U.K. vs. Bulgarians

Charge Files

UNWCC
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CHARGE FILES
U.K. vs. BULGARIANS
PAG - 3
i. Officer ifc POW, Bulgaria
ii. Officer(s) resp. for custody of Sq. Ldr. R. Clarke
iii. Bulgarian Major of 15th Inf. Regt.
iv. Police man at G.H.A., Skopje
v. RADEV
vi. Cadet officer

Submitted Decision to Committee I
27/6/15 Adjourned 3
Any further communication on the subject of this letter should be addressed to:

THE JUDGE ADVOCATE GENERAL
SPRING GARDENS,
COCKSPUR STREET,
LONDON S.W.1.

and the following number quoted:—

SPRING GARDENS,
COCKSPUR STREET,
LONDON S.W.1.

17 May 1946

The Secretary-General,
U.N.W.O.C.,
Lansdowne House,
Berkeley Square,

1. Copies of the above-mentioned cases have been received from the office of the Treasury Solicitor. It is understood that they were filed with the Commission on the 1d June 1945, and on coming before Committee 1 were adjourned.

2. It has not been possible to obtain further evidence in these cases and the British National Office therefore wishes that these charges should be withdrawn.

Colonel,
for Military Deputy,
J.A.G.
| Name of accused, his rank and unit, or official position. | During the months of February, March and April 1944. At or near Vales, Skoplje and Sofia, and on the journey from the last named to Choumen. |
| Date and place of commission of alleged crime. | xxix. Ill-treatment of prisoners of war. |
| References to relevant provisions of national law. | SHORT STATEMENT OF FACTS. |

S/L. Clarke was from the date of his capture by the Bulgars to the day he was placed in the camp at Choumen subjected to treatment incompatible with his rank and his position as prisoner of war, and in particular was beaten by the third and fourth accused and subjected to public ridicule by the sixth accused in breach of the provisions of the convention of 1929.
After J/L Clarke's capture which would appear to have been early in February 1944 he was interrogated by a Bulgarian General believed to have been named Stefanoff and assured that he would be treated as a prisoner of war. Three days later, however, he was transported to Veles in the back of an open lorry in driving rain tied hand and foot and unable to move, though lying in a growing pool of icy water. He was given no food.

Upon arrival at Veles he was left bound for a day and a half during which time he was struck and kicked by anyone who felt like it. In particular the third accused visited him in his cell and punched him in the face with his fists.

At Skopje at the G.H.O. he was struck by the fourth accused on the eye and mouth and his arm broken by blows, all this again while his hands were bound.

From the 15th February to the 15th April he was in solitary confinement in the political prison at Sofia. Here he was not allowed to read, write, talk or even look out of the window.

Upon his transfer to Ohoumen from Sofia his hands were tied behind his back with wire string and he was compelled during the journey by the sixth accused to exhibit himself to the crowd outside the railway carriage who were in his own words "olamouring to tear me to pieces".
S/L. Clarke does not suggest that any other British or Allied prisoners of war were associated with him in any of the hardships set out above, so that it would appear that he is himself the only witness against all the accused. It is suggested, however, by the S/L. that a Bulgarian officer at the camp at Ghoumen, named Lt. Dimitri Beroff, may be able to assist at least in tracing those responsible for the crimes referred to. This officer is said to have been "a good friend to Allied prisoners of war".
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 it can reasonably be regarded as proven that the accused in breach of a number of Articles of the Convention of 1929 for which the first two accused as the persons responsible generally and specifically (respectively) for S/L. Clarke's treatment must be held primarily to blame. The fact that the S/L. was on so many occasions bound, on one occasion hand and foot, that he was conveyed in this state in the icy rains in an open lorry, and that he was placed in solitary confinement amounting to complete isolation in Sofia political prison all point to a complete failure on the part of the authorities to appreciate their duties to a prisoner of war, and constitute breaches of articles 2 and 9, relating respectively to the humane treatment of prisoners, and to the type of place in which they may be interned. Unless the "set-up" for dealing with prisoners in Bulgaria was totally different from that in other belligerent countries there must have been some officer of high rank in charge of the whole organisation and the main responsibility for the general neglect of the Convention must rest upon him. Subject to the same proviso there must have been some senior officer or officers who were responsible for seeing that prisoners were dispatched in a legal and proper manner to the camps provided for them. Be, or they, appear likewise to have failed completely to discharge their duties in this respect. Capt. Radev, the Adjutant to the Provost Marshal in Sofia, who visited the prison during the S/L.'s time there appears, at least prima facie, to have incurred a degree of personal liability for this particular piece of illegality.

The two cases of assault are clearly crimes and the fact that the victim was in each case bound when he was attacked heightens the criminality, as well as the cowardice, of the perpetrators. Lastly the sixth accused has been guilty of a breach of that part of article 2 which forbids the "exhibition" of prisoners.

Finally it may be remarked that the first and second accused must bear a substantial responsibility also for the offences committed by the other three accused, since under a properly working system the latter would never have dared to behave as they did.
1. KOVACHEV
2. KRISTOVOV
3. VLADIKIN
| Name of accused, his rank and unit, or official position. | (1) Lt. Gen. Kovachev, Commanding in the area of Choumen.  
(2) Lt. Kristovov, in charge of prisoners of war camp at Choumen from May - July 1944.  
(3) Lt. Vladikin in charge of prisoners of war camp at Choumen from July - September 1944. |
| --- | --- |
| Date and place of commission of alleged crime. | April - September 1944.  
Choumen, Bulgaria. |
| Number and description of crime in war crimes list. | No.xxix. Ill-treatment of prisoners of war.  
Assault and theft. |
| SHORT STATEMENT OF FACTS. | Squadron Leader Clarke of the Royal Air Force, was the victim of general ill-treatment, denial of rights and neglect which was the lot of the prisoners of war in the said camp over a period of several months in 1944. |
Very briefly stated Squadron Leader Clarke complains that:

(1) In the majority, if not all, cases prisoners were robbed of their personal effects of any value and even in many cases of their clothing;

(2) That insufficient facilities for air and exercise were permitted;

(3) The sanitary, housing and bedding provisions were all totally inadequate;

(4) The supply of food and water and medical supplies were inadequate;

(5) No provision was made for intellectual needs of prisoners, nor in the case of Catholics for their religious needs; and lastly that it was apparently impossible to get any hearing for complaints.

In support of these complaints Squadron Leader Clarke alleges that:

(1) Not only were the prisoners robbed of articles of value, but that monies taken from them were never accounted for and that clothing such as boots and indeed everything except shirts and trousers were taken, no other clothes being given them in exchange;

(2) Only 4 hours a day were allowed outside the barracks in which prisoners were locked the rest of the day, further that the perimeter wires was so close to the buildings that no games or other exercise could be engaged in;

(3) There were no sanitary arrangements beyond a bucket inside the barracks, while outside 114 men had to share one lavatory. Owing to the filthy conditions many of the prisoners got lice. No proper bedding was supplied, the prisoners lying on the floor on sacking mattresses in overcrowded conditions;

(4) At one time the only rations were 1/3 of a 900 gramme loaf a day plus a little bean soup twice daily. This improved after a visit of the Red Cross, but even so remained inadequate. Water was in very short supply for both drinking and washing, hence many cases of scabies, while medical attention was almost non-existent;

(5) Except for a few novels no literature of any sort was ever provided, even in Bulgarian, while no attempt was made to find a priest to visit the Catholic prisoners; and

(6) All attempts to ventilate the state of affairs set out above were useless. Letters to the Red Cross or the Protecting Power simply vanished, as indeed did inward bound parcels of food and books. Moreover no contact could even be made with any responsible Bulgarian officer, the camp being apparently run by Lieutenants and Cadets, who had no influence, even had they wished to use it on behalf of the prisoners.
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Evidence supporting this charge has been given in a statement made by Squadron Leader Clarke of the Royal Air Force dated 7th December 1944 in which he has summarised his experience in the camp at Choumen and set out the various breaches of the Convention of 1929 perpetrated there.

At the present moment Squadron Leader Clarke is the only witness as to the facts set out under the previous heading of this charge sheet, but there must be numerous British witnesses available, as well as American and Jugo-Slav.

As in the case of Charge No. UK - 8/81 it is probable that the pro-ally Bulgarian officer Lt. Dimitri Beroff may be able to give useful evidence in tracing those primarily responsible.
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.)

It is clear that a very deplorable state of affairs existed at this camp and that whether through ignorance, callousness or on account of the poor resources of their country and their relatively low standard of living (or more likely from a combination of all three) the Bulgarian authorities made no attempt to comply with the Convention of 1929.

Articles 6 & 24 (dealing with the personal effects and monies of prisoners);

Articles 9 — 15 inclusive dealing collectively with the confinement of prisoners and with their housing, bedding, clothing, food, canteens, exercise, washing facilities, sanitary arrangements and hygiene in general and lastly with the medical attention due to them;

Articles 16, 17 & 39 (dealing with religious and intellectual recreation); and

Article 42 (ventilation of complaints) have all been flagrantly disregarded.

Making all allowances for the lack of resources of Bulgaria and for such difficulties as might arise in an Orthodox country in providing Catholic, and also one might have supposed Protestant, spiritual advisers, and any literature which would have been intelligible to their English and American prisoners, it is clear not only that no attempt was made by the accused to carry out their duties, but that the treatment of Squadron Leader Clarke, judged by any human standard of living, could not be regarded otherwise than as ill-treatment of a very serious character. Bulgaria is a country where rulers and more responsible citizens may be presumed to be not without knowledge of the civilisation of Western Europe. The three accused, it is submitted, must be held responsible.