

The United Nations War Commission in the Netherlands - a discussion draft

L Owen

While the International Tribunals at Nuremberg and Tokyo are the most well-known international trials following World War II, they were not the first, nor were they the largest. The United Nations War Crimes Commission - an internationally-organised, locally-delivered criminal justice effort - investigated over 30,000 international criminal cases of war crimes and crimes against humanity that were submitted to it by its seventeen member states (Australia, Belgium, Canada, China, Czechoslovakia, Denmark, France, Greece, India, Luxembourg, the Netherlands, New Zealand, Norway, Poland, the United Kingdom, the United States, Yugoslavia). It operated between 1943 and 1948.

The Netherlands played a central part in the UNWCC, submitting 584 charge files to the Commission during its operation, each containing one or more alleged war criminal and details of their crimes. These varied considerably, ranging from comparatively small-scale war crimes, such as the beating of a Dutch civilian by a German officer, to large-scale prosecutions of dozens of German officials for their complicity in deporting ten thousand Jews to Westerbork transit camp, and on to Auschwitz. This shows the scope and ambition of the UNWCC and of Dutch prosecutors at the time - they were keen to ensure justice was done both in cases of mass murder and genocidal killing, and also in individual instances of ill-treatment and violence.

For the most part, researchers only have access to the charge files - documents listing the initial case and evidence against the accused, that were submitted by the Netherlands Representative to the Commission - rather than the trials records themselves (and so should only be seen as preliminary steps in the trial process). While the former are useful in getting a sense of the Commission's work, it important to link these with trial records as is being done in other states.

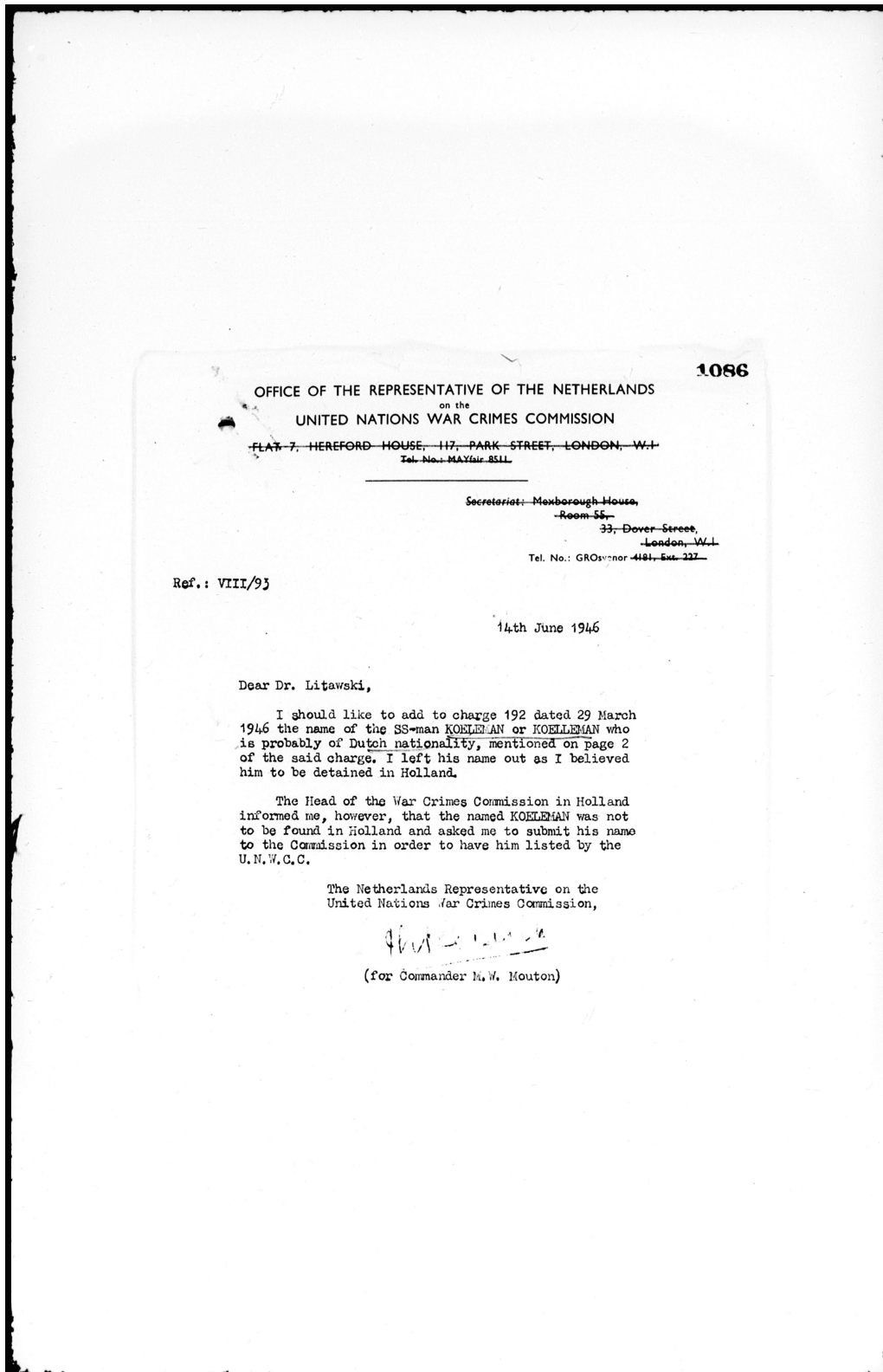
The United Nations War Crimes Commission Project is an ongoing initiative run by the Centre for International Studies and Diplomacy at SOAS, University of London. This brief and document collection was prepared by Leah Owen, a Masters student at SOAS and volunteer with the UNWCC research project, on behalf of Dr Dan Plesch, Centre Director and the Project's leader.

Contents

1. The Dutch representative to the Commission	2
2. Sample cases: beatings and execution of hostages	3
3. Sexual violence and the UNWCC	13
4. Persecution of Dutch Jews and the UNWCC	16
5. Netherlands law and the UNWCC	20
6. Contact details	21

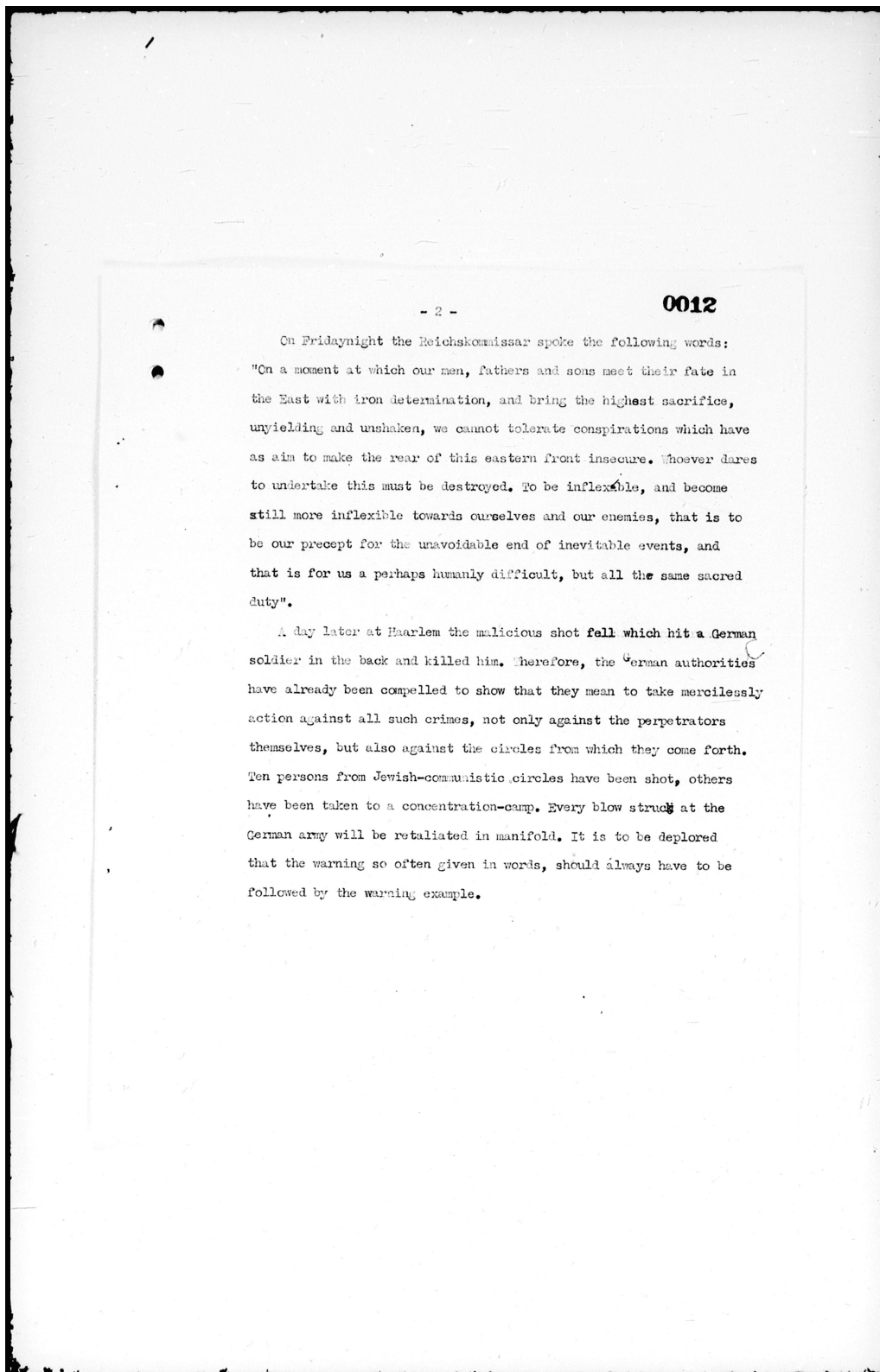
1. The Dutch representative to the Commission

Along with the USA and UK, the various European governments-in-exile in London played a major role in founding the Commission, with each country beginning to compile cases and charges even while their territory was still under German occupation. Like the Office of the Representative of the Netherlands, these often developed into fully-fledged offices after the war, as the UNWCC continued to work from London.



2. Sample cases: beatings and hostage shootings

The crimes that the UNWCC addressed spanned a wide range - from massacres of thousands to ill-treatment of individual prisoners of war, from misappropriation of captured resources to human medical experimentation - and the crimes addressed in the Netherlands were no different. Attached are two examples of the kinds of cases that the UNWCC addressed.



(For the use of the Secretariat)

0007

Registered Number.

Date of receipt in Secretariat.

100/Ne/G/1

13th May, 1944

UNITED NATIONS WAR CRIMES COMMISSION

Netherlands CHARGES AGAINST German WAR CRIMINALS

CHARGE No. 2

Name of accused, his rank and unit, or official position.

Friedrich CHRISTIANSEN
Wehrmachtbefehlshaber in the Netherlands, General der Flieger.

(Not to be translated)

Date and place of commission of alleged crime.

A. 15th August, 1942, Rotterdam, Arnhem and Noordgouwe.
B. 2nd February, 1943, Haarlem and Velsen.

Number and description of crime in warcrimes list.

A. II, putting hostages to death.
B. II, putting hostages to death.

References to relevant provisions of national law.

A. Art. 209 j^o art. 47 or 48 Dutch Penal Code; murder.
B. Art. 209 j^o art. 47 or 48 Dutch Penal Code; murder.

SHORT STATEMENT OF FACTS.

- A. For being a principal or accomplice to the order given by Rauter that 5 hostages were to be shot as a reprisal; the order has been executed.
- B. For being a principal or accomplice to the order given by Rauter that 10 hostages were to be shot as a reprisal; the order has been executed.

Transmitted by

The Secretary of the Netherlands Commission

PARTICULARS OF ALLEGED CRIME

● As the patriots who attacked the depot of explosives at Rotterdam, could not be found, Rauter ordered 5 prominent persons who were already taken as hostages, to be executed. Rauter stated that he acted in complete accordance with the accused, who therefore is to be considered either as a principal to this crime, or at least as an accomplice.

B. On January 10th, 1943 a German N.C.O. was killed at Harlem. As the offenders could not be found, Rauter ordered 10 persons who had already been taken as hostages to be executed. Rauter stated that he acted in complete accordance with the accused, who is therefore to be considered either as a principal to this crime, or at least as an accomplice.

PARTICULARS OF EVIDENCE IN SUPPORT

- A. Publication by Rauter in the N.D. of 17th August, 1942; general hostages order in the Algemeen Handelsblad of 14th July, 1942 and N.D. of 10th August, 1942.
- B. Publication by Rauter in the Nieuwe Rotterdamse Courant, the Tijd, the Algemeen Handelsblad of 2nd February 1943 and the H.N.D. of the 13th August 1943.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g. was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonable complete.)

- A.(a) The accused acted in accordance with Rauter (see charge No 1) as stated in the publication of Rauter.
- (b) None.
- (c) Only the publications made in the newspapers by Rauter which mention Christiansen as a principal to the crime; other evidence is not available.
- (d) This crime would be punishable in Dutch law as murder, to wit, art. 289 Dutch Penal Code, j^o art. 47 (1) inciting or giving order to murder, so that the accused would be punishable for incitement to murder (auctor intellectualis) maximum penalty at Dutch law, imprisonment for life.
- B.(a) The accused acted in accordance with Rauter (see charge No 1) as stated in the publication of Rauter.
- (b) None.
- (c) Only the publication made in the newspapers by Rauter which mention Christiansen as a principal to the crime; other evidence is not available.
- (d) This crime would be punishable in Dutch law as murder, to wit, art. 289 Dutch Penal Code, j^o art. 47 (1) inciting or giving order to murder, so that the accused would be punishable for incitement to murder (auctor intellectualis) maximum penalty in Dutch law, imprisonment for life.

0011

PROCLAMATION

In the evening of Saturday, the 30th January, last, an M.C.O. of the German Forces has been shot in the back at Haarlem. In spite of the investigation which was immediately made by the German Sicherheitspolizei, the author of this crime could not be found, but the result of this investigation shows that he must be sought in Jewish-communistic circles. In agreement with the Wehrmachtbefehlshaber Niederlande, General der Flieger, F.Christiansen, the following ten hostages from Haarlem and surroundings, and coming from Jewish-communistic circles, have been executed to-day as a retribution for the treacherous murder on a German soldier. In addition a fairly large number of communistic agitators from this district have been sent to a concentration-camp.

The names of the executed persons are as follows:

1. Drilmsa, Herbert O, born 2.8.06 at Amsterdam, domiciled at Haarlem.
2. Frank, Philipp, born 9.8.10 at Hilversum, domiciled at Haarlem.
3. Chapen, Barend, born 4.8.84, at Amsterdam, domiciled at Haarlem.
4. Zwanenbeek, Iwan, born 19.11.02 at Delft, domiciled at Haarlem.
5. Reuman, Karel F, born 1.3.16 at Schoten, domiciled at Haarlem.
6. de La Rie, Wijnand, born 30.9.99 at Leiden, domiciled at Haarlem.
7. Lebbe, Johannes Th, born 16.12.78, at den Helder, domiciled at Haarlem.
8. Warmenhoven, Simon, born 21.9.04 at Velsen, domiciled at Velsen.
9. Wey, Pieter, born 22.11.03 at Velsen, domiciled at Velsen.
10. Strengholt, Reelof, born 5.11.06 at Amsterdam, domiciled at Velsen.

the Hague, 2nd February, 1943.
Der höhere S.S. und Polizeiführer Nordwest
und Generalkommissar für das Sicherheits-
wesen.

signed Rauter.
S.S.Gruppenführer und General-
leutnant der Polizei.

NIEUWE ROTTERDAMSCHE COURANT
2nd February, 1943.

0013

PROCLAMATION

The commander of the German Forces in the Netherlands, General der Flieger,
Fr. Christiansen announces:

One or two nights ago criminal elements made an attempt to sabotage
on a railway transmission installation in the Netherlands. Because of the safety-
measures taken and the timely intervention of the guards, the execution of this
attack was prevented.

Several of the perpetrators after offering resistance were overwhelmed
and arrested. They will be put on trial.

The materials found in the possession of the authors of the crime,
which materials have been seized, were of foreign origin.

If it would appear, in spite of the repeated warnings given against
helping the enemy, that the population has given assistance in this matter,
then the hostages taken in the district concerned, will have to pay for this
with their lives.

H.N.D.

13th August 1942.

UNITED NATIONS WAR CRIMES COMMISSION.

NETHERLANDS CHARGES AGAINST GERMAN WAR CRIMINALS.

Charge No.192. (29.3.'46.)

For the use of the Secretariat

Registered Number	Date of receipt in Secretariat.
2752/Ne/G/116	29 MAR 1946
Name of accused, his rank and unit, or official position.	<ol style="list-style-type: none"> 1. SOBECK, SS.Hauptscharführer in the SS.military hospital at Laag Soeren. 2. BUCHTER, Rudi, SS.Rottenführer in the SS.military hospital at Laag Soeren.
(Not to be translated)	
Date and place of commission of alleged crime.	Laag Soeren, municipality of Rheden. 5 September 1944.
Number and description of crime in war crimes list.	No. III., Ill-treatment.
References to relevant provisions of national Law.	Neth. Penal Code. Art. 300, 301.

SHORT STATEMENT OF FACTS.

The 2 accused beat and kicked the father and 2 sons of the Dullemond family, after a lodger in the latter's house had accused them of damaging her bicycle tyre. Dullemond sen. committed suicide 5 months later and it is believed that this ill-treatment was in a large measure responsible for his action.

TRANSMITTED BY

PARTICULARS OF ALLEGED CRIME.

These are contained in a statement compiled on his oath of office by A.J.H. Timmerman, police constable first class of the municipality of Rheden, also special state constable, station Laag Soeren, at Laag Soeren on 14 December, 1945.

The following extract from this statement has been compiled in his own words by the Head of the Netherlands Commission for War Crimes in London.

WILLEM DULLEMOND,

Witness, states :

"On 5 September 1944, my father, my brother, Wouter, and I were arrested by several SS.-men of the SS. military hospital at Laag Soeren.

This arrest took place in connection with the damaging of a bicycle tyre belonging to a typist called G. VOICHTLAND, who worked in the SS. military hospital for "the Spiess" and who had rooms in our house.

We were brought to the SS. military hospital and after my father had been taken into a room we were taken along to a hall. There we were kicked and beaten by different soldiers and then taken along to the room where my father was.

My father's face was covered in blood, which had not been there when I went into the room. He told me later, that he had been ill-treated by the Germans.

Whilst we were in the room there were also 5 or 6 Germans present whose names I did not know, but amongst whom was "The Spiess". When I tried to defend my brother and myself they kicked and beat us, so that my face was injured and bled, and a few teeth were knocked through my lip. We were threatened with a revolver and accused of sabotage. They threatened to shoot us.

We were afterwards taken to another room and were allowed to wash our faces, after which we were told we could go home, but not to tell anyone what had happened.

Afterwards I heard that the bookkeeper, J.W. GERRITSEN, had warned the Officer who had ordered to release us.

The Germans ill-treated us deliberately and with malice aforethought. We had given them no reason for doing so.

My father was very nervous and afraid, and went into hiding with a family as soon as we returned home.

He subscribes to this statement.

WOUTER DULLEMOND,

brother of the first witness, corroborates his statement.

J.W. GERRITSEN,

states:

"On 5 September 1944, a servant of W.Ch. Dullemond came to me to tell me that his master with the latter's 2 sons had been arrested by the Germans and taken to the SS. military hospital at Laag Soeren.

I went there immediately and saw Dullemond and his 2 sons in "Spies" SOBECK's room. I waited until they came out of the room and saw that Dullemond's face was covered in blood, whilst his son, Willem, was also bleeding from a head injury.

W.Ch. Dullemond, whom I knew very well, was extremely nervous, and begged me to help him, because the Germans wanted to shoot him. They were taken away after this, whilst I was told that I was not allowed to speak to them.

"As I had a certain amount of influence with the Germans, I went straight to the Officer and told him what had happened.

This Officer then ordered Hauptscharführer SOBECK to release Dullemond and his sons, which order was carried out.

When I met SOBECK later he said to me that the first bullet was for me.

Who it was who ill-treated W.Ch. Dullemond I do not know, but it happened in "Spies" SOBECK's room."

He subscribes to this statement.

D. W. VERHAGEN.

formerly a cook at the SS military hospital, states that he was present at the ill-treatment of the Dullemond brothers on September the 5th 1944. He states that the German soldiers beat and kicked them on orders of a Dutch SS man.

After that both boys were beaten and kicked by the SS man KOELEMAN and a German, called ECHTER. Both were then taken to the "Spies's room."

I did not see W. Ch. Dullemond being ill-treated."

He subscribes to this statement.

D. SLEGT,

states:

"I saw Willem and Wouter Dullemond being beaten by different German soldiers, one of whom I knew as Rudi ECHTER, Rottendörfer with the SS. Also a tall, fair German, whose name I do not know, struck Dullemond's two sons in the face

I did not see that the said persons were injured, as I had to go along to the waiting room, where one of the boy's sisters was."

He subscribes to this statement.

I, the investigator, add that W. Ch. DULLEMOND was not quite normal again after this ill-treatment and that on 5 Februari 1945, he hanged himself. It is most certain that this ill-treatment contributed to his death.

The suspects SOBECK and ECHTER cannot be heard by me, as they are domiciled elsewhere.

PARTICULARS OF EVIDENCE IN SUPPORT.

The evidence is contained in the foregoing statement.

NOTES ON THE CASE.

Case is reasonably complete.

No defence seems possible.

3. Sexual violence and the UNWCC

One particularly significant discovery in the UNWCC archives has been the readiness with which rape and sexual/gender-based violence was prosecuted. Until recently, the International Criminal Tribunals in Rwanda and the Former Yugoslavia were seen as the first serious large-scale efforts to prosecute rape as a war crime, with the crime being previously seen as an 'unfortunate but inescapable' part of many conflicts, with little accountability. The UNWCC archives, however, show that rape was an internationally recognised war crime in the 1940s, and was the subject of numerous charges and prosecutions. One such case was filed by the Netherlands; the victim's identifying details have been concealed to protect her identity.

0974
21 FEB 1946

UNITED NATIONS WAR CRIMES COMMISSION.
NETHERLANDS CHARGES AGAINST GERMAN WAR CRIMINALS
Charge No:165. (22.2.46.)

For the use of the Secretariat

Registered Number <u>2540/Ne/G/89</u>	Date of receipt in Secretariat
--	--------------------------------

Name of accused, his rank and unit, or official position. (Not to be translated)	1. STEIN, Herman, Feldwebel, (not S.S.) aged 32/33, height: 1m.70; thin figure; good teeth, black smooth hair (combed back). 2. SCHLIT (SCHLIT or SCHLITZ), Hans, probably N.C.C., (not S.S.) age 34/35, height: 1m.85; heavily built; face: round and notably fat; complexion: red; hair: dark blond; eyes: blue; teeth: good.
---	---

Date and place of commission of alleged crime.	Kampen, 21 September, 1944 and 2 October, 1944.
--	--

Number and description of crime in war crimes list.	1. No:IV, Rape. 2. No:VIII, Torture. No:IV, Rape. No:VIII, Pillage.
---	--

References to relevant provisions of national law.	Neth. Penal Code, 1. Art. 242 2. Art. 300, 301, 302, 303. Art. 242. Art. 310, 311, 312.
--	---

SHORT STATEMENT OF FACTS

Accused No:1 raped Mrs. [REDACTED] whilst threatening her with a pistol on 2 October, 1944, at Kampen.

Accused No:2 (a) ill-treated Mr. [REDACTED] during his arrest on 21 September, 1944, at Kampen; (b) shot the oldest son of the couple [REDACTED] in the leg on 2 October, 1944, at Kampen; (c) raped Mrs. [REDACTED] on 2 October, 1944, at Kampen; (d) stole a leather coat and leather case from Mr. [REDACTED] on 2 October, 1944 at Kampen.

TRANSMITTED BY

PARTICULARS OF ALLEGED CRIME

The alleged crime is described in a statement No:676 of the Municipal Police of Kampen, compiled by Aaas Harra, police constable, on his oath of duty on 25 July, 1945, at Kampen.

The following extract of this statement has been made in his own words by the Head of the London bureau of the Netherlands Commission for War Crimes:-

1st witness

Mrs. [REDACTED] states that on the 2nd October, 1944, at 10 p.m. 2 Germans rang the bell and asked for her husband. "One, I learned later, was called HANS SEIT; he was very drunk. The other one, Feldwebel HERMAN STEIN, smelled of alcohol, but was not drunk.

"SEIT told my husband, who was ill in bed, that he was a dangerous man and would have to die. He (SEIT) carried a pistol in his hand. Our eldest boy, who sleeps on the top floor, came down, whereupon SEIT shot him through the leg.

"The men then asked for "Schnapps" and I took them downstairs and gave them a bottle of gin, in which about 1/2 of a liter was left. SEIT stood there swaying his pistol and every now and again, about 4 times, he would fire it. Then he tried to be indecent, but each time I managed to evade him. In the meantime my husband managed to get away, but was chased by the Feldwebel. As I did not want to leave the house because of my children, I was obliged to remain behind with SEIT, who forced me down on the ground and raped me.

"After about an hour my husband came home, closed the front door on the inside and called me. I did not dare to answer, as I was afraid that SEIT would shoot him. My husband, on seeing SEIT, rushed out again through the garden door. He did not see me, as it was dark in the back room.

"The Feldwebel then returned and not being able to enter by the front door smashed a window and got in that way. After having been in the front room for a while, during which time SEIT kept firing his pistol (4 or 5 times), they put on their overcoats.

"SEIT then went upstairs and came down again with my husband's long leather coat and leather brief case. The 2 men then left the house taking these articles with them.

"I ran upstairs to dress the leg of my boy, who was lying bleeding on the bed. During this time the Feldwebel returned and as the children on the first floor were crying loudly I came down again. The Feldwebel then pressed his pistol into my back and forced me into our bedroom. Still threatening me with his pistol, he made me undress. After having undressed himself, he raped me. As I kept struggling he went mad, pulled my hair and scratched me. This lasted an hour and a half. Finally he fell asleep. I then left the house with my children and went to my mother-in-law.

"The next morning my sister-in-law went to the "Ortskommandant" and told him what had happened. He thereupon had the Feldwebel fetched from my house. I was given a hearing by the "Ortskommandant" and thereby learned the names of the 2 Germans."

2nd witness

[REDACTED] states that in September, 1944, he ran into a Dutchman whom he knew very well, but knowing that he worked for the S.D. he refused to *shake hands with him*. This made the Dutchman angry and he said: "You know what you are doing, don't you?"

"On 21 September, 1944, 15 German soldiers entered my house and began a search. Whilst this went on they also ill-treated me by beating and kicking me. They did not find anything illegal, but nevertheless took my cigarettes, cigars and other valuables.

"I was/

2. "I was arrested and taken to the barracks. As I did not confess to anything the soldiers beat me with their hands and automatic rifles and kicked me until I lost consciousness. Waking up in my cell later I discovered that several of my ribs were bruised. On 28 September I was set free.

"On 2 October two German soldiers came to my house and entered my bedroom where I was still lying ill with these bruised ribs. I recognised one who had severely ill-treated me during the hearing. This same man said: "Ah, is that [redacted] you're going to die." He pointed his pistol at me threateningly. Hearing my eldest boy coming down the stairs he suddenly shot at him. My wife managed to get them down stairs and I got away, pursued by the Feldwebel. I came back eventually thinking the other man had left. I called my wife but she did not answer. On seeing SIT unexpectedly I rushed out again. I could not see my wife as it was dark.

"Two Germans came the next morning and fetched the Feldwebel."

PARTICULARS OF EVIDENCE IN SUPPORT

The evidence is contained in the statements of the afore-mentioned witnesses.

NOTES ON THE CASE

(Under this heading should be included the view taken as to (a) the degree of responsibility of the accused in view of his official position, e.g. was offence committed on the offender's own initiative, or in obedience to orders, or in carrying out a system approved by authority or a legal provision; (b) the probable defence; (c) whether the case appears to be reasonably complete.)

The case is complete.

No defence seems possible.

4. Persecution of Dutch Jews and the UNWCC

89 of the total 584 cases submitted to the UNWCC by the Netherlands dealt with persecution of Dutch Jews - around 15% - a figure that understates the way many charges dealt with mass persecutions of hundreds or even thousands of Jews.

Many of the cases relate to economic pillage, where Jewish businesses and homes were stripped of valuable goods and machinery by Nazi 'Verwalteren', while others deal with deportations, mass murder, and ill-treatment of camps. Some deportations were from hospitals and mental institutions such as Groot Graffel, highlighting how Nazi prejudices often overlapped one another. Notably, the UNWCC archives also include a number of examples of Dutch gentiles being punished for sheltering Jews from discovery, and wearing the 'Davidstar' in solidarity with Jews who were being persecuted, demonstrating the common-feeling felt towards them.

What follows is a summarised list of UNWCC charge files involving persecutions of Jews in the Netherlands. These are only a list of accused in the Dutch submissions to the Commission, rather than records of trials or convictions; we do not have access to these documents, which are not publicly available, and so cannot say for certain whether most of those below were found guilty or not. The four-part code at the end of each case reflects the number of the case in the UNWCC's overall caseload / the nation submitting the charges (in this case, the Netherlands) / the country of the accused (in this case, Germany) / the number of the case in the UNWCC's Dutch caseload.

Nelis, unknown. Torture and ill-treatment of prisoners/ causing GBH, intentional grievous bodily harm to death of victim - both to Jews and to people wearing the 'Davidstar' in solidarity, in camp Leusderheide/ Amersfoort. 121/Nl/G/8

Hahns Rauter, Der Hoehere S.S. und Polizeifuehrer Nordwest and General Kommissar fuer das Sicherheitswesen S.S. Gruppenfuehrer und Generalleutnant der Polizei. Deportation of 5,000 Jews to Westerbork, from Amsterdam. 144/Nl/G/12

Dr. Arthur Seyss-Inquart, Reichskommissar for the Netherlands. Jews who didn't report for forced labour sent to concentration camps in Germany; ones who didn't wear the 'Jewstar' sent to concentration camps. Also linked to the deportation of 5,000 Jews above. 153/Nl/G/17

Aus der Funte, Obersturmfuehrer SS and leader of the Centralstelle fur Judische Auswanderung, Oberscharfuehrer Fischer, Becker (Rotterdam), Unterscharfuehrer Becker (Rotterdam), Obergruppenfuehrer Simons (Rotterdam), Assistant Obersturmfuehrer der SS Worlein (Noord-Brabant), Reich, Schellenberg, Slusker-Rappaport, Liszt, Ruhmke (Baarn), Von Hasselt. Directed the deportation of Dutch Jews to Poland, transports from Amsterdam, Amsterdam, Netherlands general. 173/Nl/G/19

Hauptsturmfuehrer Etlicher (not precisely known), commander of Mauthausen. 10,000 Dutch Jews tortured, starved, murdered at Mauthausen. 240/Nl/G/20

Name unknown, 'Herr Doktor', camp doctor from Mauthausen. Mass human experimentation. Murder of civilian prisoners - 'hundreds' of deaths from gas tests, 410 Dutch Jewish boys from other tests, ill-treatment. 241/Nl/G/21

Sturmfuehrer and Chief of Camp Administration Potternich. Torture, deliberate starvation of Jews, Mauthausen. 242/Nl/G/22

Chmilefski, Hauptsturmfuehrer Commander of Vogt concentration camp. Torture of Jews in Vogt. 300/Nl/G/26

Hauptscharfuehrer Etlinger. Execution of fleeing Jewish prisoners, poor treatment, starvation to death of 1200 Jews, Vught concentration camp. 301/Nl/G/27

Piorkowski or Loritz, Commander of Dachau. Ill treatment, murder, torture. 386/Nl/G/32

Wiegmann, prominent SS official. Ill-treatment of prisoners, focusing on Jews, Schevenigen. 387/Nl/G/33

Hitler, Himmler, Daluge, Kaltenbrunner, Schultz, Haenel, Ohlendorf, Mueller, Schellenberg, Six, Harster, Pohl, Glucks, Richard, Liebehenschel, Maurer, Lohling, Hoss, Gunter, Rahm, Hayndel. Deliberate starvation, deportation, internment of Jews under inhumane conditions at Theresienstadt. 960/Nl/G/44

Sturmbannfuhrer Herbert Wolk, Oberscharfuhrer Max Weidlich. Murder, putting hostages to death, torture of civilians, deportation of civilians at Rotterdam, Schevenigen, Leiden. 1985/Nl/G/48

SS Karl Rudolph. Ill-treatment/shooting/withholding medical treatment leading to death in Amsterdam. 2117/Nl/G/53

Heinz Stangl, Heinrich Motyczka, Hans W. Nagel. Administrator/liquidators of a firm that took over, liquidated, and pillaged a Jewish concern, Amsterdam. 2241/Nl/G/61

Schmit and Hibel, Inspector in Deviezen-Schutzkommando. Arrested/deported (leading to death) of a Jewish family, pillage of 125,000 florins of property, Amsterdam. 2360/Nl/G/64

Hauptscharfuhrer Buschmann. Murder and arrest of Jews in Amsterdam. 2361/Nl/G/65

Jozef Anton Wilhelm Czervinski. Pillage and confiscation of property/receiving stolen goods, Enschede. 2605/Nl/G/104

Sthok/Stohk, Meister der Schutzpolizei. Mass murder of Jews and underground resistance in Zwolle. 2865/Nl/G/122

Albert Naumann, SS Untersturmfuhrer adjutant and deputy commanding officer, Kraus, SS-Sturmann. Murder of a 'half-Jewish' civilian, Meerveld. 3007/Nl/G/128

Clemens Werner Philipp Belschner. Pillage, confiscation, destruction of property from Jews, The Hague. 3156/Nl/G/141

Werkmeister Lapanski and others. Pillage, confiscation, extortion of property from some (including Jews), Enschede. 3277/Nl/G/159

Krufke, German officer. Pillage and confiscation of property from a Jewish family (25,000 guilders total), The Hague. 3381/Nl/G/170

Dr Schroder, General Kommissar fur Finanz und Wirtschaft, Andreas Brand. Verwalter of a Jewish factory, pillage and confiscation of Jewish property, Utrecht. 3447/Nl/G/178

Oberleutnant Baatz, in charge of transports of deported workers at Kampen. Murder of Jewish man, Kampen. 3452/Nl/G/183

Konrad Scholl, Sturmscharfuhrer of the Sicherheitspolizei, Albert Ebensen, Sicherheitspolizei beamt. Deportation and internment of a Jewish woman to Auschwitz leading to her death, Rotterdam. 3477/Nl/G/191

Josef Ferdinand Bolz, Verwalter. Pillage of Jewish-owned factory property, firing of all Jewish personnel, Amsterdam. 3527/Nl/G/195

Fritz Ernst Wilhelm Koch, Kriminalsekretär with the SD in the Hague, Bolland, member of the SD. Ill-treatment of Jews, deportation, internment, pillage. 3539/Nl/G/201

Joseph Werner Friedhoff and three others. Pillage/confiscation of Jewish property, Schiedam. 3541/Nl/G/203

Paul Pothmann, Verwalter. Pillage of Jewish firm, Amsterdam. 3630/Nl/G/208

Kurt Fritz Schnittler. Pillage and confiscation of Jewish property, Wassenaar. 3632/Nl/G/210

Klemens Johannes Rockel, Verwalter. Pillage and confiscation of Jewish property, Wassenaar. 3823/Nl/G/213

Karl Krebbers. Pillage and confiscation of Jewish property, Oirschot. 3827/Nl/G/217

Stock/Sthok, Polizeimeister of the Arbeitskontrolldienst, attached to the 1st Coy. of the Grune Polizei stationed at Schalkhaar, Zwolle, and Schalkhaar, Sepke, Zugwachmeister of the Arbeitskontrolldienst. Execution of a group of Dutch persons - including at least one Jew - in Zwolle. 3830/Nl/G/220

Dr Richard Winterberg. Pillage of 4 Jewish houses and businesses, Leeuwarden. 3900/Nl/G/230

Arthur Emiel Robert Lutter, Verwalter. Looted Jewish businesses, coordinated mass arrests, Apeldoorn. 3902/Nl/G/232

Richard Suwelack, Verwalter. Pillage of Jewish businesses, Enschede. 3908/Nl/G/238

Willy Weber, Willy Kattee, Antonius Franciscus Machielsen (all probably originally Dutch, but joined Waffen SS). Murder and ill-treatment of several people, including Jews. 3960/Nl/G/243

Franz Meyer, Kurt Book, both Verwalters. Deportation, pillage, and illegal exaction of contributions from Jewish civilians, Enschede. 4004/Nl/G/250

H Schuler, Verwalter. Pillage, confiscation of property from a Jewish firm, Amsterdam. 4007/Nl/G/252

Wilhelm Heinrich Rickmann, Verwalter. Pillage, confiscation of property from a Jewish firm, material misused, Enschede. 4007/Nl/G/252

Hermann Denneborg. Pillage, confiscation of property from a Jewish firm, violation of article 46 and 52 of the Hague Regulations, Waalwijk and Heusden. 4078/Nl/G/258

Unterscharfuhrer Josef Kindel, SD. Murdered a Jewish person. Defendant in 4144/Nl/G/272

Nitsch, Schneider, and Georges, SD members operating in Maastricht, guilty of complicity in ill-treatment of

civilian Jews and internment of Jews under inhuman conditions. Defendants in 4180/Nl/G/287

Buhe, SD member at Arnhem, responsible for deportation of Jewish patients at a hospital in Groot Graffel to Westerbork concentration camp. NB - as Groot Graffel was primarily a psychiatric hospital, this may also be a disability issue as well as an anti-semitism one. Defendant in 4196/Nl/G/293

Walther Munster, Ortsgruppenleiter/'Verwalter' of Jewish concerns in Almelo. In addition to general terror/hostage-taking, also looted Jewish businesses, and was responsible for the deportation of Jews. Defendant in 4199/Nl/G/296

Johan Bunnan and Carl Schmidt, SD members in the Hague (Bunnan may have been a civilian posing as an SD/SS official). Extortion, deportation/illegal arrests of Jews in hiding. Defendants in 4201/Nl/G/298

Ernst Wilhelm Bossman, member of the Deutsche Arbeitsfront. Stole articles from uninhabited Jewish houses in Oss. Defendant in 4250/Nl/G/305

Wilhelm-Barmer, Hermann Schüler, Blekman, employees of Omina Treuhandgesellschaft N.V./instructed by Reichskommissar with liquidation of a Jewish concern. German economic firm used threats to dismantle and extort money out of a Jewish business. Defendants (though some filed as 'B'), 4262/Nl/G/307

Dr Franz Reible, Verwalter of Jewish concerns in Enschede. Sent Jews to Mauthausen, looted their belongings. 4263/Nl/G/308

Heinz Schroth, civilian. Extortion of Jewish businesses in Rotterdam. 4264/Nl/G/309

Ferdinand Frankenstein and others, SD. Murder of 6 Jews in a wood outside Vierheuten. 4266/Nl/G/387

Rudolf Kruppk, Verwalter, Arnold Pommerehnke, SD and civilians. Pillage of Jewish businesses in Eindhoven. 4315/Nl/G/315

Kurt Stiller and others. Execution of Jews by Sicherheitspolizei in Steenwijkwold. 4337/Nl/G/326

Alfred Flesche, Dr Walter von Karger, Oskar Witscher. Civilian Verwalter, Amsterdam. 4341/Nl/G/330

Heinz Schuh, SS Untersurmfuhrer, Verwalter. Looting and appropriation of funds from Jewish firms, Amsterdam. 4353/Nl/G/333

Kurt Michael Adolph Thamer, Lieutenant with the German airforce reserve. Extradition of Jews (among others) to concentration camps, Rotterdam. 4354/Nl/G/334

Erna Leopold, Verwalterin. Plunder and dismantlement of several Jewish businesses, Rotterdam. 4355/Nl/G/335

Fritz Preuss, Verwalter. Deportation of Jewish owner/seizure of property as revenge for previous business dispute, De Bilt. 4359/Nl/G/339

Albert Gemmeker, SS Obersturmfuhrer/Commandant at Westerbork and others. Lethal injection/murder of attempted escapees after recapture, Westerbork. 4426/Nl/G/347

Ferdinand aus der Funten, Hauptsturmfuhrer SD and others. Evacuation of Jews from a mental institution and a children's home in Apeldoorn. 4585/Nl/G/365

Fritz Knuth, Professor Hessel, Treuhander of Jewish firms. Looted/pillaged Jewish businesses in Amsterdam. 4263/Nl/G/368

Willy Zuhlke, Waffen SS member. Beatings of Jewish prisoners, Amsterdam. 4624/Nl/G/369

Albert Schmidt-Stahler, SS Obersturmfuhrer, others. Confiscation and looting of Jewish businesses, Amsterdam. 4625/Nl/G/370

Annie Tauchmann, Verwalterin. Plunder and dismantlement of several Jewish businesses, Enschede. 4669/Nl/G/376

Erich Sander, Untersturmfuhrer/Commandant of Jewish work camp 'Palestina'/'Avegoor'. Murder and ill-treatment of Jews in a work camp in Ellecom. 4673/Nl/G/380

Max Strobel (among others), SD member Maastricht. Shooting and deportation of Jews at Westerbork. 4977/Nl/G/401

Doppner and others, SD Sturmbannfuhrer, Commandant of Westerbork concentration camp. Murder, ill-treatment of civilians, deportation of civilians, internment of civilians under inhuman conditions. 4979/Nl/G/403

Sibilski and others, guards and commandants at Vught Concentration Camp. Murder, ill-treatment to death, deportation of civilians, internment of civilians, pillage, rape - not included on charge list, but included in individual section. 5626/Nl/G/437

Willy Zimmerman, civilian German. Deportation of Jews, internment in concentration camp, pillage (listed in evidence but not in charge list), Meppel. 5709/Nl/G/441

Erwin Alscher, Otto Haase, Verwalters of Jewish firms. Looting/pillaging of firms, ill-treatment while serving as a Schutzgruppe member, The Hague. 5712/Nl/G/444

Dr Harster, Brigadefuhrer Befehlshaber der Sicherheitspolizei and SD and others. Murder, ill-treatment, deliberate starvation of civilians, internment of civilians under inhuman conditions, breach of Red Cross rules, ill-treatment of PoWs in Amersfoort concentration camp - Jews and Russians particularly poorly treated. 5809/Nl/G/446

Dose, Mensing, Schooner, and others.
Sicherheitspolizei. Murder of two Jews, Enschede.
5810/Nl/G/447

Hauptmann Leutheuser, Untersturmfurher Werner.
Pillage of Jewish property following a Jewish couple's
deportation, Bussum. 5811/Nl/G/448

Hans Reuter, Oberbefehlshaber der Sicherheitspolizei
and others. Discovery of 3 Jews in hiding - two
murdered, 1 tortured and sent to concentration camp,
Elburg/Vierhouten. 6178/Nl/G/466,

Walther Heine, Verwalter of Jewish concerns. Looted
resources/machinery in Amsterdam. 6247/Nl/G/471

Walter Muller, Hauptsturmfuhrer of Sicherheitspolizei,
Erich Beck, Heinrich Bungart, Wilhelm Kulla.
Murder of a Jewish fugitive and a Jewish prisoner who
had already been taken into custody in Deventer. 6444/
Nl/G/486

Erich Beck, Heinrich Bungart, Wilhelm Kulla.
Murder of a Jewish prisoner. 6444/Nl/G/486

Richard Sander, Verwalter. Appropriated machinery
from a Jewish factory/plunder, in Hengelo. 6516/Nl/G/
474

Carl August Doing, Leo Kuenzel. Deportation of Jews,
blackmail, plunder of personnel in Arnhem. 6522/Nl/
G/500

Franz Hegner and Theresin Hegner, Verwalter. Pillage
of Jewish property (businesses), complicity in
denunciations of Jews, Amsterdam. 6625/Nl/G/521

Willy Hermann Kluting, SS Oberscharfuhrer
Kriminal-Assistent with Sicherheitspolizei. Arrest,
particular ill-treatment of Jews, Rotterdam. 6629/Nl/G/
525

Heinrich Bordeaux, Adam Koppa, August Neuhauser,
members of the SD. Murders of several Dutch people,
including several Jews, Delfzijl. 6663/Nl/G/537

Ernst Richard Weber, Verwalter. Pillage and black-
marketeering of Jewish firms, in Enschede. 6666/Nl/G/
540

Baruch Meister, Polish Lageralteste of SS Camp
Sportschule Langenbilau, Siegfried Weitz, Oskar
Lustig. Ill-treatment leading to death of Dutch Jews (in
particular) in SS Camp Sportschule, Langenbilau -
Poland. 6724/Nl/G/547

Heinrich Johann Wilhelm Bornemann, Verwalter.
Pillage of Jewish firm in Enschede. 6720/Nl/G/552

Reuschl, Faust, Alfred Maria Ullman, Luger - SS
members of Jagkommando Pieters. Ill-treatment
leading-to-death of a Jewish man (among others),
Loosdrecht. 6730/Nl/G/553, p1394-1397

Reinhard Karl Mumm, Verwalter. Pillage of Jewish
property, Amsterdam and the Hague. 7550/Nl/G/579

5. Netherlands Law and the UNWCC

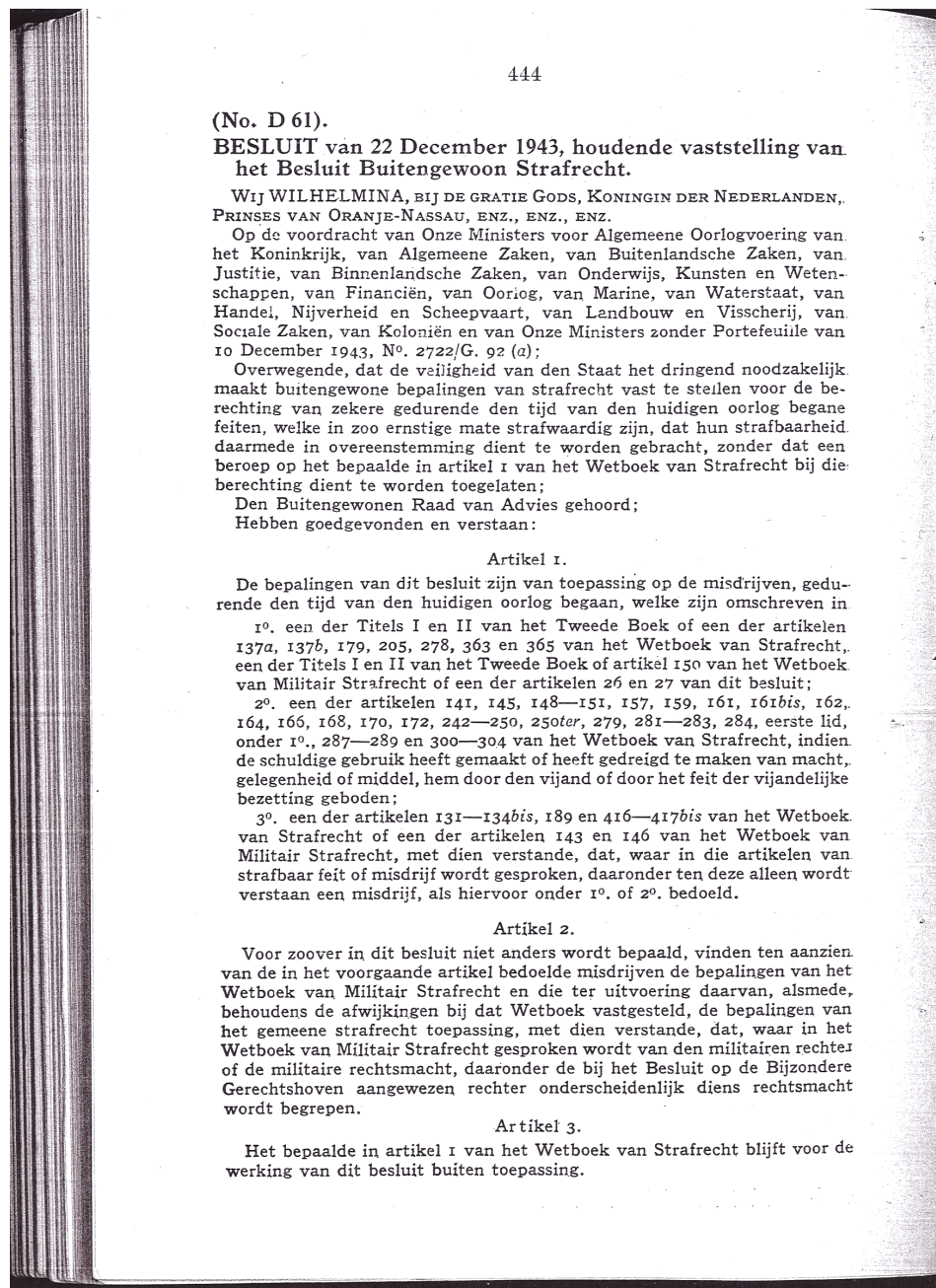
How would war crimes be prosecuted? Under what laws would courts in newly liberated countries operate? Would an 'ordinary' murder charge capture the gravity of the crimes that had been committed, or would new charges need to be brought - and if so, would these be retroactive? Many postwar UNWCC members faced these questions, and their responses to them were examined in a report by the UN Economic and Social Council on 'Information Concerning Human Rights Arising From Trials of War Criminals' in 1948. The report noted the careful balancing approach taken by the Netherlands in addressing these issues:

The Netherlands Law of July 1947 (Statute Book H.233) has succeeded in following in a sense the Continental approach while at the same time ensuring that no war crime or crime against humanity as defined in Article 6 (b) and (c) of the Charter of the International Military Tribunal will go unpunished because of lack of jurisdiction on the part of the Netherlands Courts. That law adds a new Article 27a to the Extraordinary Penal Law Decree, of which paragraphs 1 and 2 read as follows:

- "1. He who during the time of the present war and while in the forces or service of the enemy State is guilty of a war crime or any crime against humanity as defined in Article 6 under (b) or (c) of the Charter belonging to the London Agreement of 8th August 1945 promulgated in Our Decree of 4th January 1946 (Statute Book No. G.5) shall, if such crime contains at the same time the elements of a punishable act according to Netherlands Law, receive the punishment laid down for such act.
2. If such crime does not at the same time contain the elements of a punishable act according to the Netherlands law, the perpetrator shall receive the punishment laid down by Netherlands law for the act with which it shows the greatest similarity."*

As with other governments-in-exile, the Dutch government passed war crimes laws while it was in London, allowing it to build up a legitimate foundation on which to begin prosecutions when it was reinstated. As well as having a practical legal impact, these moves - much like the 1942 St James Declaration that committed the Allied forces to postwar international criminal justice - represented a confidence that the war would be won and that normality could be restored.

Below is the beginning page of the December 1943 Decree that laid out criminal charges during the war - the full document (in Dutch) can be found at <http://www.unwcc.org/wp-content/uploads/2015/01/DutchDecreeIncWarCrimes1943.pdf>.



For further information, or to assist with the research program: please email dp27@soas.ac.uk, or visit our site at [unwcc.org](http://www.unwcc.org).