held on French territory. Lists of the names and other particulars of such prisoners were submitted. According to these lists the number of prisoners of war sentenced for war crimes and serving sentences in France was 131, and the number of those prosecuted for war crimes but not then sentenced was 67 (A/AC.46/1/Add.12).

27. On 29 October 1951 the Government of France furnished the Commission with information on:

(a) 22,685 German prisoners of war who died while under the control of France.

(b) 719 German prisoners of war who died while under the control of the United Kingdom authorities in the Middle East, and information about whom were held by an organization known as WAST (Office of Information for War Casualties and Prisoners of War) placed under the control of the French High Commissioner in Germany (A/AC.46/1/Add.12 and 29).

28. Additional information on German prisoners held in custody for war crimes was furnished by the French Government on 14 November 1952, 31 October and 15 December 1953.

29. At its sixth session (1954) the Commission was informed by the French Government that it had released 54 German nationals who had been convicted and sentenced for war crimes. As of 7 September 1954, only 145 German nationals were still being held on French territory in connexion with war crimes. Of these 84 were held pending conviction or final disposition of their cases on appeal and 61 were serving their sentences for war crimes. The Commission was also informed that 46 German war criminals were serving their sentences in Germany, under the control of French military authorities.

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30. In reply to a number of enquiries made by the Federal Republic of Germany and transmitted by the Commission to the French Government, the latter stated its readiness to enter into direct bilateral negotiations with the German authorities for the purpose of transmitting to those authorities directly the available information in which they may be interested (Note of 14 February 1953).

31. At the Commission's seventh session, the representative of France indicated that some 300 or 400 French nationals from the Alsace and the Moselle appeared still to be detained in the USSR and that very little was known about their fate. (A/AC.46/SR.10).

K. Federal Republic of Germany

Information on prisoners of war in its custody and deceased prisoners

32. In its note of 6 July 1951 the Government of the Federal Republic of Germany stated that there were no longer any prisoners of war in its custody (A/AC.46/1/Add.3).

33. On 10 September 1951, the Commission requested the Federal Government to furnish information concerning prisoners of war who may have died while in German custody. In a memorandum submitted to the Commission on 15 August 1953, the Minister for Foreign Affairs of the Federal Republic of Germany stated that the collection and transmission of information on deceased prisoners of war had been one of the tasks entrusted to the WAST (Office for Information on War Casualties and Prisoners of War), set up on 28 August 1939; that, in April 1945, the activities of WAST came under the supervision of the United States Occupation Forces; that records concerning American, British, French, Belgian, Netherlands, Scandinavian and Polish nationals were removed by the United States authorities during May and June of that year and reportedly taken to France; that in July 1945 Soviet troops took the records of Soviet prisoners of war, as well as most of the records on Italian nationals of the Balkan States; and that when WAST resumed its activities in 1946 under French supervision, it started collecting records on alien prisoners of war and deceased persons, on the basis of reports from communities, cemetery administrations, clergymen, Red Cross officers, and former officers of the Wehrmacht in charge of grave registrations.

34. The German memorandum added that, in so far as this material related to nationals of Western States, it had been made accessible to those States. Material relating to Soviet nationals buried in Germany, on the other hand, was made available to the Commission in several volumes, handed successively from 9 June 1953 onwards. The list included the names of, and other relevant information relating to, 83,006 deceased Soviet nationals buried in Germany.

Information on German prisoners of war

35. The Government of the Federal Republic of Germany has presented to the Commission detailed information concerning members of the Wehrmacht who had failed to return from the eastern and western theatres of war and about whose fate nothing whatever was known, German prisoners of war whose presence in captivity in certain countries was said to have been established, German prisoners of war released and repatriated, and German civilians deported to the USSR and other Eastern European countries. These lists were revised by the Federal Government from time to time as new information was brought to light as the result of further investigations.

36. At the second session (January 1952) of the Commission, the Federal Republic of Germany presented documentation in several volumes concerning missing members of the Wehrmacht (some 1,300,000), German prisoners of war whose presence in captivity in certain countries was said to have been established (101,041), and German civilians said to have been deported to, or to be detained in, the USSR (700,000), Czechoslovakia (5,282), and Poland or Polish administered territories (4,255 and 4,178 children).

37. At the Commission's third session, the Federal Republic of Germany submitted documentation in fifty volumes containing (a) the names of 1,320,966 German soldiers reported missing as of 15 March 1952; (b) the names of 99,856 German prisoners of war whose presence in captivity in certain countries was said to be established as of 30 June 1952; (c) copies of declarations of death relating to 17,948 prisoners of war; (d) the names of 843 German prisoners of war over sixty-five years of age who were in Soviet custody; and (e) information concerning German civilians said to have been deported to, or to be detained in, the USSR (750,000), Czechoslovakia (8,243), and Poland or Polish administered territories (8,910).

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38. In a memorandum dated 7 September 1952, the representative of the Federal Republic of Germany furnished the following information concerning German prisoners of war released and repatriated during the period from 1 February 1951 to 1 September 1952:

Belgium	61
Czechoslovakia	325 (and 90 civilian detainees)
Denmark	12
France	509
Greece	1
Italy	7
Luxembourg	12
Netherlands	22
Norway	20
Poland	310 (and 68 civilian detainees)
Romania	102 (and 1 civilian detainee)
United Kingdom	106
U.S.S.R.	447 (and 451 civilian detainees)
U.S.A.	176

39. At the fourth session of the Commission, the Government of the Federal Republic of Germany submitted documentation in nineteen volumes containing: (a) the names of 1,272,896 German soldiers reported missing, as of 15 June 1953; (b) the names of 117,529 German prisoners of war whose presence in captivity in certain countries was said to be established; (c) the names of 23,108 Germans previously reported as missing but who were subsequently shown to be detained as prisoners of war; (d) the names of 1,080 previously reported as missing but who were subsequently shown to have died; (e) the names of 18,671 German prisoners of war ascertained after 4 May 1950 to be in Soviet custody. It was stated that between 4 May 1950 and 1 November 1953, 6,610 German prisoners of war were repatriated from the USSR.

40. At the fifth session of the Commission, the Federal Government submitted the following information concerning repatriation of German prisoners of war during the period from September 1953 to January 1954:

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Czechoslovakia	250
Hungary	1,050
Poland	74
U.S.S.R.	10,781

41. At the sixth session of the Commission, the Federal Government submitted documentation in ten volumes which contained: (a) the names of 1,245,277 missing members of the Wehrmacht (88,614 reported missing in the western theatre of war and 1,156,663 in the eastern theatre); (b) the names of 97,770 German prisoners of war whose presence in captivity in the Soviet Union was said to be established (88,560 prisoners whose presence was established by information received prior to May 1950 and 9,210 whose presence was established by information received since May 1950); (c) the names of 5,814 German prisoners of war reported at one time or another in custody in Czechoslovakia and 14,923 German prisoners of war in Poland and Polish administered territories; (d) information concerning 129,000 German civilians deported to the USSR whose presence in Soviet custody was said to be established. It was stated that since 1 May 1950, 10,525 German prisoners of war had returned from the USSR and 702 had died while in custody in the USSR.

42. At that session the representative of the Federal Government of Germany stated before the Commission:

"All the western countries concerned have now promised full co-operation with the German Government as regards clearing up the fate of former members of the German Wehrmacht who were last heard of in these countries..... It will be now the task of the German authorities to make every effort to clear up, with the help of the western countries concerned, the fate of these missing persons." (POW/SR.69)

43. On 16 September 1955, the Federal Government furnished information on the repatriation of German nationals (a) from the USSR: 342 prisoners of war and 820 civilians; (b) from Czechoslovakia: 1,069; and from Poland: 199. It further stated that, from its investigations, it was able to ascertain that at least 8,477 German prisoners of war were in custody in the Soviet Union, and that in addition there were 89,752 who were definitely known to have been in Soviet custody at one time or another but whose whereabouts could not be ascertained. It was also able to establish the names of 64,438 German civilian deportees in Soviet custody of whom 10,071 were heard from after 1 January 1951.

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44. On 25 October 1956 the Federal Government informed the Commission that following the establishment of diplomatic relations between the Soviet Union and the Federal Republic of Germany in September 1955, 9,818 German prisoners of war were released from Soviet custody. In addition, 1,664 civilians deported towards the end of the war from the eastern territories of Germany were repatriated. The Federal Government stated that, from its investigations, it had been able to establish that 152 prisoners of war and 250 civilian prisoners were still detained in the USSR. It added that it was in possession of the names of 93,388 German prisoners of war and 15,798 civilian prisoners whose presence at one time or another in Soviet custody had been established but whose whereabouts were not known. The number of members of the German Wehrmacht missing from the eastern theatre of war was placed at 1,161,025.

45. The Federal Government also submitted the following information on German prisoners released from other eastern European countries:

Czechoslovakia	1,087 (repatriated to Germany) 338 (released within Czechoslovakia)
Poland	261 (repatriated to Germany) 350 (released within Poland).

The Federal Government reported that there were still 315 German prisoners in custody in Czechoslovakia and 867 in Poland, and that it was in possession of the names of 2,985 German nationals in Czechoslovakia and 11,059 in Poland, whose presence in custody in those countries had at one time or another been established but whose subsequent fate was unknown.

46. At the Commission's seventh session, the Federal Government informed the Commission that 9,818 German prisoners of war and 2,098 German civilians were repatriated from the USSR between August 1955 and September 1956 and 1,772 German prisoners and 831 civilians were repatriated after 1 September 1956. As of August 1957, there were 87,353 German prisoners of war and 16,480 civilians whose presence in Soviet captivity had at one time or another been established but whose subsequent fate was unknown.

47. The Federal Government also informed the Commission that after 1 September 1956, 239 German prisoners were repatriated from Czechoslovakia and 566 from Poland. As of August 1957, there were 125 German prisoners still

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detained in Czechoslovakia, 301 in Poland, 31 in Romania and 10 in Hungary. There were 11,330 German prisoners believed to be in Poland and 3,541 in Czechoslovakia whose whereabouts were unknown.

L. Greece

48. In its note of 1 August 1951 the Greek Government stated that Greece was no longer holding any prisoners of war at the time of the establishment of the Commission. The Greek Government also informed the Commission that, owing to the fact that the Occupation authorities had taken away all relevant data on prisoners of war, no information was available concerning prisoners of war who died while under Greek custody. The Greek Government, however, furnished lists of names of approximately 2,740 German and Italian military personnel who were buried in Greece during the Second World War and the enemy occupation together with the names of the places of burial (A/AC.46/1/Add.5).

M. India

49. The Government of India stated in its note of 17 April 1951 that all prisoners of war held in India during the Second World War had already been repatriated. It was unable to furnish any information on prisoners of war who died while in detention, since all individual records of Italian prisoners of war had been forwarded to the Italian authorities and no records of other prisoners were available (A/AC.46/1/No. 18).

N. Italy

Information on prisoners of war under its custody

50. In its note of 27 March 1951 the Italian Government stated that there were no longer any prisoners of war detained in Italy. Full information about those prisoners of war who died while under the responsibility of the Italian Government had been given to the Governments concerned during the allied occupation of Italy (A/AC.46/1, No. 4).

51. In reply to an inquiry from the Commission relating to certain German nationals who had last been reported in Italian custody but who had not yet

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returned home, the Italian Government informed the Commission, in a note dated 29 September 1953, that the question of these persons had been the subject of direct discussion between the appropriate authorities of the two Governments concerned and that it wished to continue the co-operation regarding this question directly with the authorities of the Federal Republic of Germany.

Information regarding Italian prisoners of war

52. In a memorandum submitted to the General Assembly at its fifth session in 1950 (A/C.3/554), the Italian Government stated that while the Government of the Soviet Union announced that 20,096 Italian prisoners of war had been repatriated only 10,000 such persons had actually reached Italy. It further stated that according to the tentative investigation made by the Italian Government and various municipalities throughout the country, nearly 63,000 Italian prisoners of war were missing in the territory of the Government of the Soviet Union or in territories under its control and were still unaccounted for.

53. On 5 November 1951 the Government of Italy submitted to the Commission nine volumes containing the names and relevant data on former members of the Italian Armed Forces who had not been repatriated from the Soviet Union. According to the information contained in these volumes, the number of Italian soldiers who belonged to military units fighting on the Russian front and who did not return to Italy was 63,015. The names of 357 officers, non-commissioned officers and soldiers whose presence in the USSR had been established from one source of information, of 15 others, whose presence in the USSR had been established from two sources of information, and of 30 former members of the air force who operated in the Soviet Union and were still missing, were also furnished in those volumes (A/AC.46/1/Add.27).

54. Under cover of its note dated 8 January 1952 (A/AC.46/1/Add.31), the Italian Government submitted a volume containing a list of the names of 14 former Italian soldiers whose presence in the Soviet Union had been acknowledged by the Soviet Government.

55. At the Commission's second session, the Italian representative informed the Commission that there were 427 Italians detained in Yugoslavia whose whereabouts and fate were not known. The Italian Government had made representations

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to the Yugoslav Government concerning these Italian nationals. It had also made representations to the Albanian Government concerning Italian nationals (32 civilians and 6 military prisoners) detained in that country. It stated that some 21,000 Italians had disappeared in Albania, Greece and Yugoslavia during the war.

56. At the Commission's third session (1952), the Italian Government submitted a prospectus, dated 1 March 1952, dealing with Italian nationals believed to be detained in the Soviet Union. The total number of Italian soldiers who were known to be alive, in captivity, in the USSR was as follows:

- (a) Those whose presence in the USSR was established by information received up to 1946. 355
- (b) Those whose presence in the USSR was established by information received between 1947-1952 54

57. On 20 May 1952 the Italian Government submitted a memorandum concerning Italian prisoners of war in the USSR. Supplemental lists were forwarded by the Italian Government on 7 July 1952.

58. The Italian Government submitted to the Commission, at its fourth session (1953), additional information concerning Italian prisoners of war which the Italian Government had been able to compile since the third session of the Commission. The following information, inter alia, was supplied concerning Italian prisoners of war; as of 30 June 1953:

Italian soldiers who formerly belonged to military units fighting on the Soviet front and who had not returned to Italy . 63,657

Italian soldiers whose presence in captivity in USSR territory had been established by information received prior to 1947 416

Italian soldiers whose presence in captivity in USSR territory had been established by information received from 1947-1950 62

59. On 31 March 1954 the Italian Government transmitted to the fifth session of the Commission a list of 30 Italian prisoners of war repatriated from the USSR during the period from September 1953 to February 1954 and a list of 6 Italian civilians repatriated in January 1953.

60. At the sixth session (1954) of the Commission, the Italian Government submitted a list of 528 Italian prisoners of war known, on the basis of correspondence, information from repatriates or reports during and immediately after the war by the Moscow radio, to have been at one time or another in Soviet camps. It also submitted: (a) a list of Italian soldiers whose names were to be deleted from the list of the missing, since they had died (according to information received from the Soviet authorities or from repatriates); (b) a list of 134 Italian prisoners of war who died while in Soviet custody (compiled from individual notifications of death received from the USSR); (c) a list of 135 Italian military personnel whose names were to be added to the list of the missing; (d) a prospectus concerning Italian prisoners of war in the USSR, which contained inter alia the following information on missing and unrepatriated Italian nationals, as of 30 June 1954:

Italian soldiers who formerly belonged to military units
fighting on the Soviet front and who had not returned to
Italy 63,731

Italian soldiers whose presence in captivity in USSR
territory had been established by information received
prior to 1947 508

Italian soldiers whose presence in captivity in USSR had
been established by information received since 1947 21¹/₂

61. The Italian representative informed the Commission at its sixth session that full details concerning Italian prisoners of war had been supplied by France, the United Kingdom and the United States of America. In the case of France, out of 68,267 Italian prisoners of war in its custody, 68,174 had been repatriated and the dead accounted for. In the case of the United Kingdom, out of 420,116 Italian prisoners of war, 413,064 had been repatriated and the remainder accounted for by the United Kingdom Government. In the case of the United States, out of 125,583 Italian prisoners of war, 125,471 had been repatriated and the fullest details had been given of the hundred or so who had died (POW/SR.69).

1/ One person whose name was included in the list was subsequently reported to have been released and repatriated. /...

62. At the seventh session, the Italian Government submitted supplementary documentation containing the names of 404 Italian prisoners of war whose presence in captivity in the Soviet Union was established at one time or another but whose subsequent fate was not known.

O. Japan

Information on Allied prisoners of war

63. On 14 January 1952 the Japanese Government transmitted to the Commission the names of and other information on 39,726 Allied prisoners of war and 8,207 detainees, totalling 47,933 who died while in Japanese custody during the war.
(A/AC.46/1/Add.32/Rev.1)

Information on Japanese prisoners of war

64. The Japanese Government has from time to time submitted to the Commission information concerning Japanese prisoners of war, based on its own investigations.

65. On 14 May 1951 the Japanese Government informed the Commission that, as of the end of 1950, it was in possession of the names of 323,973 Japanese still unrepatriated from the Soviet Union and from areas occupied by Soviet armed forces at the end of the war (A/AC.46/1/Add.1).

66. On 19 June 1951, the Japanese Government stated that the number of Japanese military personnel who were in areas occupied by Soviet forces at the end of the war was approximately 2,776,000, while the number of those who were repatriated was 2,357,000. Some 369,000 Japanese, therefore, remained unrepatriated and unaccounted for. The Japanese Government had been able to compile a list of the names of 340,585 Japanese nationals "whose whereabouts or condition were known at one time or another" and of whom:

234,151 were known to be dead
28,797 were described as "missing" 1/
77,637 were said to be alive 2/ as follows:

17,841 in Siberia and other Soviet territories
2,545 in South Saghalien and the Kuriles
3,303 in North Korea, and
53,948 in Manchuria and Kwantung Provinces.

1/ Those known to be alive at the war's end, but whose subsequent fate was unknown.

2/ Those whose presence in custody was ascertained from reports of their families in Japan and of repatriated prisoners and from correspondence received from the prisoners themselves.

67. At the Commission's second session, the Japanese Government furnished information concerning cemeteries in the Soviet Union where deceased Japanese nationals were known to have been buried, and maps showing the places in the Soviet Union and the Chinese mainland where Japanese nationals were known to be detained. The Commission was informed of the repatriation of 79 Japanese from the mainland of China in 1951 and of 9 Japanese from Siberia (POW/SR.13).

68. At the third session of the Commission, the Japanese representative stated that as a result of further investigations the number of unrepatriated Japanese prisoners was established, as of 1 May 1952, to be as follows (A/AC.46/SR.7):

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245,427 = known to be dead;
19,682 - known to have been alive in certain areas
 at the war's end, but whose subsequent fate
 - was unknown;
81,288 - reported to be alive, as follows:
 17,230 in Siberia and other Soviet territories
 2,622 in South Saghalien and the Kuriles
 2,408 in North Korea
 59,028 in the People's Republic of China.

69. According to the Japanese representative there were 1,737 Japanese detained in the USSR, 29 in South Saghalien and the Kuriles and 54 in North Korea whose presence in captivity was established from correspondence received from the detainees themselves. The number of Japanese prisoners detained as war criminals was given as follows: 206 in Australia, 111 in the Philippines and 2,458 in the USSR (A/AC.46/SR.1). The Japanese representative also informed the Commission (POW/SR.32) of the repatriation of 89 Japanese nationals in 1950, 79 in 1951 and 24 in 1952 (up to the month of July) from the mainland of China.

70. On 23 February 1953 the Japanese Government informed the Commission that on 1 December 1952 Peking radio announced that the People's Republic of China was willing to enter into negotiations regarding the repatriation of some 30,000 Japanese in the mainland of China who wished to return to Japan. Negotiations were subsequently established between the Chinese Red Cross Society on the one hand and the Japanese Red Cross Society, the Japan-China Friendship Association and the Japan Peace Liaison Committee, on the other, to work out the details of the repatriation. Between March and October 1953, 26,127 Japanese

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nationals were repatriated to Japan (Notes of 23 February, 11 April, 15 May, 7 July, 17 August and 29 October 1953). Further repatriation took place between September 1954 and March 1955, during which period a total of 2,934 Japanese nationals^{1/} returned to Japan (Note of 31 August 1955). Two hundred and eighty-one Japanese civilians were able to return in August and September 1956 (Note of 26 September 1956).

71. At the Commission's fourth session, the Japanese representative stated that the total number of unrepatriated Japanese in the Soviet Union and the People's Republic of China, excluding 246,009 who were known as of 1 August 1953 to be dead, was 85,045 (of whom 56,042 were said to be alive, 12,407 were known to be alive at the war's end but were subsequently not heard of, and 16,596 about whom there had been unconfirmed news that they were dead). The Japanese representative submitted a list of 1,404 Japanese nationals in the Soviet Union from whom some news had been received since August 1952 (POW/SR.48).

72. In its note of 29 October 1953, the Japanese Government informed the Commission, inter alia, of the departure for Moscow of a mission composed of representatives of the Japanese Red Cross Society to negotiate with the USSR Alliance of Red Cross and Red Crescent Societies regarding repatriation of Japanese nationals in the Soviet Union. As an outcome of these negotiations, 1,319 Japanese nationals, of whom 555 were former military personnel, were repatriated to Japan in December 1953, March 1954 and April 1955 (Notes of 15 March 1954 and 8 June 1955). In the course of the negotiations, a list of 1,047 Japanese prisoners of war detained in the USSR was handed to the Japanese Red Cross Society. The USSR Alliance of Red Cross and Red Crescent Societies also promised to conduct investigations for the missing "according to the formula of welfare enquiry of Red Cross Societies".

73. At the sixth session of the Commission, the Japanese Government submitted documentation in several volumes containing the names of Japanese detainees in the USSR, Saghalien, the Kuriles, North Korea and the People's Republic of China, as

^{1/} Included in this group were 417 former military personnel detained as war criminals by the People's Republic of China and seventy-one Japanese repatriated from North Viet-Nam via the mainland of China.

of 1 May 1954. The estimates presented by the Japanese Government of the number of unrepatriated Japanese were as follows:

- 252,881 - known to be dead
- 16,254 - presumed to be dead^{1/}
- 8,597 - known to have been alive at the war's end, but whose subsequent fate was not known
- 46,314 - said to be alive, as follows:
 - 10,779 in Siberia and Outer Mongolia
 - 1,438 in South Saghalien and the Kuriles
 - 2,165 in North Korea, and
 - ✓ 31,932 in the Chinese Mainland

The Japanese Government also informed the Commission that, through the information obtained from the repatriates, it had been ascertained that at least 2,200 Japanese nationals were known to be alive in the territory of the USSR, while those known to be alive in the mainland of China (apart from individuals described by the Chinese authorities as "war criminals") numbered 8,000.

74. In its note of 31 August 1955, the Japanese Government presented the following information concerning the number of unrepatriated Japanese, as of 1 July 1955:

- 260,588 - known to be dead
- 13,074 - presumed to be dead^{1/}
- 6,575 - known to have been alive at the war's end, but whose subsequent fate was unknown
- 42,902 - said to be alive, as follows:
 - 8,597 in Siberia and Outer Mongolia
 - 1,310 in South Saghalien and the Kuriles
 - 2,249 in North Korea
 - 30,746 in the People's Republic of China

75. The Japanese Government also informed the Commission that on 31 October 1954, the visiting mission of the Chinese Red Cross Society handed to the Japanese Red Cross Society a list of 1,069 Japanese prisoners of war detained for war crimes in the People's Republic of China, and a list of forty deceased prisoners. The visiting mission stated that, apart from those detained as war criminals, there were some 8,000 Japanese nationals in China (Note of 31 August 1955).

76. In the same note, the Japanese Government also informed the Commission that negotiations were being conducted in Geneva between the Japanese Consul-General and the Acting Consul-General of the People's Republic of China concerning the question of repatriation of Japanese nationals.

^{1/} Those about whom there was unconfirmed information that they were dead.

✓ 77. In its note of 25 October 1956, the Japanese Government informed the Commission that in April the Peking radio announced that the Standing Committee of the National People's Congress of the People's Republic of China adopted a resolution by which those Japanese prisoners of war who were detained for minor offenses or were found repentant for their crimes were to be exempt from indictment and released, and those who had committed serious crimes were to be tried and punished. Accordingly, 1,017 of the Japanese prisoners detained on charges of war crimes were exempted from indictment and were released and subsequently repatriated to Japan during the months of June, July and August 1956. Forty-five were held for trial and convicted; one was released, however, before the expiration of his term and repatriated in July 1956.

78. Regarding Japanese nationals detained in the Soviet Union, the Commission was informed by the Japanese Government that in the course of the negotiations concerning re-establishment of diplomatic relations between the USSR and Japan, initiated in London in June 1955, the Soviet representative handed to the Japanese representative a list of 1,011 Japanese prisoners of war and of 354 civilians detained in the Soviet Union (Notes of 31 August 1955 and 9 February 1956).

79. The Commission was informed that 194 Japanese nationals were repatriated from the USSR in the months of March, June and August 1956 (Notes of 19 May, 10 August and 10 October 1956).

80. On 12 February 1957 the Japanese Government informed the Commission that a Soviet declaration was concluded between Japan and the USSR in October 1956 ending the state of war between the two countries and providing, inter alia, that upon entry into force of the Joint Declaration all Japanese citizens serving sentences in the Soviet Union would be released and repatriated to Japan, and that with respect to those Japanese whose fate was unknown the Soviet Union, at the request of Japan, would continue to investigate their fate. The Commission was also informed of the repatriation of 1,095 Japanese nationals from the Soviet Union in October and December 1956. According to the Japanese Government, fifty-six of those included in the list handed by the Soviet representative to the Japanese representative in London (see para. 16 above) were still unrepatriated.

81. At the seventh session, the Japanese representative stated that since 1953, a total of 2,664 Japanese nationals were repatriated from the USSR, 30,315 from the

People's Republic of China, seventy-one from North Viet-Nam, four from Outer Mongolia and thirty-six from North Korea. The Japanese Government was anxious to have information on the fate of 9,961 Japanese nationals believed to be in the USSR and 35,767 in the mainland of China.

P. Luxembourg

82. In its note of 23 April 1951 the Luxembourg Government stated that it was no longer holding any prisoners of war. It furnished the Commission with the names of twelve German prisoners of war who had died while in custody, together with the date and place of birth, date and place of death, cause of death and place of burial of each of them (A/AC.46/1, No. 22).

83. The representative of Luxembourg stated before the General Assembly at its fifth session in 1950 that several hundreds of Luxembourg nationals who had been forcibly drafted into the Wehrmacht during the Second World War were still unrepatriated or otherwise unaccounted for, that large-scale repatriation of prisoners from the USSR had taken place in 1945-1946, and had continued on a smaller scale up to 1948, and that the problem, so far as it still existed, was only residual. A list of the missing persons had been drawn up by the Government of Luxembourg and full details had been furnished to the Soviet authorities, with whom bilateral negotiations were being carried out.

84. On 20 June 1951 the Luxembourg Government furnished the Commission with a list containing the names of 1,970 Luxembourg civilians and military personnel deported during 1940-1945 and not yet repatriated.

85. At the second session of the Commission, in 1952, the Government of Luxembourg informed the Commission that approximately 1,000 Luxembourg nationals who had been in captivity in the USSR had returned home during the years 1945-1949, and that there were still missing some 1,700 persons who had been drafted into the Wehrmacht. The Commission was furnished (a) a copy of the list of missing Luxembourg prisoners of war, together with photographs and details, which had been forwarded to the Soviet Union by the Luxembourg Government in 1946, and (b) a list of some sixty prisoners of war whose presence, at a certain date, in military clinics and hospitals in the USSR and other European countries had been ascertained.

86. The Luxembourg Government informed the Commission at its sixth session (1954) that two Luxembourg nationals were repatriated from the USSR in October 1953. It stated further that notifications concerning the death of eleven Luxembourg nationals were received from the USSR.

Q. Netherlands

German nationals

87. In its note of 11 July 1951, the Netherlands Government stated that there were no prisoners of war held in the Netherlands at the time of the establishment of the Commission. It furnished the Commission with a list containing the names, date of death, place of death and place of burial of 188 German military personnel who died in the Netherlands. However, it stated that "military personnel mentioned in this list did not have the formal status of prisoners of war but were considered by the Allies to be surrendered personnel" (A/AC.46/1/Add.1).

88. In its note of 7 December 1953, the Government of the Netherlands stated that "the names of the German nationals, detained in the Netherlands for war crimes, are known to the German Government".

89. At its fourth session (1953) the Commission forwarded to the Netherlands Government a nominal roll prepared by the Federal Republic of Germany which contained the names of fourteen German prisoners of war who had been last heard of while in the Netherlands. The Netherlands Government expressed its readiness to conduct investigations to ascertain the fate or whereabouts of those missing Germans. On 24 April 1954, the Netherlands Government furnished the Commission with information on five of the fourteen Germans, and stated that no information whatsoever was available with regard to the other nine. Two of the five were reported to be living in the Netherlands, three were reported to have been deported to Germany, the addresses of two of whom were furnished. On 14 May 1954 the Netherlands Government informed the Commission that it was conducting further investigations to ascertain the fate or the whereabouts of the others listed in the German nominal roll. On 26 October 1954, the Netherlands Government was able to furnish further information to the Commission. All the information received by the Commission on the results of the investigation conducted by the Netherlands Government was transmitted to the Federal Republic of Germany.

Netherlands nationals

90. At the Commission's second session (1952) the Netherlands Government submitted two confidential lists containing the names of Netherlands nationals believed to be still held in custody in the territory of the USSR. The first list contained the names of forty-six Netherlands nationals who had voluntarily enlisted in the German

armed forces and who had subsequently been taken prisoners of war. The second list contained the names of twenty-seven civilians of Netherlands nationality, most of whom had been deported by the Germans to do forced labour in Eastern Europe, where they had been captured by the Soviet armed forces towards the end of the war.

91. Changes to the above-mentioned lists were submitted to the Commission at its sixth session (1954). It was reported that a number of those mentioned in the lists had been repatriated from the USSR. As revised the list of military prisoners contained thirteen names and that of civilian prisoners, twenty-four names.

92. At the seventh session, a revised list was submitted by the Netherlands Government, containing the names of fourteen prisoners of war and five civilians believed to be detained in the Soviet Union.

R. New Zealand

93. In its note of 19 April 1951, the Government of New Zealand stated that there were no prisoners of war in detention in New Zealand at the time of the establishment of the Commission. All prisoners of war - 802 in number - were repatriated to Japan in December 1945, with the exception of one who was repatriated in July 1946 (A/AC.46/1, No. 19).

94. The Government of New Zealand furnished the Commission with information (including the date of death, cause of death, and place of cremation) of sixty-seven Japanese prisoners of war who died while under New Zealand's control (A/AC.46/1, No. 19).

S. Norway

95. In its note of 26 April 1951 the Government of Norway stated that all prisoners of war - apart from persons sentenced for war crimes and those who took up ordinary residence in Norway - were repatriated by 20 June 1947. It also transmitted a list of 845 Germans who died between 8 May and 15 December 1945 (a period when prisoners of war were subject to Allied control), and another list of sixty-eight German prisoners of war who died after 15 December 1945. The lists did not include the names of German prisoners of war who had been executed pursuant to death sentences imposed by Norwegian courts of justice (A/AC.46/1, No. 24).

96. On 18 May 1951 the Government of Norway transmitted a list of forty-one German nationals and four Austrian nationals detained in Norway for war crimes as of 21 March 1951. Seven of the German prisoners were granted pardon and were to be deported from Norway as soon as they obtained permission to re-enter their country. The Norwegian Government also furnished the Commission with a list containing the names of and other relevant information on 13 German and one Danish war criminals executed in Norway pursuant to death sentences imposed by the courts (A/AC.46/1, No. 24).

97. In its note of 13 August 1951 the Norwegian Government stated that all non-German members of the German armed forces in Norway had been repatriated to their respective countries by the end of the war, with the exception of a small number who had been given permission to reside in Norway (A/AC.46/1/Add.7).

98. On 21 August 1952 the Norwegian Government furnished the Commission with information concerning 348 prisoners of war held for investigation and/or prosecution in connexion with war crimes in Norway. Charges against 261 of these had been dropped, while eighty-seven - most of whom were Germans, and a few Austrians - were tried. Of these, five were acquitted, sixteen were sentenced to death, sixteen to life imprisonment, fifty to terms of imprisonment. Of those sentenced to death, fourteen were executed, while two had their sentences commuted. Some of those sentenced to terms of imprisonment for war crimes were released on probation after serving two-thirds of their sentence, while others were released on probation before they had served two-thirds of their sentence. As of 30 July 1952, there were twenty-two war criminals - twenty Germans and two Austrians - detained in Norwegian prisons.

99. On 11 August 1954, the Government of Norway informed the Commission that it was no longer holding any German or Austrian prisoners. Of the twenty-two German and Austrian nationals who had been held in Norway for war crimes, seventeen were released from prison, expelled from Norway and deported to their homes; two escaped from prison in December 1952; and one was released due to serious mental illness. Two Austrian prisoners detained for war crimes were also released, expelled from Norway and deported to their homes.

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T. Philippines

100. On 14 April 1951 the Philippine Government furnished the Commission with a list of Japanese prisoners of war who were detained as of 19 March 1951 and those who had been executed for war crimes. The list contained the names of 112 prisoners of war who were confined in prison, seventeen prisoners who had been executed and thirteen prisoners who had been released and were awaiting transportation to Japan.

101. On 23 June 1953, the Philippine Government furnished lists containing the names of and other relevant information on (a) 171 Japanese prisoners of war who had been tried by the National War Crimes Office, (b) 187 Japanese prisoners of war cleared by the National War Crimes Office from charges of war crimes, (c) 218 Japanese prisoners of war tried by the U.S. Military Commission prior to 29 July 1947.

102. On 12 August 1953 the Government of the Philippines informed the Commission of four orders signed by the President of the Philippines granting pardon or commutation of sentence to 105 Japanese war criminals detained in the Philippines (fifty-two were pardoned, while fifty-three had their death sentences commuted to life imprisonment on condition that they served their sentences in Japan) (A/AC.46/1/Add.49).

103. At the fourth session (1953) of the Commission, the Japanese delegation stated that "all Japanese nationals in the Philippines had been repatriated on 22 July (1953), the death sentence passed on fifty-three of them having been commuted to terms of imprisonment which the prisoners in question were serving in Sugamo Prison in Tokyo" (POW/SR.50).

U. Spain

104. In a note dated 23 June 1953, the Spanish Government brought to the attention of the Commission the situation of Spanish nationals interned in the USSR. It stated that of more than one thousand Spaniards detained in the Soviet Union, it had information regarding the whereabouts of some 300 prisoners.

105. The Government of Spain informed the Commission at its sixth session (1954) that in March 1954 286 Spanish nationals, a majority of whom were former members of the Spanish Volunteer Division, were repatriated from the Soviet Union. It also furnished information on 375 Spanish nationals believed to be detained in the USSR.

V. Union of South Africa

106. In its note of 12 April 1951, the Government of the Union of South Africa stated that there were no longer any prisoners of war under its control.

A/AC.46/1, No. 13).

107. On 20 February 1952 the Government of the Union of South Africa furnished the Commission with detailed information (including the number, rank, date of death, place of death and place of burial) on 319 Italians, 6 Germans and 21 Indo-Chinese prisoners of war who died while they were under the jurisdiction of the Union Government (A/AC.46/1/Add.33).

W. Union of Soviet Socialist Republics

108. In its note of 22 September 1951 the Government of the Union of Soviet Socialist Republics stated that:

"the repatriation of German, Japanese and Italian prisoners of war from the Soviet Union has been completed, with the exception of persons who have been sentenced or are being prosecuted for war crimes they have committed, as already announced in TASS Communications of 4 January 1949, 22 April, 5 May, and 9 June 1950 and also in a statement made on 18 March 1947 by the Plenipotentiary Council of Ministers of the Union of Soviet Socialist Republics on questions of repatriation." (A/AC.46/1/Add.16).

X. United Kingdom

German nationals

109. On 8 May 1951 the United Kingdom Government furnished information concerning:

(a) 2963 German prisoners of war who died while under British custody, (b) 53 German prisoners of war detained in the British Zone of Germany, and (c) 4 ex-prisoners of war held under British control in Austria (A/AC.46/1, no. 30).

110. The Government of the United Kingdom stated in its note of 4 June 1951 that the list of deceased German prisoners of war which had been forwarded on 8 May 1951 referred only to those who died in the United Kingdom, Western Europe and the Central Mediterranean area. All records concerning German prisoners of war captured in the Middle East were held by a German organization known as WAST, operating under the control of the French High Commissioner in Germany.

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111. On 3 January 1952, the United Kingdom Government, upon request of the Commission, furnished information on 205 German prisoners of war employed under free civilian contract by the War Office in the Middle East, and 771 former German prisoners of war who obtained similar employment in Austria. As to former German prisoners of war who were employed under civilian labour contracts in the United Kingdom, the United Kingdom Government offered to make its files available to the Commission, since its records were "in an extremely unhandy form." (A/AC.46/1/Add.30).

112. In its notes of 24 January 1952 and 13 September 1953 the United Kingdom Government informed the Commission of the release of 29 German prisoners of war who had been held for war crimes in the British zone of Germany (A/AC.46/1/Add.34 and 42). On 24 August 1954 the United Kingdom Government informed the Commission that there were no German prisoners of war serving sentences for war crimes under United Kingdom military control in Germany or Austria. There were 58 German nationals detained at Wel Prison in Germany, who had been convicted of war crimes, but they were under the control of the British Civil Staffs responsible to the United Kingdom High Commission in Germany and were not prisoners of war.

113. Upon the request of the Federal Republic of Germany, the Commission asked for information about prisoners of war transferred from the custody of the United Kingdom Government to that of other governments. In reply, the United Kingdom Government stated that it was no longer possible to supply a list of those "since all documents relating to the disposal of prisoners of war were handed over to the German Red Cross at Hamburg at the end of hostilities in accordance with the provisions of the Geneva Convention on the treatment of prisoners of war, 1929." (Note of 26 February 1953).

114. Upon the request of the Federal Republic of Germany, the Commission also asked the United Kingdom Government for information about prisoners of war who had been released in the United Kingdom. In reply, the United Kingdom Government offered to make its files available for inspection in London, stating that it was not practicable to prepare consolidated alphabetical lists owing to the complexity of the records (Note of 26 February 1953).

115. In reply to a similar request for a list of the World War II prisoner-of-war camps, the United Kingdom Government stated that an index of these camps held by the War Office was also open to inspection in London. (Note of 26 February 1953).

116. The Government of the Federal Republic of Germany was informed of the readiness of the United Kingdom Government to make its records and files in London available for inspection by representatives of the Federal Republic. The Commission was subsequently informed that such inspection and further direct bilateral contacts were made.

Italian nationals

117. In its note of 4 June 1951 the United Kingdom Government stated that all records of Italian prisoners of war wherever captured who might have died while under its control were held by the appropriate department of the Italian Government (A/AC.46/1. no.30).

118. It appeared from the information submitted by the United Kingdom Government that no Italian prisoners of war were held in its custody at the time the Commission was established.

Japanese nationals

119. The United Kingdom Government furnished information concerning Japanese prisoners of war detained in its custody. On 4 June 1951 it furnished a list of 302 Japanese prisoners of war who were being held in its custody on charges of war or other crimes (71 in Hong Kong, ¹/ 74 in Malaya, 13 in North Borneo and 144 in Singapore). (A/AC.46/1, no.30).

120. In subsequent communications, the United Kingdom Government informed the Commission of the release and repatriation of Japanese prisoners of war.

(a) On 9 July 1951, the Commission was informed of the repatriation to Japan of all Japanese prisoners of war who had been detained in Hong Kong for war crimes (A/AC.46/1/Add.1).

(b) On 12 October 1951, the Commission was informed of the release of 5 Japanese prisoners in Malaya (A/AC.46/1/Add.23).

1/ In its note of 30 October 1951, the United Kingdom Government stated that one Japanese included in the Hong Kong list had already been released and repatriated to Japan as of 1 February 1950.

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121. On 13 September 1952, the United Kingdom Government furnished the Commission with information on the situation of Japanese war criminals as it then existed, indicating that the sentences of 12 had terminated while they were in prison, that the sentences of 101 had terminated while they were on parole, while 111 had been returned to Japan to serve the remainder of their sentences (A/AC.46/1/Add.42).

122. Concerning deceased Japanese prisoners of war, the United Kingdom Government furnished information on 4 June and 31 August 1951 on those who died while serving sentences for war crimes or those who were executed for war crimes - 29 in all (A/AC.46/1, no.30, and Add.13). As for other Japanese prisoners of war who died while in custody, the United Kingdom Government expressed its regret that the information was not available to it and that it was continuing its efforts to secure the relevant records; however, it supplied total figures derived from various Japanese sources indicating that, during the period of hostilities, notifications of the death of 383 Japanese prisoners of war were furnished through the International Committee of the Red Cross and that the total figure for Japanese who died in United Kingdom custody after 15 August 1945 was 12,029 (Note of 23 September 1953).

Y. United States of America

123. In its note of 30 April 1951, the Government of the United States of America stated that the repatriation of all prisoners of war had been completed by 30 June 1947 and that it was no longer holding any prisoners of war. It submitted information relating to 19 prisoners of war who had been sentenced for crimes committed after their capture and who had been repatriated after 30 June 1947 (A/AC.46/1, no.27).

Information on prisoners charged with war crimes

124. The United States Government informed the Commission that all German, Japanese and Italian nationals convicted of war crimes by United States tribunals had remained in or had been promptly returned to their home countries for incarceration. The names and other pertinent information concerning these war criminals had been published and would be made available, on request, to the Commission (A/AC.46/1, no.27).

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125. The United States Government informed the Commission at its sixth session (1954) that the only German nationals who were in American custody were those who had been convicted for war crimes. Those who had been prisoners of war were returned to Germany and discharged prior to being tried and convicted as war criminals. The number of German nationals serving sentences in Germany as of 1 August 1954 totalled 307, of whom 142 were confined at Landsberg, 156 were on regular parole and 9 were on medical parole. The United States Government stated that the Government of the Federal Republic of Germany had full information concerning these individuals, their place of custody and, to the extent it desired, had access to the records of the cases in which the individuals were tried and convicted. Representatives of the Government of the Federal Republic had access to the prisoners themselves and participated in the administration of the parole procedure which had been established. The next of kin of the prisoners had knowledge of the whereabouts of the prisoners and were allowed to communicate with them (Note of 31 August 1954).

Information on civilian internees

126. In its note of 15 August 1951, the United States Government informed the Commission that it no longer had any civilian internees in its custody. It stated that, as in the case of prisoners of war, full details concerning serious illnesses, deaths, and burials of World War II civilian internees were promptly furnished the home countries of the internees at the time through the Protecting Powers and the International Committee of the Red Cross (A/AC.46/1/Add.8).

127. In its note of 15 August 1951, the United States Government also informed the Commission of the fact that 300 Japanese nationals and persons of Japanese origin who were party of a larger group brought from Peru to the United States for reasons of security during the war had not been repatriated. It declared its willingness to assist in the repatriation of these persons, who were no longer detained, and would welcome the assistance of the Commission in the matter (A/AC.46/1/Add.8).

128. The United States Government also furnished information on 105 civilian internees who died while in custody in the United States of America (A/AC.46/1/Add.8).

Information on deceased prisoners of war

129. The United States Government informed the Commission on 30 April 1951 that full details concerning serious illnesses, deaths, and burials of World War II prisoners of war were promptly furnished the home countries of the prisoners of war at the time through the Protecting Powers and the International Committee of the Red Cross. It forwarded a list containing the names of and other relevant information on 841 Germans, 162 Italians and 13 Japanese prisoners of war who died while in custody in the United States.^{1/} It informed the Commission of its inability at the time to compile from the several million files a similar list of prisoners of war who died in various theatres of operation and were buried overseas. However, it offered to make those files available at any time to the Commission (A/AC.46/1, no.27).

130. On 18 April 1952 the United States Government furnished information regarding Japanese who were killed in action or died while prisoners of war outside the continental limits of the United States during the war. This included information on 5,979 Japanese: 5,350 who died in custody, 564 who were killed in action and 65 unknown.^{2/} (A/AC.46/1/Add.35).

131. On 8 May 1952, the United States Government furnished information regarding Italians who were killed in action or died while in custody as prisoners of war outside the continental limits of the United States. This included information on 2,897 Italians: 1,062 who died in custody, 1,336 who were killed in action and 499 unknown.^{3/} (A/AC.46/1/Add.36).

Other information submitted

132. A number of requests were made by the Government of the Federal Republic of Germany and transmitted to the United States Government for further information concerning German prisoners of war. The following information was furnished:

- (a) A list of World War II detention centres of German prisoners of war (Note of 30 September 1952).

^{1/} Supplemental lists were forwarded to the Commission on 6 June 1952 and 2 December 1954. As of 11 October 1954, the revised list contained the names of 842 German, 168 Italian and 18 Japanese deceased prisoners of war interred in the United States.

^{2/} The information furnished on 18 April 1952 was supplemented on 6 June 1952. The figures given are taken from the revised list.

^{3/} The information furnished on 8 May 1952 was supplemented on 18 August 1952 (A/AC.46/1/Add.38). The figures given are taken from the revised list.

(b) The results of investigations made by the appropriate bureaux of the United States Government to ascertain the fate of some 2,170 German prisoners of war whose names had been furnished by the German authorities and whose presence at one time in United States custody was said to have been established but whose whereabouts were unknown. The investigations of the United States Government showed that, of these 2,170 German former prisoners of war, 378 were repatriated to or discharged in Germany, 150 were transferred to other custody or repatriated to other than the United States Zone of Germany, 329 were last reported in war crime prisons, 25 were reported deceased, 31 were reported escaped, while no records were available of 1,029, and miscellaneous information was supplied with respect to 81. (Note of 16 December 1952).

(c) No agreements had been made with any prisoners of war for labour or military service (Note of 16 December 1952).

(d) No lists of World War II prisoners of war who had been transferred from United States custody to that of other Powers were available; the United States Government, however, reiterated its readiness to place its files at the disposal of the Commission (Note of 16 December 1952).

(d) No lists of World War II prisoners of war who had been transferred from United States custody to that of other Powers were available; the United States Government, however, reiterated its readiness to place its files at the disposal of the Commission (Note of 16 December 1952).

Z. Yugoslavia

133. The Government of Yugoslavia stated in its note of 11 May 1951 that all prisoners of war, except those detained in connexion with war or other crimes and former prisoners of war who established residence in Yugoslavia, were repatriated by 18 June 1949. It furnished a list containing the names of and other particulars relating to 431 German and 27 Austrian prisoners of war serving sentence in Yugoslavia as criminals or war criminals (A/AC.46/1, no.31).

134. With regard to prisoners of war who died while under its custody, the Yugoslav Government stated that the names and other particulars of those deceased prisoners were not available, owing to the particular conditions under which the

war for national liberation was waged in Yugoslavia. It estimated the number of prisoners of war who died in Yugoslavia to be 6,215. It assured the Commission that the Yugoslav authorities and the Yugoslav Red Cross Society were endeavouring to compile information regarding individual cases and were prepared to give all available information in reply to concrete requests (A/AC.46/1, no.31).

135. The Yugoslav Government also informed the Commission that a certain number of former prisoners of war had established their residence in Yugoslavia, where they obtained employment in virtue of normal contractual relationships, and enjoyed the full legal status of foreigners working under contract in Yugoslavia

(A/AC.46/1, no.31).

136. On 8 December 1952 the Yugoslav Government informed the Commission that all prisoners detained in connexion with war or other crimes had been released, with the exception of 13 Germans, whose names and other relevant information were furnished to the Commission. Two German prisoners of war sentenced for war crimes were reported to have died while serving their term (A/AC.46/1/Add.43).

137. On 6 November 1953, the Yugoslav Government informed the Commission of the release and repatriation of the remaining 13 German prisoners.
